

**U.S. District Court
Southern District of Florida (Miami)
CIVIL DOCKET FOR CASE #: 1:10-cv-23048-UU**

Cruz et al v. Arnold et al
Assigned to: Judge Ursula Ungaro
Referred to: Magistrate Judge Edwin G. Torres
Case in other court: Florida Middle, 3:10-cv-00725
Cause: 42:12182 Americans with Disabilities Act

Date Filed: 08/25/2010
Date Terminated: 04/18/2011
Jury Demand: None
Nature of Suit: 446 Civil Rights:
Americans with Disabilities – Other
Jurisdiction: Federal Question

Plaintiff

Luis Cruz

represented by **Steven Randolph Browning**
Spohrer &Dodd, P.L.
701 W Adams Street
Suite 2
Jacksonville, FL 32204
904-309-6500
Fax: 904-309-6501
Email: sbrowning@sdlitigation.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jay Michael Howanitz
Spohrer &Dodd, PL
701 W Adams STreet
Suite 2
Jacksonville, FL 32204
904-309-6500
Fax: 904-309-6501
Email: jhowanitz@sdlitigation.com
ATTORNEY TO BE NOTICED

Stephen F. Gold
Law Office of Stephen F. Gold
1709 Benjamin Franklin Pkwy
Suite 2
Philadelphia, PA 19103
215-627-7100
Fax: 215-627-3183
Email: stevegoldada@cs.com
ATTORNEY TO BE NOTICED

Plaintiff

Nigel De La Torre

represented by **Steven Randolph Browning**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jay Michael Howanitz
(See above for address)
ATTORNEY TO BE NOTICED

Stephen F. Gold
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Thomas Arnold
*in his official capacity as Secretary,
Florida Agency for Health Care
Administration*

represented by **Andrew T. Sheeran**
Agency for Health Care Administration
Office of the General Counsel
2727 Mahan Drive
Building 3, MS #3
Tallahassee, FL 32308
850-412-3630
Fax: 850-921-0158
Email: Andrew.Sheeran@ahca.myflorida.com
ATTORNEY TO BE NOTICED

Enoch Jonathan Whitney
Office of Attorney General
PL-01 The Capitol
Tallahassee, FL 32399-1050
850-414-3300
Fax: 850-488-4872
Email: jon.whitney@myfloridalegal.com
ATTORNEY TO BE NOTICED

Defendant

Ana Viamonte Ros
*Doctor, in her official capacity as
Surgeon General, Florida Department of
Health*

represented by **Morris Eugene Shelkofsky , Jr.**
Fla. Dept. of Health
Office of General Counsel
4052 Bald Cypress Way
Bin # C-65
Tallahassee, FL 32399-3265
850-245-4640
Fax: 850-245-4662
Email: Morris_Shelkofsky@doh.state.fl.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Andrew T. Sheeran
Agency for Health Care Administration
Office of the General Counsel
2727 Mahan Drive
Building 3, MS #3
Tallahassee, FL 32308
850-412-3630
Fax: 850-921-0158
Email: andrew.sheeran@ahca.myflorida.com
TERMINATED: 08/25/2010
ATTORNEY TO BE NOTICED

Enoch Jonathan Whitney
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Secretary AHCA Elizabeth Dudek, Fl

represented by **Andrew T. Sheeran**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Enoch Jonathan Whitney
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**Surgeon General Harry Frank
Farmer, Jr., M.D.**

represented by **Enoch Jonathan Whitney**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/18/2010	<u>1</u>	COMPLAINT against Thomas Arnold, Ana Viamonte Ros (Filing fee \$ 350 receipt number J35779) filed by Nigel De La Torre, Luis Cruz.(TL) (Entered: 08/18/2010)
08/18/2010	<u>2</u>	MOTION for preliminary injunction, MOTION to expedite hearing and memorandum of law by Luis Cruz, Nigel De La Torre. (TL) (Entered: 08/18/2010)
08/18/2010	<u>3</u>	DECLARATION of Luis J. Cruz re <u>2</u> MOTION for preliminary injunction MOTION to expedite hearing by Luis Cruz. (TL) (Entered: 08/18/2010)
08/18/2010	<u>4</u>	DECLARATION of Nigel De La Torre re <u>2</u> MOTION for preliminary injunction MOTION to expedite hearing by Nigel De La Torre. (TL) (Entered: 08/18/2010)
08/18/2010	<u>5</u>	DECLARATION of Alejandrina Padro re <u>2</u> MOTION for preliminary injunction MOTION to expedite hearing. (TL) (Entered: 08/18/2010)
08/18/2010		Summons issued as to Thomas Arnold. (TL) (Entered: 08/18/2010)
08/18/2010	<u>6</u>	AMENDED STANDING ORDER: Filing of documents that exceed twenty-five pages. Signed by All Jacksonville Divisional Judges on 5/25/05. (TL) (Entered: 08/18/2010)
08/18/2010		Summons issued as to Ana Viamonte Ros. (TL) (Entered: 08/18/2010)
08/18/2010	<u>7</u>	ORDER re <u>1</u> Complaint & <u>2</u> Motion; directing plaintiffs to advise Court regarding venue by noon on 8/20/2010. Signed by Judge Timothy J. Corrigan on 8/18/2010.(SRW) (Entered: 08/18/2010)
08/20/2010	<u>8</u>	RESPONSE re <u>7</u> Order of August 18, 2010 filed by Luis Cruz. (Gold, Stephen) (Entered: 08/20/2010)
08/20/2010	<u>9</u>	RESPONSE re <u>8</u> Response Corrected Fax Number filed by Luis Cruz. (Gold, Stephen) (Entered: 08/20/2010)
08/23/2010	<u>10</u>	ORDER directing Clerk to transfer case to the Southern District of Florida, Miami Division for reassignment. Signed by Judge Timothy J. Corrigan on 8/23/2010. (SRW) (Entered: 08/23/2010)
08/25/2010	<u>11</u>	Case transferred in from Florida Middle; Case Number 3:10-cv-00725. Electronic file including transfer order and docket sheet received. (.gme). (Entered: 08/25/2010)
08/25/2010	<u>12</u>	Judge Assignment RE: Electronic Complaint to Judge Ursula Ungaro and Magistrate Judge Andrea M. Simonton (gme) (Entered: 08/25/2010)
08/25/2010		Attorney Andrew T. Sheeran terminated as to Defendant Ana Viamonte Ros. Clerk mistakenly added attorney to this Defendant when case was transferred. Notice of Termination delivered by US Mail to Andrew Sheeran. (ksa) (Entered: 09/03/2010)
08/25/2010	<u>42</u>	Bar Letter re: Admissions sent to attorney Jay M. Howanitz, mailing date September 15, 2010, (ksa) (Entered: 09/15/2010)
08/26/2010	<u>13</u>	ORDER Setting Initial Planning and Scheduling Conference, (Scheduling Conference set for 10/15/2010 10:30 AM before Judge Ursula Ungaro.). Signed by Judge Ursula Ungaro on 8/26/2010. (tb) (Entered: 08/27/2010)
08/31/2010	<u>14</u>	ORDER OF REFERENCE to Magistrate Judge Andrea M. Simonton re <u>2</u> MOTION for preliminary injunction MOTION to expedite hearing filed by Luis Cruz, Nigel De La Torre. Signed by Judge Ursula Ungaro on 8/31/2010. (ls) (Entered: 08/31/2010)
08/31/2010	<u>20</u>	MOTION for Appearance Pro Hac Vice for Andrew T. Sheeran. Filing Fee \$ 75.00. Receipt # 6003. (ksa) (Entered: 09/03/2010)
09/02/2010	<u>15</u>	NOTICE of Attorney Appearance by Steven Randolph Browning on behalf of Luis Cruz, Nigel De La Torre (Browning, Steven) (Entered: 09/02/2010)

09/02/2010	<u>16</u>	NOTICE by Luis Cruz, Nigel De La Torre <i>Filing Returns of Service</i> (Browning, Steven) (Entered: 09/02/2010)
09/02/2010	<u>17</u>	ORDER Setting Telephonic Status and Scheduling Conference regarding <u>2</u> Plaintiffs' Motion for Preliminary Injunction and Expedited Hearing for 9/7/2010 at 10:00 AM before Magistrate Judge Andrea M. Simonton. Signed by Magistrate Judge Andrea M. Simonton on 9/2/2010. (dlt) (Entered: 09/02/2010)
09/02/2010	<u>18</u>	EMERGENCY MOTION for Leave to Exceed Page Limit by Thomas Arnold. (lh) (Entered: 09/03/2010)
09/02/2010	24	SUMMONS (Affidavit) Returned Executed by Nigel De La Torre, Luis Cruz. Thomas Arnold served on 8/19/2010, answer due 9/9/2010; Ana Viamonte Ros served on 8/19/2010, answer due 9/9/2010. See DE <u>16</u> for image (tp) (Entered: 09/07/2010)
09/03/2010	19	ORDER granting <u>18</u> Defendants' Emergency Motion for Leave to Exceed Page Limit. Defendants may file a response to Plaintiffs' Motion for Preliminary Injunction and Expedited Hearing that exceeds 20 pages but does not exceed 30 pages. Signed by Magistrate Judge Andrea M. Simonton on 9/3/2010. (dlt) (Entered: 09/03/2010)
09/03/2010	<u>21</u>	CERTIFICATE of Counsel re <u>17</u> Order Setting Status Conference, <i>Certificate of Consultation</i> by Steven Randolph Browning on behalf of Luis Cruz, Nigel De La Torre (Browning, Steven) (Entered: 09/03/2010)
09/03/2010	<u>22</u>	MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Stephen F. Gold. Filing Fee \$ 75.00. Receipt # 6170. (ksa) (Entered: 09/07/2010)
09/03/2010	<u>23</u>	Clerks Receipt for PHV Motion for Stephen F Gold received on 9/3/2010 in the amount of \$ 75.00, receipt number 6170 (lh) (Entered: 09/07/2010)
09/07/2010	25	Clerks Notice to Filer re <u>16</u> Notice (Other). Wrong Event Selected; ERROR – The Filer selected the wrong event. The document was re-docketed by the Clerk, see [de# 24]. It is not necessary to refile this document. (tp) (Entered: 09/07/2010)
09/07/2010	26	TEXT Minute Entry for proceedings held before Magistrate Judge Andrea M. Simonton: Telephonic Status and Scheduling Conference Re: <u>2</u> MOTION for preliminary injunction, MOTION to expedite hearing and memorandum of law by Luis Cruz, Nigel De La Torre, held on 9/7/2010 (10:00 AM – 10:45 AM). Attorneys Steven Browning, Jay Howanitz and Stephen Gold telephonically appeared on behalf of the Plaintiffs. Attorneys Andrew Sheeran and Morris Shelkofsky telephonically appeared on behalf of the Defendants. Defense counsel to file a notice with the Court advising that Elizabeth Dudek is presently the Interim Secretary, of Florida Agency for Health Care Administration. Plaintiffs to have declarations by 9/9/2010. Defendants to file their response to Plaintiffs' motion by COB 9/9/2010. Parties to advise the Court at the further telephone conference set, as to whether affiants' presence is required for cross examination. (Evidentiary Hearing set for 9/16/2010 02:00 PM in Miami Division before Magistrate Judge Andrea M. Simonton, A Further Status Conference set for 9/13/2010 04:00 PM in Miami Division before Magistrate Judge Andrea M. Simonton). (Digital 10:08:29.) (Tape #10-FX-87-96.) (aw) (Entered: 09/07/2010)
09/07/2010	<u>27</u>	ORDER granting <u>20</u> Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing ; granting <u>22</u> Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing. Signed by Judge Ursula Ungaro on 9/7/2010. (tb) (Entered: 09/08/2010)
09/09/2010	<u>28</u>	NOTICE by Ana Viamonte Ros <i>Filing of Notice of Appearance on behalf of Morris Shelkofsky for Dr. Ana Viamonte Ros</i> (Senior, Justin) (Entered: 09/09/2010)
09/09/2010	<u>29</u>	NOTICE by Luis Cruz, Nigel De La Torre <i>of Filing Cited Authority</i> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Browning, Steven) (Entered: 09/09/2010)

09/09/2010	<u>30</u>	AFFIDAVIT signed by : Nigel De La Torre. <i>Supplemental Declaration</i> by Nigel De La Torre (Attachments: # <u>1</u> Exhibit A – C)(Browning, Steven) (Entered: 09/09/2010)
09/09/2010	<u>31</u>	AFFIDAVIT signed by : Luis J. Cruz. <i>Supplemental Declaration</i> by Luis Cruz (Browning, Steven) (Entered: 09/09/2010)
09/09/2010	<u>32</u>	AFFIDAVIT signed by : Charlene A. Harrington, Ph.D.. <i>Declaration of Charlene A. Harrington in Support of Plaintiffs' Motion for Preliminary Injunction</i> by Luis Cruz, Nigel De La Torre (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit A–1)(Browning, Steven) (Entered: 09/09/2010)
09/09/2010	<u>33</u>	NOTICE by Thomas Arnold <i>Notice of Filing Affidavit of Elizabeth Y. Kidder</i> (Attachments: # <u>1</u> Affidavit Elizabeth Y. Kidder, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C)(Senior, Justin) (Entered: 09/09/2010)
09/09/2010	<u>34</u>	NOTICE by Thomas Arnold <i>Notice of Filing Affidavit of Kristen Russell</i> (Attachments: # <u>1</u> Affidavit Kristen Russell)(Senior, Justin) (Entered: 09/09/2010)
09/09/2010	<u>35</u>	NOTICE by Thomas Arnold <i>Notice of Filing Affidavit of S. Michele Morgan</i> (Attachments: # <u>1</u> Affidavit S. Michele Morgan)(Senior, Justin) (Entered: 09/09/2010)
09/09/2010	<u>36</u>	RESPONSE in Opposition re <u>2</u> MOTION for preliminary injunction MOTION to expedite hearing <i>Response and Memorandum of Law in Opposition to Motion for Preliminary Injunction</i> filed by Thomas Arnold. (Senior, Justin) (Entered: 09/09/2010)
09/09/2010	<u>37</u>	MOTION to Dismiss <u>1</u> Complaint by Thomas Arnold. Responses due by 9/27/2010 (Senior, Justin) (Entered: 09/09/2010)
09/13/2010	<u>38</u>	REPLY to Response to Motion re <u>2</u> MOTION for preliminary injunction MOTION to expedite hearing <i>Plaintiffs Cruz and De La Torre's Reply to Defendants' Memorandum in Opposition to the Preliminary Injunction</i> filed by Luis Cruz, Nigel De La Torre. (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, # <u>6</u> Exhibit F)(Browning, Steven) (Entered: 09/13/2010)
09/13/2010	41	TEXT Minute Entry for proceedings held before Magistrate Judge Andrea M. Simonton: Telephonic Status and Scheduling Conference held on 9/13/2010 (4:00 PM – 4:20 PM). Attorneys Steven Browning, Jay Howanitz, Stephen Gold telephonically appeared on behalf of the Plaintiffs. Attorney Anne Raish telephonically appeared on behalf of the Government. Attorney Andrew Sheeran telephonically appeared on behalf of Defendant Thomas Arnold. Attorney Morris Shelkovsky appeared in person on behalf of Defendant Dr. Ana Viamonte Ros. Counsel for the Government advised that she will be filing a statement of interest, as well as, a notice of appearance in the case. Plaintiff's ore tenus motion to file a twenty–page reply brief is granted. The parties advised that the preliminary injunction hearing set 9/16/10, will be proceeding with oral argument, in lieu of live testimony. (Digital 16:07:15.) (Tape #10–FX–89–440.) (aw) (Entered: 09/14/2010)
09/14/2010	<u>39</u>	NOTICE of Attorney Appearance by Veronica Vanessa Harrell–James on behalf of United States of America (Harrell–James, Veronica) (Entered: 09/14/2010)
09/14/2010	<u>40</u>	Statement of: <i>Interest</i> by United States of America (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit)(Harrell–James, Veronica) (Entered: 09/14/2010)
09/16/2010	43	TEXT Minute Entry for proceedings held before Magistrate Judge Andrea M. Simonton: Motion Hearing held on 9/16/2010 (2:00 PM – 4:45 PM) re <u>2</u> MOTION for preliminary injunction MOTION to expedite hearing filed by Luis Cruz, Nigel De La Torre. Attorneys Stephen Gold and Jay Howanitz appeared on behalf of the Plaintiffs. Attorneys Anne Raish and Laura Crane appeared on behalf of the Government. Attorneys Andrew Sheeran and Justin Senior appeared on behalf of Defendant Agency for Health Care Administration. Attorney Morris Shelkovsky appeared on behalf of Defendant Dr. Ana Viamonte Ros. Plaintiffs Luis Cruz and Nigel De La Torre were also present at this hearing. Oral arguments heard. Defendants submitted to the Court, Exhibit #1, an additional Affidavit of Kristen

		Russell for purposes of this hearing. Report and Recommendation to follow. Court Reporter: Carly Horenkamp, 305-523-5138 / Carleen Horenkamp@flsd.uscourts.gov (aw) Modified on 9/16/2010 (aw). (Entered: 09/16/2010)
09/23/2010	<u>44</u>	RESPONSE in Opposition re <u>37</u> MOTION to Dismiss <u>1</u> Complaint <i>Plaintiffs Memorandum of Law in Opposition to Defendants' Motion to Dismiss the Complaint</i> filed by Luis Cruz, Nigel De La Torre. (Browning, Steven) (Entered: 09/23/2010)
10/01/2010	<u>45</u>	REPLY to Response to Motion re <u>37</u> MOTION to Dismiss <u>1</u> Complaint filed by Thomas Arnold. (Sheeran, Andrew) (Entered: 10/01/2010)
10/01/2010	<u>46</u>	SCHEDULING REPORT – Rule 16.1 by Ana Viamonte Ros (Shelkofsky, Morris) (Entered: 10/01/2010)
10/12/2010	<u>47</u>	REPORT AND RECOMMENDATIONS re <u>2</u> MOTION for preliminary injunction filed by Luis Cruz, Nigel De La Torre Recommending that the preliminary injunction be granted. Expedited Objections to RR due by 10/19/2010. Signed by Magistrate Judge Andrea M. Simonton on 10/12/2010. (AMS) (Entered: 10/12/2010)
10/15/2010	<u>48</u>	ORDER REFERRING CASE to Mediation.. Signed by Judge Ursula Ungaro on 10/15/2010. (lk) (Entered: 10/18/2010)
10/15/2010	<u>49</u>	SCHEDULING ORDER: (Pretrial Conference set for 5/27/2011 09:30 AM in Miami Division before Judge Ursula Ungaro., Jury Trial set for 6/20/2011 09:00 AM in Miami Division before Judge Ursula Ungaro., Calendar Call set for 6/15/2011 01:00 PM in Miami Division before Judge Ursula Ungaro., Amended Pleadings due by 11/19/2010., Discovery due by 2/25/2011., Joinder of Parties due by 11/19/2010., In Limine Motions due by 4/8/2011., Motions due by 3/25/2011., Pretrial Stipulation due by 4/15/2011.). Signed by Judge Ursula Ungaro on 10/15/2010. (lk) (Entered: 10/18/2010)
10/19/2010	<u>50</u>	OBJECTIONS to <u>47</u> Report and Recommendations by Thomas Arnold. (Attachments: # <u>1</u> Exhibit)(Sheeran, Andrew) (Entered: 10/19/2010)
10/21/2010	<u>51</u>	ORDER REQUIRING RESPONSE to <u>50</u> Objections to Report and Recommendations filed by Thomas Arnold. Plaintiffs Responses due by 10/26/2010). Signed by Judge Ursula Ungaro on 10/21/10. (tp) (Entered: 10/22/2010)
10/26/2010	<u>52</u>	RESPONSE/REPLY to <u>51</u> Order, Set/Reset Deadlines <i>Status Update Regarding Plaintiffs Luis Cruz and Nigel De La Torre and Plaintiffs' Response to Defendants' Objections to Magistrate's Report</i> by Luis Cruz, Nigel De La Torre. (Attachments: # <u>1</u> Exhibit)(Browning, Steven) (Entered: 10/26/2010)
11/05/2010	<u>53</u>	Order Requiring Response Show Cause Response due by 11/10/2010. Signed by Judge Ursula Ungaro on 11/5/2010. (jcy) (Entered: 11/05/2010)
11/09/2010	<u>54</u>	NOTICE of Mediator Selection: Rodney Max selected.(Howanitz, Jay) (Entered: 11/09/2010)
11/18/2010	<u>55</u>	STATUS REPORT by Luis Cruz, Nigel De La Torre (Attachments: # <u>1</u> Exhibit)(Howanitz, Jay) (Entered: 11/18/2010)
11/23/2010	<u>56</u>	Order Setting Oral Argument (Hearing set for 12/1/2010 10:30 AM in Miami Division before Judge Ursula Ungaro.). Signed by Judge Ursula Ungaro on 11/23/2010. (jcy) (Entered: 11/23/2010)
11/24/2010	<u>57</u>	ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATIONS. Signed by Judge Ursula Ungaro on 11/24/2010. (jcy) (Entered: 11/24/2010)
01/14/2011	<u>58</u>	Order on Motion to Dismiss. Signed by Judge Ursula Ungaro on 1/14/2011. (jcy) (Entered: 01/18/2011)
02/01/2011	<u>59</u>	ANSWER and Affirmative Defenses to Complaint by <i>Thomas Arnold and by Ana Viamonte Ros.</i> by Ana Viamonte Ros.(Shelkofsky, Morris) (Entered: 02/01/2011)

03/25/2011	<u>60</u>	AFFIDAVIT signed by : Kristen Russell. <i>Notice of Filing</i> by Elizabeth Dudek (Attachments: # <u>1</u> Affidavit Kristen Russell)(Sheeran, Andrew) (Entered: 03/25/2011)
03/25/2011	<u>61</u>	MOTION to Dismiss <u>1</u> Complaint <i>as Moot</i> by Elizabeth Dudek. Responses due by 4/11/2011 (Sheeran, Andrew) (Entered: 03/25/2011)
04/01/2011	62	Case Reassignment of Paired Magistrate Judge pursuant to Administrative Orders 2010-145 and 2011-18 to Magistrate Judge Torres. Magistrate Judge Andrea M. Simonton no longer assigned to case. (vp) (Entered: 04/05/2011)
04/08/2011	<u>63</u>	Agreed MOTION for Extension of Time to respond to Defendants' Motion to Dismiss by Luis Cruz, Nigel De La Torre. Responses due by 4/25/2011 (Howanitz, Jay) (Entered: 04/08/2011)
04/13/2011	<u>64</u>	Order on Motion for Extension of Time (Responses due by 4/15/2011). Signed by Judge Ursula Ungaro on 4/13/2011. (jcy) (Entered: 04/14/2011)
04/15/2011	<u>65</u>	STIPULATION of Dismissal <i>with Prejudice</i> by Thomas Arnold, Luis Cruz, Nigel De La Torre, Elizabeth Dudek, Ana Viamonte Ros (Howanitz, Jay) (Entered: 04/15/2011)
04/18/2011	<u>66</u>	Order of Voluntary Dismissal. Signed by Judge Ursula Ungaro on 4/18/2011. (jcy) (Entered: 04/19/2011)
04/18/2011	<u>67</u>	Administrative Order Closing Case. Signed by Judge Ursula Ungaro on 4/18/2011. (jcy) (Entered: 04/19/2011)
06/20/2011	<u>68</u>	Unopposed MOTION to Reopen Case by Luis Cruz, Nigel De La Torre. (Howanitz, Jay) (Entered: 06/20/2011)
06/22/2011	<u>69</u>	Order on Motion to Reopen Case. Signed by Judge Ursula Ungaro on 6/22/2011. (jcy) (Entered: 06/23/2011)
07/05/2011	<u>70</u>	MOTION for Attorney Fees <i>and Expenses</i> by Luis Cruz, Nigel De La Torre. Responses due by 7/22/2011 (Attachments: # <u>1</u> Exhibit Gold declaration, # <u>2</u> Exhibit Browning declaration, # <u>3</u> Exhibit Howanitz declaration, # <u>4</u> Exhibit Gold resume, # <u>5</u> Exhibit Browning resume, # <u>6</u> Exhibit Howanitz resume, # <u>7</u> Exhibit Gold timesheet, # <u>8</u> Exhibit Browning and Howanitz timesheets, # <u>9</u> Exhibit Expert Gary Fox declaration)(Howanitz, Jay) (Entered: 07/05/2011)
07/06/2011	<u>71</u>	ORDER REFERRING MOTION: <u>70</u> MOTION for Attorney Fees <i>and Expenses</i> filed by Luis Cruz, Nigel De La Torre Motions referred to Edwin G. Torres. Signed by Judge Ursula Ungaro on 7/6/2011. (ls) (Entered: 07/06/2011)
07/19/2011	<u>72</u>	NOTICE of Attorney Appearance by Enoch Jonathan Whitney on behalf of Thomas Arnold, Elizabeth Dudek, Ana Viamonte Ros, Harry Frank Farmer, Jr., M.D. (Whitney, Enoch) (Entered: 07/19/2011)
07/19/2011	<u>73</u>	RESPONSE in Opposition re <u>70</u> MOTION for Attorney Fees <i>and Expenses</i> (<i>Defendants' Response and Memorandum of Law in Opposition to Plaintiffs' Motion for Attorneys' Fees and Litigation Expenses</i>), filed by Thomas Arnold, Elizabeth Dudek, Harry Frank Farmer, Jr., M.D., Ana Viamonte Ros. (Attachments: # <u>1</u> Exhibit "A" (Order Denying Plaintiff Jones' Motion to Amend First Amended Complaint), # <u>2</u> Exhibit "B" (Stipulation of Dismissal of Class Action Claims filed in Jones case), # <u>3</u> Exhibit "C" (attorney Gold's disallowed hours related to Jones case), # <u>4</u> Exhibit "D" (attorney Howanitz disallowed hours related to Jones case), # <u>5</u> Exhibit "E" (Complaint filed in Haddad v. Arnold), # <u>6</u> Exhibit "F" (Motion for Leave to Amend First Amended Complaint filed in Jones case), # <u>7</u> Exhibit "G" (Amended Complaint filed in Robledo v. Dudek), # <u>8</u> Exhibit "H" (Examples of excessive hours or no showing of necessity for attorney Gold), # <u>9</u> Exhibit "I" (Examples of excessive hours or no showing of necessity for attorney Howanitz), # <u>10</u> Exhibit "J" (Examples of excessive hours or no showing of necessity for attorney Browning), # <u>11</u> Exhibit "K" (Hours claimed by attorney Gold with objections), # <u>12</u> Exhibit "L" (Hours claimed by attorney Howanitz with objections), # <u>13</u> Exhibit "M" (Hours claimed by attorney Browning with objections))(Whitney, Enoch) (Entered: 07/19/2011)

07/25/2011	<u>74</u>	NOTICE of Compliance (<i>Defendants' Notice of Filing Affidavit Pursuant to Local Rule 7.3(a)(8)</i>) by Thomas Arnold, Elizabeth Dudek, Harry Frank Farmer, Jr., M.D., Ana Viamonte Ros re <u>73</u> Response in Opposition to Motion,,,,,, filed by Harry Frank Farmer, Jr., M.D., Elizabeth Dudek, Ana Viamonte Ros, Thomas Arnold (Attachments: # <u>1</u> Exhibit "A" (Affidavit of Enoch J. Whitney, Setting Forth Office of the Attorney General's Hourly Rates))(Whitney, Enoch) (Entered: 07/25/2011)
07/26/2011	<u>75</u>	Unopposed MOTION for Extension of Time to file reply brief re <u>73</u> Response in Opposition to Motion,,,,,, by Luis Cruz, Nigel De La Torre. Responses due by 8/12/2011 (Howanitz, Jay) (Entered: 07/26/2011)
08/02/2011	<u>76</u>	ORDER granting <u>75</u> Motion for Extension of Time to serve reply in support of Motion <u>70</u> for fees and costs, for the time period requested in the motion – through and including August 5, 2011. Docket Order Signed by Magistrate Judge Edwin G. Torres on 8/2/2011. (EGT) (Entered: 08/02/2011)
08/02/2011		Reset Deadlines as to <u>70</u> MOTION for Attorney Fees <i>and Expenses</i> . Replies due by 8/5/2011. (tp) (Entered: 08/03/2011)
08/05/2011	<u>77</u>	REPLY to Response to Motion re <u>70</u> MOTION for Attorney Fees <i>and Expenses</i> filed by Luis Cruz, Nigel De La Torre. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6)(Howanitz, Jay) (Entered: 08/05/2011)
08/19/2011	<u>78</u>	MOTION for Hearing re <u>70</u> MOTION for Attorney Fees <i>and Expenses</i> , <u>77</u> Reply to Response to Motion, <u>73</u> Response in Opposition to Motion,,,,,, (<i>Defendants' Request for Oral Argument upon Plaintiffs' Motion for Attorney's Fees and Litigation Costs and Defendants' Response in Opposition</i>), MOTION for Extension of Time to enlarge the time in which to request oral argument (Responses due by 9/6/2011) by Thomas Arnold, Elizabeth Dudek, Harry Frank Farmer, Jr., M.D., Ana Viamonte Ros. (Whitney, Enoch) (Entered: 08/19/2011)
08/26/2011	<u>79</u>	RESPONSE in Opposition to <i>Defendant's Belated Request for Oral Argument on Pending Motion for Attorneys' Fees</i> filed by Luis Cruz, Nigel De La Torre. (Howanitz, Jay) (Entered: 08/26/2011)
09/02/2011	<u>80</u>	REPLY to Response to Motion <i>REQUESTING ORAL ARGUMENT AND MOTION FOR ENLARGMENT OF TIME TO REQUEST ORAL ARGUMENT</i> , filed by Elizabeth Dudek, Harry Frank Farmer, Jr., M.D.. (Whitney, Enoch) (Entered: 09/02/2011)
09/08/2011	<u>81</u>	ORDER denying <u>78</u> Motion for Hearing; denying <u>78</u> Motion for Extension of Time to file Motion for Hearing. The request for hearing is untimely, but in any event the request for oral argument is Denied. If the Court determines upon final review of the issues raised in the underlying motion that a hearing is necessary, it shall be Ordered at that time. Docket Order Signed by Magistrate Judge Edwin G. Torres on 9/8/2011. (EGT) (Entered: 09/08/2011)
09/19/2011	<u>82</u>	Notice of Supplemental Authority re <u>73</u> Response in Opposition to Motion,,,,,, by Elizabeth Dudek, Harry Frank Farmer, Jr., M.D. (Attachments: # <u>1</u> Exhibit A, <i>Dionne v. Floormasters Enterprises, Inc.</i> , 647 F. 3d 1109 (C.A. 11, July 28, 2011))(Whitney, Enoch) (Entered: 09/19/2011)
09/20/2011	<u>83</u>	Notice of Supplemental Authority re <u>70</u> MOTION for Attorney Fees <i>and Expenses</i> by Luis Cruz, Nigel De La Torre, Rodney A. Max (Attachments: # <u>1</u> Exhibit)(Howanitz, Jay) (Entered: 09/20/2011)
10/21/2011	<u>84</u>	Notice of Supplemental Authority by Luis Cruz, Nigel De La Torre (Attachments: # <u>1</u> Exhibit Report and Recommendation)(Howanitz, Jay) (Entered: 10/21/2011)
11/03/2011	<u>85</u>	Notice of Supplemental Authority re <u>73</u> Response in Opposition to Motion,,,,,, (<i>Defendants Response and Memorandum of Law in Opposition to Plaintiffs Motion for Attorneys Fees and Litigation Expenses</i>) by Elizabeth Dudek, Harry Frank Farmer, Jr., M.D. (Attachments: # <u>1</u> Exhibit A, <i>Farrar v. Hobby</i> , 506 U.S. 103, 113 S.Ct. 566, 573–74 (1992).)(Whitney, Enoch) (Entered: 11/03/2011)

02/02/2012	<u>86</u>	Notice of Supplemental Authority by Luis Cruz, Nigel De La Torre (Attachments: # <u>1</u> Exhibit)(Howanitz, Jay) (Entered: 02/02/2012)
02/13/2012	<u>87</u>	REPORT AND RECOMMENDATION re <u>70</u> Plaintiffs' Motion for Attorney Fees and Costs; <i>Recommending Motion be Granted in Part, Denied in Part – Objections to RRdue by 3/1/2012</i> . Signed by Magistrate Judge Edwin G. Torres on 2/13/2012. (dgm) (Entered: 02/13/2012)
03/01/2012	<u>88</u>	NOTICE of Settlement by Luis Cruz, Nigel De La Torre (Howanitz, Jay) (Entered: 03/01/2012)
03/02/2012	<u>89</u>	Notice of Court Practice Upon Notice of Settlement. Signed by Judge Ursula Ungaro on 3/2/2012. (jcy) (Entered: 03/05/2012)
03/09/2012	<u>90</u>	STIPULATION of Dismissal <i>With Prejudice</i> by Luis Cruz, Nigel De La Torre (Howanitz, Jay) (Entered: 03/09/2012)
03/16/2012	<u>91</u>	Order of Dismissal with Prejudice. Signed by Judge Ursula Ungaro on 3/16/2012. (jcy) (Entered: 03/16/2012)