

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Galveston)
CIVIL DOCKET FOR CASE #: 3:01-cv-00010**

USA v. Matagorda County, et al
Assigned to: Judge Samuel B Kent
Demand: \$0
Cause: 42:2000 Job Discrimination

Date Filed: 01/09/2001
Date Terminated: 01/23/2002
Jury Demand: Defendant
Nature of Suit: 442 Civil Rights:
Jobs
Jurisdiction: U.S. Government
Plaintiff

Plaintiff

United States of America

represented by **Alicia Dyoni Johnson**
US Dept of Justice
Emp Litigation Sec/Civ Rights
Div
10th & Constitution Ave NW
Rm 4926
Washington, DC 20035-5968
202-353-1929
Fax: 202-514-1005 fax
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Allen W Levy
US Department of Justice
Emp Litigation Sec/Civ Rights
Div
10th and Constitution Ave NW
Room 4926
Washington, DC 20530
202-514-2188
Fax: 202-514-1105 fax
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mervyn Milton Mosbacher, Jr
Attorney at Law
2777 Allen Pkwy
Ste 1000
Houston, TX 77019
713-529-4200
Fax: 713-529-4211 fax
Email:

mosbacker.atty@sbcglobal.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William B Fenton
Asst U. S. Attorney
U.S. Dept of Justice
P.O. Box 65968
Washington, D.C. 20035-5968
202/633-3861
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Matagorda County, Texas

represented by **William Scott Helfand**
Chamberlain Hrdlicka
1200 Smith
Ste 1400
Houston, TX 77002-4401
713-654-9630
Fax: 713-658-2553 fax
Email:
bill.helfand@chamberlainlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

James D Mitchell
*Matagorda County Sheriff, in his
official capacity*

represented by **William Scott Helfand**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

Christopher Jordan

represented by **Lionel Mills**
Attorney At Law
4111 Charleston
Houston, TX 77021
713-741-0860
Fax: 713-741-3505
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Everett J McClain

State Bar Information

4302 Reed Rd

Houston, TX 77051

281-770-5476

ATTORNEY TO BE NOTICED

Intervenor Defendant

Matagorda County, Texas

represented by **William Scott Helfand**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Intervenor Defendant

James D Mitchell

represented by **William Scott Helfand**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Movant

Christopher Jordan

represented by **Everett J McClain**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Lionel Mills

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/09/2001	1	COMPLAINT by USA filed; (mbergara) (Entered: 01/09/2001)
01/09/2001	2	ORDER set scheduling conference for 9:00 6/6/01 before Judge Samuel B. Kent , entered; Parties notified. (mbergara) (Entered: 01/09/2001)
01/09/2001	3	ORDER re:computer codes printed on proposed orders ,

		entered; Parties notified. (signed by Judge Samuel B. Kent) (mbergara) (Entered: 01/09/2001)
01/10/2001	4	MOTION & ORDER FOR ADMISSION PRO HAC VICE as to atty Allen W. Levy to appear for USA, entered; Parties notified. (signed by Judge Samuel B. Kent) (mbergara) (Entered: 01/11/2001)
02/05/2001	5	DISCLOSURE OF INTERESTED PARTIES by USA , filed. (mbergara) (Entered: 02/07/2001)
02/26/2001	6	DISCLOSURE OF INTERESTED PARTIES by Matagorda County, James D Mitchell , filed. (mbergara) (Entered: 02/28/2001)
03/02/2001	7	MEMORANDUM to intervene by Christopher Jordan by Christopher Jordan, Motion Docket Date 3/22/01 [7-1] motion , filed. (mgore) (Entered: 03/05/2001)
03/02/2001	8	Intervenor's COMPLAINT by Christopher Jordan against Matagorda County, James D Mitchell , filed (mgore) (Entered: 03/05/2001)
03/21/2001	9	ANSWER to Complaint by Matagorda County (Added attorney), filed.; jury demand (mbergara) (Entered: 03/22/2001)
03/28/2001	10	ORDER granting [7-1] motion to intervene by Christopher Jordan , entered; Parties notified. (signed by Judge Samuel B. Kent) (mbergara) (Entered: 03/28/2001)
05/18/2001	11	ORDER re:request of USA to prohibit the depo of Jordan until resolution of criminal case is DENIED , entered; Parties notified. (signed by Magistrate Judge John R. Froeschner) (mbergara) (Entered: 05/21/2001)
05/25/2001	12	NOTICE OF DISCLOSURES by Matagorda County, James D Mitchell , filed. (mbergara) (Entered: 05/25/2001)
05/25/2001	13	JOINT DISCOVERY/Case Management Plan by USA, Matagorda County, James D Mitchell, Christopher Jordan , filed. (mbergara) (Entered: 05/31/2001)
05/25/2001	14	OBJECTION to [11-1] order by USA , filed. (mbergara) (Entered: 05/31/2001)
06/06/2001	15	NOTICE OF DISCLOSURE by USA, filed. (mbergara) (Entered: 06/06/2001)
06/06/2001	16	Scheduling conference held before Judge Samuel B. Kent Ct Reporter: Ida Salinas ETT: 3 days Appearances:Allen Levy,

		Everett McClain, William Helfand. jury trial set week of 1/28/02. (mbergara) (Entered: 06/12/2001)
06/13/2001	17	DOCKET CONTROL ORDER setting Plaintiff's expert witness list submitted by 11/2/01 Deft expert witness list submitted by 12/7/01 ; Discovery cutoff 1/11/02 ; Pretrial order to be submitted on or before 1/18/02 ; Pretrial Conference on 10:30 1/24/02 before Magistrate Judge John R. Froeschner , entered. Parties notified. (Signed by Magistrate Judge John R. Froeschner) Jury Trial set for 1/28/02 before Judge Samuel B. Kent. (mbergara) (Entered: 06/14/2001)
06/13/2001		Deadline updated; set jury trial for 8:30 1/28/02 before Judge Samuel B. Kent (mbergara) (Entered: 06/14/2001)
06/20/2001	18	AMENDED NOTICE OF DISCLOSURE by Matagorda County, James D Mitchell , filed. (mgore) (Entered: 06/20/2001)
07/02/2001	19	NOTICE of Filing of First Set of Interrogatories by USA , filed (mgore) (Entered: 07/02/2001)
07/09/2001	20	NOTICE of Filing of First Request for Production of Documents by USA , filed (mbergara) (Entered: 07/09/2001)
07/18/2001	21	ORDER, the Court DENIES the U.S. Objections to Judge Froeschner's Order, Order is AFFIRMED in all respects , entered; Parties notified. (signed by Judge Samuel B. Kent) (mbergara) (Entered: 07/19/2001)
07/20/2001		Motion and Order for admission Pro Hac Vice as to Alicia Dyon Johnson, forwarded original to cs. mngr. (mbergara) (Entered: 07/20/2001)
07/23/2001	22	MOTION AND ORDER FOR ADMISSION PRO HAC VICE as to atty Alicia Dyon Johnson to appear for United States of America , entered; Parties notified. (signed by Judge Samuel B. Kent) (mbergara) (Entered: 07/24/2001)
08/06/2001	23	Unopposed MOTION for production of transcription by Matagorda County, James D Mitchell, Motion Docket Date 8/26/01 [23-1] motion , filed. (mbergara) (Entered: 08/07/2001)
08/08/2001	24	AGREED ORDER granting [23-1] motion for production of transcription , entered; Parties notified. (signed by Judge Samuel B. Kent) (mgore) (Entered: 08/08/2001)
09/04/2001	25	NOTICE OF SECOND AMENDED INITIAL DISCLOSURE by Matagorda County, James D Mitchell, filed. (mbergara) (Entered: 09/04/2001)

09/14/2001	26	ORDER SETTING HEARING re:attorney Everett McClain's status for 9:30 10/4/01 before Judge Samuel B. Kent , entered; Parties notified. (signed by Judge Samuel B. Kent) (mbergara) (Entered: 09/17/2001)
10/04/2001	27	FIRST AMENDED ANSWER to Complaint by Matagorda County, James D Mitchell : amends [9-1] answer , filed. (mbergara) (Entered: 10/04/2001)
10/04/2001	28	NOTICE OF THIRD AMENDED INITIAL DISCLOSURES by Matagorda County, James D Mitchell , filed. (mbergara) (Entered: 10/04/2001)
10/04/2001	29	Miscellaneous hearing held before Judge Samuel B. Kent Ct Reporter: Ida Salinas Appearances:Lionel Mills, Everett McClain, William Helfand; Court made inquiry into bar status of pltf's attorney. He is to submit proof of reinstatement by Bar w/i 30 days or to be excused from these proceedings. (mbergara) (Entered: 10/04/2001)
10/24/2001	30	NOTICE OF FIRST AMENDED DISCLOSURE by USA , filed. (mbergara) (Entered: 10/25/2001)
11/06/2001	31	NOTICE of Filing of "Pltf U.S. Second Request for Production of Documents" by USA , filed (mbergara) (Entered: 11/07/2001)
11/09/2001	32	ORDER set conference for 9:30 11/16/01 before Judge Samuel B. Kent , entered; Parties notified. (signed by Judge Samuel B. Kent) (mbergara) (Entered: 11/09/2001)
11/15/2001	33	Unopposed MOTION with memorandum of points and authorities in support to conduct oral deposition of a person confined in prison by USA, Motion Docket Date 12/5/01 [33-1] motion , filed (mbergara) (Entered: 11/16/2001)
11/16/2001	34	Miscellaneous hearing held before Judge Samuel B. Kent Ct Reporter: J. Byers Appearances:Allen Levy, Alica Johnson, Lionel Mills, Everett McClain. Rule on discovery disputes as set out on the record. (mbergara) (Entered: 11/16/2001)
11/19/2001	35	ORDER granting [33-1] motion to conduct oral deposition of a person confined in prison , entered; Parties notified. (signed by Magistrate Judge John R. Froeschner) (mgore) (Entered: 11/19/2001)
11/29/2001	36	Unopposed MOTION with memorandum in support to order Pete Martinez to show cause why he should not be held in contempt of Court for failure to comply with a valid subpoena

		to testify at a deposition and to enforce the subpoena by USA, Motion Docket Date 12/19/01 [36-1] motion , filed (mbergara) (Entered: 11/29/2001)
11/29/2001	37	ORDER granting [36-1] motion to order Pete Martinez to show cause why he should not be held in contempt of Court for failure to comply with a valid subpoena to testify at a deposition and to enforce the subpoena set show cause hearing for 3:00 12/5/01 before Judge Samuel B. Kent , entered; Parties notified. (signed by Judge Samuel B. Kent) All counsel and Mr. Martinez are ORDERED to appear. (mbergara) (Entered: 11/29/2001)
12/05/2001		Issued WARRANT to arrest Pete Martinez, Deft. and forwarded to U.S. Marshal (mbergara) (Entered: 12/06/2001)
12/05/2001	38	Show cause hearing held before Judge Samuel B. Kent Ct Reporter: Ida Salinas Appearances:Allen Levy, Alicia Johnson, Everett McClaine, Lionel Mills, Barbara Roberts, Jill Cornelius; witness Martinez now stands in civil contempt; the court orders issuance of a bench warrant with no bond; Mr. Martinez can purge himself of contempt by tendering his deposition testimony. (mbergara) (Entered: 12/07/2001)
12/10/2001	39	ORDER set docket call for 9:00 1/3/02 before Judge Samuel B. Kent , entered; Parties notified. (signed by Judge Samuel B. Kent) (mgore) (Entered: 12/10/2001)
12/11/2001	40	MOTION to quash subpoena by Matagorda County, James D Mitchell, Motion Docket Date 12/31/01 [40-1] motion , filed. (mbergara) (Entered: 12/11/2001)
12/11/2001	41	DESIGNATION OF EXPERTS by Matagorda County, James D Mitchell filed. (mbergara) (Entered: 12/11/2001)
12/13/2001	42	NOTICE of Filing of Pltf United States' Third Request for Production of Documents" by USA , filed (mbergara) (Entered: 12/13/2001)
12/14/2001	43	MOTION for summary judgment by Matagorda County, James D Mitchell, Motion Docket Date 1/3/02 [43-1] motion , filed. (mbergara) (Entered: 12/17/2001)
12/14/2001	44	MEMORANDUM OF LAW by Matagorda County, James D Mitchell in support of [43-1] motion for summary judgment , filed (mbergara) (Entered: 12/17/2001)
12/21/2001	45	SUPPLEMENT to [43-1] motion for summary judgment by Matagorda County, James D Mitchell , filed. (gclark) (Entered: 12/21/2001)

01/03/2002	46	MEMORANDUM by USA in opposition to [43-1] motion for final summary judgment , filed (mbergara) (Entered: 01/04/2002)
01/03/2002	47	MOTION to amend opposition to defts' motion for summary judgment by USA, Motion Docket Date 1/23/02 [47-1] motion , filed. (mbergara) (Entered: 01/04/2002)
01/03/2002	48	MEMORANDUM by Christopher Jordan in opposition to [43-1] motion for final summary judgment , filed (mbergara) (Entered: 01/04/2002)
01/03/2002	49	Docket call held before Judge Samuel B. Kent Ct Reporter: J. Byers Appearances: Allen Levy, Alicia Johnson, Lionel Mills, Everett McClain, William Helfand; case set and ready for jury trial week of 1/28/02 (mbergara) (Entered: 01/04/2002)
01/07/2002	50	Discovery hearing held before Magistrate Judge John R. Froeschner Tape Number: 1 Start 15--1670 Appearances:Allen Levy-USA; Everett McClain and Lionel Mills for Pltf Jordan; William Helfand and Barbara Roberts for Deft.; Order to follow. (mbergara) (Entered: 01/07/2002)
01/07/2002	51	ORDER regarding hearing concerning discovery disputes , entered; Parties notified. (signed by Magistrate Judge John R. Froeschner) (mbergara) (Entered: 01/07/2002)
01/07/2002	52	MOTION to supplement [46-1] opposition memorandum by USA, Motion Docket Date 1/27/02 [52-1] motion , filed. (mbergara) (Entered: 01/07/2002)
01/07/2002	53	NOTICE OF SECOND AMENDED DISCLOSURE by USA , filed. (mbergara) (Entered: 01/07/2002)
01/07/2002	54	ORDER granting [52-1] motion to supplement [46-1] opposition memorandum , entered; Parties notified. (signed by Judge Samuel B. Kent) (mbergara) (Entered: 01/08/2002)
01/09/2002	55	MOTION with memorandum in support for provisional continuance by USA, Motion Docket Date 1/29/02 [55-1] motion , filed (mbergara) (Entered: 01/09/2002)
01/09/2002	56	MOTION in limine to exzclude testimony of Stevie Franklin by USA, Motion Docket Date 1/29/02 [56-1] motion , filed. (mbergara) (Entered: 01/09/2002)
01/09/2002	57	MOTION in limine to exclude evidence of Gwen Galloway's Settlement of a discrimination Charge against the Matagord County Sheriff's Dept. by USA, Motion Docket Date 1/29/02 [57-1] motion , filed. (mbergara) (Entered: 01/09/2002)

01/09/2002	58	MOTION in limine to exclude the Report and Testimony of Defpts' Expert Kim Schoolcraft by USA, Motion Docket Date 1/29/02 [58-1] motion , filed. (mbergara) (Entered: 01/09/2002)
01/09/2002	59	MOTION in limine to exclude evidence of Christopher Jordan's Indictment on the charge of Possession of a Prohibited substance in a correctional facility by USA, Motion Docket Date 1/29/02 [59-1] motion , filed. (mbergara) (Entered: 01/09/2002)
01/10/2002	60	MOTION to withdraw [57-1] motion in limine to exclude evidence of Gwen Galloway's Settlement of a discrimination Charge against the Matagord County Sheriff's Dept. by USA, Motion Docket Date 1/30/02 [60-1] motion , filed. (mbergara) (Entered: 01/10/2002)
01/10/2002	61	ORDER granting [40-1] motion to quash subpoena of Sheriff Joe King , entered; Parties notified. (signed by Judge Samuel B. Kent) (mbergara) (Entered: 01/11/2002)
01/10/2002	62	ORDER granting [60-1] motion to withdraw [57-1] motion in limine to exclude evidence of Gwen Galloway's Settlement of a discrimination Charge against the Matagord County Sheriff's Dept. , entered; Parties notified. (signed by Judge Samuel B. Kent) (mbergara) (Entered: 01/11/2002)
01/10/2002	63	ORDER granting in part, denying in part [43-1] motion for summary judgment , entered; Parties notified. (signed by Judge Samuel B. Kent) (mbergara) (Entered: 01/11/2002)
01/11/2002	64	MEMORANDUM by Christopher Jordan in opposition to [43-1] motion for final summary judgment, filed (doc. not signed) (mbergara) (Entered: 01/11/2002)
01/11/2002	65	ORDER striking [64-1] opposition memorandum to Deft's Motion for Final Summary Judgment, not in compliance with L.R.11.3 (no signature) and L.R.5.2 (original and one copy filikng requirement) , entered; Parties notified. (signed by Judge Samuel B. Kent) (mbergara) (Entered: 01/14/2002)
01/14/2002	66	OPPOSITION RESPONSE by James D Mitchell to [55-1] motion for provisional continuance , filed. (mbergara) (Entered: 01/14/2002)
01/14/2002	67	NOTICE OF FOURTH AMENDED INITIAL DISCLOSURE by Matagorda County, James D Mitchell , filed. (mbergara) (Entered: 01/15/2002)
01/14/2002	68	ORDER setting deadlines re:telephone conference with counsel

		of record concerning discovery disputes , entered; Parties notified. (signed by Magistrate Judge John R. Froeschner) (mbergara) (Entered: 01/15/2002)
01/16/2002	69	ORDER that the examination of the personnel files of Matagorda County Sheriff's Office scheduled shall go forward as planned , entered; Parties notified. (signed by Magistrate Judge John R. Froeschner) (mbergara) (Entered: 01/16/2002)
01/16/2002	70	ORDER denying [55-1] motion for provisional continuance , entered; Parties notified. (signed by Judge Samuel B. Kent) (mbergara) (Entered: 01/16/2002)
01/16/2002	71	FIRST AMENDED/SUPPLEMENTAL MEMORANDUM IN [64-1] opposition to deft's motion for final summary judgment by Christopher Jordan, filed. (mbergara) (Entered: 01/16/2002)
01/18/2002	72	NOTICE OF INITIAL DISCLOSURE by Matagorda County, James D Mitchell , filed. (mgore) (Entered: 01/18/2002)
01/18/2002	73	MOTION to quash subpoena for Matagorda County Distrist Atty's files and records by James D Mitchell, Motion Docket Date 2/7/02 [73-1] motion , filed. (mgore) Modified on 01/18/2002 (Entered: 01/18/2002)
01/18/2002	73	RESPONSE by James D Mitchell to [59-1] motion in limine to exclude evidence of Christopher Jordan's Indictment on the charge of Possession of a Prohibited substance in a correctional facility , filed. (mgore) (Entered: 01/18/2002)
01/18/2002	74	RESPONSE by James D Mitchell to [58-1] motion in limine to exclude the Report and Testimony of Defts' Expert Kim Schoolcraft , filed. (mgore) (Entered: 01/18/2002)
01/18/2002	75	Discovery hearing held before Judge Samuel B. Kent Ct Reporter: Ida Salinas Appearances:Allen Levy, William Helfand, Barbar Roberts, Jane Perkins, Lionel Mills, Everett McClain; Attorneys Lionel Mills and Everett McClain are each fined \$100 for being late; to be paid w/i 10 days or further sanctions to issue; pretrial order to be filed by noon 1/23/02 (mbergara) (Entered: 01/22/2002)
01/18/2002	76	ORDER granting [73-1] motion to quash subpoena for Matagorda County Distrist Atty's files and records denying [59-1] motion in limine to exclude evidence of Christopher Jordan's Indictment on the charge of Possession of a Prohibited substance in a correctional facility , entered; Parties notified. (signed by Judge Samuel B. Kent) (mbergara) (Entered: 01/22/2002)

01/18/2002	77	MEMORANDUM IN SUPPORT/Motion for reconsideration of [63-1] order by Christopher Jordan, Motion Docket Date 2/7/02 [77-1] motion , filed. (mbergara) (Entered: 01/22/2002)
01/23/2002	78	MOTION and memorandum in support to amend Order of 1/7/02 quashing a subpoena to Sheriff Joe King by USA, Motion Docket Date 2/12/02 [78-1] motion , filed. (mbergara) (Entered: 01/24/2002)
01/23/2002	79	ORDER denying [78-1] motion to amend Order of 1/7/02 quashing a subpoena to Sheriff Joe King , entered; Parties notified. (signed by Judge Samuel B. Kent) (mbergara) (Entered: 01/24/2002)
01/23/2002	80	ORDER denying [77-1] motion for reconsideration of [63-1] order , entered; Parties notified. (signed by Judge Samuel B. Kent) (mbergara) (Entered: 01/24/2002)
01/23/2002	81	15-DAY ADMINISTRATIVE CLOSING ORDER , entered; Parties notified. (signed by Judge Samuel B. Kent) (mbergara) (Entered: 01/24/2002)
01/23/2002	82	NOTICE OF CANCELLATION of Pretrial conference set for 1/24/02 at 10:30 am before the U.S. Magistrate Judge, entered; Parties notified. (signed by Magistrate Judge John R. Froeschner) (mbergara) (Entered: 01/24/2002)
01/23/2002		Case closed (mbergara) (Entered: 01/24/2002)
01/31/2002		Sanctions Fee Paid; \$ 200.00 RECEIPT # 313892 (mbergara) (Entered: 02/01/2002)
02/15/2002	83	STIPULATION re: dismissal by USA, Christopher Jordan , filed. (mbergara) (Entered: 02/19/2002)
02/19/2002	84	SETTLEMENT AGREEMENT, each party shall bear its own costs and expenses including attorney's fees ,entered; Parties notified. (signed by Judge Samuel B. Kent) (mbergara) (Entered: 02/20/2002)
02/19/2002	85	ORDER OF DISMISSAL , entered; Parties notified. (signed by Judge Samuel B. Kent) (mbergara) (Entered: 02/20/2002)
02/27/2002	86	Warrant issued for Pete Martinez returned unexecuted per order of the Court. (mgore) (Entered: 02/27/2002)
02/28/2002		MAIL RETURNED UNDELIVERABLE re: [35-1] order as to William B. Fenton, Asst U.S. Attorney, Washington DC (mbergara) (Entered: 02/28/2002)

02/28/2002

MAIL RETURNED UNDELIVERABLE re: [35-1] order as to
Alicia Dyon Johnson, US Dept of Justice, Civil Rights Div,
Washington DC (mbergara) (Entered: 02/28/2002)