

# Jacob M. Gilboy

Associate

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Scranton – 570.496.4606



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Jacob is a member of the Professional Liability Department where he focuses his practice in matters related to school leaders' liability, employment law, municipal liability and civil rights law. He has litigated cases before state and federal courts, as well as the United States Equal Employment Opportunity Commission and the Pennsylvania Human Relations Commission. Jacob routinely represents both government and private employers in state and federal court in ADEA, ADA, Title VII, FMLA and PHRA matters.

With nearly two decades of prior experience serving his community in northeast Pennsylvania as a public school teacher and high school department head, Jacob is uniquely qualified to understand the intricacies of education litigation, among other professional liability fields. Jacob also previously spent time litigating cases from inception to resolution as a Plaintiff's attorney, which further aids in his ability to navigate complex legal matters.

Jacob holds a Bachelor of Science degree from the University of Scranton, a Master's degree from Wilkes University and a *juris doctor* degree from Widener University Commonwealth Law School.

Jacob is admitted to practice in Pennsylvania State courts as well as in the United States District Court for the Middle District and Eastern District of Pennsylvania. He enjoys being active in his community through coaching youth sports and is a member of the Board of Directors for Friends of the Poor, Scranton.

## Education

- Widener University Commonwealth Law School (J.D., 2020)
- Wilkes University (M.S., 2008)
- University of Scranton (B.S., 2001)

## Practices

- School Leaders' Liability
- Employment Law
- Public Entity & Civil Rights Litigation
- Miscellaneous Professional Liability

## Admissions

- Pennsylvania, 2021
- U.S. District Court Middle District of Pennsylvania, 2021
- U.S. District Court Eastern District of Pennsylvania, 2023

## Honors & Awards

- Pennsylvania Super Lawyers Rising Star (2024-2026)

## Associations & Memberships

- Lackawanna County Bar Association
  - Pennsylvania Bar Association
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## Results

### **Secured Dismissal of a Suit Against a Dauphin County School District**

We achieved dismissal of a suit against a school district by way of preliminary objections. The Dauphin County case involved allegations that the district deprived the plaintiffs of certain educational rights, premised on procedural due process violations, negligence and subornation of perjury. Preliminary objections were filed to the plaintiffs' original complaint on both procedural and substantive grounds. Following the filing of an amended complaint and additional preliminary objections on similar grounds, argument was held. As a result, the court agreed with the defendant and dismissed the plaintiffs' amended complaint with prejudice.

### **Defamation Action Against Public School District Dismissed**

We successfully disposed of a defamation action via preliminary objections. The plaintiff brought a defamation action against a public school district and certain district officials, alleging that he was defamed through a series of internal text messages exchanged between an elementary principal and another parent. The defense raised several procedural violations that occurred in the pro se plaintiff's filings, and also argued legal insufficiency by way of demurrer. Following oral argument, the court agreed, granted all preliminary objections, and dismissed the complaint in its entirety.

### **Federal Rehabilitation Act Suit Against a School District Dismissed**

The plaintiffs filed a complaint stemming from the school district's alleged violation of Section 504 of the Rehabilitation Act. Defense counsel prepared a F.R.C.P. 12(b)(6) motion to dismiss, arguing that the plaintiffs' pleadings were insufficient to show that the student was disabled under the Act, that the district did not discriminate against the student, and that an isolated incident or comment from one teacher does not impart liability in violation of Section 504. The motion was first evaluated by a U.S. Magistrate Judge who issued a report and recommendation that the motion be granted and the plaintiffs' complaint be dismissed. The plaintiffs objected, and the defendants briefed the

district's position that the report and recommendation should be adopted. Thereafter, a U.S. District Judge held that the report and recommendation contained no clear errors or manifest injustice, and that "plaintiffs' objections merely express disagreement with the Judge's analysis and attempt to rehash or restate arguments already considered and rejected by the Judge in the thorough report and recommendation." As a result, the defendant's motion to dismiss was granted and the plaintiffs' complaint was dismissed with prejudice.

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## Thought Leadership

June 2, 2026

**[PA Middle District Dismisses Claims Against School District and its Superintendent, Principal, Special Education Director, and Classroom Teacher](#)**

April 1, 2026

**[Downsizing Has Not Slowed the U.S. Department of Education's Pursuit of Title IX Investigations](#)**

February 3, 2026

**[Legal Update for Special Education Law – Case Law Update](#)**

November 1, 2025

**[Legal Update for Special Education Law – Case Law Update](#)**

June 17, 2025

**[Employment Discrimination and Retaliation – Best Practices to Avoid Headaches](#)**

June 1, 2025

**[Legal Update for Special Education Law – Case Law Update](#)**

June 1, 2025

**[Legal Update for Special Education Law – Updates from the Pennsylvania Department of Education](#)**

April 1, 2025

**[Legal Update for Special Education Law – Updates from the U.S. Department of Education](#)**

February 1, 2025

**[Legal Update for Special Education Law – Case Law Update](#)**

February 1, 2025

**[Legal Update for Special Education Law – Case Law Update](#)**

October 1, 2024

**Legal Update for Special Education Law – Case Law Update**

October 1, 2024

**Legal Update for Special Education Law – Case Law Update**