

**U.S. District Court  
Eastern District of Arkansas (Helena)  
CIVIL DOCKET FOR CASE #: 2:17-cv-00002-DPM**

Watlington et al v. McCrory Arkansas, City of et al  
Assigned to: Judge D. P. Marshall Jr.  
Cause: 42:1983 Other Civil Rights

Date Filed: 01/05/2017  
Date Terminated: 11/30/2017  
Jury Demand: Defendant  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**David Watlington**  
*on behalf of himself and others similarly  
situated*

represented by **John D. Coulter**  
McMath Woods, P.A.  
711 West Third Street  
Little Rock, AR 72201  
501-396-5449  
Fax: 501-374-5118  
Email: [john@mcmathlaw.com](mailto:john@mcmathlaw.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Phil Telfeyan**  
Equal Justice Under Law  
601 Pennsylvania Avenue NW  
South Building – Suite 900  
Washington, DC 20004  
202-505-2058  
Email: [ptelfeyan@equaljusticeunderlaw.org](mailto:ptelfeyan@equaljusticeunderlaw.org)  
**LEAD ATTORNEY**  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Lindsey Hollaway**  
*on behalf of herself and others similarly  
situated*

represented by **John D. Coulter**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Phil Telfeyan**  
(See above for address)  
**LEAD ATTORNEY**  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**McCrory Arkansas, City of**

represented by **Jenna Adams**  
Arkansas Municipal League  
Post Office Box 38  
North Little Rock, AR 72115-0038  
501-374-3484  
Email: [jenadams@arml.org](mailto:jenadams@arml.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Michael Allen Mosley**  
North Little Rock City Attorney's Office  
Post Office Box 5757  
North Little Rock, AR 72119-5757

501-975-3755  
Fax: 501-340-5341  
Email: [mamosley@nlr.ar.gov](mailto:mamosley@nlr.ar.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Paul Hatch**  
*in his Official Capacity as the Police  
Chief of McCory, AR*

represented by **Jenna Adams**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Michael Allen Mosley**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Counter Claimant**

**McCrary Arkansas, City of**

represented by **Jenna Adams**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Michael Allen Mosley**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Counter Claimant**

**Paul Hatch**  
*in his Official Capacity as the Police  
Chief of McCory, AR*

represented by **Jenna Adams**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Michael Allen Mosley**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Counter Defendant**

**Lindsey Hollaway**  
*on behalf of herself and others similarly  
situated*

represented by **John D. Coulter**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Phil Telfeyan**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Counter Defendant**

**David Watlington**  
*on behalf of himself and others similarly  
situated*

represented by **John D. Coulter**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Phil Telfeyan**  
(See above for address)  
**LEAD ATTORNEY**

## ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/05/2017	<u>1</u>	Class Action COMPLAINT against All Defendants filed by Plaintiffs. ( Fee \$ 400.00. Receipt Number LIT059956.) Summons issued and returned to counsel for service. (Attachments: # <u>1</u> Civil Cover Sheet)(alm) (Entered: 01/06/2017)
01/05/2017	<u>2</u>	MOTION for Temporary Restraining Order and Preliminary Injunction filed by Plaintiffs. (alm) (Entered: 01/06/2017)
01/05/2017	<u>3</u>	BRIEF IN SUPPORT of their <u>2</u> Motion for TRO and Preliminary Injunction filed by Plaintiffs. (alm) (Entered: 01/06/2017)
01/06/2017	<u>4</u>	ORDER: The Court will hold a one-hour hearing on whether to issue a TRO at 10:00 AM on Thursday, 1/12/2017. Watlington and Hollaway must give notice to the City of McCrory, Chief Hatch, and the City Attorney for McCrory no later than noon on 1/9/2017. Signed by Judge D. P. Marshall Jr. on 1/6/2017. (thd) (Entered: 01/06/2017)
01/09/2017	<u>5</u>	NOTICE by All Plaintiffs re <u>4</u> Order Setting Hearing on Motion, (Coulter, John) (Entered: 01/09/2017)
01/09/2017	<u>6</u>	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER: Embedded motion for extension of time, <i>No. 5</i> , granted. Plaintiffs have until 5:00 p.m. today to give notice to Chief Hatch. Confirmation of the notice due by noon tomorrow. Signed by Judge D. P. Marshall Jr. on 1/9/2017. (slb) (Entered: 01/09/2017)
01/10/2017	<u>7</u>	NOTICE by All Plaintiffs re <u>5</u> Notice (Other), <u>6</u> Order, <u>4</u> Order Setting Hearing on Motion, <i>to McCrory Mayor Fowler and Police Chief Paul Hatch</i> (Attachments: # <u>1</u> Exhibit A – Fax Confirmations)(Coulter, John) (Entered: 01/10/2017)
01/10/2017	<u>8</u>	RESPONSE to Motion re <u>2</u> MOTION for Temporary Restraining Order MOTION for Preliminary Injunction filed by All Defendants. (Mosley, Michael) (Entered: 01/10/2017)
01/10/2017	<u>9</u>	NOTICE of Appearance by Michael Allen Mosley on behalf of All Defendants (Mosley, Michael) (Entered: 01/10/2017)
01/11/2017	<u>10</u>	REPLY to Response to Motion re <u>2</u> MOTION for Temporary Restraining Order MOTION for Preliminary Injunction filed by All Plaintiffs. (Coulter, John) (Entered: 01/11/2017)
01/11/2017	<u>11</u>	NOTICE of Appearance by Jenna Adams on behalf of Paul Hatch, McCrory Arkansas, City of (Adams, Jenna) (Additional attachment(s) added on 1/11/2017: # <u>1</u> Main Document – Correct (submitted 1/11/2017)) (jak). (Entered: 01/11/2017)
01/11/2017	<u>12</u>	ORDER denying without prejudice as moot <u>2</u> Watlington and Hollaway's motion for a TRO. The case isn't moot; but the request for stop-gap injunctive relief is. The 1/12/2017 hearing is cancelled and the case is stayed until 2/24/2017. Joint status report due by 2/15/2017. Signed by Judge D. P. Marshall Jr. on 1/11/2017. (jak) (Entered: 01/11/2017)
01/11/2017	<u>13</u>	STATUS REPORT by Paul Hatch, McCrory Arkansas, City of. (Attachments: # <u>1</u> Exhibit A)(Adams, Jenna) (Entered: 01/11/2017)
01/11/2017	<u>14</u>	NOTICE OF DOCKET CORRECTION re <u>11</u> Notice of Appearance. CORRECTION: The original document was submitted in error (editable image file). The correct document was added to docket entry <u>11</u> based on the attached correspondence. (jak) (Entered: 01/11/2017)
01/13/2017	<u>15</u>	ORDER: Defendant's <u>13</u> status report noted. The stay is lifted. The prompt amendment of the ordinance moots the request for injunctive relief; the <u>2</u> motion for a preliminary injunction is denied without prejudice. The Court extends the Defendants' time to answer or file a Rule 12(b) motion until 2/17/2017. Signed by Judge D. P. Marshall Jr. on 1/13/2017. (jak) (Entered: 01/13/2017)
02/07/2017	<u>16</u>	MOTION to Dismiss by Paul Hatch, McCrory Arkansas, City of (Mosley, Michael) (Entered: 02/07/2017)

02/07/2017	<u>17</u>	BRIEF IN SUPPORT re <u>16</u> Motion to Dismiss filed by Paul Hatch, McCrory Arkansas, City of. (Mosley, Michael) (Entered: 02/07/2017)
02/21/2017	<u>18</u>	RESPONSE in Opposition re <u>16</u> MOTION to Dismiss filed by Lindsey Hollaway, David Watlington. (Telfeyan, Phil) (Entered: 02/21/2017)
02/22/2017	<u>19</u>	MOTION for Leave to File <i>Reply to Motion to Dismiss</i> by Paul Hatch, McCrory Arkansas, City of (Mosley, Michael) (Entered: 02/22/2017)
02/22/2017	20	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER: Unopposed motion, <i>No. 19</i> , granted. Reply due by 3 March 2017. In the future, any movant may reply within seven calendar days of the response. Signed by Judge D. P. Marshall Jr. on 2/22/2017. (slb) (Entered: 02/22/2017)
03/02/2017	<u>21</u>	REPLY to Response to Motion re <u>16</u> MOTION to Dismiss filed by Paul Hatch, McCrory Arkansas, City of. (Adams, Jenna) (Entered: 03/02/2017)
05/23/2017	<u>22</u>	ORDER denying without prejudice <u>16</u> Motion to Dismiss. Any amended complaint is due by 6/23/2017. If none is filed, the Court will, on its own, dismiss for lack of subject matter jurisdiction. Signed by Judge D. P. Marshall Jr. on 5/23/2017. (kdr) (Entered: 05/23/2017)
06/05/2017	<u>23</u>	MOTION for Extension of Time to File Answer by Paul Hatch, McCrory Arkansas, City of (Adams, Jenna) (Entered: 06/05/2017)
06/06/2017	24	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER: Motion, <i>No. 23</i> , granted. The City and Hatch need not answer or respond further until fourteen calendar days after Watlington and Hollaway file any amended complaint. Signed by Judge D. P. Marshall Jr. on 6/6/2017. (slb) (Entered: 06/06/2017)
06/16/2017	<u>25</u>	AMENDED COMPLAINT against All Defendants, filed by Lindsey Hollaway, David Watlington(Telfeyan, Phil) (Entered: 06/16/2017)
06/22/2017	<u>26</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by All Defendants (Mosley, Michael) (Entered: 06/22/2017)
06/22/2017	<u>27</u>	BRIEF IN SUPPORT re <u>25</u> Amended Complaint filed by All Defendants. (Mosley, Michael) (Entered: 06/22/2017)
07/06/2017	<u>28</u>	RESPONSE in Opposition re <u>26</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by All Plaintiffs. (Telfeyan, Phil) (Entered: 07/06/2017)
07/07/2017	<u>29</u>	REPLY to Response to Motion re <u>26</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by All Defendants. (Mosley, Michael) (Entered: 07/07/2017)
07/11/2017	<u>30</u>	INITIAL SCHEDULING ORDER: Rule 26(f) Report due by 8/11/2017. Bench Trial set for 11/5/2018 at 9:30 AM in Helena Courtroom #314 before Judge D. P. Marshall Jr. Signed at the direction of the Court on 7/11/2017. (slb) (Entered: 07/11/2017)
08/03/2017	<u>31</u>	ORDER denying <u>26</u> Motion. Signed by Judge D. P. Marshall Jr. on 8/3/2017. (jak) (Entered: 08/03/2017)
08/07/2017	<u>32</u>	ANSWER to <u>25</u> Amended Complaint with Jury Demand , COUNTERCLAIM against Lindsey Hollaway, David Watlington by McCrory Arkansas, City of, Paul Hatch.(Adams, Jenna) (Entered: 08/07/2017)
08/11/2017	<u>33</u>	REPORT of Rule 26(f) Planning Meeting by Lindsey Hollaway, David Watlington. (Telfeyan, Phil) (Entered: 08/11/2017)
08/16/2017	<u>34</u>	FINAL SCHEDULING ORDER: The Court adopts the parties' proposed deadlines, <i>No. 33</i> , and adjusts others accordingly, but cannot provide the requested trial date. Jury Trial set for 11/5/2018 at 9:30 AM in Helena Courtroom #314 before Judge D. P. Marshall Jr. Discovery due by 4/2/2018. Motions due by 5/2/2018. Signed at the direction of the Court on 8/16/2017. (slb) (Entered: 08/16/2017)
08/28/2017	<u>35</u>	MOTION to Dismiss for Lack of Jurisdiction by All Plaintiffs (Telfeyan, Phil) (Entered: 08/28/2017)
08/28/2017	<u>36</u>	MEMORANDUM of points and authorities re <u>32</u> Answer to Amended Complaint, Counterclaim, <u>35</u> Motion to Dismiss/Lack of Jurisdiction filed by All Plaintiffs.

		(Telfeyan, Phil) (Entered: 08/28/2017)
09/06/2017	<u>37</u>	MOTION to Dismiss ( <i>voluntarily dismiss counterclaim</i> ) by Paul Hatch, McCrory Arkansas, City of (Mosley, Michael) (Entered: 09/06/2017)
09/07/2017	38	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER: Defendants' motion, <i>No. 37</i> , granted. The counterclaim, <i>No. 32 at pp. 17-18</i> , is dismissed without prejudice. Plaintiffs' motion to dismiss the counterclaim, <i>No. 35</i> , is denied without prejudice as moot. Signed by Judge D. P. Marshall Jr. on 9/7/2017. (slb) (Entered: 09/07/2017)
11/30/2017	<u>39</u>	MOTION to Dismiss by All Plaintiffs (Telfeyan, Phil) (Entered: 11/30/2017)
11/30/2017	<u>40</u>	ORDER granting <u>39</u> Motion to dismiss. The Court congratulates the parties on their settlement. Signed by Judge D. P. Marshall Jr. on 11/30/2017. (jak) (Entered: 11/30/2017)
11/30/2017	<u>41</u>	JUDGMENT: The amended complaint is dismissed with prejudice. Defendants' counterclaim is dismissed without prejudice. Signed by Judge D. P. Marshall Jr. on 11/30/2017. (jak) (Entered: 11/30/2017)