

**U.S. District Court
Middle District of Florida (Ft. Myers)
CIVIL DOCKET FOR CASE #: 2:16-cv-00379-SPC-MRM**

Methelus et al v. The School Board Of Collier County, Florida
et al

Assigned to: Judge Sheri Polster Chappell
Referred to: Magistrate Judge Mac R. McCoy
Cause: 42:1983 Civil Rights Act

Date Filed: 05/18/2016

Jury Demand: None

Nature of Suit: 448 Civil Rights: Education

Jurisdiction: Federal Question

Plaintiff

Lesly Methelus

*on behalf of Y.M., a minor, on behalf of
themselves and all others similarly
situated*

represented by **Jessica Zagier Wallace**
Southern Poverty Law Center
P.O. Box 370037
Miami, FL 33137
786-347-2056
Fax: 786-237-2949
Email: jessica.wallace@splcenter.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle R. Lapointe

Southern Poverty Law
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LEAD ATTORNEY
PRO HAC VICE
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Tania Galloni

Southern Poverty Law Center
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TERMINATED: 09/28/2016
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Rosalba Ortiz

*on behalf of G.O., a minor, on behalf of
themselves and all others similarly
situated*

represented by **Jessica Zagier Wallace**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle R. Lapointe

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

Tania Galloni

(See above for address)
TERMINATED: 09/28/2016
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Zoila Lorenzo

*on behalf of M.D., a minor, on behalf of
themselves and all others similarly
situated*

represented by **Jessica Zagier Wallace**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle R. Lapointe
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Tania Galloni
(See above for address)
TERMINATED: 09/28/2016
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Ange Marie Joseph

*on behalf of K.V., a minor, on behalf of
themselves and all others similarly
situated*

represented by **Jessica Zagier Wallace**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle R. Lapointe
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Tania Galloni
(See above for address)
TERMINATED: 09/28/2016
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Emile Antoine

*on behalf of N.A., a minor, on behalf of
themselves and all others similarly
situated*

represented by **Jessica Zagier Wallace**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle R. Lapointe
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Tania Galloni
(See above for address)
TERMINATED: 09/28/2016
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Lucenie Hilaire Durosier

*on behalf of T.J.H., a minor, on behalf of
themselves and all others similarly
situated*

represented by **Jessica Zagier Wallace**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michelle R. Lapointe
(See above for address)
LEAD ATTORNEY
PRO HAC VICE

ATTORNEY TO BE NOTICED

Tania Galloni

(See above for address)

TERMINATED: 09/28/2016

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

V.

Defendant

**The School Board Of Collier County,
Florida**

represented by **James Donald Fox**
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ATTORNEY TO BE NOTICED

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Email: fishbj@collierschools.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Kamela Patton

*Superintendent of Collier County Public
Schools, in her official capacity*

represented by **James Donald Fox**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jonathan D. Fishbane

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Interested Party

United States

represented by **Anna Marie Medina**
US Department of Justice – Civil Rights
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LEAD ATTORNEY
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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/18/2016	<u>1</u>	COMPLAINT For Declaratory and Injunctive Relief against Kamela Patton, The School Board Of Collier County, Florida (Filing fee \$400 receipt number FTM009403) filed by Rosalba Ortiz, Lesly Methelus, Zoila Lorenzo. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Civil Cover Sheet)(RMT) (Entered: 05/19/2016)
05/19/2016	<u>2</u>	INTERESTED PERSONS ORDER Certificate of interested persons and corporate disclosure statement due by 6/2/2016. Signed by All Divisional Judges on 5/19/2016. (BJH) (Entered: 05/19/2016)
05/19/2016	<u>3</u>	RELATED CASE ORDER AND NOTICE of designation under Local Rule 3.05 – track 2. Notice of pendency of other actions due by 6/2/2016. Signed by All Divisional Judges on 5/19/2016. (BJH) (Entered: 05/19/2016)
05/20/2016	<u>4</u>	SUMMONS issued as to The School Board Of Collier County, Florida. (drn) (Entered: 05/20/2016)
05/20/2016	<u>5</u>	SUMMONS issued as to Kamela Patton. (drn) (Entered: 05/20/2016)
05/20/2016	<u>6</u>	STANDING ORDER: Filing of documents that exceed twenty–five pages. Signed by All Divisional Judges on 5/20/2016. (drn) (Entered: 05/20/2016)
05/26/2016	<u>7</u>	MOTION to Certify Class by All Plaintiffs. (Attachments: # <u>1</u> Exhibit Declaration of Jennifer Anzardo Valdes, # <u>2</u> Exhibit Plaintiffs' Verifications, # <u>3</u> Exhibit Letter of Defendants, # <u>4</u> Exhibit Declarations of Counsel Tania Galloni and Jessica Zagier Wallace)(Wallace, Jessica) (Entered: 05/26/2016)
06/01/2016	<u>8</u>	NOTICE of Appearance by James Donald Fox on behalf of Kamela Patton, The School Board Of Collier County, Florida (Fox, James) (Entered: 06/01/2016)
06/01/2016	<u>9</u>	CERTIFICATE of interested persons and corporate disclosure statement by Kamela Patton, The School Board Of Collier County, Florida. (Fox, James) (Entered: 06/01/2016)
06/01/2016	<u>10</u>	NOTICE of pendency of related cases re <u>3</u> Related case order and track 2 notice per Local Rule 1.04(d) by Zoila Lorenzo, Lesly Methelus, Rosalba Ortiz. Related case(s): no (Wallace, Jessica) (Entered: 06/01/2016)
06/01/2016	<u>11</u>	CERTIFICATE of interested persons and corporate disclosure statement re <u>2</u> Interested persons order by Zoila Lorenzo, Lesly Methelus, Rosalba Ortiz. (Wallace, Jessica) (Entered: 06/01/2016)
06/02/2016	<u>12</u>	NOTICE of hearing: Preliminary Pretrial Conference set for 7/19/2016 at 09:30 AM in Ft. Myers Courtroom 5 C before Magistrate Judge Mac R. McCoy. (BJH) (Entered: 06/02/2016)
06/02/2016	<u>13</u>	NOTICE of Appearance by Jonathan D. Fishbane on behalf of Kamela Patton, The School Board Of Collier County, Florida (Fishbane, Jonathan) (Entered: 06/02/2016)
06/02/2016	<u>14</u>	TEXT ORDER. Notwithstanding any prior Order of the Court, the parties are to file a joint Case Management Report no later than July 12, 2016. Signed by Magistrate Judge Mac R. McCoy on 6/2/2016. (brh) (Entered: 06/02/2016)
06/15/2016	<u>15</u>	RETURN of service executed on May 31, 2016 by Rosalba Ortiz, Lesly Methelus, Zoila Lorenzo as to Kamela Patton. (Wallace, Jessica) (Entered: 06/15/2016)
06/15/2016	<u>16</u>	RETURN of service executed on May 31, 2016 by Rosalba Ortiz, Lesly Methelus, Zoila Lorenzo as to The School Board Of Collier County, Florida. (Wallace, Jessica) (Entered: 06/15/2016)
06/21/2016	<u>17</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint by All Defendants. (Fox, James) Motions referred to Magistrate Judge Mac R. McCoy. (Entered: 06/21/2016)

06/21/2016	<u>18</u>	MOTION for Extension of Time to File Response/Reply to <i>Motion to Certify Class Action</i> by All Defendants. (Fox, James) Motions referred to Magistrate Judge Mac R. McCoy. (Entered: 06/21/2016)
06/22/2016	19	ENDORSED ORDER granting <u>17</u> Agreed Motion for Extension of Time. Defendants shall have until July 18, 2016 in which to file a response to the Complaint. Signed by Magistrate Judge Mac R. McCoy on 6/22/2016. (brh) (Entered: 06/22/2016)
06/22/2016	20	ENDORSED ORDER granting <u>18</u> Motion for Extension of Time to Respond to Motion to Certify Class Action. Defendants shall have until August 5, 2016 in which to file a response to Plaintiffs' Motion to Certify Class Action. Signed by Magistrate Judge Mac R. McCoy on 6/22/2016. (brh) (Entered: 06/22/2016)
07/07/2016	<u>21</u>	Unopposed MOTION for Michelle R. Lapointe to appear pro hac vice by All Plaintiffs. (Galloni, Tania) Motions referred to Magistrate Judge Mac R. McCoy. (Entered: 07/07/2016)
07/07/2016		***PRO HAC VICE FEES paid and Special Admission Attorney Certification Form filed by attorney Michelle Lapointe, appearing on behalf of plaintiffs. (Filing fee \$150 receipt number FtM009619.). (drn) (Entered: 07/07/2016)
07/08/2016	<u>22</u>	ORDER granting <u>21</u> Unopposed Motion to Appear Pro Hac Vice. The Clerk is directed to add Michelle R Lapointe to the service list. Within 14 days, Counsel shall register for CM/ECF. Signed by Magistrate Judge Mac R. McCoy on 7/8/2016. (brh) (Entered: 07/08/2016)
07/13/2016	<u>23</u>	CASE MANAGEMENT REPORT. (Galloni, Tania) (Entered: 07/13/2016)
07/18/2016	<u>24</u>	MOTION to dismiss for failure to state a claim by All Defendants. (Fox, James) (Entered: 07/18/2016)
07/19/2016	<u>25</u>	Minute Entry. Proceedings held before Magistrate Judge Mac R. McCoy: PRELIMINARY PRETRIAL CONFERENCE held on 7/19/2016. (BJH) (Entered: 07/19/2016)
07/21/2016	<u>26</u>	REPORT AND RECOMMENDATION recommending <u>7</u> Motion for Class Certification be denied without prejudice; and that this matter be referred to the Undersigned for the entry of a Case Management and Scheduling Order consistent with the recommendations set forth in the Report and Recommendation. Signed by Magistrate Judge Mac R. McCoy on 7/21/2016. (brh) (Entered: 07/21/2016)
07/22/2016	<u>27</u>	Unopposed MOTION to extend time to Respond to Motion to Dismiss by All Plaintiffs. (Lapointe, Michelle) Motions referred to Magistrate Judge Mac R. McCoy. (Entered: 07/22/2016)
07/22/2016	28	ENDORSED ORDER granting <u>27</u> Unopposed Motion for Extension of Time to File Response to Motion to Dismiss. Plaintiffs shall have until August 10, 2016 in which to file a response. Signed by Magistrate Judge Mac R. McCoy on 7/22/2016. (brh) (Entered: 07/22/2016)
08/03/2016	<u>29</u>	OBJECTION re <u>26</u> REPORT AND RECOMMENDATIONS re <u>7</u> MOTION to Certify Class filed by Zoila Lorenzo, Rosalba Ortiz, Lesly Methelus. . (Wallace, Jessica) (Entered: 08/03/2016)
08/08/2016	<u>30</u>	AMENDED COMPLAINT against All Defendants filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1: Collier County ELL Plan, # <u>2</u> Exhibit 2: District Policy 5112.01)(Lapointe, Michelle) (Entered: 08/08/2016)
08/09/2016	<u>31</u>	ORDER denying as moot <u>24</u> Motion to Dismiss for Failure to State a Claim. Signed by Judge Sheri Polster Chappell on 8/9/2016. (laf) (Entered: 08/09/2016)
08/10/2016	<u>32</u>	FIRST AMENDED CERTIFICATE of interested persons and corporate disclosure statement re <u>2</u> Interested persons order <i>First Amended</i> by Emile Antoine, Lucenie Hilaire Durosier, Ange Marie Joseph, Zoila Lorenzo, Lesly Methelus, Rosalba Ortiz. (Wallace, Jessica) Modified on 8/11/2016, to correct docket entry. (SPB). (Entered: 08/10/2016)

08/11/2016	<u>33</u>	RESPONSE to objections to <u>26</u> Report and Recommendations by Kamela Patton, The School Board Of Collier County, Florida. (Fox, James) (Entered: 08/11/2016)
08/19/2016	<u>34</u>	Unopposed MOTION to extend time to respond to Amended Complaint by All Defendants. (Fox, James) Motions referred to Magistrate Judge Mac R. McCoy. (Entered: 08/19/2016)
08/19/2016	35	ENDORSED ORDER granting <u>34</u> Unopposed Motion for Extension of Time. Defendants shall have until September 9, 2016 in which to file a response to the Amended Complaint. Signed by Magistrate Judge Mac R. McCoy on 8/19/2016. (brh) (Entered: 08/19/2016)
08/31/2016	<u>36</u>	NOTICE of unavailability of counsel by Kamela Patton, The School Board Of Collier County, Florida from December 19, 2016 to January 2, 2017. (Fox, James) (Entered: 08/31/2016)
09/09/2016	<u>37</u>	MOTION to Dismiss Amended Complaint by All Defendants. (Fox, James) (Entered: 09/09/2016)
09/26/2016	<u>38</u>	NOTICE by United States re <u>37</u> MOTION to Dismiss Amended Complaint (<i>Statement of Interest</i>) (Pettis, Yohance) (Entered: 09/26/2016)
09/26/2016	<u>39</u>	RESPONSE in Opposition re <u>37</u> MOTION to Dismiss Amended Complaint filed by Emile Antoine, Lucenie Hilaire Durosier, Ange Marie Joseph, Zoila Lorenzo, Lesly Methelus, Rosalba Ortiz. (Lapointe, Michelle) (Entered: 09/26/2016)
09/27/2016	<u>40</u>	MOTION for Tania Galloni to withdraw as attorney (<i>Unopposed motion</i>) by All Plaintiffs. (Wallace, Jessica) Motions referred to Magistrate Judge Mac R. McCoy. (Entered: 09/27/2016)
09/27/2016	41	ENDORSED ORDER granting <u>40</u> the Unopposed Motion to Withdraw Tania Galloni as Counsel. Tania Galloni shall have no further responsibility in this action. The Clerk of Court is directed to remove Tania Galloni from receiving further notices of electronic filing in this matter. Signed by Magistrate Judge Mac R. McCoy on 9/27/2016. (JTM) (Entered: 09/27/2016)
09/27/2016	<u>42</u>	Unopposed MOTION for Leave to File Excess Pages by All Plaintiffs. (Wallace, Jessica) (Entered: 09/27/2016)
09/28/2016	43	ENDORSED ORDER granting Plaintiffs' Unopposed Motion for Leave to File Excess Pages (Doc. # <u>42</u>) filed on September 27, 2016. Signed by Judge Sheri Polster Chappell on 9/28/2016. (CMC) (Entered: 09/28/2016)
10/07/2016	<u>44</u>	MOTION for leave to file Respond to Statement of Interested filed by the Justice Department by All Defendants. (Fox, James) (Entered: 10/07/2016)
10/11/2016	45	ENDORSED ORDER granting <u>44</u> Unopposed Motion for Leave to Respond to Statement of Interest by the United States. Defendants are permitted to file a response that does not exceed 10 pages in length, excluding signature block and certificate of service. Signed by Magistrate Judge Mac R. McCoy on 10/11/2016. (brh) (Entered: 10/11/2016)
11/15/2016	<u>46</u>	MOTION for miscellaneous relief, specifically Schedule Status Conference by All Plaintiffs. (Lapointe, Michelle) (Entered: 11/15/2016)
11/21/2016	47	TEXT ORDER amending <u>45</u> ENDORSED ORDER granting <u>44</u> Unopposed Motion for Leave to Respond to Statement of Interest by the United States. The ENDORSED ORDER <u>45</u> is amended to add that Defendants shall file their response to the Statement of Interest by the United States on or before December 5, 2016. Signed by Magistrate Judge Mac R. McCoy on 11/21/2016. (brh) (Entered: 11/21/2016)
11/22/2016	<u>48</u>	NOTICE by Kamela Patton, The School Board Of Collier County, Florida <i>Re: Mot. for Misc. Relief #46</i> (Attachments: # <u>1</u> Exhibit Ex. A (Email))(Fox, James) (Entered: 11/22/2016)
11/29/2016	<u>49</u>	ORDER denying <u>46</u> Plaintiffs' Motion for Status Conference. Signed by Judge Sheri Polster Chappell on 11/29/2016. (LMF) (Entered: 11/29/2016)

11/29/2016	<u>50</u>	MOTION for Extension of Time to File Response/Reply to <i>Request for Production</i> by All Defendants. (Attachments: # <u>1</u> Exhibit)(Fox, James) Motions referred to Magistrate Judge Mac R. McCoy. (Entered: 11/29/2016)
11/30/2016	<u>51</u>	ORDER granting <u>50</u> Motion for Extension of Time to Respond to Request for Production. Defendants shall have an additional 20 days to respond to Plaintiffs' Requests for Production and shall have a reasonable period of time thereafter to produce the documents responsive to the requests that are not subject to objection or a claim of privilege. Signed by Magistrate Judge Mac R. McCoy on 11/30/2016. (brh) (Entered: 11/30/2016)
12/02/2016	<u>52</u>	NOTICE by United States re <u>38</u> Notice (Other) (Attachments: # <u>1</u> Errata Corrected Statement of Interest)(Medina, Anna) (Entered: 12/02/2016)
12/05/2016	<u>53</u>	Response to Interest of the United States re <u>38</u> Notice by All Defendants. (Fox, James) Modified on 12/6/2016 to edit docket text and filing event (drn). (Entered: 12/05/2016)
12/09/2016	<u>54</u>	MOTION for miscellaneous relief, specifically to file a Corrected Response to the U.S. by All Defendants. (Attachments: # <u>1</u> Exhibit Corrected Response)(Fox, James) (Entered: 12/09/2016)
12/09/2016	<u>55</u>	Unopposed MOTION for leave to file <i>Response to Defendants' Response to Statement of Interest of the United States</i> by All Plaintiffs. (Lapointe, Michelle) (Entered: 12/09/2016)
12/12/2016	56	ENDORSED ORDER granting <u>54</u> Unopposed Motion to File Corrected Response to the Interest of the United States. The Clerk of Court is directed to file the Response as a new and separate document. Signed by Magistrate Judge Mac R. McCoy on 12/12/2016. (brh) (Entered: 12/12/2016)
12/12/2016	57	ENDORSED ORDER granting <u>55</u> Unopposed Motion for Leave to Respond to Defendants' Response to the Statement of Interest of the United States. Within 14 days, Plaintiff may file a Reply to Defendants' Response to the Statement of Interest of the United States. Signed by Magistrate Judge Mac R. McCoy on 12/12/2016. (brh) (Entered: 12/12/2016)
12/12/2016	<u>58</u>	RESPONSE to the interest of the United States re <u>52</u> Notice by Kamela Patton, The School Board Of Collier County, Florida. (drn) (Entered: 12/13/2016)
12/22/2016	<u>59</u>	REPLY to Response to Motion re <u>53</u> MOTION for miscellaneous relief, specifically Response to Interest of the United States filed by Emile Antoine, Lucenie Hilaire Durosier, Ange Marie Joseph, Zoila Lorenzo, Lesly Methelus, Rosalba Ortiz. (Lapointe, Michelle) (Entered: 12/22/2016)