

CLOSED, JURY, RHW

**U.S. District Court
Southern District of Mississippi (Southern)
CIVIL DOCKET FOR CASE #: 1:09-cv-00174-LG -RHW**

United States of America v. Mississippi Regional Housing
Authority VIII et al
Assigned to: Chief District Judge Louis Guirola, Jr
Referred to: Magistrate Judge Robert H. Walker
Cause: 42:405 Fair Housing Act

Date Filed: 02/17/2009
Date Terminated: 03/26/2010
Jury Demand: Both
Nature of Suit: 443 Civil Rights:
Accommodations
Jurisdiction: U.S. Government Plaintiff

Plaintiff

United States of America

represented by **Mitzi Dease Paige**
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ATTORNEY TO BE NOTICED

V.

Defendant

**Mississippi Regional Housing
Authority VIII**

represented by **Michael Jacob Shemper**
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Defendant

SBMC, Inc.
doing business as
Sun Belt Management

represented by **Craig Alan Cowart**
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Defendant

Oakridge Park Apartments, Ltd.

represented by **Craig Alan Cowart**
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Elizabeth Harper Emmett
 (See above for address)
 TERMINATED: 04/27/2009

Defendant

Bobby G. Marcellus
General Partner

represented by **Craig Alan Cowart**
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 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

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 PRO HAC VICE
 ATTORNEY TO BE NOTICED

Elizabeth Harper Emmett
 (See above for address)
 TERMINATED: 04/27/2009

Date Filed	#	Docket Text
02/17/2009	<u>1</u>	COMPLAINT against Mississippi Regional Housing Authority VIII, SBMC, Inc., Oakridge Park Apartments, Ltd., Bobby G. Marcellus, filed by United States of America. (Attachments: # <u>1</u> Civil Cover Sheet) (RLW) (Entered: 02/18/2009)
02/19/2009	<u>2</u>	Summons Issued as to Mississippi Regional Housing Authority VIII, SBMC, Inc., Bobby G. Marcellus. (RLW) (Entered: 02/19/2009)

02/20/2009	<u>3</u>	Summons Issued as to Oakridge Park Apartments, Ltd. (RLW) (Entered: 02/20/2009)
02/25/2009	<u>4</u>	REQUEST FOR WAIVER of Service sent to Roy Necaize on 02/25/2009 by United States of America. Waiver of Service due by 3/30/2009 (Paige, Mitzi) (Entered: 02/25/2009)
02/25/2009	<u>5</u>	REQUEST FOR WAIVER of Service sent to Oakridge Park Apartments & SBMC, Inc. on 02/25/2009 by United States of America. Waiver of Service due by 3/30/2009 (Paige, Mitzi) (Entered: 02/25/2009)
02/25/2009	<u>6</u>	REQUEST FOR WAIVER of Service sent to Bobby G. Marcellus on 02/25/2009 by United States of America. Waiver of Service due by 3/30/2009 (Paige, Mitzi) (Entered: 02/25/2009)
03/18/2009	<u>7</u>	MOTION for Robert D. Meyers to Appear Pro Hac Vice by SBMC, Inc. (Attachments: # <u>1</u> Exhibit Certification of Good Standing, # <u>2</u> Affidavit Affidavit of Robert D. Meyers)(Emmett, Elizabeth) (Entered: 03/18/2009)
03/18/2009	<u>8</u>	**NOTE: Disregard. See doc #9** MOTION for Amber Isom-Thompson to Appear Pro Hac Vice by Oakridge Park Apartments, Ltd., Bobby G. Marcellus (Attachments: # <u>1</u> Exhibit Certification of Good Standing, # <u>2</u> Affidavit Affidavit of Amber Isom-Thompson)(Emmett, Elizabeth) Modified on 3/18/2009 (RLW). (Entered: 03/18/2009)
03/18/2009	<u>9</u>	MOTION for Amber Isom-Thompson to Appear Pro Hac Vice by Oakridge Park Apartments, Ltd., Bobby G. Marcellus (Attachments: # <u>1</u> Exhibit Certificate of Good Standing, # <u>2</u> Affidavit of Amber Isom-Thompson)(Emmett, Elizabeth) (Entered: 03/18/2009)
03/18/2009		DOCKET ANNOTATION as to #8. Motion terminated by Clerk. Attorney's office refiled correctly as doc #9. (RLW) (Entered: 03/18/2009)
03/18/2009	<u>10</u>	ORDER granting <u>7</u> Motion to Appear Pro Hac Vice. Robert D. Meyers shall be admitted pro hac vice to serve as co-counsel for the defendant SBMC, Inc. (d/b/a Sun Belt Management). Signed by Magistrate Judge Robert H. Walker on March 18, 2009. (Joffe, Scherry) (Entered: 03/18/2009)
03/18/2009	<u>11</u>	ORDER granting <u>9</u> Motion to Appear Pro Hac Vice. Amber Isom-Thompson shall be admitted pro hac vice to serve as co-counsel for the defendants Oakridge Park Apartments, Ltd. and Bobby G. Marcellus, General Partner. Signed by Magistrate Judge Robert H. Walker on March 18, 2009. (Joffe, Scherry) (Entered: 03/18/2009)
03/19/2009	<u>12</u>	WAIVER OF SERVICE Returned Executed by United States of America. Oakridge Park Apartments, Ltd. waiver sent on 2/25/2009, answer due 4/27/2009; Bobby G. Marcellus waiver sent on 2/25/2009, answer due 4/27/2009. (Paige, Mitzi) (Entered: 03/19/2009)
03/19/2009	<u>13</u>	WAIVER OF SERVICE Returned Executed by United States of America. SBMC, Inc. waiver sent on 2/25/2009, answer due 4/27/2009. (Paige, Mitzi) (Entered: 03/19/2009)
03/23/2009		Pro Hac Vice fee paid by Amber Ison-Thompson \$100.00, receipt number B029565. (RLW) (Entered: 03/23/2009)
03/23/2009		Pro Hac Vice fee paid by Robert D. Meyers \$100.00, receipt number B029566. (RLW) (Entered: 03/23/2009)
03/25/2009	<u>14</u>	WAIVER OF SERVICE Returned Executed by United States of America. Mississippi Regional Housing Authority VIII waiver sent on 2/25/2009, answer due 4/27/2009. (Paige, Mitzi) (Entered: 03/25/2009)
04/24/2009	<u>15</u>	ANSWER to <u>1</u> Complaint by SBMC, Inc.. (Attachments: # <u>1</u> Exhibit A - January 30, 2006 letter from Plaintiff's attorney, # <u>2</u> Exhibit B - February 24, 2006 letter from Plaintiff's attorney, # <u>3</u> Exhibit C - SBMC's letter to MRHA)(Emmett, Elizabeth) (Entered: 04/24/2009)
04/24/2009	<u>16</u>	ANSWER to <u>1</u> Complaint by Oakridge Park Apartments, Ltd., Bobby G. Marcellus. (Attachments: # <u>1</u> Exhibit A - January 30, 2006 letter from Plaintiff's

		attorney, # <u>2</u> Exhibit B – February 24, 2006 letter from Plaintiff's attorney, # <u>3</u> Exhibit C – SBMC's letter to MRHA)(Emmett, Elizabeth) (Entered: 04/24/2009)
04/27/2009	<u>17</u>	MOTION for Extension of Time to File Answer by Mississippi Regional Housing Authority VIII (Shemper, Michael) (Entered: 04/27/2009)
04/27/2009	<u>18</u>	Joint MOTION to Substitute Attorney by SBMC, Inc. (Emmett, Elizabeth) (Entered: 04/27/2009)
04/27/2009	<u>19</u>	Joint MOTION to Substitute Attorney by Oakridge Park Apartments, Ltd., Bobby G. Marcellus (Emmett, Elizabeth) (Entered: 04/27/2009)
04/27/2009		TEXT ONLY ORDER granting <u>18</u> Motion to Substitute Attorney. Added attorney Craig Alan Cowart for SBMC, Inc.. Attorney Elizabeth Harper Emmett terminated. NO FURTHER WRITTEN ORDER WILL ISSUE. Signed by Magistrate Judge Robert H. Walker on April 27, 2009. (Joffe, Scherry) (Entered: 04/27/2009)
04/27/2009		TEXT ONLY ORDER granting <u>19</u> Motion to Substitute Attorney. Added attorney Craig Alan Cowart for Oakridge Park Apartments, Ltd. and Bobby G. Marcellus. Attorney Elizabeth Harper Emmett terminated. NO FURTHER WRITTEN ORDER WILL ISSUE. Signed by Magistrate Judge Robert H. Walker on April 27, 2009. (Joffe, Scherry) (Entered: 04/27/2009)
04/27/2009		TEXT ONLY ORDER granting <u>17</u> Motion for Extension of Time to Answer. Mississippi Regional Housing Authority VIII answer due 5/22/2009. NO FURTHER WRITTEN ORDER WILL ISSUE. Signed by Magistrate Judge Robert H. Walker on April 27, 2009. (Joffe, Scherry) (Entered: 04/27/2009)
04/29/2009	<u>20</u>	Rule 16.1(A) Initial Order Telephonic Case Management Conference set for 5/26/2009 03:00 PM before Magistrate Judge Robert H. Walker. See order for complete instructions. (JR) (Entered: 04/29/2009)
05/12/2009	<u>21</u>	MOTION for William Scarth Clark to Appear Pro Hac Vice by Mississippi Regional Housing Authority VIII (Attachments: # <u>1</u> Affidavit Exhibit A, # <u>2</u> Exhibit B–Cert. of Good Standing)(Shemper, Michael) (Entered: 05/12/2009)
05/13/2009	<u>22</u>	ORDER granting <u>21</u> Motion to Appear Pro Hac Vice. William Scarth Clark shall be admitted pro hac vice to serve as co-counsel for the defendant Mississippi Regional Housing Authority VIII. Signed by Magistrate Judge Robert H. Walker on May 13, 2009. (Joffe, Scherry) (Entered: 05/13/2009)
05/14/2009		Pro Hac Vice fee paid by William Scarth Clark \$100.00, receipt number B029775 (cc:ka) (RLW) (Entered: 05/14/2009)
05/22/2009	<u>23</u>	ANSWER to <u>1</u> Complaint by Mississippi Regional Housing Authority VIII.(Shemper, Michael) (Entered: 05/22/2009)
05/26/2009		Minute Entry for proceedings held before Magistrate Judge Robert H. Walker: Telephonic Case Management Conference held on 5/26/2009 (JR) (Entered: 05/26/2009)
05/26/2009	<u>24</u>	CASE MANAGEMENT ORDER: CJRA Track : Standard. Amended Pleadings due by 7/1/2009, Joinder of Parties due by 7/1/2009, Designate Experts Plaintiff Deadline due by 9/1/2009, Designate Experts for Defendant Deadline due by 10/1/2009, Discovery due by 2/1/2010, Motions due by 2/16/2010, Settlement Conference set for 5/11/2010 01:30 PM before Magistrate Judge Robert H. Walker, Final Pretrial Conference set for 8/11–13/2010 before District Judge Louis Guirola Jr., Jury Trial set for 9/13/2010 trial calendar before District Judge Louis Guirola Jr. ETT: 3 days. No conflicts. Parties do NOT consent. Signed by Magistrate Judge Robert H. Walker on May 26, 2009 (JR) (Entered: 05/26/2009)
07/27/2009	<u>25</u>	First NOTICE of Service of Interrogatories by Mississippi Regional Housing Authority VIII (Best – PHV, Laurence) (Entered: 07/27/2009)
07/27/2009	<u>26</u>	First NOTICE of Service of Request for Production by Mississippi Regional Housing Authority VIII (Best – PHV, Laurence) (Entered: 07/27/2009)
08/06/2009	<u>27</u>	MOTION for Extension of Time to File Response/Reply as to <u>25</u> Notice of Service of Interrogatories by United States of America (Paige, Mitzi) (Entered: 08/06/2009)

		08/06/2009)
08/06/2009	<u>28</u>	MOTION for Extension of Time to File Response/Reply as to <u>27</u> MOTION for Extension of Time to File Response/Reply as to <u>25</u> Notice of Service of Interrogatories and Request for Production of Documents by United States of America (Paige, Mitzi) (Entered: 08/06/2009)
08/07/2009		TEXT ONLY ORDER finding as moot <u>28</u> Motion for Extension of Time to serve discovery responses; granting <u>27</u> Plaintiff's unopposed Motion for Extension of Time to serve responses to Mississippi Regional Housing Authority VIII's first set of interrogatories and requests for production. Plaintiff's discovery responses shall be served by 9/14/2009. NO FURTHER WRITTEN ORDER WILL ISSUE. Signed by Magistrate Judge Robert H. Walker on August 7, 2009. (Joffe, Scherry) (Entered: 08/07/2009)
08/09/2009		DOCKET ANNOTATION as to #27. The event code "Extension of Time to Complete Discovery" should have been used. Attorney not required to refile. (RLW) (Entered: 08/09/2009)
09/14/2009	<u>29</u>	NOTICE of Service of <i>Pre-Discovery</i> Disclosure by United States of America (Paige, Mitzi) (Entered: 09/14/2009)
09/14/2009	<u>30</u>	NOTICE of Service of Response to Interrogatories by United States of America (Paige, Mitzi) (Entered: 09/14/2009)
09/14/2009	<u>31</u>	NOTICE of Service of Response to Request for Production by United States of America (Paige, Mitzi) (Entered: 09/14/2009)
10/02/2009	<u>32</u>	NOTICE of Service of <i>Supplement to Pre-Discovery</i> Disclosure by United States of America (Paige, Mitzi) (Entered: 10/02/2009)
10/22/2009	<u>33</u>	NOTICE of Service of <i>Correction to</i> Disclosure by United States of America (Paige, Mitzi) (Entered: 10/22/2009)
12/17/2009	<u>34</u>	NOTICE of Service of <i>Initial</i> Disclosure by Mississippi Regional Housing Authority VIII (Shemper, Michael) (Entered: 12/17/2009)
12/30/2009	<u>35</u>	NOTICE of Service of Interrogatories by United States of America (Paige, Mitzi) (Entered: 12/30/2009)
12/30/2009	<u>36</u>	NOTICE of Service of Interrogatories by United States of America (Paige, Mitzi) (Entered: 12/30/2009)
12/30/2009	<u>37</u>	NOTICE of Service of <i>First</i> Request for Production by United States of America (Paige, Mitzi) (Entered: 12/30/2009)
12/30/2009	<u>38</u>	NOTICE of Service of <i>First</i> Request for Production by United States of America (Paige, Mitzi) (Entered: 12/30/2009)
12/30/2009	<u>39</u>	NOTICE of Service of <i>First</i> Request for Admissions by United States of America (Paige, Mitzi) (Entered: 12/30/2009)
12/30/2009	<u>40</u>	NOTICE of Service of <i>First</i> Request for Admissions by United States of America (Paige, Mitzi) (Entered: 12/30/2009)
01/13/2010	<u>41</u>	NOTICE of Service of Response to Request for Admissions by Mississippi Regional Housing Authority VIII (Shemper, Michael) (Entered: 01/13/2010)
02/01/2010	<u>42</u>	Joint MOTION for Extension of Time to Complete Discovery by SBMC, Inc., Oakridge Park Apartments, Ltd., Bobby G. Marcellus (Isom-Thompson - PHV, Amber) (Entered: 02/01/2010)
02/01/2010	<u>43</u>	Joint MOTION for Extension of Time to Complete Discovery <i>Memorandum in Support of Motion</i> by SBMC, Inc., Oakridge Park Apartments, Ltd., Bobby G. Marcellus (Isom-Thompson - PHV, Amber) (Entered: 02/01/2010)
02/02/2010		TEXT ONLY ORDER granting as agreed <u>42</u> Motion for Extension of Time to respond to Discovery; terminating <u>43</u> Motion for Extension of Time to Complete Discovery, as it is actually a memorandum in support of <u>42</u> rather than a motion. Defendants SBMC, Inc., Oakridge part Apartments, Ltd. and Bobby G. Marcellus

		are granted until 2/28/2010 to serve responses to Plaintiff's discovery. NO FURTHER WRITTEN ORDER WILL ISSUE. Signed by Magistrate Judge Robert H. Walker on February 2, 2010. (Joffe, Scherry) (Entered: 02/02/2010)
02/02/2010	<u>44</u>	MEMORANDUM in Support re <u>42</u> Joint MOTION for Extension of Time to Complete Discovery filed by SBMC, Inc., Oakridge Park Apartments, Ltd., Bobby G. Marcellus (Isom-Thompson - PHV, Amber) (Entered: 02/02/2010)
02/15/2010	<u>45</u>	MOTION for Summary Judgment by Mississippi Regional Housing Authority VIII (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Shemper, Michael) (Entered: 02/15/2010)
02/15/2010	<u>46</u>	MEMORANDUM IN SUPPORT re <u>45</u> MOTION for Summary Judgment filed by Mississippi Regional Housing Authority VIII (Shemper, Michael) (Entered: 02/15/2010)
02/16/2010	<u>47</u>	NOTICE of Filing of Statement of Uncontested Material Facts by Mississippi Regional Housing Authority VIII re <u>46</u> Memorandum in Support, <u>45</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Statement of Uncontested Material Facts)(Shemper, Michael) (Entered: 02/16/2010)
02/26/2010	<u>48</u>	Joint MOTION to Stay <i>Discovery</i> by SBMC, Inc., Oakridge Park Apartments, Ltd. (Meyers - PHV, Robert) (Entered: 02/26/2010)
02/26/2010	<u>49</u>	MEMORANDUM in Support re <u>48</u> Joint MOTION to Stay <i>Discovery</i> filed by SBMC, Inc., Oakridge Park Apartments, Ltd. (Meyers - PHV, Robert) (Entered: 02/26/2010)
02/26/2010	<u>50</u>	ORDER granting <u>48</u> Motion to Stay Discovery. Signed by Magistrate Judge Robert H. Walker on February 26, 2010 (King, Steve) (Entered: 02/26/2010)
03/04/2010	<u>51</u>	NOTICE of Service of Response to Interrogatories by Mississippi Regional Housing Authority VIII (Shemper, Michael) (Entered: 03/04/2010)
03/04/2010	<u>52</u>	MOTION for Extension of Time to File Response/Reply as to <u>37</u> Notice of Service of Request for Production <i>Propounded to MRHA by USA</i> by Mississippi Regional Housing Authority VIII (Shemper, Michael) (Entered: 03/04/2010)
03/04/2010	<u>53</u>	MOTION for Extension of Time to File Response/Reply as to <u>45</u> MOTION for Summary Judgment by United States of America (Paige, Mitzi) (Entered: 03/04/2010)
03/04/2010		NOTICE of Calendar Setting REMINDER of the settlement conference previously set for Tuesday, May 11, 2010 at 1:30 p.m. Counsel are instructed to submit to Judge Walker, on or before one week prior to the conference, a memorandum (3 page maximum in PDF format) setting forth a brief explanation of the case, and a candid appraisal of the respective positions, including possible settlement figures. This document is NOT to be exchanged and will be viewed only by the Court. The settlement memoranda should be sent to Judge Walker via e-mail. PARTIES AND/OR COMPANY REPRESENTATIVES ARE TO BE PRESENT AT THE CONFERENCE. (JR) (Entered: 03/04/2010)
03/04/2010		TEXT ONLY ORDER granting <u>52</u> unopposed Motion for Extension of Time to serve responses to Plaintiff's Requests for Production. Mississippi Regional Housing Authority VIII is granted until 3/12/2010 to serve responses to Plaintiff's Requests for Production. Signed by Magistrate Judge Robert H. Walker on March 4, 2010. NO FURTHER WRITTEN ORDER WILL ISSUE. (Joffe, Scherry) (Entered: 03/04/2010)
03/05/2010	<u>54</u>	ORDER granting United States of America's <u>53</u> Motion for Extension of Time to Respond to Mississippi Regional Housing Authority VIII's <u>45</u> MOTION for Summary Judgment. The Response is due by 3/22/2010. Signed by District Judge Louis Guirola, Jr., on March 5, 2010. (RH) (Entered: 03/05/2010)
03/05/2010		DOCKET ANNOTATION as to #51. Incorrect PDF document attached. Attorney advised to refile the Notice of Service. The Notice should state that it's for Responses to Interrogatories. Also, DOCKET ANNOTATION as to #52. The event code "Extension of Time to Complete Discovery" should have been used.

		Attorney is not required to refile. (RLW) (Entered: 03/05/2010)
03/08/2010		DOCKET ANNOTATION as to #51. A docket annotation was entered on 3/5/10 advising attorney to refile Notice of Service. The Notice has not been refiled. (RLW) (Entered: 03/08/2010)
03/09/2010	<u>55</u>	NOTICE of Service of Response to Interrogatories by Mississippi Regional Housing Authority VIII (Shemper, Michael) (Entered: 03/09/2010)
03/15/2010	<u>56</u>	NOTICE of Service of Response to Interrogatories by Mississippi Regional Housing Authority VIII (Shemper, Michael) (Entered: 03/15/2010)
03/15/2010	<u>57</u>	NOTICE of Service of Response to Request for Production by Mississippi Regional Housing Authority VIII (Shemper, Michael) (Entered: 03/15/2010)
03/15/2010		DOCKET ANNOTATION as to #56 and #57. Attorney's office is advised that in the future, the Notice should reflect the discovery being responded to. (RLW) (Entered: 03/15/2010)
03/26/2010	<u>58</u>	CONSENT DECREE Between Plaintiff United States of America and Defendants SBMC, Inc. (d/b/a Sun Belt Management), Oakridge Park Apartments, Ltd., and Bobby G. Marcellus, General Partner. Signed by District Judge Louis Guirola, Jr., on 3/26/2010 (CG) (Entered: 03/26/2010)
03/26/2010	<u>59</u>	ORDER DISMISSING CASE: Ordered that this case is dismissed without prejudice. Signed by District Judge Louis Guirola, Jr on 3/26/10. (JCH) (Entered: 03/26/2010)
03/26/2010	<u>60</u>	ORDER: Ordered that this action is dismissed with prejudice, subject to the right of the United States to petition the Court to reopen the matter should any of the Defendants fail to abide by the terms set out in the Consent Decree. Signed by District Judge Louis Guirola, Jr on 3/26/10. (JCH) (Entered: 03/26/2010)
06/02/2010		Joint Ore Tenus MOTION to Attach/Include Exhibits B and C to <u>58</u> Consent Decree Entered on March 26, 2010 by United States of America, Bobby G. Marcellus, Oakridge Park Apartments, Ltd., and SBMC, Inc. (RH) (Entered: 06/02/2010)
06/02/2010	<u>61</u>	ORDER granting Joint Ore Tenus [] Motion to Attach/Include Exhibits B and C to Consent Decree <u>58</u> . Signed by District Judge Louis Guirola, Jr., on June 2, 2010. (Attachments: # <u>1</u> Exhibit B, # <u>2</u> Exhibit C). (RH) (Entered: 06/02/2010)