

CLOSED

**U.S. District Court  
Alabama Middle District (Montgomery)  
CIVIL DOCKET FOR CASE #: 2:09-cv-00683-MEF -TFM**

United States of America v. Biswas et al  
Assigned to: Honorable Judge Mark E. Fuller  
Referred to: Honorable Judge Terry F. Moorer  
Cause: 42:3601 Fair Housing Act

Date Filed: 07/21/2009  
Date Terminated: 02/07/2011  
Jury Demand: Defendant  
Nature of Suit: 443 Civil Rights:  
Accommodations  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**United States of America**

represented by **Daniel H. Yi**  
United States Department of Justice  
Civil Rights Div  
950 Pennsylvania Avenue, NW  
Northwestern Building – 7th floor  
Washington, DC 20530  
202-514-4701  
Email: [daniel.yi@usdoj.gov](mailto:daniel.yi@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James Joseph DuBois**  
U. S. Attorney's Office  
PO Box 197  
Montgomery, AL 36101  
334-223-7280  
Fax: 334-223-7418  
Email: [james.dubois2@usdoj.gov](mailto:james.dubois2@usdoj.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Loretta King**  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Northwestern Building – 7th floor  
Washington, DC 20530  
202-514-4701  
Fax: 202-514-1116  
*LEAD ATTORNEY*

**Michael Stuart Maurer**  
U.S. Department of Justice  
Housing and Civil Enforcement Section  
950 Pennsylvania Avenue, NW – G Street  
Washington, DC 20530  
202-514-4713  
Fax: 202-514-1116  
Email: [michael.maurer@usdoj.gov](mailto:michael.maurer@usdoj.gov)  
*LEAD ATTORNEY*

**Steven H. Rosenbaum**  
U.S. Department of Justice, Civil Rights  
Division  
Chief, Housing and Civil Enforcement  
Section  
950 Pennsylvania Avenue NW  
Washington, DC 20530  
202-305-3107  
*LEAD ATTORNEY*

V.

**Defendant****Chandi Biswas**

represented by **Anthony B. Bush**  
 LEWIS, BUSH & FAULK, LLC  
 400 South Union Street, Suite 230  
 Montgomery, AL 36104  
 334-263-7733  
 Fax: 334-832-4390  
 Email: [anthonybbush@yahoo.com](mailto:anthonybbush@yahoo.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant****Kenneth R. Scott**

represented by **Kenneth R. Scott**  
 1603 Trilliam Lane  
 Clanton, AL 35045  
 205-280-4294  
 PRO SE

**Defendant****Frankie L. Roberson**

represented by **Joseph Charles Guillot**  
 McPhillips Shinbaum LLP  
 PO Box 64  
 Montgomery, AL 36101-0064  
 334-262-1911  
 Fax: 334-263-2321  
 Email: [joeglaw@att.net](mailto:joeglaw@att.net)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
07/21/2009	<u>1</u>	COMPLAINT against Chandi Biswas, Kenneth R. Scott, Frankie L. Roberson filed by United States of America.(cc, ) (Entered: 07/27/2009)
07/27/2009	<u>2</u>	Summons Issued; summons and complaint mailed by CMRRR to Chandi Biswas, Kenneth R. Scott, Frankie L. Roberson. (cc, ) (Entered: 07/27/2009)
07/27/2009		NOTICE of Assignment to Magistrate Judge mailed to counsel for United States of America. (cc, ) (Entered: 07/27/2009)
07/27/2009	<u>3</u>	Notice of Deficiency requiring filing of Corporate Disclosure/Conflict Statement sent to plaintiff United States of America; Corporate Disclosures due by 8/10/2009. (Attachments: # <u>1</u> Corporate Conflict Standing Order)(cc, ) (Entered: 07/27/2009)
07/29/2009	<u>4</u>	Corporate/Conflict Disclosure Statement by United States of America re <u>3</u> Notice of Deficiency requiring filing of Corporate Disclosure/Conflict Statement. (Yi, Daniel) (Entered: 07/29/2009)
07/29/2009	<u>5</u>	Return Receipt Card showing service of summons & complaint signed by: A. Bush for Chandi Biswas served on 7/28/2009, answer due 8/17/2009; Lindsey Massey for Frankie L. Roberson served on 7/28/2009, answer due 8/17/2009. (cc, ) (Entered: 07/30/2009)
07/30/2009	<u>6</u>	Return Receipt Card showing service of summons & complaint signed by Ken Scott for Kenneth R. Scott served on 7/28/2009, answer due 8/17/2009. (cc, ) (Entered: 07/30/2009)
07/31/2009	<u>7</u>	<i>Defendant Frankie Roberson's</i> ANSWER to <u>1</u> Complaint by Frankie L. Roberson.(Guillot, Joseph) (Entered: 07/31/2009)
07/31/2009	<u>8</u>	Corporate/Conflict Disclosure Statement by Frankie L. Roberson. (Guillot, Joseph) (Entered: 07/31/2009)

08/09/2009	<u>9</u>	NOTICE of Appearance by Anthony B. Bush on behalf of Chandi Biswas (Bush, Anthony) (Entered: 08/09/2009)
08/09/2009	<u>10</u>	Corporate/Conflict Disclosure Statement by Chandi Biswas. (Bush, Anthony) (Entered: 08/09/2009)
08/10/2009		NOTICE of Assignment to Magistrate Judge mailed to counsel for Chandi Biswas and to counsel for Frankie L. Roberson. (cc, ) (Entered: 08/10/2009)
08/12/2009	<u>11</u>	Case reassigned to Hon. Chief Judge Mark E. Fuller and Honorable Terry F. Moorer. Honorable Terry F. Moorer no longer assigned to the case as presiding judge. (cc, ) (Entered: 08/12/2009)
08/12/2009	<u>12</u>	ANSWER to <u>1</u> Complaint with Jury Demand by Chandi Biswas.(Bush, Anthony) (Entered: 08/12/2009)
08/28/2009	<u>13</u>	RULE 26(f) ORDER: Rule 26 Meeting Report due by 9/29/2009. Signed by Hon. Chief Judge Mark E. Fuller on 8/28/09. (br, ) (Entered: 08/28/2009)
09/29/2009	<u>14</u>	REPORT of Rule 26(f) Planning Meeting. (Yi, Daniel) (Entered: 09/29/2009)
10/05/2009	<u>15</u>	SCHEDULING ORDER: Final Pretrial Conference set for 1/7/2011 in chambers before Hon. Chief Judge Mark E. Fuller; Jury Trial set for 1/31/2011 trial term in Montgomery before Hon. Chief Judge Mark E. Fuller; Amended Pleadings due by 2/19/2010; Discovery due by 6/25/2010; Motions due by 5/25/2010; Mediation Notice due by 6/21/2010. Signed by Hon. Chief Judge Mark E. Fuller on 10/5/2009. (cc, ) (Entered: 10/05/2009)
02/14/2010	<u>16</u>	ANSWER to <u>1</u> Complaint by Kenneth R. Scott.(jg, ) (Entered: 02/16/2010)
05/17/2010	<u>17</u>	Joint MOTION for Extension of Deadline <i>for Motions for Summary Judgment and Discovery</i> by Chandi Biswas. (Bush, Anthony) (Entered: 05/17/2010)
05/18/2010	<u>18</u>	Notice of Deficiency requiring filing of Corporate Disclosure/Conflict Statement sent to Kenneth R. Scott Corporate Disclosures due by 5/28/2010. (Attachments: # <u>1</u> Corporate Conflict Standing Order)(jg, ) (Entered: 05/18/2010)
05/20/2010	<u>19</u>	ORDER; Upon consideration of the Joint Motion to Modify Scheduling Order/Extend Deadlines <u>17</u> filed on May 17, 2010, it is hereby ORDERED that the motion is GRANTED. The dispositive motion deadline is extended to and including July 23, 2010. The discovery completion deadline is extended to and including August 20, 2010. Signed by Hon. Chief Judge Mark E. Fuller on 5/20/2010. (jg, ) (Entered: 05/20/2010)
06/01/2010	<u>20</u>	SECOND Notice of Deficiency requiring filing of Corporate Disclosure/Conflict Statement sent to Kenneth R. Scott. Corporate Disclosures due by 6/11/2010. (Attachments: # <u>1</u> Corporate Conflict Standing Order)(jg, ) (Entered: 06/01/2010)
06/21/2010	<u>21</u>	NOTICE by Chandi Biswas, Frankie L. Roberson, United States of America of <i>Settlement Conference</i> (Guillot, Joseph) (Additional attachment(s) added on 6/23/2010: # <u>1</u> Corrected Certificate of Service) (jg, ). (Entered: 06/21/2010)
06/23/2010	<u>22</u>	NOTICE of Correction to <u>21</u> Notice of Settlement Conference. Notice of Correction is being filed this date to advise that the referenced document was filed on 6/21/2010 and did not have a corrected certificate of service attached. The corrected certificate of service is attached to this notice. (Attachments: # <u>1</u> Corrected Certificate of Service)(jg, ) (Entered: 06/23/2010)
07/22/2010	<u>23</u>	MOTION for Extension of Time to Extend Summary Judgment and Discovery Deadlines by Chandi Biswas, Frankie L. Roberson (Bush, Anthony) Modified on 7/22/2010 to correct docket text and to remove Kenneth R. Scott as a filer (jg, ) (Entered: 07/22/2010)
07/22/2010	<u>24</u>	ORDER; Upon consideration of the defendants' Motion to Extend Summary Judgment and Discovery Deadlines <u>23</u> filed on July 22, 2010, it is hereby ORDERED that the motion is DENIED. Signed by Hon. Chief Judge Mark E. Fuller on 7/22/2010. (jg, ) (Entered: 07/22/2010)

07/23/2010	<u>25</u>	MOTION for Summary Judgment as to Liability by United States of America. (jg, ) (Entered: 07/23/2010)
07/23/2010	<u>26</u>	BRIEF/MEMORANDUM in Support re <u>25</u> MOTION for Summary Judgment filed by United States of America. (Attachments: # <u>1</u> Exhibit A–List of Properties, # <u>2</u> Exhibit B–Deposition of Chandi Biswas, # <u>3</u> Exhibit C–Deposition of Kenneth R. Scott, # <u>4</u> Exhibit D–Deposition of Frankie Lenn Roberson, # <u>5</u> Exhibit E–Deposition of Mark Markley, # <u>6</u> Exhibit–F Audio Recording, # <u>7</u> Exhibit G–Deposition of Michael Aucoin, # <u>8</u> Exhibit H–Audio Recording of Michael Aucoin, # <u>9</u> Exhibit I–Inventory, # <u>10</u> Exhibit J–Deposition of Mark Markley, # <u>11</u> Exhibit K–Audio Recording of Mark Markley and Frank Roberson, # <u>12</u> Exhibit L–Declaration of Michael B. Goldstein)(jg, ) (Entered: 07/23/2010)
07/23/2010	<u>27</u>	MOTION for Summary Judgment by Chandi Biswas. (Bush, Anthony) (Additional attachment(s) added on 7/26/2010: # <u>1</u> Corrected Certificate of Service) (jg, ). (Entered: 07/23/2010)
07/23/2010	<u>28</u>	BRIEF/MEMORANDUM in Support re <u>27</u> MOTION for Summary Judgment filed by Chandi Biswas. (Attachments: # <u>1</u> Affidavit Declaration, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G)(Bush, Anthony) Edited to restrict access ton personal information pursuant to the E–Government Act. (Additional attachment(s) added on 7/26/2010: # <u>9</u> Redacted Brief in Support of Motion for Summary Judgment, # <u>10</u> Redacted Exhibit A, # <u>11</u> Redacted Exhibit C) (jg, ). (Entered: 07/23/2010)
07/23/2010	<u>29</u>	MOTION for Summary Judgment by Frankie L. Roberson. (Attachments: # <u>1</u> Exhibit Defedant Roberson's Memorandum in Support of Motion for Summary Judgment, # <u>2</u> Exhibit Exh A – Roberson Dep, # <u>3</u> Exhibit Exh B – Briggs Trans., # <u>4</u> Exhibit Exh C – Markley Trans., # <u>5</u> Exhibit Exh D – Halsey Trans., # <u>6</u> Exhibit Exh E – Plaintiff's Interrogatory Responses)(Guillot, Joseph) (Entered: 07/23/2010)
07/23/2010		BRIEF/MEMORANDUM in Support re <u>29</u> MOTION for Summary Judgment filed by Frankie L. Roberson. No pdf for this docket entry. See <u>29</u> motion for summary judgment Exhibit 1. (jg, ) (Entered: 07/27/2010)
07/26/2010	<u>30</u>	NOTICE of Correction re <u>27</u> MOTION for Summary Judgment: Notice of Correction is being filed this date to advise that the referenced document was filed on 7/23/2010 and did not have a corrected certificate of service attached listing all the attorneys of record. The corrected certificate of service is attached to this notice. (Attachments: # <u>1</u> Corrected Certificate of Service)(jg, ) (Entered: 07/26/2010)
07/27/2010	<u>31</u>	ORDER; Upon consideration of the defendants' Motions for Summary Judgment <u>27</u> & <u>29</u> filed on July 23, 2010, it is hereby ORDERED that the motions be submitted without oral argument on August 17, 2010. It is further ORDERED that the government file a response which shall include a brief and any evidentiary materials on or before August 10, 2010. The defendants may file a reply brief on or before August 17, 2010. Signed by Hon. Chief Judge Mark E. Fuller on 7/27/2010. (jg, ) (Entered: 07/27/2010)
07/27/2010	<u>32</u>	ORDER; Upon consideration of the government's Motion for Summary Judgment <u>25</u> filed on July 23, 2010, it is hereby ORDERED that the motion be submitted without oral argument on August 17, 2010. It is further ORDERED that the defendant file a response which shall include a brief and any evidentiary materials on or before August 10, 2010. The government may file a reply brief on or before August 17, 2010. Signed by Hon. Chief Judge Mark E. Fuller on 7/27/2010. (jg, ) (Entered: 07/27/2010)
08/10/2010	<u>33</u>	RESPONSE in Opposition re <u>25</u> MOTION for Summary Judgment <i>as to Liability</i> filed by Frankie L. Roberson. (Attachments: # <u>1</u> Exhibit Brief in Opposition to Summary Judgment, # <u>2</u> Exhibit Exh A – Roberson Dep. Excerpts, # <u>3</u> Exhibit Exh B – Biswas Dep. Excerpts, # <u>4</u> Exhibit Exh C – Markley Trans. Excerpts, # <u>5</u> Exhibit Exh. D – Briggs Trans. Excerpts, # <u>6</u> Exhibit Exh E – Plaintiff Answers to Interrogatories, # <u>7</u> Exhibit Exh. F – Halsey Trans. Excerpts)(Guillot, Joseph) (Entered: 08/10/2010)

08/10/2010	<u>34</u>	RESPONSE in Opposition re <u>29</u> MOTION for Summary Judgment, <u>27</u> MOTION for Summary Judgment filed by United States of America. (Attachments: # <u>1</u> Exhibit Ex. 1: Deposition of Frankie L. Roberson, # <u>2</u> Exhibit Ex. 2: Deposition of Kenneth R. Scott)(Yi, Daniel) (Entered: 08/10/2010)
08/10/2010	<u>35</u>	RESPONSE in Opposition re <u>25</u> MOTION for Summary Judgment filed by Chandi Biswas. (Bush, Anthony) (Entered: 08/10/2010)
08/17/2010	<u>36</u>	REPLY to Response to Motion re <u>25</u> MOTION for Summary Judgment <i>as to Liability</i> filed by United States of America. (Yi, Daniel) (Entered: 08/17/2010)
08/17/2010	<u>37</u>	REPLY to Response to Motion re <u>29</u> MOTION for Summary Judgment filed by Frankie L. Roberson. (Attachments: # <u>1</u> Exhibit Reply Exhibits)(Guillot, Joseph) (Entered: 08/17/2010)
08/17/2010	<u>38</u>	REPLY to Response to Motion re <u>27</u> MOTION for Summary Judgment filed by Chandi Biswas. (Bush, Anthony) (Entered: 08/17/2010)
12/07/2010	<u>39</u>	ORDER; that this case is set for a pretrial hearing, as provided by Fed.R.Civ.P. 16, on January 7, 2011 at 9:30 A.M. in the Chambers of the undersigned, United States Courthouse, One Church Street, A-300, Montgomery, Alabama as further set out; TRIAL TERM COMMENCES: January 31, 2011 in Montgomery, Alabama. Signed by Hon. Chief Judge Mark E. Fuller on 12/7/2010. (jg, ). (Main Document 39 replaced on 12/8/2010 and edited to add trial term date) (jg, ). (Entered: 12/07/2010)
12/07/2010		Set: Jury Trial set for 1/31/2011 trial term before Hon. Chief Judge Mark E. Fuller in Montgomery, AL pursuant to <u>39</u> order. (No pdf for this docket entry) (jg, ) (Entered: 12/08/2010)
12/08/2010	<u>40</u>	NOTICE of Correction re <u>39</u> Order: Notice of Correction is being filed this date to advise that the referenced document was filed on 12/7/2010 and did not have a correct pdf attached. The corrected pdf is attached to this notice. (Attachments: # <u>1</u> Corrected Order)(jg, ) (Entered: 12/08/2010)
12/08/2010	<u>41</u>	MEMORANDUM OPINION AND ORDER; that Defendant Biswas's <u>27</u> , Defendant Roberson's <u>29</u> , and Plaintiff United States' <u>25</u> Motions for Summary Judgment are hereby DENIED. Signed by Hon. Chief Judge Mark E. Fuller on 12/8/2010. (Attachments: # <u>1</u> Civil Appeals Checklist)(jg, ) (Entered: 12/08/2010)
12/22/2010	<u>42</u>	Joint MOTION for Extension of Deadline Sections 9, 10, and 11 of October 5, 2010 Scheduling Order by Chandi Biswas, Frankie L. Roberson, Kenneth R. Scott, United States of America. (Attachments: # <u>1</u> Text of Proposed Order)(Yi, Daniel) (Entered: 12/22/2010)
12/22/2010	<u>43</u>	ORDERED that the <u>42</u> Joint MOTION to Suspend <u>15</u> Scheduling Order is GRANTED with respect to Section 9 of the Scheduling Order relating to the filing and exchanging of witness information, and DENIED in all other respects; further ORDERED that a Telephone Status Conference is set for 12/28/2010 at 10:00 AM, to be arranged by counsel for Plf, before Hon. Chief Judge Mark E. Fuller. Signed by Hon. Chief Judge Mark E. Fuller on 12/22/2010. (furn: Calendar, kg)(wcl, ) (Entered: 12/22/2010)
12/27/2010	<u>44</u>	Joint MOTION To Enter Consent Decree Resolving Litigation by Chandi Biswas, Frankie L. Roberson, Kenneth R. Scott, United States of America. (Attachments: # <u>1</u> Text of Proposed Order Proposed Consent Decree)(Yi, Daniel) (Main Document 44 and (Attachment 1 replaced on 12/28/2010 to reflect the correct certificate of service and style of case) (jg, ). (Entered: 12/27/2010)
12/28/2010	<u>45</u>	NOTICE of Correction re <u>44</u> Joint MOTION To Enter Consent Decree Resolving Litigation: Notice of Correction is being filed this date to advise that the referenced documents were filed on 12/27/2010 and did not have a correct certificate of service attached and style of case. The corrected pdfs are attached to this notice. (Attachments: # <u>1</u> Corrected Joint Motion, # <u>2</u> Corrected Proposed Order)(jg, ) (Entered: 12/28/2010)
12/28/2010	<u>46</u>	ORDER; that 1. All deadlines and hearings previously set, including the trial and the pretrial, are CONTINUED GENERALLY. 2. On or before January 28, 2011,



		the parties shall resubmit their Joint Motion for Entry of Consent Order Between Plaintiffs United States and Defendants Chandi Biswis, Kenneth R. Scott, and Frankie Roberson. The resubmitted motion and proposed consent order shall be manually signed by all parties or their counsel. Signed by Hon. Chief Judge Mark E. Fuller on 12/28/2010. (jg, ) TERMINATED; Final Pretrial Conference 01/07/2011; Jury Trial 01/31/2011 (Entered: 12/28/2010)
12/28/2010		Minute Entry for proceedings held before Hon. Chief Judge Mark E. Fuller: Telephone Status Conference held on 12/28/2010 (No PDF attached). (kcg, ) (Entered: 12/30/2010)
01/04/2011	<u>47</u>	NOTICE of Change of Address by United States of America for Defendant Kenneth R. Scott. (Attachments: # <u>1</u> Redacted notice of change of address)(jg, ) Document has been edited to restrict access to personal information pursuant to the E-Government Act. Modified on 1/4/2011 (jg, ). (Entered: 01/04/2011)
01/04/2011	<u>48</u>	Joint Motion for Entry of Consent Order Between Plaintiffs United States and Defendants Chandi Biswas, Kenneth R. Scott, and Frankie L. Roberson by Chandi Biswas, Frankie L. Roberson, Kenneth R. Scott, United States of America. (Attachments: # <u>1</u> Proposed Order)(jg, ) (Entered: 01/04/2011)
01/11/2011		Mail Returned as Undeliverable. <u>43</u> order sent by CMRRR to Kenneth R. Scott returned with notation "return to sender not deliverable as addressed unable to forward". (jg, ) Modified on 1/24/2011 to clarify text (jg, ). (Entered: 01/11/2011)
01/24/2011		Mail Returned as Undeliverable. <u>43</u> order sent by regular mail to Kenneth R. Scott returned with notation "return to sender, not deliverable as addressed, unable to forward." (jg, ) Rемаiled to new address. Modified on 1/26/2011 to reflect that it was resent by regular mail (jg, ). (Entered: 01/24/2011)
02/03/2011	<u>49</u>	CONSENT DECREE. Signed by Hon. Chief Judge Mark E. Fuller on 2/3/2011. (jg, ) (Entered: 02/03/2011)
02/07/2011	<u>50</u>	FINAL JUDGMENT; Pursuant to the Consent Decree <u>49</u> filed by the parties and signed by the undersigned on February 3, 2011, it is hereby ORDERED that the case is DISMISSED. The Clerk of the Court is DIRECTED to enter this document on the civil docket sheet as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure and close this file. Signed by Hon. Chief Judge Mark E. Fuller on 2/7/2011. (Attachments: # <u>1</u> Civil Appeals Checklist)(jg, ) (Entered: 02/07/2011)
02/07/2011		Mail Returned as Undeliverable. <u>46</u> order dated 12/28/2010 sent to Kenneth R. Scott, 4B Rolling Oaks Apartments, 700 Eight Street North, Clanton, AL 35045 returned with notation "return to sender." (jg, ) (Entered: 02/07/2011)