

**U.S. District Court
Southern District of Mississippi (Southern)
CIVIL DOCKET FOR CASE #: 1:15-cv-00348-HSO-JCG**

Kennedy et al v. The City of Biloxi, Mississippi et al
Assigned to: District Judge Halil S. Ozerden
Referred to: Magistrate Judge John C. Gargiulo
Cause: 42:1983 Civil Rights Act

Date Filed: 10/21/2015
Date Terminated: 03/07/2016
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Qumotria Kennedy

represented by **Charles B. Irvin**
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ATTORNEY TO BE NOTICED

Plaintiff

Richard Tillery
on Behalf of Themselves and All Others
Similarly Situated

represented by **Charles B. Irvin**
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LEAD ATTORNEY
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Anthony R. Simon
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Pieter Teeuwissen
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Plaintiff

Joseph Anderson

represented by **Charles B. Irvin**
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V.

Defendant

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represented by **Gerald H. Blessey**
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ATTORNEY TO BE NOTICED

Defendant

John Miller
*in his official capacity as Chief of Police
of the City of Biloxi*

represented by **Gerald H. Blessey**
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Tere R. Steel
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Defendant

Judge James Steele
in his individual capacity

represented by **Corban Gunn**
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Defendant

**Judicial Correction Services,
Incorporated**

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Date Filed	#	Docket Text
10/21/2015	<u>1</u>	COMPLAINT against Judicial Correction Services, Incorporated, John Miller, James Steele, The City of Biloxi, Mississippi (Filing fee \$400.00, receipt number 14643007403) filed by Qumotria Kennedy, Richard Tillery, Joseph Anderson. (Attachments: # <u>1</u> Civil Cover Sheet)(PKS) (Entered: 10/21/2015)
10/21/2015	<u>2</u>	Summons Issued as to Judicial Correction Services, Incorporated, John Miller, James Steele, The City of Biloxi, Mississippi. (PKS) (Entered: 10/21/2015)
10/21/2015	<u>3</u>	MOTION to Certify Class by Qumotria Kennedy, Richard Tillery Responses due by 11/5/2015 (Attachments: # <u>1</u> Affidavit Declaration of Nusrat Choudhury, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Affidavit Declaration of Laura Huizar, # <u>9</u> Affidavit Declaration of Nina Papachristou)(Irvin, Charles) (Entered: 10/21/2015)
10/21/2015	<u>4</u>	MEMORANDUM IN SUPPORT re <u>3</u> MOTION to Certify Class filed by Qumotria Kennedy, Richard Tillery (Irvin, Charles) (Entered: 10/21/2015)
10/21/2015	<u>5</u>	Corporate Disclosure Statement by Joseph Anderson, Qumotria Kennedy, Richard Tillery (Irvin, Charles) (Entered: 10/21/2015)
10/22/2015		DOCKET ANNOTATION as to # 3 and # 4. Pursuant to Fed.R.Cr.P. Rule 49(d) and Fed.R.Civ.P. Rule 84, appendix form 2 states that date, signature, address, e-mail address and telephone number are used at the conclusion of pleadings and other papers that require a signature. Documents are undated, but the date will be construed as the date of electronic filing. Attorney is advised to follow this rule in future filings. DOCKET ANNOTATION as to # 3. L.U.Civ.R. 7(b)(2) requires that all supporting exhibits to a document be denominated by an exhibit letter or number and a meaningful description. Attorney is advised to follow this rule in future filings. (JCH) (Entered: 10/22/2015)
10/22/2015	<u>6</u>	SUMMONS Returned Executed by Qumotria Kennedy, Richard Tillery, Joseph Anderson The City of Biloxi, Mississippi served on 10/21/2015, answer due 11/12/2015. (Irvin, Charles) (Entered: 10/22/2015)
10/22/2015	<u>7</u>	SUMMONS Returned Executed by Qumotria Kennedy, Richard Tillery, Joseph Anderson John Miller served on 10/21/2015, answer due 11/12/2015. (Irvin, Charles) (Entered: 10/22/2015)
10/22/2015	<u>8</u>	SUMMONS Returned Executed by Qumotria Kennedy, Richard Tillery, Joseph Anderson James Steele served on 10/21/2015, answer due 11/12/2015. (Irvin, Charles) (Entered: 10/22/2015)
10/22/2015	<u>9</u>	SUMMONS Returned Executed by Qumotria Kennedy, Richard Tillery, Joseph Anderson Judicial Correction Services, Incorporated served on 10/22/2015, answer due 11/12/2015. (Irvin, Charles) (Entered: 10/22/2015)
10/22/2015	<u>10</u>	MOTION for Nusrat Jahan Choudhury to Appear Pro Hac Vice by Joseph Anderson, Qumotria Kennedy, Richard Tillery (Attachments: # <u>1</u> Exhibit Certificate of Good Standing)(Irvin, Charles) (Entered: 10/22/2015)
10/23/2015		TEXT ONLY ORDER granting <u>10</u> Motion to Appear Pro Hac Vice. That Nusrat Jahan Choudhury be admitted pro hac vice in this case on behalf of Plaintiffs in association with local counsel upon payment of the pro hac admission fees and upon registration for electronic filing. NO FURTHER WRITTEN ORDER SHALL

		ISSUE FROM THE COURT. Signed by Magistrate Judge John C. Gargiulo on 10/23/2015 (AB) (Entered: 10/23/2015)
10/23/2015	<u>11</u>	NOTICE of Appearance by Pieter Teeuwissen on behalf of All Plaintiffs (Teeuwissen, Pieter) (Entered: 10/23/2015)
10/23/2015	<u>12</u>	NOTICE of Appearance by Anthony R. Simon on behalf of All Plaintiffs (Simon, Anthony) (Entered: 10/23/2015)
10/26/2015		Pro Hac Vice fee paid by Nusrat Choudhury and Dennis Parker \$200.00, receipt number 14643007418 (PKS) (Entered: 10/26/2015)
10/26/2015	<u>13</u>	MOTION for Dennis David Parker to Appear Pro Hac Vice by Joseph Anderson, Qumotria Kennedy, Richard Tillery (Attachments: # <u>1</u> Exhibit Certificate of Good Standing)(Irvin, Charles) (Entered: 10/26/2015)
10/28/2015		TEXT ONLY ORDER granting <u>13</u> Motion to Appear Pro Hac Vice. That Dennis David Parker be admitted pro hac vice in this case on behalf of the Plaintiffs in association with local counsel upon payment of the pro hac admission fees and upon registration for electronic filing. NO FURTHER WRITTEN ORDER SHALL ISSUE FROM THE COURT. Signed by Magistrate Judge John C. Gargiulo on 10/28/2015 (AB) (Entered: 10/28/2015)
10/29/2015	<u>14</u>	NOTICE of Appearance by Corban Gunn on behalf of James Steele (Gunn, Corban) (Entered: 10/29/2015)
10/30/2015	<u>15</u>	NOTICE of Appearance by Gerald Blessey on behalf of John Miller, The City of Biloxi, Mississippi (Attachments: # <u>1</u> Declaration of Technical Difficulties)(PKS) (Entered: 10/30/2015)
11/02/2015	<u>16</u>	Letter from Secretary of State regarding the service on Judicial Correction Services, Incorporated. (JCH) (Entered: 11/02/2015)
11/02/2015	<u>17</u>	Joint MOTION to Stay Proceedings <i>as to Defendants City of Biloxi, John Miller, and James Steele</i> by Joseph Anderson, Qumotria Kennedy, Richard Tillery (Choudhury – PHV, Nusrat) (Entered: 11/02/2015)
11/03/2015	<u>18</u>	NOTICE of Appearance by Thomas A. McKnight, Jr on behalf of Judicial Correction Services, Incorporated (McKnight, Thomas) (Entered: 11/03/2015)
11/03/2015		NOTICE of Hearing: TELEPHONIC Status Conference set for 11/30/2015 at 10:30 AM before Magistrate Judge John C. Gargiulo. Counsel for Plaintiff will place the call to Judge Gargiulo's Chambers with all necessary counsel on the line. (AB) (Entered: 11/03/2015)
11/03/2015	<u>19</u>	ORDER granting <u>17</u> Motion to Stay Proceedings.Signed by Magistrate Judge John C. Gargiulo on 11/3/2015. (TSB) (Entered: 11/03/2015)
11/03/2015		DOCKET ANNOTATION as to #18: This document is not signed in compliance with the court's Administrative Procedures for Electronic Case Filing Sec. 3.D.1. which pertains to both civil and criminal pleadings. Attorney is directed to include an appropriate electronic signature of (s/attorney's name) on future filed pleadings. Document does not have to be refiled. (PKS) (Entered: 11/03/2015)
11/09/2015	<u>20</u>	MOTION for Larry S. Logsdon to Appear Pro Hac Vice by Judicial Correction Services, Incorporated (Attachments: # <u>1</u> Exhibit Cert. of Good Standing)(McKnight, Thomas) (Entered: 11/09/2015)
11/09/2015	<u>21</u>	MOTION for Michael L. Jackson to Appear Pro Hac Vice by Judicial Correction Services, Incorporated (Attachments: # <u>1</u> Exhibit Cert. of Good Standing)(McKnight, Thomas) (Entered: 11/09/2015)
11/10/2015		TEXT ONLY ORDER granting <u>20</u> Motion to Appear Pro Hac Vice; granting <u>21</u> Motion to Appear Pro Hac Vice. That Larry S. Logsdon and Michael L. Jackson be admitted pro hac vice in this case on behalf of Defendant Judicial Correction Services, Inc. in association with local counsel upon payment of the pro hac admission fee and upon registration for electronic filing. NO FURTHER WRITTEN ORDER SHALL ISSUE FROM THE COURT. Signed by Magistrate Judge John C. Gargiulo on 11/10/2015 (AB) (Entered: 11/10/2015)

11/10/2015		Pro Hac Vice fee paid for Larry S. Logsdon receipt number 0538-3067200 \$ 100 (McKnight, Thomas) (Entered: 11/10/2015)
11/10/2015		Pro Hac Vice fee paid for Michael L. Jackson receipt number 0538-3067209 \$ 100 (McKnight, Thomas) (Entered: 11/10/2015)
11/16/2015	<u>22</u>	Letter to Judicial Correction Services, Inc. from Secretary of State regarding process served on C. Delbert Hosemann, Jr., Secretary of State. (PKS) (Entered: 11/16/2015)
11/30/2015		Minute Entry for proceedings held before Magistrate Judge John C. Gargiulo: Status Conference held on 11/30/2015. Counsel for Plaintiffs have met with counsel for the City of Biloxi, John Miller and counsel for Judge James Steele and a settlement proposal as to declarative and injunctive relief has been drafted and circulated within the past week. All parties concur that JCS's involvement in settlement discussions would promote efficient global resolution. As such, counsel for JCS and Plaintiffs assert they will proceed with good faith settlement discussions. PARTICIPANTS: Charles B. Irvin, Nusrat Jahan Choudhury – PHV, Anthony R. Simon and Pieter Teeuwissen (counsel for Plaintiffs); Gerald H. Blessey (counsel for Defendants The City of Biloxi, Mississippi and John Miller); Corban Gunn (counsel for Defendant Judge James Steele); and Michael L. Jackson – PHV and Thomas A. McKnight, Jr. (counsel for Defendant Judicial Correction Services, Incorporated). (AB) (Entered: 11/30/2015)
11/30/2015		NOTICE of Hearing: TELEPHONIC Status Conference set for 1/8/2016 at 10:00 AM before Magistrate Judge John C. Gargiulo. Counsel for Plaintiffs will place the call to Judge Gargiulo's Chambers with all necessary counsel on the line. (AB) (Entered: 11/30/2015)
01/05/2016	<u>23</u>	NOTICE of Appearance by Tere R. Steel on behalf of John Miller, The City of Biloxi, Mississippi (Steel, Tere) (Entered: 01/05/2016)
01/08/2016		Minute Entry for proceedings held before Magistrate Judge John C. Gargiulo: TELEPHONIC Status Conference held on 1/8/2016. PARTICIPANTS: Charles B. Irvin, Nusrat Jahan Choudhury – PHV, Anthony R. Simon and Pieter Teeuwissen (counsel for Plaintiffs); Gerald H. Blessey and Tere R. Steel (counsel for Defendants The City of Biloxi, Mississippi and John Miller); Corban Gunn (counsel for Defendant Judge James Steele); and Michael L. Jackson – PHV and Thomas A. McKnight, Jr. (counsel for Defendant Judicial Correction Services, Incorporated). Parties indicate substantial progress and have scheduled an in-person conference to take place by the end of the month. Parties further requested an early Settlement Conference for March 4, 2016. (AB) (Entered: 01/08/2016)
01/08/2016		JOINT ORE TENUS MOTION to extend Stay of Proceedings by Joseph Anderson, Judicial Correction Services, Incorporated, Qumotria Kennedy, John Miller, James Steele, The City of Biloxi, Mississippi, Richard Tillery. (AB) (Entered: 01/08/2016)
01/08/2016		TEXT ONLY ORDER granting JOINT ORE TENUS MOTION to extend Stay of Proceedings. The Stay is extended to February 5, 2016. NO FURTHER WRITTEN ORDER SHALL BE ISSUED BY THIS COURT. Signed by Magistrate Judge John C. Gargiulo on 1/8/2016 (AB) Modified on 1/8/2016 to correct typo (AB). (Entered: 01/08/2016)
01/08/2016		NOTICE of Hearing: Settlement Conference set for 3/4/2016 at 9:30 AM before Magistrate Judge John C. Gargiulo. Counsel are instructed to submit to Judge Gargiulo, seven days prior to the conference, a memorandum (3 page maximum in PDF format) setting forth a brief explanation of the case, and a candid appraisal of their respective positions, including possible settlement figures. This document is NOT to be exchanged and will be viewed only by the Court. The settlement memoranda should be sent to Judge Gargiulo via e-mail (gargiulo_chambers@mssd.uscourts.gov). PARTIES AND/OR COMPANY REPRESENTATIVES ARE TO BE PRESENT AT THE CONFERENCE. (AB) (Entered: 01/08/2016)

01/08/2016		NOTICE of Hearing: Telephone Conference set for 2/19/2016 at 10:00 AM before Magistrate Judge John C. Gargiulo. Counsel for Plaintiff will place the call to Judge Gargiulo's Chambers with all necessary counsel on the line. (AB) (Entered: 01/08/2016)
01/14/2016	<u>24</u>	Corporate Disclosure Statement by Judicial Correction Services, Incorporated identifying Corporate Parent CHC Companies, Inc. for Judicial Correction Services, Incorporated. (Jackson – PHV, Michael) (Entered: 01/14/2016)
02/02/2016		TEXT ONLY ORDER granting SECOND JOINT ORE TENUS MOTION to extend Stay of Proceedings. In light of the ongoing settlement negotiations, the Stay is extended to March 4, 2016. NO FURTHER WRITTEN ORDER SHALL BE ISSUED BY THIS COURT. Signed by Magistrate Judge John C. Gargiulo on 2/2/2016. (TSB) (Entered: 02/02/2016)
02/19/2016		Minute Entry for proceedings held before Magistrate Judge John C. Gargiulo: Telephone Conference held on 2/19/2016. PARTICIPANTS: Charles B. Irvin, Nusrat Jahan Choudhury – PHV, Anthony R. Simon and Pieter Teeuwissen (counsel for Plaintiffs); Gerald H. Blessey and Tere R. Steel (counsel for Defendants The City of Biloxi, Mississippi and John Miller); Corban Gunn (counsel for Defendant Judge James Steele); and Michael L. Jackson – PHV and Thomas A. McKnight, Jr. (counsel for Defendant Judicial Correction Services, Incorporated). Parties indicate continued progress with regard to resolution of claims seeking injunctive and declaratory relief. As this may resolve all bases for class certification, and all claims as to Defendant Steele, the Court will allow the existing Stay to remain in effect in order to facilitate continued settlement negotiations. (AB) (Entered: 02/19/2016)
03/01/2016	<u>25</u>	MOTION for Writ of Habeas Corpus ad testificandum by Joseph Anderson, Qumotria Kennedy, Richard Tillery (Choudhury – PHV, Nusrat) (Entered: 03/01/2016)
03/02/2016		TEXT ONLY ORDER granting <u>25</u> Motion for Writ of Habeas Corpus ad testificandum. The clerk of court is directed to issue a writ of habeas corpus ad testificandum for plaintiff Richard Tillery's appearance at the Settlement Conference scheduled for 3/4/2015 at 9:30 AM at the United States Courthouse, Courtroom 683, 2012 15th Street, Gulfport, MS before the undersigned. NO FURTHER WRITTEN ORDER WILL ISSUE. Signed by Magistrate Judge John C. Gargiulo on 3/2/2016 (AB) (Entered: 03/02/2016)
03/02/2016	<u>26</u>	ORDER granting <u>25</u> MOTION for Writ of Habeas Corpus ad testificandum filed by Richard Tillery, Qumotria Kennedy, Joseph Anderson. Signed by Magistrate Judge John C. Gargiulo on 3/2/2016 (AB) (Entered: 03/02/2016)
03/02/2016	<u>27</u>	Writ of Habeas Corpus ad Testificandum Issued as to Richard Tillery for March 4, 2016. (PKS) (Entered: 03/02/2016)
03/04/2016		Minute Entry for proceedings held before Magistrate Judge John C. Gargiulo: Settlement Conference held on 3/4/2016. PARTICIPANTS: Charles B. Irvin, Nusrat Jahan Choudhury – PHV, and Pieter Teeuwissen (counsel for Plaintiffs); Qumotria Kennedy, Joseph Anderson and Richard Tillery (Plaintiffs); Gerald H. Blessey and Tere R. Steel (counsel for Defendants The City of Biloxi, Mississippi and John Miller); Mayor Andrew "Fofu" Gilich (representative for Defendant The City of Biloxi, Mississippi); Corban Gunn (Counsel for Judge James Steele); Judge James Steele (Defendant); Thomas A. McKnight, Jr. (counsel for Defendant Judicial Correction Services, Inc.); John McCauley, John Henry and Mary Palma (representatives for Defendant Judicial Correction Services, Inc.). The case settled at the conference. Court Reporter/Transcriber Kati Vogt, Telephone Number : 228-563-1751. (AB) (Entered: 03/04/2016)
03/04/2016		NOTICE of Settlement by Defendant Judicial Correction Services, Incorporated; Plaintiff Joseph Anderson; Plaintiff Qumotria Kennedy; and Plaintiff Richard Tillery. Ready for District Judge's standard closing order with the court retaining jurisdiction for enforcement purposes. (AB) (Entered: 03/04/2016)
03/04/2016		NOTICE of Settlement by Plaintiff Joseph Anderson; Plaintiff Qumotria Kennedy; Plaintiff Richard Tillery; Defendant John Miller; Defendant James Steele; and Defendant The City of Biloxi, Mississippi. Ready for District Judge's standard

		closing order with the court retaining jurisdiction for enforcement purposes. (AB) (Entered: 03/04/2016)
03/07/2016	<u>28</u>	FINAL JUDGMENT OF DISMISSAL: that the above captioned civil action is dismissed with prejudice as to all parties, and that the Court hereby specifically retains jurisdiction to enforce the settlements. Signed by District Judge Halil S. Ozerden on 3/7/16 (PKS) (Entered: 03/07/2016)
03/07/2016	<u>29</u>	ACKNOWLEDGMENT OF Receipt by Warden, Hinds County Penal Farm, re: Writ of Habeas Corpus ad Testificandum Issued as to Richard Tillery.(PKS) (Entered: 03/07/2016)
09/13/2016	<u>30</u>	STATUS REPORT <i>on Implementation of Stipulated Settlement Agreement</i> by The City of Biloxi, Mississippi (Blessey, Gerald) (Entered: 09/13/2016)