

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

KERRY WEISSMANN and
BETH G. RESKO

Plaintiffs,

v.

STATE COLLEGE AREA SCHOOL
DISTRICT,

Defendant

No. 11-cv-00940-JEJ

CONSENT DECREE

And now, this ____ day of July 2011, it is hereby ORDERED, ADJUDGED and
DECREED as follows:

1. Defendant, State College Area School District (“SCASD”) shall:
 - a. Beginning on July 1, 2011, offer health benefits to domestic partners of SCASD employees but without the condition that “[d]omestic partners cannot be the same gender”;
 - b. Continue thereafter to provide health (medical, prescription and dental) benefits to same-sex domestic partners on the same terms as SCASD makes these benefits available to the spouses of married employees; and
 - c. By August 1, 2011, develop and act upon “Anti-Discrimination” policies for staff and students to include “sexual orientation” and “gender identity”; and
 - d. Nothing in this agreement precludes SCASD from applying reasonable eligibility criteria to qualify domestic partners.

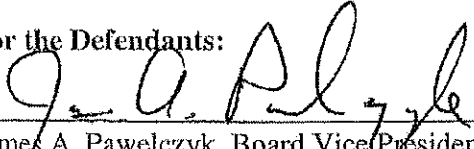
2. This Order has been entered into based on a negotiated settlement between the parties and is not to be construed as an admission of liability by any party. By way of further Order,

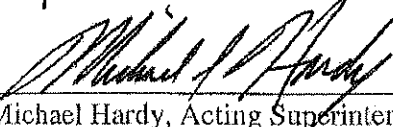
this non-admission of liability statement does not prejudice any defenses the Defendant may otherwise have against any damage claims or claims for attorneys' fees as otherwise may be raised by the Plaintiffs.

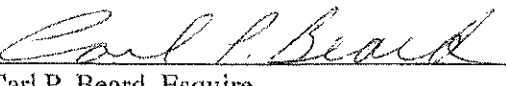
3. Within the next thirty (30) calendar days, the parties will attempt to resolve any outstanding issues as they relate to Plaintiffs' claims for damages and/or attorneys' fees. If the parties cannot resolve the financial aspects of the case within thirty (30) days they will engage ADR (mediation) during the following thirty (30) days, with Defendants paying the ADR fee. If the parties still cannot resolve the outstanding issues through ADR, the Defendants shall file a responsive pleading within twenty (20) days thereafter. The Defendants' obligation to file a responsive pleading under Fed. R. Civ. P. 12 is suspended and shall now be governed by the schedule referenced herein.
4. This Court shall retain jurisdiction to enforce the terms of this Consent Decree for a period of five (5) years from this date.

Signatures on pages 3-4

For the Defendants:



James A. Pawelczyk, Board Vice President



Michael Hardy, Acting Superintendent



Carl P. Beard, Esquire

Signatures continued on next page

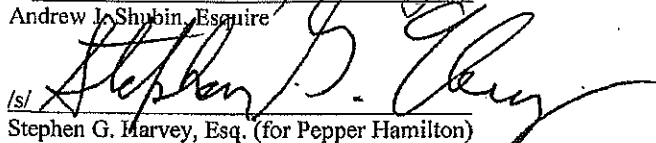
For the Plaintiffs:

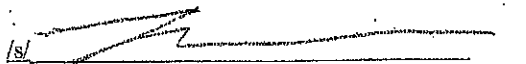

Kerry Weissmann


Beth G. Resko

/s/ 
Witold J. Walczak, Esquire (for ACLU-PA)

/s/ 
Andrew J. Shubin, Esquire

/s/ 
Stephen G. Marvey, Esq. (for Pepper Hamilton)

/s/ 
Leslie Cooper, Esq. (for ACLU)

/s/ 
Justine Andronici, Esq.

IT IS SO ORDERED this ____ day of ____, 2011.

Hon. John E. Jones, III, U.S.D.J.