

**U.S. District Court  
Southern District of Florida (West Palm Beach)  
CIVIL DOCKET FOR CASE #: 9:93-cv-08654-DTKH**

United States v. Palm Beach Gardens, et al  
Assigned to: Judge Daniel T. K. Hurley  
Demand: \$0  
Cause: 42:2000 Job Discrimination (Race)

Date Filed: 12/07/1993  
Jury Demand: None  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government  
Plaintiff

**Plaintiff**

**United States**

represented by **David I. Mellinger**  
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V.

**Defendant**

**Palm Beach Gardens, City Of**

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**Defendant**

**Palm Beach Gardens Police  
Department**  
*TERMINATED: 06/02/1994*

represented by **David Arthur Acton**  
(See above for address)  
*TERMINATED: 06/02/1994*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Thomas J. Baird**  
(See above for address)  
*TERMINATED: 06/02/1994*  
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<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
12/07/1993	1	COMPLAINT filed; LSS, A-7 (Former Deputy Clerk) (Entered: 12/08/1993)

12/07/1993		Magistrate identification: Magistrate Judge Lurana S. Snow (Former Deputy Clerk) (Entered: 12/08/1993)
12/07/1993	2	Civil Action Certification, by United States Attorney. (Former Deputy Clerk) (Entered: 12/08/1993)
12/07/1993	3	SUMMONS issued as to Jesse Hogg (Former Deputy Clerk) (Entered: 12/08/1993)
12/07/1993	4	SUMMONS issued for City of Palm Beach Gardens (Former Deputy Clerk) (Entered: 12/08/1993)
12/07/1993	5	SUMMONS issued for Palm Beach Gardens Police Dept. (Former Deputy Clerk) (Entered: 12/08/1993)
12/08/1993	6	NOTICE of Pendency of Other Action (91-8461-CV-Graham, 91-8460-CV-Graham. by United States (dp, Deputy Clerk) (Entered: 12/09/1993)
12/28/1993	7	MOTION by Palm Beach Gardens, Palm Beach Police to extend time to respond to the complaint (Former Deputy Clerk) (Entered: 12/29/1993)
01/10/1994	8	ANSWER to Complaint by Palm Beach Gardens (Attorney Jesse Stephen Hogg), (dp, Deputy Clerk) (Entered: 01/11/1994)
01/24/1994	9	NOTICE of attorney appearance for Palm Beach Gardens, Palm Beach Police by David Arthur Acton (dp, Deputy Clerk) (Entered: 01/25/1994)
01/24/1994	10	ORDER granting [7-1] motion to extend time to respond to the complaint ( signed by Judge Jose A. Gonzalez Jr. on 1/24/94) CCAP (dp, Deputy Clerk) (Entered: 01/25/1994)
01/26/1994	11	NOTICE of attorney appearance for Palm Beach Gardens, Palm Beach Police by David A. Acton (cg, Deputy Clerk) (Entered: 01/28/1994)
01/31/1994	12	MOTION by Palm Beach Gardens, Palm Beach Police to substitute Attorney Thoms Baird and David Acton for Hogg Allen Norton & Blue (dp, Deputy Clerk) (Entered: 02/02/1994)
01/31/1994	12	ORDER granting [12-1] motion to substitute Attorney Thoms Baird and David Acton for Hogg Allen Norton & Blue terminated attorney Jesse Stephen Hogg for Palm Beach Gardens Added Thomas J. Baird ( signed by Judge Jose A. Gonzalez Jr. on 1/31/94) CCAP (dp, Deputy Clerk) (Entered: 02/02/1994)
02/02/1994	13	ORDER, transferring case to Judge Donald L. Graham (accepted 2/1/94) ( signed by Judge Jose A. Gonzalez Jr. on 1/31/94) CCAP (dp, Deputy Clerk) (Entered: 02/08/1994)

02/02/1994		CASE reassigned to Judge Donald L. Graham (dp, Deputy Clerk) (Entered: 02/08/1994)
03/21/1994	14	ORDER, vacating acceptance of case No. 93-8654-CIV-JAG ( signed by Judge Donald L. Graham on 3/21/94) CCAP (sl, Deputy Clerk) (Entered: 03/29/1994)
03/21/1994		CASE reassigned to Judge Jose A. Gonzalez Jr. (sl, Deputy Clerk) (Entered: 03/29/1994)
04/21/1994	16	JOINT MOTION by United States, Palm Beach Gardens, Palm Beach Police to extend time for filing discovery schedule (dp, Deputy Clerk) (Entered: 05/02/1994)
04/26/1994	15	ORDER, transferring case to Judge Daniel Hurley ( signed by Judge Jose A. Gonzalez Jr. on 4/26/94) CCAP (dp, Deputy Clerk) Modified on 05/03/1994 (Entered: 04/29/1994)
04/26/1994		CASE reassigned to Judge Daniel T. K. Hurley (dp, Deputy Clerk) (Entered: 04/29/1994)
04/28/1994	27	MOTION by Palm Beach Gardens to dismiss Police Department of the City of Palm Beach Gardens [Clerk's note: this pleading was filed in Miami and not received in the West Palm Beach office until after receipt of the Stipulation of Dismissal of Defendant Police Department] (Former Deputy Clerk) (Entered: 07/12/1994)
05/02/1994	17	MOTION by Palm Beach Gardens for mediation (Former Deputy Clerk) (Entered: 05/11/1994)
05/03/1994	18	ORDER granting [16-1] joint motion to extend time for filing discovery schedule, resetting discovery due for 4/22/94 (signed by Judge Jose A. Gonzalez Jr. on 5/3/94, nunc pro tunc) CCAP (Former Deputy Clerk) (Entered: 05/11/1994)
05/06/1994	19	Joint Discovery Plan of United States, Palm Beach Gardens, Palm Beach Police (Former Deputy Clerk) (Entered: 05/16/1994)
05/06/1994	20	JOINT MOTION by United States, Palm Beach Gardens to bifurcate for trial the issues of liability and individual relief (Former Deputy Clerk) (Entered: 05/16/1994)
05/13/1994	21	MOTION by United States to extend time to 5/20/94 to respond to motion to dismiss Palm Beach Gardens' police department as a party (Former Deputy Clerk) (Entered: 06/07/1994)
05/18/1994	22	ORDER granting [21-1] motion to extend time to 5/20/94 to respond to motion to dismiss Palm Beach Gardens' police department as a party (signed by Judge Daniel T. K. Hurley on 5/18/94) CCAP (Former Deputy Clerk) (Entered: 06/15/1994)

05/24/1994	23	Joint STIPULATION of dismissal with prejudice of Palm Beach Gardens Police Department as defendant by United States, Palm Beach Gardens (Former Deputy Clerk) (Entered: 06/15/1994)
06/02/1994	24	ORDER approving [23-1] dismiss/dismissal stipulation, and dismissing from this action with prejudice The Palm Beach Gardens Police Department (signed by Judge Daniel T. K. Hurley on 6/2/94) CCAP (Former Deputy Clerk) (Entered: 06/15/1994)
06/07/1994	25	ORDER granting [20-1] joint motion to bifurcate for trial the issues of liability and individual relief and bifurcating trial into two stages with liability and general injunctive relief issue to be held first (signed by Judge Daniel T. K. Hurley on 6/7/94) CCAP (Former Deputy Clerk) (Entered: 06/15/1994)
06/23/1994	26	Initial Disclosure Statement in accordance with Rule 26(a)(1) of the Federal Rules of Civil Procedure: by Palm Beach Gardens (Former Deputy Clerk) (Entered: 07/12/1994)
07/28/1994	28	JOINT MOTION by Palm Beach Gardens, United States for stay of discovery proceedings (Former Deputy Clerk) (Entered: 08/05/1994)
08/25/1994	29	ORDER granting [28-1] joint motion for stay of discovery proceedings, staying action for 90 days , and setting Status report due within 60 days (by 10/24/94) (signed by Judge Daniel T. K. Hurley on 8/25/94) CCAP (Former Deputy Clerk) (Entered: 08/29/1994)
09/13/1994	30	ORDER OF REFERRAL TO UNITED STATES MAGISTRATE JUDGE REFERRING PRETRIAL DISCOVERY MATTERS, and all motions that relate directly to these motions, for disposition to Magistrate Judge Frank J. Lynch and directing clerk to change magistrate identification from Magistrate Judge Snow to Magistrate Judge Lynch pursuant to administrative order 94-24 (Signed by Judge Daniel T. K. Hurley on 9/13/94) CCAP (Former Deputy Clerk) (Entered: 09/28/1994)
09/13/1994		Magistrate identification: Magistrate Judge Frank J. Lynch (Former Deputy Clerk) (Entered: 09/28/1994)
10/24/1994	31	Joint STATUS REPORT by United States, Palm Beach Gardens (Former Deputy Clerk) (Entered: 10/26/1994)
11/29/1994	32	JOINT STATUS REPORT by United States and Palm Beach Gardens (sg, Deputy Clerk) (Entered: 12/05/1994)
12/23/1994	33	JOINT MOTION by United States, Palm Beach Gardens for fairness hearing and provisional entry of consent decree (sg, Deputy Clerk) (Entered: 12/28/1994)
12/23/1994	34	MEMORANDUM by United States in support of [33-1] motion for

		fairness hearing and provisional entry of consent decree (sg, Deputy Clerk) (Entered: 12/28/1994)
01/07/1995	35	ORDER, for both parties to appear at a calendar call set for 1:30 pm on 3/3/95 before Judge Daniel T. K. Hurley for the purpose of scheduling a fairness hearing (signed by Judge Daniel T. K. Hurley on 1/7/95) CCAP (sg, Deputy Clerk) (Entered: 01/11/1995)
01/07/1995	36	ORDER granting [33-1] motion for fairness hearing and provisional entry of consent decree (signed by Judge T. K. Hurley on 1/7/95) CCAP (sg, Deputy Clerk) (Entered: 02/07/1995)
02/03/1995	37	ORDER granting [33-1] motion for fairness hearing and provisional entry of consent decree (signed by Judge Daniel T. K. Hurley on 2/3/95) CCAP (sg, Deputy Clerk) (Entered: 02/07/1995)
02/03/1995	38	ORDER denying as moot [17-1] motion for mediation (signed by Judge Daniel T. K. Hurley on 2/3/95) CCAP (sg, Deputy Clerk) (Entered: 02/07/1995)
03/13/1995	39	NOTICE of attorney appearance Elizabeth I. Hack for United States (sg, Deputy Clerk) (Entered: 03/14/1995)
04/03/1995	40	ORDER, Setting hearing before Judge Daniel T. K. Hurley on 7/24/95 at 8:30 am to allow interested persons to comment on the fairness of the proposed Consent Decree (signed by Judge Daniel T. K. Hurley on 4/3/95) CCAP (sg, Deputy Clerk) (Entered: 04/06/1995)
04/18/1995	41	NOTICE of appearance by Larry G. Ward as attorney of record for plaintiff United States (Former Deputy Clerk) (Entered: 04/24/1995)
05/15/1995	42	ORDER Resetting Fairness Hearing for 7/31/95 at 8:30 am (signed by Judge Daniel T. K. Hurley on 5/15/95) (sg, Deputy Clerk) (Entered: 05/19/1995)
08/04/1995	43	ORDER entering proposed consent decree (see order for further details) (signed by Judge Daniel T. K. Hurley on 8/4/95) CCAP/M (Former Deputy Clerk) Modified on 08/09/1995 (Entered: 08/09/1995)
08/04/1995		Case closed (Former Deputy Clerk) Modified on 08/09/1995 (Entered: 08/09/1995)
08/14/1997	44	JOINT MOTION by Palm Beach Gardens, United States for Fairness Hearing (Former Deputy Clerk) (Entered: 08/15/1997)
08/14/1997	45	MEMORANDUM by Palm Beach Gardens, United States in support of [44-1] joint motion for Fairness Hearing (Former Deputy Clerk) (Entered: 08/15/1997)
12/18/1997	46	ORDER Referring Motion(s) [44-1] joint motion for Fairness Hearing

		referred to Magistrate Frank J. Lynch for report and recommendation (signed by Judge Daniel T. K. Hurley on 12/18/97) (Former Deputy Clerk) (Entered: 12/19/1997)
01/09/1998	47	ORDER granting [44-1] joint motion for Fairness Hearing. Hearing set for 3/25/98 at 10:00 AM before Magistrate Lynch (signed by Magistrate Frank J. Lynch on 1/9/98) CCAP (Former Deputy Clerk) (Entered: 01/15/1998)
03/18/1998	48	RESPONSE by United States to objections filed by claimants prior to the scheduled "back-end" Fairness hearing set by [47-1] order (Former Deputy Clerk) (Entered: 03/19/1998)
03/25/1998	49	Minutes of Fairness hearing held before Magistrate Frank J. Lynch on 3/25/98; (Former Deputy Clerk) (Entered: 03/27/1998)
03/25/1998	50	Courts Exhibit list (Former Deputy Clerk) (Entered: 03/27/1998)
03/25/1998	53	EXHIBITS to Case: for United States (Former Deputy Clerk) (Entered: 05/13/1998)
04/13/1998	51	Transcript filed re: Fairness Hearing Date: 3/25/98 Before Judge: Frank J. Lynch, Jr. Volume No.: I Number of pages: 1-51 (Former Deputy Clerk) (Entered: 04/16/1998)
04/20/1998	52	NOTICE of objections to recommendations, by Althea V. Williams (Former Deputy Clerk) (Entered: 04/21/1998)
05/08/1998	54	REPORT AND RECOMMENDATIONS of Magistrate Frank J. Lynch recommending that [44-1] joint motion for Fairness Hearing be granted. Hearing held on 5/25/98. Accordingly, this Court finds that the proposed settlement is fair to all affected parties and this Court recommends to the District Court that the proposed settlement submitted by the defendants be approved and entered herein. The parties shall have 10 days from the date of this order to file objections Motion no longer referred. Signed on: 5/8/98 Objections to R and R due by 5/18/98 CCAP (Former Deputy Clerk) (Entered: 05/13/1998)
06/10/1998	55	ORDER adopting [54-1] report and recommendations. The proposed settlement submitted by the United States and the City of Palm Beach Gardens is hereby approved and adopted by the court. The Clerk of the Court is request to designate this case closed and to terminate any motions not pending as moot (Signed by Judge Daniel T. K. Hurley on 6/10/98) CCAP (Former Deputy Clerk) (Entered: 06/16/1998)
06/14/1999	56	VERIFIED MOTION by Palm Beach Gardens for Scott Barry Newman to appear pro hac vice (Former Deputy Clerk) Modified on 06/15/1999 (Entered: 06/15/1999)
06/14/1999		Filing Fee Paid; FILING FEE \$ 75.00 RECEIPT # 710542 (Former



		Deputy Clerk) (Entered: 06/15/1999)
06/21/1999	57	ORDER ON MOTION FOR ADMISSION PRO HAC VICE:ORDER granting [56-1] motion for Scott Barry Newman to appear pro hac vice (Signed by Judge Daniel T. K. Hurley 6/20/99) CCAP [EOD Date: 6/21/99] (Former Deputy Clerk) (Entered: 06/21/1999)
07/16/1999	58	JOINT MOTION by Palm Beach Gardens, United States to dismiss consent decree (at, Deputy Clerk) (Entered: 07/21/1999)
07/19/1999	59	NOTICE of Filing Appendix by Palm Beach Gardens (at, Deputy Clerk) (Entered: 07/21/1999)
07/20/1999	60	ORDER ON JOINT MOTION TO DISMISS CONSENT DECREE:ORDER granting [58-1] motion to dismiss consent decree ( Signed by Judge Daniel T. K. Hurley on 7/19/99) CCAP [EOD Date: 7/21/99] (Former Deputy Clerk) (Entered: 07/21/1999)