

CLOSED

**U.S. District Court  
SOUTHERN DISTRICT OF TEXAS (Houston)  
CIVIL DOCKET FOR CASE #: 4:09-cv-00786**

Durrenberger v. Texas Department of Criminal Justice et al  
Assigned to: Judge Sim Lake  
Related Case: [4:09-mc-00105](#)  
Cause: 42:12188 American Disabilities Act of 1990

Date Filed: 03/10/2009  
Date Terminated: 05/24/2011  
Jury Demand: Defendant  
Nature of Suit: 446 Civil Rights:  
Americans with Disabilities – Other  
Jurisdiction: Federal Question

**Plaintiff**

**Jeremy Joseph Durrenberger**

represented by **James C Harrington**  
Texas Civil Rights Project  
1405 Montopolis Dr  
Austin, TX 78741-3438  
512-474-5073  
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**ATTORNEY TO BE NOTICED**

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**Lauren Izzo**  
Texas City Rights Project

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 TERMINATED: 12/06/2010  
 ATTORNEY TO BE NOTICED

V.

**Defendant**

**Texas Department of Criminal Justice**

represented by **Susan Elizabeth Werner**  
 Office of the Texas Attorney General  
 P O Box 12548  
 Austin, TX 78711-2548  
 512-463-2080  
 Fax: 512-495-9139  
 Email: [susan.werner@oag.state.tx.us](mailto:susan.werner@oag.state.tx.us)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Defendant**

**Brad Livingston**

*in his Official Capacity as Executive  
 Director of the Texas Department of  
 Criminal Justice*

represented by **Susan Elizabeth Werner**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Defendant**

**Nathaniel Quarterman**

*in his Official Capacity as Director of the  
 Correctional Institutions Division of the  
 Texas Department of Criminal Justice*

represented by **Susan Elizabeth Werner**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Defendant**

**Dawn Grounds**

*in her Official Capacity as senior warden  
 of the Alfred Hughes prison, a facility  
 operated by the Texas Department of  
 Criminal Justice*

represented by **Susan Elizabeth Werner**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/10/2009	<u>1</u>	COMPLAINT against all defendants (IFP granted by Judge K Hoyt) filed by Jeremy Joseph Durrenberger.(mmapps, ) (Entered: 03/17/2009)
03/17/2009		Summons Issued as to Texas Department of Criminal Justice, Brad Livingston, Nathaniel Quarterman, Dawn Grounds ( USM Form 285), filed.(mmapps, ) (Entered: 03/17/2009)
03/17/2009	<u>2</u>	ORDER for Initial Pretrial and Scheduling Conference and Order to Disclose Interested Persons. Initial Conference set for 6/26/2009 at 03:00 PM in Courtroom 9B before Judge Sim Lake.(Signed by Judge Sim Lake) Parties notified.(mmapps, ) (Entered: 03/17/2009)
03/24/2009	<u>3</u>	RETURN of Service of SUMMONS Executed as to Brad Livingston served on 3/20/2009, answer due 5/19/2009, filed. (mewilliams, ) (Entered: 03/25/2009)
03/24/2009	<u>4</u>	RETURN of Service of SUMMONS Executed as to Nathaniel Quarterman served on 3/20/2009, answer due 4/9/2009, filed.(mmapps, ) (Entered: 03/25/2009)
04/02/2009	<u>5</u>	Return of Service Unexecuted as to Jeremy Joseph Durrenberger re: Summons/ Complaint, filed.(aalonzo, ) (Entered: 04/06/2009)

04/08/2009	<u>6</u>	RETURN of Service of SUMMONS Executed as to Dawn Grounds served on 3/23/2009, answer due 4/13/2009, filed.(pjameson, ) (Entered: 04/09/2009)
04/13/2009	<u>7</u>	ANSWER to <u>1</u> Complaint with Jury Demand by Texas Department of Criminal Justice, Brad Livingston, Nathaniel Quarterman, Dawn Grounds, filed.(Werner, Susan) (Entered: 04/13/2009)
05/04/2009	<u>8</u>	CERTIFICATE OF INTERESTED PARTIES by Texas Department of Criminal Justice, filed.(Werner, Susan) (Entered: 05/04/2009)
06/03/2009	<u>9</u>	First AMENDED Complaint against Texas Department of Criminal Justice filed by Jeremy Joseph Durrenberger.(Medlock, Scott) (Entered: 06/03/2009)
06/03/2009	<u>10</u>	Unopposed MOTION to Amend <u>1</u> Complaint by Jeremy Joseph Durrenberger, filed. Motion Docket Date 6/23/2009. (Attachments: # <u>1</u> Proposed Order)(Medlock, Scott) (Entered: 06/03/2009)
06/03/2009	<u>11</u>	NOTICE of Appearance by James C. Harrington, Wayne Krause, Scott Medlock, Peter (Jody) Barton, and Lauren Izzo on behalf of Jeremy Joseph Durrenberger, filed. (Medlock, Scott) (Entered: 06/03/2009)
06/04/2009	<u>12</u>	ORDER granting <u>10</u> Motion to Amend.(Signed by Judge Sim Lake) Parties notified.(hcarr, ) (Entered: 06/04/2009)
06/12/2009	<u>13</u>	AMENDE ORDER for Initial Pretrial and Scheduling Conference and Order to Disclose Interested Persons. Initial Conference set for 7/24/2009 at 03:00 PM in Courtroom 9B before Judge Sim Lake.(Signed by Judge Sim Lake) Parties notified.(hcarr, ) (Entered: 06/12/2009)
06/15/2009	<u>14</u>	ANSWER to <u>9</u> Amended Complaint/Counterclaim/Crossclaim etc. with Jury Demand by Texas Department of Criminal Justice, filed.(Werner, Susan) (Entered: 06/15/2009)
06/19/2009	<u>15</u>	NOTICE OF VACATION by Jeremy Joseph Durrenberger, filed. (Medlock, Scott) (Entered: 06/19/2009)
06/24/2009	<u>16</u>	CERTIFICATE OF INTERESTED PARTIES by Jeremy Joseph Durrenberger, filed.(Medlock, Scott) (Entered: 06/24/2009)
07/14/2009	<u>17</u>	JOINT DISCOVERY/CASE MANAGEMENT PLAN by Jeremy Joseph Durrenberger, Texas Department of Criminal Justice, Brad Livingston, Nathaniel Quarterman, Dawn Grounds, filed.(Medlock, Scott) (Entered: 07/14/2009)
07/24/2009	<u>18</u>	MINUTE ENTRY ORDER: Scheduling Conference held. Docket Control Order entered. Appearances: Lauren Izzo. Appearances: Susan Elizabeth Werner. Ct Reporter: M. Malone..(Signed by Judge Sim Lake) Parties notified.(hcarr, ) (Entered: 07/25/2009)
07/24/2009	<u>19</u>	SCHEDULING ORDER. Amended Pleadings due by 11/20/2009. Joinder of Parties due by 11/20/2009. Pltf Identification of Experts and Expert Report due by 2/5/2010. Deft Identification of Experts and Expert Report due by 3/12/2010. Discovery due by 4/1/2010. Dispositive Motion Filing due by 4/16/2010. Non-Dispositive Motion Filing due by 7/16/2010. Joint Pretrial Order due by 8/6/2010. Docket Call set for 8/13/2010 at 04:00 PM in Courtroom 9B before Judge Sim Lake.(Signed by Judge Sim Lake) Parties notified.(hcarr, ) (Entered: 07/25/2009)
09/15/2009	<u>20</u>	NOTICE of Vacation by Jeremy Joseph Durrenberger, filed. (Medlock, Scott) (Entered: 09/15/2009)
12/11/2009	<u>21</u>	NOTICE of Filing Initial Disclosure and Discovery Responses by Texas Department of Criminal Justice, filed. (Werner, Susan) (Entered: 12/11/2009)
01/21/2010	<u>22</u>	MOTION to Compel Defendant to respond to plaintiff's first set of interrogatories by Jeremy Joseph Durrenberger, filed. Motion Docket Date 2/11/2010. (Izzo, Lauren) (Entered: 01/21/2010)
01/29/2010	<u>23</u>	RESPONSE to <u>22</u> MOTION to Compel Defendant to respond to plaintiff's first set of interrogatories filed by Texas Department of Criminal Justice. (Attachments: # <u>1</u> Proposed Order)(Werner, Susan) (Entered: 01/29/2010)

02/01/2010	<u>24</u>	ORDER denying <u>22</u> Motion to Compel. Defendant response to Plaintiff's Interrogatories due 2/12/2010.(Signed by Judge Sim Lake) Parties notified.(hcarr, ) (Entered: 02/01/2010)
02/05/2010	<u>25</u>	MOTION for Extension of Time Expert Deadline by Jeremy Joseph Durrenberger, filed. Motion Docket Date 2/26/2010. (Izzo, Lauren) (Entered: 02/05/2010)
02/05/2010	<u>26</u>	DESIGNATION OF EXPERT WITNESS LIST by Jeremy Joseph Durrenberger, filed.(Izzo, Lauren) (Entered: 02/05/2010)
02/08/2010	<u>27</u>	ADVISORY by Jeremy Joseph Durrenberger, filed. (Attachments: # <u>1</u> Exhibit)(Izzo, Lauren) (Entered: 02/08/2010)
02/18/2010	<u>28</u>	Unopposed MOTION for Extension of Time Deadlines by Jeremy Joseph Durrenberger, filed. Motion Docket Date 3/11/2010. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Proposed Order)(Izzo, Lauren) (Entered: 02/18/2010)
02/19/2010	<u>29</u>	ORDER granting <u>28</u> Motion for Extension of Deadlines.(Signed by Judge Sim Lake) Parties notified.(jegonzalez, ) (Entered: 02/19/2010)
03/09/2010	<u>30</u>	NOTICE of Vacation by Jeremy Joseph Durrenberger, filed. (Medlock, Scott) (Entered: 03/09/2010)
03/26/2010	<u>31</u>	Unopposed MOTION for Extension of Time Summary Judgment Deadline by Texas Department of Criminal Justice, filed. Motion Docket Date 4/16/2010. (Attachments: # <u>1</u> Proposed Order)(Werner, Susan) (Entered: 03/26/2010)
03/29/2010	<u>32</u>	ORDER granting <u>31</u> Motion for Extension of Time Dispositive Motion Filing due by 5/17/2010.(Signed by Judge Sim Lake) Parties notified.(jegonzalez, ) (Entered: 03/29/2010)
03/30/2010	<u>33</u>	Unopposed MOTION for Extension of Time Expert Report by Jeremy Joseph Durrenberger, filed. Motion Docket Date 4/20/2010. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Proposed Order)(Izzo, Lauren) (Entered: 03/30/2010)
03/31/2010	<u>34</u>	ORDER granting <u>33</u> Motion for Extension of Time.(Signed by Judge Sim Lake) Parties notified.(hcarr, ) (Entered: 03/31/2010)
04/13/2010	<u>35</u>	Joint MOTION for Extension of Time Court's Scheduling Order by Texas Department of Criminal Justice, filed. Motion Docket Date 5/4/2010. (Attachments: # <u>1</u> Proposed Order)(Werner, Susan) (Entered: 04/13/2010)
04/14/2010	<u>36</u>	ORDER granting <u>35</u> Joint MOTION for Extension of Time Court's Scheduling Order. Deft Experts due by 7/24/2010, Discovery due by 8/24/2010, Dispositive Motion Filing due by 9/24/2010, Joint Pretrial Order due by 1/7/2011, Pltf Experts due by 6/24/2010, Docket Call set for 1/14/2011 at 04:00 PM in Courtroom 9B before Judge Sim Lake.(Signed by Judge Sim Lake) Parties notified.(hcarr, ) (Entered: 04/14/2010)
06/08/2010	<u>37</u>	NOTICE of Vacation by Jeremy Joseph Durrenberger, filed. (Medlock, Scott) (Entered: 06/08/2010)
06/24/2010	<u>38</u>	NOTICE of Disclosure of Expert Report by Jeremy Joseph Durrenberger, filed. (Izzo, Lauren) (Entered: 06/24/2010)
07/26/2010	<u>39</u>	NOTICE of Vacation by Jeremy Joseph Durrenberger, filed. (Medlock, Scott) (Entered: 07/26/2010)
09/24/2010	<u>40</u>	MOTION for Summary Judgment by Texas Department of Criminal Justice, filed. Motion Docket Date 10/15/2010. (Attachments: # <u>1</u> Appendix, # <u>2</u> Proposed Order)(Werner, Susan) (Entered: 09/24/2010)
09/24/2010	<u>41</u>	MOTION for Summary Judgment by Jeremy Joseph Durrenberger, filed. Motion Docket Date 10/15/2010. (Attachments: # <u>1</u> Exhibit Exhibits A-F, # <u>2</u> Exhibit Exhibits G-H, # <u>3</u> Proposed Order)(Izzo, Lauren) (Entered: 09/24/2010)
10/14/2010	<u>42</u>	RESPONSE to <u>40</u> MOTION for Summary Judgment filed by Jeremy Joseph Durrenberger. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Proposed Order)(Medlock, Scott) (Entered: 10/14/2010)

10/15/2010	<u>43</u>	RESPONSE to <u>41</u> MOTION for Summary Judgment filed by Texas Department of Criminal Justice. (Attachments: # <u>1</u> Proposed Order)(Werner, Susan) (Entered: 10/15/2010)
10/27/2010	<u>44</u>	REPLY to Response to <u>41</u> MOTION for Summary Judgment, filed by Jeremy Joseph Durrenberger. (Medlock, Scott) (Entered: 10/27/2010)
12/02/2010	<u>45</u>	MEMORANDUM OPINION AND ORDER Granting in Part and Denying in Part <u>41</u> MOTION for Summary Judgment. Denying <u>40</u> MOTION for Summary Judgment. Joint Pretrial Order due by 2/4/2011, Docket Call set for 2/11/2011 at 04:00 PM in Courtroom 9B before Judge Sim Lake.(Signed by Judge Sim Lake) Parties notified.(hcarr, ) (Entered: 12/02/2010)
12/03/2010	<u>46</u>	MOTION for Brian Rolland McGiverin to Appear Pro Hac Vice by Jeremy Joseph Durrenberger, filed. Motion Docket Date 12/27/2010. (Izzo, Lauren) (Entered: 12/03/2010)
12/03/2010	<u>47</u>	MOTION to Substitute Attorney Brian McGiverin in place of Lauren Izzo, MOTION for Lauren Izzo to Withdraw as Attorney( Motion Docket Date 12/27/2010.) by Jeremy Joseph Durrenberger, filed. (Attachments: # <u>1</u> Proposed Order)(Izzo, Lauren) (Entered: 12/03/2010)
12/06/2010	<u>48</u>	ORDER granting <u>47</u> Motion to Substitute Attorney Attorney Lauren Izzo terminated; granting <u>47</u> Motion to Withdraw as Attorney. Attorney Lauren Izzo terminated.(Signed by Judge Sim Lake) Parties notified.(hcarr, ) (Entered: 12/06/2010)
12/06/2010		Attorney Brian Rolland McGiverin for Jeremy Joseph Durrenberger added.(Signed by Judge Sim Lake) Parties notified.(hcarr, ) (Entered: 12/06/2010)
12/06/2010	<u>49</u>	ORDER granting <u>46</u> Motion to Appear Pro Hac Vice.(Signed by Judge Sim Lake) Parties notified.(hcarr, ) (Entered: 12/06/2010)
12/22/2010	<u>50</u>	MOTION for Attorney Fees by Jeremy Joseph Durrenberger, filed. Motion Docket Date 1/12/2011. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Proposed Order)(Medlock, Scott) (Entered: 12/22/2010)
01/04/2011	<u>51</u>	MOTION for Reconsideration of <u>45</u> Memorandum and Opinion, by Texas Department of Criminal Justice, filed. Motion Docket Date 1/25/2011. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Proposed Order)(Werner, Susan) (Entered: 01/04/2011)
01/11/2011	<u>52</u>	RESPONSE to <u>51</u> MOTION for Reconsideration of <u>45</u> Memorandum and Opinion, filed by Jeremy Joseph Durrenberger. (Attachments: # <u>1</u> Proposed Order)(Medlock, Scott) (Entered: 01/11/2011)
01/13/2011	<u>53</u>	Unopposed SUPPLEMENT to <u>50</u> MOTION for Attorney Fees by Jeremy Joseph Durrenberger, filed. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Proposed Order)(Medlock, Scott) (Entered: 01/13/2011)
01/24/2011	<u>54</u>	MEMORANDUM OPINION AND ORDER denying <u>51</u> MOTION for Reconsideration of <u>45</u> Memorandum and Opinion..(Signed by Judge Sim Lake) Parties notified.(hcarr, ) (Entered: 01/24/2011)
01/27/2011	<u>55</u>	NOTICE of Settlement by Texas Department of Criminal Justice, filed. (Attachments: # <u>1</u> Proposed Order)(Werner, Susan) (Entered: 01/27/2011)
01/28/2011	<u>56</u>	ORDER granting <u>55</u> NOTICE Settlement. 2/11/2011 Docket Call canceled. Settlement documents due within 120 days.(Signed by Judge Sim Lake) Parties notified.(hcarr, ) (Entered: 01/28/2011)
05/23/2011	<u>57</u>	NOTICE of Dismissal as to Texas Department of Criminal Justice by Texas Department of Criminal Justice, filed. (Attachments: # <u>1</u> Proposed Order)(Werner, Susan) (Entered: 05/23/2011)
05/24/2011	<u>58</u>	ORDER OF DISMISSAL <u>57</u> Notice of Dismissal. Case terminated on 5/24/2011.(Signed by Judge Sim Lake) Parties notified.(jewilliams, ) (Entered: 05/24/2011)