

IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA
CIVIL DIVISION

STEVEN RAMOS, *et al.*,

Plaintiffs,

v.

ALLENTOWN EDUCATION ASSOCIATION, *et al.*,

Defendants.

No. 2017-C-0427

CIVIL ACTION

ASSIGNED TO:

The Honorable J. Brian Johnson

**PLAINTIFFS' PRAECIPE TO
DISCONTINUE ACTION**

TO THE PROTHONOTARY:

Plaintiffs Steven Ramos, Scott Armstrong, and James Williams (“Plaintiffs”) file this Praecipe to Discontinue Action pursuant to Pennsylvania Rule of Civil Procedure 229, and in support thereof respectfully state as follows:

1. On February 24, 2016, Plaintiffs Steven Ramos, Scott Armstrong, and James Williams (collectively, “Plaintiffs”) filed a petition for review in the Commonwealth Court against Defendants Allentown Education Association (“AEA”) and the Allentown School District (“District”) (collectively, “Defendants”) and the Public School Employees Retirement System (“PSERS”) seeking, in part, a declaration that “full release time” was unconstitutional, invalid, and/or illegal under state law.

2. Shortly thereafter, PSERS responded by revoking pension credit from at least two individuals—AEA President Debra Tretter and former AEA President Melvin Riddick—for their time working for the AEA. Tretter and Riddick appealed PSERS’ adjustments to PSERS’ Board, and Plaintiffs moved to stay this matter until those appeals were resolved.

3. On December 21, 2016, the Commonwealth Court ruled that Plaintiffs had established standing to challenge full release time. *Ramos v. Allentown Educ. Ass’n*, No. 150 M.D.

2016, 2016 WL 7383800, at *12 (Pa. Cmwlth. 2016) (“[A]ll Petitioners have suffered an adverse effect from the continuing practice of full release time—Ramos and Armstrong by having a portion of their taxes fund the unreimbursed practice of full release time, and Williams by a reduction in the pension fund because PSERS may be providing pension credit to persons not entitled by law to receive credit.”). However, because PSERS had revoked pension credit from current and former AEA presidents, the Commonwealth Court determined that this matter was, with respect to PSERS, “premature and not ripe for review,” and transferred this matter to this Court. *Id.* at *15.

4. On June 7, 2017, this Court stayed this matter until final resolution, including judicial review, of the PSERS appeals. This Court also ordered Plaintiffs to notify this Court upon issuance of a final resolution.

5. On December 12, 2019, the assigned hearing officer deemed Tretter’s PSERS appeal withdrawn and discontinued. And on February 10, 2020, Riddick formally withdrew his PSERS appeal.

6. Pursuant to Pennsylvania Rule of Civil Procedure 229, a plaintiff may voluntarily terminate an action in whole as to all defendants before commencement of the trial. No trial has taken place before the Court in this matter.

WHEREFORE, Plaintiffs hereby discontinue the above-captioned action in its entirety as to all Defendants.

Respectfully Submitted,

THE FAIRNESS CENTER

Dated: February 11, 2020

/s/ David R. Osborne
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Praecipe to Discontinue Action* was served on February 11, 2020, upon the following via first class mail:

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Dated: February 11, 2020

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