

**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**
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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
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V.

Defendant

McCrory Arkansas, City of

represented by **Jenna Adams**
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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

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Michael Allen Mosley
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V.

Counter Defendant

Lindsey Hollaway
on behalf of herself and others similarly
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LEAD ATTORNEY
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Phil Telfeyan
(See above for address)
LEAD ATTORNEY
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Counter Defendant

David Watlington
on behalf of himself and others similarly
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represented by **John D. Coulter**
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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)