

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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JOEL DOE, a minor, by and through his Guardians:  
JOHN DOE and JANE DOE; MARY SMITH;  
JACK JONES, a minor, by and through his parents:  
JOHN JONES and JANE JONES; and MACY  
ROE

Plaintiffs,

No. 17-cv-1249-EGS

v.

BOYERTOWN AREA SCHOOL DISTRICT;  
DR. RICHARD FAIDLEY; DR. BRETT COOPER;  
and DR. E. WAYNE FOLEY,

Defendants.

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**ORDER**

AND NOW, this \_\_\_\_ day of August, 2017, upon consideration of the Joint Motion to Substitute A Party (the “Motion”), it is hereby ORDERED and DECREED that the Motion is GRANTED.

Accordingly, Richard Faidley is dismissed as a Defendant from this litigation and, pursuant to Fed. R. Civ. P. 25(d), David Krem is substituted as a Defendant in his official capacity only.

IT IS SO ORDERED.

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The Hon. Edward G. Smith, J.



2. The Complaint named Faidley as a Defendant in his official capacity as superintendent.

3. In June 2017, Faidley announced that he would be resigning his position as superintendent effective July 17, 2017. (The resignation was officially accepted by the Boyertown Board of School Directors on July 25, 2017.)

4. On July 18, 2017, Faidley began work in his new position as superintendent of the Wilson School District.

5. On July 25, 2017, Boyertown hired David Krem to serve as acting superintendent of the district, effective August 1, 2017.

6. Krem assumed his duties as acting superintendent on or about August 1, 2017.

7. Fed. R. Civ. P. 25(d) states:

Public Officers; Death or Separation from Office. An action does not abate when a public officer who is a party in an official capacity dies, resigns, or otherwise ceases to hold office while the action is pending. The officer's successor is automatically substituted as a party. Later proceedings should be in the substituted party's name, but any misnomer not affecting the parties' substantial rights must be disregarded. The court may order substitution at any time, but the absence of such an order does not affect the substitution."

8. Accordingly, the Parties seek to substitute Krem as a Defendant in this litigation in place of Faidley, pursuant to Rule 25(d).

9. The Parties agree that as in the case of Faidley, Krem will be a Defendant in his official capacity only, and not in his individual capacity.

WHEREFORE, all Parties respectfully request that this Court grant the Motion, substituting Acting Superintendent Krem as a Defendant in his official capacity in place of former Superintendent Faidley.

Respectfully submitted,

/s/ Cathy R. Gordon

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