

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 11-3597

MONICA O'DONNELL,
Appellant

v.

PENNSYLVANIA DEPARTMENT OF CORRECTIONS;
SECRETARY PENNSYLVANIA DEPARTMENT OF CORRECTIONS,
in his official capacity as Superintendent of the
Pennsylvania Department of Corrections;
SUPERINTENDENT ROBERT SHANNON, in his official capacity as
Superintendent of the State Correctional Institution of Frackville;
JEFFREY CHAIMPI, in his individual capacity and official capacity as
Principal of the State Correctional Institution at Frackville;
ROBERT COLLINS, in his individual capacity and official capacity as (current)
Superintendent of the State Correctional Institution of Frackville;
CEPHUS MOORE, in his individual capacity and official capacity as Human
Resources Representative of the Pennsylvania Department of Corrections

No. 11-4223

MONICA O'DONNELL

v.

PENNSYLVANIA DEPARTMENT OF CORRECTIONS;
SECRETARY PENNSYLVANIA DEPARTMENT OF CORRECTIONS;
ROBERT SHANNON, in his official capacity as Superintendent
of the State Correctional Institution of Frackville;
JEFFREY CHAIMPI, in his individual capacity and official capacity
as Principal of the State Correctional Institution at Frackville;
ROBERT COLLINS, in his individual capacity and official capacity as
(current) Superintendent of the State Correctional Institution
of Frackville;

CEPHUS MOORE, in his individual capacity and official capacity as Human Resources
Representative of the Pennsylvania Department of Corrections

*Gwendolyn T. Mosley,
Appellant
*(Pursuant to Fed. R. App. P. 12(a))

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(No. 09-cv-01173)
Magistrate Judge: Honorable Martin C. Carlson

Submitted Pursuant to Third Circuit L.A.R. 34.1(a)
September 13, 2012

JUDGMENT ORDER

Before: SMITH and CHAGARES, Circuit Judges, and ROSENTHAL, District Judge.*

On May 16, 2011, the District Court granted partial summary judgment in favor of the defendants, disposing of the majority of Monica O'Donnell's employment discrimination claims. A jury trial was held on O'Donnell's two remaining claims, in which she alleged that the Department of Corrections violated § 504 of the Rehabilitation Act, 29 U.S.C. § 704(a), by failing to accommodate adequately her medical needs, and that the individual defendants violated the Pennsylvania Human Relations Act, 43 Pa.

* The Honorable Lee H. Rosenthal, United States District Judge for the Southern District of Texas, sitting by designation.

Const. Stat. § 951, et seq., by aiding and abetting conduct that is statutorily prohibited. The jury returned a verdict for the defendants on both claims on August 25, 2011.

O'Donnell's counsel argues with overly excessive zeal that the Magistrate Judge erred by granting summary judgment in favor of the Department of Corrections on O'Donnell's constructive discharge claim. We disagree. We have carefully considered the Magistrate Judge's comprehensive and thoughtful opinion, which we believe accurately addresses the issues raised by O'Donnell and therefore requires no further elucidation from this Court. We also hold that the sanctions ordered by the Magistrate Judge against defense counsel are warranted in light of counsel's egregious behavior. The Magistrate Judge has done an admirable job of managing this contentious and challenging case.

Accordingly, it is hereby ORDERED and ADJUDGED by the Court that the orders of the District Court dated May 16, 2011 and October 18, 2011, are hereby affirmed. All of the above in accordance with the opinion of this Court. No costs shall be taxed.

BY THE COURT,

/s/Michael A. Chagares
Circuit Judge

ATTEST:

/s/Marcia M. Waldron
Clerk

DATED: September 17, 2012