

**U.S. District Court  
Southern District of Mississippi (Northern (Jackson))  
CIVIL DOCKET FOR CASE #: 3:16-cv-00454-DPJ-FKB**

Planned Parenthood Southeast, Inc. et al v. Dzielak  
Assigned to: District Judge Daniel P. Jordan, III  
Referred to: Magistrate Judge F. Keith Ball  
Cause: 42:1983 Civil Rights Act

Date Filed: 06/15/2016  
Date Terminated: 10/20/2016  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Planned Parenthood Southeast, Inc.**

represented by **Carrie Y. Flaxman – PHV**  
PLANNED PARENTHOOD  
FEDERATION OF AMERICA –  
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**LEAD ATTORNEY**  
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**ATTORNEY TO BE NOTICED**

**Melissa Cohen – PHV**  
PLANNED PARENTHOOD  
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**LEAD ATTORNEY**  
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**LEAD ATTORNEY**  
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**Sibyl C. Byrd**  
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**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Planned Parenthood Greater Memphis  
Region, Inc.**

represented by **Carrie Y. Flaxman – PHV**  
(See above for address)  
**LEAD ATTORNEY**  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Melissa Cohen – PHV**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Robert B. McDuff**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Sibyl C. Byrd**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Jane Doe**

represented by **Robert B. McDuff**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Sibyl C. Byrd**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Melissa Cohen – PHV**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Jane Doe #2**

represented by **Robert B. McDuff**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Sibyl C. Byrd**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Melissa Cohen – PHV**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**David J. Dzielak**  
*Executive Director, Mississippi Division  
of Medicaid, in his official capacity*

represented by **Wilson D. Minor–State Gov**  
MISSISSIPPI ATTORNEY GENERAL'S  
OFFICE  
P. O. Box 220  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

5/15/2016	<u>1</u>	COMPLAINT against David J. Dzielak ( Filing fee \$ 400 receipt number 34643039816), filed by Planned Parenthood S Inc., Planned Parenthood Greater Memphis Region, Inc., Jane Doe. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit A Bill 2238, # <u>3</u> Exhibit B – House Bill 519)(TLC) (Entered: 06/15/2016)
5/15/2016	<u>2</u>	Summons Issued as to David J. Dzielak. (TLC) (Entered: 06/15/2016)
5/15/2016	<u>3</u>	MOTION for Melissa Cohen to Appear Pro Hac Vice by Jane Doe, Planned Parenthood Greater Memphis Region, Inc., Parenthood Southeast, Inc. (Attachments: # <u>1</u> Exhibit Ex–A Certificate of good standing)(McDuff, Robert) (Entered: 06/15/2016)
5/15/2016	<u>4</u>	MOTION for Carrie Flaxman to Appear Pro Hac Vice by Jane Doe, Planned Parenthood Greater Memphis Region, Inc., Parenthood Southeast, Inc. (Attachments: # <u>1</u> Exhibit Ex. A Certificate of Good Standing)(McDuff, Robert) (Entered: 06/15/2016)
5/15/2016	<u>5</u>	Corporate Disclosure Statement by Jane Doe, Planned Parenthood Greater Memphis Region, Inc., Planned Parenthood Southeast, Inc. (McDuff, Robert) (Entered: 06/15/2016)
5/15/2016	<u>6</u>	MOTION for Protective Order by Jane Doe, Planned Parenthood Greater Memphis Region, Inc., Planned Parenthood S Inc. (Attachments: # <u>1</u> Exhibit Ex. A – Declaration of Jane Doe)(McDuff, Robert) (Entered: 06/15/2016)
5/15/2016	<u>7</u>	MEMORANDUM in Support re <u>6</u> MOTION for Protective Order filed by Jane Doe, Planned Parenthood Greater Mem Region, Inc., Planned Parenthood Southeast, Inc. (Attachments: # <u>1</u> Exhibit Ex. A – Past Protective Orders)(McDuff, R (Entered: 06/15/2016)
5/16/2016	<u>8</u>	SUMMONS Returned Executed by Planned Parenthood Southeast, Inc., Planned Parenthood Greater Memphis Region, Jane Doe David J. Dzielak served on 6/15/2016, answer due 7/6/2016. (McDuff, Robert) (Entered: 06/16/2016)
5/20/2016	<u>9</u>	ORDER granting <u>6</u> Motion for Protective Order. Signed by Magistrate Judge F. Keith Ball on 6/17/2016. (JRB) (Entered: 06/20/2016)
5/21/2016	<u>10</u>	Sealed Document. (TLC) (Entered: 06/21/2016)
5/28/2016		TEXT–ONLY ORDER granting <u>3</u> Motion to Appear Pro Hac Vice; granting <u>4</u> Motion to Appear Pro Hac Vice. That M Cohen and Carrie Flaxman be admitted pro hac vice in this case on behalf of the plaintiffs in association with local cour upon registration for electronic filing as required by the Court. No further written order shall issue from the Court. Sign Magistrate Judge F. Keith Ball on 6/28/2016. (JEJ) (Entered: 06/28/2016)
7/06/2016	<u>11</u>	AMENDED COMPLAINT against All Defendants, filed by Planned Parenthood Southeast, Inc., Planned Parenthood C Memphis Region, Inc., Jane Doe.(Cohen – PHV, Melissa) (Entered: 07/06/2016)
7/06/2016	<u>12</u>	MOTION for Protective Order <i>Unopposed Motion to Amend Protective Order</i> by Jane Doe, Planned Parenthood Grea Memphis Region, Inc., Planned Parenthood Southeast, Inc. (Attachments: # <u>1</u> Exhibit A – Decl. of Jane Doe #2)(Cohen – Melissa) (Entered: 07/06/2016)
7/07/2016	<u>13</u>	MOTION for Summary Judgment by Jane Doe, Planned Parenthood Greater Memphis Region, Inc., Planned Parenthood Southeast, Inc. (Attachments: # <u>1</u> Exhibit A – Fox Decl., # <u>2</u> Exhibit B – Coffield Decl.)(Cohen – PHV, Melissa) (Entered: 07/07/2016)
7/07/2016	<u>14</u>	MEMORANDUM IN SUPPORT re <u>13</u> MOTION for Summary Judgment filed by Jane Doe, Planned Parenthood Grea Memphis Region, Inc., Planned Parenthood Southeast, Inc. (Attachments: # <u>1</u> Exhibit A – Ark. PI Order)(Cohen – PHV, Melissa) (Entered: 07/07/2016)
7/08/2016	<u>15</u>	AMENDED PROTECTIVE ORDER granting <u>12</u> Motion for Protective Order. Signed by Magistrate Judge F. Keith Ba 7/8/2016. (JRB) (Entered: 07/08/2016)
7/11/2016	<u>16</u>	Sealed Document. (TLC) (Entered: 07/12/2016)
7/20/2016	<u>17</u>	ANSWER to <u>11</u> Amended Complaint by David J. Dzielak.(Minor, Wilson) (Entered: 07/20/2016)
7/22/2016	<u>18</u>	MEMORANDUM in Opposition re <u>13</u> MOTION for Summary Judgment filed by David J. Dzielak (Minor, Wilson) (E 07/22/2016)
7/29/2016	<u>19</u>	REPLY to Response to Motion re <u>13</u> MOTION for Summary Judgment filed by Jane Doe, Planned Parenthood Greater Memphis Region, Inc., Planned Parenthood Southeast, Inc. (Cohen – PHV, Melissa) (Entered: 07/29/2016)
8/19/2016	<u>20</u>	Rule 16(a) Initial Order Telephonic Case Management Conference set for 9/8/2016 03:00 PM before Magistrate Judge Ball. No later than seven (7) days prior to the TCMC, a confidential memorandum AND a proposed Case Management shall be submitted via e–mail to ball_chambers@mssd.uscourts.gov. Counsel for Plaintiff shall set up the conference ar the Court at 601–608–4460. (JEJ) (Entered: 08/19/2016)

08/29/2016	<u>21</u>	Unopposed MOTION to Stay Proceedings <i>Rule 16(a) Initial Order</i> by Jane Doe, Planned Parenthood Greater Memphis Region, Inc., Planned Parenthood Southeast, Inc. (McDuff, Robert) (Entered: 08/29/2016)
09/01/2016		TEXT-ONLY ORDER granting <u>21</u> Motion to Stay Rule 16(a) Initial Order. The telephonic case management conference matter is continued, to be reset after the Court's ruling on Plaintiffs' pending motion for summary judgment <u>13</u> . NO FURTHER WRITTEN ORDER SHALL ISSUE. Signed by Magistrate Judge F. Keith Ball on 9/1/2016. (JRB) (Entered: 09/01/2016)
09/19/2016	<u>22</u>	MEMORANDUM in Support re <u>13</u> MOTION for Summary Judgment <i>Notice of Supplemental Authority</i> filed by Jane Doe, Planned Parenthood Greater Memphis Region, Inc., Planned Parenthood Southeast, Inc. (Cohen - PHV, Melissa) (Entered: 09/19/2016)
10/12/2016	<u>23</u>	ORDER: As set out in the Order, Defendant is given seven (7) days from the date of this Order to respond. The Court will consider failure to respond as conceding that <i>Gee</i> entitles Plaintiffs to summary judgment. Signed by District Judge Daniel P. Jordan III on October 12, 2016.(SP) (Entered: 10/12/2016)
10/19/2016	<u>24</u>	Response to Order re <u>23</u> ORDER: As set out in the Order, Defendant is given seven (7) days from the date of this Order to respond. The Court will consider failure to respond as conceding that <i>Gee</i> entitles Plaintiffs to summary judgment. Signed by District Judge Daniel P. Jordan III on October 12, 2016.(SP) filed by David J. Dzielak (Minor-State Gov, Wilson) (Entered: 10/19/2016)
10/20/2016	<u>25</u>	ORDER granting <u>13</u> Motion for Summary Judgment. Signed by District Judge Daniel P. Jordan, III on 10/20/16. (TLC) (Entered: 10/20/2016)
10/20/2016	<u>26</u>	FINAL JUDGMENT dismissing case in favor of Plaintiffs and against Defendant. Signed by District Judge Daniel P. Jordan III on 10/20/16. (TLC) (Entered: 10/20/2016)
11/02/2016	<u>27</u>	MOTION to Extend Attorneys' Fees Deadline by Jane Doe, Planned Parenthood Greater Memphis Region, Inc., Planned Parenthood Southeast, Inc. (Cohen - PHV, Melissa) (Entered: 11/02/2016)
11/02/2016		TEXT-ONLY ORDER granting <u>27</u> Unopposed Motion to Extend Deadline. Motion due December 5, 2016. NO FURTHER WRITTEN ORDER SHALL ISSUE FROM THE COURT. Signed by District Judge Daniel P. Jordan, III on November 2, 2016. (HF) (Entered: 11/02/2016)
11/18/2016	<u>28</u>	NOTICE OF APPEAL as to <u>26</u> Judgment by David J. Dzielak. Filing fee \$ 505, receipt number 34643042255. (TLC) (Entered: 11/18/2016)
11/21/2016	<u>29</u>	BILL OF COSTS by Jane Doe, Planned Parenthood Greater Memphis Region, Inc., Planned Parenthood Southeast, Inc. (Cohen - PHV, Melissa) (Entered: 11/21/2016)
12/02/2016	<u>30</u>	Unopposed MOTION to Stay Proceedings by Jane Doe, Planned Parenthood Greater Memphis Region, Inc., Planned Parenthood Southeast, Inc. (Cohen - PHV, Melissa) (Entered: 12/02/2016)
12/06/2016	<u>31</u>	Costs Taxed in amount of \$ 400.00 against David J. Dzielak (ASJ) (Entered: 12/06/2016)
12/06/2016		TEXT-ONLY ORDER granting <u>30</u> Unopposed Motion to Stay Proceedings. This Order stays the deadline for Plaintiff's motion for attorney's fees and expenses under Rule 54(d)(2) until Defendants appeal is resolved. NO FURTHER WRITTEN ORDER SHALL ISSUE FROM THE COURT. Signed by District Judge Daniel P. Jordan, III on December 6, 2016 (HF) (Entered: 12/06/2016)
12/14/2016		ELECTRONIC RECORD ON APPEAL ACCEPTED : The Court of Appeals has accepted the Electronic Record on Appeal and it is available for attorney access and download at <a href="http://http://www.ca5.uscourts.gov/docs/default-source/forms/instructions-for-electronic-record-download-feature-using-credentials-provided-to-you-by-the-clerk-of-that-court">http://http://www.ca5.uscourts.gov/docs/default-source/forms/instructions-for-electronic-record-download-feature-using-credentials-provided-to-you-by-the-clerk-of-that-court</a> . (TLC) (Entered: 12/14/2016)
02/16/2017	<u>32</u>	ORDER of USCA as to <u>28</u> Notice of Appeal filed by David J. Dzielak granting joint motion to stay further proceedings (Attachments: # <u>1</u> Memorandum to Counsel).(TLC) (Entered: 02/16/2017)