

U.S. District Court
U.S. District Court for the Northern District of Oklahoma (Tulsa)
CIVIL DOCKET FOR CASE #: 4:06-cv-00523-CVE-PJC

DH et al v. Ponca City Independent School District No. 71 et al Date Filed: 09/27/2006
Assigned to: Judge Claire V Eagan Date Terminated: 09/28/2007
Referred to: Magistrate Judge Paul J Cleary Jury Demand: Both
Cause: 42:1983 Civil Rights Act Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

DH

as parent and next friend of their minor daughter K.H.

—

KH

represented by **Raymond L Yasser**
Smolen Smolen & Roytman PLLC
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

TH

as parent and next friend of their minor daughter, K.H.

represented by **Raymond L Yasser**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Samuel J Schiller
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

BS

as parent and next friend of their minor daughter, K.S.

—

KS

represented by **Raymond L Yasser**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Samuel J Schiller
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

SS

as parent and next friend of their minor daughter, K.S.

represented by **Raymond L Yasser**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Samuel J Schiller
 (See above for address)
 LEAD ATTORNEY
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V.

Defendant

**Ponca City Independent School District
 No. 71**
Kay County Oklahoma
also known as
 Ponca City Public Schools

represented by **Karen Lea Long**
 Rosenstein Fist & Ringold
 525 S MAIN STE 700
 TULSA, OK 74103
 918-585-9211
 Fax: 918-583-5617
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 ATTORNEY TO BE NOTICED

Defendant

David Pennington
Dr., in his official capacity as
Superintendent of Ponca City Public
Schools

represented by **Karen Lea Long**
 (See above for address)
 ATTORNEY TO BE NOTICED

Defendant

John Doe
sued as: Does 1 through 50

Date Filed	#	Docket Text
09/27/2006	<u>1</u>	CIVIL COVER SHEET by SS, DH, TH, BS (s-kjp, Dpty Clk) (Entered: 09/27/2006)
09/27/2006	<u>2</u>	COMPLAINT against Ponca City Independent School District No. 71, David Pennington, John Doe by SS, DH, TH, BS (s-kjp, Dpty Clk) (Entered: 09/27/2006)
09/27/2006	3	MOTION for Permanent Injunction (<i>submitted as part of #<u>2</u></i>) by SS, DH, TH (s-kjp, Dpty Clk) (Entered: 09/27/2006)
09/27/2006	4	SEALED REFERENCE LIST per Local Rule 5.3(b) (s-kjp, Dpty Clk) (Entered: 09/27/2006)
09/27/2006	<u>5</u>	SUMMONS Issued by Court Clerk as to David Pennington , <i>Don Nuzum</i> (s-kjp, Dpty Clk) (Entered: 09/27/2006)
09/27/2006	<u>6</u>	FILING FEES Paid in Full by SS, DH, TH, BS (s-kjp, Dpty Clk) (Entered: 09/27/2006)
10/19/2006	<u>7</u>	SUMMONS Returned Executed re: David Pennington – Served on 10/12/2006. by SS; DH; TH; BS (Schiller, Samuel) (Entered: 10/19/2006)
10/19/2006	<u>8</u>	SUMMONS Returned Executed re: Ponca City Independent School District No. 71 – Served on 10/12/2006. by SS; DH; TH; BS (Schiller, Samuel) (Entered: 10/19/2006)
10/23/2006	9	ERRATA/CORRECTION (Re: <u>8</u> Summons Returned Executed) by SS, DH, TH, BS (Schiller, Samuel) (Entered: 10/23/2006)
11/01/2006	<u>10</u>	MOTION to Accelerate/Extend/Reset Hearing(s)/Deadline(s) to Answer or Further Plead by Ponca City Independent School District No. 71, David Pennington (Long, Karen) (Entered: 11/01/2006)
11/02/2006	<u>11</u>	ORDER by Judge Claire V Eagan, granting <u>10</u> Motion to Accelerate/Extend/Reset Hearing(s)/Deadline(s), setting/resetting/terminating answer deadline(s): Ponca City Independent School District No. 71 answer due on 11/16/2006; David

		Pennington answer due on 11/16/2006 (Re: <u>2</u> Complaint) (RGG, Chambers) (Entered: 11/02/2006)
11/16/2006	<u>12</u>	ANSWER to Complaint (Re: <u>2</u> Complaint) by Ponca City Independent School District No. 71, David Pennington (Long, Karen) (Entered: 11/16/2006)
11/17/2006	<u>13</u>	ORDER by Judge Claire V Eagan, directing parties to file joint status report, Status Report due by 12/18/2006 (RGG, Chambers) (Entered: 11/17/2006)
12/18/2006	<u>14</u>	JOINT STATUS REPORT by SS, DH, TH, BS, David Pennington, Ponca City Independent School District No. 71 (Schiller, Samuel) Modified on 12/19/2006 to add filers (lml, Dpty Clk). (Entered: 12/18/2006)
12/19/2006		NOTICE of Docket Entry Modification; Error: All filers were not selected when e-filed; Correction: Edited docket text and added David Pennington and Ponca City Independent School District No. 71 as filers to document (Re: <u>14</u> Joint Status Report per Local Rule 16.1) (lml, Dpty Clk) (Entered: 12/19/2006)
12/20/2006	<u>15</u>	MINUTE ORDER : <i>The referral judge in this case is transferred and reassigned to Magistrate Judge Paul J. Cleary</i> , changing case number to 06-CV-523-CVE-PJC, reassigning case to Judge Paul J Cleary, Judge Sam A Joyner no longer assigned to case (djh, Dpty Clk) (Entered: 12/20/2006)
12/20/2006	<u>16</u>	SCHEDULING ORDER by Judge Claire V Eagan, setting/resetting scheduling order date(s): <i>Proposed Findings of Fact and Conclusions of Law due 7/9/2007</i> , Discovery due by 4/1/2007, Dispositive Motions due by 5/1/2007, Proposed Pretrial Order due by 6/25/2007, Pretrial Conference set for 7/6/2007 at 09:30 AM before Judge Claire V Eagan, Nonjury Trial set for 7/23/2007 at 09:30 AM before Judge Claire V Eagan (RGG, Chambers) (Entered: 12/20/2006)
12/20/2006	<u>17</u>	SETTLEMENT CONFERENCE ORDER by Magistrate Judge Sam A Joyner (<i>Please see order for details</i>), setting/resetting deadline(s)/hearing(s):, Settlement Conference set for 1/12/2007 at 09:30 AM before Magistrate Judge Sam A Joyner (lmc, Dpty Clk) (Entered: 12/20/2006)
01/17/2007	<u>18</u>	SETTLEMENT CONFERENCE REPORT by Magistrate Judge Sam A Joyner , <i>case settled</i> , setting/resetting deadline(s)/hearing(s):, Dismissal Papers due by 2/26/2007 (lmc, Dpty Clk) (Entered: 01/17/2007)
01/17/2007	<u>19</u>	MINUTE ORDER by Magistrate Judge Sam A Joyner : <i>A settlement of the case has been reached in concept. Counsel Karen Long and Sam Schiller are to confer on the language of the settlement agreement. The court sets a telephone conference with Schiller and Long on January 25th at 9:30 a.m. to discuss the status of the settlement agreement. A supplemental settlement conference is set at 9:30 a.m. on February 6th, if needed, to resolve any remaining issues.</i> , setting/resetting deadline(s)/hearing(s):, Settlement Conference set for 2/6/2007 at 09:30 AM before Magistrate Judge Sam A Joyner, Status Hearing set for 1/25/2007 at 09:30 AM before Magistrate Judge Sam A Joyner (lmc, Dpty Clk) (Entered: 01/17/2007)
01/25/2007	<u>20</u>	MINUTES of Proceedings – held before Magistrate Judge Sam A Joyner : Status Hearing held on 1/25/2007, setting/resetting deadline(s)/hearing(s): <i>Parties appear by phone at the Status Hearing to discuss the settlement agreement. The Status Hearing is reset for March 2, 2007 at 9:15 a.m. Any Court ordered deadlines are stayed pending the Supplemental Settlement Conference on March 13, 2007 at 1:30 p.m.</i> , Settlement Conference set for 3/13/2007 at 01:30 PM before Magistrate Judge Sam A Joyner, Status Hearing set for 3/2/2007 at 09:15 AM before Magistrate Judge Sam A Joyner (Court Reporter: Not Recorded) (lmc, Dpty Clk) (Entered: 01/25/2007)
03/02/2007	<u>21</u>	MINUTES of Proceedings – held before Magistrate Judge Sam A Joyner : Status Hearing held on 3/2/2007 : <i>Parties appear by phone at the Status Hearing to discuss the settlement agreement. The Court strikes the Supplemental Settlement Conference set for 3/13/07 at 1:30 PM and sets a Supplemental Status Hearing for 3/13/07 at 9:30 AM. The Court will initiate the phone call.</i> , setting/resetting deadline(s)/hearing(s):, Status Hearing set for 3/13/2007 at 09:30 AM before Magistrate Judge Sam A Joyner (Court Reporter: No Recorded) (lmc, Dpty Clk) (Entered: 03/02/2007)

03/02/2007	22	MINUTE ORDER by Judge Claire V Eagan : <i>7/6/2007 Pretrial Conference reset to an earlier date, setting/resetting deadline(s)/hearing(s);</i> , Pretrial Conference set for 7/3/2007 at 09:30 AM before Judge Claire V Eagan (djh, Dpty Clk) (Entered: 03/02/2007)
03/14/2007	<u>23</u>	SETTLEMENT CONFERENCE REPORT by Magistrate Judge Sam A Joyner (<i>Please see report for details</i>), setting/resetting deadline(s)/hearing(s);, Settlement Conference set for 3/27/2007 at 09:30 AM before Magistrate Judge Sam A Joyner (lmc, Dpty Clk) (Entered: 03/14/2007)
03/27/2007	<u>24</u>	SETTLEMENT CONFERENCE REPORT by Magistrate Judge Sam A Joyner <i>negotiations are still pending</i> , striking/terminating deadline(s)/Hearing(s) (lmc, Dpty Clk) (Entered: 03/27/2007)
05/23/2007	<u>25</u>	SCHEDULING ORDER by Magistrate Judge Sam A Joyner (<i>Please see order for details</i>) (lmc, Dpty Clk) (Entered: 05/23/2007)
05/23/2007	<u>26</u>	SETTLEMENT CONFERENCE REPORT by Magistrate Judge Sam A Joyner <i>case settled</i> , setting/resetting deadline(s)/hearing(s): (lmc, Dpty Clk) (Entered: 05/23/2007)
05/25/2007	27	MINUTE ORDER by Judge Claire V Eagan <i>deadlines are stricken, including pretrial conference and non-jury trial, pursuant to settlement [25, 26]; briefing deadlines on the attorneys fees and costs issue SHALL REMAIN AS PREVIOUSLY SET by Magistrate Judge Joyner (see 25)</i> , striking/terminating deadline(s)/Hearing(s) (Re: 22 Minute Order, Setting/Resetting Deadline(s)/Hearing(s), <u>16</u> Scheduling Order., Setting/Resetting Scheduling Order Date(s), Setting/Resetting Scheduling Order Date(s), <u>26</u> Settlement Conference Report, Setting/Resetting Deadline(s)/Hearing(s)) (RGG, Chambers) (Entered: 05/25/2007)
06/26/2007	<u>28</u>	First MOTION for Attorney Fees <i>and Costs</i> by SS, DH, TH, BS (Schiller, Samuel) (Entered: 06/26/2007)
06/26/2007	<u>29</u>	BRIEF in Support of Motion (Re: <u>28</u> First MOTION for Attorney Fees <i>and Costs</i>) by SS, DH, TH, BS ; (With attachments) (Schiller, Samuel) (Entered: 06/26/2007)
06/27/2007	30	MINUTE ORDER by Judge Claire V Eagan, referring motion(s) to Magistrate Judge Joyner (Re: <u>29</u> Brief in Support of Motion, <u>28</u> First MOTION for Attorney Fees <i>and Costs</i>) (RGG, Chambers) (Entered: 06/27/2007)
07/16/2007	<u>31</u>	RESPONSE in Opposition to Motion (Re: <u>28</u> First MOTION for Attorney Fees <i>and Costs</i>) by Ponca City Independent School District No. 71 ; (With attachments) (Long, Karen) (Entered: 07/16/2007)
07/26/2007	32	MINUTE ORDER by Judge Claire V Eagan <i>that, based on advice of settlement (Dkt. # 26) ; finding as moot 3 Motion for Permanent Injunction</i> (Re: <u>26</u> Settlement Conference Report, Setting/Resetting Deadline(s)/Hearing(s)) (RGG, Chambers) (Entered: 07/26/2007)
07/26/2007	<u>33</u>	REPLY to Response to Motion (Re: <u>28</u> First MOTION for Attorney Fees <i>and Costs</i>) by SS, DH, TH, BS ; (With attachments) (Schiller, Samuel) (Entered: 07/26/2007)
09/07/2007	<u>34</u>	OPINION AND ORDER by Magistrate Judge Sam A Joyner ; granting in part and denying in part <u>28</u> Motion for Attorney Fees (lmc, Dpty Clk) Additional attachment(s) added on 9/12/2007 to add VACATED watermark per Minute Order #35 (lml, Dpty Clk). (Entered: 09/07/2007)
09/11/2007	35	MINUTE ORDER by Magistrate Judge Sam A Joyner : <i>The Opinion and Order [Document #34] is stricken. A Report and Recommendation will be entered.</i> , striking/withdrawing document(s) (Re: <u>34</u> Opinion and Order, Ruling on Motion for Attorney Fees) (lmc, Dpty Clk) (Entered: 09/11/2007)
09/11/2007	<u>36</u>	REPORT AND RECOMMENDATION by Magistrate Judge Sam A Joyner (Re: <u>28</u> First MOTION for Attorney Fees <i>and Costs</i>) (lmc, Dpty Clk) (Entered: 09/11/2007)

09/26/2007	<u>37</u>	ORDER by Judge Claire V Eagan <i>that the magistrate judge's report and recommendation <u>36</u> is accepted, and plaintiffs motion for awarding of attorneys fees and costs <u>28</u> is granted in part and denied in part; separate judgment regarding award of attorney fees and costs is entered herewith ; accepting <u>36</u> Report and Recommendation (Re: <u>2</u> Complaint) (RGG, Chambers) (Entered: 09/26/2007)</i>
09/26/2007	<u>38</u>	JUDGMENT by Judge Claire V Eagan, awarding attorney fees to plaintiffs and against defendants Ponca City Independent School District No. 71 and David Pennington, in his official capacity (Re: <u>37</u> Order,,,, Ruling on Report and Recommendation,) (RGG, Chambers) (Entered: 09/26/2007)
09/26/2007	<u>39</u>	MINUTE ORDER by Judge Claire V Eagan <i>that, judgement regarding attorney fees having been entered <u>38</u> , the parties are directed to file a fully executed stipulation of dismissal no later than 10/1/07, setting/resetting deadline(s)/hearing(s):, Dismissal Papers due by 10/1/2007 (Re: <u>26</u> Settlement Conference Report, Setting/Resetting Deadline(s)/Hearing(s), <u>38</u> Judgment,,,, Awarding Attorney Fees,) (RGG, Chambers) (Entered: 09/26/2007)</i>
09/28/2007	<u>40</u>	STIPULATION of Dismissal, closing case, by SS, Ponca City Independent School District No. 71, David Pennington, John Doe, DH, TH, BS (Schiller, Samuel) (Entered: 09/28/2007)
09/28/2007		***Civil Case Terminated (see document number <u>40</u>) (sac, Dpty Clk) (Entered: 10/01/2007)
01/11/2008	<u>41</u>	NOTICE of Filing Affidavit by Ponca City Independent School District No. 71 (Long, Karen) (Entered: 01/11/2008)
01/07/2011	<u>42</u>	RELEASE AND SATISFACTION of Judgment (Re: <u>38</u> Judgment,,,, Awarding Attorney Fees,) by BS, DH, SS, TH (Schiller, Samuel) (Entered: 01/07/2011)