

**U.S. District Court  
Southern District of Georgia (Statesboro)  
CIVIL DOCKET FOR CASE #: 6:18-cv-00047-JRH-BWC**

Andrews v. Allen et al  
Assigned to: Chief Judge J. Randal Hall  
Referred to: Magistrate Judge Benjamin W. Cheesbro  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 04/19/2018  
Date Terminated: 06/13/2019  
Jury Demand: Both  
Nature of Suit: 550 Prisoner: Civil Rights  
Jurisdiction: Federal Question

**Plaintiff**

**Shawn Andrews**  
*TERMINATED: 06/13/2019*

represented by **Atteeyah Hollie**  
Southern Center for Human Rights  
83 Poplar Street, NW  
Atlanta, GA 30303-2122  
404-688-1202  
Fax: 404-688-9440  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Sarah Elisabeth Geraghty**  
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**LEAD ATTORNEY**  
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**Ebony Brown**  
The Southern Center for Human Rights  
83 Popular Street NW  
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404-688-1202  
Email: [ebrown@schr.org](mailto:ebrown@schr.org)  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Seth Rouzan**  
*TERMINATED: 06/13/2019*

represented by **Atteeyah Hollie**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Sarah Elisabeth Geraghty**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Ebony Brown**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Warden Marty Allen**  
*Georgia State Prison, In his Individual  
Capacity*

represented by **Ronald J. Stay**  
Georgia Department of Law  
40 Capitol Square, SW

TERMINATED: 06/13/2019

Atlanta, GA 30334-1300  
 404-656-6663  
 Fax: 404-651-5304  
 Email: [rstay@law.ga.gov](mailto:rstay@law.ga.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant****Robert Toole**

*Former Regional Director, Georgia  
 Department of Corrections, In his  
 Individual Capacity*  
 TERMINATED: 06/13/2019

represented by **Ronald J. Stay**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant****Wade Nobilio**

*Former Correctional Officer, Georgia  
 State Prison, In his Individual Capacity*  
 TERMINATED: 06/13/2019

represented by **Ronald J. Stay**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant****Stephen Sharpe**

*Former Lieutenant, Georgia State Prison,  
 In his Individual Capacity*  
 TERMINATED: 06/13/2019

represented by **Stephen Sharpe**  
 165 Hawk Trail  
 Vidalia, GA 30474  
 PRO SE

**Vincent Aaron Toreno**  
 Atkins David, LLC  
 229 Peachtree Street  
 # 950  
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 TERMINATED: 05/09/2019  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant****C/O Timothy Brooks**

*Georgia State Prison, In his Individual  
 Capacity*  
 TERMINATED: 06/13/2019

represented by **Ronald J. Stay**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant****C/O Curmit Williams, Jr.**

*Georgia State Prison, In his Individual  
 Capacity*  
 TERMINATED: 06/13/2019

represented by **Ronald J. Stay**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
04/19/2018	<u>1</u>	COMPLAINT against All Defendants, filed by Shawn Andrews, Seth Rouzan. Receipt # 113J-2360124 (Attachments: # <u>1</u> Civil Cover Sheet)(loh) Modified on 4/25/2018 (loh). Modified on 7/23/2018 (loh). (Entered: 04/19/2018)
04/19/2018	<u>2</u>	Summons Issued as to Marty Allen, Timothy Brooks, Wade Nobilio, Stephen Sharpe, Robert Toole, Curmit Williams, Jr. (loh) (Entered: 04/19/2018)
04/19/2018	<u>3</u>	RULE 26 INSTRUCTION ORDER. Signed by Magistrate Judge R. Stan Baker on 4/19/2018. (csr) (Entered: 04/19/2018)

04/19/2018	<u>4</u>	MOTION for Leave to Appear Pro Hac Vice (Atteeyah Hollie) Receipt Number 113J-2360346, Fee Amount \$200, by Shawn Andrews. Responses due by 5/3/2018. (Geraghty, Sarah) (Entered: 04/19/2018)
04/19/2018		MOTIONS REFERRED: <u>4</u> MOTION for Leave to Appear Pro Hac Vice (Atteeyah Hollie), Receipt Number 113J-2360346, Fee Amount \$200. (loh) (Entered: 04/19/2018)
04/24/2018	<u>5</u>	TEXT ORDER granting <u>4</u> MOTION for Leave to Appear pro hac vice by Atteeyah Hollie. Sarah Geraghty has entered an appearance in this case and vouches that she will satisfy the obligations of local counsel as required by this Court's Local Rule 83.4. Signed by Magistrate Judge R. Stan Baker on April 24, 2018. (pmh) (Entered: 04/24/2018)
04/27/2018	<u>6</u>	NOTICE of Appearance by Atteeyah Hollie on behalf of All Plaintiffs. (Hollie, Atteeyah) Modified on 4/27/2018 (trb). (Entered: 04/27/2018)
07/06/2018	<u>7</u>	Disclosure Statement pursuant to Local Rule 7.1.1 by Shawn Andrews, Seth Rouzan. (Hollie, Atteeyah) (Entered: 07/06/2018)
09/05/2018		Case Reassigned to Magistrate Judge Benjamin W. Cheesbro pursuant to standing Order in 1:18-mc-12. Magistrate Judge R. Stan Baker no longer assigned to the case. (csr) (Entered: 09/07/2018)
09/13/2018	<u>8</u>	NOTICE of Appearance by Ronald J. Stay on behalf of Marty Allen, Timothy Brooks, Robert Toole, Curmit Williams, Jr. (Stay, Ronald) (Entered: 09/13/2018)
09/26/2018	<u>9</u>	NOTICE of Appearance by Ronald J. Stay on behalf of Wade Nobilio (Stay, Ronald) (Entered: 09/26/2018)
11/05/2018	<u>10</u>	MOTION to Dismiss by Marty Allen, Robert Toole. Responses due by 11/19/2018. (Attachments: # <u>1</u> Briefs Brief in Support, # <u>2</u> Exhibit Order 1 in 6:17-cv-110, # <u>3</u> Exhibit Order 2 in 6:17-cv-110, # <u>4</u> Exhibit Order 1 in 6:17-cv-127, # <u>5</u> Exhibit Order 2 in 6:17-cv-127, # <u>6</u> Exhibit Order 1 in 6:17-cv-80, # <u>7</u> Exhibit Order 2 in 6:17-cv-80, # <u>8</u> Exhibit Order 1 in 6:15-cv-74, # <u>9</u> Exhibit Order 2 in 6:15-cv-74, # <u>10</u> Exhibit Order 1 in 6:15-cv-96, # <u>11</u> Exhibit Order 2 in 6:15-cv-96, # <u>12</u> Exhibit Order 3 in 6:15-cv-96)(Stay, Ronald) (Entered: 11/05/2018)
11/05/2018	<u>11</u>	ANSWER to Complaint by Timothy Brooks.(Stay, Ronald) (Entered: 11/05/2018)
11/05/2018	<u>12</u>	ANSWER to Complaint by Wade Nobilio.(Stay, Ronald) (Entered: 11/05/2018)
11/05/2018	<u>13</u>	ANSWER to Complaint by Curmit Williams, Jr..(Stay, Ronald) (Entered: 11/05/2018)
11/05/2018	<u>14</u>	MOTION to Stay <i>Discovery</i> by Marty Allen, Timothy Brooks, Wade Nobilio, Robert Toole, Curmit Williams, Jr.. Responses due by 11/19/2018. (Attachments: # <u>1</u> Briefs Brief in Support, # <u>2</u> Text of Proposed Order)(Stay, Ronald) (Entered: 11/05/2018)
11/06/2018	<u>15</u>	DEFENSES AND ANSWER to Complaint by Stephen Sharpe.(Toreno, Vincent) (Entered: 11/06/2018)
11/07/2018		MOTIONS REFERRED: <u>14</u> MOTION to Stay <i>Discovery</i> . (pts) (Entered: 11/07/2018)
11/07/2018		MOTIONS REFERRED: <u>14</u> MOTION to Stay <i>Discovery</i> . (trb) (Entered: 11/07/2018)
11/07/2018	<u>16</u>	MOTION for Extension of Time to File Response/Reply as to <u>14</u> MOTION to Stay <i>Discovery</i> , <u>10</u> MOTION to Dismiss by Shawn Andrews, Seth Rouzan. Responses due by 11/21/2018. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order Granting Extension of Time)(Hollie, Atteeyah) (Entered: 11/07/2018)
11/08/2018		MOTIONS REFERRED: <u>16</u> MOTION for Extension of Time to File Response/Reply as to <u>14</u> MOTION to Stay <i>Discovery</i> , <u>10</u> MOTION to Dismiss . (trb) (Entered: 11/08/2018)
11/08/2018	<u>17</u>	REPORT of Rule 26(f) Planning Meeting. (Hollie, Atteeyah) (Entered: 11/08/2018)
11/09/2018	<u>18</u>	ORDER granting <u>16</u> Motion for Extension of Time to File Response/Reply re: <u>14</u> MOTION to Stay <i>Discovery</i> , and <u>10</u> MOTION to Dismiss. Plaintiff's shall file their responses to Defendants' motions on or before December 3, 2018. Signed by Magistrate Judge Benjamin W. Cheesbro on 11/9/2018. (csr) (Entered: 11/09/2018)

11/09/2018	<u>19</u>	MOTION for Leave to Appear Pro Hac Vice of Ebony Brown, Receipt Number SAV033822, Fee Amount \$200, by Shawn Andrews, Seth Rouzan. Responses due by 11/23/2018. (Attachments: # <u>1</u> Certificate of Good Standing, # <u>2</u> Text of Proposed Order) REFERRED to Judge Benjamin W. Cheesbro.(trb) (Entered: 11/13/2018)
11/13/2018	<u>20</u>	ORDER granting <u>19</u> Motion for Leave to Appear Pro Hac Vice by Ebony Brown. Atteyah Hollie has entered an appearance in this case and vouches that she will satisfy the obligations of local counsel, as required by this Court's Local Rule 83.4. Signed by Magistrate Judge Benjamin W. Cheesbro on November 13, 2018. (edd) (Entered: 11/13/2018)
11/14/2018	<u>21</u>	***Entered in Error*** CERTIFICATE OF SERVICE by Shawn Andrews, Seth Rouzan of <i>Plaintiffs' Initial Disclosures</i> (Hollie, Atteyah) Modified on 11/15/2018 (trb). (Entered: 11/14/2018)
11/15/2018	<u>22</u>	NOTICE of Restriction/Return of Discovery Related Materials re <u>21</u> Certificate of Service. (trb) (Entered: 11/15/2018)
12/03/2018	<u>23</u>	RESPONSE in Opposition re <u>10</u> MOTION to Dismiss filed by Shawn Andrews, Seth Rouzan. (Hollie, Atteyah) (Entered: 12/03/2018)
12/03/2018	<u>24</u>	RESPONSE to Motion re <u>14</u> MOTION to Stay <i>Discovery</i> filed by Shawn Andrews, Seth Rouzan. (Brown, Ebony) (Entered: 12/03/2018)
12/05/2018	<u>25</u>	NOTICE of Intent to <i>File Reply Brief</i> by Marty Allen, Robert Toole re <u>10</u> MOTION to Dismiss . (Stay, Ronald) (Entered: 12/05/2018)
12/05/2018	<u>26</u>	NOTICE of Intent to <i>File Reply Brief</i> by Marty Allen, Timothy Brooks, Wade Nobilio, Robert Toole, Curmit Williams, Jr. re <u>14</u> MOTION to Stay <i>Discovery</i> . (Stay, Ronald) (Entered: 12/05/2018)
12/17/2018	<u>27</u>	REPLY to Response to Motion re <u>10</u> MOTION to Dismiss filed by Marty Allen, Robert Toole. (Stay, Ronald) (Entered: 12/17/2018)
12/17/2018	<u>28</u>	REPLY to Response to Motion re <u>14</u> MOTION to Stay <i>Discovery</i> filed by Marty Allen, Timothy Brooks, Wade Nobilio, Robert Toole, Curmit Williams, Jr.. (Stay, Ronald) (Entered: 12/17/2018)
01/17/2019		MOTIONS REFERRED: <u>10</u> MOTION to Dismiss. (csr) (Entered: 01/17/2019)
01/30/2019	<u>29</u>	ORDER granting in part Defendants' <u>14</u> Motion to Stay Discovery and ORDERS discovery stayed as to Defendants Allen and Toole and ORDERS discovery limited to issues other than supervisory liability pending resolution of Defendants' motion to dismiss. Signed by Magistrate Judge Benjamin W. Cheesbro on 1/30/2019. (csr) (Entered: 01/30/2019)
03/19/2019	<u>30</u>	Joint MOTION to Stay <i>Pending Settlement</i> by Marty Allen, Timothy Brooks, Wade Nobilio, Robert Toole, Curmit Williams, Jr.. Responses due by 4/2/2019. (Attachments: # <u>1</u> Text of Proposed Order)(Stay, Ronald) (Entered: 03/19/2019)
03/21/2019	<u>31</u>	ORDER granting Joint <u>30</u> Motion to Stay Lawsuit. It is ORDERED that all proceedings, including discovery in this case is STAYED for a period of 90 days, or until June 19, 2019. This stay will be automatically lifted at that time. Signed by Magistrate Judge Benjamin W. Cheesbro on 3/21/2019. (csr) (Entered: 03/21/2019)
03/21/2019		Set/Reset Deadlines: Remove stay flag on 6/19/2019 re: <u>31</u> Order. (csr) (Entered: 03/21/2019)
04/24/2019	<u>32</u>	OBJECTION to motion to withdraw by Stephen Sharpe. (trb) (Entered: 04/24/2019)
05/03/2019	<u>33</u>	MOTION to Withdraw as Attorney (Vincent Toreno) by Stephen Sharpe. Responses due by 5/17/2019. (Attachments: # <u>1</u> Briefs, # <u>2</u> Text of Proposed Order, # <u>3</u> Exhibit)(Toreno, Vincent) (Entered: 05/03/2019)
05/09/2019	<u>34</u>	ORDER granting <u>33</u> Motion to Withdraw as Attorney. Attorney Vincent Aaron Toreno is terminated. Defendant Sharpe shall advise the Court within 21 days of this Order whether he intends to proceed pro se or will retain counsel. Signed by Chief Judge J. Randal Hall on 05/09/2019. (maa) (Entered: 05/09/2019)

05/13/2019		Set/Reset Deadlines: Compliance re <u>34</u> Order due by 5/30/2019. (jlh) (Entered: 05/13/2019)
05/24/2019	<u>35</u>	MOTION for Leave of Absence as to Marty Allen, Timothy Brooks, Wade Nobilio, Robert Toole, Curmit Williams, Jr. for dates of : 08/30/2019, 09/03/2019–09/05/2019, 09/17/2019–09/20/2019 by Marty Allen, Timothy Brooks, Wade Nobilio, Robert Toole, Curmit Williams, Jr. Responses due by 6/7/2019. (Stay, Ronald) Modified on 5/28/2019 (jlh). (Entered: 05/24/2019)
05/28/2019		MOTIONS REFERRED: <u>35</u> MOTION for Leave of Absence as to Marty Allen, Timothy Brooks, Wade Nobilio, Robert Toole, Curmit Williams, Jr. for dates of : 08/30/2019, 09/03/2019–09/05/2019, 09/17/2019–09/20/2019. (cmr) (Entered: 05/28/2019)
05/28/2019	36	TEXT ORDER granting <u>35</u> Motion for Leave of Absence by Ronald J. Stay for the dates of August 30, 2019; September 3, 2019 through and including September 5, 2019; and September 17, 2019 through and including September 20, 2019. Signed by Magistrate Judge Benjamin W. Cheesbro on May 28, 2019. (edd) (Entered: 05/28/2019)
06/11/2019	<u>37</u>	STIPULATION of Dismissal by Shawn Andrews, Seth Rouzan. (Brown, Ebony) (Entered: 06/11/2019)
06/13/2019	<u>38</u>	ORDER DISMISSING CASE with prejudice. Each party shall bear their own costs and attorney's fees. This case stands closed. Signed by Chief Judge J. Randal Hall on 6/13/2019. (pts) (Entered: 06/13/2019)