

**U.S. District Court  
Western District of Kentucky (Louisville)  
CIVIL DOCKET FOR CASE #: 3:10-cv-00533-CRS-DW**

United States of America v. Cogan et al  
Assigned to: Senior Judge Charles R. Simpson, III  
Referred to: Magistrate Judge Dave Whalin  
Cause: 42:405 Fair Housing Act

Date Filed: 08/10/2010  
Date Terminated: 12/15/2014  
Jury Demand: Defendant  
Nature of Suit: 443 Civil Rights:  
Accommodations  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**United States of America**

represented by **Benjamin Seth Schecter**  
U.S. Attorney Office – Louisville  
717 W. Broadway  
Louisville, KY 40202  
502-582-6061  
Fax: 502-625-7110  
Email: [ben.schecter@usdoj.gov](mailto:ben.schecter@usdoj.gov)  
*ATTORNEY TO BE NOTICED*

**Emily Nobile**  
U.S. Department of Justice – Housing &  
Civil Enforcement  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
202-305-7717  
Fax: 202-514-1116  
Email: [emily.smith.nobile@usdoj.gov](mailto:emily.smith.nobile@usdoj.gov)  
*ATTORNEY TO BE NOTICED*

**Ryan G. Lee**  
U.S. Department of Justice – Housing &  
Civil Enforcement  
950 PENNSYLVANIA AVENUE NW  
Washington, DC 20003  
202-305-3109  
Fax: 202-514-1116  
Email: [Ryan.Lee@usdoj.gov](mailto:Ryan.Lee@usdoj.gov)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Kevin D. Cogan**

represented by **Nicole M. Staffieri Coffey**  
Frost Brown Todd LLC – Louisville  
400 W. Market Street, 32nd Floor  
Louisville, KY 40202-3363  
502-589-5400  
Fax: 502-581-1087  
Email: [nstaffiericoffey@fbtlaw.com](mailto:nstaffiericoffey@fbtlaw.com)  
*ATTORNEY TO BE NOTICED*

**Steven M. Crawford**  
Frost Brown Todd LLC – Louisville  
400 W. Market Street, 32nd Floor  
Louisville, KY 40202-3363  
502-589-5400  
Fax: 502-581-1087  
Email: [scrawford@fbtlaw.com](mailto:scrawford@fbtlaw.com)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Edwynn Burckle**

represented by **Nicole M. Staffieri Coffey**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Steven M. Crawford**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**George E. Clark**

represented by **Nicole M. Staffieri Coffey**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Steven M. Crawford**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Doris Cogan**

represented by **Nicole M. Staffieri Coffey**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Steven M. Crawford**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Bayus, Inc.**

represented by **Robert M. Brooks**  
Boehl Stopher & Graves, LLP – Louisville  
400 W. Market Street, Suite 2300  
Louisville, KY 40202  
502-589-5980  
Fax: 502-561-9400  
Email: [rbrooks@bsg-law.com](mailto:rbrooks@bsg-law.com)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**James A. Hall**  
*TERMINATED: 10/20/2011*  
*doing business as*  
James A. Hall Builder  
*TERMINATED: 10/20/2011*  
*doing business as*  
Hall Contracting  
*TERMINATED: 10/20/2011*  
*doing business as*  
Hall Construction Company  
*TERMINATED: 10/20/2011*

represented by **Erwin Roberts**  
600 West Main Street  
Louisville, KY 40202  
502-882-4972  
Fax: 502-574-4215  
Email: [erobertslaw@att.net](mailto:erobertslaw@att.net)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Mindel, Scott & Associates, Inc.**

represented by **Vic L. McConnell**  
Smith, Cashion & Orr, PLC  
231 Third Avenue North  
Nashville, TN 37201  
615-742-8565  
Fax: 615-742-8556  
Email: [vmcconnell@smithcashion.com](mailto:vmcconnell@smithcashion.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jefferson C. Orr**  
Smith, Cashion & Orr, PLC  
231 Third Avenue North  
Nashville, TN 37201  
615-742-8555  
Fax: 615-742-8565  
Email: [jorr@smithcashion.com](mailto:jorr@smithcashion.com)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**A. Stanley Willett**  
*doing business as*  
Willett Engineering Company

represented by **Brian W. Hodge**  
Brian W. Hodge, PSC  
239 S. Fifth Street  
Suite 414  
Louisville, KY 40202  
502-582-3711  
Fax: 502-587-6741  
Email: [bwh414@bellsouth.net](mailto:bwh414@bellsouth.net)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Scott Hall**  
*Executor for the Estate of James A. Hall*

**Cross Claimant**

**A. Stanley Willett**

represented by **Brian W. Hodge**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Cross Defendant**

**Bayus, Inc.**

represented by **Robert M. Brooks**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Cross Defendant**

**Edwynn Burckle**

represented by **Nicole M. Staffieri Coffey**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Steven M. Crawford**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Cross Defendant**

**George E. Clark**

represented by **Nicole M. Staffieri Coffey**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Steven M. Crawford**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Cross Defendant**

**Doris Cogan**

represented by **Nicole M. Staffieri Coffey**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Steven M. Crawford**

(See above for address)  
 ATTORNEY TO BE NOTICED

**Cross Defendant**

**Kevin D. Cogan**

represented by **Nicole M. Staffieri Coffey**  
 (See above for address)  
 ATTORNEY TO BE NOTICED

**Steven M. Crawford**  
 (See above for address)  
 ATTORNEY TO BE NOTICED

**Cross Defendant**

**James A. Hall**

TERMINATED: 10/20/2011

represented by **Erwin Roberts**  
 (See above for address)  
 ATTORNEY TO BE NOTICED

**Cross Defendant**

**Mindel, Scott & Associates, Inc.**

represented by **Vic L. McConnell**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Jefferson C. Orr**  
 (See above for address)  
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/10/2010	<u>1</u>	COMPLAINT filed by United States of America against Kevin D. Cogan; Edwynn Burckle; George E. Clark; Doris Cogan; Bayus, Inc.; James A. Hall; Mindel, Scott & Associates, Inc.; and A. Stanley Willett. (Attachments: # <u>1</u> Cover Sheet) (RLK) (Entered: 08/10/2010)
08/10/2010	<u>2</u>	Case Assignment (Random Selection): Case Assigned to Judge Charles R. Simpson, III. Magistrate designation: Dave Whalin. (RLK) (Entered: 08/10/2010)
08/11/2010	<u>3</u>	CLERK'S NOTICE to Counsel regarding the tendering of Summonses. (RLK) (Entered: 08/11/2010)
08/16/2010	<u>4</u>	NOTICE of Appearance by Vic L. McConnell on behalf of Mindel, Scott & Associates, Inc. (McConnell, Vic) (Entered: 08/16/2010)
08/26/2010	<u>5</u>	WAIVER OF SERVICE Returned Executed by United States of America. Kevin D. Cogan waiver sent on 8/12/2010, answer due 10/11/2010. (Lee, Ryan) (Entered: 08/26/2010)
08/26/2010	<u>6</u>	WAIVER OF SERVICE Returned Executed by United States of America. Edwynn Burckle waiver sent on 8/12/2010, answer due 10/11/2010. (Lee, Ryan) (Entered: 08/26/2010)
08/26/2010	<u>7</u>	WAIVER OF SERVICE Returned Executed by United States of America. Doris Cogan waiver sent on 8/12/2010, answer due 10/11/2010. (Lee, Ryan) (Entered: 08/26/2010)
08/26/2010	<u>8</u>	WAIVER OF SERVICE Returned Executed by United States of America. Mindel, Scott & Associates, Inc. waiver sent on 8/12/2010, answer due 10/11/2010. (Lee, Ryan) (Entered: 08/26/2010)
09/03/2010	<u>9</u>	WAIVER OF SERVICE Returned Executed by United States of America. A. Stanley Willett waiver sent on 8/12/2010, answer due 10/11/2010. (Lee, Ryan) (Entered: 09/03/2010)

09/10/2010	<u>10</u>	WAIVER OF SERVICE Returned Executed by United States of America. James A. Hall waiver sent on 8/19/2010, answer due 10/18/2010. (Lee, Ryan) (Entered: 09/10/2010)
09/17/2010	<u>11</u>	WAIVER OF SERVICE Returned Executed by United States of America. Bayus, Inc. waiver sent on 8/12/2010, answer due 10/12/2010. (Lee, Ryan) (Entered: 09/17/2010)
09/24/2010	<u>12</u>	MOTION for Jefferson C. Orr to Appear Pro Hac Vice Filing fee \$ 65, receipt number 0644-1121496.by Defendant Mindel, Scott & Associates, Inc. Responses due by 10/18/2010 (Attachments: # <u>1</u> Exhibit A – Certificate fo Good Standing for Jefferson Orr, # <u>2</u> Affidavit (Exhibit B) – of Jefferson Orr, # <u>3</u> Proposed Order granting Jefferson Orr to Practice Pro Hac Vice) (McConnell, Vic) (Entered: 09/24/2010)
10/01/2010	<u>13</u>	ORDER signed by Judge Charles R. Simpson, III on 9/30/2010, re <u>12</u> Motion to Appear Pro Hac Vice. Jefferson C. Orr is admitted pro hac vice on behalf of Defendant Mindel Scott Associates, Inc. cc: Counsel (RLK) (Entered: 10/01/2010)
10/06/2010	<u>14</u>	NOTICE of Filing Summons by United States of America (Attachments: # <u>1</u> Summons) (Lee, Ryan) (Entered: 10/06/2010)
10/06/2010	<u>15</u>	Summons Issued for pickup as to George E. Clark. (RLK) (Entered: 10/06/2010)
10/11/2010	<u>16</u>	ANSWER to <u>1</u> Complaint with Jury Demand by Bayus, Inc.. (Brooks, Robert) (Entered: 10/11/2010)
10/12/2010	<u>17</u>	ANSWER to <u>1</u> Complaint with Jury Demand by Mindel, Scott & Associates, Inc.. (McConnell, Vic) (Entered: 10/12/2010)
10/12/2010	<u>18</u>	ANSWER to <u>1</u> Complaint and, CROSSCLAIM against Bayus, Inc., Edwynn Burckle, George E. Clark, Doris Cogan, Kevin D. Cogan, James A. Hall, Mindel, Scott & Associates, Inc. by A. Stanley Willett. (Hodge, Brian) (Entered: 10/12/2010)
10/12/2010	<u>19</u>	ANSWER to <u>1</u> Complaint with Jury Demand by Doris Cogan. (Crawford, Steven) (Entered: 10/12/2010)
10/12/2010	<u>20</u>	ANSWER to <u>1</u> Complaint with Jury Demand by Kevin D. Cogan. (Crawford, Steven) (Entered: 10/12/2010)
10/12/2010	<u>21</u>	ANSWER to <u>1</u> Complaint with Jury Demand by Edwynn Burckle. (Crawford, Steven) (Entered: 10/12/2010)
10/12/2010	<u>22</u>	ANSWER to <u>1</u> Complaint with Jury Demand by James A. Hall. (Roberts, Erwin) (Entered: 10/12/2010)
10/13/2010	<u>23</u>	ANSWER to <u>18</u> CROSSCLAIM of A. Stanley Willett d/b/a Willett Engineering Co. by Mindel, Scott & Associates, Inc.. (McConnell, Vic) Modified on 10/14/2010: clarify filing (RLK). (Entered: 10/13/2010)
10/14/2010	<u>24</u>	SUMMONS Returned Executed by United States of America. George E. Clark served on 10/7/2010, answer due 10/28/2010. (Lee, Ryan) (Entered: 10/14/2010)
11/15/2010	<u>25</u>	ANSWER to <u>1</u> Complaint with Jury Demand by George E. Clark. (Crawford, Steven) (Entered: 11/15/2010)
01/07/2011	<u>26</u>	ORDER (EBOC) by Judge Charles R. Simpson, III on 1/7/2011. Matter referred to Magistrate Judge Dave Whalin for the purposes as set forth. Scheduling Conference is set for 2/9/2011 at 01:30 PM before Magistrate Judge Dave Whalin. Parties to meet at least twenty-one (21) days before the Scheduling Conference. Within fourteen (14) days after the meeting, one party shall file a written report of the planning meeting. Disclosures due within fourteen (14) days after the planning meeting. Conference Statement due seven (7) days prior to the Scheduling Conference. Magistrate Judge is further authorized to conduct a Settlement Conference.cc: Counsel (RLK) (Entered: 01/07/2011)
01/12/2011	<u>27</u>	ORDER (EBOC) by Magistrate Judge Dave Whalin on 1/11/2011. Scheduling Conference previously set for 2/9/2011 is moved to 3/24/2011 at 11:30 AM before Magistrate Judge Dave Whalin.cc: Counsel (RLK) (Entered: 01/12/2011)
03/10/2011	<u>28</u>	REPORT of Rule 26(f) Planning Meeting by Plaintiff United States of America, and Defendants Bayus, Inc., Edwynn Burckle, George E. Clark, Doris Cogan, Kevin D.

		Cogan, James A. Hall, Mindel, Scott & Associates, Inc., and A. Stanley Willett. (Lee, Ryan) Modified on 3/11/2011: added party filers (RLK). (Entered: 03/10/2011)
03/23/2011	<u>29</u>	ORDER RESCHEDULING RULE 16 (EBOC) by Magistrate Judge Dave Whalin on 3/23/2011. Rule 16 Hearing set for 3/24/2011 is continued to 5/23/2011 at 11:00 AM before Magistrate Judge Dave Whalin. cc: Counsel (RLK) (Entered: 03/23/2011)
04/25/2011	<u>30</u>	RULE 26 INITIAL DISCLOSURE STATEMENT by A. Stanley Willett. (Hodge, Brian) (Entered: 04/25/2011)
05/11/2011	<u>31</u>	RULE 26 INITIAL DISCLOSURE STATEMENT by Edwynn Burckle, George E. Clark, Doris Cogan, Kevin D. Cogan. (Crawford, Steven) (Entered: 05/11/2011)
05/16/2011	<u>32</u>	RULE 26 INITIAL DISCLOSURE STATEMENT by James A. Hall. (Roberts, Erwin) (Entered: 05/16/2011)
05/16/2011	<u>33</u>	<i>Plaintiff United States'</i> CONFERENCE STATEMENT re <u>29</u> Order, <u>26</u> Order Referring Case to Magistrate Judge., <u>27</u> Order by United States of America. (Lee, Ryan) (Entered: 05/16/2011)
05/16/2011	<u>34</u>	RULE 26 INITIAL DISCLOSURE STATEMENT by Mindel, Scott & Associates, Inc.. (Orr, Jefferson) (Entered: 05/16/2011)
05/16/2011	<u>35</u>	CONFERENCE STATEMENT re <u>26</u> Order Referring Case to Magistrate Judge., <u>27</u> Order by James A. Hall. (Roberts, Erwin) (Entered: 05/16/2011)
05/17/2011	<u>36</u>	RULE 26 INITIAL DISCLOSURE STATEMENT by Bayus, Inc.. (Brooks, Robert) (Entered: 05/17/2011)
05/17/2011	<u>37</u>	CONFERENCE STATEMENT re <u>26</u> Order Referring Case to Magistrate Judge., by Bayus, Inc.. (Brooks, Robert) (Entered: 05/17/2011)
05/18/2011	<u>38</u>	CONFERENCE STATEMENT re <u>26</u> Order Referring Case to Magistrate Judge., <u>27</u> Order by Mindel, Scott & Associates, Inc.. (Orr, Jefferson) (Entered: 05/18/2011)
05/18/2011	<u>39</u>	CONFERENCE STATEMENT re <u>26</u> Order Referring Case to Magistrate Judge., <u>27</u> Order by A. Stanley Willett. (Hodge, Brian) (Entered: 05/18/2011)
05/18/2011	<u>40</u>	CONFERENCE STATEMENT re <u>26</u> Order Referring Case to Magistrate Judge., by Edwynn Burckle, George E. Clark, Doris Cogan, Kevin D. Cogan. (Crawford, Steven) (Entered: 05/18/2011)
05/19/2011	<u>41</u>	NOTICE of Appearance by Ryan G. Lee on behalf of United States of America (Lee, Ryan) (Entered: 05/19/2011)
05/25/2011	<u>42</u>	MEMORANDUM OF RULE 16 SCHEDULING CONFERENCE AND ORDER signed by Magistrate Judge Dave Whalin on 5/24/2011. Scheduling Conference was held on 5/23/2011. Rule 26(a)(1) Disclosure due by 4/25/2011. Expert Witness (Plaintiff) due by 9/23/2011. Expert Witness (Defendant) due by 1/25/2012. Motions for Joinder of Parties or Amended Pleadings due by 9/23/2011. Discovery due by 2/29/2012. Dispositive Motions due by 4/24/2012. Telephonic Status Conference is set for 7/27/2011 at 10:00 AM before Magistrate Judge Dave Whalin. Dates 8/1 – 8/5/2011, 8/11 & 8/12/2011, and 9/1, 9/2 & 9/9/2011 are available for a Settlement Conference. Parties to advise Chambers within ten (10) days as to the best date. cc: Counsel (RLK) (Entered: 05/25/2011)
06/06/2011	<u>43</u>	ORDER FOR SETTLEMENT CONFERENCE signed by Magistrate Judge Dave Whalin on 6/6/2011. Settlement Conference is set for 9/9/2011 at 09:00 AM before Magistrate Judge Dave Whalin. Parties to submit a CONFIDENTIAL Settlement Statement to the Magistrate Judge, by mail, at least seven (7) days prior to the Conference. Parties to comply with the remainder of Order as set forth.cc: Counsel (RLK) (Entered: 06/06/2011)
06/27/2011	<u>44</u>	NOTICE OF DEATH OF JAMES A. HALL by James A. Hall (Attachments: # <u>1</u> Supplement) (Roberts, Erwin) (Entered: 06/27/2011)
07/05/2011	<u>45</u>	ORDER RESCHEDULING SETTLEMENT CONFERENCE signed by Magistrate Judge Dave Whalin on 7/5/2011. Settlement Conference previously set for 9/9/2011 is RESCHEDULED for 9/26/2011 at 09:30 AM, and continuing on 9/27/2011, if

		necessary, before Magistrate Judge Dave Whalin.cc: Counsel (RLK) (Entered: 07/05/2011)
07/27/2011		Proceedings held before Magistrate Judge Dave Whalin: Telephonic Status Conference held on 7/27/2011. (SJS) (Entered: 07/27/2011)
07/27/2011	<u>46</u>	ORDER ON TELEPHONIC CONFERENCE (EBOC) by Magistrate Judge Dave Whalin on 7/27/11. Counsel participating for the pltf – Ryan Lee and Emily Nobile; for the dft – Steven Crawford, Robert Brooks, Erwin Roberts, Jefferson Orr, and Joe Moloney on behalf of Brian Hodge. Parties are continuing to discuss settlement proposals. Settlement conference previously scheduled for 9/26/11 and 9/27/11 shall remain on the Ct's docket. cc:counsel (SJS) (Entered: 07/27/2011)
09/20/2011	<u>47</u>	MOTION to Substitute Party by Plaintiff United States of America Responses due by 10/14/2011 (Attachments: # <u>1</u> Exhibit A – June 28, 2011 Order of Jefferson County Court appointing Scott A. Hall Executor of Estate of James A. Hall, # <u>2</u> Proposed Order) (Lee, Ryan) (Entered: 09/20/2011)
10/04/2011		Proceedings held before Magistrate Judge Dave Whalin: Settlement Conference held on 9/26/2011. (SJS) (Entered: 10/04/2011)
10/04/2011		Proceedings held before Magistrate Judge Dave Whalin: Settlement Conference held on 9/27/2011. (SJS) (Entered: 10/04/2011)
10/04/2011	<u>48</u>	REPORT ON SETTLEMENT CONFERENCE by Magistrate Judge Dave Whalin on 10/3/11. A Settlement Conference was conducted on 9/26/11 and 9/27/11. Settlement negotiations were cconducted but the parties were unable to reach an agreement. Parties will continue negotiations and the settlement conference shall resume on 11/28/2011 09:30 AM before Magistrate Judge Dave Whalin. Counsel shall comply with remainder of order as set forth.cc:counsel (SJS) (Entered: 10/04/2011)
10/11/2011	<u>49</u>	RESPONSE to Motion re <u>47</u> MOTION to Substitute Party filed by James A. Hall. Replies due by 10/28/2011. (Roberts, Erwin) (Entered: 10/11/2011)
10/20/2011	<u>50</u>	ORDER granting <u>47</u> Motion to Substitute Party. Scott Hall is SUBSTITUTED as the defendant in this action.. Signed by Judge Charles R. Simpson, III on 10/19/11. cc:counsel (JBM) (Entered: 10/20/2011)
11/01/2011	<u>51</u>	REPORT OF SETTLEMENT signed by Magistrate Judge Dave Whalin on 11/1/2011. Parties have reported an agreement as to the resolution of all matters in this case. Counsel to file a consent degree within sixty (60) days. Settlement Conference set for 11/28/2011 is REMANDED.cc: Counsel (RLK) (Entered: 11/01/2011)
11/01/2011	<u>52</u>	REPORT OF SETTLEMENT by Magistrate Judge Dave Whalin on 11/1/11; The settlement conference set for 11/28/11 is REMANDED from the docket. cc:counsel (JBM) (Entered: 11/01/2011)
11/03/2011	<u>53</u>	ORDER by Judge Charles R. Simpson, III on 11/2/2011 Dismissing Case as settled, with leave to reinstate within sixty (60) days if settlement is not consummated. cc: Counsel (CDF) (Entered: 11/03/2011)
11/16/2011	<u>54</u>	ORDER by Judge Charles R. Simpson, III on 11/14/2011; order dismissing case as settled <u>53</u> is REMANDED; clerk directed to reopen matter; case to remain on court's active docket pending resolution of all issues.cc:counsel (TLB) (Entered: 11/16/2011)
12/06/2011	<u>55</u>	Proposed Agreed Order/Stipulation <i>UNOPPOSED Motion for Entry of Consent Order</i> (Attachments: # <u>1</u> Proposed Order Consent Order) by United States of America. (Lee, Ryan) (Entered: 12/06/2011)
12/08/2011	<u>56</u>	CONSENT ORDER by Judge Charles R. Simpson, III on 12/7/2011; parties to comply as set forth in order.cc:counsel (TLB) (Entered: 12/08/2011)
12/15/2014	<u>57</u>	ORDER & JUDGMENT by Senior Judge Charles R. Simpson, III on 12/12/2014 Dismissing Case with prejudice. cc:counsel (JBM) (Entered: 12/15/2014)