

CLOSED

**U.S. District Court
Northern District of Georgia (Atlanta)
CIVIL DOCKET FOR CASE #: 1:03-cv-03467-MHS**

Boykin v. Bank of America, et al
Assigned to: Judge Marvin H. Shoob
Demand: \$0
Cause: 42:3610(d) Fair Housing Act-enforce civil
rights in housing

Date Filed: 11/14/2003
Jury Demand: None
Nature of Suit: 440 Civil Rights:
Other
Jurisdiction: Federal Question

Plaintiff

Yvette Boykin

represented by **Yvette Boykin**
4045 Rockey Valley Drive
Conley, GA 30288
PRO SE

V.

Defendant

Bank of America Corporation
and its wholly-owned subsidiary
doing business as
Bank of America

represented by **Angela Slate Rawls**
Parker Hudson Rainer & Dobbs
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Defendant

Equicredit Corporation

represented by **Angela Slate Rawls**
(See above for address)
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Charles W. Lyons
(See above for address)
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William J. Holley, II
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**State of New York Executive
Department, Division of Human
Rights**

represented by **Angela Slate Rawls**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Charles W. Lyons
(See above for address)
LEAD ATTORNEY
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William J. Holley, II

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Defendant

**Department of Housing and
Urban Development**

represented by **Alonzo H. Long**
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Defendant

**Equicredit Corporation of
America**

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LEAD ATTORNEY

Defendant

Bank Of America, N.A.

represented by **Constance Melissa Ewing**
(See above for address)
LEAD ATTORNEY

Date Filed	#	Docket Text
11/14/2003	1	COMPLAINT filed and summons(es) issued. Consent form to proceed before U.S. magistrate and pretrial instructions given to attorney FILING FEE \$ 150.00 RECEIPT # 513861 (er) (Entered: 11/18/2003)
03/15/2004	2	WAIVER OF SERVICE Returned Executed as to Bank of America mailed 2/12/04 Answer due by 4/12/04 for Bank of America (er) (Entered: 03/19/2004)
03/15/2004	3	WAIVER OF SERVICE Returned Executed as to Equicredit Corp. mailed 2/12/04 Answer due by 4/12/04 for Equicredit Corp. (er) (Entered: 03/19/2004)
03/19/2004	4	Notice of filing by plaintiff via certified mail service of the complaint as to dfts: Bank of America Corp., State of New York Executive Dept.; and U.S. Department of Housing and Urban Dev.. (er) (Entered: 03/31/2004)
04/09/2004	5	MOTION by defts to dismiss pla's claims against the Bank with prejudice with brief in support. (er) (Entered: 04/14/2004)
04/19/2004	6	MOTION by defendant Housing and Urban Dv to dismiss the claims raised against HUD with brief in support. (er) (Entered: 04/21/2004)
04/19/2004	7	MOTION by plaintiff to deny dft's motion to dismiss with brief in support. (er) (Entered: 04/21/2004)
04/21/2004	8	MOTION by plaintiff to amend [7-1] pla's motion to deny dft's motion to dismiss (er) (Entered: 04/28/2004)
04/28/2004	9	MOTION by plaintiff to deny the U.S. Department of Housing Urban's Motion to Dismiss with Memorandum of Law in support. (aaq) (Entered: 05/04/2004)
04/30/2004	10	REPLY by defendant Housing and Urban Dv to plaintiff's response in opposition to the [6-1] motion to dismiss the claims raised against HUD (aaq) (Entered: 05/04/2004)
05/06/2004	11	Defendant's REPLY to response to [5-1] motion to dismiss pla's claims against the Bank with prejudice (tcc) (Entered: 05/12/2004)

05/07/2004	12	Defendants' Opposition to [9-1] motion to deny the U.S. Department of Housing Urban's Motion to Dismiss (tcc) (Entered: 05/13/2004)
05/10/2004	13	ANSWERS TO INITIAL DISCLOSURES by defendant Equicredit Corp. (tcc) (Entered: 05/13/2004)
05/19/2004		SUBMITTED to Judge Marvin H. Shoob on [5-1] defts' motion to dismiss pla's claims against the Bank with prejudice, [6-1] dft Housing and Urban Dv's motion to dismiss, [7-1] pla's motion to deny dft's motion to dismis, [8-1] pla's motion to amend [7-1] pla's motion to deny dft's motion to dismis, and [9-1] pla's motion to deny the U.S. Department of Housing Urban's Motion to Dismiss (er) (Entered: 05/19/2004)
05/20/2004	14	ANSWERS TO INITIAL DISCLOSURES by plaintiff (er) (Entered: 05/21/2004)
05/25/2004	15	Preliminary Report and Discovery Schedule by dft Equicredit. (to: MHS) (er) Modified on 05/27/2004 (Entered: 05/27/2004)
06/15/2004	16	ENDORSED ORDER by Judge Marvin H. Shoob APPROVING [15-1] the Equicredit's preliminary report and discovery schedule. (cc) (er) (Entered: 06/16/2004)
06/15/2004	17	ORDER by Judge Marvin H. Shoob GRANTING IN PART AND DENYING IN PART [5-1] defts Bank of America, N.A.'s and Equicredit Corporation of America's motion to dismiss; DISMISSING all of pla's claims except her FHA claim against dfts Bank of America, N.A. and Equicredit Corp. of America; GRANTING [6-1] dft United States Department of Housing and Urban Development's motion to dismiss; DENYING [7-1] [9-1] pla's motions to deny dft's motions to dismiss; GRANTING [8-1] pla's motion to amend [7-1] pla's motion to deny dft's motion to dismiss; and DIRECTING pla to show cause within ten (10) days from the date of entry of this Order why dft State of New York Division of Human Resources should not be dismissed for pla's failure to serve dft in accordance to FRCP4. [17-1] order to be submitted on 6/29/04 (cc) (er) (Entered: 06/17/2004)
06/25/2004	18	MOTION by plaintiff for an enlargement of time to serve the summons and [1-1] complaint with brief in support. (er) (Entered: 06/28/2004)
06/25/2004	19	RESPONSE by plaintiff to [17-1] order (er) (Entered: 06/28/2004)
06/28/2004		SUBMITTED to Judge Marvin H. Shoob on [17-1] order (er) (Entered: 06/28/2004)

06/28/2004	20	ANSWER to complaint [1-1] by Equicredit Corp. Discovery ends 11/25/04 (er) (Entered: 06/30/2004)
07/13/2004	21	ORDER granting 18 Motion for Extension of Time to Serve dft State of New York Division of Human Resources (DHR) and to File a Return of Service on or before 7/30/04 . Signed by Judge Marvin H. Shoob on 07/12/04. (er) (Entered: 07/19/2004)
07/29/2004	22	Return of Service Executed. State of New York Executive Department, Division of Human Rights served on 7/28/2004, answer due 8/17/2004. (er) (Entered: 08/04/2004)
08/03/2004	23	CERTIFICATE OF SERVICE by Bank of America Corporation: First Continuing Interrogatories and First Continuing Requests for Production to pla. (er) (Entered: 08/09/2004)
08/04/2004	24	CERTIFICATE OF SERVICE by pla: First Set of Interrogatories and First Request for Production of Documents. (er) (Entered: 08/09/2004)
09/17/2004	25	MOTION for Default as to New York State Division of Human Rights by pla. (er) (Entered: 09/20/2004)
09/20/2004	26	CERTIFICATE OF SERVICE by Equicredit Corporation's objections and responses to pla's first set of interrogatories and first request for production of documents to pla. (er) (Entered: 09/21/2004)
09/27/2004	27	ORDER granting in part and denying in part 25 pla's Motion for Default Judgment against defendant State of New York, Executive Department, Division of Human Rights. Signed by Judge Marvin H. Shoob on 09/24/04. (cc) (er) (Entered: 09/29/2004)
09/27/2004		Clerk's Entry of Default as to State of New York Executive Department, Division of Human Rights per Order 27 . (er) (Entered: 09/29/2004)
09/27/2004	28	CERTIFICATE OF SERVICE by pla: Responses to EquiCredit Corp.'s first continuing interrogs. and first continuing requests for production to attys. (er) (Entered: 10/01/2004)
10/04/2004	29	Remark : Proposed confidentiality agreement and consent protective order by pla and dft Equicredit Corp. (to: MHS) (er) (Entered: 10/07/2004)
10/08/2004	30	CONFIDENTIALITY AGREEMENT AND CONSENT PROTECTIVE ORDER Signed by Judge Marvin H. Shoob on 10/08/2004. (CC)(er) (Entered: 10/12/2004)

10/19/2004	31	CERTIFICATE OF SERVICE by deflt Equicredit Corporation re: Second continuing interrogs. and second continuing requests for production to pla. (er) (Entered: 10/20/2004)
10/22/2004	32	CERTIFICATE OF SERVICE by Yvette Boykin: Responses to EquiCredit Corp.'s second continuing interrogs. and second continuing requests for production to Bank of America/EquiCredit Corp. (er) (Entered: 10/26/2004)
11/19/2004	33	MOTION for Extension of Time for Discovery by Yvette Boykin. (er) (Entered: 11/29/2004)
11/19/2004	34	CERTIFICATE OF SERVICE by Yvette Boykin: Plaintiff's second set of interrogatories to defts Bank of America/EquiCredit Corporation. (er) (Entered: 11/29/2004)
11/30/2004	35	ORDER granting 33 plaintiff's motion for an extension of time thru 12/20/04, to complete discovery. Discovery ends on 12/20/2004. Signed by Judge Marvin H. Shoob on 11/29/04. (er) (Entered: 12/01/2004)
12/27/2004	36	CERTIFICATE OF SERVICE by Equicredit Corporation: Objections and responses to plaintiff's second set of interrogatories to plaintiff. (er) (Entered: 01/06/2005)
01/03/2005	37	MOTION to Compel discovery by Yvette Boykin. (er) (Entered: 01/06/2005)
01/10/2005	38	CONSENT ORDER AND STIPULATION extending time to 1/20/05 to file motions for summary judgment. Signed by Judge Marvin H. Shoob on 1/7/05. (jsr) (Entered: 01/10/2005)
01/20/2005	39	MOTION for Summary Judgment with Brief In Support by Bank of America Corporation, Equicredit Corporation. (Attachments: # 1 Statement of Material Facts # 2 Brief)(Lyons, Charles) (Entered: 01/20/2005)
01/20/2005	41	DECLARATION of Andrew Della Loggia in support of 39 MOTION for Summary Judgment filed by defendants Bank of America and Equicredit Corporation. (Attachments: # 1 Tab-A# 2 Tab-B# 3 Tab-C# 4 Tab-D# 5 Tab-E)(er) (Entered: 01/24/2005)
01/20/2005	42	APPENDIX TO BRIEF in Support of 39 MOTION for Summary Judgment filed by defendants Bank of America Corporation and Equicredit Corporation of America. (Attachments: # 1 Tab-1# 2 Tab-2# 3 Tab-3# 4 Tab-A# 5 Tab-B# 6 Tab-C# 7 Tab-D# 8 Tab-E# 9 Tab-4# 10 Tab-5# 11 Tab-6# 12 Tab-7# 13 Tab-8# 14 Tab-9# 15 Tab-10# 16 Tab-11# 17

		Tab-12)(er) (Entered: 01/24/2005)
01/20/2005	43	NOTICE Of Filing original discovery materials (deposition of Yvette Boykin and declaration of Andrew Della Loggia) by defendants Bank of America Corporation and Equicredit Corporation of America re 39 MOTION for Summary Judgment (er) (Entered: 01/24/2005)
01/20/2005	44	DEPOSITION of YVETTE BOYKIN taken on 11/05/2004 by defendants Bank of America Corporation and Equicredit Corporation of America.(er) (Entered: 01/24/2005)
01/20/2005	46	MOTION for Summary Judgment and for partial summary judgment by Yvette Boykin. (Attachments: # 1 Memorandum of Law in support of motion# 2 Affirmation in support of motion# 3 Statement of Material Facts)(er) (Entered: 01/25/2005)
01/21/2005	40	RESPONSE in Opposition re 37 MOTION to Compel discovery filed by Bank of America Corporation. (Attachments: # 1 Exhibit Declaration of Andrew Della-Loggia)(Lyons, Charles) (Entered: 01/21/2005)
01/25/2005	45	Clerk's Notice to Parties to Respond to [39 Motion for Summary Judgment by defendants Bank of America, N.A. and EquiCredit Corporation of America. (er) (Entered: 01/25/2005)
01/25/2005		Submission of 37 plaintiff's MOTION to Compel discovery, submitted to District Judge Marvin H. Shoob. (er) (Entered: 01/25/2005)
01/25/2005	47	Clerk's Notice to Parties to Respond to 46 Motion for Summary Judgment and for Partial Summary Judgment filed by plaintiff.(er) (Entered: 01/25/2005)
02/09/2005	49	RESPONSE Brief in Opposition to 39 MOTION for Summary Judgment filed by Yvette Boykin. (dr) (Entered: 02/11/2005)
02/09/2005	50	Affirmation in Support of her response in opposition to 39 MOTION for Summary Judgment filed by Yvette Boykin. (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Exhibit 3# 4 Exhibit 4# 5 Exhibit 5# 6 Exhibit 6# 7 Exhibit 7# 8 Exhibit 8# 9 Exhibit 9# 10 Exhibit 10)(dr) (Entered: 02/11/2005)
02/10/2005	48	ORDER denying 37 Plaintiff's Motion to Compel . Signed by Judge Marvin H. Shoob on 2/10/05. (jsr) (Entered: 02/10/2005)
02/10/2005	51	STATEMENT of Material Facts for trial in support of 49 Response in Opposition to Motion for summary judgment filed by Yvette Boykin. (dr) (Entered: 02/11/2005)

02/14/2005	52	RESPONSE in Opposition re 46 MOTION for Partial Summary Judgment MOTION for Summary Judgment filed by Bank of America Corporation, Equicredit Corporation, Equicredit Corporation of America. (Attachments: # 1 Statement of Material Facts)(Lyons, Charles) (Entered: 02/14/2005)
02/23/2005		Submission of 39 MOTION for Summary Judgment filed by Bank of America Corporation and Equicredit Corporation, 46 MOTION for Summary Judgment and for MOTION for Partial Summary Judgment by plaintiff, submitted to District Judge Marvin H. Shoob. (er) (Entered: 02/23/2005)
02/28/2005	53	REPLY BRIEF re 39 MOTION for Summary Judgment filed by Equicredit Corporation of America, Bank Of America, N.A.. (Ewing, Constance) (Entered: 02/28/2005)
03/14/2005	54	RESPONSE BRIEF to 53 defendants' reply brief in support of motion for summary judgment filed by Yvette Boykin. (er) (Entered: 03/16/2005)
03/22/2005	55	RESPONSE in Support re 39 MOTION for Summary Judgment <i>Supplemental Brief</i> filed by Equicredit Corporation of America, Bank Of America, N.A.. (Lyons, Charles) (Entered: 03/22/2005)
03/24/2005	56	NOTICE of Appearance by Constance Melissa Ewing on behalf of Equicredit Corporation of America, Bank Of America, N.A. (Ewing, Constance) (Entered: 03/24/2005)
05/23/2005	57	ORDER granting 39 Defendant's Motion for Summary Judgment, denying 46 Plaintiff's Motion for Partial Summary Judgment, denying 46 Plaintiff's Motion for Summary Judgment, and DISMISSING the action as to all defendants . Signed by Judge Marvin H. Shoob on 5/23/05. (jsr) (Entered: 05/23/2005)
05/23/2005		Civil Case Terminated. (dr) (Entered: 05/24/2005)
05/24/2005	58	CLERK'S JUDGMENT in favor of defendant against plaintiff (dr) --Please refer to http://www.ca11.uscourts.gov to obtain an appeals jurisdiction checklist-- (Entered: 05/24/2005)
06/13/2005	59	BILL OF COSTS <i>and attached Supplement</i> by Bank of America Corporation, Equicredit Corporation, Equicredit Corporation of America, Bank Of America, N.A.. (Lyons, Charles) (Entered: 06/13/2005)
06/14/2005	60	Costs Taxed in amount of \$710.94 against plaintiff. (er) (Entered: 06/14/2005)
06/21/2005	61	NOTICE OF APPEAL by Yvette Boykin as to 58 Clerk's Judgment, 57 Order on Motion for Summary Judgment, Order

		on Motion for Partial Summary Judgment. Fee not paid. Transcript Order Form due on 7/6/2005 (ckd) (Entered: 06/22/2005)
06/22/2005	62	Transmission of Certified Copy of Notice of Appeal, Judgment, Order and Docket Sheet to US Court of Appeals re 61 Notice of Appeal (ckd) (Entered: 06/22/2005)
06/22/2005		USCA Appeal Fees received \$ 255 receipt number 538566 re: 61 Notice of Appeal filed by Yvette Boykin, (ckd) (Entered: 06/23/2005)
06/22/2005	63	TRANSCRIPT ORDER FORM by Yvette Boykin (no hearing) re: 61 Notice of Appeal, Case Appealed to USCA Eleventh Circuit Case Number 00-000000. Certificate of Readiness due on 7/7/2005 (ckd) (Entered: 06/23/2005)
06/23/2005		Certified copy of docket sheet forwarded to USCA reflecting payment of appeal fees re: 61 Notice of Appeal filed by Yvette Boykin,. Case Appealed to USCA Eleventh Circuit Case Number 00-000000. (ckd) (Entered: 06/23/2005)
06/28/2005	64	USCA Acknowledgment of 61 Notice of Appeal filed by Yvette Boykin. Case Appealed to USCA - 11th Circuit Case Number 05-13494-G (kac) (Entered: 06/30/2005)
06/28/2005	65	USCA Acknowledgment of appeal filing and docketing fees re: 61 Notice of Appeal filed by Yvette Boykin. Case Appealed to USCA - 11th Circuit Case Number 05-13494-G. (kac) (Entered: 06/30/2005)
07/14/2005		CERTIFICATE OF READINESS of Appeal Record (4 volumes pleadings; 1 deposition) re: 61 Notice of Appeal filed by Yvette Boykin,. USCA Case Number 05-13494-GG (ckd) (Entered: 07/14/2005)
07/15/2005	66	Certified copy of CERTIFICATE OF READINESS transmitted to USCA re: 61 Notice of Appeal. Case Appealed to USCA Eleventh Circuit Case Number 05-13494-GG (ckd) (Entered: 07/15/2005)
07/21/2005	67	USCA Acknowledgment COR re: 61 Notice of Appeal filed by Yvette Boykin,. Case Appealed to USCA Eleventh Circuit Case Number 05-13494-GG. (ckd) (Entered: 07/22/2005)
09/15/2005	68	FORTHWITH LETTER from USCA re 61 Notice of Appeal filed by Yvette Boykin,. Case Appealed to USCA Eleventh Circuit Case Number 05-13494-GG. Appeal Record due by 9/26/2005. (ckd) (Entered: 09/15/2005)

09/20/2005	69	Certified and Transmitted Record on Appeal to US Court of Appeals re: 61 Notice of Appeal. Case Appealed to USCA - 11th Circuit Case Number 05-13494-GG. (4 Vols. of Pldgs and 1 Deposition) (kac) (Entered: 09/20/2005)
09/23/2005	70	NOTICE of Docketing Record on Appeal from USCA re: 61 Notice of Appeal filed by Yvette Boykin. Case Appealed to USCA Eleventh Circuit Case Number 05-13494-GG. (ckd) (Entered: 09/26/2005)
02/14/2006	71	Certified copy of JUDGMENT of USCA AFFIRMING the decision of the District Court re: 61 Notice of Appeal filed by Yvette Boykin, Case Appealed to United States Court of Appeals Eleventh Circuit Case Number 05-13494. (ckd) (Entered: 02/15/2006)
02/14/2006	72	Appeal Record Returned (4 volumes pleadings; 1 deposition) : 61 Notice of Appeal Case Appealed to United States Court of Appeals Eleventh Circuit Case Number 05-13494-GG. (ckd) (Entered: 02/16/2006)
07/07/2006	73	THE Supreme Court has denied certiorari re 61 Notice of Appeal. Case Appealed to USCA Case Number 05-13494-GG. No further action will be taken by the Eleventh Circuit. (fem) (Entered: 07/11/2006)

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