

CLOSED

**U.S. District Court [LIVE]
Western District of Texas (Austin)
CIVIL DOCKET FOR CASE #: 1:03-cv-00231-SS**

Travis, et al v. Hawkins, et al
Assigned to: Judge Sam Sparks
Demand: \$0
Case in other court: Beaumont, Texas, 1:02cv00600
5th Cir., :03- -50608
Cause: 42:12101 Americans with Disabilities Act of 1990

Date Filed: 04/11/2003
Date Terminated: 10/12/2006
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Christy Travis

*By & through her next friend Jamie Travis
also known as
Christy McCarthy*

represented by **Garth A. Corbett**
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LEAD ATTORNEY
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Plaintiff

Todd Gordon

*By & through his next friend Trisha
Gordon*

represented by **Garth A. Corbett**
(See above for address)
LEAD ATTORNEY
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Geoffrey N. Courtney
(See above for address)

*LEAD ATTORNEY
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James H. Keahey
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Noelle M. Reed
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Plaintiff

Allison Pratt
*By &through her next friend Paula Pratt
TERMINATED: 07/14/2005*

represented by **Garth A. Corbett**
(See above for address)
*TERMINATED: 07/14/2005
LEAD ATTORNEY*

Geoffrey N. Courtney
(See above for address)
*TERMINATED: 07/14/2005
LEAD ATTORNEY*

James H. Keahey
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*TERMINATED: 07/14/2005
LEAD ATTORNEY*

Plaintiff

Gail Truman
By &through her next friend Ken Truman

represented by **Garth A. Corbett**
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Geoffrey N. Courtney
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Noelle M. Reed
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Plaintiff

Jim Floyd, Jr.
*By &through his next friend Jim Floyd,
Sr.*

represented by **Garth A. Corbett**
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*LEAD ATTORNEY
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Geoffrey N. Courtney
(See above for address)
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James H. Keahey
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*LEAD ATTORNEY
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Noelle M. Reed
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Plaintiff

Sam Lindsay
By & through his next friend Betty Lindsay

represented by **Garth A. Corbett**
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*LEAD ATTORNEY
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Geoffrey N. Courtney
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Noelle M. Reed
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*LEAD ATTORNEY
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Plaintiff

Oshea Brooks
TERMINATED: 07/14/2005

represented by **Garth A. Corbett**
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*TERMINATED: 07/14/2005
LEAD ATTORNEY*

Geoffrey N. Courtney
(See above for address)
*TERMINATED: 07/14/2005
LEAD ATTORNEY*

James H. Keahey
(See above for address)
*TERMINATED: 07/14/2005
LEAD ATTORNEY*

Plaintiff

Joe Ray Comacho

represented by **Garth A. Corbett**
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Geoffrey N. Courtney
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James H. Keahey
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Noelle M. Reed
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*LEAD ATTORNEY
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Plaintiff

Micha Chastain

*By &through his next friend Lori
Chastain
TERMINATED: 07/14/2005*

represented by **Garth A. Corbett**
(See above for address)
*TERMINATED: 07/14/2005
LEAD ATTORNEY*

Geoffrey N. Courtney
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*TERMINATED: 07/14/2005
LEAD ATTORNEY*

James H. Keahey
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Plaintiff

AL

*By &through her next friend LL
TERMINATED: 07/14/2005*

represented by **Garth A. Corbett**
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LEAD ATTORNEY*

Geoffrey N. Courtney
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*TERMINATED: 07/14/2005
LEAD ATTORNEY*

James H. Keahey
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*TERMINATED: 07/14/2005
LEAD ATTORNEY*

Plaintiff

The Arc of Texas

*On behalf of its members &for those
similarly situated*

represented by **Garth A. Corbett**
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*LEAD ATTORNEY
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Geoffrey N. Courtney
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James H. Keahey
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Noelle M. Reed
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Plaintiff

Sue Ann Ortiz

TERMINATED: 07/14/2005

represented by **Garth A. Corbett**
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LEAD ATTORNEY*

Geoffrey N. Courtney
(See above for address)
TERMINATED: 07/14/2005
LEAD ATTORNEY

James H. Keahey
(See above for address)
TERMINATED: 07/14/2005
LEAD ATTORNEY

Plaintiff

Patrick Sostack
*By &through their parents and next
friends Gary and Lisa Sostack*

represented by **Garth A. Corbett**
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LEAD ATTORNEY
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Geoffrey N. Courtney
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LEAD ATTORNEY
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James H. Keahey
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LEAD ATTORNEY
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Noelle M. Reed
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Plaintiff

Scott Sostack
*By &through their parents and next
friends Gary and Lisa Sostack*

represented by **Garth A. Corbett**
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Geoffrey N. Courtney
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James H. Keahey
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Noelle M. Reed
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Plaintiff

Shyan Forough
*By &through his parents and next friends
Reza and Arzu Forough*

represented by **Garth A. Corbett**
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Geoffrey N. Courtney
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James H. Keahey
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Noelle M. Reed
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

David Zweifel
By &through his parents and next friends
Linda and Leroy Zweifel
TERMINATED: 07/14/2005

represented by **Garth A. Corbett**
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TERMINATED: 07/14/2005
LEAD ATTORNEY

Geoffrey N. Courtney
(See above for address)
TERMINATED: 07/14/2005
LEAD ATTORNEY

James H. Keahey
(See above for address)
TERMINATED: 07/14/2005
LEAD ATTORNEY

Plaintiff

Ashton Bowlen
By &through her mother and next friend,
Patricia Bowlen

represented by **Garth A. Corbett**
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LEAD ATTORNEY
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Geoffrey N. Courtney
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James H. Keahey
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ATTORNEY TO BE NOTICED

Noelle M. Reed
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Plaintiff

Tyler Blanchard
By &through his mother and next friend,
Faith Blanchard

represented by **Garth A. Corbett**
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Geoffrey N. Courtney
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Noelle M. Reed
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Plaintiff

Garrett Gillard
By &through his mother and next friend,
Keeya Gillard

represented by **Garth A. Corbett**
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LEAD ATTORNEY
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Geoffrey N. Courtney
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James H. Keahey
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Noelle M. Reed
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Plaintiff

Kameron Lane
By &through his mother and next friend,
Angie Lanea

represented by **Garth A. Corbett**
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LEAD ATTORNEY
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Geoffrey N. Courtney
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James H. Keahey
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Noelle M. Reed
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Plaintiff

Madison Polk
By &through her father and next friend,
John Polk

represented by **Garth A. Corbett**
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LEAD ATTORNEY
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Geoffrey N. Courtney
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James H. Keahey
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Noelle M. Reed
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Plaintiff

Paige Smith
By & through her mother and next friend,
Gretta Smith
TERMINATED: 07/14/2005

represented by **Garth A. Corbett**
(See above for address)
TERMINATED: 07/14/2005
LEAD ATTORNEY

Geoffrey N. Courtney
(See above for address)
TERMINATED: 07/14/2005
LEAD ATTORNEY

James H. Keahey
(See above for address)
TERMINATED: 07/14/2005
LEAD ATTORNEY

V.

Defendant

Karen F. Hale
In her official capacity as Commissioner
of the Texas Department of Mental Health
& Mental Retardation
TERMINATED: 07/14/2005

represented by **Lara Michelle Johnson**
Assistant Attorney General
General Litigation Division
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TERMINATED: 07/14/2005
LEAD ATTORNEY

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TERMINATED: 07/14/2005
LEAD ATTORNEY

Defendant

James R. Hine
In his official capacity as Commissioner
of the Texas Department of Aging and
Disability Services
TERMINATED: 02/13/2006

represented by **Lara Michelle Johnson**
(See above for address)
TERMINATED: 02/13/2006
LEAD ATTORNEY

Nancy K. Juren
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TERMINATED: 02/13/2006
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TERMINATED: 02/13/2006
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TERMINATED: 02/13/2006
LEAD ATTORNEY

Defendant

Albert Hawkins
*In his official capacity as Commissioner
of the Texas Health and Human Services
Commission*

represented by **Lara Michelle Johnson**
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Nancy K. Juren
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Robert E Henneke
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Stephen Henry Capelle
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Defendant

Don Green
*Interim Commissioner of the Texas
Health and Human Services Commission
TERMINATED: 05/01/2003*

represented by **Lara Michelle Johnson**
(See above for address)
TERMINATED: 05/01/2003
LEAD ATTORNEY

Nancy K. Juren
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TERMINATED: 05/01/2003
LEAD ATTORNEY

Defendant

Adelaide Horn

*In her official capacity as Commissioner
of the Texas Department of Aging and
Disability Services*

represented by **Edwin N. Horne**
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Robert E Henneke
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ATTORNEY TO BE NOTICED

Stephen Henry Capelle
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LEAD ATTORNEY
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Plaintiff

Billy Burch

*By and through his father, William Burch,
Sr.*

represented by **Garth A. Corbett**
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LEAD ATTORNEY
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Geoffrey N. Courtney
(See above for address)
LEAD ATTORNEY
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Noelle M. Reed
(See above for address)
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Plaintiff

Nathaniel Burkett

By his guardian brother, Clint Daniels

represented by **Garth A. Corbett**
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LEAD ATTORNEY
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Geoffrey N. Courtney
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Noelle M. Reed
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*LEAD ATTORNEY
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V.

Defendant**Don A. Gilbert**

*Commissioner of the Texas Health and
Human Services Commission*

TERMINATED: 07/14/2005

Date Filed	#	Docket Text
04/11/2003		Case assigned to Honorable Sam Sparks (fe) (Entered: 04/14/2003)
04/11/2003	<u>1</u>	Original file, certified copy of transfer order and docket sheet received from E/D of TX Beaumont Division (td) (Entered: 04/16/2003)
04/16/2003		Court file forwarded to Judge Sparks (td) (Entered: 04/16/2003)
04/16/2003		Letter mailed to parties re: new case number and judge assignment. (td) (Entered: 04/16/2003)
04/17/2003	<u>2</u>	Plaintiffs' Motion for leave to file Plaintiffs' Supplement to their Response to D's Motion to Dismiss (fe) (Entered: 04/18/2003)
04/18/2003	<u>4</u>	Ordered that Defendants' Motion to Extend Time to File Response to Plaintiffs' Motion for Class Certification is GRANTED ... signed by Honorable Sam Sparks (td) (Entered: 04/21/2003)
04/21/2003	<u>3</u>	Order granting motion for leave to file Plaintiffs' Supplement to their Response to D's Motion to Dismiss [2-1] signed by Honorable Sam Sparks (mc2) (Entered: 04/21/2003)
04/21/2003	<u>5</u>	Notice of filing Supplement to Response to Defendants' Motion to Dismiss by Christy McCarthy, Todd Gordon, Allison Pratt, Gail Truman, Jim Floyd Jr., Sam Lindsay, Oshea Brooks, Joe Ray Comacho, Micha Chastain, AL, The Arc of Texas, Sue Ann Ortiz, Patrick Sostack, Scott Sostack, Shyan Forough, David Zweifel, Ashton Bowlen, Tyler Blanchard, Garrett Gillard, Kameron Lane, Madison Polk, Paige Smith (td) (Entered: 04/21/2003)
05/01/2003	<u>6</u>	Unopposed Motion by Karen F. Hale, James R. Hine, Albert Hawkins for leave to file – to exceed page limit on defendants' reply to plaintiffs' response to defendants' motion to dismiss (mc2) (Entered: 05/02/2003)
05/01/2003	<u>7</u>	Reply by Karen F. Hale, James R. Hine, Albert Hawkins to response to defendant's motion to dismiss. (mc2) (Entered: 05/02/2003)
05/01/2003	<u>8</u>	Advisory to the court filed by Karen F. Hale, James R. Hine, Albert Hawkins – notice of substitution of Albert Hawkins for Don Gilbert as Commissioner of the Texas Health and Human Services Commission. (mc2) (Entered: 05/02/2003)
05/02/2003	<u>9</u>	Order granting motion for leave to file – to exceed page limit on defendants' reply to plaintiffs' response to defendants' motion to dismiss [6-1] signed by Honorable Sam Sparks (mc2) (Entered: 05/02/2003)
05/12/2003	<u>10</u>	Motion by Christy McCarthy, Todd Gordon, Allison Pratt, Gail Truman, Jim Floyd Jr., Sam Lindsay, Oshea Brooks, Joe Ray Comacho, Micha Chastain, AL, The Arc of Texas, Sue Ann Ortiz, Patrick Sostack, Scott Sostack, Shyan Forough, David Zweifel, Ashton Bowlen, Tyler Blanchard, Garrett Gillard, Kameron Lane, Madison Polk, Paige Smith for leave to file sur-reply to defendants' reply to plaintiffs' response to defendants' motion to dismiss (mc2) (Entered: 05/12/2003)
05/23/2003	<u>11</u>	ORDERED that Defendants Motion to Dsmiss Pltf Arc of Texas is DENIED; ORDERED that Defendants' Motion to Dismiss is GRANTED IN PART AND DENIED IN PART ... Order dismissing as moot motion for leave to file sur-reply

		to defendants' reply to plaintiffs' response to defendants' motion to dismiss [10-1]; FINALLY ORDERED that Defendants SHALL FILE a response to Pltfs' Motion for Class Certification by May 30, 2003, signed by Honorable Sam Sparks. (td) (Entered: 05/23/2003)
05/29/2003	<u>12</u>	Motion by Albert Hawkins, Karen F. Hale, James R. Hine to stay pending collateral-order appeal , or alternatively to extend time to file answer and resposne to class certification motion (fe) (Entered: 05/30/2003)
05/29/2003	<u>13</u>	Notice of interlocutory appeal by Albert Hawkins, Karen F. Hale, James R. Hine order [11-1] (fe) (Entered: 05/30/2003)
05/29/2003		USCA appeal fees paid for appeal [13-1] : Appeal Fee: \$ 105.00 Receipt # 343034 (fe) (Entered: 05/30/2003)
05/30/2003		Notice of appeal and certified copy of docket to USCA: appeal [13-1] (fe) (Entered: 05/30/2003)
05/30/2003		Served copy of notice of interlocutory appeal, dkt #13, on Nancy Juren, Lara Grant, James Keahey, Garth Corbett, Geoffrey Courtney, and Court. (fe) (Entered: 05/30/2003)
06/03/2003	<u>14</u>	Order granting motion to stay [12-1] all district court proceedings pending further order of this court signed by Honorable Sam Sparks (fe) (Entered: 06/03/2003)
06/13/2003		Return of appeal information sheet received. appeal [13-1] USCA NUMBER: 03-50608 (fe) (Entered: 06/16/2003)
06/26/2003		Certified and transmitted record on appeal to U.S. Court of Appeals: appeal [13-1] #03-50608 (fe) (Entered: 06/26/2003)
07/14/2003		Letter of transmittal from USCA: appeal [13-1] #03-50608 acknowledging receipt of the record on 6/30/03. (fe) (Entered: 07/16/2003)
11/15/2004	<u>15</u>	Order set status conference 9:00 12/3/04 signed by Honorable Sam Sparks (fe) (Entered: 11/15/2004)
11/22/2004		Mooted motion to extend time to file answer and resposne to class certification motion [12-2] per chambers this date. (mc2) (Entered: 11/22/2004)
11/23/2004	<u>16</u>	Certified copy of judgment of USCA affirming appeal [13-1] Judgment issued as mandate (fe) (Entered: 11/23/2004)
12/03/2004	<u>17</u>	Minutes of proceedings for status conference/all pending matters conducted on 12/3/04 by Judge Sparks. Court Reporter: Lily Reznik. (mc2) (Entered: 12/06/2004)
12/03/2004		Status conference/all pending matters held; Court stays case until 2/15/05; parties to file status report on 2/15. (mc2) (Entered: 12/06/2004)
12/06/2004	<u>18</u>	Order staying case until 2/15/04; and by that date all parties to file status report..., signed by Honorable Sam Sparks (mc2) (Entered: 12/06/2004)
02/15/2005	<u>19</u>	Written status report by Christy McCarthy, Todd Gordon, Allison Pratt, Gail Truman, Jim Floyd Jr., Sam Lindsay, Oshea Brooks, Joe Ray Comacho, Micha Chastain, AL, The Arc of Texas, Sue Ann Ortiz, Patrick Sostack, Scott Sostack, Shyan Forough, David Zweifel, Ashton Bowlen, Tyler Blanchard, Garrett Gillard, Kameron Lane, Madison Polk, Paige Smith, Karen F. Hale, James R. Hine, Albert Hawkins (no further appeal, proposed scheduling order by 3/4/05). (mc2) (Entered: 02/16/2005)
03/04/2005	<u>20</u>	Agreed Motion by Christy McCarthy, Todd Gordon, Allison Pratt, Gail Truman, Jim Floyd Jr., Sam Lindsay, Oshea Brooks, Joe Ray Comacho, Micha Chastain, AL, The Arc of Texas, Sue Ann Ortiz, Patrick Sostack, Scott Sostack, Shyan Forough to extend time for filing proposed scheduling order (mc2) (Entered: 03/07/2005)
03/07/2005	<u>21</u>	Taxation of Costs against Albert Hawkins in the amount of \$141.75 (taxation made by the U.S. Court of Appeals) (mh) (Entered: 03/08/2005)

03/09/2005	<u>22</u>	Joint memorandum in support of proposed scheduling order – Recommendations for scheduling order by Christy McCarthy, Todd Gordon, Allison Pratt, Gail Truman, Jim Floyd Jr., Sam Lindsay, Oshea Brooks, Joe Ray Comacho, Micha Chastain, AL, The Arc of Texas, Sue Ann Ortiz, Patrick Sostack, Scott Sostack, Shyan Forough, David Zweifel, Ashton Bowlen, Tyler Blanchard, Garrett Gillard, Kameron Lane, Madison Polk, Paige Smith, Karen F. Hale, James R. Hine, Albert Hawkins (mc2) (Entered: 03/10/2005)
03/11/2005	<u>23</u>	Order granting motion to extend time for filing proposed scheduling order [20–1] until 3/9/05, signed by Honorable Sam Sparks (mc2) (Entered: 03/14/2005)
03/11/2005	<u>24</u>	Order setting scheduling order deadlines: Joining of parties, amended pleadings on 5/1/05 ; Deadline for filing of all motions by 2/15/05 ; Discovery deadline on 1/1/06 ; Docket Call set for 11:00 3/31/06 ; Alternate Dispute Resolution Report due by 5/15/05 , setting miscellaneous hearing – hearing on class certification – for 9:00 9/30/05 signed by Honorable Sam Sparks (mc2) (Entered: 03/14/2005)
03/11/2005		Motion hearing set at 9:00 9/30/05 on [36–1] (mc2) (Entered: 09/26/2005)
04/01/2005	<u>25</u>	Motion by Christy McCarthy, Todd Gordon, Allison Pratt, Gail Truman, Jim Floyd Jr., Sam Lindsay, Oshea Brooks, Joe Ray Comacho, Micha Chastain, AL, The Arc of Texas, Sue Ann Ortiz, Patrick Sostack, Scott Sostack, Shyan Forough, David Zweifel, Ashton Bowlen, Tyler Blanchard, Garrett Gillard, Kameron Lane, Madison Polk, Paige Smith for leave to amend complaint (mh) (Entered: 04/05/2005)
04/01/2005		RECEIVED, Plaintiffs' Third Amended Complaint (mh) (Entered: 04/05/2005)
04/14/2005	<u>26</u>	Order setting miscellaneous hearing on all pending matters for 9:00 4/20/05 signed by Honorable Sam Sparks (mc2) (Entered: 04/14/2005)
04/15/2005	<u>27</u>	Order resetting miscellaneous hearing on all pending matters for 9:00 4/21/05 signed by Honorable Sam Sparks (mc2) (Entered: 04/15/2005)
04/18/2005	<u>28</u>	Notice of attorney appearance for James R. Hine, Albert Hawkins by Stephen Henry Capelle (td) (Entered: 04/19/2005)
04/21/2005		Miscellaneous hearing on all pending matters held. Parties announce ready; statements and arguments of ocunsel heard; motion taken under advisement #25; written order forthcoming. Parties may submit agreed order that reaffirms these causes of actions that have already been dismissed/ruled on. (mh) (Entered: 04/22/2005)
04/21/2005	<u>29</u>	Minutes of proceedings for all pending matter conducted on 4/21/05 by Judge Sparks. Court Reporter: L. Reznik (mh) (Entered: 04/22/2005)
04/21/2005	<u>30</u>	Order granting motion for leave to amend complaint [25–1] signed by Honorable Sam Sparks (mh) (Entered: 04/22/2005)
04/21/2005	<u>31</u>	Third Amended complaint by Christy McCarthy, Todd Gordon, Gail Truman, Jim Floyd Jr., Sam Lindsay, Joe Ray Comacho, The Arc of Texas, Patrick Sostack, Scott Sostack, Shyan Forough, Ashton Bowlen, Tyler Blanchard, Garrett Gillard, Kameron Lane, Madison Polk against Don A. Gilbert, amending (Pages: 47) (mh) (Entered: 04/22/2005)
05/02/2005	<u>32</u>	Answer by James R. Hine, Albert Hawkins to third amended complaint (mc2) (Entered: 05/03/2005)
05/16/2005	<u>33</u>	Alternate Dispute Resolution Report filed by Christy McCarthy, Todd Gordon, Allison Pratt, Gail Truman, Jim Floyd Jr., Sam Lindsay, Oshea Brooks, Joe Ray Comacho, Micha Chastain, AL, The Arc of Texas, Sue Ann Ortiz, Patrick Sostack, Scott Sostack, Shyan Forough, David Zweifel, Ashton Bowlen, Tyler Blanchard, Garrett Gillard, Kameron Lane, Madison Polk, Paige Smith, Billy Burch, Nathaniel Burkett, Party(s) agree to Alternate Dispute Resolution (mc2) (Entered: 05/17/2005)
05/18/2005	<u>34</u>	Alternate Dispute Resolution Report filed by Karen F. Hale, James R. Hine, Albert Hawkins, Don A. Gilbert, Party(s) agree to Alternate Dispute Resolution (mc2) (Entered: 05/19/2005)

06/02/2005	<u>35</u>	Motion by Christy McCarthy, Todd Gordon, Allison Pratt, Gail Truman, Jim Floyd Jr., Sam Lindsay, Oshea Brooks, Joe Ray Comacho, Micha Chastain, AL, The Arc of Texas, Sue Ann Ortiz, Patrick Sostack, Scott Sostack, Shyan Forough, David Zweifel, Ashton Bowlen, Tyler Blanchard, Garrett Gillard, Kameron Lane, Madison Polk, Paige Smith, Karen F. Hale, James R. Hine, Albert Hawkins, Don Green, Don A. Gilbert, Billy Burch, Nathaniel Burkett to amend caption (mc2) (Entered: 06/02/2005)
06/02/2005	<u>36</u>	Motion by Christy McCarthy, Todd Gordon, Allison Pratt, Gail Truman, Jim Floyd Jr., Sam Lindsay, Oshea Brooks, Joe Ray Comacho, Micha Chastain, AL, The Arc of Texas, Sue Ann Ortiz, Patrick Sostack, Scott Sostack, Shyan Forough, David Zweifel, Ashton Bowlen, Tyler Blanchard, Garrett Gillard, Kameron Lane, Madison Polk, Paige Smith, Billy Burch, Nathaniel Burkett to certify class action (mc2) Modified on 06/02/2005 (Entered: 06/02/2005)
07/13/2005	<u>37</u>	Order setting miscellaneous hearing on all pending matters for 2:00 7/21/05 signed by Honorable Sam Sparks (mc2) (Entered: 07/14/2005)
07/14/2005	<u>38</u>	Order granting motion to amend caption [35-1] signed by Honorable Sam Sparks (mc2) (Entered: 07/14/2005)
07/21/2005	<u>39</u>	Minutes of proceedings for hearing on all pending matters conducted on 7/21/05 by Judge Sparks. Court Reporter: Lily Reznik. (mc2) (Entered: 07/22/2005)
07/21/2005		Miscellaneous hearing on all pending matters held (mc2) (Entered: 07/22/2005)
07/21/2005	<u>40</u>	Motion by Christy Travis, Todd Gordon, Gail Truman, Jim Floyd Jr., Sam Lindsay, Joe Ray Comacho, The Arc of Texas, Patrick Sostack, Scott Sostack, Shyan Forough, Ashton Bowlen, Tyler Blanchard, Garrett Gillard, Kameron Lane, Madison Polk, James R. Hine, Albert Hawkins, Billy Burch, Nathaniel Burkett to amend order [24-3] (mc2) (Entered: 07/22/2005)
07/21/2005	<u>41</u>	Order granting motion to amend order [24-3] [40-1], mediation deadline for 9/9/05, deadline for defendants to respond to plaintiffs' motion for class certification to 9/16/05, signed by Honorable Sam Sparks (mc2) (Entered: 07/22/2005)
09/02/2005	<u>42</u>	Unopposed Motion by James R. Hine, Albert Hawkins to extend time to designate witnesses (mc2) (Entered: 09/06/2005)
09/08/2005	<u>43</u>	Joint motion by Christy Travis, Todd Gordon, Gail Truman, Jim Floyd Jr., Sam Lindsay, Joe Ray Comacho, The Arc of Texas, Patrick Sostack, Scott Sostack, Shyan Forough, Ashton Bowlen, Tyler Blanchard, Garrett Gillard, Kameron Lane, Madison Polk, James R. Hine, Albert Hawkins, Billy Burch, Nathaniel Burkett to amend order [24-3] due to hurricane emergency relief efforts (mc2) (Entered: 09/09/2005)
09/15/2005	<u>44</u>	Proposed testifying Witness List by James R. Hine, Albert Hawkins (mc2) (Entered: 09/16/2005)
09/15/2005	<u>45</u>	Designation of Exhibits list by James R. Hine, Albert Hawkins (mc2) (Entered: 09/16/2005)
09/16/2005	<u>46</u>	Order granting motion to extend time to designate witnesses [42-1] until 10/3/05, signed by Honorable Sam Sparks (mc2) (Entered: 09/19/2005)
09/16/2005	<u>47</u>	Order granting joint motion to amend order [24-3] due to hurricane emergency relief efforts [43-1] extending scheduling order deadlines: Deadline for filing of all motions by 4/17/06 ; Discovery deadline on 3/2/06 ; Docket Call set for 11:00 5/19/06 signed by Honorable Sam Sparks (mc2) (Entered: 09/19/2005)
09/28/2005	<u>48</u>	Order cancelling deadline - 9/30/05 hearing on motion for class action certification, signed by Honorable Sam Sparks (mc2) (Entered: 09/28/2005)
10/24/2005	<u>49</u>	Joint motion by Christy Travis, Todd Gordon, Gail Truman, Jim Floyd Jr., Sam Lindsay, Joe Ray Comacho, The Arc of Texas, Patrick Sostack, Scott Sostack, Shyan Forough, Ashton Bowlen, Tyler Blanchard, Garrett Gillard, Kameron Lane, Madison Polk, James R. Hine, Albert Hawkins, Billy Burch, Nathaniel Burkett to extend time - for enlargement of time to mediate (mc2) (Entered: 10/26/2005)

10/27/2005	<u>50</u>	Order granting joint motion to extend time – for enlargement of time to mediate [49–1] until 11/29/05, signed by Honorable Sam Sparks (mc2) (Entered: 10/27/2005)
11/09/2005	<u>51</u>	Motion by Christy Travis, Todd Gordon, Gail Truman, Jim Floyd Jr., Sam Lindsay, Joe Ray Comacho, The Arc of Texas, Patrick Sostack, Scott Sostack, Shyan Forough, Ashton Bowlen, Tyler Blanchard, Garrett Gillard, Kameron Lane, Madison Polk, Billy Burch, Nathaniel Burkett to withdraw motion for class certification (mc2) (Entered: 11/09/2005)
11/15/2005	<u>52</u>	Order granting motion to withdraw motion for class certification [51–1], dismissing motion to certify class action [36–1] signed by Honorable Sam Sparks (mc2) (Entered: 11/15/2005)
12/02/2005	<u>53</u>	Motion by Christy Travis, Todd Gordon, Gail Truman, Jim Floyd Jr., Sam Lindsay, Joe Ray Comacho, The Arc of Texas, Patrick Sostack, Scott Sostack, Shyan Forough, Ashton Bowlen, Tyler Blanchard, Garrett Gillard, Kameron Lane, Madison Polk, James R. Hine, Albert Hawkins, Billy Burch, Nathaniel Burkett to amend order [24–3] (mc2) (Entered: 12/05/2005)
12/05/2005	<u>54</u>	First amended Exhibit list by James R. Hine, Albert Hawkins (mc2) (Entered: 12/06/2005)
12/05/2005	<u>55</u>	First amended designation of testifying witness List by James R. Hine, Albert Hawkins (mc2) (Entered: 12/06/2005)
12/07/2005	<u>56</u>	Order granting motion to amend order [24–3] [53–1] signed by Honorable Sam Sparks (td) (Entered: 12/08/2005)
01/10/2006	<u>57</u>	Designation of expert witness filed by James R. Hine, Albert Hawkins (mc2) Modified on 01/12/2006 (Entered: 01/12/2006)
01/10/2006	<u>58</u>	Second amended Proposed testifying Witness List by James R. Hine, Albert Hawkins (mc2) Modified on 01/12/2006 (Entered: 01/12/2006)
01/10/2006	<u>59</u>	Second amended Exhibits by James R. Hine, Albert Hawkins (mc2) (Entered: 01/12/2006)
01/17/2006	<u>60</u>	Order setting status conference for 11:00 2/10/06 signed by Honorable Sam Sparks (mc2) (Entered: 01/19/2006)
02/09/2006	<u>61</u>	Advisory to the court filed by James R. Hine, Albert Hawkins– notice of substitution of Adelaide Horn for James R. Hine as Commissioner of the Texas Dept. of Aging and Disability Services. (mc2) (Entered: 02/10/2006)
02/09/2006	<u>62</u>	Advisory to the court filed by Christy Travis, Todd Gordon, Gail Truman, Jim Floyd Jr., Sam Lindsay, Joe Ray Comacho, The Arc of Texas, Patrick Sostack, Scott Sostack, Shyan Forough, Ashton Bowlen, Tyler Blanchard, Garrett Gillard, Kameron Lane, Madison Polk, James R. Hine, Albert Hawkins, Billy Burch, Nathaniel Burkett – notice of agreed style of case. (mc2) (Entered: 02/10/2006)
02/10/2006	<u>63</u>	Motion by James R. Hine, Albert Hawkins to clarify pending claims (mc2) (Entered: 02/10/2006)
02/10/2006	<u>64</u>	Notice of attorney appearance for Christy Travis, Todd Gordon, Gail Truman, Jim Floyd Jr., Sam Lindsay, Joe Ray Comacho, The Arc of Texas, Patrick Sostack, Scott Sostack, Shyan Forough, Ashton Bowlen, Tyler Blanchard, Garrett Gillard, Kameron Lane, Madison Polk, Billy Burch, Nathaniel Burkett by Noelle M. Reed (mc2) (Entered: 02/10/2006)
02/10/2006	<u>65</u>	Minutes of proceedings for status conference conducted on 2/10/06 by Judge Sparks. Court Reporter: Lily Reznik. (mc2) (Entered: 02/13/2006)
02/10/2006		Status conference held; written order to follow. (mc2) (Entered: 02/13/2006)
02/13/2006	<u>66</u>	Order that docket call remains set for 5/19/06 w/non–jury trial in 6/06 and each side allowed 10 hours in trial..., further ordered that Adelaide Horn in her official capacity as the current Commissioner of TX Dept. of Aging and Disability Services, is substituted for defendant James R. Hine in his official capacity..., signed by Honorable Sam Sparks (mc2) (Entered: 02/14/2006)

02/15/2006	<u>67</u>	Letter brief filed by Christy Travis, Todd Gordon, Gail Truman, Jim Floyd Jr., Sam Lindsay, Joe Ray Comacho, The Arc of Texas, Patrick Sostack, Scott Sostack, Shyan Forough, Ashton Bowlen, Tyler Blanchard, Garrett Gillard, Kameron Lane, Madison Polk, Billy Burch, Nathaniel Burkett (mc2) (Entered: 02/16/2006)
02/15/2006	<u>68</u>	Letter brief filed by Albert Hawkins, Adelaide Horn (mc2) (Entered: 02/16/2006)
04/11/2006	<u>69</u>	Order Motion hearing motion to clarify pending claims [63-1] for 10:00 4/28/06 signed by Honorable Sam Sparks (td) (Entered: 04/12/2006)
04/14/2006	<u>70</u>	Agreed Motion by Albert Hawkins, Adelaide Horn to extend time to file motion for summary judgment (mc2) (Entered: 04/17/2006)
04/19/2006	<u>71</u>	Order granting motion to extend time to file motion for summary judgment [70-1] until 4/20/06, signed by Honorable Sam Sparks (mc2) (Entered: 04/19/2006)
04/20/2006	<u>72</u>	Motion by Albert Hawkins, Adelaide Horn for summary judgment (mc2) (Entered: 04/21/2006)
04/20/2006	<u>73</u>	Unopposed Motion by Albert Hawkins, Adelaide Horn for leave to file – to exceed page limit on defendants' motion for summary judgment (mc2) (Entered: 04/21/2006)
04/20/2006	<u>74</u>	Motion by Christy Travis, Todd Gordon, Gail Truman, Jim Floyd Jr., Sam Lindsay, Joe Ray Comacho, The Arc of Texas, Patrick Sostack, Scott Sostack, Shyan Forough, Ashton Bowlen, Tyler Blanchard, Garrett Gillard, Kameron Lane, Madison Polk, Billy Burch, Karen F. Hale for partial summary judgment (mc2) (Entered: 04/21/2006)
04/20/2006	<u>75</u>	Motion by Christy Travis, et al for leave to file – to exceed page limit on their motion for partial summary judgment (mc2) (Entered: 04/21/2006)
04/20/2006	<u>76</u>	Motion by Christy Travis, et al to strike testimony of defendants' expert witnesses and expert report , exclude testimony of defendants' expert witnesses and expert report , and for sanctions in form of attorneys fees and costs (mc2) (Entered: 04/21/2006)
04/20/2006	<u>77</u>	Motion by Christy Travis for hearing – for oral argument on plaintiffs' pending partial summary judgment motion (mc2) (Entered: 04/21/2006)
04/20/2006	<u>78</u>	Motion by Christy Travis, et al to compel defendants' responses to plaintiffs' requests for production, interrogatories and admissions (mc2) (Entered: 04/21/2006)
04/21/2006	<u>79</u>	Order granting motion for leave to file – to exceed page limit on their motion for partial summary judgment [75-1] signed by Honorable Sam Sparks (mc2) (Entered: 04/21/2006)
04/21/2006	<u>80</u>	Order granting motion for leave to file – to exceed page limit on defendants' motion for summary judgment [73-1] signed by Honorable Sam Sparks (mc2) (Entered: 04/21/2006)
04/26/2006	<u>81</u>	Unopposed Motion by Albert Hawkins, Adelaide Horn to extend time to respond to plaintiff's motion to strike and motion to compel (mc2) (Entered: 04/26/2006)
04/28/2006	<u>82</u>	Minute Entry for proceedings held before Judge Sam Sparks : Motion Hearing held on 4/28/2006 re <u>63</u> Motion for Miscellaneous Relief – to clarify – filed by Albert Hawkins,, Adelaide Horn,, <u>81</u> Motion for Extension of Time to File filed by Albert Hawkins,, Adelaide Horn, (Minute entry documents are not available electronically.). (Court Reporter Lily Reznik.) (mc2,) (Entered: 04/30/2006)
05/01/2006	<u>84</u>	Response to <u>77</u> Plaintiffs' Motion for Oral Argument on Plaintiffs' Pending Partial Summary Judgment Motion; filed by Albert Hawkins, Adelaide Horn. (es) (Entered: 05/03/2006)
05/01/2006	<u>85</u>	ORDER granting <u>81</u> Motion for Extension of Time to Respond to Plaintiff's Motion to Strike and Motion to Compel; Response is due May 8, 2006. Signed by Judge Sam Sparks. (es) (Entered: 05/03/2006)

05/03/2006	<u>83</u>	TRANSCRIPT of Proceedings held on 4/28/06. Proceedings Transcribed:hearing on all pending matters. Court Reporter: Lily Reznik. NOTE: Transcript document is not available online. (mc2,) (Entered: 05/03/2006)
05/08/2006	<u>86</u>	RESPONSE to Motion re <u>78</u> Motion to Compel , filed by Albert Hawkins, Adelaide Horn (with attached exhibits unavailable electronically). (mc2,) (Entered: 05/09/2006)
05/08/2006	<u>87</u>	RESPONSE to Motion re <u>76</u> Motion to Strike experts , filed by Albert Hawkins, Adelaide Horn. (mc2,) (Entered: 05/09/2006)
05/10/2006	<u>88</u>	MOTION for Sanctions, MOTION to Strike testimony of expert witness by Albert Hawkins, Adelaide Horn (with attached exhibits unavailable electronically (mc2,) Modified on 5/10/2006 (mc2,). (Entered: 05/10/2006)
05/10/2006		Notice of Correction: re <u>88</u> MOTION for Sanctions MOTION to Strike – added language re attached exhibits unavailable electronically. (mc2,) (Entered: 05/10/2006)
05/12/2006	<u>89</u>	Letter/Correspondence from Albert Hawkins, Adelaide Horn, by attorney Nancy Juren re vacation schedule. (mc2,) (Entered: 05/12/2006)
05/12/2006	<u>90</u>	REPLY to Response to Motion re <u>77</u> Motion for Hearing – for oral argument on their pending motion for partial summary judgment motion , filed by The Arc of Texas, Patrick Sostack, Scott Sostack, Shyan Forough, Ashton Bowlen, Tyler Blanchard, Garrett Gillard, Christy Travis, Kameron Lane, Madison Polk, Billy Burch, Todd Gordon, Nathaniel Burkett, Gail Truman, Jim Floyd, Jr, Sam Lindsay, Joe Ray Comacho. (mc2,) (Entered: 05/15/2006)
05/15/2006	<u>91</u>	ORDER Miscellaneous Hearing set on all pending matters for 5/18/2006 09:00 AM before Honorable Sam Sparks.. Signed by Judge Sam Sparks. (mc2,) (Entered: 05/15/2006)
05/18/2006	<u>92</u>	Minute Entry for proceedings held before Judge Sam Sparks : Miscellaneous Hearing held on 5/18/2006 (Minute entry documents are not available electronically.). Written order to follow. (Court Reporter Lily Reznik.) (mc2,) (Entered: 05/18/2006)
05/19/2006	<u>93</u>	Minute Entry for proceedings held before Judge Sam Sparks : Docket Call held on 5/19/2006 (Minute entry documents are not available electronically.). (Court Reporter Lily Reznik.) (mc2,) (Entered: 05/22/2006)
05/19/2006	<u>94</u>	Pretrial Disclosures by The Arc of Texas, Patrick Sostack, Scott Sostack, Shyan Forough, Ashton Bowlen, Tyler Blanchard, Garrett Gillard, Christy Travis, Kameron Lane, Madison Polk, Billy Burch, Todd Gordon, Nathaniel Burkett, Gail Truman, Jim Floyd, Jr, Sam Lindsay, Joe Ray Comacho. (mc2,) (Entered: 05/22/2006)
05/19/2006	<u>95</u>	Pretrial Disclosures by Albert Hawkins, Adelaide Horn (with attached exhibits unavailable electronically at this time). (mc2,) (Entered: 05/22/2006)
05/19/2006	<u>96</u>	RESPONSE to Motion re <u>72</u> Motion for Summary Judgment , filed by The Arc of Texas, Patrick Sostack, Scott Sostack, Shyan Forough, Ashton Bowlen, Tyler Blanchard, Garrett Gillard, Christy Travis, Kameron Lane, Madison Polk, Billy Burch, Todd Gordon, Nathaniel Burkett, Gail Truman, Jim Floyd, Jr, Sam Lindsay, Joe Ray Comacho (with attached exhibits unavailable electronically at this time). (mc2,) (Entered: 05/22/2006)
05/22/2006	<u>97</u>	ORDER dismissing <u>63</u> Motion, denying <u>72</u> Motion for Summary Judgment, denying <u>74</u> Motion for Partial Summary Judgment, denying <u>76</u> Motion to Strike, denying <u>76</u> Motion, denying <u>76</u> Motion for Sanctions, granting <u>77</u> Motion for Hearing (hearing held 5/18/06), denying <u>78</u> Motion to Compel, denying <u>88</u> Motion for Sanctions, denying <u>88</u> Motion to Strike Signed by Judge Sam Sparks. (mc2,) (Entered: 05/23/2006)
05/22/2006	<u>98</u>	RESPONSE to Motion re <u>74</u> Motion for Partial Summary Judgment , filed by Albert Hawkins, Adelaide Horn. (mc2,) (Entered: 05/23/2006)

06/08/2006	<u>99</u>	Minute Entry for proceedings held before Judge Sam Sparks : Status Conference held in chambers on 6/8/2006 (Minute entry documents are not available electronically.). (Court Reporter Lily Reznik.) (mc2,) (Entered: 06/09/2006)
06/12/2006	<u>100</u>	ORDER that trial previously scheduled for 6/12/06 is postponed until further order of court, and that the parties shall file a status letter by 6/22/06. Signed by Judge Sam Sparks. (mc2,) (Entered: 06/13/2006)
06/20/2006	101	TRANSCRIPT of Proceedings held on 6/8/06. Proceedings Transcribed:status conference. Court Reporter: Lily Reznik. NOTE: Transcript document is not available online. (mc2,) (Entered: 06/20/2006)
06/28/2006	<u>102</u>	ORDER that the parties file another status report by 7/18/06 . Signed by Judge Sam Sparks. (mc2,) (Entered: 06/28/2006)
06/30/2006	<u>103</u>	ORDER that both parties submit next status report by 8/8/06 rather than 7/18/06. Signed by Judge Sam Sparks. (mc2,) (Entered: 06/30/2006)
10/06/2006	<u>104</u>	STIPULATION of Dismissal <i>JOINT, with Prejudice</i> by Albert Hawkins, Adelaide Horn. (Attachments: # <u>1</u> Proposed Order)(Juren, Nancy) (Entered: 10/06/2006)
10/12/2006	<u>105</u>	ORDER OF DISMISSAL. Signed by Judge Sam Sparks. (td,) (Entered: 10/13/2006)