



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,	:	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.	:	

**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:

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Christopher C. Conner  
U.S. District Judge

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.	:	

**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  
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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,	:	
	:	
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.	:	

**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:

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Of Counsel:

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Attorneys for Plaintiff

Of Counsel:

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Attorneys for Defendant  
Maureen T. Portland

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FLEMING & FAULKNER, INC.

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(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

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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

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

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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,	:
	:
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