

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Deanny Wright

(b) County of Residence of First Listed Plaintiff Montgomery (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Jackie M. Lowthert, Esq., McDonnell & Assoc. PC, 860 First Ave., Unit 5B, King of Prussia, PA 19406

DEFENDANTS

Pennsylvania State Police

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Kevin Bradford, Deputy Attorney General, Pa. Office of Attorney General, 21 S. 12th St., 3d Fl., Phila. PA 19107

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from another district (specify), 6 Multidistrict Litigation, 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): ADA: 42 U.S.C. §§ 12111-12117

Brief description of cause: Plaintiff asserts defendant employer discriminated against him because of actual/perceived disability

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23, DEMAND \$, CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE, DOCKET NUMBER

DATE, SIGNATURE OF ATTORNEY OF RECORD

12/05/2011

Handwritten signature of Kevin Bradford

FOR OFFICE USE ONLY

RECEIPT #, AMOUNT, APPLYING IFP, JUDGE, MAG. JUDGE

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 4 Paddington Terrace, Limerick, PA 19468

Address of Defendant: 2047 Bridge Road, Rte. 113, Schwenksville, PA; Phila.; Harrisburg

Place of Accident, Incident or Transaction: Scwenksville, PA; Philadelphia, PA (Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock? (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes [] No [X]

Does this case involve multidistrict litigation possibilities? Yes [] No [X]

RELATED CASE, IF ANY:

Case Number: Judge Date Terminated:

Civil cases are deemed related when yes is answered to any of the following questions:

- 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes [] No [X]
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes [] No [X]
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes [] No [X]
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes [] No [X]

CIVIL: (Place [check] in ONE CATEGORY ONLY)

A. Federal Question Cases:

- 1. [] Indemnity Contract, Marine Contract, and All Other Contracts
2. [] FELA
3. [] Jones Act-Personal Injury
4. [] Antitrust
5. [] Patent
6. [] Labor-Management Relations
7. [X] Civil Rights : ADA (42 U.S.C. §§ 12111-12117)
8. [] Habeas Corpus
9. [] Securities Act(s) Cases
10. [] Social Security Review Cases
11. [] All other Federal Question Cases (Please specify)

B. Diversity Jurisdiction Cases:

- 1. [] Insurance Contract and Other Contracts
2. [] Airplane Personal Injury
3. [] Assault, Defamation
4. [] Marine Personal Injury
5. [] Motor Vehicle Personal Injury
6. [] Other Personal Injury (Please specify)
7. [] Products Liability
8. [] Products Liability — Asbestos
9. [] All other Diversity Cases (Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, _____, counsel of record do hereby certify:
[] Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
[] Relief other than monetary damages is sought.

DATE: _____ Attorney-at-Law Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 12/5/11 Kevin Bradford Attorney-at-Law 88576 Attorney I.D.#

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 4 Paddington Terrace, Limerick, PA 19468

Address of Defendant: 2047 Bridge Road, Rte. 113, Schwenksville, PA; Phila.; Harrisburg

Place of Accident, Incident or Transaction: Scwenksville, PA; Philadelphia, PA (Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes [] No [X]

Does this case involve multidistrict litigation possibilities? Yes [] No [X]

RELATED CASE, IF ANY:

Case Number: Judge Date Terminated:

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- 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes [] No [X]
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes [] No [X]
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4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes [] No [X]

CIVIL: (Place [check] in ONE CATEGORY ONLY)

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- 1. [] Indemnity Contract, Marine Contract, and All Other Contracts
2. [] FELA
3. [] Jones Act-Personal Injury
4. [] Antitrust
5. [] Patent
6. [] Labor-Management Relations
7. [X] Civil Rights : ADA (42 U.S.C. §§ 12111-12117)
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9. [] Securities Act(s) Cases
10. [] Social Security Review Cases
11. [] All other Federal Question Cases (Please specify)

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- 1. [] Insurance Contract and Other Contracts
2. [] Airplane Personal Injury
3. [] Assault, Defamation
4. [] Marine Personal Injury
5. [] Motor Vehicle Personal Injury
6. [] Other Personal Injury (Please specify)
7. [] Products Liability
8. [] Products Liability — Asbestos
9. [] All other Diversity Cases (Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, counsel of record do hereby certify:
[] Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
[] Relief other than monetary damages is sought.

DATE: Attorney-at-Law Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 12/5/11 Kevin Bradford Attorney-at-Law 88576 Attorney I.D.#

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


CASE MANAGEMENT TRACK DESIGNATION FORM

Deanny Wright	:	CIVIL ACTION
	:	
v.	:	
	:	
Pennsylvania State Police	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>12/5/11</u>	<u>Kevin Bradford </u>	<u>Pa. State Police</u>
Date	Attorney-at-law	Attorney for
<u>215-560-2262</u>	<u>215-560-1031</u>	<u>kbradford@attorneygeneral.gov</u>
Telephone	FAX Number	E-Mail Address

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

DEANNY WRIGHT,	:	CIVIL ACTION
	:	
Plaintiff	:	
	:	
v.	:	
	:	
PENNSYLVANIA STATE POLICE,	:	
	:	
Defendant	:	No.

NOTICE OF REMOVAL

TO: THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Defendant Pennsylvania State Police (“PSP”), by its attorney Kevin Bradford, Senior Deputy Attorney General, states the following in support of removal of this action pursuant to 28 U.S.C. §§ 1441, 1446:

1. Plaintiff Deanny Wright initiated this civil action in the Court of Common Pleas of Montgomery County, Pennsylvania, Docket Number 11-25099.
2. On or about November 6, 2011, Plaintiff served PSP with a copy of the Complaint. A copy of the Complaint is attached hereto as Exhibit 1.
3. Count One of the Complaint raises a claim under a federal statute, the Americans with Disabilities Act, Title I, 42 U.S.C. §§ 12111–12117, for alleged violations of the plaintiff’s federal civil rights. The United States District Court for the Eastern District of Pennsylvania has original jurisdiction over this claim, pursuant to 28 U.S.C. §§ 1331, 1343, over these claims.
4. Count Two alleges a violation of state law under the Pennsylvania Human Relations Act, 42 P.S. § 951, *et seq.*
5. Accordingly, pursuant to 28 U.S.C. § 1441, *et seq.*, Defendant PSP is entitled to remove the action to this Court and hereby gives notice of the removal of this action from the Court of

Common Pleas of Montgomery County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania.

6. This Notice of Removal is being filed within thirty days after service of Plaintiff's state court Complaint, as required by 28 U.S.C. § 1446(b). See Murphy Brothers v. Michetti Pipe Stringing, 526 U.S. 344 (1999).

7. Upon filing of this Notice, Defendant PSP will file a copy of this Notice of Removal with the Clerk for the Court of Common Pleas of Montgomery County, Pennsylvania, and serve a copy upon Plaintiff.

8. By this removal, defendant does not waive any procedural or substantive defenses to plaintiff's claim that may be available to it under federal or state law.

WHEREFORE, Defendant PSP requests that the above action pending against it in the Court of Common Pleas of Montgomery County, Pennsylvania, be docketed in this Court.

Respectfully submitted,

LINDA L. KELLY
Attorney General

By:



Kevin R. Bradford
Senior Deputy Attorney General
Attorney I.D. No. 88576

Office of Attorney General
21 S. 12th Street, 3rd Floor
Philadelphia, PA 19107
Phone: (215) 560-2262
Fax: (215) 560-1031

Gregory R. Neuhauser
Chief, Litigation Section

Supreme Court of Pennsylvania

Court of Common Pleas



County



The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Commencement of Action: <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Petition <input type="checkbox"/> Transfer from Another Jurisdiction <input type="checkbox"/> Declaration of Taking	
Lead Plaintiff's Name: Deanny Wright	Lead Defendant's Name: Pennsylvania State Police
Are money damages requested? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Dollar Amount Requested: (check one) <input type="checkbox"/> within arbitration limits <input checked="" type="checkbox"/> outside arbitration limits
Is this a Class Action Suit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Is this an MDJ Appeal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Name of Plaintiff/Appellant's Attorney: Jackie M. Lowthert, Esquire <input type="checkbox"/> Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)	

Nature of the Case: Place an 'X' in the [] of the ONE case category that most accurately describes your case. **PRIMARY CASE:** If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- Intentional
- Malicious Prosecution
- Motor Vehicle
- Nuisance
- Premises Liability
- Product Liability (does not include mass tort)
- Slander/Libel/ Defamation
- Other:

CONTRACT (do not include Judgments)

- Buyer Plaintiff
- Debt Collection: Credit Card
- Debt Collection: Other
- Employment Dispute: Discrimination
- Employment Dispute: Other
- Other:

CIVIL APPEALS

- Administrative Agencies
- Board of Assessment
- Board of Elections
- Dept. of Transportation
- Statutory Appeal: Other
- Zoning Board
- Other:

MASS TORT

- Asbestos
- Tobacco
- Toxic Tort - DES
- Toxic Tort - Implant
- Toxic Waste
- Other:

REAL PROPERTY

- Ejectment
- Eminent Domain/Condemnation
- Ground Rent
- Landlord/Tenant Dispute
- Mortgage Foreclosure: Residential
- Mortgage Foreclosure: Commercial
- Partition
- Quiet Title
- Other:

MISCELLANEOUS

- Common Law/Statutory Arbitration
- Declaratory Judgment
- Mandamus
- Non-Domestic Relations
- Restraining Order
- Quo Warranto
- Replevin
- Other:

PROFESSIONAL LIABILITY

- Dental
- Legal
- Medical
- Other Professional:

Updated 1/1/2011

NOTICE

Pennsylvania Rule of Civil Procedure 205.5. (Cover Sheet) provides, in part:

Rule 205.5. Cover Sheet

(a)(1) This rule shall apply to all actions governed by the rules of civil procedure except the following:

- (i) actions pursuant to the Protection from Abuse Act, Rules 1901 et seq.
- (ii) actions for support, Rules 1910.1 et seq.
- (iii) actions for custody, partial custody and visitation of minor children, Rules 1915.1 et seq.
- (iv) actions for divorce or annulment of marriage, Rules 1920.1 et seq.
- (v) actions in domestic relations generally, including paternity actions, Rules 1930.1 et seq.
- (vi) voluntary mediation in custody actions, Rules 1940.1 et seq.

(2) At the commencement of any action, the party initiating the action shall complete the cover sheet set forth in subdivision (e) and file it with the prothonotary.

(b) The prothonotary shall not accept a filing commencing an action without a completed cover sheet.

(c) The prothonotary shall assist a party appearing pro se in the completion of the form.

(d) A judicial district which has implemented an electronic filing system pursuant to Rule 205.4 and has promulgated those procedures pursuant to Rule 239.9 shall be exempt from the provisions of this rule.

(e) The Court Administrator of Pennsylvania, in conjunction with the Civil Procedural Rules Committee, shall design and publish the cover sheet. The latest version of the form shall be published on the website of the Administrative Office of Pennsylvania Courts at www.pacourts.us.

REINSTATED

Sheryl Capone 10/27/2011



McDONNELL & ASSOCIATES, P.C.

By: Patrick J. McDonnell, Esquire

Attorney I.D. No.: 62310

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(610) 337-2087 - Telephone

(610) 337-2575 - Facsimile

11-25099

Attorneys for Plaintiff

MAIL RECEIVED
PROTHONOTARY
MONTGOMERY COUNTY
2011 AUG 31 A 11:58

DEANNY WRIGHT

Plaintiff,

v.

PENNSYLVANIA STATE POLICE

Defendant.

IN THE COURT OF COMMON PLEAS
OF MONTGOMERY COUNTY, PA

NO.

JURY TRIAL DEMANDED

COMPLAINT - CIVIL ACTION

Plaintiff, Trooper First Class Deanny Wright ("TFC Wright"), by and through his undersigned counsel, McDonnell & Associates, P.C., hereby complains against Defendant, Pennsylvania State Police ("PSP"), regarding PSP's discriminatory conduct in violation of the Americans with Disabilities Act (the "ADA"), 42 U.S.C. §12101, et seq., and the Pennsylvania Human Relations Act (the "PHRA"), 43 P.S. §951, et seq., and in support avers as follow:

I. Parties

1. TFC Wright is an adult individual with an address of 4 Paddington Terrace, Limerick, PA 19468.



2011-25099-0000
9/6/2011 11:04:37 AM
Complaint Civil Action
Receipt # 2011-20-01976 Fee \$251.00
Mark Levy - Montgomery County Prothonotary

RECEIVED
MONTGOMERY COUNTY
SHERIFFS DEPT.
11 NOV -2 PM 1:49

2. Upon information and belief, PSP is an executive agency of the Commonwealth of Pennsylvania with a barracks located at 2047 Bridge Rd, Rte 113, Schwenksville, PA 19473 ("Skeppack Barracks").

3. PSP is a covered entity within the meaning of the ADA, 42 U.S.C. §12111(2) and (5)(A), in that it employs more than fifteen (15) employees for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year.

4. At all times relevant hereto, TFC Wright was an employee of PSP.

II. Jurisdiction and Venue

5. Jurisdiction is invoked pursuant to Section 2117 of the ADA, 42 U.S.C. §2117(a), incorporating by reference Section 706 of Title VII of the Civil Rights Act, 42 U.S.C. §2000e-5.

6. Jurisdiction is proper in Pennsylvania, as all transactions and occurrences giving rise to this litigation occurred in the Commonwealth of Pennsylvania and the parties reside or regularly conduct business within the Commonwealth.

7. Venue is proper pursuant to Pennsylvania Rules of Civil Procedure 1006(b) and 2103(b), as, upon information and belief, PSP is a political subdivision of the Commonwealth with barracks in Montgomery County, Pennsylvania.

8. TFC Wright has satisfied all administrative prerequisites to filing suit under the ADA in that:

- (a) He filed a timely charge of discrimination with the Equal Employment Opportunity Commission (the "EEOC") alleging discrimination on March 2, 2010 and dual filed his charge with the Pennsylvania Human Relations Commission (the "PHRC") on or about March 10, 2010;
- (b) The EEOC issued a Notice of Right to Sue on June 22, 2011;
- (c) This Complaint is filed within 90 days of receipt of that Notice; and,

- (d) More than one (1) year has lapsed since the date TFC Wright filed his PHRC claim.

III. Factual Background

TFC Wright's Employment History with PSP:

9. On or about January 3, 1994, TFC Wright was hired by PSP as part of its Patrol Unit.

10. In or about the year 2000, TFC Wright was transferred to the Staff Services Unit within the Skippack Barracks, where he acted as a Community Services Officer.

11. The purpose of TFC Wright's position as a Community Services Officer was to create and maintain relationships with law enforcement agencies, local public officials and community organizations to foster mutual respect and understanding within a State Police Troop or Station area. See Position Description, a copy of which is attached hereto as Exhibit "A."

12. TFC Wright's duties as a Community Services Officer included, *inter alia*, making presentations to community organizations to foster an understanding of State Police operations and programs; maintaining records and preparing reports; installing child car seats for members of the community; serving as counselor during Camp Cadet; and preparing safety information for distribution to the news media. See Exhibit "A".

13. The job description of a Community Services Officer, as compared to an individual assigned to field duty, did not require TFC Wright to patrol areas, participate in criminal investigations, regulate traffic or respond to crime scenes nor does the job description state that a Community Services Officer is required to operate in situations that are stressful or dangerous in nature. Id.

14. TFC Wright enjoyed his duties as a Community Services Officer for more than eight (8) years, and developed excellent relationships with the members of the community. He

took tremendous pride in planning and delivering presentations to school aged youths, adults in civic settings and community organizations as well as participating in arrangements for the PSP Camp Cadet program and serving as a counselor during the camp. TFC Wright treasured his time spent interacting with members of the community and assisting parents with properly installing car seats for their children.

TFC Wright's Temporary Illness:

15. In or about December 2008, while at his home, TFC Wright fell ill due to a previously undiagnosed condition. As a result of this episode, he spent approximately seven days in the hospital and received a diagnosis of diabetes mellitus.

16. Following his December 2008 hospital stay, he was out of work on a leave of absence through March 23, 2009. During this period, he gained control of his diabetes and recovered from the December 2008 episode.

17. Specifically, TFC Wright undertook a strict diet and exercise regimen, which he continues to follow to the present day. He closely monitors his blood sugar levels, checking his blood sugar four (4) times per day, and keeps insulin, soda or glucose tablets with him at all times.

18. In March 2009, having had no further incidents relating to his condition for three (3) months, two (2) physicians cleared TFC Wright to return to work at full duty as a Community Services Officer, noting TFC Wright's prognosis was "excellent". See the Physicians' Diagnoses and Prognoses, copies of which are attached hereto as Exhibit "B."

PSP's Refusal to Allow TFC Wright to Return to Full Duty:

19. Despite receiving glowing reports and being cleared by two (2) physicians to return to full duty as a Community Services Officer, by Department Correspondence dated

March 26, 2009, PSP advised TFC Wright that he was to be placed on medically limited duty pending review by the State Police Medical Officer (the "SPMO"). See the March 26, 2009 Department Correspondence, a copy of which is attached hereto as Exhibit "C."

20. The Department Correspondence referenced a potential inability to perform required assigned duties and explained that TFC Wright may need to submit a medical report from his physician. See Exhibit "C."

21. As set forth above, however, TFC Wright had already complied with the Field Regulation, as cited by the Department Correspondence, by submitting his two (2) Physicians' Diagnoses and Prognoses, both of which released TFC Wright to full duty. See Exhibit "B."

22. Moreover, TFC Wright was, and remains, able to perform the essential functions of his job as a Community Services Officer.

23. PSP, however, ignored such prognoses and in violation of TEC Wright's rights under the law, perceived him as disabled and placed him on temporary medically limited duty status. See Exhibit "C."

24. Under his temporary medically limited duty, TFC Wright was stripped of responsibilities as a Community Services Officer and instead was required to perform purely administrative work.

25. Moreover, while under temporary medically limited duty, TFC Wright was prohibited from working overtime hours, thereby substantially reducing his income.

26. During this time, TFC Wright was willing to submit to an exam by the SPMO.

27. PSP advised TFC Wright that it would send him for an exam within one to three months. However, as of June 2009, no such exam occurred.

28. TFC Wright remained willing to submit to an exam, and in fact, he continued to inquire as to the status of his medical exam each month.

29. During this time, PSP told TFC Wright it was sending him for a state of the art test to be performed by Lieutenant Buckley ("Lt. Buckley").

30. However, when TFC Wright arrived for the test, the "exam" turned out to be little more than a records review.

31. When TFC Wright asked Lt. Buckley why he had to wait so long before the PSP sent him for an exam, Lt. Buckley had no response.

The Independent Medical Examination and Reports:

32. Finally, in September 2009, six (6) months after placing TFC Wright on medically limited duty and despite having already received two (2) reports clearing TFC Wright for full duty, PSP sent TFC Wright to another physician, Dr. David A. Macaluso, for what it deemed to be an independent medical examination ("IME").

33. During the IME, Dr. Macaluso took TFC Wright's blood pressure and weight. TFC Wright voluntarily told Dr. Macaluso about his duties as a Community Services Officer and explained that the position did not require field duty.

34. However, Dr. Macaluso did not inquire further as to whether TFC Wright was having any current difficulties performing his job or whether he was currently experiencing any symptoms.

35. TFC Wright also volunteered to Dr. Macaluso during the IME that he was working out regularly and feeling in better health than ever.

36. The only health-related substantive comment Dr. Macaluso made to TFC Wright during the IME was that he should ask his doctor about taking Lipitor for his cholesterol.

37. While awaiting the results of the IME, TFC Wright continued his work at Skippack Barracks. He performed all of his duties and experienced no difficulties with his tasks. He maintained control of his diabetes and had no episodes.

38. TFC Wright ultimately learned that Dr. Macaluso issued a report entitled "Final Report" dated September 11, 2009 wherein Dr. Macaluso stated that TFC Wright's diabetes had been "excellently controlled" and noted that TFC Wright carried insulin tablets with him at all times as a precaution. See Dr. Macaluso's Final Report, a copy of which is attached hereto as Exhibit "D."

39. Additionally, Dr. Macaluso noted that TFC Wright had not "had any severe hypoglycemia reaction, including no seizure or loss of consciousness, need for assistance or impaired cognitive functioning without warning." Id.

40. Dr. Macaluso also made note of TFC Wright's strict dietary and exercise regimen and praised TFC Wright for his "excellent overall blood sugar control." Id.

41. With regard to his job duties, Dr. Macaluso expressed no concerns about returning TFC Wright to full duty, stating that returning TFC Wright to full duty would not change his role as a public speaking and Community Services Officer nor would it require TFC Wright to engage in any field duty. Id.

42. Nothing in Dr. Macaluso's Final Report indicated that TFC Wright could not or should not be released to full duty as a Community Services Officer. In fact, Dr. Macaluso's comments regarding TFC Wright's job duties indicated exactly the opposite. Id.

43. Accordingly, given that TFC Wright's position as a Community Services Officer did not require TFC Wright to engage in field duty and given Dr. Macaluso's comfort with TFC Wright returning to his duties of planning and delivering presentations, participating in

arrangements for the PSP Camp Cadet program and serving as a counselor during the camp among other duties, based upon Dr. Macaluso's Final Report as well as TFC Wright's additional two (2) physician recommendations, PSP should have returned TFC Wright to full duty as a Community Services Officer.

44. Despite Dr. Macaluso's glowing Final Report commending TFC Wright for his excellent control of his diabetes, however, PSP failed and/or refused to return TFC Wright to full duty as a Community Services Officer and continued to regard him as disabled.

45. In December 2009, three (3) months after submitting the Final Report, Dr. Macaluso wrote a letter to State Police Medical Officer, Dr. Darby Hand, regarding TFC Wright.

46. At that time, despite having had no further contact or follow-up examination with TFC Wright and despite having obtained no new information regarding TFC Wright's condition, Dr. Macaluso appeared to change his recommendation based on his review of an undisclosed job description. See the December 14, 2009 letter, a copy of which is attached hereto as Exhibit "E."

47. After reviewing the essential job functions for a Pennsylvania State Trooper with an undisclosed job title, which was provided to Dr. Macaluso by Dr. Hand and which appears to have included field duties not incurred by a Community Services Officer, Dr. Macaluso stated that many of the functions were "physical and potentially dangerous."

48. As such, for the first time, Dr. Macaluso expressed reservations in recommending TFC Wright return to full duty. See Exhibit "E."

49. Significantly, Dr. Macaluso stated that if the "physical and potentially dangerous" job functions were eliminated, he would have "no reservations" with regard to TFC Wright's ability to perform his job functions. Id.

50. Dr. Macaluso did not address why he was asked to re-evaluate his September 2009 recommendation for TFC Wright nor did he state to which position the essential job functions related. Id.

51. Upon information and belief, PSP asked Dr. Macaluso to reconsider his evaluation of TFC Wright based on the job functions for a field position, rather than the Community Services Officer, for the specific purpose of obtaining a recommendation from Dr. Macaluso that TFC Wright not return to full duty.

52. PSP did not want TFC Wright to be released to full duty because it perceived him as having a disability.

53. TFC Wright, however, meticulously monitored and controlled his condition and remained able to work full duty as a Community Services Officer as he had for eight (8) years prior to placement on medically limited duty.

Assignment to Permanent Limited Duty:

54. On March 19, 2010, purportedly based on the second report issued by Dr. Macaluso, PSP informed TFC Wright that it was assigning him to permanent limited duty and reassigning him to the Staff Unit in Philadelphia. See the March 19, 2010 Department Correspondence, a copy of which is attached hereto as Exhibit "F."

55. As a result of being placed on permanent limited duty based on a perceived disability, TFC Wright was stripped of his weapon and was prohibited from wearing his uniform, resulting in substantial humiliation, embarrassment, loss of pride, damage to his reputation and emotional distress with physical manifestations.

56. In April 2010, as a result of the emotional stress and trauma caused by the discrimination and illegal removal from his position as a State Trooper, TFC Wright was

removed from duty by his psychologist due to work-related stress. He took leave under the Family Medical Leave Act.

57. TFC Wright was later cleared to return to work.

58. However, he continues to be assigned to permanent limited duty in Philadelphia.

COUNT I

**Violation of the Americans with Disabilities Act
42 U.S.C. § 12101, et seq.**

59. TFC Wright incorporates by reference the preceding paragraphs as if the same were set forth in full herein.

60. PSP regarded TFC Wright as having a disability due to his diabetes and use of insulin to control the same. Specifically, PSP regarded TFC Wright as being substantially limited in major life activities.

61. As such, TFC Wright is entitled to protection from discrimination under the Americans with Disabilities Act (the "ADA"). 42 U.S.C. §12102(1)(C).

62. TFC Wright was and remains qualified to perform the essential functions of a Community Services Officer. See Exhibit "A."

63. PSP's decisions with regard to TFC Wright beginning in March 2009 constitute adverse employment actions.

64. TFC Wright's perceived disability was the motivating factor in PSP's actions toward TFC Wright, and PSP discriminated against him on the basis of his perceived disability.

WHEREFORE, TFC Wright demands judgment against PSP as follows:

- (a) PSP shall reinstate TFC Wright to his position as Community Services Officer, with all salary, benefits and seniority calculated as of March 26, 2009;
- (b) PSP shall pay TFC Wright's lost wages, including overtime, for the period of March 26, 2009, until the time of trial, with interest;

- (c) PSP shall pay TFC Wright for unpaid sick leave taken as a result of the emotional distress caused by his placement on permanent medically limited duty;
- (d) TFC Wright shall be awarded compensatory damages for his pain, suffering, emotional distress, humiliation and inconvenience;
- (e) TFC Wright shall be awarded punitive damages for PSP's reckless disregard of TFC Wright's federally protected rights;
- (f) TFC Wright shall be awarded attorneys' fees and costs and expenses of litigation; and,
- (g) Such other legal and equitable relief as the Court deems just and proper.

COUNT II

**Violation of the Pennsylvania Human Relations Act
43 P.S. § 951, et seq.**

65. TFC Wright incorporates by reference the preceding paragraphs as if the same were set forth in full herein.

66. PSP regarded TFC Wright as having a disability due to his diabetes and use of insulin to control the same. Specifically, PSP regarded TFC Wright as being substantially limited in major life activities.

67. As such, TFC Wright is entitled to protection from discrimination under the Pennsylvania Human Relations Act, 43 P.S. §951, et seq.

68. TFC Wright was and remains qualified to perform the essential functions of a Community Services Officer. See Exhibit "A."

69. PSP's decisions with regard to TFC Wright beginning in March 2009 constitute adverse employment actions.

70. As set forth in more detail above, PSP discriminated against TFC Wright based on his perceived disability.

71. As such, PSP violated the Pennsylvania Human Relations Act (the "PHRA"), 43 P.S. §955(a).


WHEREFORE, TFC Wright demands judgment against PSP as follows:

- (a) PSP shall reinstate TFC Wright to his position as Community Services Officer, with all salary, benefits and seniority calculated as of March 26, 2009;
- (b) PSP shall pay TFC Wright's lost wages, including overtime, for the period of March 26, 2009, until the time of trial, with interest;
- (c) PSP shall pay TFC Wright for unpaid sick leave taken as a result of the emotional distress caused by his placement on permanent medically limited duty;
- (d) TFC Wright shall be awarded compensatory damages for his pain, suffering, emotional distress, humiliation and inconvenience;
- (e) TFC Wright shall be awarded punitive damages for PSP's reckless disregard of TFC Wright's statutorily protected rights;
- (f) TFC Wright shall be awarded attorneys' fees and costs and expenses of litigation; and,
- (g) Such other legal and equitable relief as the Court deems just and proper.

MCDONNELL & ASSOCIATES, P.C.

Dated: August 29, 2011

By:


Patrick J. McDonnell, Esquire
Attorney I.D. No.: 62310
Karen L. Green, Esquire
Attorney I.D. No.: 74258
Jackie M. Lowthert, Esquire
Attorney I.D. No.: 306460
860 First Ave., Unit 5B
King of Prussia, PA 19406
Attorneys for Plaintiff

EXHIBIT

A

Position Description

Commonwealth of Pennsylvania

POSITION DESCRIPTION

Wright
3/23/09

STD-370

Last Name: Wright First Name: Deanny MI: Personnel Number: 00449229

Job Title: St Plc Trpr Job Code: 74010 Working Title: St Plc Trpr Position Number: 00082552

Department: State Police Organization: SP Stf Srvs Unt Skippack Organization Code: 4131

Supervisor's Last Name: Johnson Supervisor's First Name: Robert Supervisor's Job Title: St Plc Cpl Supervisor's Pos Number: 00091072

Start Time: 0000 End Time: 2400 Hours/Week: 40 Days Worked: S M T W T F S (all checked) Explain any schedule variations: works rotating shifts as needed

Position Purpose: Describe the primary purpose of this position and how it contributes to the organization's objectives. Example: Provides clerical and office support within the Division to ensure its operations are conducted efficiently and effectively.

This position is responsible for creating and maintaining relationships with law enforcement agencies, local public officials and community organizations to foster mutual respect and understanding within a State Police Troop or Station area.

Description of Duties: Describe in detail the duties and responsibilities assigned to this position. Descriptions should include the major end result of the task. Example: Types correspondence, reports, and other various documents from handwritten drafts for review and signature of the supervisor.

Delivers presentations of a variety of safety issues to youth at all levels of public and private schools and to adults in local and civic organizations and complies; determines topics, researches content, creates facts objectives and plans presentations to fit audience level from elementary school children to adults.

Makes presentations upon request to a wide variety of community organizations to foster an understanding of State Police operations and programs; contacts local law enforcement agencies in an effort to create mutual understanding and respect between various law enforcement organizations and the State Police.

Serves as a State Police liaison and representative with community groups and organizations affecting community tension; promotes understanding between such groups and the State Police; keeps commanders informed of the presence of tension or tension-inducing factors or events within the community.

Participates in arrangements for the Camp Cadet program within a troop; serves as a counselor during the conduct of the camp when enacted within the troop.

Maintains communication with school officials within the assigned area for the purpose of scheduling the presentation of safety programs.

Assists Troop Public Information Officer; arranges news media coverage when new programs are introduced into the public; disseminates information to the media and the public on policies, operational

activities and during emergency situations.

Prepares safety information for distribution to the news media as required.

Networks with safety education personnel in other troops and stations to develop ideas for presentation and to stay abreast of programs.

Keeps statistics of false alarm responses and notifies residents and businesses of excessive false alarms on a monthly basis.

Maintains records and prepares and submits reports as required.

Supplies information about PSP activity to Township Supervisors on a monthly basis.

ESSENTIAL FUNCTIONS AND JOB DUTIES

Performs other related duties of a law enforcement officer as required, including, but not limited to: Interpreting laws and statutes of the Commonwealth; pursuing suspects; effecting arrests; qualifying with and, when necessary, using agency firearms and other self-defense devices; operating vehicles; using equipment in conjunction with law enforcement duties; responding to emergencies, civil disorders and disasters; and performing rescue functions.

Decision Making: Describe the types of decisions made by the incumbent of this position and the types of decisions referred to others. Identify the problems or issues that can be resolved at the level of this position, versus those that must be referred to the supervisor. Example: In response to a customer inquiry, I research the status of an activity and prepare a formal response for my supervisor's signature.

Work is assigned by the Unit Supervisor, by Department Directives, by requests made by members of the general public and by self generated work assignments. Work is monitored on a daily basis by a supervisor.

Requirements Profile: Identify any requirements, such as a licensure, registration, or certification, which may be necessary to perform the functions of the positions. Position-specific requirements should be consistent with a Necessary Special Requirement or other criteria identified in the classification specification covering this position. Example: Professional Engineer License

1. Cardiopulmonary Resuscitation (CPR) Certificate
2. Class C Driver's License
3. N/A

Essential Functions: Provide a list of essential functions for this position. Example: Transports boxes weighing up to 60 pounds.

1. Refer to Description of Duties
2. Refer to Description of Duties
3. Refer to Description of Duties
- 4.
- 5.
- 6.
- 7.

Position Description

8.
9.
10.

CERTIFICATION

By entering my name below, I certify to the best of my knowledge all statements contained in this position description are correct.

Employee's Acknowledgement	Job Title:	Date
Deanny Wright	St Plc Trpr	10/13/2004 7:15:20 AM
Supervisor's Acknowledgement	Job Title:	Date
Robert K. Johnson	St Plc Cpl	10/12/2004 2:22:16 PM
Reviewing Officer's Acknowledgement	Job Title:	Date
Harry Reed	St Plc Sgt	10/13/2004 7:21:47 AM

EXHIBIT

B

SP 3-700 (1-98)

PENNSYLVANIA STATE POLICE
PHYSICIAN'S DIAGNOSIS AND PROGNOSIS

NAME: Deanny L Wright INJURY DATE 12/29/08

DATE OF MOST RECENT EXAM: 3/23/09

REFERRED TO: _____

DIAGNOSIS: T2 Den - Acute renal failure Phosphorus → K⁺ low
with renal kidney failure. Diabetic Coma metabolic acidosis
Diabetes

THERAPY PRESCRIBED: Short term renal dialysis now discontinued

MEDICATIONS PRESCRIBED: Insulin as per Dr. Jett
Prescribed for diabetic care

PROGNOSIS: Excellent
normal glucose level 2/10/09

NEXT SCHEDULED TREATMENT/OFFICE VISIT: 3-4 months

CHECK APPLICABLE BLOCK:

RELEASED FOR LIMITED DUTY ON: _____

LIMITATIONS: _____

ESTIMATE NUMBER OF DAYS LIMITED DUTY WILL BE NEEDED: _____


RELEASED FOR FULL DUTY ON: 3/24/09

REMAINS TOTALLY INCAPACITATED

PLEASE CONTACT ME PROVIDING INFORMATION ON THE
TYPE OF LIMITED DUTY THAT MAY BE AVAILABLE.
START/CONTINUE LIMITED DUTY STATUS.

SP 3-708 (1-95)

REMARKS: _____



Signature of Physician



Date

Address

Telephone Number

LIMERICK FAMILY CARE
296 West Ridge Pike
Limerick PA 19468
610-489-2395

SP 3-708 (1-86)

PENNSYLVANIA STATE POLICE
PHYSICIAN'S DIAGNOSIS AND PROGNOSIS

NAME: DEANNY WRIGHT INJURY DATE 12/28/08
DATE OF MOST RECENT EXAM: 3/12/09
REFERRED TO: Dr. Freeman
DIAGNOSIS: Dilated cardiomyopathy

THERAPY PRESCRIBED: None

MEDICATIONS PRESCRIBED: None

PROGNOSIS: Good

NEXT SCHEDULED TREATMENT/OFFICE VISIT: _____

CHECK APPLICABLE BLOCK:

RELEASED FOR LIMITED DUTY ON: _____

LIMITATIONS: _____

ESTIMATE NUMBER OF DAYS LIMITED DUTY WILL BE NEEDED: _____

RELEASED FOR FULL DUTY ON: _____

REMAINS TOTALLY INCAPACITATED

PLEASE CONTACT ME PROVIDING INFORMATION ON THE
TYPE OF LIMITED DUTY THAT MAY BE AVAILABLE.

START/CONTINUE LIMITED DUTY STATUS.

AR 4:4
1/31/96

SP 3-708 (1-96)

REMARKS: Danny Wright is doing well

[Signature]
Signature of Physician

3/12/09
Date

4190 City Ave
Address
Suite 324
Phila, Pa 19131

215-871-1916
Telephone Number

0100
0100

EXHIBIT

C

SP 3-201 (6-2006)



**PENNSYLVANIA STATE POLICE
DEPARTMENT CORRESPONDENCE**

DATE: March 26, 2009

SUBJECT: Medically Limited Duty

TO: Trooper Deanny E. Wright
Troop K, Philadelphia (Skippack Station)

FROM: Lieutenant David C. Buckley
Station Commander
Troop K, Skippack

REFERENCE: (a) FR 1-2.08, Submitting to Medical or Psychiatric Examinations or Tests.
(b) FR 1-1.23, Use of Drugs.
(c) SO 2009-13, Authorizations and Restrictions for Members Assigned to Limited Duty—Revised.

1. In accordance with Reference (a), members who have suffered an injury, illness, or any other debilitating condition not incurred in the line of duty, which could affect their ability to perform required assigned duties, may be required by the Commissioner to obtain and submit a complete medical report from their physician concerning their physical or mental condition. The report shall include a detailed diagnosis and prognosis of the injury, illness, or condition, and any other pertinent information which would aid the State Police Medical Officer (SPMO) in evaluating the situation prior to the member's return to active duty status.


2. Troop Commanders or Bureau/Office Directors may place members on medically limited duty pending evaluation and clearance to return to full duty by the SPMO.

3. Effective March 27, 2009, you are hereby removed from full duty. You are being placed on medically limited duty until the SPMO reviews your case and releases you for full duty or makes another determination relative to your duty status.

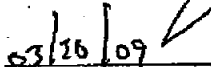
4. Until your duty status is changed or clarified by the SPMO, your assignment shall consist of performing staff/administrative tasks. While in a medically limited-duty assignment, you are prohibited from taking any law enforcement actions while off-duty. Should you encounter a serious police incident while off-duty, you shall take no action above that appropriate for a civilian employee or citizen.

5. In accordance with Reference (c), members assigned to temporary limited-duty assignments due to non-psychological/psychiatric conditions may maintain their Department issued and authorized personal weapons, badge, and uniforms. You are approved to wear the uniform. However, you shall be limited to wearing the uniform at your assigned work location, and at no time shall you wear the uniform outside of the assigned work location without the approval of the Deputy Commissioner of Administration and Professional Responsibility.

6. In accordance with Reference (b), you shall immediately submit correspondence, Form STD-201, through channels, to the Commanding Officer of Troop K regarding any medications you are taking. Contained in your correspondence shall be the name of the prescribing practitioner, the controlled or prescribed substance involved, the date of the prescription, the illness or disease being treated, and any potential side effects of the drug or medicine or side effects from the failure to take the drug or medicine.



(Member's Signature)



(Date)

cc: Commander, Area I
Director, Bureau of Human Resources
File

EXHIBIT

D

Outpt Ltr

WRIGHT, DEANNY - 1849751

* Final Report *

* Final Report *

September 11, 2009

Name: WRIGHT, DEANNY
HMC Number: 1849751
DOB: 11/23/1972
Date of Service: 09/11/2009

Ms. Ziva Little
Pennsylvania State Police Department Headquarters
1800 Elmerton Avenue
Harrisburg, PA 17110

Dear Ms Little:

I saw Deanny Wright in Endocrinology Clinic on September 11, 2009, as a consult request from you for an independent medical examination of his ability to continue to safely perform the job of a Pennsylvania State police officer. He is a 36-year-old male, who was diagnosed with diabetes mellitus type I at the end of January 2009. At that time, he was found unresponsive and was admitted to Pottstown Memorial Medical Center with diabetic ketoacidosis, acute renal failure, and ATN and rhabdomyolysis. He was treated appropriately and required hemodialysis for a period of time. He evidently had MRSA and oral candidiasis as well. During his hospital admission, he had a cardiac stress test that was normal and was placed on insulin.

He also has a history of proteinuria, which was originally found in 1993. He has also been found to have dyslipidemia and fatty liver disease.

He is currently taking Levemir 12 units subQ q.h.s. and NovoLog at each meal based on the following scale - blood sugar 80 to 120 equals 4 units, 120 to 150 equals 6, 151 to 200 equals 8, 201 to 250 equals 10 and further increasing by 2 units for every increase of blood sugar range of 50 mg/dL.

He has checked his blood sugars regularly 4 times per day and they have been excellently controlled and have ranged from 90 to 154 with most in the low 100s.

He has not had any severe hypoglycemia. He has not had any hypoglycemia in the last 3 months. Prior to that, his lowest blood sugar was 78, but that was many many months ago, per his report. He does have soda or glucose tablets always with him if needed. Further, as this entails, he has not had any severe hypoglycemia reaction including no seizure or loss of consciousness, need for assistance, or impaired cognitive functioning without warning.

Page 1 of 4
(Continued)

Outpt Ltr

WRIGHT, DEANNY - 1849751

* Final Report *

He has a meal plan and follows approximately 60 grams of carb intake at each meal. He rides a bike daily for about 1 to 1-1/2 hours and also plays basketball few times per week.

His current police officer duties have him working 7 a.m. to 3 p.m. He has been an office worker and speaks and does community relations. Him changing to full duty means no change in his duties at all in this regard. He is not going to have any field duty per his report. He reports his job is not a physical one.

His most recent hemoglobin A1c on 7/22/09 was 8.51% with a fructosamine of 279, both indicating excellent overall blood sugar control. I have reviewed his blood sugar logs as above as well and he is well controlled currently.

Past Medical History:

1. Diabetes mellitus, status post DKA as above.
2. Proteinuria, diagnosed in 1993.
3. Dyslipidemia.
4. Hepatic steatosis.
5. Fractured finger with a surgical repair.
6. History of acute renal failure secondary to ATN. His renal function has normalized and he is now off hemodialysis.
7. Rhabdomyolysis, MRSA, and oral candida during hospitalization, January 2009.

Social History: He is separated. He has 2 children. He does not smoke or use alcohol. He works as a state trooper. He is doing office work and speaking in the community for community relations. He will not be doing field duty and will be continuing his current duties as above. He reports this is not a physical job.

Family History: Positive for hypertension. No history of diabetes mellitus.

Health Maintenance: He had an ophthalmologic examination in May 2008, which showed no diabetic retinopathy. He had a Pneumovax in 2009. He is on an aspirin daily.

His current medications include Levemir as above, NovoLog by FlexPen as above, lisinopril 10 mg daily, and omega-3 fish oil daily.

Physical Exam: Weight 211.5 pounds, blood pressure 146/80, pulse is 70. HEENT exam shows no periorbital edema or conjunctival injection. Examination of the neck shows no palpable thyromegaly or cervical mass. The heart is regular rate and rhythm. The abdomen is protuberant and soft, but no lipohypertrophy where he is getting his injections in the abdomen or thighs. Dorsalis pedis pulses are 2+ bilaterally. There is no peripheral edema, clubbing, or cyanosis. There are no peripheral ulcers.

Labs:

1. 7/22/09, hemoglobin A1c 8.51%, urine A/C ratio 108, fructosamine 279, direct LDL 115, cholesterol 182, triglycerides 108, HDL 43.
2. April 2009, hemoglobin A1c 6.04%, creatinine 0.9, potassium 3.9, urine A/C ratio 203.
3. March 2009, GAD antibody less than 1.0, IA-2 antibody less than 0.8.
4. February 2009, hemoglobin A1c 10.08%.

Assessment:

Outpt Ltr

WRIGHT, DEANNY - 1849751

* Final Report *

1. Diabetes mellitus type 1, doing well on current regimen of Levemir and NovoLog, based on his current hemoglobin A1c, fructosamine, and blood sugar logs. He has not had any hypoglycemia in the last 3 months and has not had any severe episodes of hypoglycemia. He is monitoring his blood sugars very regularly and I would recommend to continue this 4 to 6 times per day. However, I will note of course that hypoglycemia is a potential in all diabetics that are using insulin. This can occur at any point in time per se and his current level of control, although reassuring, does not predict what the future will hold in this regard and the potential of hypoglycemia always exists. To that extent as well, he should be prepared for this possibility and perform appropriate monitoring of his blood glucose.
2. Proteinuria, has seen nephrologist. He is on an ACE inhibitor.
3. Dyslipidemia. His LDL is above goal of less than 100. I would recommend starting a statin to his other physicians.
4. Question hypertension. His blood pressure in the office today is above goal of less than 130/80. This should be followed up upon as well through his other physicians.
5. Other issues as above.

Plan:

1. I recommend that he continue his current insulin regimen.
2. However, I have recommended to him that if he knows he is going to be more active within 2 hours after eating a meal that he is to decrease that meal's NovoLog dose by 25% to help prevent against hypoglycemia.
3. Directed to continue to monitor blood sugars 4 to 6 times per day and to check as well at times of hypoglycemic symptoms and also before operating a motor vehicle.
4. Directed to always carry glucose tablets or another substance to appropriately treat hypoglycemia if occurs.
5. I have recommended for him to discuss with his endocrinologist the potential of starting a statin. I would also recommend repeating his blood pressure (may need increase in lisinopril dose; goal BP is to be under 130/80), as well as repeating a urine albumin/creatinine ratio in another 3 months.
6. It seems his work duties will not be changing and he does not have a physical job. I have given him the hypoglycemic guidelines as above and please refer to my assessment notations above as well in this regard.
7. He will continue to see his usual endocrinologist for a followup of diabetic and other associated management issues.

810554

Signature Line
Electronic Signature on File

CC: Forward to Addressee:

CC: Jeffrey S Freeman, DO
4180 City Avenue

Page 3 of 4
(Continued)

.Outpt Ltr

WRIGHT, DEANNY - 1849751

* Final Report *

Suite 324
Philadelphia, PA 19131

Sincerely,

David A Macaluso, MD
Author Signature D/Tm: 15.09.2009 01:23 pm

DAM/CO DD: 09/11/09 DT: 09/13/09 18:13

Result Type: .Outpt Ltr
Date of Service: September 11, 2009 00:00
Authorization Status: Final
Author or Import Date: Macaluso, David A on September 11, 2009 10:13
Verified By: Macaluso, David A on September 15, 2009 13:23
Encounter info: 13440209, HOSPITAL CLINICS, Clinic, 9/11/2009 - 9/12/2009

EXHIBIT

E

PENN STATE HERSEY
Milton S. Hershey
Medical Center

Andrew Alami, M.D.
Division Chief
Rama Chandra Dhanraj, M.D.
Suzanne Douglas, M.D.
Salim Harwood, M.D.
Chris Y. Han, M.D.
Robert Gilling, M.D., Ph.D.
Christy Grapetti, M.D., Ph.D.
John Jett, M.D.
Mary Lofgren, M.D.
David A. Mandrup, M.D.
Nadia Kaja-Rhee, M.D.
Michael F. Verdine, Ph.D.

December 14, 2009

Fellows
Tribu DeJardin, M.D.
Ariana Palumbo-Lewis, M.D.
Shelja Hunt, M.D.
Geri Tisdale, M.D.

RE: WRIGHT, Deanny - MSHMC #1849751

Darby Hand, D.O.
State Police Medical Officer
Pennsylvania State Police
Department Headquarters
1800 Elmerton Avenue
Harrisburg, PA 17110

Dear Dr. Hand:

I saw Mr. Deanny Wright on September 11, 2009, for IME, specifically related to his diabetes, type 1. I refer you back to my office note of September 11, 2009, attached.

He is educated in diabetes, type 1 and its management. He demonstrates willingness to properly monitor and manage his diabetes. However, the past state of affairs cannot predict future events; particularly hypoglycemia *per se* can occur at any point. Therefore, he must monitor blood glucose closely and frequently and eat snacks at times of higher activity. In terms of returning to full, unrestricted duty as a Pennsylvania State Trooper, I have reviewed the essential job functions you have presented. Certainly, many of these functions are physical, and potentially dangerous. If these functions are eliminated, I would have no reservations in terms of his job functions. Performing these functions, however, causes me safety concern that I would not recommend these tasks.

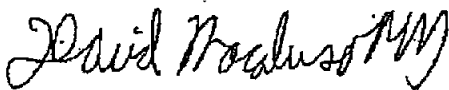
If operating a motor vehicle, I suggest that he check his glucose before the start of shift and immediately before if going to operate mobile equipment. He should not operate any mobile equipment if glucose is less than 100 mg/dl. He must carry food while working. If glucose level is under 100 mg/dl, he is to take glucose or food and recheck in 30 minutes. Repeat this until glucose is greater than or equal to 100 mg/dl. He must check glucose every two hours during his shift and discontinue operating mobile equipment if glucose under 100 mg/dl. If glucose is



RE: WRIGHT, Deanny - MSHMC #1849751
Page 2

over 400 mg/dl, stop operating mobile equipment and wait until glucose is between 100-400 mg/dl. If more than two hours after last insulin injection and eating, he may take some additional insulin and recheck glucose in 30 minutes. He may resume driving if glucose is between 100-400 mg/dl. He must report all values under 100 mg/dl and over 400 mg/dl during work hours immediately to your Health Services.

Sincerely,



David Macaluso, M.D.
Assistant Professor of Medicine

EXHIBIT

F

P 3-201 (8-2006)



**PENNSYLVANIA STATE POLICE
DEPARTMENT CORRESPONDENCE**

**TROOP
PERSONNEL ORDER
10-17**

DATE: March 26, 2010
SUBJECT: Duty Assignments
TO: Troop K Personnel
FROM: Captain Timothy J. McDonald
Commanding Officer
Troop K, Philadelphia

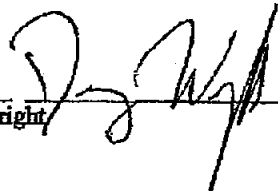
1. The following duty assignment is effective Saturday, April 3, 2010:

<u>NAME</u>	<u>FROM</u>	<u>TO</u>	<u>SUPERVISOR</u>
TFC. Deanny Wright	Patrol Unit, Skippack	Staff Unit Philadelphia	Sergeant Leonard Bennett

DISTRIBUTION:
Commander, Area I
BB Skippack, BB Media, BB Philadelphia
Personnel Listed
Personnel File
Director, Bureau of Human Resources
File

VERIFICATION

I, Deanny Wright, hereby verify that I am the Plaintiff in the within action and that the facts set forth in the foregoing Complaint are true and correct to the best of my knowledge, information, and belief and that these statements are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

03/22/11
Date Deanny Wright 

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

DEANNY WRIGHT, : CIVIL ACTION
: :
Plaintiff : :
: :
v. : :
: :
PENNSYLVANIA STATE POLICE, : :
: :
Defendant : No.

CERTIFICATE OF SERVICE

I, Kevin R. Bradford, hereby certify that the Notice of Removal was mailed on December 5, 2011 by first class mail, postage prepaid to the following non-ECF Filing Users:

Jackie M. Lowthert, Esq.
McDonnell & Assoc., P.C.
860 First Ave., Unit 5B
King of Prussia, PA 19406

By:  _____

Office of Attorney General
21 S. 12th Street, 3rd Floor
Philadelphia, PA 19107
Phone: (215) 560-2262
Fax: (215) 560-1031

Kevin R. Bradford
Senior Deputy Attorney General
Attorney I.D. No. 88576

Gregory R. Neuhauser
Chief, Litigation Section