

**U.S. District Court [LIVE]  
Western District of Texas (Waco)  
CIVIL DOCKET FOR CASE #: 6:08-cv-00246-WSS-JCM**

Bradshaw v. McLennan County et al  
Assigned to: Judge Walter S. Smith  
Referred to: Judge Jeffrey C. Manske  
Cause: 42:1983 Civil Rights Act

Date Filed: 09/08/2008  
Date Terminated: 05/11/2010  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**William Robert Bradshaw**  
*on behalf of himself and the class of  
similarly situated persons*

represented by **James C. Harrington**  
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**TERMINATED: 12/01/2009**  
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**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Randall Lee Gerik**

*on behalf of themselves and the class of  
similarly situated persons*

represented by **James C. Harrington**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Joshua Kaizuka**  
(See above for address)  
*TERMINATED: 12/01/2009*  
*LEAD ATTORNEY*  
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**Mark E. Merin**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Scott Medlock**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Wayne Krause**  
(See above for address)  
*LEAD ATTORNEY*  
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V.

**Defendant**

**McLennan County**

represented by **Michael W. Dixon**  
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**Defendant**

**McLennan County Sheriff's Office**  
*TERMINATED: 05/19/2009*

represented by **Michael W. Dixon**  
(See above for address)  
*TERMINATED: 05/19/2009*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert Scott Davis**  
(See above for address)  
*TERMINATED: 05/19/2009*

LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Defendant**

**Larry Lynch**  
Sheriff McLennan County, in his  
individual and official capacity  
TERMINATED: 05/19/2009

represented by **Michael W. Dixon**  
(See above for address)  
TERMINATED: 05/19/2009  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Robert Scott Davis**  
(See above for address)  
TERMINATED: 05/19/2009  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Defendant**

**McLennan County Sheriff Deputies**  
**Does 1–50**  
inclusive

**Defendant**

**Roes 1–20**  
inclusive

Date Filed	#	Docket Text
09/08/2008	<u>1</u>	CLASS ACTION COMPLAINT FOR DAMAGES FOR VIOLATIONS OF CIVIL AND CONSTITUTIONAL RIGHTS AND FOR DECLARATORY AND INJUNCTIVE RELIEF ( Filing fee \$ 350 receipt number 424399), filed by William Robert Bradshaw.(as, ) (Entered: 09/09/2008)
09/08/2008	<u>2</u>	* MOTION to Appear Pro Hac Vice by Mark E. Merin on behalf of William Robert Bradshaw. (as, ) (Entered: 09/09/2008)
09/08/2008	<u>3</u>	* MOTION to Appear Pro Hac Vice by Joshua Kaizuka on behalf of William Robert Bradshaw. (as, ) (Entered: 09/09/2008)
09/09/2008		Pro Hac Vice Fee Paid by Mark E. Merin; Filing fee \$ 25, receipt number 424401. (as, ) (Entered: 09/09/2008)
09/09/2008		Pro Hac Vice Fee Paid by Joshua Kaizuka; Filing fee \$ 25, receipt number 424400. (as, ) (Entered: 09/09/2008)
09/09/2008	<u>4</u>	Summons Issued as to McLennan County, McLennan County Sheriff's Office, Larry Lynch. (as, ) (Entered: 09/09/2008)
09/12/2008	<u>5</u>	ORDER GRANTING <u>2</u> Motion to Appear Pro Hac Vice Signed by Judge Walter S. Smith. (as, ) (Entered: 09/15/2008)
09/12/2008	<u>6</u>	ORDER GRANTING <u>3</u> Motion to Appear Pro Hac Vice Signed by Judge Walter S. Smith. (as, ) (Entered: 09/15/2008)
09/17/2008	<u>7</u>	NOTICE of Vacation by William Robert Bradshaw (Medlock, Scott) (Entered: 09/17/2008)
09/22/2008	8	CONSENT/NON-CONSENT to Trial by US Magistrate Judge by William Robert Bradshaw Received. (Document is sealed pursuant to the Electronic Filing Procedures for the Western District of Texas). (as, ) (Entered: 09/23/2008)
11/24/2008	<u>9</u>	FIRST AMENDED CLASS ACTION COMPLAINT FOR DAMAGES FOR VIOLATIONS OF CIVIL AND CONSTITUTIONAL RIGHTS AND FOR DECLARATORY AND INJUNCTIVE RELIEF against McLennan County, McLennan County Sheriff's Office, Larry Lynch, McLennan County Sheriff Deputies Does 1–50, Roes 1–20 amending <u>1</u> Complaint., filed by Randall Lee

		Gerik, William Robert Bradshaw.(as, ) (Entered: 11/25/2008)
11/24/2008	<u>10</u>	Summons Reissued as to McLennan County, McLennan County Sheriff's Office, Larry Lynch in re: amended complaint (as, ) (Entered: 11/25/2008)
01/22/2009	<u>11</u>	SUMMONS Returned Executed by William Robert Bradshaw, Randall Lee Gerik. McLennan County served on 1/12/2009, answer due 2/1/2009; McLennan County Sheriff's Office served on 1/9/2009, answer due 1/29/2009; Larry Lynch served on 1/9/2009, answer due 1/29/2009. (Merin, Mark) (Entered: 01/22/2009)
01/27/2009	<u>12</u>	RESPONSE <i>in Joint Opposition to Plaintiffs' Request for Class Certification</i> by McLennan County, McLennan County Sheriff's Office, Larry Lynch. (Attachments: # <u>1</u> Proposed Order on Plaintiffs' Request for Class Certification)(Dixon, Michael) (Entered: 01/27/2009)
01/27/2009	<u>13</u>	MOTION to Dismiss for Lack of Jurisdiction by McLennan County, McLennan County Sheriff's Office. (Attachments: # <u>1</u> Proposed Order on Defendant McLennan County's Motion to Dismiss)(Dixon, Michael) (Entered: 01/27/2009)
01/27/2009	<u>14</u>	MOTION to Dismiss for Lack of Jurisdiction by Larry Lynch. (Attachments: # <u>1</u> Proposed Order on Defendant Sheriff Larry Lynch's Motion to Dismiss)(Dixon, Michael) (Entered: 01/27/2009)
02/10/2009	<u>15</u>	Response in Opposition to Motion, filed by William Robert Bradshaw, Randall Lee Gerik, re <u>13</u> MOTION to Dismiss for Lack of Jurisdiction filed by Defendant McLennan County Sheriff's Office, Defendant McLennan County, <u>14</u> MOTION to Dismiss for Lack of Jurisdiction filed by Defendant Larry Lynch (Merin, Mark) (Entered: 02/10/2009)
02/10/2009	<u>16</u>	CERTIFICATE of Counsel re <u>12</u> Response, <i>The Parties' Certificate of Conference and Acknowledgment that the Opposition to Plaintiffs' Request for Class Certification Does Not Require a Response or Hearing Pending Ruling on Defendants' Motions to Dismiss</i> by Mark E. Merin on behalf of William Robert Bradshaw, Randall Lee Gerik, McLennan County, McLennan County Sheriff's Office, Larry Lynch, McLennan County Sheriff Deputies Does 1-50 (Merin, Mark) (Entered: 02/10/2009)
02/13/2009	<u>17</u>	Unopposed MOTION for Leave to Exceed Page Limitation by McLennan County. (Attachments: # <u>1</u> Proposed Order on McLennan County's Unopposed Motion to Exceed Page Limit)(Dixon, Michael) (Entered: 02/13/2009)
02/13/2009	<u>18</u>	Unopposed MOTION for Leave to Exceed Page Limitation by Larry Lynch. (Attachments: # <u>1</u> Proposed Order On Larry Lynch's Unopposed Motion to Exceed Page Limit)(Dixon, Michael) (Entered: 02/13/2009)
02/17/2009		Text Order GRANTING <u>17</u> Motion for Leave to File Excess Pages entered by Judge Walter S. Smith. (This is a text-only entry generated by the court. There is no document associated with this entry.) (ss) (Entered: 02/17/2009)
02/17/2009		Text Order GRANTING <u>18</u> Motion for Leave to File Excess Pages entered by Judge Walter S. Smith. (This is a text-only entry generated by the court. There is no document associated with this entry.) (ss) (Entered: 02/17/2009)
02/18/2009	<u>19</u>	REPLY to Response to Motion, filed by McLennan County, re <u>13</u> MOTION to Dismiss for Lack of Jurisdiction filed by Defendant McLennan County Sheriff's Office, Defendant McLennan County (Dixon, Michael) (Entered: 02/18/2009)
02/18/2009	<u>20</u>	REPLY to Response to Motion, filed by Larry Lynch, re <u>14</u> MOTION to Dismiss for Lack of Jurisdiction filed by Defendant Larry Lynch (Dixon, Michael) (Entered: 02/18/2009)
05/19/2009	<u>21</u>	ORDER GRANTING IN PART AND DENYING IN PART <u>13</u> McLennan County's Motion to Dismiss for Lack of Jurisdiction. Ordered that Plaintiff's claims against "the McLennan County Sheriff's Department" and against "Sheriff Larry Lynch in his Official Capacity" are DISMISSED. Ordered that McLennan County's Motion to Dismiss for failure to allege a constitutional violation is DENIED. ORDER GRANTING IN PART AND DENYING IN PART <u>14</u> Larry Lynch's Motion to Dismiss for Lack of Jurisdiction. Ordered that Sheriff Larry Lynch's

		motion to dismiss for failure to allege a constitutional violation is DENIED. Ordered that Sheriff Lynch's claim for qualified immunity is GRANTED and Plaintiff's claims against Sheriff Lynch are DISMISSED. Ordered that Plaintiff's claims for injunctive relief are DISMISSED for lack of standing. Signed by Judge Walter S. Smith. (as, ) (Entered: 05/20/2009)
05/29/2009	<u>22</u>	<i>McLennan County's Original ANSWER to 9 Amended Complaint</i> , by McLennan County.(Dixon, Michael) (Entered: 05/29/2009)
06/02/2009	<u>23</u>	***Scheduling Order has been withdrawn and a new one will be generated after ADR mediation.***SCHEDULING ORDER: Jury Selection set for 3/1/2010 09:30AM before Judge Walter S. Smith. Jury Trial set for 3/1/2010 09:30 AM before Judge Walter S. Smith. ADR Report Deadline due by 8/3/2009. Amended Pleadings due by 11/2/2009. Discovery due by 12/2/2009. Joinder of Parties due by 10/2/2009. Motions due by 12/2/2009.. Signed by Judge Walter S. Smith. (as, ) Modified on 2/9/2010 (sm3, ). (Entered: 06/03/2009)
06/02/2009	<u>24</u>	Order Concerning Courtroom Decorum and Trial Procedures.. Signed by Judge Walter S. Smith. (as, ) (Entered: 06/03/2009)
06/19/2009	<u>25</u>	NOTICE OF VACATION by William Robert Bradshaw (Medlock, Scott) (Entered: 06/19/2009)
06/25/2009	<u>26</u>	MOTION to Certify Class by William Robert Bradshaw, Randall Lee Gerik. (Attachments: # <u>1</u> Appendix Declaration of Mark E. Merin in Support of Motion for Class Certification, # <u>2</u> Appendix Declaration of James C. Harrington in Support of Motion for Class Certification, # <u>3</u> Appendix Declaration of William Robert Bradshaw in Support of Motion for Class Certification, # <u>4</u> Appendix Declaration of Randall Lee Gerik in Support of Motion for Class Certification, # <u>5</u> Proposed Order Granting Plaintiffs' Motion for Class Certification)(Merin, Mark) (Entered: 06/25/2009)
07/06/2009	<u>27</u>	RESPONSE to Motion, filed by McLennan County, re <u>26</u> MOTION to Certify Class filed by Plaintiff Randall Lee Gerik, Plaintiff William Robert Bradshaw (Attachments: # <u>1</u> Proposed Order on Motion for Class Certification)(Dixon, Michael) (Entered: 07/06/2009)
07/06/2009	<u>28</u>	Miscellaneous Objection to <u>26</u> MOTION to Certify Class <i>Defendant's Objections to Declarations Filed in Support of Plaintiffs' Motion for Class Certification</i> by McLennan County. (Dixon, Michael) (Entered: 07/06/2009)
07/16/2009	<u>29</u>	REPLY to Response to Motion, filed by William Robert Bradshaw, Randall Lee Gerik, re <u>26</u> MOTION to Certify Class filed by Plaintiff Randall Lee Gerik, Plaintiff William Robert Bradshaw (Merin, Mark) (Entered: 07/16/2009)
07/16/2009	<u>30</u>	RESPONSE <i>Plaintiffs' Reply to Defendants' Objections to Declarations Filed in Support of Plaintiffs' Motion for Class Certification to 28 Miscellaneous Objection</i> by William Robert Bradshaw, Randall Lee Gerik. (Merin, Mark) (Entered: 07/16/2009)
08/03/2009	<u>31</u>	ADR Report Filed – NON–CONSENT to Alternate Dispute Resolution (ADR) by McLennan County(Dixon, Michael) (Entered: 08/03/2009)
08/03/2009	<u>32</u>	ADR Report Filed – CONSENT to Alternate Dispute Resolution (ADR) by William Robert Bradshaw, Randall Lee Gerik(Merin, Mark) (Entered: 08/03/2009)
09/15/2009	<u>33</u>	NOTICE of Vacation by William Robert Bradshaw (Medlock, Scott) (Entered: 09/15/2009)
10/30/2009	<u>34</u>	ORDER DENYING <u>26</u> Motion to Certify Class Signed by Judge Walter S. Smith. (sm3, ) (Entered: 10/30/2009)
11/06/2009	<u>35</u>	MOTION for Protective Order by McLennan County. (Attachments: # <u>1</u> Proposed Order)(Dixon, Michael) (Entered: 11/06/2009)
11/10/2009	<u>36</u>	ORDER REFERRING CASE to Magistrate Judge Jeffrey C. Manske for disposition of all discovery related matters. Signed by Judge Walter S. Smith. (sm3, ) (Entered: 11/12/2009)

11/24/2009	<u>37</u>	MOTION for Summary Judgment <i>on the Action of Plaintiff Gerik</i> by McLennan County.. Motions referred to Judge Jeffrey C. Manske. (Dixon, Michael) (Entered: 11/24/2009)
11/24/2009	<u>38</u>	APPENDIX to <u>37</u> MOTION for Summary Judgment <i>on the Action of Plaintiff Gerik</i> by McLennan County. (Dixon, Michael) (Entered: 11/24/2009)
12/01/2009	<u>39</u>	NOTICE <i>of Change in Counsel</i> by William Robert Bradshaw, Randall Lee Gerik (Merin, Mark) (Entered: 12/01/2009)
12/03/2009	<u>40</u>	Memorandum in Opposition to Motion, filed by William Robert Bradshaw, Randall Lee Gerik, re <u>37</u> MOTION for Summary Judgment <i>on the Action of Plaintiff Gerik</i> filed by Defendant McLennan County (Attachments: # <u>1</u> Affidavit of Mark E. Merin, # <u>2</u> Appendix of Facts and Proof, # <u>3</u> Proposed Order)(Merin, Mark) (Entered: 12/03/2009)
12/14/2009	<u>41</u>	REPLY to Response to Motion, filed by McLennan County, re <u>37</u> MOTION for Summary Judgment <i>on the Action of Plaintiff Gerik</i> filed by Defendant McLennan County (Dixon, Michael) (Entered: 12/14/2009)
01/19/2010	<u>42</u>	Joint MOTION to Withdraw <i>Scheduling Order and for Referral to Alternative Dispute Resolution</i> by McLennan County. (Attachments: # <u>1</u> Proposed Order). Motions referred to Judge Jeffrey C. Manske. (Dixon, Michael) (Entered: 01/19/2010)
02/09/2010		Text Order GRANTING <u>42</u> Motion to Withdraw entered by Judge Walter S. Smith. A new scheduling order will be entered after mediation is complete, if the parties fail to reach a settlement. This is a text-only entry generated by the court. There is no document associated with this entry.) (ss) (Entered: 02/09/2010)
03/08/2010	<u>43</u>	NOTICE <i>of Unavailability of Counsel</i> by William Robert Bradshaw, Randall Lee Gerik (Merin, Mark) (Entered: 03/08/2010)
03/09/2010	<u>44</u>	NOTICE <i>of Vacation</i> by William Robert Bradshaw (Medlock, Scott) (Entered: 03/09/2010)
03/15/2010	<u>45</u>	Sua Sponte ORDER that the parties notify the Court within 10 days of the date of this Order if there is a disagreement with the terms of the mediation or the mediator. ORDER that the parties have a person with settlement authority or have attorneys representing with complete settlement authority at the mediation. Signed by Judge Jeffrey C. Manske. (sm3, ) (Entered: 03/15/2010)
03/15/2010		Mediation Conference scheduled for April 30, 2010. (sm3, ) (Entered: 03/26/2010)
05/07/2010	<u>46</u>	STIPULATION of Dismissal <i>with Prejudice</i> by William Robert Bradshaw, Randall Lee Gerik, McLennan County. (Merin, Mark) (Entered: 05/07/2010)
05/11/2010	<u>47</u>	ORDER DISMISSING CASE. Signed by Judge Walter S. Smith. (sm3, ) (Entered: 05/12/2010)