

CLOSED, DISCREP, LC-2

**U.S. District Court**  
**U.S. District Court for the Northern District of Oklahoma (Tulsa)**  
**CIVIL DOCKET FOR CASE #: 4:02-cv-00762-JHP-PJC**

Fisher, et al v. Oklahoma Health Care  
Assigned to: Judge James H Payne  
Referred to: Magistrate Judge Paul J Cleary  
Demand: \$0  
Case in other court: 02-05192(#30ccfeespd/cnsl)  
10th Circuit, :02- -05192  
Cause: 42:12101 Americans with Disabilities Act (ADA)

Date Filed: 10/01/2002  
Date Terminated: 11/19/2003  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Katherine Fisher**

represented by **Louis Werner Bullock**  
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**Stephen F Gold**  
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*LEAD ATTORNEY*  
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**Plaintiff**

**Earlee Heath**

represented by **Louis Werner Bullock**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Morris D Bernstein**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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

**Plaintiff**

**Karol Loy**  
*on behalf of themselves and all others*

represented by **Louis Werner Bullock**  
(See above for address)

similarly situated

LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Morris D Bernstein**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

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

V.

**Defendant**

**Oklahoma Health Care Authority**  
*Sued as: State of Oklahoma, Oklahoma Health Care Authority and Mike Fogarty, in his capacity as CEO of the Oklahoma Health Care Authority*

—  
Mike Fogarty

represented by **Andrew J Tevington**  
Oklahoma Health Care Auth (OKC-PO)  
General Counsel  
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Date Filed	#	Docket Text
10/01/2002	<u>1</u>	COMPLAINT (PLAINTIFF REQUESTS PRELIMINARY AND PERMANENT INJUNCTION) (Consent form sent) (fee status: pd) (lml, Dpty Clk) (Entered: 10/02/2002)
10/01/2002		FILING FEE PAID IN FULL by plaintiff Katherine Fisher, plaintiff Earlee Heath, plaintiff Karol Loy on 10/1/02 in the amount of \$ 150.00 receipt # 104139 (fee status: pd) (lml, Dpty Clk) (Entered: 10/02/2002)
10/02/2002	<u>2</u>	MINUTE ORDER by Judge James H. Payne: After full consideration of the record before the Court, Plaintiff's Application for Temporary Restraining Order is DENIED, there being a failure to demonstrate the requirements set forth in Fed.R.Civ.P. 65. Further, Plaintiffs' counsel states Defendants' counsel was not notified of Plaintiffs' Application for Temporary Restraining Order. Plaintiff's Application for Preliminary Injunction is set for hearing, Friday, October 4, 2002, at 1:30 P.M. Plaintiffs are ordered to serve notice on the defendants. (cc: pltfs counsel &phoned) (fe, Dpty Clk) (Entered: 10/02/2002)
10/03/2002	<u>3</u>	MOTION by plaintiff Katherine Fisher, plaintiff Earlee Heath, plaintiff Karol Loy for preliminary injunction (o/j) (crp, Dpty Clk) (Entered: 10/03/2002)
10/03/2002	<u>4</u>	BRIEF (MEMORANDUM OF LAW) by plaintiff Katherine Fisher, plaintiff Earlee Heath, plaintiff Karol Loy in support of motion for preliminary injunction [3-1] (crp, Dpty Clk) (Entered: 10/03/2002)
10/04/2002	<u>5</u>	MOTION by plaintiff Katherine Fisher, plaintiff Earlee Heath, plaintiff Karol Loy for attorney Stephen F Gold to appear pro hac vice (no fees, o/j) (sac, Dpty Clk) (Entered: 10/07/2002)
10/04/2002	<u>6</u>	MINUTES: by Judge James H. Payne ; In-court Preliminary Injunction hearing held 10/4/02 ; with heard; the app for Prel Inj is cons w/trial of this matter u/R.76(a)(2); the briefing sched will be shortened and taken up by tele conf set for 10:00 10/7/02 before Judge James H. Payne (Karla McWhorter ct rpt) (jcm, Dpty Clk) (Entered: 10/07/2002)

10/04/2002	<u>8</u>	RESPONSE by defendant Oklahoma Health Care to motion for preliminary injunction [3-1]... (sac, Dpty Clk) (Entered: 10/07/2002)
10/04/2002	8	...MOTION w/brf by defendant Oklahoma Health Care to dismiss (oversized doc) (sac, Dpty Clk) (Entered: 10/07/2002)
10/04/2002	<u>9</u>	ATTORNEY APPEARANCE for defendant Oklahoma Health Care by Andrew J Tevington (sac, Dpty Clk) (Entered: 10/07/2002)
10/07/2002	<u>7</u>	MINUTES: by Judge James H. Payne ; Tele Sched Conf held 10/7/02; pltf to fax to ct a copy of amended complaint; Ct grants permission to file amended cplt and pltf to over-night amended cplt to court clerk for filing; deft to file amended mot/dismiss/SJ by 10/9/02; pltf resp to be filed by 10/11/02 and any reply by deft to be filed by noon on 10/15/02. (Karla McWhorter ct rprr) (jcm, Dpty Clk) (Entered: 10/07/2002)
10/08/2002	<u>10</u>	AMENDED COMPLAINT [1-1] by plaintiff Katherine Fisher, plaintiff Earlee Heath, plaintiff Karol Loy (sac, Dpty Clk) (Entered: 10/09/2002)
10/09/2002	<u>11</u>	MOTION AND BRIEF IN SUPPORT by defendant Oklahoma Health Care for summary judgment (crp, Dpty Clk) (Entered: 10/10/2002)
10/09/2002	<u>12</u>	ANSWER by defendant Oklahoma Health Care to amd complaint [10-1] and complaint [1-1] (sac, Dpty Clk) Modified on 10/10/2002 (Entered: 10/10/2002)
10/10/2002	<u>13</u>	RESPONSE by plaintiff Katherine Fisher, plaintiff Earlee Heath, plaintiff Karol Loy to motion to dismiss [8-1]... (sac, Dpty Clk) (Entered: 10/11/2002)
10/10/2002	13	...SUPPLEMENTAL BRIEF by plaintiff Katherine Fisher, plaintiff Earlee Heath, plaintiff Karol Loy in support of motion for preliminary injunction [3-1] (sac, Dpty Clk) (Entered: 10/11/2002)
10/11/2002	<u>14</u>	MOTION by defendant Oklahoma Health Care to strike pltfs' brf in oppos to m/dism and suppl in supp of injunc and declaratory relief (crp, Dpty Clk) (Entered: 10/15/2002)
10/15/2002	<u>15</u>	MINUTE ORDER by Judge James H. Payne: granting motion to strike pltfs' brf in oppos to m/dism and suppl in supp of injunc and declaratory relief [14-1] [13-1], [13-1] ; SHOW CAUSE HEARING set for 2:00 p.m., 10/22/02, for Plaintiff to show cause why case should not be dismissed for failure to Respond to Deft's Mo/SJ as directed by the Ct during hrg of 10/7/02. [cc: counsel] (fe, Dpty Clk) (Entered: 10/15/2002)
10/15/2002	<u>16</u>	REPLY by defendant Oklahoma Health Care to response to motion for summary judgment [11-1] (sac, Dpty Clk) (Entered: 10/15/2002)
10/16/2002	<u>17</u>	RESPONSE (MEMORANDUM OF LAW IN OPPOSITION) by plaintiff Katherine Fisher, plaintiff Earlee Heath, plaintiff Karol Loy to motion for summary judgment [11-1] (crp, Dpty Clk) (Entered: 10/17/2002)
10/16/2002	<u>18</u>	MOTION by defendant Oklahoma Health Care to strike pltfs' brf in opp to m/sumjgm and brf in supp (crp, Dpty Clk) (Entered: 10/17/2002)
10/18/2002	<u>19</u>	MOTION by plaintiff Katherine Fisher, plaintiff Earlee Heath, plaintiff Karol Loy for reconsideration MO to strike of 10/15/02, and alternatively to waive L.R., re appearance at 10/22 hrg. (fe, Dpty Clk) (Entered: 10/21/2002)
10/18/2002	<u>21</u>	RESPONSE (REPLY) by plaintiff Katherine Fisher, plaintiff Earlee Heath, plaintiff Karol Loy to motion to strike pltfs' brf in opp to m/sumjgm and brf in supp [18-1] (sac, Dpty Clk) (Entered: 10/21/2002)
10/21/2002	<u>20</u>	MINUTE ORDER by Judge James H. Payne : denying motion for reconsideration [19-1] and denying pltf counsel lve to appear by phone at 10/22 hrg. [cc: counsel & phoned pltf counsel] (fe, Dpty Clk) (Entered: 10/21/2002)
10/22/2002	<u>22</u>	MINUTES: by Judge James H. Payne: Case called for Show Cause Hrg. for pltf's failure to resp. to deft's mo/SJ as ordered . Louis Bullock enters appearance on behalf of counsel Gold for this hrg only. Deft obj's to Bullock's appearance as in conflict w/other filings. Statements made. Deft granted to 11/28 to file Reply to Pltf's resp. re mo/SJ. Reply filed in open ct. Deft's req/sanctions under advisement.

		Deft granted leave to file mo/costs/attys fees in regard to this matter. Pltf counsel is going to file a 'statement of position' [Karla McWhorter-cr] (fe, Dpty Clk) (Entered: 10/23/2002)
10/22/2002	<u>23</u>	REPLY by defendant Oklahoma Health Care to response to motion for summary judgment [11-1] (crp, Dpty Clk) (Entered: 10/23/2002)
10/22/2002	<u>24</u>	ATTORNEY APPEARANCE for plaintiff Katherine Fisher, plaintiff Earlee Heath, plaintiff Karol Loy by Louis W Bullock (crp, Dpty Clk) (Entered: 10/23/2002)
10/31/2002		TRANSCRIPT of Mot/Prel Inj before Judge James H. Payne for date(s) of: 10/4/2 (C/R: K McWhorter, Pages: 119) (pll, Dpty Clk) (Entered: 11/01/2002)
10/31/2002	<u>25</u>	MOTION w/brf by defendant Oklahoma Health Care to disqualify pltf's cnsl from Bullock & Bullock (oversized doc) (sac, Dpty Clk) (Entered: 11/01/2002)
11/01/2002	<u>26</u>	ORDER by Judge James H. Payne granting motion for summary judgment [11-1] (cc: all counsel) (sac, Dpty Clk) (Entered: 11/01/2002)
11/01/2002	<u>27</u>	JUDGMENT: by Judge James H. Payne entered for dft & against pltf's; terminating case (cc: all cnsl) (sac, Dpty Clk) (Entered: 11/01/2002)
11/06/2002	<u>28</u>	MINUTE ORDER by Judge James H. Payne : finding the motion to disqualify pltf's cnsl from Bullock & Bullock (oversized doc) [25-1] moot, inasmuch as Judgment was entered in this case on 11/27/02. (cc: all counsel) (fe, Dpty Clk) (Entered: 11/06/2002)
11/12/2002	<u>29</u>	NOTICE by plaintiff Katherine Fisher, plaintiff Earlee Heath, plaintiff Karol Loy of flg ord/transcript of 10/4/2 hrg (pll, Dpty Clk) (Entered: 11/13/2002)
11/12/2002	<u>30</u>	NOTICE OF APPEAL to USCA by plaintiff Katherine Fisher, plaintiff Earlee Heath, plaintiff Karol Loy from District Court decision [27-1], [26-1] ( fees pd/cnsl ) (sac, Dpty Clk) (Entered: 11/13/2002)
11/12/2002		APPEAL FEE PAID IN FULL by plaintiff Katherine Fisher, plaintiff Earlee Heath, plaintiff Karol Loy on 11/12/02 in amount of \$ 105.00 receipt # 104908 re [30-1] (crp, Dpty Clk) (Entered: 11/13/2002)
11/13/2002	<u>31</u>	PRELIMINARY RECORD on Appeal sent to USCA re: appeal [30-1] (Includes: Docket Sheet, Notice of Appeal, and Decision being appealed) (cc: all counsel) (sac, Dpty Clk) (Entered: 11/13/2002)
11/21/2002	<u>32</u>	NOTIFICATION by Circuit Court of Appellate Docket Number 02-5192 (#30 cc fees pd/cnsl) (sac, Dpty Clk) (Entered: 11/22/2002)
11/25/2002	<u>33</u>	CLERK'S RECORD ON APPEAL sent to USCA re: appeal [30-1] ( 10th Circuit Case No. 02-5192 ) (ltr mld to all counsel) (fe, Dpty Clk) (Entered: 11/25/2002)
08/11/2003	<u>34</u>	CERTIFIED COPY of Judgment from USCA reversing and remanding the Decision of the District Court re: appeal [30-1] ( 10th Circuit Case No. 02-5192 ) (sac, Dpty Clk) (Entered: 08/11/2003)
08/13/2003	<u>35</u>	MINUTE ORDER by Judge James H. Payne : ; SCHEDULING CONFERENCE set for 10:30 11/24/03 (cc: all counsel) (sac, Dpty Clk) (Entered: 08/13/2003)
11/17/2003		REMARK: Per pltf counsel, case has settled; copy of settlement ltr faxed to Ct. SS of 11/24/03 stricken. Ct to enter appropriate Adm Closing Order. [O/J] (fe, Dpty Clk) (Entered: 11/17/2003)
11/19/2003	<u>36</u>	ORDER by Judge James H. Payne dismissing case by reason of stlmt (cc: all counsel) (sac, Dpty Clk) (Entered: 11/20/2003)
02/06/2004		REMARK: Copy of Settlement Agreement between parties added to file. (fe, Dpty Clk) (Entered: 02/06/2004)