

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:12-cv-00701-EGS**

SIMMS v. DISTRICT OF COLUMBIA et al  
Assigned to: Judge Emmet G. Sullivan  
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 05/01/2012  
Date Terminated: 10/22/2012  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**FREDERICK SIMMS**

represented by **Alec George Karakatsanis**  
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V.

**Defendant**

**DISTRICT OF COLUMBIA**

represented by **Chad Wayne Copeland**  
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**Defendant**

**CATHY L. LANIER**  
*Chief of Police*

represented by **Chad Wayne Copeland**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Jacques P. Lerner**  
(See above for address)  
**LEAD ATTORNEY**  
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**Defendant**

**VINCENT C. GRAY**  
*Mayor*

represented by **Chad Wayne Copeland**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Jacques P. Lerner**  
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Date Filed	#	Docket Text
05/01/2012	<u>1</u>	COMPLAINT against DISTRICT OF COLUMBIA, VINCENT GRAY, CATHY LANIER ( Filing fee \$350, receipt number 4616047891) filed by FREDERICK SIMMS. (Attachments: # <u>1</u> Civil Cover Sheet)(jf, ) (Additional attachment(s) added on 5/3/2012: # <u>2</u> Exhibit A) (dr). (Entered: 05/02/2012)
05/01/2012		SUMMONS (3) Issued as to DISTRICT OF COLUMBIA, VINCENT GRAY, CATHY LANIER, District of Columbia Attorney General, and the District of Columbia Mayor. (jf, ) (Entered: 05/02/2012)
05/01/2012	<u>2</u>	MOTION for Preliminary Injunction by FREDERICK SIMMS (jf, ) (Entered: 05/02/2012)
05/03/2012		MINUTE ORDER; Telephone Conference is set for 5/4/2012 at 02:00 PM in Courtroom 24A before Judge Emmet G. Sullivan.. Signed by Judge Emmet G. Sullivan on 5/3/12. (clv, ) (Entered: 05/03/2012)
05/03/2012	<u>3</u>	NOTICE of Appearance by Jacques P. Lerner on behalf of DISTRICT OF COLUMBIA, VINCENT GRAY (Lerner, Jacques) (Entered: 05/03/2012)
05/04/2012		MINUTE ORDER. In light of the parties' agreement during the telephonic status conference held on the record on May 4, 2012, the parties are hereby directed to comply with the following briefing schedule for plaintiffs motion for preliminary injunction. The parties shall file a joint status report containing their positions on consolidation on the merits under Federal Rule of Civil Procedure 65(a)(2), as well as the likelihood of settlement, by no later than May 9, 2012. Defendants opposition to the motion for preliminary injunction shall be filed by no later than May 16, 2012. Plaintiffs reply shall be filed by no later than May 23, 2012. A hearing on the motion will be held on June 6, 2012 at 2:00 PM in Courtroom 24A. The parties are further

		directed to deliver to the chambers of the Honorable Emmet G. Sullivan two copies of their pleadings and exhibits as well as binders containing one copy of the principal points and authorities relied upon by the parties (i.e., counsel should provide copies of principal cases, statutes, regulations, etc., but need not provide copies of cases relied upon merely for the standard of review or other well-established principles). Signed by Judge Emmet G. Sullivan on May 4, 2012. (lcegs4) (Entered: 05/04/2012)
05/04/2012		Minute Entry for proceedings held before Judge Emmet G. Sullivan: Telephone Conference held on 5/4/2012. (Court Reporter: Catalina Kerr) (tth) Modified on 5/8/2012 (clv, ). (Entered: 05/04/2012)
05/07/2012		Set/Reset Deadlines/Hearings: defendant's opposition to motion for preliminary injunction due by 5/16/2012; plaintiff's reply due by 5/23/2012; Status Report due by 5/9/2012; Preliminary Injunction Hearing set for 6/6/2012 02:00 PM in Courtroom 24A before Judge Emmet G. Sullivan. (clv, ) (Entered: 05/07/2012)
05/09/2012	<u>4</u>	STATUS REPORT ( <i>Joint Status Report</i> ) by FREDERICK SIMMS. (Karakatsanis, Alec) (Entered: 05/09/2012)
05/09/2012	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the District of Columbia Attorney General. Date of Service Upon District of Columbia Attorney General 5/2/2012. Answer due for ALL D.C. DEFENDANTS by 5/23/2012. (Karakatsanis, Alec) (Entered: 05/09/2012)
05/09/2012	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on the Mayor of the District of Columbia. Date of Service Upon the Mayor for the District of Columbia on 05/02/2012. (Karakatsanis, Alec) (Entered: 05/09/2012)
05/09/2012	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CATHY LANIER served on 5/2/2012 (Karakatsanis, Alec) (Entered: 05/09/2012)
05/10/2012		NOTICE OF ERROR re <u>4</u> Status Report; emailed to akarakatsanis@pdsdc.org, cc'd 6 associated attorneys -- The PDF file you docketed contained errors: 1. Invalid attorney signature (jf, ) (Entered: 05/10/2012)
05/11/2012	<u>8</u>	NOTICE of Appearance by Jacques P. Lerner on behalf of CATHY LANIER (Lerner, Jacques) (Entered: 05/11/2012)
05/16/2012	<u>9</u>	Memorandum in opposition to re <u>2</u> MOTION for Preliminary Injunction filed by DISTRICT OF COLUMBIA, VINCENT GRAY, CATHY LANIER. (Attachments: # <u>1</u> Exhibit)(Lerner, Jacques) (Entered: 05/16/2012)
05/17/2012		MINUTE ORDER directing both parties to immediately comply with the minute order dated May 4, 2012 directing the parties to deliver certain pleadings and authorities to chambers. The plaintiff and the defendant shall comply with the Court's May 4, 2012 Minute Order as to the motion for preliminary injunction and the opposition by no later than 4pm on Friday, May 18, 2012. SO ORDERED.Signed by Judge Emmet G. Sullivan on May 17, 2012. (lcegs4) (Entered: 05/17/2012)
05/18/2012		Set/Reset Deadlines: opposition due by 4:00 p.m. on 5/18/2012 (clv, ) (Entered: 05/18/2012)
05/18/2012	<u>10</u>	NOTICE <i>Status of D.C. Office of Attorney General's Decision on Civil Forfeiture</i> by DISTRICT OF COLUMBIA, VINCENT GRAY, CATHY LANIER (Lerner, Jacques) (Entered: 05/18/2012)
05/21/2012	<u>11</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by DISTRICT OF COLUMBIA, VINCENT GRAY, CATHY LANIER (Lerner, Jacques) (Entered: 05/21/2012)
05/23/2012		MINUTE ORDER granting <u>11</u> consent motion for extension of time to respond to complaint. The defendants shall answer or otherwise respond to the complaint by no later than June 29, 2012. Signed by Judge Emmet G. Sullivan on May 23, 2012. (lcegs4) (Entered: 05/23/2012)
05/23/2012	<u>12</u>	REPLY to opposition to motion re <u>2</u> MOTION for Preliminary Injunction filed by FREDERICK SIMMS. (Karakatsanis, Alec) (Entered: 05/23/2012)

06/01/2012		MINUTE ORDER. The Court is currently presiding over a civil jury trial which is expected to last through June 6. Accordingly, the hearing scheduled for June 6, 2012 at 2:00 pm is moved to June 6, 2012 at 4:30 pm in Courtroom 24A. PLEASE NOTE THE TIME CHANGE. Signed by Judge Emmet G. Sullivan on June 1, 2012. (lcegs4) (Entered: 06/01/2012)
06/04/2012		Set/Reset Hearings: Preliminary Injunction Hearing set for 6/6/2012 04:30 PM in Courtroom 24A before Judge Emmet G. Sullivan. (clv, ) (Entered: 06/04/2012)
06/04/2012		MINUTE ORDER. The Court, sua sponte, schedules a telephonic status hearing in this matter today, Monday, June 4, 2012, at 4:45 PM. Counsel are instructed to jointly call Courtroom 24A at 202 354 3171 at 4:45 PM. The Court regrets any inconvenience to the parties. Signed by Judge Emmet G. Sullivan on June 4, 2012. (lcegs4) (Entered: 06/04/2012)
06/04/2012		Minute Entry for proceedings held before Judge Emmet G. Sullivan: Telephone Conference held on 6/4/2012, Status Conference set for 6/6/2012 04:30 PM in Courtroom 24A before Judge Emmet G. Sullivan. (Court Reporter CATALINA KERR.) (clv, ) (Entered: 06/04/2012)
06/05/2012	<u>13</u>	NOTICE of Filing by DISTRICT OF COLUMBIA, VINCENT GRAY, CATHY LANIER (Attachments: # <u>1</u> Exhibit Label of Information)(Lerner, Jacques) (Entered: 06/05/2012)
06/06/2012		Minute Entry for proceedings held before Judge Emmet G. Sullivan: Status Conference held on 6/6/2012; Districts Supplemental Memorandum due by 6/9/2012; Preliminary Injunction Hearing set for 6/13/2012 02:00 PM in Courtroom 24A before Judge Emmet G. Sullivan. (Court Reporter CATALINA KERR.) (clv, ) (Entered: 06/07/2012)
06/09/2012	<u>14</u>	Memorandum in opposition to re <u>2</u> MOTION for Preliminary Injunction filed by DISTRICT OF COLUMBIA, VINCENT GRAY, CATHY LANIER. (Attachments: # <u>1</u> Exhibit Exhibit 1 – Criminal docket, # <u>2</u> Exhibit Exhibit 2 – Declaration of Leroy Clay, # <u>3</u> Exhibit Exhibit 3 – Supplemental Declaration of Lt. Derek Gray)(Lerner, Jacques) . (Entered: 06/09/2012)
06/11/2012		NOTICE OF ERROR re <u>14</u> Supplemental Memorandum; emailed to jacques.lerner@dc.gov, cc'd 6 associated attorneys -- The PDF file you docketed contained errors: 1. document not linked to correct event (jf, ) (Entered: 06/11/2012)
06/11/2012	<u>15</u>	RESPONSE re <u>14</u> Supplemental Memorandum, filed by FREDERICK SIMMS. (Karakatsanis, Alec) (Entered: 06/11/2012)
06/13/2012		Minute Entry for proceedings held before Judge Emmet G. Sullivan: Preliminary Injunction held on 6/13/2012. Order to be presented. (Court Reporter CATALINA KERFR.) (clv, ) (Entered: 06/14/2012)
06/15/2012		MINUTE ORDER. During the motions hearing on Wednesday, June 13, 2012, the court invited the parties to submit supplemental filings regarding the following issues: (1) whether a lienholder on an automobile must pay a bond as a claimant to start the forfeiture process, (2) the relevance of a Sup. Cr. Crim. R. Rule 41(g) motion to the civil forfeiture proceedings; (3) a lienholder's rights to an automobile if the owner stops paying the car note while the car is being held pending forfeiture, and (4) the public interest factor of the preliminary injunction inquiry. The parties shall file any supplemental pleadings, which shall not exceed 10 pages, by no later than June 22, 2012. Signed by Judge Emmet G. Sullivan on June 15, 2012. (lcegs4) (Entered: 06/15/2012)
06/18/2012		Set/Reset Deadlines: Supplemental Memorandum due by 6/22/2012. (clv, ) (Entered: 06/18/2012)
06/22/2012	<u>16</u>	SUPPLEMENTAL MEMORANDUM to re <u>2</u> MOTION for Preliminary Injunction Pursuant to the Minute Order of June 15, 2012 filed by DISTRICT OF COLUMBIA, VINCENT GRAY, CATHY LANIER. (Lerner, Jacques) (Entered: 06/22/2012)
06/22/2012	<u>17</u>	SUPPLEMENTAL MEMORANDUM to <u>2</u> Motion for Preliminary Injunction filed by FREDERICK SIMMS. (Mikkilineni, Tara) Modified to add link on 6/25/2012 (znmw, ). (Entered: 06/22/2012)

06/29/2012	<u>18</u>	MOTION to Dismiss , MOTION to Dismiss for Lack of Jurisdiction <i>or in the Alternative</i> , MOTION for Summary Judgment by DISTRICT OF COLUMBIA, VINCENT GRAY, CATHY LANIER (Attachments: # <u>1</u> Exhibit Exhibits to Motion)(Lerner, Jacques) (Entered: 06/29/2012)
06/29/2012	<u>19</u>	NOTICE of Filing re <u>18</u> MOTION to Dismiss , MOTION to Dismiss for Lack of Jurisdiction <i>or in the Alternative</i> , MOTION for Summary Judgment by DISTRICT OF COLUMBIA, VINCENT GRAY, CATHY LANIER (Attachments: # <u>1</u> Exhibit)(Lerner, Jacques) Modified on 7/2/2012 (jf, ). (Entered: 06/29/2012)
07/06/2012	<u>20</u>	ORDER granting <u>2</u> Motion for Preliminary Injunction. Signed by Judge Emmet G. Sullivan on July 6, 2012. (lcegs4) (Entered: 07/06/2012)
07/06/2012	<u>21</u>	MEMORANDUM AND OPINION. Signed by Judge Emmet G. Sullivan on July 6, 2012. (lcegs4) (Entered: 07/06/2012)
07/09/2012	<u>22</u>	Unopposed MOTION for Extension of Time to File Response/Reply <i>Defendants' Dismissal and Summary Judgment Motions</i> by FREDERICK SIMMS (Karakatsanis, Alec) (Entered: 07/09/2012)
07/12/2012		MINUTE ORDER granting <u>22</u> unopposed motion for extension of time to respond to Defendants' dismissal and summary judgment motion. Plaintiff shall respond to the motion by no later than July 30, 2012; defendants shall reply by no later than August 10, 2012. Signed by Judge Emmet G. Sullivan on July 12, 2012. (lcegs4) (Entered: 07/12/2012)
07/12/2012		Set/Reset Deadlines: Response to Dispositive Motions due by 7/30/2012. Reply to Dispositive Motions due by 8/10/2012. (clv, ) (Entered: 07/12/2012)
07/25/2012	<u>23</u>	Joint MOTION for Extension of Time to File Response/Reply <i>to Defendants' Motion to Dismiss</i> by FREDERICK SIMMS (Karakatsanis, Alec) (Entered: 07/25/2012)
07/25/2012		MINUTE ORDER granting <u>23</u> joint motion for enlargement of time. Plaintiff shall file his response to the motion to dismiss or, in the alternative, for summary judgment by no later than August 30, 2012, and defendants shall file their reply by no later than September 12, 2012. Signed by Judge Emmet G. Sullivan on July 25, 2012. (lcegs4) (Entered: 07/25/2012)
07/26/2012		Set/Reset Deadlines: Response to Dispositive Motions due by 8/30/2012. Reply to Dispositive Motions due by 9/12/2012. (clv, ) (Entered: 07/26/2012)
08/29/2012	<u>24</u>	Joint MOTION for Extension of Time to File Response/Reply as to <u>18</u> MOTION to Dismiss MOTION to Dismiss for Lack of Jurisdiction <i>or in the Alternative</i> MOTION for Summary Judgment by DISTRICT OF COLUMBIA, VINCENT C. GRAY, CATHY LANIER, FREDERICK SIMMS (Mikkilineni, Tara) (Entered: 08/29/2012)
08/29/2012		MINUTE ORDER granting <u>24</u> joint motion for an additional enlargement of time. Plaintiff shall respond to Defendants' Motion to dismiss or, in the alternative for Summary Judgment, by no later than October 1, 2012. Defendants shall file their reply by no later than October 10, 2012. Signed by Judge Emmet G. Sullivan on August 29, 2012. (lcegs4) (Entered: 08/29/2012)
08/30/2012	<u>25</u>	Emergency MOTION to Substitute <i>Rule 65(c) Security</i> by FREDERICK SIMMS (Attachments: # <u>1</u> Exhibit Receipt for cashier's check)(Mikkilineni, Tara) (Entered: 08/30/2012)
08/30/2012		DEPOSIT of Funds on July 9, 2012 as required by Federal Rule of Civil Procedure 65 by FREDERICK SIMMS in the amount of \$ \$1,000.00, Receipt Number 4616049872. (rdj) (Entered: 08/31/2012)
08/31/2012	<u>26</u>	ORDER granting <u>25</u> Motion to Substitute Rule 65(c) Security. Signed by Judge Emmet G. Sullivan on August 31, 2012. (lcegs4) (Entered: 08/31/2012)
09/03/2012		Set/Reset Deadlines: Response to Dispositive Motions due by 10/1/2012. Reply to Dispositive Motions due by 10/10/2012. (clv, ) (Entered: 09/03/2012)
09/21/2012	<u>27</u>	NOTICE of Appearance by Chad Wayne Copeland on behalf of All Defendants (Copeland, Chad) (Entered: 09/21/2012)

10/01/2012	<u>28</u>	Joint MOTION for Extension of Time to File Response/Reply as to <u>18</u> MOTION to Dismiss MOTION to Dismiss for Lack of Jurisdiction <i>or in the Alternative</i> MOTION for Summary Judgment by FREDERICK SIMMS (Mikkilineni, Tara) (Entered: 10/01/2012)
10/01/2012		MINUTE ORDER granting <u>28</u> joint motion for an additional enlargement of time. Plaintiff shall respond to Defendants' Motion to dismiss or, in the alternative for Summary Judgment, by no later than November 1, 2012. Defendants shall file their reply by no later than November 10, 2012. Signed by Judge Emmet G. Sullivan on October 1, 2012. (lcegs4) (Entered: 10/01/2012)
10/01/2012		Set/Reset Deadlines: Response to Dispositive Motions due by 11/1/2012. Reply to Dispositive Motions due by 11/10/2012. (clv}, (Entered: 10/01/2012)
10/15/2012	<u>29</u>	Joint MOTION for Release of Funds <i>Rule 65(c) Security</i> by FREDERICK SIMMS (Mikkilineni, Tara) (Entered: 10/15/2012)
10/17/2012		MINUTE ORDER granting <u>29</u> joint motion for release of Rule 65(c) funds. The Clerk of the Court is directed to forthwith release Rule 65(c) security funds in the amount of \$1000 to Julia L. Leighton. Signed by Judge Emmet G. Sullivan on October 17, 2012. (lcegs4) (Entered: 10/17/2012)
10/19/2012	<u>30</u>	NOTICE of Settlement <i>and Dismissal</i> by All Parties (Karakatsanis, Alec) (Entered: 10/19/2012)