

**U.S. District Court  
Eastern District of Oklahoma (Muskogee)  
CIVIL DOCKET FOR CASE #: 6:99-cv-00581-JHP**

Reavis, et al v. Cherokee Sch Dis 35, et al  
Assigned to: Magistrate Judge James H. Payne  
Demand: \$0  
Cause: 42:1983 Civil Rights Act

Date Filed: 10/29/1999  
Date Terminated: 03/05/2001  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Jack A. Reavis**  
*as parent and next friend of their minor  
daughter  
next friend of  
Bayly Christie Reavis*

represented by **Raymond L. Yasser**  
University of Tulsa College of Law  
3120 E Fourth Pl  
Tulsa, OK 74104  
918-631-2442  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Samuel J. Schiller**  
Schiller Law Firm  
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Email: [sjs@schillerlawfirm.com](mailto:sjs@schillerlawfirm.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Lora Reavis**  
*as parent and next friend of her minor  
daughter  
next friend of  
Bayly Christie Reavis*

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**

**Elisa G. Lingor**  
*as parent and next friend of her minor  
daughter  
next friend of  
Jennifer Lingor*

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. 35 of  
Cherokee County**  
*also known as  
Tahlequah Public Schools*

represented by **Karen L. Long**  
Rosenstein Fist & Ringold  
525 S Main St, Ste 700  
Tulsa, OK 74103-4500

918-585-9211  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Randall D. Huggins**  
 Shook & Johnson  
 7420 S Yale Ave  
 Tulsa, OK 74136  
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 Fax: 918-293-1133  
 Email: [rhuggins@shjlaw.com](mailto:rhuggins@shjlaw.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Jim Miller**

*individually. (Joint Stipulation of Dismissal of this defendant in his individual capacity filed 6/16/00)*  
**TERMINATED: 06/16/2000**

represented by **Karen L. Long**  
 (See above for address)  
**TERMINATED: 06/16/2000**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Randall D. Huggins**  
 (See above for address)  
**TERMINATED: 06/16/2000**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Jim Miller**

*in his official capacity as Superintendent*

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

**Randall D. Huggins**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Does**

*1 through 50*

Date Filed	#	Docket Text
10/29/1999	1	COMPLAINT (nsb, Deputy Clerk) (Entered: 11/01/1999)
10/29/1999		FILING FEE PAID: on 10/29/99 in the amount of \$ 150.00, receipt # 132921. (nsb, Deputy Clerk) (Entered: 11/01/1999)
10/29/1999		MAGISTRATE'S CONSENT FORM furnished to plaintiff's counsel. (nsb, Deputy Clerk) (Entered: 11/01/1999)
10/29/1999	2	PRAECIPE AND ISSUING 2 SUMMONS: by plaintiff (nsb, Deputy Clerk) (Entered: 11/01/1999)
10/29/1999	3	ATTORNEY APPEARANCE for plaintiffs by Samuel J. Schiller. (nsb, Deputy Clerk) (Entered: 11/01/1999)
11/02/1999	4	NOTICE mailed setting case for Status & Scheduling Conference on 11/24/99 at 10:00 a.m. at the United States Courthouse, Muskogee, Oklahoma before the Honorable Frank H. Seay. ENTERING ORDER by Judge Frank H. Seay directing parties pursuant to Rule 26(e), to meet as soon as practicable, but not less than 14 days prior to the Status and Scheduling Conference to discuss the nature and basis

		of claims and defenses, the possibility of prompt settlement and, consent to proceed before a United States Magistrate Judge. Parties are directed to file with the Clerk of Court a joint written report of such meeting four (4) working days prior to the Status and Scheduling Conference. Attorneys shall make known to their clients the contents of the report. The enclosed "Report on Planning Meeting Form", is to be completed and filed with the Clerk. All parties and their counsel are required to sign this form. The signatures of the parties may be submitted by facsimile. (FHS) (cc: all counsel) (law, Deputy Clerk) (Entered: 11/02/1999)
11/04/1999		CD # 7 deposited on 11/4/99 in the amount of \$ 150.00 (smg, Deputy Clerk) (Entered: 11/04/1999)
11/05/1999	5	ATTORNEY APPEARANCE for defendants Cherokee Sch Dis 35, and Jim Miller by Karen L. Long (trl, Deputy Clerk) (Entered: 11/05/1999)
11/05/1999	6	ATTORNEY APPEARANCE for defendants Cherokee Sch Dis 35, & Jim Miller by Randall D. Huggins (trl, Deputy Clerk) (Entered: 11/05/1999)
11/08/1999	7	ANSWER by defendants Cherokee Sch Dis 35 & Jim Miller to complaint [1-1] (mailed SS notice, etc.) (trl, Deputy Clerk) (Entered: 11/08/1999)
11/08/1999	8	ATTORNEY APPEARANCE for plaintiffs by Ray Yasser (trl, Deputy Clerk) (Entered: 11/09/1999)
11/08/1999	9	RETURN OF SERVICE executed upon defendant Jim Miller, on 11/2/99 by certified mail (trl, Deputy Clerk) (Entered: 11/09/1999)
11/09/1999	10	RETURN OF SERVICE executed upon defendant Cherokee Sch Dis 35 on 11/2/99 by serving Eve Couch by certified mail (trl, Deputy Clerk) (Entered: 11/09/1999)
11/15/1999	11	ORDER upon consent of parties this case transferred to Magistrate Judge James H. Payne for final disposition. (FHS) (cc: all counsel) (fe, Deputy Clerk) Modified on 11/18/1999 (Entered: 11/18/1999)
11/18/1999	12	MINUTE ORDER: This matter has now been transferred, by agreement of the parties, to U.S. Magistrate Judge James H. Payne for final disposition. ALL PREVIOUSLY SET SCHEDULING ORDER DATES ARE HEREBY STRICKEN and will be reset at the Status and Scheduling Conference set below. ALL PENDING MOTIONS are hereby STRICKEN, to be reurged under the new Scheduling Order. Please see attachments. STATUS & SCHEDULING CONFERENCE is set on 12/16/99 at 2:20 p.m. , before U.S. Magistrate Judge James H. Payne, Fourth Floor Courtroom, U.S. Courthouse, Fifth & Okmulgee Streets, Muskogee, OK (JHP) (cc: all counsel) (fe, Deputy Clerk) (Entered: 11/18/1999)
12/08/1999		NOTICE mailed: RESETTING Status and scheduling conference originally set on 12/16/99 for 12/21/99 at 10:50 a.m. before U.S. Magistrate Judge James H. Payne at the U.S. Courthouse, 5th and Okmulgee Streets, Muskogee, OK (cc: all counsel) (fe, Deputy Clerk) (Entered: 12/08/1999)
12/13/1999	13	REPORT OF RULE 26 MEETING by plaintiff, defendant (pyb, Deputy Clerk) (Entered: 12/15/1999)
12/21/1999		STATUS AND SCHEDULING CONFERENCE MINUTES: Plaintiff present by counsel Samuel J. Schiler and Ray Yasser. Defendant present by counsel Karen L. Long. (Before U.S. Magistrate Judge James H. Payne; Courtroom Deputy: S.M.; Court Reporter: none.) Theories of the case discussed and pending motion on Class Certification. Court advises counsel that an additional conference to be set as needed. Case set on the August, 2000, trial docket. Scheduling Order entered immediately following these minutes. (JHP) (fe, Deputy Clerk) (Entered: 12/21/1999)
12/21/1999	14	SCHEDULING ORDER by Magistrate Judge James H. Payne ; joinder/amendment ddl 1/15/00 ; discovery ddl 7/21/00 ; motion filing ddl 6/21/00 ; Plaintiff's designation of expert witnesses due 3/1/00; Defendant's designation of expert witnesses due 4/1/00; non-expert witness list due 2/1/00; exchange final witness and exhibit lists by 6/21/00 ; written settlement report filed by 7/3/00; pretrial order ddl 7/13/00 ; pretrial conference set for 7/20/00 ; JI, VD, FoF CoL,

		TB due by 7/13/00 ; motions in limine filed by 7/13/00 ; demonstrative exhibits exchanged by 7/20/00 ; jury trial set for 8/7/00 . Estimated length of trial 3 weeks. Settlement Conference to be held between the 4th of May and the 16th of May, 2000. (cc: all counsel) (fe, Deputy Clerk) (Entered: 12/21/1999)
12/21/1999	15	MOTION by plaintiff Jack A. Reavis, plaintiff Lora Reavis, plaintiff Elisa G. Lingor to certify class action ; response deadline 1/5/00 (pyb, Deputy Clerk) (Entered: 12/29/1999)
12/21/1999	16	BRIEF by plaintiff Jack A. Reavis, plaintiff Lora Reavis, plaintiff Elisa G. Lingor in support of motion for class action certification. (pyb, Deputy Clerk) (Entered: 12/29/1999)
12/27/1999		NOTICE mailed setting the PRETRIAL CONFERENCE for 7/20/00 at 9:00 a.m. AGREED PRETRIAL ORDER due 7/13/00 (SEE ATTACHED INSTRUCTION SHEET). JURY TRIAL is set for 8/7/00 at 9:00 a.m. All before U.S. Magistrate Judge James H. Payne at the U.S. Courthouse, 5th Okmulgee Streets, Muskogee, OK (cc: all counsel) (fe, Deputy Clerk) (Entered: 12/27/1999)
01/11/2000	17	SETTLEMENT CONFERENCE ORDER setting case for Settlement Conference before Adjunct Settlement Judge Betty O. Williams on 5/5/00 at 9:00 a.m., U. S. Courthouse, Muskogee, Oklahoma; Settlement Statements due 4/28/00 (cc:all counsel) (pyb, Deputy Clerk) (Entered: 01/11/2000)
02/02/2000	18	WITNESS list submitted by defendant Cherokee Sch Dis 35, defendant Jim Miller, defendant Jim Miller (pyb, Deputy Clerk) (Entered: 02/02/2000)
03/09/2000	19	ORDER by Magistrate Judge James H. Payne granting plaintiffs' motion to certify class action [15-1], and Ordering that the above-ca[ptioned action is certified as a class defined as follows: All present and future female students enrolled at Tahlequah Public Schools who participate, seek to participate, or are deterred from participating in interscholastic and other school-sponsored athletics at Tahlequah Public Schools. (cc: all counsel) (pyb, Deputy Clerk) (Entered: 03/10/2000)
04/03/2000	20	DESIGNATION of Experts by Defendants (fe, Deputy Clerk) (Entered: 04/04/2000)
05/05/2000		SETTLEMENT CONFERENCE MINUTES: Settlement conference conducted by Betty O. Williams. Plaintiffs Jack A. Reavis, Lora Reavis, and Elisa G. Lingor were present. Ray Yasser and Samuel J. Schiller were present as plaintiffs' counsel. Defendant Independent School District No. 35 of Cherokee County was present through Jim Miller, Todd Dilbeck (Athletic Director), Gary McClure, Roger McAdoo, and Louis Shite, Board of Education President. The defendant Jim Miller was present in person. Judy Darrough-Killough was present on behalf of the insurance company. Karen Long was present as defendant's counsel. Settlement Conference concluded without settlement, but with the agreement that the parties believed that they could enter into a consent decree. Plaintiffs' counsel is to present Defendant's counsel with a proposed draft of the consent decree by May 12, 2000; a completed consent decree is to be entered by May 19, 2000. Parties are to advise the Adjunct Settlement Judge by May 23, 2000, if they desire a further settlement conference and whether the consent decree was successfully entered. (BOW) (pyb, Deputy Clerk) (Entered: 05/18/2000)
06/16/2000	21	JOINT STIPULATION OF DISMISSAL WITH PREJUDICE as to party Jim Miller, in his individual capacity. (pyb, Deputy Clerk) (Entered: 06/16/2000)
06/26/2000	22	SETTLEMENT CONFERENCE ORDER setting case for Settlement Conference before Adjunct Settlement Judge Betty O. Williams on 7/14/00 at 1:30 p.m., U.S. Courthouse, Muskogee, OK; Settlement Statements due 7/7/00 (cc:all counsel) (pyb, Deputy Clerk) (Entered: 06/26/2000)
07/05/2000	23	SETTLEMENT REPORT by plaintiffs (law, Deputy Clerk) (Entered: 07/05/2000)
07/11/2000	24	ADDITIONAL SETTLEMENT CONFERENCE ORDER setting case for Settlement Conference before Mag Judge Claire V. Eagan on 7/21/00 at 9:30 a.m., U.S. Courthouse, Tulsa, OK ; Settlement Statements due July 20, 2000 (cc:all counsel) (pyb, Deputy Clerk) Modified on 07/11/2000 (Entered: 07/11/2000)

07/13/2000	25	JOINT APPLICATION by plaintiff, defendant to suspend deadlines imposed by the Scheduling Order ; (pyb, Deputy Clerk) (Entered: 07/13/2000)
07/17/2000	26	MINUTE ORDER: DENYING joint motion to SUSPEND deadlines imposed by the Scheduling Order [25-1], and GRANTING the motion insofar as all previously set Scheduling Order dates will be stricken and the case put on a Scheduling Order for the October, 2000 jury trial docket. See Minute Order Amended Scheduling Order enclosed with this Minute Order. The Settlement Conference set for July 21, 2000 before U.S.Magistrate Claire V. Eagan will NOT be stricken, and parties are directed to attend. (JHP) (cc: all counsel) (pyb, Deputy Clerk) (Entered: 07/17/2000)
07/17/2000	27	MINUTE ORDER: AMENDED SCHEDULING ORDER by Magistrate Judge James H. Payne: discovery ddl 8/21/00 ; motion filing ddl 7/21/00 ; exchange witness and exhibit lists by 7/21/00 ; written settlement report filed by 9/5/00 ; parties to exchange Requested Jury Instructions by 9/7/00; pretrial order ddl 9/14/00 ; pretrial conference set for 9/21/00 ; Agreed Jury Instructions, disputed jury instructions and brief in support, requested voir dire and trial briefs due 9/14/00; motions in limine filed by 9/14/00 ; demonstrative exhibits exchanged by 9/21/00 ; jury trial set for 10/2/00 ; Estimated length of trial 3 weeks. Settlement Conference to be held before U.S.Magistrate Judge Claire V. Eagan, 7/21/00, 9:30 a.m., U. S. Courthouse, Tulsa, OK. (cc: all counsel) (pyb, Deputy Clerk) Modified on 07/17/2000 (Entered: 07/17/2000)
07/17/2000		NOTICE: PRETRIAL CONFERENCE is set 9/21/2000 at 11:00 a.m.; AGREED PRETRIAL ORDER is due 9/14/2000--SEE ATTACHED INSTRUCTIONS. JURY TRIAL is set 10/02/2000 at 9:00 a.m. ALL before U.S.Magistrate Judge James H. Payne, Fourth Floor Courtroom, at the U.S. Courthouse, 5th and Okmulgee Streets, Muskogee, OK (cc: all counsel) (pyb, Deputy Clerk) (Entered: 07/17/2000)
08/03/2000	28	MINUTE ORDER: The Court has been advised by the parties that this case has been settled. Therefore, the Court finds that the case should be stricken from the Court's docket. The court maintains jurisdiction and grants the parties thirty (30) days, or until September 5, 2000 in which to submit a Consent Decree for approval. (JHP) (cc: all counsel) (pyb, Deputy Clerk) (Entered: 08/03/2000)
09/06/2000	29	JOINT MOTION by plaintiffs, defendants to extend time to submit settlement agreement for approval ; (pyb, Deputy Clerk) (Entered: 09/07/2000)
09/13/2000	30	ORDER by Magistrate Judge James H. Payne granting joint motion to extend time to submit settlement agreement for approval [29-1] ; Closing papers ddl extended to 10/5/00 (cc: all counsel) (pyb, Deputy Clerk) (Entered: 09/13/2000)
12/05/2000		NOTICE: HEARING on Settlement Agreement set 12/12/00 at 2:00 p.m. before Magistrate Judge James H. Payne, Fourth Floor Courtroom, at the U.S. Courthouse, 5th and Okmulgee Streets, Muskogee, OK. Only counsel need attend. (cc: all counsel) (pyb, Deputy Clerk) (Entered: 12/05/2000)
12/12/2000	31	MINUTE ORDER: Hearing on Settlement Agreement is STRICKEN , to be reset at a later date. (JHP) (cc: all counsel) (pyb, Deputy Clerk) (Entered: 12/13/2000)
02/01/2001		NOTICE: HEARING on Class Action Settlement set 2/15/01 at 9:00 a.m. before Judge James H. Payne at the U.S. Courthouse, 5th and Okmulgee Streets, Muskogee, OK (cc: all counsel & called) (pyb, Deputy Clerk) (Entered: 02/01/2001)
02/15/2001		HEARING ON CLASS ACTION SETTLEMENT: Plaintiffs present by counsel Samuel J. Schiller. Defendants present by counsel Karen Long. (Before U.S. Magistrate Judge James H. Payne. Courtroom Deputy: PB, Court Reporter: DA.) Arguments of counsel, questions of court and further arguments. ENTERING ORDER: The Court will consider arguments of counsel, and enter an order shortly on the settlement. (JHP) (pyb, Deputy Clerk) (Entered: 02/15/2001)
03/05/2001	<u>32</u>	SETTLEMENT AGREEMENT with Court approval thereon by parties and Magistrate Judge James H. Payne (cc: all counsel) (pyb, Deputy Clerk) (pjw, Deputy Clerk). (Entered: 03/05/2001)

03/05/2001	33	JOINT STIPULATION OF DISMISSAL OF CASE by plaintiffs, defendants, with reservation of jurisdiction in the court to enforce the settlement agreement. (pyb, Deputy Clerk) (Entered: 03/06/2001)
03/05/2001	<u>34</u>	JUDGMENT: by Magistrate Judge James H. Payne that plaintiffs' counsel recover from teh defendant the sum of \$31,100.00, with post-judgment interest thereon at the rate of 6.197 percent as provided by law. (cc: all counsel) (pyb, Deputy Clerk) (pjw, Deputy Clerk). (Additional attachment(s) added on 12/20/2011: # 1 Main Document) (pjw, Deputy Clerk). (Entered: 03/06/2001)
03/05/2001	35	RELEASE AND SATISFACTION of Judgement of claim for attorney's fees and costs. (pyb, Deputy Clerk) (Entered: 03/06/2001)
03/27/2001	<u>36</u>	MINUTE ORDER: Effective 12/21/00, Congress enacted the Omnibus Appropriation Act (P.L. 106-554) which altered the manner in which the rate of interest on judgments is calculated. Consequently, the rate of interest on the judgment entered in this case on 3/5/01 of 6.197 percent is hereby VACATED and interest should accrue on this judgment at a rate of 4.47 percent in accordance with the new law. (JHP) (cc: all counsel) (cjt, Deputy Clerk) (pjw, Deputy Clerk). (Entered: 03/27/2001)
07/16/2009	37	MINUTE ORDER by District Judge James H. Payne: Pursuant to the parties' announcement in open Court July 15, 2009, that this case has been resolved in its entirety, the parties are ordered to file a Joint Stipulation of Dismissal With Prejudice within 10 days of this Order in compliance with Paragraph 18 of the Settlement Agreement. (cjt, Deputy Clerk) (Entered: 07/16/2009)
07/27/2009	<u>38</u>	STIPULATION of Dismissal by Independent School District No. 35 of Cherokee County, Jim Miller' Jack A. Reavis, Lora Reavis and Elisa G. Lingor (With attachments)(Long, Karen) Modified on 7/28/2009 to add filers (dma, Deputy Clerk). (Entered: 07/27/2009)