

**U.S. District Court
Middle District of Florida (Tampa)
CIVIL DOCKET FOR CASE #: 8:04-cv-01680-JSM-TBM**

Wilson et al v. Ake et al
Assigned to: Judge James S. Moody, Jr
Referred to: Magistrate Judge Thomas B. McCoun III
Cause: 28:2201 Constitutionality of State Statute(s)

Date Filed: 07/20/2004
Date Terminated: 03/08/2005
Jury Demand: None
Nature of Suit: 950 Constitutional – State Statute
Jurisdiction: U.S. Government Defendant

Plaintiff

Nancy Wilson
Rev.

represented by **Ellis Stuart Rubin**
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Plaintiff

Dr. Paula Schoenwether

represented by **Ellis Stuart Rubin**
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Guy Bennett Rubin
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert I. Barrar , Jr.
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Richard L. Ake
*in his official capacity as Clerk of the
 Circuit and County Court, Hillsborough
 County, Florida*

represented by **David Jay Glantz**
 Office of the Attorney General
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 110 SE 6th St
 Ft Lauderdale, FL 33301
 954/712-4608
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ATTORNEY TO BE NOTICED

Defendant

John Ashcroft
*in his official capacity as Attorney
 General of the United States and head of
 the Department of Justice of the United
 States*
 TERMINATED: 01/19/2005

represented by **W. Scott Simpson**
 U.S. Department of Justice
 20 Massachusetts Ave. N.W., Room 7210
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Intervenor Defendant

Cody Taylor
 TERMINATED: 08/12/2004

represented by **Erik W. Stanley**
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 Leawood, KS 66224
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/20/2004	<u>1</u>	COMPLAINT against Richard L. Ake, John Ashcroft (Filing fee \$ 150 receipt number T028316) filed by Paula Schoenwether, Nancy Wilson. (Attachments: # <u>1</u> Exhibit)(eec) (Entered: 07/21/2004)
07/20/2004	<u>2</u>	Summons issued as to John Ashcroft. Consent(s) issued. (Attachments: # <u>1</u> U.S. Attorney summons)(eec) (Entered: 07/21/2004)
07/20/2004	<u>3</u>	Summons issued as to Richard L. Ake. Consent(s) issued. (Attachments: # <u>1</u> State Attorney summons)(eec) (Entered: 07/21/2004)
07/20/2004	<u>4</u>	NOTICE of existence of constitution question by Paula Schoenwether, Nancy Wilson (eec) (Entered: 07/21/2004)
07/21/2004	<u>5</u>	MOTION to intervene by Cody Taylor. (Attachments: # <u>1</u> Affidavit Affidavit of Chris Weiss# <u>2</u> Affidavit Affidavit of Cody Taylor# <u>3</u> Affidavit Affidavit of Teresa Knox# <u>4</u> Affidavit Affidavit of Charles Aleshire# <u>5</u> Affidavit Affidavit of Susan Aleshire# <u>6</u> Affidavit Affidavit of Hector Anduiza# <u>7</u> Affidavit Affidavit of Omar Vazquez# <u>8</u> Affidavit Affidavit of Henry Ketzle# <u>9</u> Affidavit Affidavit of Charles Birch)(Stanley, Erik) (Entered: 07/21/2004)
07/21/2004	<u>6</u>	MOTION to intervene <i>Memorandum in Support</i> by Cody Taylor. (Stanley, Erik) "Wrong event, counsel notified to refile" Modified on 8/16/2004 (eec). (Entered: 07/21/2004)

07/22/2004	<u>7</u>	ORDER to strike document filed for using the wrong event code. Signed by Judge James S. Moody Jr. on 7/22/2004. (smb) (Entered: 07/22/2004)
07/22/2004	<u>8</u>	NOTICE of designation under Local Rule 3.05 – track 2 on 7/22/2004. (smb) (Entered: 07/22/2004)
07/22/2004	<u>9</u>	MEMORANDUM in support re <u>5</u> Motion to intervene, filed by Cody Taylor. (Staver, Mathew) (Entered: 07/22/2004)
08/03/2004	<u>10</u>	NOTICE of Appearance by David Jay Glantz on behalf of Richard L. Ake (Glantz, David) (Entered: 08/03/2004)
08/03/2004	<u>11</u>	NOTICE by Richard L. Ake of <i>Similar Action</i> (Glantz, David) (Entered: 08/03/2004)
08/04/2004	<u>12</u>	ANSWER to complaint by Richard L. Ake.(Glantz, David) (Entered: 08/04/2004)
08/10/2004	<u>13</u>	<i>Amended</i> ANSWER to complaint by Richard L. Ake.(Glantz, David) (Entered: 08/10/2004)
08/10/2004	<u>14</u>	REPLY to affirmative defenses by Nancy Wilson. (Rubin, Ellis) (Entered: 08/10/2004)
08/12/2004	<u>15</u>	ORDER denying <u>5</u> Motion to intervene. Signed by Judge James S. Moody Jr. on 8/12/2004. (len) (Entered: 08/12/2004)
08/12/2004	<u>16</u>	REPLY to affirmative defenses by Nancy Wilson. (Rubin, Ellis) (Entered: 08/12/2004)
08/18/2004	<u>17</u>	NOTICE of Appearance by W. Scott Simpson on behalf of John Ashcroft (eec) (Entered: 08/18/2004)
08/19/2004	<u>18</u>	NOTICE OF APPEAL as to <u>15</u> Order on motion to intervene by Cody Taylor. Filing fee \$ 255. (Attachments: # <u>1</u>)(Staver, Mathew) Modified on 8/20/2004 (crs,).(Filed under incorrect code. Counsel notified, Will refile) (Entered: 08/19/2004)
08/23/2004	<u>19</u>	NOTICE OF INTERLOCUTORY APPEAL as to <u>15</u> Order on motion to intervene by Cody Taylor. Filing fee \$ 255. (Attachments: # <u>1</u>)(Staver, Mathew) (Entered: 08/23/2004)
08/23/2004	<u>20</u>	RETURN of service executed on July 28, 2004 by Nancy Wilson as to Richard L. Ake. (Rubin, Ellis) (Entered: 08/23/2004)
08/23/2004	<u>21</u>	RETURN of service executed on July 28, 2004 by Nancy Wilson as to John Ashcroft. (Rubin, Ellis) (Entered: 08/23/2004)
08/23/2004	<u>22</u>	TRANSMITTAL of initial appeal package to USCA consisting of certified copies of notice of appeal, docket sheet, order/judgment being appealed, re: <u>19</u> Notice of interlocutory appeal. Transcript information form sent. (crs) (Entered: 08/23/2004)
08/25/2004	24	USCA appeal fees received \$ 255.00 receipt number T028912 re: <u>19</u> Notice of interlocutory appeal filed by Cody Taylor (crs) (Entered: 08/26/2004)
08/26/2004	<u>23</u>	MOTION to strike <i>demand for attorney fees</i> by Richard L. Ake. (Glantz, David) (Entered: 08/26/2004)
08/30/2004	<u>25</u>	NOTICE of pendency of other actions re <i>1.04 (c)</i> order of compliance to Local Rule by Nancy Wilson Related case(s): yes (Rubin, Ellis) "No Signature, Counsel notified–to refile" Modified on 8/31/2004 (eec). (Entered: 08/30/2004)
09/01/2004	<u>27</u>	NOTICE of pendency of other actions re <i>1.04 (c)</i> order of compliance to Local Rule by Nancy Wilson Related case(s): yes (Rubin, Ellis) (Entered: 09/01/2004)
09/09/2004	<u>28</u>	TRANSCRIPT information form filed by Cody Taylor re: <u>19</u> Notice of interlocutory appeal. USCA number: 04–14362–F. (No transcripts ordered) (crs) (Entered: 09/09/2004)
09/10/2004	<u>29</u>	RESPONSE <i>Plaintiffs' Answer to Defendant Ake's Request for Admissions</i> by Nancy Wilson. (Rubin, Ellis) (Entered: 09/10/2004)

09/22/2004	<u>30</u>	ORDER TO SHOW CAUSE for Plaintiffs' failure to respond to Defendant's Motion to Strike (Dkt. #23). Show Cause Response due by 10/4/2004. Signed by Judge James S. Moody Jr. on 9/22/2004. (len) (Entered: 09/22/2004)
09/27/2004	<u>31</u>	MOTION to dismiss Complaint by John Ashcroft. (Simpson, W.) (Entered: 09/27/2004)
09/27/2004	<u>32</u>	MOTION for leave to file excess pages by John Ashcroft. (Attachments: # <u>1</u> Memorandum in Support of Federal Defendant's Motion to Dismiss)(Simpson, W.) (Entered: 09/27/2004)
09/28/2004	<u>33</u>	MOTION to withdraw <u>23</u> MOTION to strike <i>demand for attorney fees</i> by Richard L. Ake. (Glantz, David) (Entered: 09/28/2004)
09/28/2004	<u>34</u>	NOTICE by Nancy Wilson <i>Notice of Filing Response to Order to Show Cause</i> (Rubin, Ellis) (Entered: 09/28/2004)
09/28/2004	<u>35</u>	RESPONSE <i>Response to Order to Show Cause</i> by Nancy Wilson. (Rubin, Ellis) (Entered: 09/28/2004)
09/30/2004	36	ENDORSED ORDER granting <u>33</u> Motion to withdraw motion to strike demand for attorney's fees. Signed by Judge James S. Moody Jr. on 9/30/2004.(nmb) (Entered: 09/30/2004)
09/30/2004	37	ENDORSED ORDER withdrawing <u>23</u> Motion to strike. The Court has granted Defendant Richard L. Ake's motion to withdraw motion to strike demand for attorney's fees. Signed by Judge James S. Moody Jr. on 9/30/2004.(nmb) (Entered: 09/30/2004)
09/30/2004	38	ENDORSED ORDER granting <u>32</u> Motion for Leave to File Excess Pages. Defendant shall file a signed copy of its memorandum within five (5) days of the date of this Order. Signed by Judge James S. Moody Jr. on 9/30/2004.(nmb) (Entered: 09/30/2004)
09/30/2004	<u>39</u>	MEMORANDUM in support re <u>31</u> Motion to dismiss filed by John Ashcroft. (Simpson, W.) (Entered: 09/30/2004)
10/12/2004	<u>40</u>	CASE MANAGEMENT REPORT. (Glantz, David) (Entered: 10/12/2004)
10/13/2004	<u>41</u>	CASE MANAGEMENT REPORT. (Glantz, David) (Entered: 10/13/2004)
10/13/2004	<u>42</u>	NOTICE by Richard L. Ake re <u>41</u> Case Management Report <i>Consent to Exercise of Jurisdiction</i> (Glantz, David) (Entered: 10/13/2004)
10/15/2004	<u>43</u>	ORDER approving Consent to Exercise of Jurisdiction by Magistrate for specified motions. Signed by Judge James S. Moody Jr. on 10/15/2004. (len) (Entered: 10/15/2004)
10/18/2004	<u>44</u>	CASE MANAGEMENT AND SCHEDULING ORDER: Fact Discovery due by 1/14/2005. Dispositive Motions due by 4/14/2005. Pretrial Conference set for 9/8/2005 09:00 AM in Courtroom 13 A before Judge James S. Moody Jr. Bench Trial set for trial month commencing 10/3/2005. (See Order for additional deadlines.) Signed by Judge James S. Moody Jr. on 10/18/2004. (len) (Entered: 10/18/2004)
11/08/2004	<u>45</u>	ORDER TO SHOW CAUSE for Plaintiffs' failure to respond to Motion to Dismiss <u>31</u> . Show Cause Response due on or before 11/19/2004. Signed by Judge James S. Moody Jr. on 11/8/2004. (len) (Entered: 11/08/2004)
11/16/2004	<u>46</u>	MEMORANDUM in opposition <i>to the United States Attorney General's Motion to Dismiss</i> filed by Nancy Wilson. (Rubin, Ellis) "NO LINK TO MOTION, COUNSEL NOTIFIED AND WILL REFILE" Modified on 11/17/2004 (eec). (Entered: 11/16/2004)
11/16/2004	<u>47</u>	RESPONSE <i>to Court's Sua Sponte Order to Show Cause of November 8, 2004</i> by Nancy Wilson. (Rubin, Ellis) "NO LINK TO ORDER, COUNSEL NOTIFIED AND WILL REFILE" Modified on 11/17/2004 (eec). (Entered: 11/16/2004)
11/17/2004	<u>48</u>	MEMORANDUM in opposition re <u>31</u> Motion to dismiss filed by Nancy Wilson. (Rubin, Ellis) (Entered: 11/17/2004)

11/17/2004	<u>49</u>	RESPONSE re <u>45</u> Order to show cause by Nancy Wilson. (Rubin, Ellis) (Entered: 11/17/2004)
11/18/2004	<u>50</u>	MOTION for leave to file reply memorandum <i>in support of motion to dismiss</i> by John Ashcroft. (Simpson, W.) (Entered: 11/18/2004)
11/18/2004		Set/Reset Hearings: Bench Trial set for 10/3/2005 09:00 AM in Courtroom 13 A before Judge James S. Moody Jr. Final Pretrial Conference set for 9/8/2005 09:00 AM in Courtroom 13 A before Judge James S. Moody Jr. (eec) (Entered: 11/18/2004)
11/22/2004	<u>51</u>	MOTION to consolidate cases by Richard L. Ake. (Glantz, David) (Entered: 11/22/2004)
12/02/2004	<u>52</u>	RESPONSE to motion re <u>51</u> MOTION to consolidate cases <i>Statement of Non-Opposition</i> filed by John Ashcroft. (Simpson, W.) (Entered: 12/02/2004)
12/17/2004	<u>53</u>	RESPONSE to motion re <u>51</u> MOTION to consolidate cases <i>Plaintiffs' Statement of Non-Opposition</i> filed by Nancy Wilson. (Rubin, Ellis) (Entered: 12/17/2004)
01/04/2005	<u>54</u>	CERTIFICATE of readiness sent to USCA re: <u>19</u> Notice of interlocutory appeal. USCA number: 04-14362-FF (crs) (Entered: 01/04/2005)
01/04/2005	55	RECORD on appeal sent to USCA re: <u>19</u> Notice of interlocutory appeal. Transmittal includes certified copy of docket sheet, volume of pleadings: 2. USCA number 04-14362-FF (crs) (Entered: 01/04/2005)
01/12/2005	<u>57</u>	ACKNOWLEDGMENT by USCA of receiving certificate of readiness on 1/7/05 re: <u>19</u> Notice of interlocutory appeal. USCA number: 04-14362-FF. (crs) (Entered: 01/13/2005)
01/12/2005	<u>58</u>	ACKNOWLEDGMENT by USCA of receiving record on appeal on 1/7/05 re: <u>19</u> Notice of interlocutory appeal. USCA number: 04-14362-FF. (crs) (Entered: 01/13/2005)
01/13/2005	56	ENDORSED ORDER denying <u>51</u> Motion to Consolidate. Signed by Judge James S. Moody Jr. on 1/13/2005. (len) (Entered: 01/13/2005)
01/19/2005	<u>59</u>	ORDER: The U. S. Attorney General John Ashcroft's Motion to Dismiss <u>31</u> is GRANTED. Plaintiffs' claim against Defendant Ashcroft is dismissed and the Clerk is directed to terminate him as a party. Signed by Judge James S. Moody Jr. on 1/19/2005. (len) (Entered: 01/19/2005)
01/20/2005	60	ENDORSED ORDER denying <u>50</u> U.S. Attorney General's Motion for Leave to File Reply Memo. Signed by Judge James S. Moody Jr. on 1/20/2005. (len) (Entered: 01/20/2005)
01/20/2005	<u>61</u>	MOTION for summary judgment by Richard L. Ake. (Attachments: # <u>1</u> Appendix Notice of filing exhibit to motion for summry judgment# <u>2</u> Exhibit Exhibit to motion for summay judgment)(Glantz, David) (Entered: 01/20/2005)
02/25/2005	<u>62</u>	ORDER of USCA as to <u>19</u> Notice of interlocutory appeal filed by Cody Taylor, that the joint motion to dismiss this appeal with prejudice, with parties bearing their own costs, is granted. Issued as the mandate: 2/23/2005. USCA # 04-14362-F (crs) (Entered: 02/25/2005)
03/07/2005	<u>64</u>	NOTICE of Voluntary Dismissal by Nancy Wilson (Rubin, Ellis) (Entered: 03/07/2005)
03/08/2005	<u>65</u>	ORDER dismissing case. All pending motions are denied as moot. Clerk is directed to close the file. Signed by Judge James S. Moody Jr. on 3/8/2005. (len) (Entered: 03/08/2005)