

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION


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| G.D., | : |
| | : |
| Complainant | : |
| | : |
| v. | : PHRC Case No: 200705453 |
| | : |
| | : |
| CANAL SIDE CARE MANOR, LLC, d/b/a | : HUD Case No: 03-08-0334-8 |
| CANAL SIDE CARE MANOR and | : |
| LAKSHMI KADEMANI, | : |
| | : |
| Respondents. | : |

JOINT STIPULATION OF FACTS

Complainant G.D., and Respondents, Lakshmi Kademani and Canal Side Care Manor, LLC, hereby stipulate that the following facts are true and correct and no proof thereof shall be required.

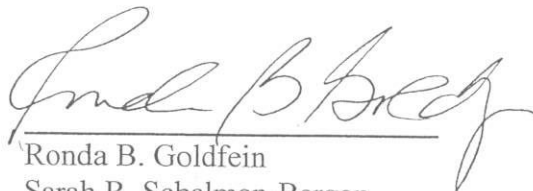
1. The Complainant herein is [REDACTED] hereinafter "Complainant"). On September 18, 2009, at the Prehearing Conference, the Parties stipulated that Complainant would be referred to as G.D. in the caption of this Complaint.
2. The Respondents herein are Lakshmi Kademani (hereinafter "Respondent Owner") and Canal Side Care Manor, LLC, d/b/a Canal Side Care Manor (hereinafter "Respondent Company").
3. Respondent Owner, at all times relevant to the case at hand, was the owner and administrator of Respondent Company.
4. On or about April 21, 2008, Complainant timely filed a verified complaint against Respondent Owner and Respondent Company, at docket no. 200705453, with the Pennsylvania Human Relations Commission (hereinafter Commission). A copy of the Complaint will be included as a docket entry at the time of hearing.
5. Respondent Owner and Respondent Company, on July 1, 2008, answered the Complaint. A copy of the Answer will be included as a docket entry at the time of hearing.

6. In correspondence dated January 26, 2009, Commission staff notified the Complainant and Respondents that probable cause existed to credit the allegations found in the complaint.
8. Conciliation has been attempted but so far the conciliation efforts have failed to resolve the matter.
9. In correspondence dated August 4, 2009, Commission staff notified the Complainant and Respondents that a public hearing had been approved.
10. On September 18, 2009, during the Prehearing Conference, the Parties stipulated that HIV is a qualifying disability under the PHRA.
11. On December 17, 2009, Complainant filed a First Amended Complaint against Respondents. A copy of the First Amended Complaint will be included as a docket entry at the time of the hearing.
12. On January 5, 2010, Respondents answered the First Amended Complaint. A copy of the Answer to the First Amended Complaint will be included as a docket entry at the time of the hearing.



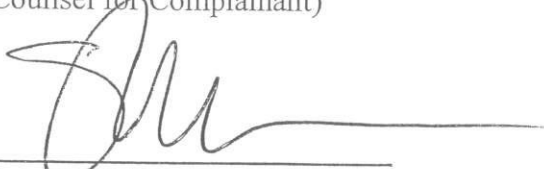
Stephanie M. Chapman
Assistant Chief Counsel
(Counsel for the Commission
in support of the complaint)

4/8/10
Date



Ronda B. Goldfein
Sarah R. Schalman-Bergen
Kailee Farrell
AIDS Law Project of Pennsylvania
(Counsel for Complainant)

4/8/10
Date



Stuart T. O'Neal
Drew Rothman
McCumber Daniels
(Counsel for Respondents)

4/8/2010
Date

FINDINGS OF FACT*

1. To maintain and preserve confidentiality, the Complainant in this case shall be referred to as G.D. (hereinafter “G.D.”). (S.F.1).
2. G.D. is a 36 year old female individual who has been living with HIV since being diagnosed in 1998. (N.T. Vol 1 at 118-24; R.E. 7 at 53; RE 10 at 420).
3. The Respondents are Canal Side Manor, LLC d/b/a Canal Side Manor, (hereinafter “Canal Side”), and Lakshmi Kademani, (hereinafter “Kademani”). (S.F. 2).
4. G.D. is the mother of three children ages 16, 14, and 12. (N.T. Vol 1 at 141).
5. In 2006, G.D. was living in New Jersey and was embroiled in custody issues with respect to her children. (N.T. Vol 1 at 69; R.E. 10 at 10).
6. At the time, G.D.’s sister, Queen D., lived in Easton, Pa, with her husband and her four children. (R.E. 10 at 8).
7. G.D. has three sisters and three brothers. (R.E. 10 at 8).

* The foregoing “Stipulations of Facts” are hereby incorporated herein as if fully set forth. To the extent that the Opinion which follows recites facts in addition to those here listed, such facts shall be considered to be additional Findings of Facts. The following abbreviations will be utilized throughout these Findings of Fact for reference purposes:

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| N. T. Vol 1 | Notes of Testimony, April 8 th , 2010 |
| N. T. Vol 2 | Notes of Testimony, April 9 th , 2010 |
| C. E. | Complainant’s Exhibit |
| R. E. | Respondents’ Exhibit |
| S. F. | Joint Stipulation of Facts |

8. In May 2006, Queen D. visited G.D. in New Jersey for three days and discovered that G.D. was experiencing problems and struggling. (N.T. Vol 1 at 69, 70, 89).
9. Queen D. called her husband to discuss bringing G.D. and her children back to Easton to live with her. (N.T. Vol 1 at 70).
10. In or about May 2006, Queen D. brought G.D. and her children to live with her in Easton. (N.T. Vol 1 at 69; R.E. 10 at 24).
11. Subsequently, Queen D. became G.D.'s Power of Attorney and Health Care Proxy. (N.T. Vol 1 at 86, 88; C.E. 3; R.E. 10 at 9).
12. In addition to living with HIV, G.D. is also bipolar and schizophrenic. (N.T. Vol 1 at 88, 89).
13. Beginning in July 2006, G.D. received treatment at Easton Community Hospital and was a patient of Jamie Bloss, (hereinafter "Bloss"), a care coordinator, nurse practitioner. (N.T. Vol 1 at 163, 164, 166).
14. G.D. also received outpatient care at Lehigh Valley Mental Health in Bethlehem, Pa. (R.E. 10 at 22).
15. In 2006, for a period of several months while living with Queen D., G.D. did not speak with Queen D. (N.T. Vol 2 at 75; R.E. 10 at 33-34).
16. Initially, G.D. was depressed, experienced nightmares, she was bald, and she was scared and had to wear diapers because G.D. had urinary incontinence. (N.T. Vol 2 at 79; R.E. 10 at 22, 25, 27, 88-89).
17. In 2007, G.D. moved from Queen D.'s home to a group home on Main Street in Bethlehem, Pa. (N.T. Vol 1 at 7; N.T. Vol 2 at 12; R.E. 8 at 24).