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**U.S. District Court
Eastern District of Arkansas (Batesville Division (No new cases filed in this
division after November 2019.))
CIVIL DOCKET FOR CASE #: 1:18-cv-00053-BSM**

Kilpatrick et al v. Newark, City of et al
Assigned to: Judge Brian S. Miller
Cause: 42:1983 Other Civil Rights

Date Filed: 07/16/2018
Date Terminated: 03/03/2020
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights:
Other
Jurisdiction: Federal Question

Plaintiff

Beverly Kilpatrick

represented by **Marissa Hatton**
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Plaintiff

Veneda Marshall

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Plaintiff

Robert Marshall

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John D. Coulter
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Plaintiff

Becky Altom

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Phil Telfeyan

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Plaintiff

Jonathan Jarvis

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V.

Defendant

Newark, City of

represented by **Jenna Adams**
Arkansas Municipal League
Post Office Box 38
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501-374-3484
Email: jenadams@arml.org
TERMINATED: 11/28/2018
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TERMINATED: 10/09/2018

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*LEAD ATTORNEY
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Defendant

Jim Cunningham
in his Official Capacity as Mayor

represented by **Jenna Adams**
(See above for address)
*TERMINATED: 11/28/2018
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Michael Allen Mosley
(See above for address)
*TERMINATED: 10/09/2018
LEAD ATTORNEY
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William C. Mann , III
(See above for address)
*LEAD ATTORNEY
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Defendant

Joanne Langston
in her Official Capacity as Recorder

represented by **Jenna Adams**
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*TERMINATED: 11/28/2018
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Michael Allen Mosley
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William C. Mann , III
(See above for address)

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
07/16/2018	<u>1</u>	COMPLAINT with Jury Demand against All Defendants, filed by Robert Marshall, Beverly Kilpatrick, Veneda Marshall, Becky Altom, and Jonathan Jarvis. Fee of \$400 paid. Receipt Number LIT067977. Summons issued. (Attachments: # <u>1</u> Civil Cover Sheet)(kdr) (Entered: 07/17/2018)
07/31/2018	<u>2</u>	NOTICE of Appearance by Jenna Adams on behalf of Jim Cunningham, Joanne Langston, Newark, City of (Adams, Jenna) (Entered: 07/31/2018)
07/31/2018	<u>3</u>	NOTICE of Appearance by Michael Allen Mosley on behalf of Jim Cunningham, Joanne Langston, Newark, City of (Mosley, Michael) (Entered: 07/31/2018)
07/31/2018	<u>4</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by Jim Cunningham, Joanne Langston, Newark, City of (Adams, Jenna) (Entered: 07/31/2018)
07/31/2018	5	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER: Unopposed motion, No. <u>4</u> , granted. Answer or Rule 12(b) motion due by 17 August 2018. Signed by Judge D. P. Marshall Jr. on 7/31/2018. (slb) (Entered: 07/31/2018)
08/07/2018	<u>6</u>	MOTION for Consideration of <i>pro hac admission with waiver of fee</i> by All Plaintiffs (Attachments: # <u>1</u> Document Proposed Order)(Telfeyan, Phil) (Entered: 08/07/2018)
08/07/2018	<u>7</u>	AFFIDAVIT of Service <i>for all Defendants</i> , filed by Robert Marshall, Beverly Kilpatrick, Veneda Marshall, Becky Altom, Jonathan Jarvis. All Defendants. (Telfeyan, Phil) (Entered: 08/07/2018)
08/07/2018	8	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER : Motion, No. <u>6</u> , partly granted and partly denied. Hatton must pay the \$100 fee. If she hasn't already done so, Hatton must register with the CM/ECF for the Eastern District of Arkansas by 14 August 2018. Plaintiffs must also have local counsel. Local Rule 83.5(d). Local counsel must appear by 24 August 2018. Signed by Judge D. P. Marshall Jr. on 8/7/2018. (slb) (Entered: 08/07/2018)

08/15/2018	<u>9</u>	ANSWER to <u>1</u> Complaint, by Jim Cunningham, Joanne Langston, Newark, City of.(Adams, Jenna) (Entered: 08/15/2018)
08/16/2018	<u>10</u>	NOTICE of Appearance by John D. Coulter on behalf of All Plaintiffs (Coulter, John) (Entered: 08/16/2018)
08/21/2018	<u>11</u>	Filing fee of \$100.00 received re <u>6</u> MOTION for Consideration of pro hac admission. Receipt number LIT068455. (fjg) (Entered: 08/21/2018)
08/29/2018	12	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER: The Court thanks Hatton for her quick compliance with Local Rule 83.5(d). Signed by Judge D. P. Marshall Jr. on 8/29/2018. (slb) (Entered: 08/29/2018)
10/08/2018	<u>13</u>	MOTION to Withdraw as Attorney by Jim Cunningham, Joanne Langston, Newark, City of (Mosley, Michael) (Entered: 10/08/2018)
10/09/2018	14	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER: Motion, No. <u>13</u> , granted. Michael Mosley is relieved with the Court's thanks as counsel of record. Signed by Judge D. P. Marshall Jr. on 10/9/2018. (slb) (Entered: 10/09/2018)
10/15/2018	<u>15</u>	INITIAL SCHEDULING ORDER: Rule 26(f) Report due by 11/28/2018. Jury Trial set for 4/6/2020 at 9:30 AM in Jonesboro Courtroom (large) # 324 before Judge D. P. Marshall Jr. Signed at the direction of the Court on 10/15/2018. (slb) (Entered: 10/15/2018)
11/27/2018	<u>16</u>	NOTICE of Appearance by William C. Mann, III on behalf of Jim Cunningham, Joanne Langston, Newark, City of (Mann, William) (Entered: 11/27/2018)
11/27/2018	<u>17</u>	MOTION to Substitute Attorney by Jim Cunningham, Joanne Langston, Newark, City of (Mann, William) (Entered: 11/27/2018)
11/27/2018	<u>18</u>	REPORT of Rule 26(f) Planning Meeting by Jim Cunningham, Joanne Langston, Newark, City of. (Adams, Jenna) (Entered: 11/27/2018)
11/28/2018	19	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER: Motion, No. <u>17</u> , granted. Jenna Adams is relieved as counsel for Defendants. Signed by Judge D. P. Marshall Jr. on 11/28/2018. (slb) (Entered: 11/28/2018)

12/03/2018	20	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER: Rule 26(f) report, No. 18 , noted. Earlier deadlines adopted. A Final Scheduling Order will issue. Signed by Judge D. P. Marshall Jr. on 12/3/2018. (slb) (Entered: 12/03/2018)
12/03/2018	21	FINAL SCHEDULING ORDER: Jury Trial set for 4/6/2020 at 9:30 AM in Jonesboro Courtroom (large) #324 before Judge D. P. Marshall Jr. Discovery due by 8/16/2019. Motions due by 9/13/2019. Pretrial Disclosure Sheet due by 3/5/2020. Signed at the direction of the Court on 12/3/2018. (slb) (Entered: 12/03/2018)
04/23/2019	22	MOTION for Leave to File <i>Amended Answer</i> by All Defendants (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Mann, William) (Entered: 04/23/2019)
04/30/2019	23	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER: Unopposed motion, No. 22 , granted. Amended answer due by 6 May 2019. Signed by Judge D. P. Marshall Jr. on 4/30/2019. (slb) (Entered: 04/30/2019)
04/30/2019	24	AMENDED ANSWER to 1 Complaint, by Jim Cunningham, Joanne Langston, Newark, City of (Mann, William) (Entered: 04/30/2019)
06/03/2019	25	MOTION for Partial Summary Judgment by Jim Cunningham, Joanne Langston, Newark, City of (Attachments: # 1 Exhibit 1 - Ordinance 2015-1, # 2 Exhibit 2 - Ordinance 2018-09, # 3 Document 3 - Affidavit of Joe James, # 4 Exhibit 4 - Watlington v. McCrory Entry #22, # 5 Exhibit 5 - Watlington v. McCrory Entry #31)(Mann, William) (Entered: 06/03/2019)
06/03/2019	26	BRIEF IN SUPPORT re 25 Motion for Partial Summary Judgment, filed by Jim Cunningham, Joanne Langston, Newark, City of. (Mann, William) (Entered: 06/03/2019)
06/03/2019	27	STATEMENT OF FACTS (Local Rule 56.1) re 25 Motion for Partial Summary Judgment, 26 Brief in Support filed by Jim Cunningham, Joanne Langston, Newark, City of. (Mann, William) (Entered: 06/03/2019)
06/14/2019	28	STATUS REPORT (<i>JOINT</i>) by Jim Cunningham, Joanne Langston, Newark, City of. (Mann, William) (Entered: 06/14/2019)
06/17/2019	29	RESPONSE in Opposition re 25 MOTION for Partial Summary Judgment filed by Becky Altom, Jonathan Jarvis, Beverly

		Kilpatrick, Robert Marshall, Veneda Marshall. (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit, # 5 Exhibit, # 6 Exhibit, # 7 Affidavit)(Hatton, Marissa) (Entered: 06/17/2019)
06/17/2019	30	STATEMENT OF FACTS (Local Rule 56.1) re 27 Statement of Facts (Local Rule 56.1) <i>Statement of Disputed Facts</i> filed by Becky Altom, Jonathan Jarvis, Beverly Kilpatrick, Robert Marshall, Veneda Marshall. (Hatton, Marissa) (Entered: 06/17/2019)
06/20/2019	31	REPLY to Response to Motion re 25 MOTION for Partial Summary Judgment filed by Jim Cunningham, Joanne Langston, Newark, City of. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3)(Mann, William) (Entered: 06/20/2019)
06/20/2019	32	BRIEF IN SUPPORT re 31 Reply to Response to Motion filed by Jim Cunningham, Joanne Langston, Newark, City of. (Mann, William) (Entered: 06/20/2019)
06/21/2019	33	MOTION for Leave to File <i>Sur-Reply in Opposition to Defendants' Motion for Partial Summary Judgment</i> by All Plaintiffs (Attachments: # 1 Exhibit)(Hatton, Marissa) (Entered: 06/21/2019)
06/24/2019	34	RESPONSE to Motion re 33 MOTION for Leave to File <i>Sur-Reply in Opposition to Defendants' Motion for Partial Summary Judgment</i> filed by All Defendants. (Attachments: # 1 Exhibit)(Mann, William) (Entered: 06/24/2019)
07/10/2019	35	ORDER of Recusal. The Clerk must reassign this case at random by chip exchange. Signed by Judge D. P. Marshall Jr. on 7/10/2019. (jak) (Entered: 07/10/2019)
07/10/2019	36	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) NOTICE OF REASSIGNMENT. Based on 35 Order, the Clerk's office has reassigned the case to Chief Judge Brian S. Miller. (jak) (Entered: 07/10/2019)
07/11/2019	37	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER granting 33 motion for leave to file sur-reply. Signed by Judge Brian S. Miller on 07/11/2019. (sed) (Entered: 07/11/2019)
07/11/2019	38	REPLY re 32 Brief in Support <i>Sur-Reply to Defendants' Reply Brief in Support of Motion for Partial Summary Judgment</i> by Becky Altom, Jonathan Jarvis, Beverly Kilpatrick, Robert Marshall, Veneda Marshall. (Hatton, Marissa) (Entered: 07/11/2019)

09/12/2019	<u>39</u>	MOTION for Partial Summary Judgment <i>on Liability</i> by All Plaintiffs (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit, # <u>14</u> Exhibit, # <u>15</u> Exhibit, # <u>16</u> Exhibit, # <u>17</u> Exhibit, # <u>18</u> Exhibit, # <u>19</u> Exhibit, # <u>20</u> Exhibit, # <u>21</u> Exhibit, # <u>22</u> Exhibit, # <u>23</u> Affidavit Authentication of Exhibits)(Hatton, Marissa) (Entered: 09/12/2019)
09/12/2019	<u>40</u>	STATEMENT OF FACTS (Local Rule 56.1) re <u>39</u> Motion for Partial Summary Judgment, filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit 3, # <u>4</u> Exhibit Exhibit 4, # <u>5</u> Exhibit Exhibit 5, # <u>6</u> Exhibit Exhibit 6, # <u>7</u> Exhibit Exhibit 7, # <u>8</u> Exhibit Exhibit 8, # <u>9</u> Exhibit Exhibit 9)(Hatton, Marissa) (Entered: 09/12/2019)
09/13/2019	<u>41</u>	STATUS REPORT (<i>JOINT</i>) by Jim Cunningham, Joanne Langston, Newark, City of. (Mann, William) (Entered: 09/13/2019)
09/18/2019	<u>42</u>	MOTION for Extension of Time to File Response/Reply as to <u>39</u> MOTION for Partial Summary Judgment <i>on Liability</i> , <u>40</u> Statement of Facts (Local Rule 56.1), by Jim Cunningham, Joanne Langston, Newark, City of (Mann, William) (Entered: 09/18/2019)
09/18/2019	43	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER granting <u>42</u> Motion for Extension of Time to File Response/Reply re <u>39</u> MOTION for Partial Summary Judgment <i>on Liability</i> . Defendants' response due by 10/4/2019. Plaintiffs' reply due by 10/21/2019. Signed by Judge Brian S. Miller on 09/18/2019. (rmg) (Entered: 09/18/2019)
10/04/2019	<u>44</u>	RESPONSE to Motion re <u>39</u> MOTION for Partial Summary Judgment <i>on Liability</i> filed by Jim Cunningham, Joanne Langston, Newark, City of. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13)(Mann, William) (Entered: 10/04/2019)
10/04/2019	<u>45</u>	BRIEF IN SUPPORT re <u>44</u> Response to Motion, filed by Jim Cunningham, Joanne Langston, Newark, City of. (Mann, William) (Entered: 10/04/2019)
10/04/2019	<u>46</u>	STATEMENT OF FACTS (Local Rule 56.1) re <u>45</u> Brief in Support, <u>44</u> Response to Motion, filed by Jim Cunningham, Joanne Langston, Newark, City of. (Mann, William) (Entered: 10/04/2019)

10/04/2019	47	RESPONSE re 40 Statement of Facts (Local Rule 56.1), by Jim Cunningham, Joanne Langston, Newark, City of (Mann, William) (Entered: 10/04/2019)
10/07/2019	48	AMENDED DOCUMENT by Jim Cunningham, Joanne Langston, Newark, City of. Amendment to 46 Statement of Facts (Local Rule 56.1) (Mann, William) (Entered: 10/07/2019)
10/21/2019	49	REPLY to Response to Motion re 39 MOTION for Partial Summary Judgment <i>on Liability</i> filed by All Plaintiffs. (Attachments: # 1 Exhibit James Depo., # 2 Exhibit Garner Depo., # 3 Exhibit Langston Depo., # 4 Exhibit Burgess Depo., # 5 Exhibit Cunningham Depo., # 6 Exhibit Goings Depo., # 7 Exhibit Barber Depo., # 8 Exhibit Bennett Depo., # 9 Exhibit Ordinance 2015-01, # 10 Exhibit Jarvis Depo., # 11 Exhibit Altom Depo.)(Hatton, Marissa) (Entered: 10/21/2019)
11/19/2019	50	Joint MOTION to Extend Time to <i>File Motions in Limine</i> by All Plaintiffs. (Hatton, Marissa) (Docket text modified on 11/20/2019 to remove reference to the proposed order filed as an attachment in error) (jak) (Entered: 11/19/2019)
11/20/2019		NOTICE OF DOCKET CORRECTION re 50 Joint MOTION to Extend Time. CORRECTION: The docket text was modified to remove reference to the proposed order filed as an attachment to docket entry 50 in error.(jak) (Entered: 11/20/2019)
11/25/2019	51	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER granting 50 motion to extend time. Motions in limine due 21 days after summary judgment rulings are issued. Signed by Judge Brian S. Miller on 11/25/2019. (stm) (Entered: 11/25/2019)
01/06/2020	52	ORDER granting 25 defendants' motion for partial summary judgment on mootness; denying 39 plaintiffs' motion for partial summary judgment on liability; and dismissing plaintiffs' excessive fines claim. Plaintiffs have 14 days to show cause why summary judgment should not be granted for the defendants on all other claims. Signed by Judge Brian S. Miller on 1/6/2020. (jbh) (Entered: 01/06/2020)
01/21/2020	53	RESPONSE re 52 Order on Motion for Partial Summary Judgment,,, <i>Plaintiffs' Memorandum to Show Cause</i> by Becky Altom, Jonathan Jarvis, Beverly Kilpatrick, Robert Marshall, Veneda Marshall (Attachments: # 1 Exhibit Barber Deposition Excerpt, # 2 Exhibit Cunningham Deposition Excerpt)(Hatton, Marissa) (Entered: 01/21/2020)

01/28/2020	54	REPLY re 53 Response (Non Motion), to <i>Plaintiffs' Memorandum to Show Cause</i> by Jim Cunningham, Joanne Langston, Newark, City of. (Mann, William) (Entered: 01/28/2020)
01/28/2020	55	BRIEF IN SUPPORT re 54 Reply (Non Motion) to <i>Plaintiffs' Memorandum to Show Cause</i> filed by Jim Cunningham, Joanne Langston, Newark, City of. (Mann, William) (Entered: 01/28/2020)
03/03/2020	56	Joint MOTION to Extend Time <i>for Trial Deadlines</i> by Jim Cunningham, Joanne Langston, Newark, City of (Mann, William) (Entered: 03/03/2020)
03/03/2020	57	ORDER: For the reasons set forth in 52 the order denying plaintiffs' motion for summary judgment, summary judgment is entered for defendants on all remaining claims, and this case is dismissed with prejudice. Signed by Judge Brian S. Miller on 3/3/2020. (kdr) (Entered: 03/04/2020)
03/03/2020	58	JUDGMENT: Consistent with 57 order entered today, this case is dismissed with prejudice. Signed by Judge Brian S. Miller on 3/3/2020. (kdr) (Entered: 03/04/2020)

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