

CLOSED

**U.S. District Court
District of South Carolina (Columbia)
CIVIL DOCKET FOR CASE #: 3:16-cv-00045-MGL**

Carson et al v. Heigel
Assigned to: Honorable Mary Geiger Lewis
Cause: 42:1983 Civil Rights Act

Date Filed: 01/07/2016
Date Terminated: 02/28/2017
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Casy Carson
*on their own behalf and as next friends of
S.B.C. and S.D.C.*

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Plaintiff

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V.

Defendant**Catherine E. Heigel**

*in her official capacity as Director of the
South Carolina Department of Health and
Environmental Control and State
Registrar of Vital Statistics*

represented by **John Harleston**

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Date Filed	#	Docket Text
01/07/2016	<u>1</u>	COMPLAINT against Catherine Heigel (Filing fee \$400 receipt number 0420-6336412) filed by Casy Carson, Jaqueline Carson. Service due by 4/11/2016(cbru,) (Entered: 01/07/2016)
01/07/2016	<u>3</u>	Local Rule 26.01 Answers to Interrogatories by Casy Carson, Jaqueline Carson.(cbru,) (Entered: 01/07/2016)
01/07/2016	<u>4</u>	Summons Issued as to Catherine Heigel. (cbru,) (Entered: 01/07/2016)
01/13/2016	<u>5</u>	MOTION to Appear Pro Hac Vice by Tara Borelli (Filing fee \$ 250 receipt number 0420-6346460) by Casy Carson, Jaqueline Carson. Response to Motion due by 2/1/2016. (Attachments: # <u>1</u> Pro Hac Vice Application, # <u>2</u> Proposed Order)Proposed order is being emailed to chambers with copy to opposing counsel.(Finney, Jerry) (Main Document 5 replaced on 1/13/2016) (cbru,). Additional attachment filed as entry <u>9</u> on 1/14/2016 (cbru,). (Entered: 01/13/2016)
01/13/2016	<u>6</u>	MOTION to Appear Pro Hac Vice by Susan Sommer (Filing fee \$ 250 receipt number 0420-6346550) by Casy Carson, Jaqueline Carson. Response to Motion due by 2/1/2016. (Attachments: # <u>1</u> Pro Hac Vice Application, # <u>2</u> Proposed Order)Proposed order is being emailed to chambers with copy to opposing counsel.(Finney, Jerry) (Main Document 6 replaced on 1/13/2016) (cbru,). (Entered: 01/13/2016)
01/14/2016	8	TEXT ORDER granting <u>6</u> Motion to Appear Pro Hac Vice. Signed by Honorable Mary Geiger Lewis on 1/14/2016. (cbru,) (Entered: 01/14/2016)
01/14/2016	<u>9</u>	Additional Attachments to Main Document <u>5</u> MOTION to Appear Pro Hac Vice by Tara Borelli (Filing fee \$250 receipt number 0420-6346460). First attachment description: Certificate of Good Standing for Tara Borelli.(Finney, Jerry) Modified

		to remove duplicative document and to edit text on 1/14/2016 (cbru,). (Entered: 01/14/2016)
01/15/2016	<u>11</u>	TEXT ORDER granting <u>5</u> Motion to Appear Pro Hac Vice. Signed by Honorable Mary Geiger Lewis on 1/15/2016.(cbru,) (Entered: 01/15/2016)
01/27/2016	<u>12</u>	AMENDED COMPLAINT against All Defendants, filed by Casy Carson, Jaqueline Carson. Service due by 4/29/2016 (Finney, Jerry) (Entered: 01/27/2016)
01/27/2016	<u>13</u>	MOTION to Appear Pro Hac Vice by William V. Custer (Filing fee \$250 receipt number 0420-6368487) by Casy Carson, Jaqueline Carson. Response to Motion due by 2/16/2016. (Attachments: # <u>1</u> Application/Affidavit and Certificates of Good Standing, # <u>2</u> Proposed Order)Proposed order is being emailed to chambers with copy to opposing counsel.(Finney, Jerry) Modified to edit text on 1/27/2016 (cbru,). (Entered: 01/27/2016)
01/27/2016	<u>14</u>	MOTION to Appear Pro Hac Vice by Jennifer Burch Dempsey (Filing fee \$250 receipt number 0420-6368527) by Casy Carson, Jaqueline Carson. Response to Motion due by 2/16/2016. (Attachments: # <u>1</u> Application/Affidavit and Certificates of Good Standing, # <u>2</u> Proposed Order)Proposed order is being emailed to chambers with copy to opposing counsel.(Finney, Jerry) Modified to edit text on 1/27/2016 (cbru,). (Entered: 01/27/2016)
01/27/2016	<u>15</u>	MOTION to Appear Pro Hac Vice by Luke A. Lantta (Filing fee \$250 receipt number 0420-6368542) by Casy Carson, Jaqueline Carson. Response to Motion due by 2/16/2016. (Attachments: # <u>1</u> Application/Affidavit and Certificates of Good Standing, # <u>2</u> Proposed Order)Proposed order is being emailed to chambers with copy to opposing counsel.(Finney, Jerry) Modified to edit text on 1/27/2016 (cbru,). (Entered: 01/27/2016)
01/27/2016	<u>16</u>	TEXT ORDER granting <u>13</u> Motion to Appear Pro Hac Vice; granting <u>14</u> Motion to Appear Pro Hac Vice; granting <u>15</u> Motion to Appear Pro Hac Vice. Signed by Honorable Mary Geiger Lewis on 1/27/2016.(cbru,) (Entered: 01/27/2016)
02/16/2016	<u>17</u>	WAIVER OF SERVICE by Casy Carson, Jaqueline Carson. Catherine E. Heigel waiver executed on 1/27/2016, answer due 3/28/2016. (Finney, Jerry) (Main Document 17 replaced on 2/16/2016) (cbru,). (Additional attachment(s) added on 2/16/2016: # <u>1</u> Waiver of Service) (cbru,). (Entered: 02/16/2016)
03/21/2016	<u>19</u>	NOTICE of Appearance by Colleen Therese Condon on behalf of Casy Carson, Jaqueline Carson (Attachments: # <u>1</u> Certificate of Service)(Condon, Colleen) (Attachment 1 replaced on 3/28/2016) (cbru,). (Entered: 03/21/2016)
03/28/2016	<u>20</u>	Deficiency Notification (Prior notifications sent via e-mail)In Re Document Number:19 <i>Document (certificate of service) contains an incorrect signature: *Only attorneys that are both admitted to practice in this district and are ECF registered are allowed to utilize the "s/" signature.*</i> Any response due is based on the filing date of the original document. (cbru,) (Entered: 03/28/2016)
03/28/2016	<u>21</u>	ANSWER to <u>12</u> Amended Complaint by Catherine E. Heigel. (Attachments: # <u>1</u> Exhibit 1 – DHEC Memorandum Re: Surrogate Births and Birth Registration, # <u>2</u> Exhibit 2 – DHEC Memorandum Re: Same-Sex Parentage and Birth Registration)(Mergo, Nikole) (Entered: 03/28/2016)
03/28/2016	<u>22</u>	Local Rule 26.01 Answers to Interrogatories by Catherine E. Heigel.(Mergo, Nikole) (Entered: 03/28/2016)
03/29/2016	<u>24</u>	CONFERENCE AND SCHEDULING ORDER: Rule 26 Report due by 5/2/2016, Motions to Amend Pleadings due by 5/27/2016, Plaintiffs ID of Expert Witness due by 6/27/2016, Defendants ID of Expert Witnesses Due by 7/26/2016, Records Custodian Affidavit due by 7/26/2016, Discovery due by 9/26/2016, Motion in Limine due by 1/9/2017, Motions due by 10/11/2016, Rule 26(a)(3) Disclosures due by 12/28/2016, Bench Trial Deadline 1/30/2017, Mediation Due by 12/8/2016. Signed by Honorable Mary Geiger Lewis on 3/29/2016. (cbru,) (Entered: 03/29/2016)

03/29/2016	<u>25</u>	MEDIATION ORDER. Signed by Honorable Mary Geiger Lewis on 3/29/2016. (cbru,) (Entered: 03/29/2016)
05/02/2016	<u>27</u>	Joint Rule 26(f) Report by Casy Carson, Jaqueline Carson, Catherine E. Heigel. (Attachments: # <u>1</u> Exhibit A – Proposed Consent Amended Scheduling Order)(Finney, Jerry) Modified to add filer listed on document on 5/3/2016 (cbru,). (Entered: 05/02/2016)
05/02/2016	<u>28</u>	<i>Joint</i> Local Rule 26.03 Answers to Interrogatories by Casy Carson, Jaqueline Carson, Catherine E. Heigel.(Finney, Jerry) Modified to add filer listed on document on 5/3/2016 (cbru,). (Entered: 05/02/2016)
05/03/2016	<u>29</u>	CONSENT AMENDED SCHEDULING ORDER (Plaintiffs' Motion for Summary Judgment due by 5/31/2016, Response to Motion due by 6/29/2016, Reply to Response to Motion due by 7/18/2016) Signed by Honorable Mary Geiger Lewis on 5/3/2016. (cbru,) (Entered: 05/03/2016)
05/31/2016	<u>31</u>	MOTION for Summary Judgment by Casy Carson, Jaqueline Carson. Response to Motion due by 6/17/2016. (Attachments: # <u>1</u> Memo in Support of Summary Judgment, # <u>2</u> Exhibit List, # <u>3</u> Exhibit A – Affidavit of Jerry Leo Finney, Sr., # <u>4</u> Exhibit B – Affidavit of Frederick Corley, # <u>5</u> Exhibit C – Affidavit of Casy Carson, # <u>6</u> Exhibit D – Affidavit of Jacqueline Carson)No proposed order.(Finney, Jerry) (Entered: 05/31/2016)
06/29/2016	<u>33</u>	RESPONSE in Opposition re <u>31</u> MOTION for Summary Judgment Response filed by Catherine E. Heigel.Reply to Response to Motion due by 7/11/2016 (Attachments: # <u>1</u> Exhibit 1–Affidavit of Shae R. Sutton)(Mergo, Nikole) (Entered: 06/29/2016)
07/18/2016	<u>34</u>	REPLY to Response to Motion re <u>31</u> MOTION for Summary Judgment Response filed by Casy Carson, Jaqueline Carson. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A – Henderson v. Adams Injunction, # <u>3</u> Exhibit B – Roe v. Patton Injunction, # <u>4</u> Exhibit C – Henry v. Himes Injunction)(Finney, Jerry) (Entered: 07/18/2016)
02/15/2017	<u>36</u>	MEMORANDUM OPINION AND ORDER GRANTING PLAINTIFFS' <u>31</u> MOTION FOR SUMMARY JUDGMENT ON THE MERITS AND FOR DECLARATORY JUDGMENT AND RENDERING AS MOOT PLAINTIFFS' REQUEST FOR INJUNCTIVE RELIEF. Signed by Honorable Mary Geiger Lewis on 2/15/2017. (cbru,) (Document replaced to correct misaligned signature block on 2/27/2017) (cbru,). (Entered: 02/15/2017)
02/28/2017	<u>37</u>	CONSENT DECREE. Signed by Honorable Mary Geiger Lewis on 2/28/2017. (Attachments: # <u>1</u> Exhibit 1)(cbru,) (Entered: 02/28/2017)
02/28/2017	38	TEXT ORDER: The consent decree having been entered, the Court hereby dismisses the injunctive relief requested in the second cause of action without prejudice. Signed by Honorable Mary Geiger Lewis on 2/28/2017. (cbru,) (Entered: 02/28/2017)
02/28/2017	<u>39</u>	SUMMARY JUDGMENT in favor of plaintiff against defendant as to the first cause of action and as to the declaratory relief requested in the second cause of action; JUDGMENT dismissing the injunctive relief requested in the second cause of action without prejudice (cbru,) (Entered: 02/28/2017)
04/14/2017	<u>40</u>	MOTION for Attorney Fees <i>and Costs</i> by Casy Carson, Jaqueline Carson. Response to Motion due by 4/28/2017. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Memo in Support of Motion for Attorneys' Fees and Costs, # <u>2</u> Exhibit List, # <u>3</u> Exhibit A – Condon Order Granting Fees, # <u>4</u> Exhibit B – Affidavit of T. Borelli, # <u>5</u> Exhibit C – Affidavit of S. Sommer, # <u>6</u> Exhibit D – Affidavit of J. Finney, # <u>7</u> Exhibit E – Affidavit of C. Condon, # <u>8</u> Exhibit F – Affidavit of N. Shutt)No proposed order.(Finney, Jerry) (Entered: 04/14/2017)
04/17/2017	<u>41</u>	CERTIFICATE OF CONSULTATION byCasy Carson, Jaqueline Carson re <u>40</u> MOTION for Attorney Fees <i>and Costs</i> . (Finney, Jerry) (Entered: 04/17/2017)