

## Nothing to Hide Here, But Lucabaugh and Hunter are Hiding the Truth from CBSD Taxpayers



I read with interest the letter to the Herald of August 10, 2023 [[CLICK HERE FOR LETTER IN THE HERALD](#)] in which Howard Schargel of Plumstead claimed that my wife, Rebecca, is a lead plaintiff in a lawsuit in which 350 female teachers are suing the District for equal pay. Mr. Schargel's concern with the equal pay lawsuit is entirely justified and profoundly shared by me.

In fact, at the start of my campaign I made a point of highlighting the case and my wife's role in uncovering the decades old discrimination [[CLICK HERE FOR VIDEO LINK](#)] that continues now and my belief that our female teachers deserve equal treatment. Unfortunately, Mr. Schargel is confused over some of the facts.

The fact is that my wife has her own claims against the District, including one for equal pay, in which she is seeking a recovery that is not even close to a million dollars, much less the \$100 Million that Mr. Schargel references in his letter and others incorrectly suggest will be going into my "pockets." The actual "pockets" that money would be going to are the hardworking teachers past and present in Central Bucks School District.

The \$100 Million monetary exposure of the District is in another lawsuit brought by another teacher, Dawn Marinello, in which more than 350 other teachers have joined. My wife is not a part of that lawsuit. My wife's separate lawsuit was consolidated with Dawn Marinello's lawsuit for the court's administrative purposes, but remains a separate case. To allay Schargel's concerns, if elected to the School Board, I would obviously be recused from any decisions affecting my wife's case. Decisions having to do with the Marinello case are a different matter and present serious financial consequences for the taxpayers of Central Bucks. I would have a profound interest in that if elected to the Board as a financial matter, but also because I am a father of two daughters, a husband of a female teacher and a person with a moral code.

I find it unconscionable that the district has used the expertise and talents of these women touting the success of "The District" that is made up of almost 75% female faculty and yet still refuses to acknowledge the facts that show a clear inequality in how teachers with experience coming into the district were compensated. Instead of working to settle this case for work already done by these women, this board gives a 40% pay raise to an inexperienced man who has spent his two years as a Superintendent leading the way ushering in and championing anti-LGBTQ policies, causing chaos and then lecturing the community that he is a victim and everyone else is making up "narratives."

**Why hasn't he brought this before the board? Is it more evidence of continued discrimination toward women?**

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Let me share the real concerns and facts involved in this case:

- The equal pay claims are before federal Judge Michael M. Baylson. Before his appointment to the federal bench, Judge Baylson was appointed by President Ronald Reagan as the United States Attorney for the Eastern District of Pennsylvania in 1988. He was appointed to the federal bench, where he remains a Senior Judge, by President George W. Bush in 2002. He is a highly experienced and very well-respected jurist on our nation's federal bench. He is not to be taken lightly.
- Judge Baylson has stated on the public record and directly to Abe Lucabaugh In June of 2022 in court, that he just cannot understand how Central Bucks can defend the equal pay claims as they are. Accordingly, he has publicly repeatedly encouraged the District to take corrective action and resolve the cases. Just this month on August 9, 2023, Judge Baylson again stated on the record that he believes that the teachers' equal pay claims have merit and again encouraged the District to consider settling those claims. This is a federal judge with over 20 years' experience on the bench!!! But, the District has not heeded Judge Baylson and, in ignoring him, continues to place the taxpayers of the District at risk.
- The Transcript of the June 28, 2022, hearing on certification before Judge Baylson the Court stated: And I must tell you [District's counsel] Mr. Brown, I just can't understand how your client can defend this lawsuit as it is, which it has the right to do, without considering at least Ms. Cartee-Haring and Ms. Marinello having made such a request. (Tr. 115).
- In that vein, Judge Baylson encouraged the District to consider resolving the case: But more -- but what is more fundamental is that what I'm about to suggest to you, based on the testimony of this witness, that maybe instead of defending this lawsuit as a collective action, that your client -- and you don't have to comment about this, but I urge you to discuss it with your client. Maybe you should discuss this with your client of having this review, and making adjustments where they're appropriate, rather than fighting this lawsuit, which is obviously basically is very expensive for both parties to do. (Tr. 116).
- Then, after a colloquy, the Court again encouraged resolution over litigation: I just want to repeat what I said, and -- but the -- Central Bucks does not have to do this, but I recommend that you consult with the Board, given the testimony that took place here today as to whether you should consider some kind of negotiation to resolve this case, rather than continuing the litigation. (Tr. 124).
- In addition to the District's counsel, District Superintendent Lucabaugh, and then-Director of Human Resources Didio-Hauber were both present at the hearing for the Court's statements. And yet, it appears that the Court's decidedly serious suggestions to consult with the Board went unheeded.

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- The District has acknowledged that the claims of the more than 350 teachers in the Marinello lawsuit could spur liability in excess of \$100 Million. The District has gone on record that there may not be any insurance to cover any of the liability and that, if there is any insurance, the liability for the teachers' claims would greatly exceed any possibly available insurance. The District has formally gone on record that any such liability will be borne by the taxpayers of Central Bucks.
- In a Motion to Compel the District to produce documents, which the Court granted, Plaintiffs pointed-out that the District is very wealthy with well over \$1 Billion in assets. It has over 3,300 employees. It is insured in this lawsuit.
- The District filed a response in which it stated in paragraph 15 that: any damages that might be imposed will not be paid through the sale of assets, but will be paid by insurance, if there is insurance, and by raising taxes. The School District is not a private entity. It is admitted only that there is insurance that is qualified with a reservation of rights letter. It is not expected that all damages and costs are insured. Indeed, the alleged damages and attorneys' fees asserted by Plaintiffs' counsel in his email attached hereto as Exhibit "A" greatly exceeds any insurance that is available. The District also denies having 3,300 employees; the actual number is approximately 2,565.

A responsible Superintendent and School Board, would be working to settle this case not just because of the huge financial impact it will have, but because they should want to right the wrong of a decades old practice of undervaluing the work of women. To continue to ignore this case, is to continue to devalue the work of our female teachers.

After multiple settlement overtures by Marinello's counsel spanning several months, the District has maintained its position that it will litigate and is not interested in discussing resolution of the claims. This is financially irresponsible. It is irresponsible for the District to litigate this when the stakes are \$100 Million of taxpayers' money.

In fact, it appears that the full Board has never been consulted or informed about the case. Dr. Tabitha Dell'Angelo became a Board Member in 2021. The District recently produced documents that reflect that in February 2022, Dr. Dell'Angelo sent an email to the then-Director of Human Resources, Andrea Didio-Hauber, and School Board President, Dana Hunter, stating that since she had been on the Board, the Board had never been briefed on the case. (Marinello's lawsuit was filed on June 8, 2021). Later, as of August 28, 2022, Dr. Dell'Angelo confirmed in emails that she still had not been briefed on the cases and that there was no executive session of the Board in which the cases were addressed. It is my understanding that to this day, Abe Lucabaugh and Dana Hunter have not held an executive session with the full board detailing the elements in this case nor have they relayed to the full board the federal judge's sincere continued encouragement that this case has merits and that it should be settled instead of exposing the District to the financial burdens of litigation.



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It is unconscionable that the full current Board would be kept in the dark where the stakes for taxpayers are so high. It is unconscionable for the Board to roll the dice with \$100 Million of taxpayers' money. It is also unconscionable that Abe Lucabaugh would be praised as a leader and awarded more money despite the fact this case has been going on under his "leadership" and his female faculty has been used in this way.

I am not hiding anything about this case from voters, but the current Board Majority, the president Dana Hunter and Superintendent, Abe Lucabaugh have been. The Board should take the counsel of Judge Baylson and focus on resolving the equal pay claims since that is the fiscally responsible thing to do.

**It is also the legally, morally and ethically right thing to do.**

Sincerely,

Rick Haring  
Candidate for CBSD School Board, Region 6

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## APPENDIX

Here are some resources and documents referenced above that are important in understanding the Federal Equal Pay Law and the Current Collective Action Case facing CBSD:

- This resource is the jury instructions for Equal Pay cases. Important to note is that under the law the Plaintiffs do not have to prove intent, they need only to prove that there is one male doing the same work being paid more.  
[https://www.ca3.uscourts.gov/sites/ca3/files/11\\_Chap\\_11\\_2015\\_July.pdf](https://www.ca3.uscourts.gov/sites/ca3/files/11_Chap_11_2015_July.pdf)
- [Transcript of July 28, 2022 hearing](#)
- [Marinello CBSD Exhibit A Response to Motion to Compel](#)
- [Marinello CBSD Response Motion to Compel](#)
- [Marinello Decision on Certification](#)
- [Marinello Memorandum of Law in support of Motion for Certification](#)
- [Marinello Supplemental Post Hearing Memo](#)