

**U.S. District Court
Northern District of Texas (Fort Worth)
CIVIL DOCKET FOR CASE #: 4:05-cv-00470-Y**

Frame et al v. The City of Arlington
Assigned to: Judge Terry R Means
Case in other court: USCA5, 08-10630
Cause: 28:1343 Violation of Civil Rights

Date Filed: 07/22/2005
Jury Demand: Defendant
Nature of Suit: 446 Civil Rights:
Americans with Disabilities - Other
Jurisdiction: Federal Question

Plaintiff

Richard Frame

represented by **David Ferleger**
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LEAD ATTORNEY
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Bar Status: Not Admitted

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Plaintiff

Wendell Decker

represented by **David Ferleger**
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Charles Duke Ferguson
(See above for address)
TERMINATED: 11/16/2011
Bar Status: Not Admitted

John L Freeman
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John Mitchell Nevins
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Miguel M de la O
(See above for address)
TERMINATED: 11/16/2011
Bar Status: Not Admitted

Plaintiff

Scott Updike

represented by **David Ferleger**
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Charles Duke Ferguson
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Miguel M de la O
(See above for address)
TERMINATED: 11/16/2011
Bar Status: Not Admitted

Plaintiff

JN
a Minor

represented by **David Ferleger**
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LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Charles Duke Ferguson
(See above for address)
TERMINATED: 11/16/2011
Bar Status: Not Admitted

John Mitchell Nevins

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Bar Status: Admitted/In Good Standing

Miguel M de la O
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Bar Status: Not Admitted

Plaintiff

Gabriela Castro
As Next Friend for a Minor Child
on behalf of
JN

represented by **David Ferleger**
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Charles Duke Ferguson
(See above for address)
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Miguel M de la O
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TERMINATED: 11/16/2011
Bar Status: Not Admitted

Plaintiff

Mark Hamman

represented by **David Ferleger**
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LEAD ATTORNEY
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Charles Duke Ferguson
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TERMINATED: 11/16/2011
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Bar Status: Admitted/In Good Standing

Miguel M de la O
(See above for address)
TERMINATED: 11/16/2011
Bar Status: Not Admitted

Plaintiff

Joey Salas

represented by **David Ferleger**
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ATTORNEY TO BE NOTICED

Charles Duke Ferguson
(See above for address)
TERMINATED: 11/16/2011

Bar Status: Not Admitted

John Mitchell Nevins

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ATTORNEY TO BE NOTICED

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Miguel M de la O

(See above for address)

TERMINATED: 11/16/2011

Bar Status: Not Admitted

V.

Defendant

The City of Arlington

A Municipal Corporation

represented by **Edwin P Voss , Jr**

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Provider

ADR Provider

represented by **Sidney C Stahl**

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Date Filed	#	Docket Text
07/22/2005	<u>1</u>	COMPLAINT against The City of Arlington (Filing fee \$250; Receipt number 53387), filed by Richard Frame, Wendell Decker.(csw,) (Entered: 07/22/2005)
07/22/2005	<u>2</u>	Summons Issued as to The City of Arlington. (csw,) (Entered: 07/22/2005)
07/25/2005	<u>3</u>	Order Designating Case for ECF – see order for specifics. (Signed by Judge Terry R Means on 7/25/05) (wrb,) Additional attachment(s) added on 7/27/2005 (dld,). (Entered: 07/25/2005)
07/27/2005	<u>4</u>	SUMMONS Returned Executed as to The City of Arlington served on 7/22/2005, answer due 8/11/2005. Served personally at City of Arlington Muni Bldg on City Secretary by Legal Asst Judy Moulton (wrb,) (Entered: 07/28/2005)
08/11/2005	<u>5</u>	Rule 12(b)(6) MOTION to Dismiss Pltfs' Claims by The City of Arlington with Brief. (pdm,) (Entered: 08/12/2005)
08/11/2005	<u>6</u>	UNFILED PER <u>7</u> ORDER...CERTIFICATE OF INTERESTED PERSONS by The City of Arlington. (pdm,) Modified on 8/15/2005 (dld,). (Entered: 08/12/2005)
08/15/2005	<u>7</u>	Order Unfiling <u>6</u> Cert. Of Interested Persons/Disclosure Statement filed by The City of Arlington, due to the following deficiency: Pleadings must be submitted electronically per 7/25/05 order. (Signed by Judge Terry R Means on 8/15/05) (dld,) (Entered: 08/15/2005)
08/15/2005	<u>8</u>	Order Unfiling <u>5</u> MOTION to Dismiss filed by The City of Arlington, due to the following deficiency: Pleadings must be submitted electronically per 7/25/05 order. (Signed by Judge Terry R Means on 8/15/05) (dld,) (Entered: 08/15/2005)
08/15/2005	<u>9</u>	MOTION for Leave to File Defendant City of Arlington's Rule 12(b)(6) Motion to Dismiss Plaintiff's Claims and Brief by The City of Arlington with Brief. (Attachments: # <u>1</u> Defendant City of Arlington's Rule 12(b)(6) Motion to Dismiss Plaintiff's Claims and Brief)(Wilkerson, Denise) (Entered: 08/15/2005)
08/15/2005	<u>10</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by The City of Arlington. (Wilkerson, Denise) (Entered: 08/15/2005)
08/16/2005	<u>11</u>	CERTIFICATE of Conference re <u>9</u> MOTION for Leave to File Defendant City of Arlington's Rule 12(b)(6) Motion to Dismiss Plaintiff's Claims and Brief <i>Amended Certificate of Conference</i> by Denise V Wilkerson on behalf of The City of Arlington (Wilkerson, Denise) (Entered: 08/16/2005)
08/19/2005	<u>12</u>	ORDER granting <u>9</u> Motion for Leave to File Responsive Pleadings Out of Time; to be electronically filed within 3 days of this order's issuance. (Signed by Judge Terry R Means on 8/19/05) (dld,) (Entered: 08/19/2005)
08/22/2005	<u>13</u>	MOTION to Dismiss by The City of Arlington with Brief in Support. (Wilkerson, Denise) (Entered: 08/22/2005)
08/22/2005	<u>14</u>	CERTIFICATE OF SERVICE by The City of Arlington re <u>13</u> MOTION to Dismiss (Wilkerson, Denise) (Entered: 08/22/2005)
08/24/2005	<u>15</u>	ORDER TO SUBMIT JOINT STATUS REPORT AND PROPOSED DISCOVERY PLAN (Signed by Judge Terry R Means on 08/24/05) (wrb,) (Entered: 08/24/2005)
09/12/2005	<u>16</u>	AMENDED COMPLAINT <i>First Amended Complaint</i> against The City of Arlington, filed by Richard Frame.(Nevins, John) (Entered: 09/12/2005)

09/12/2005	<u>17</u>	RESPONSE to Motion re <u>13</u> MOTION to Dismiss filed by Richard Frame. (Nevins, John) (Entered: 09/12/2005)
09/12/2005	<u>18</u>	Vacation Letter as to Denise Wilkerson Vacation for dates December 26–30, 2005. (Wilkerson, Denise) (Entered: 09/12/2005)
09/15/2005	<u>19</u>	ORDER finding as moot <u>13</u> Motion to Dismiss (Signed by Judge Terry R Means on 09/15/05) (wrb,) (Entered: 09/15/2005)
09/15/2005	<u>20</u>	Application and Order for Admission Pro Hac Vice by Charles Duke Ferguson for Richard Frame and Wendell Decker (Signed by Judge Terry R Means on 09/15/05) (wrb,) (Entered: 09/19/2005)
09/23/2005	<u>21</u>	STIPULATION by The City of Arlington <i>Stipulation Regarding Initial Pleadings by Plaintiffs and Defendant.</i> (Voss, Edwin) (Entered: 09/23/2005)
09/23/2005	<u>22</u>	STATUS REPORT <i>Parties' Proposed Discovery Plan and Joint Status Report</i> by Richard Frame. (Nevins, John) (Entered: 09/23/2005)
10/20/2005	<u>23</u>	AMENDED DOCUMENT by Richard Frame, Wendell Decker. <i>Second Amended Complaint.</i> (Ferguson, Charles) (Entered: 10/20/2005)
11/04/2005	<u>24</u>	ORDER OF REFERRAL FOR MEDIATION IN OCTOBER 2006; parties to agree on mediator nlt Aug 1 2006. (Signed by Judge Terry R Means on 11/4/05) (wrb,) (Entered: 11/04/2005)
11/04/2005	<u>25</u>	INITIAL SCHEDULING ORDER: Discovery due by 9/29/2006. Joinder of Parties due by 2/3/2006. Motions due by 10/30/2006. Parties to participate in a formal settlement conf nlt Mar 31 2006. (Signed by Judge Terry R Means on 11/4/05) (wrb,) (Entered: 11/04/2005)
11/04/2005	<u>26</u>	MOTION to Dismiss <i>Plaintiffs' Claims Pursuant to Rule 12(b)(6)</i> by The City of Arlington (Voss, Edwin) (Entered: 11/04/2005)
11/04/2005	<u>27</u>	BRIEF IN SUPPORT OF MOTION to Dismiss <i>Plaintiffs' Claims Pursuant to Rule 12(b)(6)</i> by The City of Arlington with Brief in Support. (Voss, Edwin) Modified on 11/8/2005 (wrb,). (Entered: 11/04/2005)
11/14/2005	<u>28</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>27</u> Brief in Support of MOTION to Dismiss <i>Plaintiffs' Claims Pursuant to Rule 12(b)(6)</i> , <u>26</u> MOTION to Dismiss <i>Plaintiffs' Claims Pursuant to Rule 12(b)(6)</i> by Richard Frame, Wendell Decker (Ferguson, Charles) (Entered: 11/14/2005)
11/16/2005	<u>29</u>	ORDER granting <u>28</u> Motion to Extend Time to File Response/Reply. Responses due by 12/5/2005 (Signed by Judge Terry R Means on 11/16/05) (wrb,) (Entered: 11/16/2005)
11/29/2005	<u>30</u>	Second MOTION for Extension of Time to File Response/Reply to <i>Defendant's Renewed Rule 12(b)(6) Motion to Dismiss Plaintiffs' Claims</i> by Richard Frame, Wendell Decker (Attachments: # <u>1</u> Text of Proposed Order Granting Plaintiffs' Second Unopposed Motion for Extension of Time to Respond to Defendant's Renewed Rule 12(b)(6) Motion to Dismiss Plaintiffs' Claims)(Ferguson, Charles) (Entered: 11/29/2005)
12/05/2005	<u>31</u>	ORDER granting <u>30</u> Motion to Extend Time to File Response/Reply. Plaintiffs are granted until 12/9/2005 to respond to Defendant's motion and deft granted until Dec 27 to file its reply. (Signed by Judge Terry R Means on 12/5/05) (wrb,) (Entered: 12/05/2005)
12/09/2005	<u>32</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>26</u> MOTION to Dismiss <i>Plaintiffs' Claims Pursuant to Rule 12(b)(6)</i> by Richard Frame, Wendell Decker (Ferguson, Charles) (Entered: 12/09/2005)
12/09/2005	<u>33</u>	Application and Order for Admission Pro Hac Vice by Miguel M de la O for Richard Frame and Wendell Decker (Signed by Judge Terry R Means on 12/9/05) (wrb,) (Entered: 12/12/2005)
12/12/2005	<u>34</u>	Plaintiff's Amended Unopposed Motion to Their Unopposed Motion for a One Day Extension of Time to Respond to Defendant's Renewed Rule 12(b)(6) Motion to Dismiss Plaintiffs' Claims by Richard Frame, Wendell Decker (Ferguson,

		Charles) Modified on 12/20/2005 per email from lc (wrb,). (Entered: 12/12/2005)
12/14/2005	<u>35</u>	ORDER granting <u>34</u> Motion to Amend/Correct, finding as moot <u>32</u> Motion to Extend Time to File Response/Reply. Pltfs granted until 12/15/2005 to respond to deft's motion and deft is granted until 1/6/2006 to file its reply. (Signed by Judge Terry R Means on 12/14/05) (wrb,) (Entered: 12/14/2005)
12/15/2005	<u>36</u>	RESPONSE to Motion re <u>26</u> MOTION to Dismiss <i>Plaintiffs' Claims Pursuant to Rule 12(b)(6)</i> filed by Richard Frame, Wendell Decker. (Ferguson, Charles) (Entered: 12/15/2005)
12/16/2005	<u>37</u>	RESPONSE to Motion re <u>27</u> MOTION to Dismiss <i>Plaintiffs' Claims Pursuant to Rule 12(b)(6)</i> , <u>26</u> MOTION to Dismiss <i>Plaintiffs' Claims Pursuant to Rule 12(b)(6)</i> filed by Richard Frame, Wendell Decker. (Attachments: # <u>1</u>)(Ferguson, Charles) (Entered: 12/16/2005)
01/06/2006	<u>38</u>	REPLY to Response to Motion re <u>27</u> MOTION to Dismiss <i>Plaintiffs' Claims Pursuant to Rule 12(b)(6)</i> , <u>26</u> MOTION to Dismiss <i>Plaintiffs' Claims Pursuant to Rule 12(b)(6)</i> filed by The City of Arlington. (Voss, Edwin) (Entered: 01/06/2006)
04/03/2006	<u>39</u>	SETTLEMENT CONFERENCE REPORT by The City of Arlington. (Voss, Edwin) (Entered: 04/03/2006)
05/23/2006	<u>40</u>	MOTION for Protective Order <i>to Stay Discovery</i> by The City of Arlington (Voss, Edwin) (Entered: 05/23/2006)
05/23/2006	<u>41</u>	Brief/Memorandum in Support filed by The City of Arlington re <u>40</u> MOTION for Protective Order <i>to Stay Discovery</i> (Voss, Edwin) (Entered: 05/23/2006)
05/23/2006	<u>42</u>	Appendix in Support filed by The City of Arlington re <u>41</u> Brief/Memorandum in Support of Motion, <u>40</u> MOTION for Protective Order <i>to Stay Discovery Appendix, Part A</i> (Voss, Edwin) (Entered: 05/23/2006)
05/23/2006	<u>43</u>	Appendix in Support filed by The City of Arlington re <u>41</u> Brief/Memorandum in Support of Motion, <u>40</u> MOTION for Protective Order <i>to Stay Discovery Appendix Part B</i> (Voss, Edwin) (Entered: 05/23/2006)
05/23/2006	<u>44</u>	SETTLEMENT CONFERENCE REPORT <i>Defendant's Amended Report</i> by The City of Arlington. (Voss, Edwin) (Entered: 05/23/2006)
05/25/2006	<u>45</u>	ORDER EXPEDITING FILING OF RESPONSE AND REPLY...If Plaintiff's desire to file a response to defendant's motion <u>40</u> they must do so nlt Friday June 2, 2006. Deft may file its reply nlt Wed June 7, 2006. (Signed by Judge Terry R Means on 5/25/06) (jmb,) (Entered: 05/26/2006)
05/30/2006	<u>46</u>	Vacation Letter as to Edwin Voss, Jr. for dates 6/21 thru 6/26/06 and 8/1 thru 8/7/06. (pdm,) (Entered: 05/30/2006)
06/02/2006	<u>47</u>	RESPONSE filed by Richard Frame, Wendell Decker re <u>40</u> MOTION for Protective Order <i>to Stay Discovery</i> (Ferguson, Charles) (Entered: 06/02/2006)
06/02/2006	<u>48</u>	OBJECTION (Response) filed by Richard Frame, Wendell Decker re <u>44</u> Amended Settlement Conference Report (Ferguson, Charles) (Entered: 06/02/2006)
06/07/2006	<u>49</u>	REPLY to Deft's Response filed by The City of Arlington re <u>40</u> MOTION for Protective Order <i>to Stay Discovery to Plaintiffs' Response</i> (Voss, Edwin) Modified on 6/7/2006 (pdm,). (Entered: 06/07/2006)
06/07/2006	<u>50</u>	Defendant's Reply to Plaintiffs' Response to the Amended Settlement Conference Report filed by The City of Arlington. (Voss, Edwin) Modified on 6/7/2006 (pdm,). (Entered: 06/07/2006)
06/14/2006	<u>51</u>	ORDER REFERRING MOTION to Magistrate Judge Bleil: <u>40</u> Motion for Protective Order filed by The City of Arlington, (Signed by Judge Terry R Means on 6/14/06) (jmb,) (Entered: 06/14/2006)
06/26/2006	<u>52</u>	ORDER denying <u>40</u> Motion for Protective Order (Signed by Judge Charles Bleil on 6/26/06) (jmb,) (Entered: 06/26/2006)

07/07/2006	<u>53</u>	Supplemental Document by The City of Arlington as to <u>27</u> MOTION to Dismiss <i>Plaintiffs' Claims Pursuant to Rule 12(b)(6)</i> , <u>26</u> MOTION to Dismiss <i>Plaintiffs' Claims Pursuant to Rule 12(b)(6) providing supplemental authority</i> . (Attachments: # <u>1</u> Exhibit Iverson v Boston opinion)(Voss, Edwin) (Entered: 07/07/2006)
07/28/2006	<u>54</u>	Joint Designation of Mediator by The City of Arlington & Pltfs.(Voss, Edwin) Modified on 7/28/2006 (pdm,). (Entered: 07/28/2006)
07/31/2006	<u>55</u>	ORDER finding as moot <u>26</u> Motion to Dismiss and Directing Amended Complaint...The court DIRECTS Plaintiffs to file a third amended complaint nlt August 22, 2006 (Signed by Judge Terry R Means on 7/31/06) (jmb,) (Entered: 07/31/2006)
08/01/2006	<u>56</u>	ORDER APPOINTING MEDIATOR...Sidney Stahl appointed as mediator. Copy of this order, order of Nov 4, 2005 and docket sheet to mediator. (Signed by Judge Terry R Means on 8/1/06) (jmb,) (Entered: 08/01/2006)
08/17/2006	<u>57</u>	UNFILED PER <u>59</u> ORDER...Out of Time MOTION for Leave to Serve Disclosure of Expert Witnesses by Scott Updike, Richard Frame, Wendell Decker with Brief in Support (Attachments: # <u>1</u> Brief in Support of Motion# <u>2</u> Text of Proposed Order Granting Plaintiffs' Motion)(Ferguson, Charles) Modified on 8/25/2006 (dld,). (Entered: 08/17/2006)
08/21/2006	<u>58</u>	UNFILED PER <u>60</u> ORDER... MOTION for Extension of Time to File Third Amended Complaint by Scott Updike, Richard Frame, Wendell Decker (Attachments: # <u>1</u> Text of Proposed Order Granting Plaintiff's Motion for Extension of Time to File)(Ferguson, Charles) Modified on 8/25/2006 (dld,). (Entered: 08/21/2006)
08/25/2006	<u>59</u>	Order Unfiling <u>57</u> MOTION for Leave to File Disclosure of Expert Witnesses filed by Richard Frame,, Wendell Decker,, Scott Updike, see order for specifics. (Signed by Judge Terry R Means on 8/25/06) (dld,) (Entered: 08/25/2006)
08/25/2006	<u>60</u>	Order Unfiling <u>58</u> MOTION for Extension of Time to File Third Amended Complaint filed by Richard Frame,, Wendell Decker,, Scott Updike, See order for specifics. (Signed by Judge Terry R Means on 8/25/06) (dld,) (Entered: 08/25/2006)
08/28/2006	<u>61</u>	MOTION for Leave to File Disclosure of Expert Witnesses by Scott Updike, Richard Frame, Wendell Decker with Brief in support of Plaintiffs' Out of Time Motion for Leave to File Disclosure of Expert Witnesses. (Ferguson, Charles) (Entered: 08/28/2006)
08/28/2006	<u>62</u>	Brief/Memorandum in Support filed by Scott Updike, Richard Frame, Wendell Decker re <u>61</u> MOTION for Leave to File Disclosure of Expert Witnesses (Ferguson, Charles) (Entered: 08/28/2006)
08/28/2006	<u>63</u>	MOTION for Extension of Time to File Third Amended Complaint by Scott Updike, Richard Frame, Wendell Decker (Ferguson, Charles) (Entered: 08/28/2006)
09/18/2006	<u>64</u>	RESPONSE filed by The City of Arlington re <u>63</u> MOTION for Extension of Time to File Third Amended Complaint (Voss, Edwin) (Entered: 09/18/2006)
09/18/2006	<u>65</u>	Appendix in Support filed by The City of Arlington re <u>64</u> Response to Motion (Voss, Edwin) (Entered: 09/18/2006)
10/03/2006	<u>66</u>	REPLY filed by Scott Updike, Richard Frame, Wendell Decker re <u>63</u> MOTION for Extension of Time to File Third Amended Complaint (Ferguson, Charles) (Entered: 10/03/2006)
10/16/2006	<u>67</u>	ORDER GRANTING LEAVE TO SERVE DISCLOSURE OF EXPERT WITNESSES OUT OF TIME... granting <u>61</u> Motion for Leave to File. (Signed by Judge Terry R Means on 10/16/06) (jmb,) Modified on 10/16/2006 (jmb,). (Entered: 10/16/2006)
10/17/2006	<u>68</u>	ORDER denying <u>63</u> Motion for Extension of Time to File Third Amended Complaint. Plaintiffs are directed to file their third amended complaint within 3 days of the date of this order. (Signed by Judge Terry R Means on 10/17/06) (jmb,

) (Entered: 10/17/2006)
10/18/2006	<u>69</u>	AMENDED COMPLAINT <i>Third Amended Complaint</i> against The City of Arlington filed by Scott Updike, Richard Frame, Wendell Decker.(Ferguson, Charles) (Entered: 10/18/2006)
10/19/2006	<u>70</u>	ORDER FOR TRIAL SETTING CONFERENCE... Pretrial Conference set for 11/30/2006 09:30 AM before Judge Terry R Means. Joint pretrial order due nlt 11/24/06. (Signed by Judge Terry R Means on 10/19/06) (jmb,) (Entered: 10/19/2006)
10/30/2006	<u>71</u>	Second MOTION to Dismiss <i>under Rule 12(b)(6)</i> by The City of Arlington (Voss, Edwin) (Entered: 10/30/2006)
10/30/2006	<u>72</u>	Brief/Memorandum in Support filed by The City of Arlington re <u>71</u> Second MOTION to Dismiss <i>under Rule 12(b)(6)</i> (Voss, Edwin) (Entered: 10/30/2006)
11/06/2006	<u>73</u>	Joint MOTION to Temporarily Abate Case <i>by Plaintiffs and</i> by The City of Arlington with Brief in Support. (Voss, Edwin) (Entered: 11/06/2006)
11/07/2006	<u>74</u>	Letter to the Judge regarding mediation filed by ADR Provider. (jmb,) (Entered: 11/13/2006)
11/13/2006	<u>75</u>	ORDER GRANTING JOINT MOTION TO TEMPORARILY STAY CASE...ORDER granting <u>73</u> Motion...The case is stayed for 90 days from the date of this order. All deadlines and activity are stayed for 90 days. Pretrial conference scheduled for nov 30 at 9:30 is cancelled. (Signed by Judge Terry R Means on 11/13/06) (jmb,) (Entered: 11/13/2006)
01/17/2007	<u>76</u>	Vacation Letter as to Denise Wilkerson for dates June 25, 2007 through July 6, 2007. (Wilkerson, Denise) (Entered: 01/17/2007)
02/13/2007	<u>77</u>	Joint MOTION to Extend Time Temporary Stay by Scott Updike, Richard Frame, Wendell Decker (Attachments: # <u>1</u> Text of Proposed Order Joint Motion to Extend Temporary Stay) (Ferguson, Charles) (Entered: 02/13/2007)
02/15/2007	<u>78</u>	ORDER granting <u>77</u> Joint Motion to Extend Temporary Stay denying <u>71</u> Defendant's Motion to Dismiss. The stay is extended for an additional 30 days. Further all deadlines and activity in this case are stayed. Deft will be free to refile its motion to dismiss should the parties fail to reach settlement after the stay has been lifted. (Signed by Judge Terry R Means on 2/15/07) (jmb) (Entered: 02/15/2007)
02/16/2007	<u>79</u>	Vacation Letter as to Edwin Voss for dates 3/12-15 and 5/7-9, 2007. (jmb) (Entered: 02/16/2007)
02/22/2007	<u>80</u>	Vacation Letter as to Denise Wilkerson for dates June 29, 2007-July 13, 2007. (Wilkerson, Denise) (Entered: 02/22/2007)
03/20/2007	<u>81</u>	Joint MOTION to Stay (<i>Second</i>) by The City of Arlington with Brief in Support. (Voss, Edwin) (Entered: 03/20/2007)
03/21/2007	<u>82</u>	ORDER granting <u>81</u> Joint Motion to Extend Temporary Stay (Signed by Judge Terry R Means on 3/21/07) (jmb) (Entered: 03/21/2007)
04/11/2007	<u>83</u>	STATUS REPORT <i>Joint Report on Settlement Negotiations</i> by The City of Arlington. (Voss, Edwin) (Entered: 04/11/2007)
04/12/2007	<u>84</u>	ORDER AMENDING INITIAL SCHEDULING ORDER:Discovery due by 1/31/2008.Joinder of Parties due by 5/31/2007. Pretrial/dispositive Motions due by 2/28/2008. Mediation nlt Feb 29, 2008. Formal Settlement conf nlt 9/28/2007. See order for specifics (Signed by Judge Terry R Means on 4/12/07) (jmb) (Entered: 04/12/2007)
04/19/2007	<u>85</u>	NOTICE of Change of Address by John Mitchell Nevins, counsel for Richard Frame. New address is: 3878 Oak Lawn Avenue, Suite 400, Dallas, TX 75219-4469 (Nevins, John) (Entered: 04/19/2007)

04/30/2007	<u>86</u>	Third MOTION to Dismiss <i>under Rule 12(b)(6)</i> by The City of Arlington (Voss, Edwin) (Entered: 04/30/2007)
04/30/2007	<u>87</u>	Brief/Memorandum in Support filed by The City of Arlington re <u>86</u> Third MOTION to Dismiss <i>under Rule 12(b)(6)</i> (Voss, Edwin) (Entered: 04/30/2007)
05/21/2007	<u>88</u>	MOTION for Extension of Time to File Response/Reply as to <u>87</u> Brief/Memorandum in Support of Motion, <u>86</u> Third MOTION to Dismiss <i>under Rule 12(b)(6)</i> by Scott Updike, Richard Frame, Wendell Decker (Attachments: # <u>1</u> Text of Proposed Order) (Ferguson, Charles) (Entered: 05/21/2007)
05/25/2007	<u>89</u>	ORDER granting <u>88</u> Motion to Extend Time to response to Deft's third renewed motion to dismiss; Accordingly, should the court deny plaintiffs' motion for leave to file a fourth amended complaint, plaintiffs shall have 10 days from date the court denies motion to file a response to deft's motion to dismiss. (Signed by Judge Terry R Means on 5/25/07) (dld) (Entered: 05/25/2007)
05/31/2007	<u>90</u>	MOTION for Leave to File Fourth Amended Complaint by Scott Updike, Richard Frame, Wendell Decker with Brief in Support. (Attachments: # <u>1</u> Exhibit Fourth Amended Complaint). Party JUAN NUNEZ, a minor, by his next friend and mother, GABRIELA CASTRO, MARK HAMMAN and JOEY SALAS added. (Ferguson, Charles) (Entered: 05/31/2007)
06/04/2007	<u>91</u>	RESPONSE filed by The City of Arlington re <u>90</u> MOTION for Leave to File Fourth Amended Complaint (Voss, Edwin) (Entered: 06/04/2007)
06/11/2007	<u>92</u>	REPLY filed by Scott Updike, Richard Frame, Wendell Decker re <u>90</u> MOTION for Leave to File Fourth Amended Complaint (Ferguson, Charles) (Entered: 06/11/2007)
08/09/2007	<u>93</u>	ORDER granting <u>90</u> Motion for Leave to File Fourth Amended Complaint...Plaintiffs may file their fourth amended complaint no later than five government working days from the date of this order. Plaintiffs shall file their response to Dft's motion to dismiss no later than ten days from the date of this order in accordance with this Court's order of May 25, 2007. The regular time for the filing of a reply under the local rules shall apply. (Signed by Judge Terry R Means on 8/9/2007) (csw) (Entered: 08/09/2007)
08/09/2007	<u>94</u>	AMENDED COMPLAINT <i>Fourth</i> against The City of Arlington filed by Scott Updike, Richard Frame, Wendell Decker, Gabriela Castro, JN, Mark Hamman, Joey Salas. (Ferguson, Charles) Modified on 8/13/2007 (cxb). (Entered: 08/09/2007)
08/15/2007	<u>95</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>86</u> Third MOTION to Dismiss <i>under Rule 12(b)(6)</i> by Scott Updike, JN, Gabriela Castro, Mark Hamman, Joey Salas, Richard Frame, Wendell Decker (Attachments: # <u>1</u> Text of Proposed Order Plaintiffs Motion for Enlargement of Time) (Ferguson, Charles) (Entered: 08/15/2007)
08/16/2007	<u>96</u>	ORDER granting <u>95</u> Motion to Extend Time to File Response/Reply. Response due by 11:59pm on 9/4/2007 (Signed by Judge Terry R Means on 8/16/07) (jmb) (Entered: 08/16/2007)
09/04/2007	<u>97</u>	Brief in Response filed by Scott Updike, JN, Gabriela Castro, Mark Hamman, Joey Salas, Richard Frame, Wendell Decker re <u>86</u> Third MOTION to Dismiss <i>under Rule 12(b)(6)</i> (Attachments: # <u>1</u> Exhibit Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E) (Ferguson, Charles) (Entered: 09/04/2007)
09/19/2007	<u>98</u>	REPLY filed by The City of Arlington re <u>86</u> Third MOTION to Dismiss <i>under Rule 12(b)(6)</i> to Plaintiffs' Brief in Response to Defendant's Third Renewed Motion to Dismiss (Voss, Edwin) (Entered: 09/19/2007)
09/25/2007	<u>99</u>	Unopposed MOTION to Extend Time To Conduct Formal Settlement Meeting by Scott Updike, JN, Gabriela Castro, Mark Hamman, Joey Salas, Richard Frame, Wendell Decker (Attachments: # <u>1</u> Text of Proposed Order) (Ferguson, Charles) (Entered: 09/25/2007)

09/26/2007	<u>100</u>	ORDER granting <u>99</u> Motion to Extend Time. Parties shall participate in a formal settlement conference no later than November 27, 2007 (Signed by Judge Terry R Means on 9/26/2007) (csw) (Entered: 09/26/2007)
11/07/2007	<u>101</u>	Unopposed MOTION to Extend Time of deadlines to conduct settlement conference and Defendant's expert witness designation by The City of Arlington (Voss, Edwin) (Entered: 11/07/2007)
11/13/2007	<u>102</u>	ORDER granting <u>101</u> Unopposed MOTION to Extend Time of deadlines to conduct settlement conference and Defendant's expert witness designation. Deadline is extended to 30 days after the Court has ruled on Deft's Motion to dismiss under rule 12(b)(6). (Signed by Judge Terry R Means on 11/13/07) (dld) (Entered: 11/13/2007)
01/31/2008	<u>103</u>	Joint MOTION to Extend Time of deadlines in scheduling order by The City of Arlington (Voss, Edwin) (Entered: 01/31/2008)
02/04/2008	<u>104</u>	ORDER GRANTING MOTION TO STAY DEADLINES granting <u>103</u> Motion to Extend Time. See Order for specifics. (Signed by Judge Terry R Means on 02/04/2008) (krg) (Entered: 02/04/2008)
03/31/2008	<u>105</u>	ORDER GRANTING THIRD RENEWED MOTION TO DISMISS granting <u>86</u> : See Order for specifics. (Signed by Judge Terry R Means on 03/31/2008) (krg) (Entered: 04/01/2008)
03/31/2008	<u>106</u>	FINAL JUDGMENT... all claims in this cause are hereby DISMISSED with prejudice. All costs under 28 USC 1920 are taxed against Plaintiffs. (Signed by Judge Terry R Means on 03/31/2008) (krg) (Entered: 04/01/2008)
04/11/2008	<u>107</u>	BILL OF COSTS <i>Supporting Information</i> by The City of Arlington. (Voss, Edwin) (Entered: 04/11/2008)
04/14/2008	<u>108</u>	Costs Taxed in amount of \$ 306.50 against Plaintiffs (krg) (Entered: 04/14/2008)
04/14/2008	<u>109</u>	MOTION to Alter Judgment by Scott Updike, JN, Gabriela Castro, Mark Hamman, Joey Salas, Richard Frame, Wendell Decker with Brief/Memorandum in Support. (Attachments: # <u>1</u> Exhibit A) (Ferguson, Charles) (Entered: 04/14/2008)
04/29/2008	<u>110</u>	RESPONSE in Opposition filed by The City of Arlington re <u>109</u> MOTION to Alter Judgment (Voss, Edwin) (Entered: 04/29/2008)
05/12/2008	<u>111</u>	<i>Plaintiffs'</i> REPLY to the Defendant's Response to re: <u>109</u> MOTION to Alter Judgment filed by Scott Updike, JN, Gabriela Castro, Mark Hamman, Joey Salas, Richard Frame, Wendell Decker (Ferguson, Charles) (Entered: 05/12/2008)
05/20/2008	<u>112</u>	ORDER denying <u>109</u> Motion to Alter or Amend Judgment. (Signed by Judge Terry R Means on 5/20/2008) (csw) (Entered: 05/20/2008)
06/17/2008	<u>113</u>	NOTICE OF APPEAL to the Fifth Circuit as to <u>112</u> Order on Motion to Alter Judgment by Scott Updike, JN, Gabriela Castro, Mark Hamman, Joey Salas, Richard Frame, Wendell Decker. Filing fee \$455, receipt number 0539000000002249324 No hearings on Order s, No Trial , T.O. form to appellant electronically at <u>Transcript Order Form</u> or US Mail as appropriate. Copy of NOA to be sent US Mail to parties not electronically noticed. (de la O, Miguel) Modified on 6/17/2008 (tle). (Entered: 06/17/2008)
06/18/2008	<u>114</u>	NOTICE OF APPEAL to the Fifth Circuit as to <u>105</u> Order on Motion to Dismiss, <u>106</u> Judgment by Scott Updike, JN, Gabriela Castro, Mark Hamman, Joey Salas, Richard Frame, Wendell Decker. Filing fee \$455, receipt number 0539000000002251782. No hearings held on Orders , No Trial , T.O. form to appellant electronically at <u>Transcript Order Form</u> or US Mail as appropriate. Copy of NOA to be sent US Mail to parties not electronically noticed. (de la O, Miguel) Modified on 6/18/2008 (tle). (Entered: 06/18/2008)
06/30/2008	<u>115</u>	TRANSCRIPT REQUEST by Scott Updike, JN, Gabriela Castro, Mark Hamman, Joey Salas, Richard Frame, Wendell Decker for proceedings held on N/A (de la O, Miguel) (Entered: 06/30/2008)

07/07/2008	<u>116</u>	USCA Case Number 08–10631 in USCA5 for <u>114</u> Notice of Appeal,, filed by Richard Frame, Gabriela Castro, JN, Mark Hamman, Joey Salas, Scott Updike, Wendell Decker, (tle) (Entered: 07/08/2008)
07/07/2008	<u>117</u>	USCA Case Number 08–10630 in USCA5 for <u>113</u> Notice of Appeal,, filed by Richard Frame, Gabriela Castro, JN, Mark Hamman, Joey Salas, Scott Updike, Wendell Decker. (tle) (Entered: 07/08/2008)
07/18/2008		Record on Appeal Certified to US Court of Appeals, 5th Circuit re <u>113</u> Notice of Appeal,, <u>114</u> Notice of Appeal,, – USCA5 Number: 08–10630 &08–10631...consisting of 5 volumes of electronic case papers, 2 appendix exhibits #42,43, ROA is ready for shipment or loan (ELECTRONIC RECORD). (tle) (Entered: 07/18/2008)
07/23/2008	<u>118</u>	COURT RECORD LOAN FORM re: 08–10630–10631 sent to Miguel de la O, Esq, consisting of 5 volumes of electronic case papers, 2 Appendix Exhibits. (tle) (Entered: 07/24/2008)
09/26/2011	<u>119</u>	Application for Admission Pro Hac Vice with Cert. of Good Standing for Attorney David Ferleger (Filing fee \$25; Receipt number 0539–4141293) filed by Gabriela Castro, Wendell Decker, Richard Frame, Mark Hamman, JN, Joey Salas, Scott Updike (Ferleger, David) (Entered: 09/26/2011)
10/11/2011	<u>120</u>	JUDGMENT/MANDATE of USCA #08–10630 as to <u>113</u> Notice of Appeal, filed by Richard Frame, Gabriela Castro, JN, Mark Hamman, Joey Salas, Scott Updike, Wendell Decker, <u>114</u> Notice of Appeal, filed by Richard Frame, Gabriela Castro, JN, Mark Hamman, Joey Salas, Scott Updike, Wendell Decker...It is ordered and adjudged that the judgment of the District Court is vacated, and the cause is remanded to the District Court for further proceedings in accordance with the opinion of this Court...IT IS FURTHER ORDERED that defendant–appellee pay to plaintiffs–appellants the costs on appeal to be taxed by the Clerk of this Court...E GRADY JOLLY, Circuit Judge, joined by JONES, Chief Judge, and SMITH, GARZA, CLEMENT, OWEN, and ELROD, Circuit judges, dissents in part and concurs in part. Case remanded to the district court for further proceedings. Issued as Mandate: 10/7/2011. (tle) (Entered: 10/11/2011)
10/11/2011	<u>121</u>	Opinion of USCA #08–10630(certified copy) in accordance with USCA judgment re <u>113</u> Notice of Appeal,, filed by Richard Frame, Gabriela Castro, JN, Mark Hamman, Joey Salas, Scott Updike, Wendell Decker, <u>114</u> Notice of Appeal,, filed by Richard Frame, Gabriela Castro, JN, Mark Hamman, Joey Salas, Scott Updike, Wendell Decker...Accordingly, we VACATE the district court's judgment and REMAND for further proceedings...For the reasons state above, I respectfully dissent. I would remand to allow the district court to determine whether the plaintiffs can show that particular sidewalks deny access to services that are not otherwise accessible (see opinion for specifics). (tle) (Entered: 10/11/2011)
10/11/2011	<u>122</u>	Appeal Record Returned:USCA #08–10630 consisting of 2 certified copies of Appendix #42, 43, the certified copy of the record has been recycled. (tle) (Entered: 10/11/2011)
10/11/2011		Case re–opened per <u>120</u> USCA5 Judgment, <u>121</u> USCA5 Opinion entered on the docket 10/11/2011. (tle) (Entered: 10/11/2011)
10/12/2011	<u>123</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>119</u> Application for Admission Pro Hac Vice of David Ferleger. Clerk shall deposit application fee to the Non–Appropriated Fund of this Court. If not already done, Applicant must register as an ECF User within 14 days (LR 5.1(f)). (Ordered by Judge Terry R Means on 10/12/2011) (dnc) (Entered: 10/13/2011)
10/20/2011	<u>124</u>	Unopposed Motion for Extension of Time to File Answer filed by The City of Arlington (Voss, Edwin) (Entered: 10/20/2011)
10/25/2011	<u>125</u>	ORDER granting <u>124</u> Motion for Extension. The City of Arlington answer due 10/31/2011. (Ordered by Judge Terry R Means on 10/25/2011) (dnc) (Entered: 10/25/2011)
10/26/2011	<u>126</u>	NOTICE <i>Suggestion of Death</i> filed by Gabriela Castro, Wendell Decker, Richard Frame, Mark Hamman, JN, Joey Salas, Scott Updike (Ferleger, David) (Entered: 10/26/2011)

		10/26/2011)
10/31/2011	<u>127</u>	<i>Defendant's</i> ANSWER to <u>94</u> Amended Complaint with Jury Demand filed by The City of Arlington Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas should seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: Attorney Information – Bar Membership . (Voss, Edwin) (Entered: 10/31/2011)
11/01/2011	<u>128</u>	ORDER REQUIRING COMPLIANCE WITH VARIOUS LOCAL RULES: The following attorney is ORDERED to comply with various local civil rules of the Northern District of Texas (NDTX): MIGUEL M DE LA O. (See Order for Specifics) (Ordered by Judge Terry R Means on 11/1/2011) (dnc) (Entered: 11/01/2011)
11/01/2011	<u>129</u>	ORDER TO SUBMIT JOINT STATUS REPORT AND PROPOSED DISCOVERY PLAN: The parties are ordered to electronically file with the clerk of the court the signed joint status report and proposed discovery plan (one instrument) within 30 days of the date of the filing of this order. (Ordered by Judge Terry R Means on 11/1/2011) (dnc) (Entered: 11/01/2011)
11/01/2011	<u>130</u>	ORDER REQUIRING COMPLIANCE WITH LOCAL RULE: Charles Duke Ferguson is ORDERED to either seek admission to the NDTX or apply for permission to appear pro hac vice in this case no later than 4:00 p.m. on 11/22/2011. (Ordered by Judge Terry R Means on 11/1/2011) (dnc) (Entered: 11/01/2011)
11/07/2011	<u>131</u>	NOTICE of <i>Plaintiffs' Compliance with November 1, 2011 Order Requiring Compliance with Various Local Rules</i> re: <u>130</u> Order, filed by Gabriela Castro, Wendell Decker, Richard Frame, JN, Joey Salas, Scott Updike, Mark Hamman. (Ferleger, David) Modified filers on 11/8/2011 (dnc). (Entered: 11/07/2011)
11/08/2011	<u>132</u>	MOTION for Leave to Withdraw Counsel <i>by de la O, Marko, Magolnick & Leyton</i> filed by Gabriela Castro, Wendell Decker, Richard Frame, Mark Hamman, JN, Joey Salas, Scott Updike (de la O, Miguel) Modified text on 11/8/2011 (dnc). (Entered: 11/08/2011)
11/09/2011	<u>133</u>	Certificate of Service re: <u>131</u> Salas, Scott Updike (Ferleger, David) Modified on 11/10/2011 (ewd). (Entered: 11/09/2011)
11/16/2011	<u>134</u>	ORDER GRANTING <u>132</u> LEAVE TO WITHDRAW. Attorneys Charles Duke Ferguson and Miguel M de la O terminated. (Ordered by Judge Terry R Means on 11/16/2011) (dnc) (Entered: 11/16/2011)
11/18/2011	<u>135</u>	NOTICE of <i>Compliance by Defendant's Counsel</i> re: <u>128</u> Order, filed by The City of Arlington (Voss, Edwin) (Entered: 11/18/2011)
11/22/2011	<u>136</u>	NOTICE of Change of Address for Attorney John Mitchell Nevins on behalf of JN. (Nevins, John) (Entered: 11/22/2011)
11/22/2011	<u>137</u>	NOTICE of <i>Compliance by Plaintiffs' Local Counsel</i> re: <u>128</u> Order, filed by JN (Nevins, John) (Entered: 11/22/2011)
11/30/2011	<u>138</u>	Joint STATUS REPORT <i>and Proposed Discovery Plan</i> filed by Gabriela Castro, Wendell Decker, Richard Frame, JN, Joey Salas, The City of Arlington, Scott Updike. (Voss, Edwin) (Entered: 11/30/2011)
12/16/2011	<u>139</u>	Supplemental Document by The City of Arlington as to <u>138</u> Status Report. (Voss, Edwin) (Entered: 12/16/2011)
12/27/2011	<u>140</u>	INITIAL SCHEDULING ORDER: Joinder of Parties due by 9/28/2012. Each party plaintiff must file any motions for leave to amend his pleadings no later than 11/30/2012. Each party defendant must file any motions for leave to amend his pleadings no later than 12/31/2012. Discovery due by 1/31/2013. Motions due by 2/28/2013. (Ordered by Judge Terry R Means on 12/27/2011) (dnw) (Entered: 12/27/2011)

02/27/2012	<u>141</u>	Received letter from United States Court of Appeals For the Fifth Circuit re:08-10630, Richard Frame, et al v. City of Arlington. Enclosed is a copy of the Supreme Court order denying certiorari. (tle) (Entered: 02/27/2012)
05/11/2012	<u>142</u>	***TERMINATED PER <u>147</u> *** MOTION for Protective Order filed by Gabriela Castro, Wendell Decker, Richard Frame, Mark Hamman, Joey Salas with Brief/Memorandum in Support. (Attachments: # <u>1</u> Brief in Support, # <u>2</u> Certificate of Conference, # <u>3</u> Proposed Order) (Ferleger, David) Modified on 6/25/2012 (dnw). (Entered: 05/11/2012)
05/31/2012	<u>143</u>	<i>Agreed</i> MOTION for Extension of Time to File Response/Reply <i>by City</i> re: <u>142</u> MOTION for Protective Order filed by The City of Arlington, Richard Frame with Brief/Memorandum in Support. (Voss, Edwin) Modified filers on 6/1/2012 (dnw). (Entered: 05/31/2012)
06/05/2012	<u>144</u>	ORDER granting <u>143</u> Motion to Extend Time to File Response. Responses due by 6/22/2012. (Ordered by Judge Terry R Means on 6/5/2012) (dnw) (Entered: 06/06/2012)
06/14/2012	<u>145</u>	Unopposed MOTION to Withdraw as Attorney , <i>Denise V. Wilkerson</i> , filed by The City of Arlington (Voss, Edwin) (Entered: 06/14/2012)
06/19/2012	<u>146</u>	ORDER granting <u>145</u> Motion to Withdraw as Attorney. Attorney Denise V Wilkerson terminated. (Ordered by Judge Terry R Means on 6/19/2012) (dnw) (Entered: 06/19/2012)
06/22/2012	<u>147</u>	NOTICE of Withdrawal of Plaintiffs' Motion for Protective Order, Without Prejudice re: <u>142</u> MOTION for Protective Order filed by Gabriela Castro, Wendell Decker, Richard Frame, Mark Hamman, Joey Salas, Scott Updike (Ferleger, David) (Entered: 06/22/2012)