

TO ORDER COPIES OF ANY DOCUMENTS LISTED BELOW, CALL WESTLAW COURTEXPRESS
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For Opinion See: [391 F.3d 676](#) , [381 F.3d 407](#)

Briefs and Other Related Documents

This docket is current through 10/09/2009.
For an updated version of this docket, click [UPDATE](#)

Court: US COURT OF APPEALS FOR THE FIFTH CIRCUIT
Case Title: MCCARTHY, ET AL v. HAWKINS, ET AL
Appeal From: WESTERN DISTRICT OF TEXAS, AUSTIN
Panel Assignment: CDK TMR EMG
Date of Hearing: 04/05/2004
Date Completed: 08/11/2004
Date Filed: 06/05/2003

CASE INFORMATION

Case Number: [03-50608](#)
Case Type: APPEALS
Case Subtype: CIVIL RIGHTS
PRIVATE
Nature of Suit: 3440 OTHER CIVIL RIGHTS
Key Nature of Suit: APPEALS (030)

LOWER COURT INFORMATION

District: 0542-1
Lower Court Docket Number: A-03-CV-231-SS
Trial Judge(s): [SAM SPARKS](#), U.S. DISTRICT JUDGE
Date Filed: 04/11/2003
Date NOA Filed: 05/29/2003
Date COA Received: 06/04/2003

OTHER CASES

Current Case(s):

Relationship:	Lead Docket:	Member Docket:	Start Date:	End Date:
CONSOLIDATED	02-20772	--	11/25/2002	--
CONSOLIDATED	02-30318	--	05/30/2002	--
RELATED	01-31026	--	09/04/2003	--
RELATED	01-31026	--	02/22/2005	--
RELATED	01-31026	--	09/04/2003	--
RELATED	01-31026	--	09/04/2003	--
RELATED	01-31026	--	02/22/2005	--
RELATED	01-31026	--	02/22/2005	--
RELATED	02-10190	--	08/15/2002	--
RELATED	02-10190	--	12/03/2003	--
RELATED	02-10190	--	12/03/2003	--
RELATED	02-11168	--	11/21/2002	--
RELATED	02-11168	--	11/21/2002	--
RELATED	02-11168	--	11/21/2002	--
RELATED	02-11168	--	11/21/2002	--
RELATED	02-11168	--	11/21/2002	--
RELATED	02-11168	--	11/21/2002	--
RELATED	02-20816	--	11/18/2002	--
RELATED	02-20816	--	11/18/2002	--
RELATED	02-20816	--	03/08/2005	--
RELATED	02-20988	--	10/28/2002	--
RELATED	02-30318	--	08/15/2002	--
RELATED	02-30369	--	08/15/2002	--
RELATED	02-30369	--	02/22/2005	--
RELATED	02-30369	--	02/22/2005	--
RELATED	02-50452	--	01/23/2003	--
RELATED	03-50538	--	10/11/2005	--
RELATED	03-50538	--	10/11/2005	--
RELATED	03-50538	--	10/11/2005	--
RELATED	03-50538	--	10/11/2005	--
RELATED	03-50608	--	06/18/2003	--
RELATED	03-50608	--	06/18/2003	--
RELATED	04-50504	--	11/10/2004	--
RELATED	04-50504	--	11/10/2004	--

RELATED	04-50504	--	11/10/2004	--
RELATED	04-50504	--	11/10/2004	--
RELATED	04-50504	--	11/10/2004	--
RELATED	04-50504	--	11/10/2004	--

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DOCKET PROCEEDINGS

ENTRY #:	DATE:	DESCRIPTION:
--	02/25/2005	APPROVED BILL OF COSTS ISSUED TO USDC. COPIES TO ALL COUNSEL. [03-50608] (SBS)
--	12/02/2004	RECORD ON APPEAL RETURNED TO USDC. VOLUMES: 6 ELECTRONIC ROA RECYCLED:[Y/N] N. [03-50608]

-- 12/01/2004 RECORD ON APPEAL RETURNED TO 5CCA. VOLUMES: 6 [03-50608] CASE MANAGEMENT DDL SATISFIED.

-- 11/19/2004 MANDATE ISSUED FORTHWITH. [03-50608] (SBS)

-- 11/19/2004 COURT ORDER FILED DENYING APPELLANTS' PETITION FOR REHEARING EN BANC (IN DETAIL) [4941035-1] WITH POLL (Y/N)?: Y. (JES, JOINED BY EGJ, EHJ, RHB, EMG, EBC, & CWP, DISSENTING) COPIES TO ALL COUNSEL. [03-50608] MANDATE PULL DATE: 11/19/04. (THE MANDATE IS TO ISSUE FORTHWITH)

-- 10/01/2004 APPEARANCE FORM FILED BY SARAH ELAINE HARRINGTON FOR INTERVENOR USA. [03-50608]

-- 10/01/2004 RESPONSE/OPPOSITION FILED BY INTERVENOR USA TO PETITION FOR REHEARING EN BANC [4941035-1] BY APPELLANT KAREN HALE, JAMES R HINE, ALBERT HAWKINS RESPONSE/OPPOSITION DDL SATISFIED. DATE OF COS: 9/30/04 SUFFICIENT [Y/N]: Y [4959918-1] [03-50608]

-- 10/01/2004 RESPONSE/OPPOSITION FILED BY APPELLEE CHRISTY MCCARTHY, APPELLEE TODD GORDON, APPELLEE ALISON PRATT, APPELLEE GAIL TRUMAN, APPELLEE JIM FLOYD, APPELLEE SAM LINDSAY, APPELLEE OSHEA BROOKS, APPELLEE JOE RAY COMACHO, APPELLEE MICHA CHASTAIN, APPELLEE AL, APPELLEE ARC OF TEXAS, APPELLEE SUE ANN ORTIZ, APPELLEE PATRICK SOSTACK, APPELLEE SCOTT SOSTACK, APPELLEE SHYAN FOROUGH, APPELLEE DAVID ZWEIFEL, APPELLEE ASHTON BOWLEN, APPELLEE TYLER BLANCHARD, APPELLEE GARRETT GILLARD, APPELLEE KAMERON LANE, APPELLEE MADISON POLK, APPELLEE PAIGE SMITH TO PETITION FOR REHEARING EN BANC [4941035-1] BY APPELLANT KAREN HALE, JAMES R HINE, ALBERT HAWKINS DATE OF COS: 9/30/04 SUFFICIENT [Y/N]: Y [4959977-1] [03-50608]

-- 10/01/2004 RESPONSE/OPPOSITION FILED BY AMICUS CURIAE ADAPT COMMUNITY, AMICUS CURIAE AMER ASSN OF PEOPLE, AMICUS CURIAE ARC OF THE US, AMICUS CURIAE BRAIN INJURY ASSN, AMICUS CURIAE DISAB

RIGHTS EDUC, AMICUS CURIAE EPILEPSY FOUNDATION, AMICUS CURIAE NATL ASSN OF RIGHTS, AMICUS CURIAE NATL SPINAL CORD, AMICUS CURIAE NATION'S VOICE MNTL, AMICUS CURIAE TRAINING ADVOCACY TO PETITION FOR REHEARING EN BANC [4941035-1] BY APPELLANT KAREN HALE, JAMES R HINE, ALBERT HAWKINS DATE OF COS: 9/30/04 SUFFICIENT [Y/N]: Y [4959960-1] [03-50608]

-- 09/21/2004 RESPONSE/OPPOSITION FROM APPELLEES, AMICUS, AND INTERVENOR REQUESTED BY THE COURT TO PETITION FOR REHEARING EN BANC [4941035-1] BY APPELLANT KAREN HALE, JAMES R HINE, ALBERT HAWKINS RESPONSE/OPPOSITION DUE ON 10/1/04. [03-50608]

-- 09/10/2004 PETITION FILED BY APPELLANT KAREN HALE, APPELLANT JAMES R HINE, APPELLANT ALBERT HAWKINS FOR REHEARING EN BANC. # OF COPIES FILED: 20 [4941035-1] DATE OF COS: 9/8/04 SUFFICIENT [Y/N]: Y [03-50608]

-- 08/30/2004 UNOPPOSED MOTION FILED BY APPELLEE CHRISTY MCCARTHY, APPELLEE TODD GORDON, APPELLEE ALLISON PRATT, APPELLEE GAIL TRUMAN, APPELLEE JIM FLOYD, APPELLEE SAM LINDSAY, APPELLEE OSHEA BROOKS, APPELLEE JOE RAY COMACHO, APPELLEE MICHA CHASTAIN, APPELLEE AL, APPELLEE ARC OF TEXAS, APPELLEE SUE ANN ORTIZ, APPELLEE PATRICK SOSTACK, APPELLEE SCOTT SOSTACK, APPELLEE SHYAN FOROUGH, APPELLEE DAVID ZWEIFEL, APPELLEE ASHTON BOWLEN, APPELLEE TYLER BLANCHARD, APPELLEE GARRETT GILLARD, APPELLEE KAMERON LANE, APPELLEE MADISON POLK, APPELLEE PAIGE SMITH TO FILE BILL OF COST OUT OF TIME [4930198-1] DATE OF COS: 8/25/04 SUFFICIENT [Y/N]: Y [03-50608]

-- 08/30/2004 BILL OF COSTS FILED BY APPELLEE CHRISTY MCCARTHY, APPELLEE TODD GORDON, APPELLEE ALLISON PRATT, APPELLEE GAIL TRUMAN, APPELLEE JIM FLOYD, APPELLEE SAM LINDSAY, APPELLEE OSHEA BROOKS, APPELLEE JOE RAY COMACHO, APPELLEE MICHA CHASTAIN, APPELLEE AL, APPELLEE ARC OF

TEXAS, APPELLEE SUE ANN ORTIZ, APPELLEE PATRICK SOSTACK, APPELLEE SCOTT SOSTACK, APPELLEE SHYAN FOROUGH, APPELLEE DAVID ZWEIFEL, APPELLEE ASHTON BOWLEN, APPELLEE TYLER BLANCHARD, APPELLEE GARRETT GILLARD, APPELLEE KAMERON LANE, APPELLEE MADISON POLK, APPELLEE PAIGE SMITH. [4932647-1] [03-50608]

-- 08/30/2004 CLERK ORDER FILED GRANTING APPELLEES' UNOPPOSED MOTION TO FILE BILL OF COSTS OUT OF TIME [4930198-1] COPIES TO ALL COUNSEL. [03-50608]

-- 08/11/2004 JUDGMENT ENTERED AND FILED. [03-50608]

-- 08/11/2004 OPINION FILED. ISSD IN T FORM? Y MANDATE PULL DATE IS 10/4/04. [03-50608]

-- 06/16/2004 BRIEF MADE SUFFICIENT BY APPELLEE CHRISTY MCCARTHY, APPELLEE TODD GORDON, APPELLEE ALLISON PRATT, APPELLEE GAIL TRUMAN, APPELLEE JIM FLOYD, APPELLEE SAM LINDSAY, APPELLEE OSHEA BROOKS, APPELLEE JOE RAY COMACHO, APPELLEE MICHA CHASTAIN, APPELLEE AL, APPELLEE ARC OF TEXAS, APPELLEE SUE ANN ORTIZ, APPELLEE PATRICK SOSTACK, APPELLEE SCOTT SOSTACK, APPELLEE SHYAN FOROUGH, APPELLEE DAVID ZWEIFEL, APPELLEE ASHTON BOWLEN, APPELLEE TYLER BLANCHARD, APPELLEE GARRETT GILLARD, APPELLEE KAMERON LANE, APPELLEE MADISON POLK, APPELLEE PAIGE SMITH REPLACEMENT DISK PROVIDED [Y/N]: Y [03-50608] SUFFICIENT BRIEF DDL SATISFIED.

-- 06/16/2004 SUPPLEMENTAL LETTER BRIEF FILED BY APPELLANT KAREN HALE, APPELLANT JAMES R HINE, APPELLANT ALBERT HAWKINS. COPIES OF BRIEF: 7 # OF PAGES: 5 DATE OF COS: 06/15/04 HAND DELIVERED [Y/N]: DISK PROVIDED [Y/N]: Y SUFFICIENT [Y/N]: Y. [4860986-1] [03-50608] A/PET SUPPLEMENTAL BRIEF DDL SATISFIED. (SBS)

-- 06/16/2004 SUPPLEMENTAL AUTHORITIES ([FRAP 28\(J\)](#)) FILED BY APPELLANT KAREN HALE, APPELLANT JAMES R HINE, APPELLANT ALBERT HAWKINS. [4861532-1] [03-50608]

-- 06/16/2004 SUPPLEMENTAL INTERVENOR BRIEF FILED BY INTERVENOR USA. COPIES OF BRIEF: 7 # OF PAGES: 10 DATE OF COS: 06/15/04 DELIVERED [Y/N]: N DISK PROVIDED [Y/N]: Y SUFFICIENT [Y/N]: Y. [4861015-1] [03-50608] (SBS)

-- 06/15/2004 SUPPLEMENTAL LETTER BRIEF FILED BY APPELLEE CHRISTY MCCARTHY, APPELLEE TODD GORDON, APPELLEE ALLISON PRATT, APPELLEE GAIL TRUMAN, APPELLEE JIM FLOYD, APPELLEE SAM LINDSAY, APPELLEE OSHEA BROOKS, APPELLEE JOE RAY COMACHO, APPELLEE MICHA CHASTAIN, APPELLEE AL, APPELLEE ARC OF TEXAS, APPELLEE SUE ANN ORTIZ, APPELLEE PATRICK SOSTACK, APPELLEE SCOTT APPELLEE SHYAN FOROUGH, APPELLEE DAVID ZWEIFEL, APPELLEE ASHTON BOWLEN, APPELLEE TYLER BLANCHARD, APPELLEE GARRETT GILLARD, APPELLEE KAMERON LANE, APPELLEE MADISON POLK, APPELLEE PAIGE SMITH COPIES OF BRIEF: 7 # OF PAGES: 7 OF COS: 06/14/04 HAND DELIVERED [Y/N]: N DISK PROVIDED [Y/N]: N SUFFICIENT [Y/N]: N MISSING DISK. [4859841-1] [03-50608] E/RES SUPPLEMENTAL BRIEF DDL SATISFIED. SUFFICIENT BRIEF DUE ON 6/25/04 FOR PAIGE SMITH, FOR POLK, FOR KAMERON LANE, FOR GARRETT GILLARD, FOR TYLER BLANCHARD, FOR ASHTON BOWLEN, FOR DAVID ZWEIFEL, FOR SHYAN FOROUGH, FOR SCOTT SOSTACK, FOR PATRICK SOSTACK, FOR SUE ANN ORTIZ, FOR ARC OF TEXAS, FOR AL, FOR MICHA CHASTAIN, FOR JOE RAY COMACHO, FOR OSHEA BROOKS, FOR SAM LINDSAY, FOR JIM FLOYD, FOR GAIL TRUMAN, FOR ALLISON PRATT, FOR TODD GORDON, FOR CHRISTY MCCARTHY. (SBS)

-- 06/08/2004 COURT ORDER FILED GRANTING INTERVENOR USA'S UNOPPOSED MOTION TO EXTEND TIME TO FILE ALL SUPPLEMENTAL BRIEFS UNTIL JUNE 15, 2004 [4854290-1] [4854290-2] [4854290-3] A/PET SUPPLEMENTAL BRIEF DDL UPDATED TO 6/15/04 FOR ALBERT HAWKINS, FOR JAMES HINE, FOR KAREN HALE. E'S SUPPLEMENTAL BRIEF DDL UPDATED TO 6/15/04 FOR PAIGE SMITH, FOR MADISON POLK, FOR KAMERON LANE, FOR GARRETT GILLARD, TYLER BLANCHARD, FOR ASHTON BOWLEN, FOR DAVID ZWEIFEL, FOR

SHYAN FOROUGH, FOR SCOTT SOSTACK, FOR PATRICK SOSTACK, FOR SUE ANN ORTIZ, FOR ARC OF TEXAS, FOR AL, FOR MICHA FOR JOE RAY COMACHO, FOR OSHEA BROOKS, FOR SAM LINDSAY, FOR JIM FLOYD, FOR GAIL TRUMAN, FOR ALLISON PRATT, FOR TODD GORDON, FOR CHRISTY MCCARTHY. INTERVENOR'S SUPPLEMENTAL BRIEF DUE 6/15/04 FOR USA. (CDK) COPIES TO ALL COUNSEL. [03-50608]

- 06/08/2004 CONSENT MOTION FILED BY INTERVENOR USA TO EXTEND TIME TO FILE ALL SUPPLEMENTAL BRIEF UNTIL 6/15/04 [4854290-1] [4854290-2] [4854290-3] DATE OF COS: 6/7/04 SUFFICIENT [Y/N]: Y [03-50608]
- 05/27/2004 COURT ORDER FILED GRANTING INTERVENOR USA'S UNOPPOSED MOTION TO EXTEND TIME TO FILE ALL SUPPLEMENTAL BRIEFS UNTIL 6/8/04 [4842015-1] [4842015-2] [4842015-3] A/PET SUPPLEMENTAL BRIEF DDL UPDATED TO 6/8/04 FOR ALBERT HAWKINS, FOR JAMES R HINE, FOR KAREN HALE. E/RES SUPPLEMENTAL BRIEF DDL UPDATED TO 6/8/04 FOR PAIGE SMITH, FOR MADISON POLK, FOR KAMERON LANE, FOR GARRETT GILLARD, TYLER BLANCHARD, FOR ASHTON BOWLEN, FOR DAVID ZWEIFEL, FOR SHYAN FOROUGH, FOR SCOTT SOSTACK, FOR PATRICK SOSTACK, FOR SUE ANN ORTIZ, FOR ARC OF TEXAS, FOR AL, FOR MICHA FOR JOE RAY COMACHO, FOR OSHEA BROOKS, FOR LINDSAY, FOR JIM FLOYD, FOR GAIL TRUMAN, FOR ALLISON PRATT, FOR TODD GORDON, FOR CHRISTY MCCARTHY. SUPPLEMENTAL INTERVENOR'S BRIEF DUE 6/8/04 FOR USA (CDK) COPIES TO ALL COUNSEL. [03-50608]
- 05/25/2004 RESPONSE/OPPOSITION FILED BY APPELLEE CHRISTY MCCARTHY, APPELLEE TODD GORDON, APPELLEE ALLISON PRATT, APPELLEE GAIL TRUMAN, APPELLEE JIM FLOYD, APPELLEE SAM LINDSAY, APPELLEE OSHEA BROOKS, APPELLEE JOE RAY COMACHO, APPELLEE MICHA CHASTAIN, APPELLEE AL, APPELLEE ARC OF TEXAS, APPELLEE SUE ANN ORTIZ, APPELLEE PATRICK SOSTACK, APPELLEE SCOTT SOSTACK, APPELLEE SHYAN FOROUGH, APPELLEE DAVID ZWEIFEL, APPELLEE ASHTON BOWLEN, APPELLEE TYLER BLANCHARD, APPELLEE GARRETT GILLARD, APPELLEE

KAMERON LANE, APPELLEE MADISON POLK, APPELLEE PAIGE SMITH TO 28(J) LETTER FILED [4844653-1] BY APPELLANT KAREN HALE, JAMES R HINE, ALBERT HAWKINS DATE OF COS: 5/24/04 SUFFICIENT [Y/N]: Y [4844669-1] [03-50608]

-- 05/24/2004 CONSENT MOTION FILED BY INTERVENOR USA TO EXTEND TIME TO FILE ALL SUPPLEMENTAL BRIEFS UNTIL 6/8/04 [4842015-1] [4842015-2] [4842015-3] DATE OF COS: 5/21/04 SUFFICIENT [Y/N]: Y [03-50608]

-- 05/18/2004 SUPPLEMENTAL BRIEF(S) REQUESTED OF APPELLEE CHRISTY MCCARTHY, APPELLEE TODD GORDON, APPELLEE ALLISON PRATT, APPELLEE GAIL TRUMAN, APPELLEE JIM FLOYD, APPELLEE SAM LINDSAY, APPELLEE OSHEA BROOKS, APPELLEE JOE RAY COMACHO, APPELLEE MICHA CHASTAIN, APPELLEE AL, APPELLEE ARC OF TEXAS, APPELLEE SUE ANN ORTIZ, APPELLEE PATRICK SOSTACK, APPELLEE SCOTT SOSTACK, APPELLEE SHYAN FOROUGH, APPELLEE DAVID ZWEIFEL, APPELLEE ASHTON BOWLEN, APPELLEE TYLER BLANCHARD, APPELLEE GARRETT GILLARD, APPELLEE KAMERON LANE, APPELLEE MADISON POLK, APPELLEE PAIGE SMITH, APPELLANT KAREN HALE, APPELLANT JAMES R HINE, APPELLANT ALBERT HAWKINS, INTERVENOR USA FOR REGARDING TN V. LANE. A SUP BR DUE: 6/1/04 E SUP BR DUE: 6/1/04 [03-50608] A/PET SUPPLEMENTAL BRIEF DUE ON 6/1/04 FOR ALBERT HAWKINS, FOR JAMES R HINE, FOR KAREN HALE. E/RES SUPPLEMENTAL BRIEF DUE ON 6/1/04 FOR PAIGE SMITH, FOR MADISON POLK, FOR KAMERON LANE, FOR GARRETT GILLARD, FOR TYLER BLANCHARD, FOR ASHTON BOWLEN, FOR DAVID ZWEIFEL, FOR SHYAN FOROUGH, FOR SCOTT SOSTACK, FOR PATRICK SOSTACK, FOR SUE ANN ORTIZ, FOR ARC OF TEXAS, FOR AL, FOR MICHA CHASTAIN, FOR JOE RAY COMACHO, FOR OSHEA BROOKS, FOR SAM LINDSAY, FOR JIM FLOYD, FOR GAIL TRUMAN, FOR ALLISON PRATT, FOR TODD GORDON, FOR CHRISTY MCCARTHY.

-- 05/17/2004 SUPPLEMENTAL AUTHORITIES ([FRAP 28\(J\)](#)) FILED BY APPELLANT KAREN HALE, APPELLANT JAMES R HINE, APPELLANT ALBERT HAWKINS. [4844653-1] [03-50608]

-- 04/05/2004 ORAL ARGUMENT HEARD. CASE ARGUED BY AMY WARR FOR APPELLANT ALBERT HAWKINS, APPELLANT JAMES R HINE, APPELLANT KAREN HALE, GEOFFREY N COURTNEY FOR APPELLEE PAIGE SMITH, APPELLEE MADISON POLK, APPELLEE KAMERON LANE, APPELLEE GARRETT GILLARD, APPELLEE TYLER BLANCHARD, APPELLEE ASHTON BOWLEN, APPELLEE DAVID ZWEIFEL, APPELLEE SHYAN FOROUGH, APPELLEE SCOTT SOSTACK, APPELLEE PATRICK SOSTACK, APPELLEE SUE ANN ORTIZ, APPELLEE ARC OF TEXAS, APPELLEE AL, APPELLEE MICHA CHASTAIN, APPELLEE JOE RAY COMACHO, APPELLEE OSHA BROOKS, APPELLEE SAM LINDSAY, APPELLEE JIM FLOYD, APPELLEE GAIL TRUMAN, APPELLEE ALLISON PRATT, APPELLEE TODD GORDON, APPELLEE CHRISTY MCCARTHY KEVIN K RUSSELL FOR INTERVENOR USA [03-50608] (VLB)

-- 03/30/2004 SUPPLEMENTAL AUTHORITIES ([FRAP 28\(J\)](#)) FILED BY INTERVENOR USA. [4790927-1] [03-50608] (VLB)

-- 02/17/2004 CASE CALENDARED FOR ORAL ARGUMENT. [03-50608] (VLB)

-- 01/15/2004 CASE TENTATIVELY CALENDARED FOR ORAL ARGUMENT WEEK OF: 04/05/04. [03-50608] (GAM)

-- 11/21/2003 APPEARANCE FORM FILED BY KAREN M LOCKWOOD FOR AMICUS CURIAE TRAINING ADVOCACY, AMICUS CURIAE NATION'S VOICE MNLT, AMICUS CURIAE NATL SPINAL CORD, AMICUS CURIAE NATL ASSN OF RIGHTS, AMICUS CURIAE EPILEPSY FOUNDATION, AMICUS CURIAE DISABILITY RIGHTS, AMICUS CURIAE BRAIN INJURY ASSN, AMICUS CURIAE ARC OF THE US, AMICUS CURIAE AMER ASSN OF PEOPLE, AMICUS CURIAE ADAPT COMMUNITY. [03-50608] SUFFICIENT BRIEF DDL SATISFIED.

-- 11/21/2003 APPEARANCE FORM FILED BY RACHEL A ADAMS FOR AMICUS CURIAE TRAINING ADVOCACY, AMICUS CURIAE NATION'S VOICE MNLT, AMICUS CURIAE NATL SPINAL CORD, AMICUS CURIAE NATL ASSN OF RIGHTS, AMICUS CURIAE EPILEPSY FOUNDATION,

AMICUS CURIAE DISABILITY RIGHTS, AMICUS CURIAE BRAIN INJURY ASSN, AMICUS CURIAE ARC OF THE US, AMICUS CURIAE AMER ASSN OF PEOPLE, AMICUS CURIAE ADAPT COMMUNITY. [03-50608]

- 11/11/2003 REPLY BRIEF FILED BY APPELLANT KAREN HALE, APPELLANT JAMES R HINE, APPELLANT ALBERT HAWKINS. COPIES OF BRIEF: 7 # OF PAGES: 30 WORD COUNT: 6985 DATE OF COS: 11/10/03 DISK PROVIDED [Y/N]: Y SUFFICIENT [Y/N]: Y. [4666942-1] [03-50608] REPLY BRIEF DDL SATISFIED. (RFP)
- 11/10/2003 CLERK ORDER FILED GRANTING, THE ADAPT COMMUNITY, AMERICAN ASSOCIATION OF PEOPLE WITH DISABILITIES, THE ARC OF THE UNITED STATES, BRAIN INJURY ASSOCIATION OF AMERICA, DISABILITY RIGHTS EDUCATION AND DEFENSE FUND INC, THE EPILEPSY FOUNDATION, THE NATIONAL ASSOCIATION OF RIGHTS PROTECTION AND ADVOCACY, THE NATIONAL SPINAL CORD INJURY ASSOCIATION, THE NATION'S VOICE ON MENTAL ILLNESS, AND THE TRAINING AND ADVOCACY SUPPORT CENTER OF THE NATIONAL ASSOCIATION OF PROTECTION AND ADVOCACY SYSTEMS', MOTION TO FILE AMICUS BRIEF [4653472-1] COPIES TO ALL COUNSEL. [03-50608] (DDK)
- 11/10/2003 AMICUS CURIAE BRIEF FILED BY AMICUS CURIAE ADAPT COMMUNITY, AMICUS CURIAE AMER ASSN OF PEOPLE, AMICUS CURIAE ARC OF THE US, AMICUS CURIAE BRAIN INJURY ASSN, AMICUS CURIAE DISABILITY RIGHTS, AMICUS CURIAE EPILEPSY FOUNDATION, AMICUS CURIAE NATL ASSN OF RIGHTS, AMICUS CURIAE NATL SPINAL CORD, AMICUS CURIAE NATION'S VOICE MNTL, AMICUS CURIAE TRAINING ADVOCACY. CONSENT INCLUDED IN BRIEF? [Y/NA] NA COPIES OF BRIEF: 9 # OF PAGES: 23 DATE OF COS: 10/24/03 DISK PROVIDED [Y/N]: Y SUFFICIENT [Y/N]: N MISSING APPEARANCE FORM AND CERT OF INTERESTED PARTIES. [4666799-1] [03-50608] SUFFICIENT BRIEF DUE ON 11/24/03 FOR TRAINING ADVOCACY, FOR NATION'S VOICE MNTL, FOR NATL SPINAL CORD, FOR NATL ASSN OF RIGHTS, FOR EPILEPSY FOUNDATION, FOR DISABILITY RIGHTS, FOR BRAIN INJURY ASSN, FOR ARC OF THE US, FOR AMER ASSN OF

PEOPLE, FOR ADAPT COMMUNITY. (RFP)

-- 11/05/2003 ADDENDUM TO BRIEF FILED BY INTERVENOR USA NO. OF PAGES: 120 [03-50608] (RFP)

-- 11/05/2003 APPEARANCE FORM FILED BY KEVIN K RUSSELL FOR INTERVENOR USA. [03-50608] (DDK)

-- 11/05/2003 COURT ORDER FILED GRANTING USA'S UNOPPOSED MOTION TO INTERVENE ON BEHALF OF THE APPELLEES' [4649783-1], GRANTING USA'S UNOPPOSED MOTION TO FILE SEPARATE ADDENDUM [4649783-2] (PEH) COPIES TO ALL COUNSEL. [03-50608] (DDK)

-- 11/05/2003 INTERVENOR BRIEF FILED BY INTERVENOR USA. COPIES OF BRIEF: 7 # OF PAGES: 52 WORD COUNT: 13020 DATE OF COS: 10/24/03 HAND DELIVERED [Y/N]: N DISK PROVIDED [Y/N]: Y SUFFICIENT [Y/N]: Y. [4659830-1] [03-50608] REPLY BRIEF DUE ON 11/19/03 FOR ALBERT HAWKINS, FOR JAMES R HINE, FOR KAREN HALE. (RFP)

-- 10/30/2003 MOTION FILED BY THE ADAPT COMMUNITY, AMERICAN ASSOCIATION OF PEOPLE WITH DISABILITIES, THE ARC OF THE UNITED STATES, BRAIN INJURY ASSOCIATION OF AMERICA, DISABILITY RIGHTS EDUCATION AND DEFENSE FUND INC, THE EPILEPSY FOUNDATION, THE NATIONAL ASSOCIATION OF RIGHTS PROTECTION AND ADVOCACY, THE NATIONAL SPINAL CORD INJURY ASSOCIATION, THE NATION'S VOICE ON MENTAL ILLNESS, AND THE TRAINING AND ADVOCACY SUPPORT CENTER OF THE NATIONAL ASSOCIATION OF PROTECTION AND ADVOCACY SYSTEMS, TO FILE AMICUS BRIEF [4653472-1] RESPONSE/OPPOSITION DUE ON 11/10/03. DATE OF COS: 10/27/03 SUFFICIENT [Y/N]: Y [03-50608] (DDK)

-- 10/27/2003 UNOPPOSED MOTION FILED BY UNITED STATES TO INTERVENE ON BEHALF OF: APPELLEES [4649783-1], TO FILE SEPARATE ADDENDUM [4649783-2] DATE OF COS: 10/24/03 SUFFICIENT [Y/N]: Y [03-50608]

-- 10/23/2003 RECORD ON APPEAL RETURNED TO 5CCA. VOLUMES: 6 [03-50608] MISCELLANEOUS DDL SATISFIED.

-- 10/20/2003 RECORD ON APPEAL REQUESTED FROM GEOFFREY N COURTNEY FOR APPELLEE PAIGE SMITH, APPELLEE MADISON POLK, APPELLEE KAMERON LANE, APPELLEE GARRETT GILLARD, APPELLEE TYLER BLANCHARD, APPELLEE ASHTON BOWLEN, APPELLEE DAVID ZWEIFEL, APPELLEE SHYAN FOROUGH, APPELLEE SCOTT SOSTACK, APPELLEE PATRICK SOSTACK, APPELLEE SUE ANN ORTIZ, APPELLEE ARC OF TEXAS, APPELLEE AL, APPELLEE MICHA CHASTAIN, APPELLEE JOE RAY COMACHO, APPELLEE OSHEA BROOKS, APPELLEE SAM LINDSAY, APPELLEE JIM FLOYD, APPELLEE GAIL TRUMAN, APPELLEE ALLISON PRATT, APPELLEE TODD GORDON, APPELLEE CHRISTY MCCARTHY. [03-50608] MISCELLANEOUS DUE ON 11/3/03 FOR PAIGE SMITH, FOR MADISON POLK, FOR KAMERON LANE, FOR GARRETT GILLARD, FOR TYLER BLANCHARD, FOR ASHTON BOWLEN, FOR DAVID ZWEIFEL, FOR SHYAN FOROUGH, FOR SCOTT SOSTACK, FOR PATRICK SOSTACK, FOR SUE ANN ORTIZ, FOR ARC OF TEXAS, FOR AL, FOR MICHA CHASTAIN, FOR JOE RAY COMACHO, FOR OSHEA BROOKS, FOR SAM LINDSAY, FOR JIM FLOYD, FOR GAIL TRUMAN, FOR ALLISON PRATT, FOR TODD GORDON, FOR CHRISTY MCCARTHY. (RFP)

-- 10/20/2003 APPELLEE'S BRIEF FILED BY APPELLEE CHRISTY MCCARTHY, APPELLEE TODD GORDON, APPELLEE ALLISON PRATT, APPELLEE GAIL TRUMAN, APPELLEE JIM FLOYD, APPELLEE SAM LINDSAY, APPELLEE OSHEA BROOKS, APPELLEE JOE RAY COMACHO, APPELLEE MICHA CHASTAIN, APPELLEE AL, APPELLEE ARC OF TEXAS, APPELLEE SUE ANN ORTIZ, APPELLEE PATRICK SOSTACK, APPELLEE SCOTT SOSTACK, APPELLEE SHYAN FOROUGH, APPELLEE DAVID ZWEIFEL, APPELLEE ASHTON BOWLEN, APPELLEE TYLER BLANCHARD, APPELLEE GARRETT GILLARD, APPELLEE KAMERON LANE, APPELLEE MADISON POLK, APPELLEE PAIGE SMITH. COPIES OF BRIEF: 7 # OF PAGES: 40 WORD COUNT: 11621 DATE OF COS: 10/17/03 HAND DELIVERED [Y/N]: N DISK PROVIDED [Y/N]: Y SUFFICIENT [Y/N]: Y . [4643152-1] [03-50608] E/RES'S BRIEF DDL SATISFIED. REPLY BRIEF DUE ON 11/3/03 FOR ALBERT HAWKINS, FOR JAMES R HINE, FOR KAREN HALE. (RFP)

-- 09/10/2003 CONFIRMATION LETTER FILED BY APPELLEE CHRISTY MCCARTHY, APPELLEE TODD GORDON, APPELLEE ALLISON PRATT, APPELLEE GAIL TRUMAN, APPELLEE JIM FLOYD, APPELLEE SAM LINDSAY, APPELLEE OSHEA BROOKS, APPELLEE JOE RAY COMACHO, APPELLEE MICHA CHASTAIN, APPELLEE AL, APPELLEE ARC OF TEXAS, APPELLEE SUE ANN ORTIZ, APPELLEE PATRICK SOSTACK, APPELLEE SCOTT SOSTACK, APPELLEE SHYAN FOROUGH, APPELLEE DAVID ZWEIFEL, APPELLEE ASHTON BOWLEN, APPELLEE TYLER BLANCHARD, APPELLEE GARRETT GILLARD, APPELLEE KAMERON LANE, APPELLEE MADISON POLK, APPELLEE PAIGE SMITH CONFIRMING AN EXTENSION OF TIME TO AND INCLUDING 10/17/03 FOR FILING APPELLEES' BRIEF. [03-50608] E/RES'S BRIEF UPDATED TO 10/17/03 FOR PAIGE SMITH, FOR MADISON POLK, FOR KAMERON LANE, FOR GARRETT GILLARD, FOR TYLER BLANCHARD, FOR ASHTON BOWLEN, FOR DAVID ZWEIFEL, FOR SHYAN FOROUGH, FOR SCOTT SOSTACK, FOR PATRICK SOSTACK, FOR SUE ANN ORTIZ, FOR ARC OF TEXAS, FOR AL, FOR MICHA CHASTAIN, FOR JOE RAY COMACHO, FOR OSHEA BROOKS, FOR SAM LINDSAY, FOR JIM FLOYD, FOR GAIL TRUMAN, FOR ALLISON PRATT, FOR TODD GORDON, FOR CHRISTY MCCARTHY. (DDK)

-- 09/04/2003 EXTENSION GRANTED BY PHONE UNTIL: 10/17/03 TO FILE APPELLEES' BRIEF FOR APPELLEE CHRISTY MCCARTHY, APPELLEE TODD GORDON, APPELLEE ALLISON PRATT, APPELLEE GAIL TRUMAN, APPELLEE JIM FLOYD, APPELLEE SAM LINDSAY, APPELLEE OSHEA BROOKS, APPELLEE JOE RAY COMACHO, APPELLEE MICHA CHASTAIN, APPELLEE AL, APPELLEE ARC OF TEXAS, APPELLEE SUE ANN ORTIZ, APPELLEE PATRICK SOSTACK, APPELLEE SCOTT SOSTACK, APPELLEE SHYAN FOROUGH, APPELLEE DAVID ZWEIFEL, APPELLEE ASHTON BOWLEN, APPELLEE TYLER BLANCHARD, APPELLEE GARRETT GILLARD, APPELLEE KAMERON LANE, APPELLEE MADISON POLK, APPELLEE PAIGE SMITH. [03-50608]

-- 08/18/2003 RECORD EXCERPTS MADE SUFFICIENT BY APPELLANT KAREN HALE, APPELLANT JAMES R HINE, APPELLANT ALBERT HAWKINS [03-50608] SUFFICIENT RECORD EX-

CERPTS DDL SATISFIED. (DDK)

- 08/18/2003 CLERK ORDER FILED GRANTING APPELLANT'S UNOPPOSED MOTION TO FILE RECORD EXCERPTS IN EXCESS PAGES [4283125-1] THE CLERK IS GRANTING YOUR UNOPPOSED MOTION FOR THE COURT SUBJECT TO POSSIBLE RECONSIDERATION BY THE MERIT PANEL AT A LATER DATE. (SEND MOTION, LETTER, AND EXCERPTS TO SCREENING JUDGE AND PANEL) COPIES TO ALL COUNSEL. [03-50608] (DDK)
- 08/18/2003 THE ATTORNEY NANCY KATHLEEN JUREN FOR ALBERT HAWKINS, ATTORNEY NANCY KATHLEEN JUREN FOR JAMES R HINE, ATTORNEY NANCY KATHLEEN JUREN FOR KAREN HALE NOT PARTICIPATING IN CASE. [03-50608] (RFP)
- 08/18/2003 RECORD EXCERPTS FILED BY APPELLANT KAREN HALE, APPELLANT JAMES R HINE, APPELLANT ALBERT HAWKINS # OF COPIES: 4 SUFFICIENT [Y/N]: N FILED IN EXCESS PAGES-MOTION BEING PROCESSED. [03-50608] SUFFICIENT RECORD EXCERPTS DUE ON 8/29/03 FOR ALBERT HAWKINS, FOR JAMES R HINE, FOR KAREN HALE. (RFP)
- 08/18/2003 RECORD ON APPEAL FORWARDED BY AMY WARR FOR APPELLANT ALBERT HAWKINS, APPELLANT JAMES R HINE, APPELLANT KAREN HALE TO GEOFFREY N COURTNEY FOR APPELLEE PAIGE SMITH, APPELLEE MADISON POLK, APPELLEE KAMERON LANE, APPELLEE GARRETT GILLARD, APPELLEE TYLER BLANCHARD, APPELLEE ASHTON BOWLEN, APPELLEE DAVID ZWEIFEL, APPELLEE SHYAN FOROUGH, APPELLEE SCOTT SOSTACK, APPELLEE PATRICK SOSTACK, APPELLEE SUE ANN ORTIZ, APPELLEE ARC OF TEXAS, APPELLEE AL, APPELLEE MICHA CHASTAIN, APPELLEE JOE RAY COMACHO, APPELLEE OSHEA BROOKS, APPELLEE SAM LINDSAY, APPELLEE JIM FLOYD, APPELLEE GAIL TRUMAN, APPELLEE ALLISON PRATT, APPELLEE TODD GORDON, APPELLEE CHRISTY MCCARTHY. VOLUMES: 6 [03-50608]
- 08/18/2003 UNOPPOSED MOTION FILED BY APPELLANT KAREN HALE, APPELLANT JAMES R HINE, APPELLANT AL-

BERT HAWKINS TO FILE RECORD EXCERPTS IN EXCESS PAGES. [4283125-1] DATE OF COS: 8/14/03 SUFFICIENT [Y/N]: Y [03-50608]

-- 08/18/2003 APPELLANT'S BRIEF FILED BY APPELLANT KAREN HALE, APPELLANT JAMES R HINE, APPELLANT ALBERT HAWKINS. COPIES OF BRIEF: 7 # OF PAGES: 31 WORD COUNT: 6743 DATE OF COS: 8/15/03 HAND DELIVERED [Y/N]: N DISK PROVIDED [Y/N]: Y SUFFICIENT [Y/N]: Y. [4284063-1] [03-50608] A/PET'S BRIEF DDL SATISFIED. E/RES'S BRIEF DUE ON 9/17/03 FOR PAIGE SMITH, FOR MADISON POLK, FOR KAMERON LANE, FOR GARRETT GILLARD, FOR TYLER BLANCHARD, FOR ASHTON BOWLEN, FOR DAVID ZWEIFEL, FOR SHYAN FOROUGH, FOR SCOTT SOSTACK, FOR PATRICK SOSTACK, FOR SUE ANN ORTIZ, FOR ARC OF TEXAS, FOR AL, FOR MICHA CHASTAIN, FOR JOE RAY COMACHO, FOR OSHEA BROOKS, FOR SAM LINDSAY, FOR JIM FLOYD, FOR GAIL TRUMAN, FOR ALLISON PRATT, FOR TODD GORDON, FOR CHRISTY MCCARTHY. (RFP)

-- 07/21/2003 CONFIRMATION LETTER FILED BY APPELLANT KAREN HALE, APPELLANT JAMES R HINE, APPELLANT ALBERT HAWKINS CONFIRMING AN EXTENSION OF TIME TO AND INCLUDING 8/15/03 FOR FILING APPELLANT'S BRIEF. [03-50608] A/PET'S BRIEF DDL UPDATED TO 8/15/03 FOR ALBERT HAWKINS, FOR JAMES R HINE, FOR KAREN HALE.

-- 07/17/2003 EXTENSION GRANTED BY PHONE UNTIL: 8/15/03 TO FILE APPELLANTS' BRIEF FOR APPELLANT KAREN HALE, APPELLANT JAMES R HINE, APPELLANT ALBERT HAWKINS. [03-50608] (MFY)

-- 07/03/2003 RECORD ON APPEAL RELEASED TO ATTORNEY AMY WARR FOR APPELLANT ALBERT HAWKINS, APPELLANT JAMES R HINE, APPELLANT KAREN HALE VOLUMES: 6. [03-50608] (CPD)

-- 07/03/2003 BRIEFING NOTICE ISSUED. [03-50608] A/PET'S BRIEF DUE ON 8/12/03 FOR ALBERT HAWKINS, FOR JAMES R HINE, FOR KAREN HALE. (CPD)

-- 06/30/2003 RECORD ON APPEAL FILED. VOL(S) OF PLEADINGS: 6. [03-50608] ROA DDL SATISFIED. (CPD)

-- 06/26/2003 CLERK ORDER FILED GRANTING MOTION EXTEND TIME TO FILE RECORD ON APPEAL [4233737-1] ROA DDL UPDATED TO 7/7/03. COPIES TO ALL COUNSEL. [03-50608]

-- 06/26/2003 REQUEST FILED BY USDC TO EXTEND TIME TO TRANSMIT RECORD ON APPEAL UNTIL 6/26/03 [4233737-1] [03-50608]

-- 06/18/2003 APPEARANCE FORM FILED BY AMY WARR FOR APPELLANT ALBERT HAWKINS, APPELLANT JAMES R HINE, APPELLANT KAREN HALE. [03-50608] (DMS)

-- 06/18/2003 APPEARANCE FORM FILED BY GEOFFREY N COURTNEY FOR APPELLEE PAIGE SMITH, APPELLEE MADISON POLK, APPELLEE KAMERON LANE, APPELLEE GARRETT GILLARD, APPELLEE TYLER BLANCHARD, APPELLEE ASHTON BOWLEN, APPELLEE DAVID ZWEIFEL, APPELLEE SHYAN FOROUGH, APPELLEE SCOTT SOSTACK, APPELLEE PATRICK SOSTACK, APPELLEE SUE ANN ORTIZ, APPELLEE ARC OF TEXAS, APPELLEE AL, APPELLEE MICHA CHASTAIN, APPELLEE JOE RAY COMACHO, APPELLEE OSHEA BROOKS, APPELLEE SAM LINDSAY, APPELLEE JIM FLOYD, APPELLEE GAIL TRUMAN, APPELLEE ALLISON PRATT, APPELLEE TODD GORDON, APPELLEE CHRISTY MCCARTHY. [03-50608] (DMS)

-- 06/16/2003 APPEARANCE FORM FILED BY JAMES H KEAHEY FOR APPELLEE PAIGE SMITH, APPELLEE MADISON POLK, APPELLEE KAMERON LANE, APPELLEE GARRETT GILLARD, APPELLEE TYLER BLANCHARD, APPELLEE ASHTON BOWLEN, APPELLEE DAVID ZWEIFEL, APPELLEE SHYAN FOROUGH, APPELLEE SCOTT SOSTACK, APPELLEE PATRICK SOSTACK, APPELLEE SUE ANN ORTIZ, APPELLEE ARC OF TEXAS, APPELLEE AL, APPELLEE MICHA CHASTAIN, APPELLEE JOE RAY COMACHO, APPELLEE OSHEA BROOKS, APPELLEE SAM LINDSAY, APPELLEE JIM FLOYD, APPELLEE GAIL TRUMAN, APPELLEE ALLISON PRATT, APPELLEE TODD GORDON, APPELLEE CHRISTY MCCARTHY.

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-- 06/16/2003 APPEARANCE FORM FILED BY GARTH ANTHONY CORBETT FOR APPELLEE PAIGE SMITH, APPELLEE MADISON POLK, APPELLEE KAMERON LANE, APPELLEE GARRETT GILLARD, APPELLEE TYLER BLANCHARD, APPELLEE ASHTON BOWLEN, APPELLEE DAVID ZWEIFEL, APPELLEE SHYAN FOROUGH, APPELLEE SCOTT SOSTACK, APPELLEE PATRICK SOSTACK, APPELLEE SUE ANN ORTIZ, APPELLEE ARC OF TEXAS, APPELLEE AL, APPELLEE MICHA CHASTAIN, APPELLEE JOE RAY COMACHO, APPELLEE OSHEA BROOKS, APPELLEE SAM LINDSAY, APPELLEE JIM FLOYD, APPELLEE GAIL TRUMAN, APPELLEE ALLISON PRATT, APPELLEE TODD GORDON, APPELLEE CHRISTY MCCARTHY. [03-50608]

-- 06/05/2003 CIVIL RIGHTS CASE DOCKETED. NOA FILED BY APPELLANT KAREN HALE, APPELLANT JAMES R HINE, APPELLANT ALBERT HAWKINS. [03-50608]

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