

CLOSED

**U.S. District Court
Northern District of Georgia (Gainesville)
CIVIL DOCKET FOR CASE #: 2:02-cv-00036-WCO**

Hicks v. Moore, et al
Assigned to: Judge William C. O'Kelley
Demand: \$0
Case in other court: USCA 11th Circuit, 03-13686-II
03-13686-I USCA/11th, :00--00000
Cause: 42:1983 Civil Rights Act

Date Filed: 03/15/2002
Date Terminated: 10/24/2005
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Janet M. Hicks
also known as
Janet M. Bryant

represented by **Joseph Matthew Maguire, Jr.**
Balch & Bingham LLP-Atl
30 Allen Plaza, Suite 700
30 Ivan Allen Jr. Boulevard, NW
Atlanta, GA 30308
404-261-6020
Email: mmaguire@balch.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Scott Dewitt Delius
Delius Law Firm
1720 Peachtree Street, NW
North Tower, Suite 427
Atlanta, GA 30309
404-352-3400
Email: sdelius@deliuslaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Richard D. Moore
*Individually and in his Official Capacity as
the Sheriff of Habersham County*

represented by **Terry Eugene Williams**
Terry Williams & Associates
205 Culver Street
Lawrenceville, GA 30045
678-442-9444
Email: terry@tew-law.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Michael Long
Individually

represented by **Terry Eugene Williams**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Jane Doe
Individually
TERMINATED: 11/13/2002

represented by **Terry Eugene Williams**
(See above for address)
TERMINATED: 11/13/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

1 John Doe
Individually
TERMINATED: 11/13/2002

represented by **Terry Eugene Williams**
(See above for address)
TERMINATED: 11/13/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

2 John Doe
Individually
TERMINATED: 11/13/2002

represented by **Terry Eugene Williams**
(See above for address)
TERMINATED: 11/13/2002
ATTORNEY TO BE NOTICED

Defendant

3 John Doe
Individually
TERMINATED: 11/13/2002

represented by **Terry Eugene Williams**
(See above for address)
TERMINATED: 11/13/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Brian Ausburn

Defendant

Habersham County, Georgia

Defendant

Jennie Clouatre

Defendant

Joshua Highfill

Defendant

John Taylor

Defendant

Russell Gosnell**unknown****2 John Doe***Individually***TERMINATED: 11/13/2002**represented by **Terry Eugene Williams**

(See above for address)

TERMINATED: 11/13/2002**LEAD ATTORNEY****ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
03/15/2002	1	COMPLAINT filed and summons(es) issued. Consent form to proceed before U.S. magistrate and pretrial instructions given to attorney; jury demand FILING FEE \$ 150.00 RECEIPT # 247818 (sk) (Entered: 03/15/2002)
03/26/2002	2	Return of service executed 3/20/02 as to Richard D. Moore, Sheriff, Habersham County, Michael Long on original complaint (sk) (Entered: 03/26/2002)
04/10/2002		Proposed consent order extending time through 04/20/02 for dfts to answer pla's complaint. (to WCO) (sk) (Entered: 04/10/2002)
04/10/2002		Added attorney for defendant: Terry Eugene Williams. (sk) (Entered: 04/10/2002)
04/10/2002	3	CONSENT ORDER by William C. O'Kelley, extending time through 4/20/02 for dfts to answer [1-1] complaint , Answer due 4/20/02 for Michael Long, for Richard D. Moore (cc) (djh) (Entered: 04/11/2002)
04/22/2002	4	ANSWER by defendants Richard D. Moore, Michael Long to complaint [1-1] Discovery ends 9/19/02; jury demand (sk) (Entered: 04/22/2002)
05/21/2002	5	Preliminary Report and Discovery Schedule. (to WCO) (sk) (Entered: 05/21/2002)
05/21/2002	6	Certificate of interested persons. (sk) (Entered: 05/21/2002)
05/24/2002		ENDORSED ORDER by William C. O'Kelley APPROVING [5-1] preliminary report and discovery schedule. (cc by CRD) (sk) (Entered: 05/28/2002)
06/04/2002	7	RESPONSES TO INITIAL DISCLOSURES by plaintiff (sk) (Entered: 06/04/2002)
06/04/2002	8	Notice of filing of change of address by plaintiff attorney, Scott D. Delius. (to SE) (sk) (Entered: 06/04/2002)
06/18/2002	9	ANSWERS TO INITIAL DISCLOSURES by dfts. (djh) (Entered: 06/19/2002)
07/10/2002	10	Notice to take deposition of Michael Long by plaintiff. (sk) (Entered: 07/10/2002)
07/10/2002	11	Notice to take deposition of John Taylor by plaintiff. (sk) (Entered: 07/10/2002)
07/24/2002	12	Notice to take deposition of Lisa Ann Rogers by plaintiff (sk) (Entered: 07/25/2002)

07/24/2002	13	Notice to take deposition of Jennie Clouatre by plaintiff (sk) (Entered: 07/25/2002)
09/06/2002	14	Joint MOTION to extend time through 11/22/02 for discovery with proposed order in support. (to WCO) (sk) (Entered: 09/06/2002)
09/06/2002	15	CONSENT ORDER by William C. O'Kelley GRANTING [14-1] joint motion to extend time through 11/22/02 for discovery, Discovery ends 11/22/02 (Approved by the Direction of the Court)(cc by CRD) (sk) Modified on 09/09/2002 (Entered: 09/09/2002)
09/23/2002	16	MOTION by plaintiff for leave to amend complaint with brief and exhibits in support. (sk) (Entered: 09/23/2002)
10/10/2002		SUBMITTED to William C. O'Kelley on [16-1] motion for leave to amend complaint (sk) (Entered: 10/10/2002)
10/23/2002	17	ORDER by William C. O'Kelley GRANTING [16-1] motion for leave to amend complaint by substituting Jennie Clouatre, Joshua Highfill, John Taylor & Russell Gosnell for the previously unnamed defendants. Additionally, she wishes to add Brian Ausburn and Habersham County as defendants and assert a punitive damages claim against defendant Moore in his individually capacity. (cc) (sk) Modified on 11/13/2002 (Entered: 10/25/2002)
10/28/2002	18	Joint MOTION to extend time through 02/20/03 for discovery with proposed consent order. (to WCO) (sk) (Entered: 10/29/2002)
11/04/2002	19	CONSENT ORDER by William C. O'Kelley GRANTING [18-1] joint motion to extend time through 02/20/03 for discovery, Discovery ends 2/20/03 (cc) (sk) (Entered: 11/06/2002)
11/12/2002	21	Notice by CRD, status conference set for 2:00 P.M. on 12/17/02 . (cc by CRD) (sk) (Entered: 11/13/2002)
11/13/2002	20	AMENDED VERIFIED COMPLAINT for damages and injunctive relief by plaintiff; jury demand (sk) (Entered: 11/13/2002)
11/14/2002		Terminated submissions. (sk) (Entered: 11/14/2002)
11/22/2002	22	Notice by CRD, status conference set for 2:00 P.M. on 12/19/02 . (cc by CRD) (sk) (Entered: 11/25/2002)
11/26/2002	23	ANSWER to amended complaint [20-1] by Michael Long, Brian Ausburn, Habersham County, GA, Jennie Clouatre, Joshua Highfill, John Taylor, Russell Gosnell; jury demand (sk) (Entered: 11/26/2002)
12/19/2002	24	STATUS CONFERENCE HELD before William C. O'Kelley (djh) (Entered: 12/20/2002)
02/19/2003	25	SUPPLEMENTAL RESPONSES TO INITIAL DISCLOSURES by plaintiff (sk) (Entered: 02/20/2003)
02/19/2003	26	MOTION by plaintiff to permit offer of expert witness , and to extend time 60 days for discovery with brief in support. (sk) (Entered: 02/20/2003)

02/20/2003	<u>27</u>	Attorney appearance for plaintiff Janet M. Hicks by Joseph Matthew Maguire Jr. (sk) (Entered: 02/20/2003)
03/10/2003		SUBMITTED to William C. O'Kelley on [26-2] motion to extend time 60 days for discovery, [26-1] motion to permit offer of expert witness (sk) (Entered: 03/10/2003)
03/10/2003	<u>28</u>	Response by defendants' to [26-1] motion to permit offer of expert witness, [26-2] motion to extend time 60 days for discovery with memorandum of law in support. (sk) (Entered: 03/10/2003)
03/20/2003	<u>29</u>	ORDER by William C. O'Kelley DENYING [26-1] motion to permit offer of expert witness by Janet M. Hicks, DENYING [26-2] motion to extend time 60 days for discovery by Janet M. Hicks (cc by CRD) (djh) (Entered: 03/20/2003)
03/24/2003	<u>30</u>	Reply Brief by plaintiff in support of [26-1] motion to permit offer of expert witness, [26-2] motion to extend time 60 days for discovery (sk) (Entered: 03/24/2003)
04/03/2003	<u>31</u>	MOTION by defendants to exceed page limitation with brief and proposed order in support. (to WCO) (sk) (Entered: 04/03/2003)
04/04/2003	<u>32</u>	ORDER by William C. O'Kelley GRANTING [31-1] motion to exceed page limitation; allowing dftrs up to 45 pages to present their brief in support of motion for sum jgm. (cc by CRD) (sk) (Entered: 04/04/2003)
04/08/2003	<u>33</u>	MOTION by defendants' for summary judgment with brief and statement of material facts to which there exists no genuine issue to be tried in support. (sk) (Entered: 04/08/2003)
04/08/2003	<u>34</u>	Notice of filing by defendant of original discovery (DEPO of Janet Hicks), Errarta sheet for depo of Janet Hicks, and request for filing of original discovery. (sk) Modified on 04/09/2003 (Entered: 04/08/2003)
04/08/2003	<u>35</u>	Deposition of Janet M. Hicks taken for defendants. (sk) (Entered: 04/08/2003)
04/22/2003	<u>36</u>	MOTION by plaintiff to exceed page limitation with brief in support with proposed order. (to WCO) (sk) (Entered: 04/22/2003)
04/24/2003	<u>37</u>	Brief by plaintiff in opposition to [33-1] motion for summary judgment with statement of material facts to which there exists a genuine issue to be tried, and response to defendants' statement of material facts to which there exists no genuine issue to be tried. (sk) (Entered: 04/25/2003)
04/24/2003	<u>38</u>	Notice of filing of original discovery by plaintiff with plaintiff's first request for admissions of Richard D. Moore and plaintiff's first interrogatories to Richard D. Moore in support. (DEPOS of John Taylor, Joshua Highfill, Jeannie Clouatre, Michael Long, Russell Gosnell, Brian Ausburn) (sk) Modified on 04/25/2003 (Entered: 04/25/2003)
04/24/2003	<u>39</u>	Deposition of John Taylor taken for plaintiff (sk) (Entered: 04/25/2003)
04/24/2003	<u>40</u>	Deposition of Joshua Highfill taken for plaintiff (sk) (Entered: 04/25/2003)
04/24/2003	<u>41</u>	Deposition of Jeannie Clouatre taken for plaintiff (sk) (Entered: 04/25/2003)
04/24/2003	<u>42</u>	Deposition of Michael Long taken for plaintiff (sk) (Entered: 04/25/2003)

04/24/2003	43	Deposition of Russell Gosnell taken for plaintiff (sk) (Entered: 04/25/2003)
04/24/2003	44	Deposition of Brian Ausburn taken for plaintiff (sk) (Entered: 04/25/2003)
04/24/2003		Proposed consent order by plaintiff. (to WCO) (sk) (Entered: 04/25/2003)
04/29/2003	45	ORDER by William C. O'Kelley GRANTING [36-1] motion to exceed page limitation in plaintiff's brief to dfts' motion for sum jgm. (cc by CRD) (sk) (Entered: 04/30/2003)
04/29/2003	46	CONSENT ORDER by William C. O'Kelley GRANTING plaintiff's motion (motion not filed in clerk's office) to rely upon original depositions taken and filed in Marilyn Snyder v. Richard D. Moore, et al, civil action no. 2:01-cv-0181-WCO. (DEPOS of Richard Moore, Josh Highfill, Amanda Allen, Barry Lipsitz)(cc by CRD) (sk) Modified on 10/29/2003 (Entered: 04/30/2003)
05/06/2003		SUBMITTED to William C. O'Kelley on [33-1] motion for summary judgment (djh) (Entered: 05/06/2003)
05/12/2003	47	Notice of Objection by defendant to plaintiff's [37-1] statement of material facts to which there exists a genuine issue to be tried. (sk) (Entered: 05/12/2003)
05/12/2003	48	Reply Brief by defendants' in support of their [33-1] motion for summary judgment (sk) (Entered: 05/12/2003)
06/16/2003	49	Notice of filing change of firm name by pla's cnsl. (to SE) (djh) (Entered: 06/16/2003)
06/23/2003	50	ORDER by William C. O'Kelley GRANTING IN PART AND DENYING IN PART [33-1] motion for summary judgment by dfts; summary jgm is DENIED as to the 1983 claims against dfts Moore, Gosnell, Ausburn, Highfill & Clouatre; summary jgm is also DENIED as to the claim of assault and battery against dft Highfill; summary jgm is GRANTED as to all other claims on which dfts have moved for sum jgm. Clerk is DIRECTED to set this case for trial. (cc by CRD) (sk) (Entered: 06/23/2003)
06/30/2003	51	Notice by CRD, jury trial set for 9:30 8/11/03 , pretrial conference set for 10:00 8/7/03 , pre-trial order due on 7/23/03 . (cc by CRD) (sk) (Entered: 06/30/2003)
07/21/2003	52	NOTICE OF APPEAL by defendants Richard D. Moore, Michael Long, Jennie Clouatre, Joshua Highfill, John Taylor, Russell Gosnell, Brian Ausburn from [50-1] order Appeal information sheet due 8/4/03 (sk) (Entered: 07/21/2003)
07/21/2003		Certified copy of notice of appeal, [50-1] order, [33-1] motion, docket to USCA RE: [52-1] appeal (sk) (Entered: 07/21/2003)
07/24/2003		Appeal fees received FILING FEE \$ 105.00 RECEIPT # 323707 RE: [52-1] appeal USCA dkt no. 03-13686-I (sk) (Entered: 07/24/2003)
07/24/2003	53	Appeal information sheet RE: [52-1] appeal - USCA dkt # 03-13686-I COR due 8/3/03 (sk) (Entered: 07/24/2003)
07/24/2003	54	Acknowledgment by USCA RE: [52-1] appeal USCA dkt no. 03-13686-I (sk) (Entered: 07/24/2003)

08/05/2003		CERTIFICATE OF READINESS of appeal record with certified copy of docket mailed to USCA RE: [52-1] appeal USCA # 03-13686-I (sk) (Entered: 08/05/2003)
08/18/2003	55	Notice of filing of change of address of pla counsel. (to SE) (sk) (Entered: 08/18/2003)
08/18/2003		USCA acknowledgment of COR RE: [52-1] appeal USCA # 03-13686-I (sk) (Entered: 08/18/2003)
10/29/2003		1st Supplemental CERTIFICATE OF READINESS of appeal record with certified copy of docket mailed to USCA RE: [52-1] appeal USCA # 03-13686-I (sk) (Entered: 10/29/2003)
10/29/2003		FORTHWITH LETTER from USCA regarding [52-1] appeal. USCA dkt no. 03-13686-I Appeal record due on 11/8/03. (e-mail) (sk) (Entered: 10/29/2003)
10/29/2003		Certified and transmitted record to USCA RE: [52-1] appeal USCA dkt no. 03-13686-I. (3 vol pleadings, 11 vol depositions) (sk) (Entered: 10/29/2003)
11/07/2003		USCA acknowledgment of ROA RE: [52-1] appeal USCA # 03-13686-I. (sk) (Entered: 11/07/2003)
11/12/2003		USCA acknowledgment of 1st suppl COR RE: [52-1] appeal USCA # 03-13686-I (djh) (Entered: 11/12/2003)
09/30/2005	56	Appeal Record Returned: 52 Notice of Appeal Case Appealed to USCA/11th circuit Case Number 03-13686-II. (11 vol depositions, 3 vol pleading) (sk) (Entered: 09/30/2005)
09/30/2005	57	Certified copy of JUDGMENT of USCA AFFIRMING in part, REVERSING in part the decision of the District Court and REMANDING the case re: 52 Notice of Appeal filed by John Taylor, Joshua Highfill, Richard D. Moore, Michael Long, Brian Ausburn, Jennie Clouatre, Russell Gosnell. Case Appealed to USCA/11th Circuit Case Number 03-13686. (sk) (Entered: 10/03/2005)
09/30/2005		Appeal Deadlines Terminated (sk) (Entered: 10/04/2005)
10/11/2005	58	ORDER making the USCA mandate the judgment of this Court re 52 Notice of Appeal. USCA Appeal Number 03-13686-II. Signed by Judge William C. O'Kelley on 10/7/2005. (djh) (Entered: 10/13/2005)
10/18/2005	59	NOTICE of Hearing: Status Conference set for 11/1/2005 10:00 AM before Judge William C. O'Kelley in the Third Floor Chambers. (dww) (Entered: 10/18/2005)
10/21/2005	60	NOTICE of Voluntary Dismissal <i>With Prejudice</i> filed by Janet M. Hicks (Maguire, Joseph) (Entered: 10/21/2005)
10/24/2005	61	Consent Order of Dismissal with prejudice. Signed by Judge William C. O'Kelley on 10/24/05. (sk) (Entered: 10/24/2005)
10/24/2005		Civil Case Terminated. (sk) (Entered: 10/24/2005)

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