

**U.S. District Court**  
**U.S. District Court for the Northern District of Oklahoma (Tulsa)**  
**CIVIL DOCKET FOR CASE #: 4:97-cv-00020-seh**

Gilbert, et al v. Rogers Sch Dist 5, et al  
Assigned to: Judge Sven Erik Holmes  
Demand: \$0  
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 01/08/1997  
Date Terminated: 06/15/1998  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Willie Gilbert**  
*as parent and next friend of his minor  
daughter, Tanya Gilbert*

—  
Tanya Gilbert

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

**Samuel J Schiller**  
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**LEAD ATTORNEY**  
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**Plaintiff**

**Marilyn Gilbert**  
*as parent and next friend of her minor  
daughter, Tanya Gilbert*

—  
Tanya Gilbert

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**

**Boyd Louderback**  
*as parent and next friend of his minor  
daughter, April Louderback*

—  
April Louderback

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**

**Debra Louderback**  
*as parent and next friend of her minor  
daughter, April Louderback*

—  
April Louderback

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**

**Douglas R Jacobsen**  
*as parent and next friend of his minor  
daughter, Rachel Jacobsen*

—  
Rachel Jacobsen

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**

**Susan G Jacobsen**  
*as parent and next friend of her minor  
daughter, Rachel Jacobsen*

—  
Rachel Jacobsen

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*

V.

**Defendant**

**Independent School District No. 5 of  
Rogers County**  
*also known as*  
Inola Public Schools

represented by **J Douglas Mann**  
Rosenstein Fist & Ringold  
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*ATTORNEY TO BE NOTICED*

**Defendant**

represented by

**Perry Adams**  
*individually and in his official capacity as*  
*Superintendent*  
 TERMINATED: 05/14/1997

**J Douglas Mann**  
 (See above for address)  
 TERMINATED: 05/14/1997  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Karen Lea Long**  
 (See above for address)  
 TERMINATED: 05/14/1997  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Defendant**

**John Doe**  
*sued as: Does 1 through 50*

Date Filed	#	Docket Text
01/08/1997	1	CLASS ACTION COMPLAINT (Summons(es) issued); Consent form sent (fee status: pd ) (C2J) (crp, Dpty Clk) (Entered: 01/13/1997)
03/04/1997		WAIVER OF SERVICE OF SUMMONS by defendant Rogers Sch Dist 5 on 1/9/97, signed 1/23/97 by Leroy Johnson, Clerk of Bd of Education (C2J) (crp, Dpty Clk) (Entered: 03/05/1997)
03/04/1997		WAIVER OF SERVICE OF SUMMONS by defendant Perry Adams on 1/9/97, signed 1/23/97 (crp, Dpty Clk) (Entered: 03/05/1997)
03/10/1997	2	ANSWER by defendant Rogers Sch Dist 5, defendant Perry Adams to [1-1] (C2J) (crp, Dpty Clk) (Entered: 03/13/1997)
03/26/1997		MINUTE ORDER: It is hereby ordered that a CMC/STATUS HRG is set for 1:15 p.m. on 4/24/97 before Judge Holmes. Parties are to file a joint CMC Plan at least four working days prior to the CMC. (SEH-J)(cc: all counsel) (djh, Dpty Clk) (Entered: 03/26/1997)
04/18/1997		CASE MANAGEMENT PLAN Received (pll, Dpty Clk) (Entered: 04/21/1997)
04/23/1997	3	MOTION by plaintiffs to certify class action (o2j) (pll, Dpty Clk) (Entered: 04/24/1997)
04/23/1997	4	BRIEF by plaintiff Willie Gilbert, plaintiff Marilyn Gilbert, plaintiff Boyd Louderback, plaintiff Debra Louderback, plaintiff Douglas R Jacobsen, plaintiff Susan G Jacobsen in support of motion to certify class action (C2J) [3-1] (crp, Dpty Clk) (Entered: 04/24/1997)
04/24/1997		MINUTES: by Judge Sven Erik Holmes ; Status hearing held 4/24/97 ; stat/case discussed; pltf req ct/rule upon whether can proceed as class actn-deft has no obj-ct enters ord for class actn certif; pltf req hrg/hrq w/Mr. Adams present-hrg will be set after ntc by pties such hrg is approp; pltf & ct discusses 30 day statuses. (G. Dorrough-CR) (djh, Dpty Clk) (Entered: 04/24/1997)
04/24/1997	5	ORDER by Judge Sven Erik Holmes regarding motion to certify class action [3-1]; the action is certified as a class (See O for definition of class); Plfs need not provide any formal ntc to any members of the certified class (cc: all counsel) (crp, Dpty Clk) (Entered: 04/25/1997)
04/30/1997		REMARK: Per Mr. Yasser, the dmg clm is being dism & a stat hrg is needed. (djh, Dpty Clk) (Entered: 04/30/1997)
05/01/1997		MINUTE ORDER: IT IS HEREBY ORDERED THAT a STATUS HRG is set for 12:30 p.m. on 5/6/97 before Judge Holmes. (SEH-J) (cc: all counsel) (djh, Dpty Clk) (Entered: 05/01/1997)
05/01/1997		REMARK: Pties phoned by CRD re: 5/6/97 stat hrg. (djh, Dpty Clk) (Entered: 05/01/1997)

05/05/1997		MINUTE ORDER: IT IS HEREBY ORDERED that the Status Hearing set for 5/6/97 at 8:45 a.m. is stricken and the STATUS HRG is reset for 12:45 p.m. on 5/14/97 . (SEH-J) (cc: all counsel) (djh, Dpty Clk) (Entered: 05/05/1997)
05/05/1997		REMARK: The minute ord of 5/5/97 reflects the 8:45 a.m. status hrg on 5/6/97 is stricken; it should read the 12:30 p.m. status hrg on 5/6/97 is stricken. (djh, Dpty Clk) (Entered: 05/12/1997)
05/14/1997		MINUTES of CMC/Status Hrg: Ct orders that tour of facilities should take place first, then pltf provide bill of particulars; 1st monthly status hrg set for 6/12/97 at 3:15 p.m. by Judge Sven Erik Holmes (CR-G. Dorrrough) (lmc, Dpty Clk) (Entered: 05/15/1997)
05/14/1997	6	JOINT STIPULATION OF DISMISSAL OF INDIVIDUAL DEFENDANT (PERRY ADAMS) (w/prej) (C2J) (crp, Dpty Clk) (Entered: 05/15/1997)
06/12/1997		MINUTES: by Judge Sven Erik Holmes ; Status hearing held 6/12/97 , pties had tour on 6/4/97; pltf has prov prel ltr to defts; STATUS HRG set for 3:30 p.m. on 7/17/97 (G. Dorrrough-CR) (djh, Dpty Clk) (Entered: 06/13/1997)
06/26/1997		MINUTE ORDER: IT IS HEREBY ORDERED that the Status Hearing set for 3:30 p.m. on 7/17/97 is moved up and the STATUS HRG is reset for 1:00 p.m. on 7/17/97 before Judge Holmes. (SEH-J) (cc: all counsel) (djh, Dpty Clk) (Entered: 06/26/1997)
07/17/1997		MINUTES of continued status hrg by Judge Sven Erik Holmes: parties state that everything is going well; Ct will enter a scheduling order at the next status hrg set for 8/29/97 at 12:30 (CR-G.Dorrrough) (lmc, Dpty Clk) (Entered: 07/17/1997)
08/28/1997		REMARK-called all parties re change in status hrg from 12:30 to 1:00 on 8/29/97 (lmc, Dpty Clk) (Entered: 08/28/1997)
08/29/1997		MINUTES of status hrg by Judge Sven Erik Holmes: pltf states that progress is still being made; pltf req depo of superintendent, Mr. Adams-Ct allows w/in 30 days; parties wish to cont stlmt proceedings; pltf req another on site visit-no obj (but dft was not aware)-Ct will not set another visit until most everything is done; STATUS HRG reset for 12:30 10/17/97 (CR-Gl Dorrrough) (lmc, Dpty Clk) (Entered: 09/02/1997)
10/17/1997		MINUTES: by Judge Sven Erik Holmes ; Status hearing held 10/17/97 ; pties prov ct w/oral stat rpt; agrd upon stmt of facts due 12/12/97 - soon thereafter ct will have a hrg to visit the facility &then set a brfing sched; ct will attempt to visit school on 12/19/97.(G. Dorrrough-CR) (djh, Dpty Clk) (Entered: 10/20/1997)
12/11/1997		LETTER from atty Karen Long confirming matters agreed to at time of status hrg on 10/17/97 (fe, Dpty Clk) (Entered: 12/12/1997)
12/12/1997	7	STIPULATION - PARTICIPATION by Plaintiffs and Defendants (C2J) (sac, Dpty Clk) (Entered: 12/15/1997)
02/24/1998		MINUTE ORDER: IT IS HEREBY ORDERED that a STATUS HRG is set for 1:30 p.m. on 2/26/98 before Judge Holmes. (SEH-J) (cc: all counsel) (djh, Dpty Clk) (Entered: 02/24/1998)
02/26/1998		MINUTES: by Judge Sven Erik Holmes ; Status hearing held 2/26/98 , pties are close to settling; STATUS HRG cont to 8:30 4/9/98 (G. Dorrrough-CR) (djh, Dpty Clk) (Entered: 02/26/1998)
04/09/1998		MINUTES: by Judge Sven Erik Holmes ; Status hearing held 4/9/98 , pties rpt a tentative agrmt has been reached; STATUS HRG set for 1:15 p.m. on 5/8/98 , final stlmt agrmt due 5/8/98; brfs on attys fee issue due 5/11/98; resp due 15 days thereafter; MOT/ATTY FEES HRG set for 12:30 p.m. on 5/27/98 .(G. Dorrrough-CR) (djh, Dpty Clk) (Entered: 04/09/1998)
04/09/1998		MINUTE ORDER: IT IS HEREBY ORDERED that a Status Hearing is set for 1:15 p.m. on 5/8/98 and a Motion for Attorney Fees Hearing is set for 12:30 p.m. on 5/27/98. Final Settlement Agreement due 5/8/98. Briefs on attorney fees due 5/11/98 and responses are due 15 days thereafter. (SEH-J)(cc: all counsel) (djh, Dpty Clk) (Entered: 04/09/1998)

05/08/1998	8	MOTION by plaintiffs Susan G Jacobsen, Douglas R Jacobsen, Debra Louderback, Boyd Louderback, Marilyn Gilbert, Willie Gilbert for attorney fees , and for costs (C/J) (lmc, Dpty Clk) (Entered: 05/08/1998)
05/08/1998	9	BRIEF by plaintiffs in support of motion for attorney fees and costs [8-1], [8-2] (lmc, Dpty Clk) (Entered: 05/08/1998)
05/08/1998		MINUTES: by Judge Sven Erik Holmes ; Status hearing held 5/8/98 , pties prov ct w/agrmt tht has been reached; pltf moves for dism-no obj frm deft-ct gr &pties to prep prop dism ord for the ct's signature. (G. Dorrough-CR) (djh, Dpty Clk) (Entered: 05/08/1998)
05/08/1998	10	NOTICE (Settlement Agreement) by parties (fe, Dpty Clk) (Entered: 05/11/1998)
05/26/1998	11	RESPONSE (BRIEF IN OPPOSITION) by defendant Rogers Sch Dist 5 to motion for attorney fees [8-1], to motion for costs (C2J) [8-2] (crp, Dpty Clk) (Entered: 05/27/1998)
05/27/1998		MINUTES: by Judge Sven Erik Holmes: Mot/Atty Fees Hrg held on 5/27/98 , pltf req time to resp to deft's resp to pltf's mot/atty fees &costs-due 6/5/98; hrg cont to 1:00 p.m. on 6/12/98 before Judge Holmes; deft to prep prop ord; rpt of addtl info re: atty fees issue due 6/8/98. (G. Dorrough-CR) (djh, Dpty Clk) (Entered: 05/27/1998)
05/27/1998	12	ATTORNEY APPEARANCE for defendant Rogers Sch Dist 5 by Jonathan E Shook (C2J) (crp, Dpty Clk) (Entered: 05/28/1998)
06/03/1998		PROPOSED Order re m/atty fees and costs (sent to Judge) (crp, Dpty Clk) (Entered: 06/04/1998)
06/05/1998	13	REPLY by plaintiff Susan G Jacobsen, plaintiff Douglas R Jacobsen, plaintiff Debra Louderback, plaintiff Boyd Louderback, plaintiff Marilyn Gilbert, plaintiff Willie Gilbert to response to motion for attorney fees [8-1], motion for costs (C/J) [8-2] (crp, Dpty Clk) (Entered: 06/08/1998)
06/08/1998		LETTER from Pltfs' cnsl, Ray Yasser re m/atty fees (C2J) (crp, Dpty Clk) (Entered: 06/08/1998)
06/08/1998	14	STATUS REPORT by defendant Rogers Sch Dist 5 re fee negotiations (C2J) (crp, Dpty Clk) (Entered: 06/08/1998)
06/10/1998		TRANSCRIPT of in-court hrg before Judge Sven Erik Holmes for date(s) of: 5/27/98 (C/R Glen R. Dorrough; 13 pgs) (crp, Dpty Clk) (Entered: 06/11/1998)
06/10/1998	15	ORDER by Judge Sven Erik Holmes re mtn for attorney fees [8-1] and mtn for costs [8-2]; 1) cnsl for ptys will meet before 6/8/98 and seek to resolve fee dispute 2) ptys will file jt status rpt w/Crt on/before 6/8/98 advising Crt as to discussions and results of conference to settle fee dispute 3) hearing on motion for attorney fees is set for 1:00 p.m. on 6/12/98 (cc: all counsel) (crp, Dpty Clk) (Entered: 06/11/1998)
06/11/1998		TRANSCRIPT of in-court hrg before Judge Sven Erik Holmes for date(s) of: 5/8/98 (C/R Glen R. Dorrough; 5 pgs) (crp, Dpty Clk) (Entered: 06/11/1998)
06/12/1998		MINUTES: by Judge Sven Erik Holmes Mot hearing held on 6/12/98 ; argmts heard on mot/atty fees-MUA. (G. Dorrough-CR) (djh, Dpty Clk) (Entered: 06/12/1998)
06/15/1998	16	ORDER by Judge Sven Erik Holmes regarding motion for attorney fees [8-1], regarding motion for costs [8-2]; Crt finds that Pltfs are entitled to reasonable attys' fees; that a reduction in the lodestar amnt is appropriate; this reduction in no way reflects adversely on the high quality of the legal work in this matter; Crt awards amnt of \$7,087.50 for Professor yasser and \$10,012.50 for Mr. Schiller as reasonable attys' fees; Crt awards Mr. Schiller an hourly rate of \$150.00/hour; Professor Yasser is entitled reasonable costs in amnt of \$78.75 and Mr. Schiller is entitled to reasonable costs in amnt of \$1,736.66; Crt awards Pltfs fees in total amnt of \$17,100.00 and costs in total amnt of \$1,815.41 (cc: all counsel) (crp, Dpty Clk) (Entered: 06/16/1998)

06/15/1998	17	JUDGMENT: by Judge Sven Erik Holmes entered for Pltfs and against Dfdt for attys' fees and costs in amnt of \$18,915.41; terminating case (cc: all counsel) (crp, Dpty Clk) (Entered: 06/16/1998)
07/22/1998	18	Joint STIPULATION OF DISMISSAL by defendant Rogers Sch Dist 5, and plaintiffs Susan G Jacobsen, Douglas R Jacobsen, Debra Louderback, Boyd Louderback, Marilyn Gilbert, Willie Gilbert ; CASE DISMISSED w/prejudice (lmc, Dpty Clk) (Entered: 07/23/1998)