

CLOSED, JCS

**U.S. District Court  
Southern District of Mississippi (Jackson)  
CIVIL DOCKET FOR CASE #: 3:08-cv-00567-TSL-JCS**

Young et al v. Hosemann et al  
Assigned to: District Judge Tom S. Lee  
Referred to: Magistrate Judge James C. Sumner  
Case in other court: U.S. Court of Appeal for 5th Circuit,  
09-60188

Date Filed: 09/12/2008  
Date Terminated: 03/09/2009  
Jury Demand: None  
Nature of Suit: 441 Civil Rights: Voting  
Jurisdiction: Federal Question

Cause: 28:1331 Fed. Question: Civil Rights Violation

**Plaintiff**

**Jerry Young**

represented by **Kristy L. Bennett**  
KRISTY L. BENNETT, ATTORNEY AT  
LAW  
2888 Laverne Road  
Nesbit, MS 38651-9651  
662/429-1852  
Email: [k\\_l\\_bennett@hotmail.com](mailto:k_l_bennett@hotmail.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Moffatt Laughlin McDonald – PHV**  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION, INC.–Atlanta  
230 Peachtree Street NW, Suite 1440  
Atlanta, GA 30303  
404/523-2721  
Fax: 404/653-0331  
Email: [lmcdonald@aclu.org](mailto:lmcdonald@aclu.org)  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Nancy G. Abudu – PHV**  
AMERICAN CIVIL LIBERTIES UNION  
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230 Peachtree Street NW, Suite 1440  
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**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Neil T. Bradley**  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION, INC.–Atlanta  
230 Peachtree Street NW, Suite 1440  
Atlanta, GA 30303  
404/523-2721  
Fax: 404/653-0331  
**TERMINATED: 03/12/2009**  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Christy Colley**

represented by **Kristy L. Bennett**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Moffatt Laughlin McDonald – PHV**  
(See above for address)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Nancy G. Abudu – PHV**  
(See above for address)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Neil T. Bradley**  
(See above for address)  
*TERMINATED: 03/12/2009*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Delbert Hosemann**  
*in his official capacity as the Secretary of  
State of Mississippi*

represented by **Shawn Stephen Shurden**  
MISSISSIPPI PUBLIC SERVICE  
COMMISSION  
501 N. West Street  
Suite 201-A  
Jackson, MS 39201  
601/961-5497  
Fax: 601/961-5469  
Email: [shawn.shurden@psc.state.ms.us](mailto:shawn.shurden@psc.state.ms.us)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Kristin Buse**  
*in official capacity as Election  
Commissioner of Lee County*

represented by **William C. Murphree**  
MITCHELL, MCNUTT & SAMS, PA –  
Tupelo  
P. O. Box 7120  
Tupelo, MS 38802-7120  
662/842-3871  
Fax: 662/842-8450  
Email: [bmurphree@mitchellmcnutt.com](mailto:bmurphree@mitchellmcnutt.com)  
*LEAD ATTORNEY*

**Defendant**

**Debby McCafferty**  
*in official capacity as Election  
Commissioner of Lee County*

represented by **William C. Murphree**  
(See above for address)  
*LEAD ATTORNEY*

**Defendant**

**Harry Grayson, Jr.**  
*in official capacity as Election  
Commissioner of Lee County*

represented by **William C. Murphree**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Vivian Burkley**  
*in official capacity as Election  
Commissioner in Panola County*

represented by **Jay Westfaul**  
THE WESTFAUL LAW FIRM  
Governor Charles C. "Cliff" Finch  
Building  
115 Eureka Street, Suite A  
Batesville, MS 38606  
662/563-8482

Fax: 662/563-8481  
 Email: [westfaul@westfaulfirm.com](mailto:westfaul@westfaulfirm.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Julius Harris**  
*in official capacity as Election  
 Commissioner in Panola County*

represented by **Jay Westfaul**  
 (See above for address)  
**LEAD ATTORNEY**

**Defendant**

**Jimmy Herron**  
*in official capacity as Election  
 Commissioner in Panola County*

represented by **Jay Westfaul**  
 (See above for address)  
**LEAD ATTORNEY**

**Defendant**

**Bonnie G. Land**  
*in official capacity as Election  
 Commissioner in Panola County*

represented by **Jay Westfaul**  
 (See above for address)  
**LEAD ATTORNEY**

**Defendant**

**Ronald McMinn**  
*in official capacity as Election  
 Commissioner in Panola County*

represented by **Jay Westfaul**  
 (See above for address)  
**LEAD ATTORNEY**

**Defendant**

**John H. Edwards**  
*in official capacity as Election  
 Commissioner of Lee County*

represented by **William C. Murphree**  
 (See above for address)  
**LEAD ATTORNEY**

**Defendant**

**John M. Wages**  
*in official capacity as Election  
 Commissioner of Lee County*

represented by **William C. Murphree**  
 (See above for address)  
**LEAD ATTORNEY**

Date Filed	#	Docket Text
09/12/2008	<u>1</u>	COMPLAINT for Injunctive and Declaratory Relief against Julius Harris, Jimmy Herron, Bonnie G. Land, Ronald McMinn, Delbert Hosemann, Kristin Buse, Debby McCafferty, Harry Grayson, Jr, Vivian Burkley, John M. Wages, John H. Edwards (Filing fee \$350.00 receipt number J027458), filed by Jerry Young, Christy Colley. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit-A, # <u>3</u> Exhibit-B, # <u>4</u> Exhibit-C, # <u>5</u> Exhibit-D)(SEC) Modified on 9/12/2008 (SEC). (Entered: 09/12/2008)
09/12/2008	<u>2</u>	MOTION for Preliminary Injunction by Jerry Young, Christy Colley (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Bennett, Kristy) (Entered: 09/12/2008)
09/12/2008	<u>3</u>	MEMORANDUM in Support re <u>2</u> MOTION for Preliminary Injunction filed by Jerry Young, Christy Colley (Bennett, Kristy) (Entered: 09/12/2008)
09/17/2008	<u>4</u>	Summons Issued as to Julius Harris, Jimmy Herron, Bonnie G. Land, Ronald McMinn, John H. Edwards, John M. Wages, Delbert Hosemann, Kristin Buse, Debby McCafferty, Harry Grayson, Jr, Vivian Burkley. (SEC) (Entered: 09/17/2008)
09/19/2008	<u>5</u>	RESPONSE in Opposition re <u>2</u> MOTION for Preliminary Injunction filed by Delbert Hosemann (Attachments: # <u>1</u> Exhibit Exhibits A - B)(Shurden, Shawn) (Entered: 09/19/2008)

09/23/2008	<u>6</u>	MOTION for Neil T. Bradley to Appear Pro Hac Vice by Jerry Young, Christy Colley (Attachments: # <u>1</u> Exhibit A)(Bennett, Kristy) (Entered: 09/23/2008)
09/23/2008	<u>7</u>	MOTION for Moffatt Laughlin McDonald to Appear Pro Hac Vice by Jerry Young, Christy Colley (Attachments: # <u>1</u> Exhibit A)(Bennett, Kristy) (Entered: 09/23/2008)
09/23/2008	<u>8</u>	MOTION for Nancy G. Abudu to Appear Pro Hac Vice by Jerry Young, Christy Colley (Attachments: # <u>1</u> Exhibit A)(Bennett, Kristy) (Entered: 09/23/2008)
09/23/2008	<u>9</u>	ATTACHMENT re <u>5</u> Response in Opposition to Motion <i>Supplement to Response</i> by Delbert Hosemann (Shurden, Shawn) (Entered: 09/23/2008)
09/24/2008	<u>10</u>	Rebuttal re <u>5</u> Response in Opposition to Motion, <u>9</u> Attachment filed by Jerry Young, Christy Colley (Attachments: # <u>1</u> Exhibit E, Docket Sheet, # <u>2</u> Exhibit F, Order, # <u>3</u> Exhibit G, Order of Recusal)(Bennett, Kristy) (Entered: 09/24/2008)
09/25/2008		Minute Entry for proceedings held before District Judge Tom S. Lee: Motion Hearing held on 9/25/2008 re <u>2</u> MOTION for Preliminary Injunction filed by Jerry Young, Christy Colley. ACTION TAKEN: Motion denied. (Court Reporter C. Bond (601/965-4410) (LWE) (Entered: 09/25/2008)
09/25/2008	<u>11</u>	ORDER denying <u>2</u> Motion for Preliminary Injunction Signed by District Judge Tom S. Lee on 9/25/08 (SEC) (Entered: 09/25/2008)
09/26/2008		TEXT ONLY ORDER granting <u>6</u> Motion to Appear Pro Hac Vice; granting <u>7</u> Motion to Appear Pro Hac Vice; granting <u>8</u> Motion to Appear Pro Hac Vice, that Neil T. Bradley, Moffatt Laughlin McDonald and Nancy G. Abudu be admitted pro hac vice in this case on behalf of the plaintiffs in association with local counsel, upon payment of the required fee and upon registration for electronic filing as required by the Court. NO WRITTEN ORDER SHALL ISSUE. Signed by Magistrate Judge James C. Sumner on September 26, 2008 (CSF) (Entered: 09/26/2008)
09/26/2008		Pro Hac Vice fee paid by Nancy G. Abudu \$100, receipt number J027610 (SEC) (Entered: 09/26/2008)
09/26/2008		Pro Hac Vice fee paid by Moffatt Laughlin McDonald \$100, receipt number J027609 (SEC) (Entered: 09/26/2008)
09/26/2008		Pro Hac Vice fee paid by Neil T. Bradley \$ 100, receipt number J027608 (SEC) (Entered: 09/26/2008)
10/02/2008	<u>12</u>	MOTION for Certificate of Appealability by Jerry Young, Christy Colley (Bennett, Kristy) (Entered: 10/02/2008)
10/02/2008	<u>13</u>	MOTION to Dismiss by Delbert Hosemann (Shurden, Shawn) (Entered: 10/02/2008)
10/02/2008	<u>14</u>	MEMORANDUM in Support re <u>13</u> MOTION to Dismiss filed by Delbert Hosemann (Shurden, Shawn) (Entered: 10/02/2008)
10/03/2008	<u>15</u>	MOTION to Withdraw <u>12</u> MOTION for Certificate of Appealability by Jerry Young, Christy Colley (Bennett, Kristy) (Entered: 10/03/2008)
10/03/2008	<u>16</u>	NOTICE OF INTERLOCUTORY APPEAL as to <u>11</u> Order on Motion for Preliminary Injunction by Jerry Young, Christy Colley. Filing fee \$ 455, receipt number 0538000000001122821. (Bennett, Kristy) Modified on 10/3/2008 to reflect interlocutory appeal. (cwl). (Entered: 10/03/2008)
10/03/2008		Remark – mailed to attorney Kristy L. Bennett transcript order form. (cwl) (Entered: 10/03/2008)
10/06/2008	<u>17</u>	ORDER withdrawing <u>12</u> Motion for Certification of interlocutory appeal; granting <u>15</u> Motion to Withdraw. Signed by District Judge Tom S. Lee on 10/6/08 (LWE) (Entered: 10/06/2008)
10/07/2008	<u>18</u>	MOTION to Stay <i>pending appeal</i> by Jerry Young, Christy Colley (Attachments: # <u>1</u> Proposed Order)(Abudu – PHV, Nancy) (Entered: 10/07/2008)

10/07/2008	<u>19</u>	ORDER denying <u>18</u> Motion to Stay/motion for injunction pending appeal. Signed by District Judge Tom S. Lee on 10/7/08 (LWE) (Entered: 10/07/2008)
10/17/2008	<u>20</u>	RESPONSE in Opposition re <u>13</u> MOTION to Dismiss filed by Jerry Young, Christy Colley (Abudu – PHV, Nancy) (Entered: 10/17/2008)
10/17/2008	<u>21</u>	Rebuttal re <u>13</u> MOTION to Dismiss filed by Delbert Hosemann (Attachments: # <u>1</u> Exhibit Exhibits A – C)(Shurden, Shawn) (Entered: 10/17/2008)
10/20/2008	<u>22</u>	ORDER of USCA(certified copy) as to <u>16</u> Notice of Appeal, filed by Jerry Young, Christy Colley; that appellants' motion for injunction pending appeal is denied. (SEC) (Entered: 10/21/2008)
10/22/2008	<u>23</u>	TRANSCRIPT REQUEST by Jerry Young, Christy Colley for proceedings held on 9/25/08 before Judge Tom S. Lee, (Abudu – PHV, Nancy) (Entered: 10/22/2008)
10/27/2008	<u>24</u>	NOTICE of Appearance by Jay Westfaul on behalf of Julius Harris, Jimmy Herron, Bonnie G. Land, Ronald McMinn, Vivian Burkley (Westfaul, Jay) (Entered: 10/27/2008)
10/28/2008	<u>25</u>	SUMMONS Returned Executed by Jerry Young, Christy Colley Julius Harris served on 10/21/2008, answer due 11/10/2008. (Bennett, Kristy) (Entered: 10/28/2008)
10/28/2008	<u>26</u>	SUMMONS Returned Executed by Jerry Young, Christy Colley Jimmy Herron served on 10/21/2008, answer due 11/10/2008. (Bennett, Kristy) (Entered: 10/28/2008)
10/28/2008	<u>27</u>	SUMMONS Returned Executed by Jerry Young, Christy Colley Bonnie G. Land served on 10/21/2008, answer due 11/10/2008. (Bennett, Kristy) (Entered: 10/28/2008)
10/28/2008	<u>28</u>	SUMMONS Returned Executed by Jerry Young, Christy Colley Ronald McMinn served on 10/21/2008, answer due 11/10/2008. (Bennett, Kristy) (Entered: 10/28/2008)
11/07/2008	<u>29</u>	MOTION to Dismiss by Julius Harris, Jimmy Herron, Bonnie G. Land, Ronald McMinn, Vivian Burkley (Westfaul, Jay) (Entered: 11/07/2008)
11/07/2008	<u>30</u>	Joinder by John H. Edwards, John M. Wages, Kristin Buse, Debby McCafferty, Harry Grayson, Jr to <u>13</u> MOTION to Dismiss filed by Delbert Hosemann (Murphree, William) (Entered: 11/07/2008)
11/12/2008	<u>31</u>	USCA JUDGMENT: dismissed as to 11/5/08, for want of prosecution. The appellant failed to timely order transcript and make financial arrangements as to <u>16</u> Notice of Appeal, filed by Jerry Young, Christy Colley (Attachments: # <u>1</u> Cover Letter)(cwl) (Entered: 11/13/2008)
11/13/2008	<u>32</u>	RESPONSE in Opposition re <u>29</u> MOTION to Dismiss filed by Jerry Young, Christy Colley (Abudu – PHV, Nancy) (Entered: 11/13/2008)
11/14/2008		DOCKET ANNOTATION as to # 32 second page of document inadvertently scanned twice. Attorney Nancy Abudu should refile the document. (cwl) (Entered: 11/14/2008)
11/14/2008		Pro Hac Vice fee paid by (John P. Wolff, III) \$ 100, receipt number J028739 (cwl) Modified on 11/14/2008 inadvertently filed instead it should have been docketed in 3:08cv657. (cwl). (Entered: 11/14/2008)
11/14/2008	33	DOCKET ANNOTATION as to Pro Hac Fee paid as to John P. Wolff, III inadvertently entered in this case instead is should have been entered in 3:08cv657. (cwl) (Entered: 11/14/2008)
11/17/2008	<u>34</u>	RESPONSE in Opposition re <u>29</u> MOTION to Dismiss ( <i>Corrected</i> ) filed by Jerry Young, Christy Colley (Abudu – PHV, Nancy) (Entered: 11/17/2008)
11/24/2008	<u>35</u>	USCA Memorandum: reinstated, re <u>16</u> Notice of Appeal. (cwl) (cwl). (Entered: 11/24/2008)

11/24/2008	<u>36</u>	Joinder by Julius Harris, Jimmy Herron, Bonnie G. Land, Ronald McMinn, Vivian Burkley to <u>14</u> Memorandum in Support of Motion filed by Delbert Hosemann, <u>21</u> Rebuttal filed by Delbert Hosemann, <u>13</u> MOTION to Dismiss filed by Delbert Hosemann (Westfaul, Jay) (Entered: 11/24/2008)
11/25/2008	<u>37</u>	SUMMONS Returned Executed by Jerry Young, Christy Colley Harry Grayson, Jr served on 10/24/2008, answer due 11/13/2008. (Bennett, Kristy) (Entered: 11/25/2008)
11/25/2008	<u>38</u>	SUMMONS Returned Executed by Jerry Young, Christy Colley John M. Wages served on 10/24/2008, answer due 11/13/2008. (Bennett, Kristy) (Entered: 11/25/2008)
11/25/2008	<u>39</u>	SUMMONS Returned Executed by Jerry Young, Christy Colley John H. Edwards served on 10/24/2008, answer due 11/13/2008. (Bennett, Kristy) (Entered: 11/25/2008)
11/25/2008	<u>40</u>	SUMMONS Returned Executed by Jerry Young, Christy Colley Kristin Buse served on 10/24/2008, answer due 11/13/2008. (Bennett, Kristy) (Entered: 11/25/2008)
11/25/2008	<u>41</u>	SUMMONS Returned Executed by Jerry Young, Christy Colley Debby McCafferty served on 10/24/2008, answer due 11/13/2008. (Bennett, Kristy) (Entered: 11/25/2008)
12/17/2008	<u>42</u>	WAIVER OF SERVICE Returned Executed by Jerry Young, Christy Colley. Vivian Burkley waiver sent on 12/3/2008, answer due 2/2/2009. (Abudu – PHV, Nancy) (Entered: 12/17/2008)
01/14/2009		DOCKET ANNOTATION as to # <u>35</u> incorrect pdf document attached. Removed and attached the correct pdf document. (cwl) (Entered: 01/14/2009)
01/28/2009	<u>43</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT for dates of September 25, 2008 before Judge Tom S. Lee, re <u>16</u> Notice of Appeal, Court Reporter/Transcriber Cherie Bond, Telephone number 601.965.4410. <b>NOTICE RE : REDACTION OF TRANSCRIPTS: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no Notice is filed, the transcript will be made electronically available to the public without redaction after 90 calendar days. The policy is located on the court website at <a href="http://www.mssd.uscourts.gov">www.mssd.uscourts.gov</a>.</b> Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/18/2009. Redacted Transcript Deadline set for 3/2/2009. Release of Transcript Restriction set for 4/28/2009. (CB) (Entered: 01/28/2009)
03/09/2009	<u>44</u>	ORDER granting <u>29</u> Motion to Dismiss; granting <u>13</u> Motion to Dismiss Signed by District Judge Tom S. Lee on 3/9/09 (cwl) (Entered: 03/09/2009)
03/11/2009	<u>45</u>	MOTION to Withdraw as Attorney for <i>Neil Bradley</i> by Jerry Young, Christy Colley (Attachments: # <u>1</u> Proposed Order)(Abudu – PHV, Nancy) (Entered: 03/11/2009)
03/11/2009	<u>46</u>	NOTICE OF APPEAL as to <u>44</u> Order on Motion to Dismiss, by Jerry Young, Christy Colley. Filing fee \$ 455, receipt number 0538000000001243463. (Abudu – PHV, Nancy) (Entered: 03/11/2009)
03/11/2009	<u>47</u>	REPLY to Response to Motion re <u>45</u> MOTION to Withdraw as Attorney for <i>Neil Bradley</i> filed by Julius Harris, Jimmy Herron, Bonnie G. Land, Ronald McMinn, Vivian Burkley (Westfaul, Jay) (Entered: 03/11/2009)
03/12/2009		TEXT ONLY ORDER granting <u>45</u> Motion to Withdraw as Attorney. Attorney Neil T. Bradley terminated. Signed by Magistrate Judge James C. Sumner on March 12, 2009. NO FURTHER WRITTEN ORDER TO ENTER. (DCL) (Entered: 03/12/2009)
04/01/2009	<u>48</u>	USCA Case Number 09–60188 for <u>46</u> Notice of Appeal filed by Jerry Young, Christy Colley. (SEC) (Entered: 04/02/2009)

04/20/2009	<u>49</u>	Appeal Remark: the court granted motion to consolidate; the briefing notice is being issued in case 09-60188 and resumed in case 08-60941 so that the brief deadlines will be due on the same date re <u>46</u> Notice of Appeal : (SEC) (Entered: 04/20/2009)
06/11/2009	<u>50</u>	COURT RECORD LOAN FORM re <u>46</u> Notice of Appeal : complete appeal handed Hoseman's attorney of record. (SEC) (Entered: 06/11/2009)
03/25/2010	<u>51</u>	Copy of Opinion – USCA re <u>46</u> Notice of Appeal, <u>16</u> Notice of Appeal, AFFIRMED. (SEC) (Entered: 03/26/2010)
03/25/2010	<u>52</u>	USCA JUDGMENT as to <u>46</u> Notice of Appeal filed by Jerry Young, Christy Colley, <u>16</u> Notice of Appeal, filed by Jerry Young, Christy Colley; that the judgment of the District Court is affirmed; that plaintiffs–appellants pay to defendants–appellees the costs on appeal to be taxed by lthe Clerk of this Court. Issued as Mandate: 3/19/10 (SEC) (Entered: 03/26/2010)
03/25/2010	<u>53</u>	Appeal Remark re <u>16</u> Notice of Appeal, <u>46</u> Notice of Appeal : Record/original papers/exhibits to be returned. (SEC) (Entered: 03/26/2010)
03/29/2010	<u>54</u>	Appeal Remark re <u>16</u> Notice of Appeal, <u>46</u> Notice of Appeal : the electronic record recycled. (SEC) (Entered: 03/29/2010)