

**U.S. District Court
North Carolina Middle District (NCMD)
CIVIL DOCKET FOR CASE #: 1:20-cv-00997-CCE-LPA**

ALLEN et al v. CITY OF GRAHAM, NC et al
Assigned to: JUDGE CATHERINE C. EAGLES
Referred to: MAG/JUDGE L. PATRICK AULD
Related Case: [1:20-cv-00613-CCE-LPA](#)
Cause: 42:1983 Civil Rights Act

Date Filed: 11/02/2020
Jury Demand: Both
Nature of Suit: 441 Civil Rights:
Voting
Jurisdiction: Federal Question

Plaintiff

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*on behalf of themselves and all
others similarly situated*

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Defendant

**GRAHAM POLICE OFFICERS
JOHN AND JANE DOES #1-15**

Defendant

**ALAMANCE COUNTY DEPUTY
SHERIFFS JOHN AND JANE
DOES #16-30**

Defendant

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Defendant

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Defendant

**ALAMANCE COUNTY
SHERIFFS DEPUTIES JOHN
AND JANE DOES #1 through #20**
in their individual capacities

Defendant

**GRAHAM POLICE OFFICERS
JOHN AND JANE DOES #21-40**

Date Filed	#	Docket Text
11/02/2020	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0418-2923680.)(Related Case # 1:20-cv-613), filed by Tabatha Davis, Dejuana Bigelow, Sylvester Allen, Jr, Future Alamance.(SUMTER, GERALDINE) (Entered: 11/02/2020)
11/03/2020	<u>2</u>	Summons Issued as to CITY OF GRAHAM, NC, KRISTI COLE, ALAMANCE COUNTY, TERRY S. JOHNSON. (Attachments: # <u>1</u> Summons - Chief Kristi Cole, # <u>2</u> Summons - Alamance County, # <u>3</u> Summons - Sheriff Terry S. Johnson) (Hicks, Samantha) (Entered: 11/03/2020)
11/03/2020	<u>3</u>	Notice of Right to Consent. Counsel shall serve the attached form on all parties. (Attachments: # <u>1</u> Consent Form) (Hicks, Samantha) (Entered: 11/03/2020)
11/03/2020		CASE REFERRED to Mediation pursuant to Local Rule 83.9b of the Rules of Practice and Procedure of this Court. Please go to our website under Attorney Information for a list of mediators which must be served on all parties. (Hicks, Samantha) (Entered: 11/03/2020)
11/03/2020		Case ASSIGNED to JUDGE CATHERINE C. EAGLES and MAG/JUDGE L. PATRICK AULD. (Hicks, Samantha) (Entered: 11/03/2020)
11/04/2020	<u>4</u>	STANDARD ORDER for civil cases proceeding before JUDGE CATHERINE C. EAGLES. (Sanders, Marlene) (Entered: 11/04/2020)
11/12/2020	<u>5</u>	CORPORATE DISCLOSURE STATEMENT filed pursuant to FRCP 7.1(a) by Plaintiff FUTURE ALAMANCE. (SUMTER, GERALDINE) (Entered: 11/12/2020)
11/18/2020	<u>6</u>	NOTICE of Attorney Appearance by attorney PATRICK HOUGHTON FLANAGAN on behalf of Defendants ALAMANCE COUNTY, TERRY S. JOHNSON (FLANAGAN, PATRICK) (Entered: 11/18/2020)
11/18/2020	<u>7</u>	NOTICE of Special Appearance by attorney MORGAN E. LEWIS on behalf of Plaintiffs SYLVESTER ALLEN, JR, DEJUANA BIGELOW, TABATHA DAVIS, FUTURE ALAMANCE (Filing fee \$ 25 receipt number 0418-2935217.) (LEWIS, MORGAN) (Entered: 11/18/2020)

11/18/2020	<u>8</u>	NOTICE of Special Appearance by attorney MARIANNE E. SPENCER on behalf of Plaintiffs SYLVESTER ALLEN, JR, DEJUANA BIGELOW, TABATHA DAVIS, FUTURE ALAMANCE (Filing fee \$ 25 receipt number 0418-2935254.) (SPENCER, MARIANNE) (Entered: 11/18/2020)
11/18/2020	<u>9</u>	NOTICE of Special Appearance by attorney CLARENCE W. PHILLIPS on behalf of Plaintiffs SYLVESTER ALLEN, JR, DEJUANA BIGELOW, TABATHA DAVIS, FUTURE ALAMANCE (Filing fee \$ 25 receipt number 0418-2935262.) (PHILLIPS, CLARENCE) (Entered: 11/18/2020)
11/19/2020	<u>10</u>	NOTICE of Special Appearance by attorney ANUJA DIWAKAR THATTE on behalf of Plaintiffs SYLVESTER ALLEN, JR, DEJUANA BIGELOW, TABATHA DAVIS, FUTURE ALAMANCE (Filing fee \$ 25 receipt number 0418-2936030.) (THATTE, ANUJA) (Entered: 11/19/2020)
11/19/2020	<u>11</u>	NOTICE of Special Appearance by attorney LEAH C. ADEN on behalf of Plaintiffs SYLVESTER ALLEN, JR, DEJUANA BIGELOW, TABATHA DAVIS, FUTURE ALAMANCE (Filing fee \$ 25 receipt number 0418-2936039.) (ADEN, LEAH) (Entered: 11/19/2020)
11/20/2020	<u>12</u>	AFFIDAVIT OF SERVICE as to ALAMANCE COUNTY served on 11/12/2020, answer due 12/3/2020; CITY OF GRAHAM, NC served on 11/12/2020, answer due 12/3/2020; KRISTI COLE served on 11/10/2020, answer due 12/1/2020; TERRY S. JOHNSON served on 11/10/2020, answer due 12/1/2020. (Attachments: # <u>1</u> Exhibit Cole USPS Tracking, # <u>2</u> Exhibit Johnson USPS Tracking, # <u>3</u> Exhibit Alamance County USPS Tracking, # <u>4</u> Exhibit City of Graham USPS Tracking)(SUMTER, GERALDINE) (Entered: 11/20/2020)
11/20/2020	<u>13</u>	NOTICE of Attorney Appearance by attorney ANTHONY JOSEPH BILLER on behalf of Defendants CITY OF GRAHAM, NC, KRISTI COLE (BILLER, ANTHONY) (Entered: 11/20/2020)
11/23/2020	<u>14</u>	AFFIDAVIT OF SERVICE as to TERRY S. JOHNSON served on 11/18/2020, answer due 12/9/2020. (Attachments: # <u>1</u> Envelope - Front and Back)(Taylor, Abby) (Entered: 11/23/2020)
11/24/2020	<u>15</u>	NOTICE of Attorney Appearance by attorney WILLIAM L. HILL on behalf of Defendant ALAMANCE COUNTY (HILL, WILLIAM) (Entered: 11/24/2020)
11/30/2020	<u>16</u>	NOTICE of Attorney Appearance by attorney CLYDE BALLINGER ALBRIGHT on behalf of Defendant TERRY S. JOHNSON (ALBRIGHT, CLYDE) (Entered: 11/30/2020)

11/30/2020	<u>17</u>	NOTICE of Attorney Appearance by attorney PAUL GERARD GESSNER on behalf of Defendants ALAMANCE COUNTY, TERRY S. JOHNSON (GESSNER, PAUL) (Entered: 11/30/2020)
11/30/2020	<u>18</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint by ALAMANCE COUNTY, CITY OF GRAHAM, NC, KRISTI COLE, TERRY S. JOHNSON. (Attachments: # <u>1</u> Text of Proposed Order)(FLANAGAN, PATRICK) (Entered: 11/30/2020)
11/30/2020		Motions Referred: RE: <u>18</u> Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint to MAG/JUDGE L. PATRICK AULD (Sanders, Marlene) (Entered: 11/30/2020)
12/01/2020	<u>19</u>	Consent MOTION to Consolidate Cases. Case to be consolidated with 1:20-cv-00998 by ALAMANCE COUNTY, CITY OF GRAHAM, NC, KRISTI COLE, TERRY S. JOHNSON. Response to Motion due by 12/22/2020 (FLANAGAN, PATRICK) (Entered: 12/01/2020)
12/01/2020	<u>20</u>	BRIEF re <u>19</u> Consent MOTION to Consolidate Cases. Case to be consolidated with 1:20-cv-00998 by Defendants ALAMANCE COUNTY, CITY OF GRAHAM, NC, KRISTI COLE, TERRY S. JOHNSON filed by ALAMANCE COUNTY, CITY OF GRAHAM, NC, KRISTI COLE, TERRY S. JOHNSON. (FLANAGAN, PATRICK) (Entered: 12/01/2020)
12/02/2020		TEXT ORDER granting <u>18</u> Consent Motion for Extension of Time. Defendants City of Graham, Kristi Cole, Alamance County, and Terry S. Johnson shall answer or otherwise respond by 01/18/2021. Issued by MAG/JUDGE L. PATRICK AULD on 12/02/2020. (AULD, L.) (Entered: 12/02/2020)
12/02/2020	<u>21</u>	Corrected document re <u>20</u> Brief,. (FLANAGAN, PATRICK) (Entered: 12/02/2020)
12/02/2020		Motions Submitted: <u>19</u> Consent MOTION to Consolidate Cases. Case to be consolidated with 1:20-cv-00998 to JUDGE CATHERINE C. EAGLES. (Sanders, Marlene) (Entered: 12/02/2020)
12/04/2020	<u>22</u>	ORDER that the motions are GRANTED and these cases are consolidated for all pre-trial proceedings, and, subject to review closer to trial, for trial. Allen v. City, 20cv997, is designated as the lead case. Henceforth all pleadings, motions, briefs, and other allowable filings shall be filed in that case only. Signed by JUDGE

		CATHERINE C. EAGLES on 12/04/2020. Related Case 1:20CV998.(Taylor, Abby) (Entered: 12/04/2020)
12/11/2020	<u>23</u>	NOTICE of Special Appearance by attorney ASHOK CHANDRAN on behalf of Plaintiffs SYLVESTER ALLEN, JR, DEJUANA BIGELOW, TABATHA DAVIS, FUTURE ALAMANCE (Filing fee \$ 25 receipt number 0418-2948474.) (CHANDRAN, ASHOK) (Entered: 12/11/2020)
12/11/2020	<u>24</u>	AMENDED COMPLAINT against defendant All Defendants, filed by TABATHA DAVIS, DEJUANA BIGELOW, SYLVESTER ALLEN, JR, FUTURE ALAMANCE, TALAUN WOODS, ANGELA WILLIS, OLIVIA DAVIS.(SUMTER, GERALDINE) (Entered: 12/11/2020)
12/14/2020	<u>25</u>	First AMENDED COMPLAINT <i>Justice 4 the Next Generation et al</i> against defendant All Defendants, filed by GREGORY DRUMWRIGHT, FAITH COOK, QUENCLYN ELLISON, ME.Associated Cases: 1:20-cv-00997-CCE-LPA, 1:20-cv-00998-CCE-LPA(HADDIX, ELIZABETH) (Entered: 12/14/2020)
12/18/2020	<u>26</u>	Summons Issued as to JONATHAN FRANKS. (Sheets, Jamie) (Entered: 12/18/2020)
12/18/2020	<u>27</u>	WAIVER OF SERVICE of SUMMONS by DEJUANA BIGELOW, SYLVESTER ALLEN, JR, OLIVIA DAVIS, TABATHA DAVIS, TALAUN WOODS, ANGELA WILLIS, FUTURE ALAMANCE. JOAQUIN VELEZ waiver sent on 12/14/2020, answer due 2/12/2021. re <u>24</u> AMENDED COMPLAINT against defendant All Defendants, filed by TABATHA DAVIS, DEJUANA BIGELOW, SYLVESTER ALLEN, JR, FUTURE ALAMANCE, TALAUN WOODS, ANGELA WILLIS, OLIVIA DAVIS(SUMTER, GERALDINE) (Entered: 12/18/2020)
01/07/2021	<u>28</u>	NOTICE of Change of Address by ANTHONY JOSEPH BILLER (BILLER, ANTHONY) (Entered: 01/07/2021)
01/07/2021	<u>29</u>	MOTION for Extension of Time to File Answer by CITY OF GRAHAM, MARY KRISTINE (KRISTY) COLE, JONATHAN FRANKS, JOAQUIN VELEZ. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(BILLER, ANTHONY) (Entered: 01/07/2021)
01/07/2021	<u>30</u>	NOTICE of Attorney Appearance by attorney ADAM P. BANKS on behalf of Defendants CITY OF GRAHAM, MARY KRISTINE (KRISTY) COLE, JONATHAN FRANKS, JOAQUIN VELEZ (BANKS, ADAM) (Entered: 01/07/2021)
01/07/2021		ORDER granting <u>29</u> Motion for Extension of Time to Answer Amended Complaint for CITY OF GRAHAM; JOAQUIN VELEZ;

		MARY KRISTINE (KRISTY) COLE; and JONATHAN FRANKS. Answer due by 2/12/2021. Signed by John Brubaker, Clerk of Court, on 1/4/2021. (Brubaker, John) (Entered: 01/07/2021)
01/18/2021	<u>31</u>	ANSWER to Amended Complaint by TERRY A. JOHNSON, CLIFF PARKER. (HILL, WILLIAM) (Entered: 01/18/2021)
01/20/2021	<u>32</u>	NOTICE of Attorney Appearance by attorney ELIZABETH HADDIX on behalf of Plaintiff JUSTICE FOR THE NEXT GENERATION Associated Cases: 1:20-cv-00997-CCE-LPA, 1:20-cv-00998-CCE-LPA(HADDIX, ELIZABETH) (Entered: 01/20/2021)
01/21/2021	<u>33</u>	NOTICE of Attorney Appearance by attorney KRISTI L. GRAUNKE on behalf of Plaintiffs ALAMANCE ALLIANCE FOR JUSTICE, ASHLEY REED BATTEN, FAITH COOK, GREGORY DRUMWRIGHT, QUENCLYN ELLISON, AVERY HARVEY, EDITH ANN JONES, JUSTICE FOR THE NEXT GENERATION, MELANIE MITCHELL, JANET NESBITT, EDITH WARD, ERNESTINE LEWIS WARD Associated Cases: 1:20-cv-00998-CCE-LPA, 1:20-cv-00997-CCE-LPA(GRAUNKE, KRISTI) (Entered: 01/21/2021)
01/21/2021	<u>34</u>	NOTICE of Attorney Appearance by attorney JACLYN A. MAFFETORE on behalf of Plaintiffs ALAMANCE ALLIANCE FOR JUSTICE, ASHLEY REED BATTEN, FAITH COOK, GREGORY DRUMWRIGHT, QUENCLYN ELLISON, AVERY HARVEY, EDITH ANN JONES, JUSTICE FOR THE NEXT GENERATION, MELANIE MITCHELL, JANET NESBITT, EDITH WARD, ERNESTINE LEWIS WARD Associated Cases: 1:20-cv-00997-CCE-LPA, 1:20-cv-00998-CCE-LPA(MAFFETORE, JACLYN) (Entered: 01/21/2021)
01/21/2021	<u>35</u>	NOTICE of Attorney Appearance by attorney DANIEL K. SIEGEL on behalf of Plaintiffs ALAMANCE ALLIANCE FOR JUSTICE, ASHLEY REED BATTEN, FAITH COOK, GREGORY DRUMWRIGHT, QUENCLYN ELLISON, AVERY HARVEY, EDITH ANN JONES, JUSTICE FOR THE NEXT GENERATION, MELANIE MITCHELL, JANET NESBITT, EDITH WARD, ERNESTINE LEWIS WARD Associated Cases: 1:20-cv-00997-CCE-LPA, 1:20-cv-00998-CCE-LPA(SIEGEL, DANIEL) (Entered: 01/21/2021)
01/22/2021	<u>36</u>	NOTICE of Attorney Appearance by attorney ELIZABETH HADDIX on behalf of Plaintiffs GREGORY DRUMWRIGHT, JUSTICE FOR THE NEXT GENERATION, EDITH ANN JONES, ASHLEY REED BATTEN, EDITH WARD, QUENCLYN ELLISON, ALAMANCE ALLIANCE FOR JUSTICE, FAITH COOK, MELANIE MITCHELL, AVERY HARVEY, ERNESTINE LEWIS WARD (HADDIX, ELIZABETH) (Entered: 01/22/2021)

01/22/2021	<u>37</u>	NOTICE of Attorney Appearance by attorney KRISTI L. GRAUNKE on behalf of Plaintiffs ALAMANCE ALLIANCE FOR JUSTICE, ASHLEY REED BATTEN, FAITH COOK, GREGORY DRUMWRIGHT, QUENCLYN ELLISON, AVERY HARVEY, EDITH ANN JONES, JUSTICE FOR THE NEXT GENERATION, MELANIE MITCHELL, JANET NESBITT, EDITH WARD, ERNESTINE LEWIS WARD (GRAUNKE, KRISTI) (Entered: 01/22/2021)
01/22/2021	<u>38</u>	NOTICE of Attorney Appearance by attorney JACLYN A. MAFFETORE on behalf of Plaintiffs ALAMANCE ALLIANCE FOR JUSTICE, ASHLEY REED BATTEN, FAITH COOK, GREGORY DRUMWRIGHT, QUENCLYN ELLISON, AVERY HARVEY, EDITH ANN JONES, JUSTICE FOR THE NEXT GENERATION, MELANIE MITCHELL, JANET NESBITT, EDITH WARD, ERNESTINE LEWIS WARD (MAFFETORE, JACLYN) (Entered: 01/22/2021)
01/22/2021	<u>39</u>	NOTICE of Attorney Appearance by attorney DANIEL K. SIEGEL on behalf of Plaintiffs ALAMANCE ALLIANCE FOR JUSTICE, ASHLEY REED BATTEN, FAITH COOK, GREGORY DRUMWRIGHT, QUENCLYN ELLISON, AVERY HARVEY, EDITH ANN JONES, JUSTICE FOR THE NEXT GENERATION, MELANIE MITCHELL, JANET NESBITT, EDITH WARD, ERNESTINE LEWIS WARD (SIEGEL, DANIEL) (Entered: 01/22/2021)
01/22/2021	<u>40</u>	MOTION for Leave to File <i>untimely Answer to Plaintiffs First Amended Complaint</i> by ALAMANCE COUNTY, TERRY A. JOHNSON. Response to Motion due by 2/12/2021 (Attachments: # <u>1</u> Text of Proposed Order)(GESSNER, PAUL) (Entered: 01/22/2021)
01/23/2021		Motions Referred: RE: <u>40</u> MOTION for Leave to File <i>untimely Answer to Plaintiffs First Amended Complaint</i> to MAG/JUDGE L. PATRICK AULD (Sanders, Marlene) (Entered: 01/23/2021)
01/25/2021	<u>41</u>	ORDER ALLOWING ALAMANCE DEFENDANTS' MOTION FOR LEAVE FROM THE COURT FOR EXTENSION OF TIME TO FILE UNTIMELY ANSWER TO PLAINTIFFS' FIRST AMENDED COMPLAINT signed by MAG/JUDGE L. PATRICK AULD on 01/25/2021, granting (40) Motion for Leave to File granting <u>40</u> Motion for Leave to File. Defendants Alamance County and Terry S. Johnson be and are hereby granted additional time within which to serve a responsive pleading or otherwise respond to the Complaint up to and including February 12, 2021. (Taylor, Abby) (Entered: 01/25/2021)

02/12/2021	42	ANSWER to Amended Complaint by ALAMANCE COUNTY, TERRY A. JOHNSON. (GESSNER, PAUL) (Entered: 02/12/2021)
02/12/2021	43	NOTICE of Special Appearance by attorney NATASHA C. MERLE on behalf of Plaintiffs SYLVESTER ALLEN, JR, DEJUANA BIGELOW, OLIVIA DAVIS, TABATHA DAVIS, FUTURE ALAMANCE, ANGELA WILLIS, TALAUN WOODS (Filing fee \$ 25 receipt number 0418-2986927.) (MERLE, NATASHA) (Entered: 02/12/2021)
02/12/2021	44	NOTICE of Attorney Appearance by attorney MARK DOROSIN on behalf of Plaintiffs ALAMANCE ALLIANCE FOR JUSTICE, ASHLEY REED BATTEN, FAITH COOK, GREGORY DRUMWRIGHT, QUENCLYN ELLISON, AVERY HARVEY, EDITH ANN JONES, JUSTICE FOR THE NEXT GENERATION, MELANIE MITCHELL, JANET NESBITT, EDITH WARD, ERNESTINE LEWIS WARD (DOROSIN, MARK) (Entered: 02/12/2021)
02/12/2021	45	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by CITY OF GRAHAM, MARY KRISTINE (KRISTY) COLE, JONATHAN FRANKS, JOAQUIN VELEZ. Response to Motion due by 3/5/2021 (BANKS, ADAM) (Entered: 02/12/2021)
02/12/2021	46	<i>SUPPORT BRIEF</i> re 45 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM . (Attachments: # 1 Exhibit A)(BANKS, ADAM) (Entered: 02/12/2021)
02/12/2021	47	MOTION for Leave to File by CITY OF GRAHAM, MARY KRISTINE (KRISTY) COLE, JONATHAN FRANKS, JOAQUIN VELEZ. Response to Motion due by 3/5/2021 (BANKS, ADAM) (Entered: 02/12/2021)
02/12/2021	48	ANSWER to Amended Complaint <i>Drumwright</i> by CITY OF GRAHAM, MARY KRISTINE (KRISTY) COLE, JONATHAN FRANKS, JOAQUIN VELEZ. (BANKS, ADAM) (Entered: 02/12/2021)
02/12/2021	49	ANSWER to Amended Complaint <i>Allen</i> by CITY OF GRAHAM, MARY KRISTINE (KRISTY) COLE, JOAQUIN VELEZ. (BANKS, ADAM) (Entered: 02/12/2021)
03/02/2021	50	MOTION for Judgment on the Pleadings by ALAMANCE COUNTY, TERRY A. JOHNSON. Response to Motion due by 3/23/2021 (GESSNER, PAUL) (Entered: 03/02/2021)
03/02/2021	51	MEMORANDUM filed by Defendants ALAMANCE COUNTY, TERRY A. JOHNSON re 50 MOTION for Judgment on the

		Pleadings filed by ALAMANCE COUNTY, TERRY A. JOHNSON. (GESSNER, PAUL) (Entered: 03/02/2021)
03/02/2021	<u>52</u>	MOTION for Judgment on the Pleadings by TERRY A. JOHNSON, CLIFF PARKER. Response to Motion due by 3/23/2021 (GESSNER, PAUL) (Entered: 03/02/2021)
03/02/2021	<u>53</u>	MEMORANDUM filed by Defendants TERRY A. JOHNSON, CLIFF PARKER re <u>52</u> MOTION for Judgment on the Pleadings filed by TERRY A. JOHNSON, CLIFF PARKER. (GESSNER, PAUL) (Entered: 03/02/2021)
03/05/2021	<u>54</u>	RESPONSE in Opposition re <u>45</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by CITY OF GRAHAM, JOAQUIN VELEZ, MARY KRISTINE (KRISTY) COLE, JONATHAN FRANKS filed by SYLVESTER ALLEN, JR, DEJUANA BIGELOW, OLIVIA DAVIS, TABATHA DAVIS, FUTURE ALAMANCE, ANGELA WILLIS, TALAUN WOODS. Replies due by 3/19/2021 (SUMTER, GERALDINE) (Entered: 03/05/2021)
03/05/2021	<u>55</u>	MOTION for Discovery <i>All Plaintiffs' Partial Consent Motion for Leave to Take Limited Early Discovery and Extend Time Limit for Service</i> by ALAMANCE ALLIANCE FOR JUSTICE, SYLVESTER ALLEN, JR, ASHLEY REED BATTEN, DEJUANA BIGELOW, FAITH COOK, OLIVIA DAVIS, TABATHA DAVIS, GREGORY DRUMWRIGHT, QUENCLYN ELLISON, FUTURE ALAMANCE, AVERY HARVEY, EDITH ANN JONES, JUSTICE FOR THE NEXT GENERATION, MELANIE MITCHELL, JANET NESBITT, EDITH WARD, ERNESTINE LEWIS WARD, ANGELA WILLIS, TALAUN WOODS. Response to Motion due by 3/19/2021 (MAFFETORE, JACLYN) (Entered: 03/05/2021)
03/05/2021	<u>56</u>	RESPONSE in Opposition re <u>45</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by CITY OF GRAHAM, JOAQUIN VELEZ, MARY KRISTINE (KRISTY) COLE, JONATHAN FRANKS filed by ALAMANCE ALLIANCE FOR JUSTICE, ASHLEY REED BATTEN, FAITH COOK, GREGORY DRUMWRIGHT, QUENCLYN ELLISON, AVERY HARVEY, EDITH ANN JONES, JUSTICE FOR THE NEXT GENERATION, MELANIE MITCHELL, JANET NESBITT, EDITH WARD, ERNESTINE LEWIS WARD. Replies due by 3/19/2021 (HADDIX, ELIZABETH) (Entered: 03/05/2021)
03/05/2021	<u>57</u>	MEMORANDUM filed by Plaintiffs ALAMANCE ALLIANCE FOR JUSTICE, SYLVESTER ALLEN, JR, ASHLEY REED

		BATTEN, DEJUANA BIGELOW, FAITH COOK, OLIVIA DAVIS, TABATHA DAVIS, GREGORY DRUMWRIGHT, QUENCLYN ELLISON, FUTURE ALAMANCE, AVERY HARVEY, EDITH ANN JONES, JUSTICE FOR THE NEXT GENERATION, MELANIE MITCHELL, JANET NESBITT, EDITH WARD, ERNESTINE LEWIS WARD, ANGELA WILLIS, TALAUN WOODS re 55 MOTION for Discovery <i>All Plaintiffs' Partial Consent Motion for Leave to Take Limited Early Discovery and Extend Time Limit for Service</i> filed by ALAMANCE ALLIANCE FOR JUSTICE, SYLVESTER ALLEN, JR, ASHLEY REED BATTEN, DEJUANA BIGELOW, FAITH COOK, OLIVIA DAVIS, TABATHA DAVIS, GREGORY DRUMWRIGHT, QUENCLYN ELLISON, FUTURE ALAMANCE, AVERY HARVEY, EDITH ANN JONES, JUSTICE FOR THE NEXT GENERATION, MELANIE MITCHELL, JANET NESBITT, EDITH WARD, ERNESTINE LEWIS WARD, ANGELA WILLIS, TALAUN WOODS. (Attachments: # 1 Exhibit Ex. A - Plaintiffs' Proposed First Set of Interrogatories to Defendants, # 2 Exhibit Ex. B - Plaintiffs' January 21, 2021 Letter to Defendants)(MAFFETORE, JACLYN) (Entered: 03/05/2021)
03/10/2021	58	NOTICE of Special Appearance by attorney JENNIFER N. NWACHUKWU on behalf of Plaintiffs ALAMANCE ALLIANCE FOR JUSTICE, ASHLEY REED BATTEN, FAITH COOK, GREGORY DRUMWRIGHT, QUENCLYN ELLISON, AVERY HARVEY, EDITH ANN JONES, JUSTICE FOR THE NEXT GENERATION, MELANIE MITCHELL, JANET NESBITT, EDITH WARD, ERNESTINE LEWIS WARD (Filing fee \$ 25 receipt number 0418-3004769.) (NWACHUKWU, JENNIFER) (Entered: 03/10/2021)
03/10/2021	59	NOTICE of Special Appearance by attorney CHRISTOPHER A. KNIGHT on behalf of Plaintiffs ALAMANCE ALLIANCE FOR JUSTICE, ASHLEY REED BATTEN, FAITH COOK, GREGORY DRUMWRIGHT, QUENCLYN ELLISON, AVERY HARVEY, EDITH ANN JONES, JUSTICE FOR THE NEXT GENERATION, MELANIE MITCHELL, JANET NESBITT, EDITH WARD, ERNESTINE LEWIS WARD. (Filing fee \$ 25 receipt number 0418-3004973.) (KNIGHT, CHRISTOPHER) Modified on 3/11/2021 to correct parties represented per attorney. (Hicks, Samantha). (Entered: 03/10/2021)

03/12/2021	<u>60</u>	MOTION for Extension of Time to File Response/Reply as to <u>54</u> Response in Opposition to Motion, <u>56</u> Response in Opposition to Motion, <u>55</u> MOTION for Discovery <i>All Plaintiffs' Partial Consent Motion for Leave to Take Limited Early Discovery and Extend Time Limit for Service</i> by JONATHAN FRANKS. (Attachments: # <u>1</u> Text of Proposed Order)(BILLER, ANTHONY) (Entered: 03/12/2021)
03/16/2021		Motions Referred: RE: <u>60</u> MOTION for Extension of Time to File Response/Reply as to <u>54</u> Response in Opposition to Motion, <u>56</u> Response in Opposition to Motion, <u>55</u> MOTION for Discovery <i>All Plaintiffs' Partial Consent Motion for Leave to Take Limited Early Discovery to MAG/JUDGE L. PATRICK AULD (Sanders, Marlene)</i> (Entered: 03/16/2021)
03/16/2021		TEXT ORDER granting <u>60</u> Consent Motion for Extension of Time. Defendants City of Graham, police chief Kristi Cole, Graham police Lieutenant Joaquin Velez, and Officer Jonathan Franks shall file any response to <u>55</u> Partial Consent Motion for Leave to Take Limited Early Discovery and to Extend Time Limit for Service, and shall file any replies to <u>54</u> Response and <u>56</u> Response by 04/02/2021. Issued by MAG/JUDGE L. PATRICK AULD on 03/16/2021. (AULD, L.) (Entered: 03/16/2021)
03/23/2021	<u>61</u>	RESPONSE in Opposition re <u>51</u> Memorandum filed by TERRY A. JOHNSON, ALAMANCE COUNTY filed by SYLVESTER ALLEN, JR, DEJUANA BIGELOW, OLIVIA DAVIS, TABATHA DAVIS, FUTURE ALAMANCE, ANGELA WILLIS, TALAUN WOODS. Replies due by 4/6/2021 (SUMTER, GERALDINE) (Entered: 03/23/2021)
03/23/2021	<u>62</u>	RESPONSE in Opposition re <u>52</u> MOTION for Judgment on the Pleadings filed by CLIFF PARKER, TERRY A. JOHNSON filed by ALAMANCE ALLIANCE FOR JUSTICE, ASHLEY REED BATTEN, FAITH COOK, GREGORY DRUMWRIGHT, QUENCLYN ELLISON, AVERY HARVEY, EDITH ANN JONES, JUSTICE FOR THE NEXT GENERATION, MELANIE MITCHELL, JANET NESBITT, EDITH WARD, ERNESTINE LEWIS WARD. Replies due by 4/6/2021 (KNIGHT, CHRISTOPHER) (Entered: 03/23/2021)

03/25/2021	<u>63</u>	MOTION to Appoint ad Litem by MELANIE MITCHELL. (Attachments: # <u>1</u> Affidavit of Melanie Mitchell, # <u>2</u> Text of Proposed Order)(MAFFETORE, JACLYN) (Entered: 03/25/2021)
03/25/2021	<u>64</u>	MOTION to Appoint ad Litem by QUENCLYN ELLISON. (Attachments: # <u>1</u> Affidavit of Quenclyn Ellison, # <u>2</u> Text of Proposed Order)(MAFFETORE, JACLYN) (Entered: 03/25/2021)
03/26/2021		Motions Submitted: <u>64</u> MOTION to Appoint ad Litem , <u>63</u> MOTION to Appoint ad Litem to JUDGE CATHERINE C. EAGLES. (Sanders, Marlene) (Entered: 03/26/2021)
03/29/2021	<u>65</u>	ORDER granting (63) Motion to Appoint Guardian ad Litem ad Litem. J.A., by and through her guardian Melanie Mitchell; B.A., by and through her guardian Melanie Mitchell in case 1:20-cv-00997-CCE-LPA. Signed by JUDGE CATHERINE C. EAGLES on 03/29/2021. Associated Cases: 1:20-cv-00997-CCE-LPA, 1:20-cv-00998-CCE-LPA(Taylor, Abby) (Entered: 03/29/2021)
03/29/2021	<u>66</u>	ORDER granting (64) Motion to Appoint Guardian ad Litem ad Litem, that Quenclyn Ellison is hereby appointed Guardian ad Litem to act on behalf of M.E. and Z.P. in prosecuting this action in case 1:20-cv-00997-CCE-LPA. Signed by JUDGE CATHERINE C. EAGLES on 03/29/2021. Associated Cases: 1:20-cv-00997-CCE-LPA, 1:20-cv-00998-CCE-LPA(Taylor, Abby) (Entered: 03/29/2021)
04/02/2021	<u>67</u>	REPLY, filed by Defendants CITY OF GRAHAM, MARY KRISTINE (KRISTY) COLE, JONATHAN FRANKS, JOAQUIN VELEZ, to Response to <u>45</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>by Drumwright Plaintiffs</i> filed by CITY OF GRAHAM, MARY KRISTINE (KRISTY) COLE, JONATHAN FRANKS, JOAQUIN VELEZ. (Attachments: # <u>1</u> Exhibit Exhibit A - I am Change March Permit, # <u>2</u> Exhibit Exhibit B - Haddix Emails to Maness & Cole 10-30-2020 and 10-31-2020)(BILLER, ANTHONY) (Entered: 04/02/2021)
04/02/2021	<u>68</u>	REPLY, filed by Defendants CITY OF GRAHAM, MARY KRISTINE (KRISTY) COLE, JOAQUIN VELEZ, to Response to <u>45</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>by Allen Plaintiffs</i> filed by CITY OF GRAHAM, MARY KRISTINE (KRISTY) COLE, JOAQUIN VELEZ. (Attachments: # <u>1</u> Exhibit Exhibit A- I am Change March Permit, # <u>2</u> Exhibit Exhibit B - Haddix Emails to Maness & Cole 10-30-2020 and 10-31-2020)(BILLER, ANTHONY) (Entered: 04/02/2021)

04/02/2021	69	RESPONSE in Opposition re 55 MOTION for Discovery <i>All Plaintiffs' Partial Consent Motion for Leave to Take Limited Early Discovery and Extend Time Limit for Service</i> filed by TABATHA DAVIS, OLIVIA DAVIS, AVERY HARVEY, MELANIE MITCHELL, QUENCLYN ELLISON, JUSTICE FOR THE NEXT GENERATION, EDITH WARD, ASHLEY REED BATTEN, TALAUN WOODS, ANGELA WILLIS, FUTURE ALAMANCE, DEJUANA BIGELOW, SYLVESTER ALLEN, JR., EDITH ANN JONES, ALAMANCE ALLIANCE FOR JUSTICE, JANET NESBITT, FAITH COOK, GREGORY DRUMWRIGHT, ERNESTINE LEWIS WARD filed by CITY OF GRAHAM, MARY KRISTINE (KRISTY) COLE, JONATHAN FRANKS, JOAQUIN VELEZ. Replies due by 4/16/2021 (BILLER, ANTHONY) (Entered: 04/02/2021)
04/05/2021		Motions Submitted: 45 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM to JUDGE CATHERINE C. EAGLES. (Sanders, Marlene) (Entered: 04/05/2021)
04/07/2021	70	NOTICE of Attorney Appearance by attorney JAMES R. LAWRENCE, III on behalf of Defendants CITY OF GRAHAM, MARY KRISTINE (KRISTY) COLE, JONATHAN FRANKS, JOAQUIN VELEZ (LAWRENCE, JAMES) (Entered: 04/07/2021)
04/16/2021	71	REPLY, filed by Plaintiffs ALAMANCE ALLIANCE FOR JUSTICE, SYLVESTER ALLEN, JR, ASHLEY REED BATTEN, DEJUANA BIGELOW, FAITH COOK, OLIVIA DAVIS, TABATHA DAVIS, GREGORY DRUMWRIGHT, QUENCLYN ELLISON, FUTURE ALAMANCE, AVERY HARVEY, EDITH ANN JONES, JUSTICE FOR THE NEXT GENERATION, MELANIE MITCHELL, JANET NESBITT, EDITH WARD, ERNESTINE LEWIS WARD, ANGELA WILLIS, TALAUN WOODS, to Response to 55 MOTION for Discovery <i>All Plaintiffs' Partial Consent Motion for Leave to Take Limited Early Discovery and Extend Time Limit for Service</i> filed by ALAMANCE ALLIANCE FOR JUSTICE, SYLVESTER ALLEN, JR, ASHLEY REED BATTEN, DEJUANA BIGELOW, FAITH COOK, OLIVIA DAVIS, TABATHA DAVIS, GREGORY DRUMWRIGHT, QUENCLYN ELLISON, FUTURE ALAMANCE, AVERY HARVEY, EDITH ANN JONES, JUSTICE FOR THE NEXT GENERATION, MELANIE MITCHELL, JANET NESBITT, EDITH WARD, ERNESTINE LEWIS WARD, ANGELA WILLIS, TALAUN WOODS. (MAFFETORE, JACLYN) (Entered: 04/16/2021)

04/20/2021		Motions Referred: RE: 55 MOTION for Discovery <i>All Plaintiffs' Partial Consent Motion for Leave to Take Limited Early Discovery and Extend Time Limit for Service</i> to MAG/JUDGE L. PATRICK AULD. (Sanders, Marlene) (Entered: 04/20/2021)
04/20/2021		Motions Submitted: 52 MOTION for Judgment on the Pleadings , 50 MOTION for Judgment on the Pleadings , 47 MOTION for Leave to File to JUDGE CATHERINE C. EAGLES. (Sanders, Marlene) (Entered: 04/20/2021)
05/19/2021	72	REPORT OF MEDIATOR from Thomas C. Duncan - Mediation Held on 5/10/2021. Complete settlement of the case. (Bond, Melisa) (Entered: 05/19/2021)
05/19/2021		Case Reported Settled at Mediation. (Bond, Melisa) (Entered: 05/19/2021)
05/19/2021		Case Reported Settled - Stipulation of Dismissal due by 6/18/2021. (Bond, Melisa) (Entered: 05/19/2021)
05/20/2021	73	Joint MOTION to Stay <i>PENDING FINALIZATION AND GOVERNMENTAL APPROVALS OF SETTLEMENT</i> by SYLVESTER ALLEN, JR, DEJUANA BIGELOW, OLIVIA DAVIS, TABATHA DAVIS, FUTURE ALAMANCE, ANGELA WILLIS, TALAUN WOODS. Response to Motion due by 6/10/2021 (Attachments: # 1 Text of Proposed Order Proposed Order to Stay)(SUMTER, GERALDINE) (Entered: 05/20/2021)
05/20/2021		Motions Submitted: 73 Joint MOTION to Stay <i>PENDING FINALIZATION AND GOVERNMENTAL APPROVALS OF SETTLEMENT</i> to JUDGE CATHERINE C. EAGLES. (Sanders, Marlene) (Entered: 05/20/2021)
05/21/2021	74	AMENDED REPORT OF MEDIATOR from Thomas C. Duncan - Mediation Held on 5/10/2021. Partial settlement of the case. (Bond, Melisa) (Entered: 05/21/2021)
05/21/2021	75	MEMORANDUM OPINION AND ORDER signed by MAG/JUDGE L. PATRICK AULD on 05/21/2021, that the instant Motion (Docket Entry 55) is GRANTED IN PART and DENIED IN PART, in that (A) Plaintiffs shall not serve discovery prior to the entry of a scheduling order following the planning meeting under Rule 26(f) (except as permitted by Rule 26 (d)(2)), and (B) Plaintiffs shall make service of process on any Defendant(s) presently identified in Plaintiffs' operative pleadings as John or Jane

		Doe no later than 90 days after the entry of a scheduling order. (Garland, Leah) (Entered: 05/21/2021)
05/24/2021	76	ORDER signed by JUDGE CATHERINE C. EAGLES on 05/24/2021, that, for good cause shown, the case captioned Allen, et al. vs. City of Graham, et al., 1:20-cv-997-CCE-LPA is hereby stayed pending the finalization and governmental approvals of the settlement between the parties thereto. FURTHER that, no later than July 23, 2021, the Allen parties shall file a joint status report with the Court regarding the finalization and government approvals of their settlement. The Court expects the case to be closed soon thereafter, if the parties want the stay to remain in place. The stay does not apply to the claims in Drumwright, et al. v. Cole, et al., 1:20-CV-00998, which was previously consolidated with the Allen matter. The Drumwright matter is not stayed. Re 73 Motion to Stay. (Taylor, Abby) (Entered: 05/24/2021)
05/24/2021		Set Status Report Deadline due by 7/23/2021. (Taylor, Abby) (Entered: 05/24/2021)
06/02/2021	77	MEMORANDUM OPINION AND ORDER signed by JUDGE CATHERINE C. EAGLES on 06/02/2021. The City defendants' motion for leave to exceed word limitation, Doc. 47 , is GRANTED. The City defendants' motion to dismiss, Doc. 45 , is GRANTED in part and the § 1983 claims against Chief Cole, Lt. Velez, and Officer Franks in their official capacities for violating the plaintiffs First and Fourth Amendment rights, Doc. 25 at 17582, are DISMISSED. The § 1983 claims against all other defendants will proceed, and the City defendants' motion to dismiss is otherwise DENIED as to the Drumwright complaint. The City's motion is HELD IN ABEYANCE to the extent it is directed at the Allen complaint, Doc. 24 . The County defendants' motion for judgment on the pleadings, Doc. 52 , is DENIED. Associated Cases: 1:20-cv-00997-CCE-LPA, 1:20-cv-00998-CCE-LPA(Taylor, Abby) (Entered: 06/02/2021)
06/03/2021	78	NOTICE of Special Appearance by attorney GEOFFREY M. PIPOLY on behalf of Plaintiffs ALAMANCE ALLIANCE FOR JUSTICE, ASHLEY REED BATTEN, FAITH COOK, GREGORY DRUMWRIGHT, QUENCLYN ELLISON, AVERY HARVEY, EDITH ANN JONES, JUSTICE FOR THE NEXT GENERATION, MELANIE MITCHELL, JANET NESBITT, EDITH WARD, ERNESTINE LEWIS WARD (Filing fee \$ 25 receipt number 0418-3060601.) (PIPOLY, GEOFFREY) (Entered: 06/03/2021)

06/09/2021	<u>79</u>	REVISED STANDARD ORDER for civil cases proceeding before JUDGE CATHERINE C. EAGLES (Winchester, Robin) (Entered: 06/09/2021)
06/25/2021	<u>80</u>	STIPULATION of Dismissal of Allen et al. v. City of Graham, et al., 1:20-cv-0997 by SYLVESTER ALLEN, JR, DEJUANA BIGELOW, OLIVIA DAVIS, TABATHA DAVIS, FUTURE ALAMANCE, ANGELA WILLIS, TALAUN WOODS. (SUMTER, GERALDINE) (Entered: 06/25/2021)

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