

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

JENNIFER E. HARRIS,	:	
	:	
Plaintiff,	:	Case No. 1:05-CV-2648
	:	
v.	:	Judge Conner
	:	
MAUREEN T. PORTLAND,	:	Complaint filed: 12/21/05
TIMOTHY M. CURLEY, and	:	
THE PENNSYLVANIA STATE	:	<i>Electronically Filed</i>
UNIVERSITY,	:	
	:	
Defendants.	:	

**MOTION TO DISMISS**  
**BY DEFENDANTS TIMOTHY M. CURLEY and**  
**THE PENNSYLVANIA STATE UNIVERSITY**

Defendants, Timothy M. Curley and The Pennsylvania State University, by and through their attorneys, McQuaide, Blasko, Fleming & Faulkner, Inc., hereby move this Court to dismiss the Complaint filed against them by Plaintiff, Jennifer

E. Harris, pursuant to Fed. R. Civ. P. 12(b)(1) and (6). A Memorandum of Law in Support of this Motion to Dismiss will be timely filed in accordance with L.R. 7.5.

Respectfully submitted,

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

Dated: January 26, 2006

By: s/James M. Horne  
James M. Horne, Esquire  
Pa. I.D. 26908  
811 University Drive  
State College, PA 16801  
(814) 238-4926

Attorneys for Defendants  
Penn State and Timothy Curley

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

JENNIFER E. HARRIS,

Plaintiff,

v.

MAUREEN T. PORTLAND,  
TIMOTHY M. CURLEY, and  
THE PENNSYLVANIA STATE  
UNIVERSITY,

Defendants.

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Case No. 1:05-CV-2648

Judge Conner

Complaint filed: 12/21/05

*Electronically Filed*

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2006, upon consideration of the Motion to Dismiss filed by Defendants, Timothy M. Curley and The Pennsylvania State University, Plaintiff Jennifer E. Harris' response to that Motion, and the briefs filed by all parties, it is hereby ORDERED that the Motion is GRANTED to the extent of the relief requested therein.

BY THE COURT:

\_\_\_\_\_  
Christopher C. Conner  
U.S. District Judge

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

JENNIFER E. HARRIS,

Plaintiff,

v.

MAUREEN T. PORTLAND,  
TIMOTHY M. CURLEY, and  
THE PENNSYLVANIA STATE  
UNIVERSITY,

Defendants.

Case No. 1:05-CV-2648

Judge Conner

Complaint filed: 12/21/05

*Electronically Filed*

**CERTIFICATE OF NON-CONCURRENCE**

I, James M. Horne, hereby certify that counsel for the Plaintiff was contacted regarding Plaintiff’s possible concurrence with Defendants Timothy M. Curley and The Pennsylvania State University’s Motion to Dismiss. In response, counsel for Plaintiff indicated non-concurrence with this Motion.

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

Dated: January 26, 2006

By: s/James M. Horne  
James M. Horne, Esquire  
Pa. I.D. 26908  
811 University Drive  
State College, PA 16801  
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Attorneys for Defendants  
Penn State and Timothy Curley

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

JENNIFER E. HARRIS,	:	
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Plaintiff,	:	Case No. 1:05-CV-2648
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v.	:	Judge Conner
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MAUREEN T. PORTLAND,	:	Complaint filed: 12/21/05
TIMOTHY M. CURLEY, and	:	
THE PENNSYLVANIA STATE	:	<i>Electronically Filed</i>
UNIVERSITY,	:	
	:	
Defendants.	:	

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendants' Timothy M. Curley and The Pennsylvania State University's Motion to Dismiss in the above-captioned matter was served on this, the 26<sup>th</sup> day of January, 2006, to the attorneys/parties of record as follows:

Sharon F. McKee, Esquire  
Shanon Levin Lehman, Esquire  
Hangley, Aronchick, Segal & Pudlin  
30 North Third Street, Suite 700  
Harrisburg, PA 17101  
(717) 364-1030

Jack M. Stover, Esquire  
Buchanan Ingersoll, PC  
213 Market Street, 3<sup>rd</sup> Floor  
P.O. Box 120023  
Harrisburg, PA 17108  
(717) 237-4800

Of Counsel:

Shannon Minter, Esquire  
National Center for Lesbian Rights  
1325 Massachusetts Ave., NW,  
Suite 600  
Washington, DC 20005  
(202) 737-0012

Karen M. Doering, Esquire  
Regional Counsel  
National Center for Lesbian Rights  
3170 Third Avenue, North  
St. Petersburg, FL 33713  
(727) 490-4260

Attorneys for Plaintiff

Of Counsel:

Mark R. Hornak, Esquire  
David J. Porter, Esquire  
Buchanan Ingersoll, P.C.  
One Oxford Centre  
301 Grant Street, 20<sup>th</sup> Floor  
Pittsburgh, PA 15219  
(412) 562-8800

Attorneys for Defendant  
Maureen T. Portland

McQUAIDE, BLASKO,  
FLEMING & FAULKNER, INC.

By: s/James M. Horne

James M. Horne, Esquire  
Pa. I.D. 26908  
811 University Drive  
State College, PA 16801  
(814) 238-4926

Attorneys for Defendants  
Penn State and Timothy Curley

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

JENNIFER E. HARRIS,	:
Plaintiff,	:
	:
v.	: NO. 1:05-CV-02648
	:
MAUREEN (“RENE”) T. PORTLAND,	:
in her individual and official capacities,	:
TIMOTHY M. CURLEY, in his	: JUDGE CONNER
individual and official capacities, and	:
THE PENNSYLVANIA STATE	:
UNIVERSITY,	:
Defendants	: <i>Electronically Filed</i>

**MOTION TO DISMISS**

Defendant, Maureen T. Portland (“Portland”), by and through her undersigned counsel, moves this Honorable Court to dismiss the Complaint filed against her by Plaintiff, Jennifer E. Harris (“Harris”), pursuant to Fed. R. Civ. P. 12(b)(1) and (6). A Memorandum of Law In Support of this Motion to Dismiss will be filed timely.



Respectfully submitted,

BUCHANAN INGERSOLL PC

By: /s/ Jack M. Stover  
Jack M. Stover  
PA ID No. 18051  
Nicole Borda  
PA ID No. 89214  
One South Market Square  
213 Market Street - 3rd Floor  
Harrisburg, PA 17101  
Phone: (717) 237-4800  
Fax: (717) 233-0852

Attorneys for Defendant,  
Maureen T. Portland

Of Counsel:

Mark R. Hornak  
PA ID No. 35187  
David J. Porter  
PA ID No. 66125  
BUCHANAN INGERSOLL PC  
One Oxford Centre  
301 Grant Street, 20th Floor  
Pittsburgh, PA 15219  
Phone: (412) 562-8800  
Fax: (412) 562-1041

Dated: January 26, 2006

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

JENNIFER E. HARRIS,	:
Plaintiff,	:
	:
v.	: NO. 1:05-CV-02648
	:
MAUREEN ("RENE") T. PORTLAND,	:
in her individual and official capacities,	:
TIMOTHY M. CURLEY, in his	: JUDGE CONNER
individual and official capacities, and	:
THE PENNSYLVANIA STATE	:
UNIVERSITY,	:
Defendants	: <i>Electronically Filed</i>

**CERTIFICATE OF NONCONCURRENCE**

I spoke with Sharon McKee, Esquire, counsel for Plaintiff, and have been advised by her that she does not concur in the foregoing Motion.

/s/ Jack M. Stover  
Jack M. Stover, Esquire

**CERTIFICATE OF SERVICE**

I certify that I am this day serving a copy of the foregoing document upon the persons and in the manner indicated below, which service satisfies the requirements of the Federal Rules of Civil Procedure:

**Via Electronic Mail and/or U.S. Mail**

Attorneys for Plaintiff

Sharon F. McKee, Esquire  
Shanon Levin Lehman, Esquire  
Hangley, Aronchick, Segal & Pudlin  
One Logan Square, 27th Fl.  
Philadelphia, PA 19103

Shannon Minter, Esquire  
National Center for Lesbian Rights  
1325 Massachusetts Ave., N.W.  
Suite 600  
Washington, D.C. 20005

Karen M. Doering, Esquire  
Regional Counsel  
National Center for Lesbian Rights  
3170 Third Avenue, North  
St. Petersburg, FL 33713

Attorneys for Defendants  
The Pennsylvania State University  
and Timothy M. Curley

James M. Horne, Esquire  
McQuaide, Blasko, Fleming & Faulkner, Inc.  
811 University Drive  
State College, PA 16801

By: /s/ Jack M. Stover  
Jack M. Stover, Esquire

DATE: January 26, 2006

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

JENNIFER E. HARRIS,	:
Plaintiff,	:
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v.	: NO. 1:05-CV-02648
	:
MAUREEN ("RENE") T. PORTLAND,	:
in her individual and official capacities,	:
TIMOTHY M. CURLEY, in his	: JUDGE CONNER
individual and official capacities, and	:
THE PENNSYLVANIA STATE	:
UNIVERSITY,	:
Defendants	: <i>Electronically Filed</i>

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2006, upon  
consideration of Defendant Maureen T. Portland's Motion to Dismiss and Plaintiff

Jennifer E. Harris' opposition thereto, it is hereby ORDERED that the Motion is GRANTED.

BY THE COURT:

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Christopher C. Conner  
United States District Judge