

**U.S. District Court
Northern District of Georgia (Atlanta)
CIVIL DOCKET FOR CASE #: 1:16-cv-01460-ODE**

Bostock v. Clayton County Board of Commissioners
Assigned to: Judge Orinda D. Evans
Case in other court: USCA – 11th Circuit., 17–13801–GG
Cause: 42:2000e Job Discrimination (other)

Date Filed: 05/05/2016
Date Terminated: 07/21/2017
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

Gerald Lynn Bostock

represented by **Brian J. Sutherland**
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V.

Defendant

**Clayton County Board of
Commissioners**
TERMINATED: 09/12/2016

represented by **Martin B. Heller**
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Defendant

Clayton County

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Martin B. Heller
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TERMINATED: 06/22/2017

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Date Filed	#	Docket Text
05/05/2016	<u>1</u>	COMPLAINT with Jury Demand filed by Gerald Lynn Bostock. (Filing fee \$ 400 receipt number 100082958.) (Attachments: # <u>1</u> Civil Cover Sheet)(bnw) Please visit our website at http://www.gand.uscourts.gov/commonly-used-forms to obtain Pretrial Instructions which includes the Consent To Proceed Before U.S. Magistrate form. Modified on 5/6/2016 to edit file date(bnw). (Entered: 05/06/2016)
05/05/2016	<u>2</u>	Electronic Summons Issued as to Clayton County Board of Commissioners. (bnw) (Entered: 05/06/2016)
05/09/2016		Submission of <u>1</u> Complaint to District Judge Orinda D. Evans. (bnw) (Entered: 05/09/2016)
08/01/2016	<u>3</u>	ORDER regarding above civil action. This civil action was filed on May 5, 2016, summons issued and since that time no action has taken place. IT IS THEREFORE ORDERED, that the Plaintiff show cause why above complaint should not be DISMISSED for failure to effectuate service of process pursuant to LR 41.2(B) within ten (10) days of date of entry of this order. The Clerk is directed to resubmit this action in ten (10) days. Signed by Judge Orinda D. Evans on 07/28/16. (fap) (Entered: 08/01/2016)
08/01/2016		Clerks Certificate of Regular and Certified Mailing Return Receipt (91 7199 9991 7032 5720 1816) as to Gerald Lynn Bostock re <u>3</u> Order. (fap) Modified on 8/1/2016 (fap). (Entered: 08/01/2016)
08/02/2016	<u>4</u>	First AMENDED COMPLAINT against Clayton County Board of Commissioners with Jury Demand, filed by Gerald Lynn Bostock. (Attachments: # <u>1</u> Plaintiff's Certificate of Interested Persons)(Mew, Thomas) Please visit our website at http://www.gand.uscourts.gov/commonly-used-forms to obtain Pretrial Instructions which includes the Consent To Proceed Before U.S. Magistrate form. (Entered: 08/02/2016)
08/02/2016	<u>6</u>	Certificate of Interested Persons and Corporate Disclosure Statement (attached to the Complaint) filed by Gerald Lynn Bostock. (jkl) (Entered: 08/17/2016)
08/03/2016	<u>5</u>	Return of Service Executed by Gerald Lynn Bostock. Clayton County Board of Commissioners served on 8/2/2016, answer due 8/23/2016. (Mew, Thomas) (Entered: 08/03/2016)
08/16/2016		Submission of <u>3</u> Order, submitted to District Judge Orinda D. Evans. (fap) (Entered: 08/16/2016)
08/23/2016	<u>7</u>	MOTION to Dismiss <i>and Memorandum of Law in Support</i> by Clayton County Board of Commissioners. (Heller, Martin) (Entered: 08/23/2016)
09/09/2016	<u>8</u>	Consent MOTION for Leave to File Second Amended Complaint (), MOTION to Substitute Party Clayton County, Georgia by Gerald Lynn Bostock. (Attachments: # <u>1</u> Exhibit A - Second Amended Complaint, # <u>2</u> Text of Proposed Order)(Mew, Thomas)

		(Entered: 09/09/2016)
09/12/2016	<u>9</u>	ORDER – Having reviewed PLAINTIFF'S CONSENT MOTION FOR LEAVE TO AMEND COMPLAINT AND TO SUBSTITUTE DEFENDANT, and for good cause shown, Plaintiff's Consent Motion is hereby GRANTED. The Clerk is directed to enter the Plaintiff's Second Amended Complaint and the same is deemed filed. Defendant's Motion to Dismiss the Plaintiff's First Amended Complaint is DENIED AS MOOT, without prejudice to Defendant's right to file a Motion to Dismiss Plaintiff's Second Amended Complaint. Signed by Magistrate Judge Walter E. Johnson on 9/12/16. (klb) (Entered: 09/12/2016)
09/12/2016	<u>10</u>	SECOND AMENDED COMPLAINT against Clayton County with Jury Demand, filed by Gerald Lynn Bostock.(klb) Please visit our website at http://www.gand.uscourts.gov/commonly-used-forms to obtain Pretrial Instructions which includes the Consent To Proceed Before U.S. Magistrate form. (Entered: 09/12/2016)
09/13/2016	<u>11</u>	NOTICE of Appearance by William H. Buechner, Jr on behalf of Clayton County (Buechner, William) (Entered: 09/13/2016)
09/13/2016	<u>12</u>	NOTICE of Appearance by Jack Reynolds Hancock on behalf of Clayton County (Hancock, Jack) (Entered: 09/13/2016)
09/26/2016	<u>13</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Clayton County. (Attachments: # <u>1</u> Exhibit 1 – EEOC Charge of Discrimination, # <u>2</u> Exhibit 2 – EEOC Dismissal and Notice of Rights)(Heller, Martin) (Entered: 09/26/2016)
10/13/2016	<u>14</u>	RESPONSE in Opposition re <u>13</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Gerald Lynn Bostock. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Mew, Thomas) (Entered: 10/13/2016)
10/27/2016	<u>15</u>	REPLY BRIEF re <u>13</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Clayton County. (Heller, Martin) (Entered: 10/27/2016)
10/28/2016		Submission of <u>13</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, submitted to Magistrate Judge Walter E. Johnson. (fap) (Entered: 10/28/2016)
11/03/2016	<u>16</u>	FINAL REPORT AND RECOMMENDATION re <u>10</u> Amended Complaint, filed by Gerald Lynn Bostock. Signed by Magistrate Judge Walter E. Johnson on 11/3/16. (klb) (Entered: 11/03/2016)
11/03/2016		FINAL REPORT AND RECOMMENDATION – The undersigned RECOMMENDS that Defendant's Motion to Dismiss <u>13</u> be GRANTED, and that the Second Amended Complaint be DISMISSED WITH PREJUDICE. Signed by Magistrate Judge Walter E. Johnson on 11/3/16. (klb) (Entered: 11/03/2016)
11/03/2016	<u>17</u>	ORDER for Service of <u>16</u> Final Report and Recommendation by Magistrate Judge Walter E. Johnson. Each party may file written objections to the Report & Recommendation within 14 days of service. If no objections are filed, the Report & Recommendation may be adopted as the opinion and order of the District Court. Signed by Magistrate Judge Walter E. Johnson on 11/3/16. (klb) (Entered: 11/03/2016)
11/17/2016	<u>18</u>	OBJECTIONS to <u>16</u> Report and Recommendation filed by Gerald Lynn Bostock. (Attachments: # <u>1</u> Exhibit)(Mew, Thomas) (Entered: 11/17/2016)
11/17/2016		Submission of <u>16</u> FINAL REPORT AND RECOMMENDATION re <u>10</u> Amended Complaint, filed by Gerald Lynn Bostock to District Judge Orinda D. Evans. (bnw) (Entered: 11/17/2016)
12/01/2016	<u>19</u>	REPLY to Objection to Report and Recommendation re <u>18</u> Objections to Report and Recommendation filed by Clayton County. (Heller, Martin) (Entered: 12/01/2016)
12/15/2016	<u>20</u>	REPLY to Objection to Report and Recommendation re <u>18</u> Objections to Report and Recommendation filed by Gerald Lynn Bostock. (Mew, Thomas) (Entered: 12/15/2016)
02/02/2017	<u>21</u>	ORDER: For the reasons stated, Defendant's Motion to Dismiss <u>13</u> , the R&R <u>16</u> , and Plaintiff's objections <u>18</u> are all DEFERRED pending the Eleventh Circuit's decision. Signed by Judge Orinda D. Evans on 2/2/17. (bnw) (Entered: 02/02/2017)

06/20/2017	<u>22</u>	Consent MOTION to Withdraw Martin B. Heller as Attorney by Clayton County, and Clayton County Board of Commissioners. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order Granting Consent Withdrawal) (Heller, Martin) (Entered: 06/20/2017)
06/22/2017	<u>23</u>	ORDER granting <u>22</u> Motion to Withdraw as Attorney. Attorney Martin B. Heller terminated. Signed by Judge Orinda D. Evans on 6/22/2017. (sap) (Entered: 06/22/2017)
07/21/2017	<u>24</u>	ORDER OVERRULING Plaintiff's <u>18</u> Objections and ADOPTING IN FULL the <u>16</u> Final Report and Recommendation. Defendant's <u>13</u> Motion to Dismiss for Failure to State a Claim is GRANTED and this case is hereby DISMISSED with prejudice. Costs are taxed to the Plaintiff. Signed by Judge Orinda D. Evans on 7/20/2017. (sap) (Entered: 07/21/2017)
07/21/2017	<u>25</u>	CLERK'S JUDGMENT in favor of Defendant against Plaintiff for the costs of this action. (sap)--Please refer to http://www.ca11.uscourts.gov to obtain an appeals jurisdiction checklist-- (Entered: 07/21/2017)
07/21/2017		Civil Case Terminated. (sap) (Entered: 07/21/2017)
08/21/2017	<u>26</u>	NOTICE OF APPEAL as to <u>25</u> Clerk's Judgment, <u>24</u> Order on Motion to Dismiss for Failure to State a Claim, Order on Final Report and Recommendation,, by Gerald Lynn Bostock. Filing fee \$ 505, receipt number 113E-7338353. Transcript Order Form due on 9/5/2017 (Mew, Thomas) (Entered: 08/21/2017)
08/21/2017	<u>27</u>	NOTICE Of Filing Appeal Transmission Letter by Gerald Lynn Bostock re: <u>26</u> Notice of Appeal. (kac) (Entered: 08/21/2017)
08/21/2017	<u>28</u>	Transmission of Certified Copy of Notice of Appeal, Clerk's Judgment, Orders, Report and Recommendation, and Docket Sheet to US Court of Appeals re: <u>26</u> Notice of Appeal. (kac) (Entered: 08/21/2017)
08/24/2017	<u>29</u>	USCA Acknowledgment of <u>26</u> Notice of Appeal, filed by Gerald Lynn Bostock. Case Appealed to USCA- 11th Circuit. Case Number 17-13801-BB. (pjm) (Entered: 08/24/2017)
09/13/2017		Pursuant to F.R.A.P.11(c), the Clerk certifies that the record is complete for purposes of this appeal re: <u>26</u> Notice of Appeal. Case Appealed to USCA - 11th Circuit. USCA Case Number 17-13801-BB. The entire record on appeal is available electronically. (kac) (Entered: 09/13/2017)
05/10/2018	<u>30</u>	USCA Opinion received (AFFIRMING) re: <u>26</u> Notice of Appeal filed by Gerald Lynn Bostock. In accordance with FRAP 41(b), the USCA mandate will issue at a later date. Case Appealed to USCA - 11th Circuit. USCA Case Number 17-13801-BB. (kac) (Entered: 05/10/2018)
07/26/2018	<u>31</u>	Certified copy of MANDATE of USCA AFFIRMING the decision of the District Court re: <u>26</u> Notice of Appeal filed by Gerald Lynn Bostock. Case Appealed to USCA - 11th Circuit. USCA Case Number 17-13801-EE. (kac) (Entered: 07/26/2018)
08/19/2019	<u>32</u>	UNITED STATES SUPREME COURT FORTHWITH LETTER from USCA re: <u>26</u> Notice of Appeal filed by Gerald Lynn Bostock. USCA Case Number 17-13801-GG. Appeal Record due by 9/3/2019. (kac) (Entered: 08/19/2019)
08/20/2019	<u>33</u>	Electronically transmitted Record on Appeal to Supreme Court of the United States re: <u>26</u> Notice of Appeal. USCA Case Number 17-13801-GG. USSC Case No. 17-1618. (kac) (Entered: 08/20/2019)