

**U.S. District Court  
Western District of Oklahoma[LIVE] (Oklahoma City)  
CIVIL DOCKET FOR CASE #: 5:99-cv-00581-C**

Craig, et al v. Ind Sch Dist No 56, et al  
Assigned to: Honorable Robin J. Cauthron  
Demand: \$0  
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 04/29/1999  
Date Terminated: 04/17/2000  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Sherry Craig**  
*as parent and next friend of her minor  
daughter, Hailey Upton*

represented by **Raymond L Yasser**  
University of Tulsa College of Law  
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**ATTORNEY TO BE NOTICED**

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**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Patricia Janis**  
*as parent and next of friend of her minor  
daughters, Kayse Janis and Brittney Janis*

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

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

**Plaintiff**

**Mike Upton**

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

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

**Plaintiff**

**Carol Upton**  
*as parents and next friend of their minor  
daughter, Tiffany Upton*

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

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

**Plaintiff**

**Magdaline Carla Codopony**  
*as parent and next friend of her minor*

represented by **Raymond L Yasser**  
(See above for address)

daughters, Kara Lynn Codopony and  
Megan Codopony

ATTORNEY TO BE NOTICED

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

V.

**Defendant**

**Independent School District No 56 of  
Caddo County Oklahoma**  
*also known as*  
Boone Apache Public Schools

represented by **Laura L Holmes**  
The Center for Education Law  
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ATTORNEY TO BE NOTICED

**Defendant**

**Dwight Myers**  
*individually and in his official capacity as  
Superintendent*

represented by **Laura L Holmes**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Stephanie J Mather**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Timothy M Melton**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Defendant**

**John Doe**  
1-50

Date Filed	#	Docket Text
04/29/1999	1	COMPLAINT (dl) (Entered: 04/29/1999)
04/29/1999		RECEIPT For Money Received in the amount of \$ 150.00, receipt # 069612 Schiller Law Firm (dl) (Entered: 04/29/1999)

04/29/1999	2	NOTICE by plaintiffs of lawsuit &req for waiver of serv for summs (FE) (Entered: 05/03/1999)
04/29/1999	3	NOTICE by plaintiffs to Kathy Clabornof lawsuit &req for waiver of serv for summs (FE) (Entered: 05/03/1999)
04/29/1999	4	ATTORNEY APPEARANCE for plaintiffs by Samuel J. Schiller (FE) (Entered: 05/03/1999)
04/29/1999	5	ATTORNEY APPEARANCE for plaintiffs by Ray Yasser (FE) (Entered: 05/03/1999)
04/29/1999	6	PRAECIPE for and issued 2 summs by plaintiff (FE) (Entered: 05/03/1999)
07/01/1999	7	ATTORNEY APPEARANCE for defendant Ind Sch Dist No 56, defendant Dwight Myers by Stephanie J Mather (FE) (Entered: 07/02/1999)
07/01/1999	8	ATTORNEY APPEARANCE for defendant Ind Sch Dist No 56, defendant Dwight Myers by Laura L Holmes (FE) (Entered: 07/02/1999)
07/01/1999	9	ATTORNEY APPEARANCE for defendant Ind Sch Dist No 56, defendant Dwight Myers by Timothy M Melton (FE) (Entered: 07/02/1999)
07/01/1999	10	ANSWER by defendant Ind Sch Dist No 56 (FE) (Entered: 07/02/1999)
07/01/1999	11	ANSWER by defendant Dwight Myers (FE) (Entered: 07/02/1999)
07/16/1999	12	MOTION by plaintiff Magdaline Carla Codopony, plaintiff Carol Upton, plaintiff Mike Upton, plaintiff Patricia Janis, plaintiff Sherry Craig for order for class certification (cjs) (Entered: 07/19/1999)
07/16/1999	13	BRIEF FILED in support by plaintiff Magdaline Carla Codopony, plaintiff Carol Upton, plaintiff Mike Upton, plaintiff Patricia Janis, plaintiff Sherry Craig regarding motion for order for class certification [12-1] (cjs) (Entered: 07/19/1999)
07/22/1999		DOCKET status/scheduling ; status scheduling conf set for 10:20 8/5/99 (cjs) (Entered: 07/26/1999)
07/29/1999	14	APPLICATION/MOTION by defendant Does 1-50, defendant Dwight Myers, defendant Ind Sch Dist No 56 to extend to respond to pla's mtn for class action certif from present deadline of 8/2/99 to 8/13/99 (cjs) (Entered: 07/29/1999)
07/30/1999	<u>15</u>	ORDER by Honorable Robin J. Cauthron granting dft's motion to extend to respond to pla's mtn for class action certif from present deadline of 8/2/99 to 8/13/99 [14-1] Dfts response shall be filed no later than 8/13/99 (cc: all counsel) [EOD Date 7/30/99] (cjs) (Entered: 07/30/1999)
08/03/1999	16	JOINT STATUS REPORT by defendant, plaintiff (FE) (Entered: 08/04/1999)
08/05/1999	<u>17</u>	SCHEDULING ORDER Honorable Robin J. Cauthron ; status scheduling conference held on 10:20 8/5/99 - The ct imposes the following: dfts resp to mtn for class cert is delayed until 10/22/99; pty's have until 10/15/99 to conclude mediation; cs set for fur status conf on 11/99 dkt (cc: all counsel) [EOD Date 8/5/99] (FE) (Entered: 08/05/1999)
08/11/1999	<u>18</u>	ORDER by Honorable Robin J. Cauthron - Cs ref to mediation w/the session to be held between now and 10/15/99; Selection ord due 8/24/99 (cc: all counsel) [EOD Date 8/11/99] (FE) (Entered: 08/11/1999)
08/23/1999	<u>19</u>	SELECTION OF &ORDER APPT MEDIATOR &SETTING MEDIATION SESSION by Honorable Robin J. Cauthron for referral to mediation referring matter to John Rothman Mediator , ; Mediation session set for 9/24/99 at 9:00 (cc: all counsel) [EOD Date 8/24/99] (FE) (Entered: 08/24/1999)
10/06/1999	<u>20</u>	ORDER by Honorable Robin J. Cauthron ; Mediation session was held on 9/24/99 as sched; The cs did not settle , (cc: all counsel) [EOD Date 10/8/99] (FE) (Entered: 10/08/1999)

10/19/1999	21	MOTION by defendants to extend ddls previously set by the ct (FE) (Entered: 10/20/1999)
10/19/1999		DOCKET STATUS/SCHED ; status scheduling conf set for 10:50 11/4/99 (FE) (Entered: 10/28/1999)
10/22/1999	22	RESPONSE and objection by defendant Dwight Myers, defendant Ind Sch Dist No 56 to plf's motion for order for class certification [12-1] (FE) (Entered: 10/25/1999)
10/26/1999	23	RESPONSE by plaintiffs in opposition to dfts' motion to extend ddls previously set by the ct [21-1] (FE) (Entered: 10/27/1999)
10/27/1999	<u>24</u>	ORDER by Honorable Robin J. Cauthron denying dft's motion to extend ddls previously set by the ct [21-1] (cc: all counsel) [EOD Date 10/27/99] (FE) (Entered: 10/27/1999)
10/27/1999	25	MOTION by plaintiffs for leave to reply to dfts' resp &obj to plf's mtn for class action certif &br in supp (FE) (Entered: 10/27/1999)
10/28/1999	<u>26</u>	ORDER by Honorable Robin J. Cauthron granting plfs' motion for leave to reply to dfts' resp &obj to plf's mtn for class action certif &br in supp [25-1] to be filed w/i 11 days of this order (cc: all counsel) [EOD Date 10/28/99] (FE) (Entered: 10/28/1999)
11/02/1999	27	JOINT STATUS REPORT by defendant, plaintiff (FE) (Entered: 11/03/1999)
11/04/1999	<u>29</u>	SCHEDULING ORDER Honorable Robin J. Cauthron ; jury trial set for 7/1/00 ; Discovery set for 5/1/00 ;mtn filing ddl set for 5/1/00 ; pretrial order due 7/1/00 ; status scheduling conference held on 10:50 11/4/99 mtns to join due: 12/1/99 mtns to amend due: 12/1/99 pla's wit lst due: 4/15/00 pla's exh lst due: 4/15/00 dft's wit lst due: 10 days t/a dft's exh lst due: 10 days t/a mtns in limine due: 7/1/00 jury instr due: 7/1/00 voir dire requests due: 7/1/00 trial briefs due : 7/1/00; Voluntary disclosure has bee made; Plf to make setlm demand w/i 10 days; ct defer ruling on mtn for class action for 12 days (cc: all counsel) [EOD Date 11/8/99] (FE) (Entered: 11/08/1999)
11/05/1999	28	REPLY by plaintiffs to dfts' response to plfs' motion for order for class certification [12-1] (FE) (Entered: 11/08/1999)
02/10/2000	<u>30</u>	ORDER by Honorable Robin J. Cauthron granting motion for order for class certification [12-1] Class is defined as follows: "All present &future female students enrolled at Boone-Apached Public Schools who participate, seek to participate, or are deterred from participating in interscholastic &other school-sponsored athletics at Boone-Apache Public Schools"; Fur ord that plfs need not provide any formal ntc to any members of the certified class (cc: all counsel) [EOD Date 2/10/00] (FE) (Entered: 02/10/2000)
03/13/2000	31	LETTER from defendants re setlm (FE) (Entered: 03/14/2000)
04/17/2000	<u>32</u>	ORDER by Honorable Robin J. Cauthron Administrative Closing: That Clerk administratively terminate this action without prejudice to the rights of the parties to reopen for entry of any stipulation or order; if parties have not reopened within 60 days to obtain final determination, action will be deemed dismissed with prejudice (cc: all counsel) [EOD Date 4/17/00] (brs) (Entered: 04/17/2000)
06/01/2000	33	JOINT APPLICATION by plaintiffs and defendants for approval of settlement agreement and entry of judgment (brs) (Entered: 06/01/2000)
06/02/2000	<u>34</u>	ORDER by Honorable Robin J. Cauthron granting motion for approval of settlement agreement and entry of judgment [33-1] (cc: all counsel) [EOD Date 6/2/00] (brs) (Entered: 06/02/2000)
06/15/2000	35	MOTION by plaintiffs for awarding of attorney fees and costs (brs) (Entered: 06/15/2000)
06/15/2000	36	OPENING BRIEF FILED by plaintiff regarding motion for awarding of attorney fees and costs [35-1] (brs) (Entered: 06/15/2000)

06/30/2000	37	APPLICATION by defendants to extend time to file response to Plf's opening brief in support of Mtn for atty fees & costs (brs) (Entered: 07/03/2000)
07/05/2000	<u>38</u>	ORDER by Honorable Robin J. Cauthron granting Dfts' motion to extend time to file response to Plf's opening brief in support of Mtn for atty fees & costs from 7/5/00 to 9/5/00 [37-1] re [36-1] (cc: all counsel) [EOD Date 7/5/00] (brs) (Entered: 07/05/2000)
09/05/2000	39	RESPONSE by defendants to Plfs' application for awarding of attorney fees and costs [35-1] (brs) (Entered: 09/06/2000)
09/13/2000	40	APPLICATION by plaintiffs for leave to reply to Dfts' response to Plfs' mtn for awarding of Atty Fees and Costs (brs) (Entered: 09/14/2000)
09/14/2000	<u>41</u>	ORDER by Honorable Robin J. Cauthron granting Plfs' motion for leave to reply to Dfts' response to Plfs' mtn for awarding of Atty Fees and Costs. To be filed on or before 9/26/00. re [40-1], re [35-1] (cc: all counsel) [EOD Date 9/14/00] (brs) (Entered: 09/14/2000)
09/26/2000	42	REPLY by plaintiffs to response to motion for awarding of attorney fees and costs [35-1] (brs) (Entered: 09/27/2000)
10/31/2000	43	ORDER by Honorable Robin J. Cauthron referring to Magistrate Judge Bob Bacharach the motion for awarding of attorney fees and costs [35-1] (cc: all counsel) [EOD Date 10/31/00] (brs) (Entered: 10/31/2000)
12/04/2000	<u>44</u>	NOTICE setting hearing on motion for awarding of attorney fees and costs [35-1] at 10:00 a.m. on 1/17/01 (cc: all counsel) (brs) (Entered: 12/05/2000)
01/17/2001	45	COURTROOM MINUTES: Telephone Conference conducted. Parties appear as above. At the request of counsel for the defendants and by agreement of Plfs' the attorney fee hearing scheduled for 1/17/01 at 10:00 a.m. is stricken. The attorney fee hearing is rescheduled for 1/22/01 at 9:00 a.m. The continuance requested by counsel is due to inclement weather conditions and the transportation difficulties encountered by scheduled witnesses. (brs) (Entered: 01/18/2001)
01/22/2001	46	COURTROOM MINUTES: Attorney Fee Hearing re [35-1]. Attorney Fee Hearing conducted upon referral of District Judge Robin Cauthron. Parties appear as above. Plf's present evidence with testimony of 1 witness and rest. Dfts present testimony of 4 witnesses and rest. Parties present closing arguments. Court takes matter under advisement and will prepare a written report and recommendation to the District Court. (brs) (Entered: 02/21/2001)
02/28/2001	47	REPORT and RECOMMENDATION recommending an award of \$45,315.00 in attorney fees and \$2,864.05 in costs, for a total award of \$48,179.05. Ptys advised of their right to obj to RRby 03/20/01; Failure to timely obj waives right to appellate review; This RRterminates the referral to Magistrate Judge Bacharach; terminating case referral motion for awarding of attorney fees and costs [35-1] by Magistrate Judge Bob Bacharach (cc: all counsel) (bf) (Entered: 02/28/2001)
03/02/2001	48	COURTROOM MINUTES: motion for awarding of attorney fees and costs re [35-1]. Attached are exhibits offered and admitted into Evidence during the hearing conducted 1/22/01 on Plfs Mtn for Atty Fees. The following exhibits were offered by the parties and admitted by the court. Plfs exhibits 2,3,4,5,6,9,10,12,13 & 14. Plfs exhibit 1, case book, was offered and admitted into evidence and returned to the Plf at the conclusion of the hearing. Df's exhibits 1,2,3,4 & 5. (brs) (Entered: 03/02/2001)
03/20/2001	49	OBJECTIONS by defendants to Report and Recommendation [47-2] (brs) (Entered: 03/21/2001)
03/21/2001	50	MINUTE ORDER by Honorable Robin J. Cauthron that Plfs are directed to respond w/in 18 days to Dfts' Objection to the R & R re [49-1] (cc: all counsel) [EOD Date 3/21/01] (brs) (Entered: 03/21/2001)
04/09/2001	51	RESPONSE AND OBJECTIONS by plaintiffs to Report and Recommendation [47-2] (brs) (Entered: 04/10/2001)

05/11/2001	<u>52</u>	ORDER by Honorable Robin J. Cauthron adopting report and recommendation order [47-2] (cc: all counsel) [EOD Date 5/11/01] (brs) (Entered: 05/11/2001)
05/11/2001	<u>53</u>	JUDGMENT: by Honorable Robin J. Cauthron granting motion for awarding of attorney fees and costs in the amt of \$50,850.00 and costs in the amt of \$3,040.85 re [35-1] (cc: all counsel) (brs) (Entered: 05/11/2001)
06/11/2001	54	RELEASE AND SATISFACTION OF JUDGMENT re findings of fact judgment [53-1] as to defendant Dwight Myers, defendant Ind Sch Dist No 56 (brs) (Entered: 06/11/2001)