

**U.S. District Court
Southern District of Mississippi (Southern)
CIVIL DOCKET FOR CASE #: 1:13-cv-00466-HSO-RHW**

D.H. v. Moss Point School District et al
Assigned to: District Judge Halil S. Ozerden
Referred to: Magistrate Judge Robert H. Walker
Cause: 42:1983 Civil Rights Act

Date Filed: 12/17/2013
Date Terminated: 02/18/2015
Jury Demand: None
Nature of Suit: 448 Civil Rights:
Education
Jurisdiction: Federal Question

Plaintiff

D. H.
*by and through her next friend and
parent, Robert Holmes*

represented by **Alesdair Ittelson - PHV**
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V.

Defendant

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Defendant

Moss Point School Board

represented by **James Allen Keith**
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LEAD ATTORNEY
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John Simeon Hooks
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Jody E. Owens , II
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Defendant

Maggie Griffin
in her official capacity of

represented by **James Allen Keith**
(See above for address)

*Superintendent of Moss Point
School District*

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

John Simeon Hooks
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Jody E. Owens , II
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ATTORNEY TO BE NOTICED

Defendant

Durand Payton
in his individual capacity

represented by **James Allen Keith**
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*LEAD ATTORNEY
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John Simeon Hooks
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Jody E. Owens , II
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/17/2013	<u>1</u>	COMPLAINT against Maggie Griffin, Moss Point School Board, Moss Point School District, Durand Payton (Filing fee \$ 400.00 receipt number 14643005255) filed by D. H.. (Attachments: # <u>1</u> Civil Cover Sheet)(PKS) (Entered: 12/17/2013)
12/17/2013	<u>2</u>	Summons Issued as to Maggie Griffin, Moss Point School Board, Moss Point School District, Durand Payton. (PKS) (Entered: 12/17/2013)
12/26/2013	<u>3</u>	*RESTRICTED* DOCUMENT - Unredacted Complaint. (JCH) (Entered: 12/26/2013)
02/05/2014	<u>4</u>	WAIVER OF SERVICE Returned Executed by D. H.. Moss Point School District waiver sent on 1/16/2014, answer due 3/17/2014. (Owens, Jody) (Entered: 02/05/2014)

02/05/2014	<u>5</u>	WAIVER OF SERVICE Returned Executed by D. H.. Moss Point School Board waiver sent on 1/16/2014, answer due 3/17/2014. (Owens, Jody) (Entered: 02/05/2014)
02/05/2014	<u>6</u>	WAIVER OF SERVICE Returned Executed by D. H.. Maggie Griffin waiver sent on 1/16/2014, answer due 3/17/2014. (Owens, Jody) (Entered: 02/05/2014)
02/05/2014	<u>7</u>	WAIVER OF SERVICE Returned Executed by D. H.. Durand Payton waiver sent on 1/16/2014, answer due 3/17/2014. (Owens, Jody) (Entered: 02/05/2014)
02/12/2014	<u>8</u>	NOTICE of Appearance by John Simeon Hooks on behalf of All Defendants (Hooks, John) (Entered: 02/12/2014)
02/12/2014	<u>9</u>	NOTICE of Appearance by James Allen Keith on behalf of All Defendants (Keith, James) (Entered: 02/12/2014)
02/12/2014		DOCKET ANNOTATION as to #9: The document and certificate of service are signed by different attorneys as to the defendants. (PKS) (Entered: 02/12/2014)
02/19/2014	<u>10</u>	MOTION for Alesdair Ittelson to Appear Pro Hac Vice by D. H. (Attachments: # <u>1</u> Exhibit Certificate of Good Standing Alabama)(Owens, Jody) (Entered: 02/19/2014)
02/19/2014		Pro Hac Vice fee paid for Alesdair Ittelson receipt number 0538-2620717 \$ 100 (Owens, Jody) (Entered: 02/19/2014)
02/19/2014	<u>11</u>	MOTION for Samuel Eugene Wolfe to Appear Pro Hac Vice by D. H. (Attachments: # <u>1</u> Exhibit Certificate of Good Standing Alabama, # <u>2</u> Exhibit Certificate of Good Standing New York)(Owens, Jody) (Entered: 02/19/2014)
02/19/2014		Pro Hac Vice fee paid for Samuel Wolfe receipt number 0538-2620749 \$ 100 (Owens, Jody) (Entered: 02/19/2014)
02/20/2014	<u>12</u>	ORDER granting <u>10</u> Motion to Appear Pro Hac Vice; granting <u>11</u> Motion to Appear Pro Hac Vice. Alesdair Ittelson and Samuel Eugene Wolfe shall be admitted pro hac vice to serve as co-counsel for the plaintiff D.H., by and through her legal guardian and parent Robert Holmes. Signed by Magistrate Judge Robert H. Walker on February 20, 2014. (Joffe, Scherry) (Entered: 02/20/2014)
02/20/2014		DOCKET ANNOTATION as to #10 and #11: L.U.Civ.R. 7(b)(2) requires that all supporting exhibits to a document be denominated

		by an exhibit letter or number and a meaningful description. Attorney is to include exhibit letter or number on the exhibit and in the docket text in future filings. (PKS) (Entered: 02/20/2014)
02/21/2014	<u>13</u>	MOTION for Anjali Nair to Appear Pro Hac Vice by D. H. (Attachments: # <u>1</u> Exhibit A Certificate of Good Standing State of Alabama, # <u>2</u> Exhibit B Certificate of Good Standing Commonwealth of Massachusetts)(Owens, Jody) (Entered: 02/21/2014)
02/21/2014		Pro Hac Vice fee paid for Anjali Nair receipt number 0538-2623754 \$ 100 (Owens, Jody) (Entered: 02/21/2014)
02/24/2014	<u>14</u>	ORDER granting <u>13</u> Motion to Appear Pro Hac Vice. Anjali Nair shall be admitted pro hac vice to serve as co-counsel for the plaintiff D.H., by and through her legal guardian and parent Robert Holmes. Signed by Magistrate Judge Robert H. Walker on February 24, 2014. (Joffe, Scherry) (Entered: 02/24/2014)
03/17/2014	<u>15</u>	<i>AFFIRMATIVE DEFENSES and ANSWER</i> to <u>1</u> Complaint by Maggie Griffin, Moss Point School Board, Moss Point School District, Durand Payton.(Hooks, John) (Entered: 03/17/2014)
03/18/2014		NOTICE of Hearing: Telephone Conference set for 3/24/2014 02:30 PM before Magistrate Judge Robert H. Walker to discuss Qualified Immunity issues. Plaintiff will place the telephone call to Judge Walker's chambers with all necessary counsel on the line. (SR) (Entered: 03/18/2014)
03/18/2014	<u>16</u>	NOTICE of Appearance by Elissa F. Johnson on behalf of D. H. (Johnson, Elissa) (Entered: 03/18/2014)
03/24/2014		Minute Entry for proceedings held before Magistrate Judge Robert H. Walker: Telephone Conference held on 3/24/2014 with attorneys Alesdair Ittelson, Anjali Nair, Jody E. Owens, II and John Simeon Hooks who advised they are not requesting that separate deadlines be set for qualified immunity discovery or dispositive motion deadlines. The Court will therefore notice a telephonic case management conference for April 24, 2014 at 10:30 AM. (SR) (Entered: 03/24/2014)
03/24/2014	<u>17</u>	Rule 16(a) Initial Order Telephonic Case Management Conference set for 4/24/2014 10:30 AM before Magistrate Judge Robert H. Walker. (SR) (Entered: 03/24/2014)
04/15/2014	<u>18</u>	NOTICE of Service of <i>Pre-Discovery</i> Disclosure by D. H. (Ittelson - PHV, Alesdair) (Entered: 04/15/2014)

04/22/2014	<u>19</u>	NOTICE of Service of <i>Rule 26(a)(1)(A) Initial</i> Disclosure by Maggie Griffin, Moss Point School Board, Moss Point School District, Durand Payton (Hooks, John) (Entered: 04/22/2014)
04/24/2014		Minute Entry for proceedings held before Magistrate Judge Robert H. Walker: Telephonic Case Management Conference held on 4/24/2014. (SR) (Entered: 04/24/2014)
04/24/2014	<u>20</u>	CASE MANAGEMENT ORDER Motions for Amended Pleadings due by 6/2/2014. Motions for Joinder of Parties due by 6/2/2014. Designate Experts Plaintiff Deadline due by 7/1/2014. Designate Experts for Defendant Deadline due by 8/1/2014. Discovery due by 1/15/2015. Motions due by 1/29/2015. Settlement Conference set for 3/11/2015 09:30 AM before Magistrate Judge Robert H. Walker. On or before 7/14/2015, the parties must report to the undersigned all ADR efforts taken. Pretrial Conference set for 7/21-23/2015 09:00 AM in Courtroom 706 (Gulfport) Ozerden before District Judge Halil S. Ozerden. Bench Trial set for a three-week trial calendar beginning on 8/3/2015 09:00 AM in Courtroom 706 (Gulfport) Ozerden before District Judge Halil S. Ozerden. Proposed Pretrial Order due by 7/21/2015. ETT: 4 days. Parties do not consent. Signed by Magistrate Judge Robert H. Walker on 4/24/2014 (SR) (Entered: 04/24/2014)
06/10/2014	<u>21</u>	Unopposed MOTION Extend Expert Deadlines re <u>20</u> Case Management Order,,, by D. H. (Owens, Jody) (Entered: 06/10/2014)
06/11/2014		TEXT ONLY ORDER granting <u>21</u> unopposed Motion for extension of expert deadlines. Plaintiff's expert designation deadline is extended to 9/2/2014; Defendants' expert designation deadline is extended to 10/2/2014. NO FURTHER WRITTEN ORDER WILL ISSUE. Signed by Magistrate Judge Robert H. Walker on June 11, 2014. (Joffe, Scherry) (Entered: 06/11/2014)
06/11/2014		Set/Reset Scheduling Order Deadlines/Hearings: Designate Experts Plaintiff Deadline due by 9/2/2014; Designate Experts for Defendant Deadline due by 10/2/2014. (Joffe, Scherry) (Entered: 06/11/2014)
06/27/2014	<u>22</u>	Joint MOTION for Protective Order by D. H., Maggie Griffin, Moss Point School Board, Moss Point School District, and Durand Payton (Owens, Jody) Modified to add filers on 6/30/2014 (JCH). (Entered: 06/27/2014)

06/27/2014	<u>23</u>	AGREED PROTECTIVE ORDER. Signed by Magistrate Judge Robert H. Walker on June 27, 2014. (Joffe, Scherry) (Entered: 06/27/2014)
06/30/2014		DOCKET ANNOTATION as to # 22. 1.) Pursuant to Fed.R.Cr.P. Rule 49(d) and Fed.R.Civ.P. Rule 84, appendix form 2 states that date, signature, address, e-mail address and telephone number are used at the conclusion of pleadings and other papers that require a signature. Document is undated (on respectfully submitted portion), but the date will be construed as the date of electronic filing. Attorney is advised to follow this rule in future filings. 2.) This docket entry fails to select all filing parties. Clerks office will edit this docket entry to include all appropriate filing parties. Attorney is directed to select all filing parties in future filings. (JCH) (Entered: 06/30/2014)
07/08/2014	<u>24</u>	NOTICE of Service of <i>Plaintiff's First Set of</i> Request for Production by D. H. (Owens, Jody) (Entered: 07/08/2014)
07/23/2014	<u>25</u>	NOTICE of Service of <i>First Set of</i> Interrogatories by Maggie Griffin, Moss Point School Board, Moss Point School District, Durand Payton (Hooks, John) (Entered: 07/23/2014)
07/23/2014	<u>26</u>	NOTICE of Service of <i>First Set of</i> Request for Production by Maggie Griffin, Moss Point School Board, Moss Point School District, Durand Payton (Hooks, John) (Entered: 07/23/2014)
07/23/2014	<u>27</u>	MOTION to Withdraw as Attorney by D. H. (Ittelson - PHV, Alesdair) (Entered: 07/23/2014)
07/23/2014		TEXT ONLY ORDER granting <u>27</u> Motion to Withdraw as Attorney. Attorney Alesdair Ittelson - PHV terminated. NO FURTHER WRITTEN ORDER WILL ISSUE. Signed by Magistrate Judge Robert H. Walker on July 23, 2014. (Joffe, Scherry) (Entered: 07/23/2014)
08/06/2014		NOTICE of Hearing: Telephone Conference set for 8/11/2014 03:00 PM before Magistrate Judge Robert H. Walker. Plaintiff will place the telephone call to Judge Walker's chambers with all necessary counsel on the line. (SR) (Entered: 08/06/2014)
08/07/2014		Reset Hearings: Telephone Conference RESET due to an attorney conflict for 8/14/2014 01:30 PM before Magistrate Judge Robert H. Walker. Plaintiff will place the telephone call to Judge Walker's chambers with all necessary counsel on the line. (SR) (Entered: 08/07/2014)

08/07/2014	<u>28</u>	Unopposed MOTION to Extend Expert Designations Deadline by Maggie Griffin, Moss Point School Board, Moss Point School District, Durand Payton (Hooks, John) (Entered: 08/07/2014)
08/08/2014		TEXT ONLY ORDER granting <u>28</u> Motion to Extend Expert Designations Deadline. Plaintiff shall designate experts on or before 10/2/2014. Defendants shall designate experts on or before 11/3/2014. No further written order will issue. Signed by Magistrate Judge Robert H. Walker on August 8, 2014. (King, Steve) (Entered: 08/08/2014)
08/08/2014		Set/Reset Scheduling Order Deadlines/Hearings: Designate Experts Plaintiff Deadline due by 10/2/2014, Designate Experts for Defendant Deadline due by 11/3/2014. (King, Steve) (Entered: 08/08/2014)
08/19/2014	<u>29</u>	MOTION to Compel <i>Rule 35 Psychiatric Examination</i> by Maggie Griffin, Moss Point School Board, Moss Point School District, Durand Payton (Attachments: # <u>1</u> Exhibit 1 - CV of Dr. John Thompson, # <u>2</u> Exhibit 2 - Notice of Rule 35 Examination)(Hooks, John) (Entered: 08/19/2014)
08/19/2014	<u>30</u>	MEMORANDUM in Support re <u>29</u> MOTION to Compel <i>Rule 35 Psychiatric Examination</i> filed by Maggie Griffin, Moss Point School Board, Moss Point School District, Durand Payton (Attachments: # <u>1</u> Exhibit 1 - CV of Dr. John Thompson, # <u>2</u> Exhibit 2 - Notice of Rule 35 Examination)(Hooks, John) (Entered: 08/19/2014)
08/21/2014	<u>31</u>	NOTICE of Service of Response to Request for Production by Moss Point School District (Hooks, John) (Entered: 08/21/2014)
08/27/2014	<u>32</u>	MEMORANDUM in Opposition re <u>29</u> MOTION to Compel <i>Rule 35 Psychiatric Examination</i> filed by D. H. (Johnson, Elissa) (Entered: 08/27/2014)
08/29/2014	<u>33</u>	NOTICE of Service of <i>Supplemental</i> Response to Request for Production by Moss Point School District (Hooks, John) (Entered: 08/29/2014)
09/03/2014	<u>34</u>	Rebuttal re <u>29</u> MOTION to Compel <i>Rule 35 Psychiatric Examination</i> filed by Maggie Griffin, Moss Point School Board, Moss Point School District, Durand Payton (Attachments: # <u>1</u> Exhibit 1 - Rule 26(A)(1) Initial Disclosures)(Hooks, John) (Entered: 09/03/2014)

09/03/2014	<u>35</u>	MOTION for Scott McCoy to Appear Pro Hac Vice by D. H. (Attachments: # <u>1</u> Exhibit A Certificates of Good Standing)(Owens, Jody) (Entered: 09/03/2014)
09/03/2014		Pro Hac Vice fee paid for Scott McCoy receipt number 0538-2763632 \$ 100 (Owens, Jody) (Entered: 09/03/2014)
09/04/2014	<u>36</u>	ORDER granting <u>35</u> Motion to Appear Pro Hac Vice. Scott McCoy shall be admitted pro hac vice to serve as co-counsel for the plaintiff D.H. Signed by Magistrate Judge Robert H. Walker on September 4, 2014. (Joffe, Scherry) (Entered: 09/04/2014)
09/08/2014	<u>37</u>	ORDER granting <u>29</u> Motion to Compel Rule 35 examination. Immediately upon receipt of this order, Plaintiff's counsel shall confer with Defense Counsel to arrive at an agreeable date/time/place for the examination of Plaintiff, said examination date to be within 30 calendar days of the date of this order; and (2) Plaintiff shall appear for examination by Dr. John Thompson at the agreed time/date/place. Signed by Magistrate Judge Robert H. Walker on September 8, 2014. (Joffe, Scherry) (Entered: 09/08/2014)
09/08/2014	<u>38</u>	NOTICE of Service of Response to Request for Production by D. H. (McCoy - PHV, Scott) (Entered: 09/08/2014)
09/08/2014	<u>39</u>	NOTICE of Service of Response to Interrogatories by D. H. (McCoy - PHV, Scott) (Entered: 09/08/2014)
09/12/2014	<u>40</u>	NOTICE of Service of <i>Plaintiffs' First Set of</i> Interrogatories to defendant Moss Point School District by D. H. (Owens, Jody) Modified on 9/15/2014 to add defendant to docket text(PKS). (Entered: 09/12/2014)
09/12/2014	<u>41</u>	NOTICE of Service of <i>Plaintiffs' First and Second Set of</i> Request for Production by D. H. (Owens, Jody) (Entered: 09/12/2014)
09/15/2014		DOCKET ANNOTATION as to #41: This document notices service of first and set requests for production of documents as to different defendants. Each event should be separately docketed and the defendant that is served should be included in the docket text. The same PDF document may be used for all entries. Attorney is advised to refile this document as two separate entries, re: second set of requests as to Moss Point School District and first set of request as to Durand Payton. (PKS) (Entered: 09/15/2014)

09/16/2014	<u>42</u>	NOTICE of Rule 35 Examination by Maggie Griffin, Moss Point School Board, Moss Point School District, Durand Payton (Hooks, John) (Entered: 09/16/2014)
09/24/2014	<u>43</u>	Unopposed MOTION to Stay Proceedings by D. H. (McCoy - PHV, Scott) (Entered: 09/24/2014)
09/25/2014		NOTICE of Hearing: Telephone Conference set for 10/2/2014 09:30 AM before Magistrate Judge Robert H. Walker. Plaintiff will place the telephone call to Judge Walker's chambers with all necessary counsel on the line. (SR) (Entered: 09/25/2014)
10/02/2014		Minute Entry for proceedings held before Magistrate Judge Robert H. Walker: Telephone Conference held on 10/2/2014 with attorneys Anjali Nair, Jody E. Owens II, Scott McCoy and John Simeon Hooks. The Court will not stay proceedings but will enter an order amending the case management order and will direct that the Rule 35 examination of D.H. be conducted in December, 2014. (SR) (Entered: 10/02/2014)
10/02/2014		TEXT ONLY ORDER granting in part and denying in part <u>43</u> Motion to Stay Proceedings; the Court will not stay proceedings but will enter an amended case management order, and the Court orders that the Rule 35 examination of D.H. shall be conducted in December 2014. NO FURTHER WRITTEN ORDER WILL ISSUE. Signed by Magistrate Judge Robert H. Walker on October 2, 2014. (Joffe, Scherry) (Entered: 10/02/2014)
10/02/2014		TEXT ONLY AMENDED SCHEDULING ORDER: Designate Experts Plaintiff Deadline due by 12/1/2014. Designate Experts for Defendant Deadline due by 1/9/2015. Discovery due by 3/6/2015. Motions due by 3/20/2015. Settlement Conference set for 6/2/2015 01:30 PM before Magistrate Judge Robert H. Walker. No further written order will issue. Signed by Magistrate Judge Robert H. Walker on 10/2/2014 (SR) (Entered: 10/02/2014)
10/23/2014	<u>44</u>	NOTICE of Service of Response to Interrogatories by Moss Point School District (Hooks, John) (Entered: 10/23/2014)
10/23/2014	<u>45</u>	NOTICE of Service of Response to Request for Production by Moss Point School District, Durand Payton (Hooks, John) (Entered: 10/23/2014)
11/06/2014	<u>46</u>	Unopposed MOTION to Compel <i>Production of Records in Response to Authorization</i> by Maggie Griffin, Moss Point School Board, Moss Point School District, Durand Payton (Attachments:

		# 1 Exhibit A - 10.31.14 Response from CCP-Mobile)(Hooks, John) (Entered: 11/06/2014)
11/06/2014	47	ORDER granting 46 joint Motion to Compel. Signed by Magistrate Judge Robert H. Walker on November 6, 2014. (Joffe, Scherry) (Entered: 11/06/2014)
11/19/2014	48	NOTICE of Service of <i>First Set of Interrogatories to Defendant Payton Durand</i> Interrogatories by D. H. (Owens, Jody) (Entered: 11/19/2014)
11/19/2014	49	NOTICE of Service of <i>Second Set of Requests for Production of Documents to Defendant Payton Durand</i> Request for Production by D. H. (Owens, Jody) (Entered: 11/19/2014)
11/19/2014	50	NOTICE of Service of <i>Third Set of Requests for Production of Documents to Defendant Moss Point School District</i> Request for Production by D. H. (Owens, Jody) (Entered: 11/19/2014)
12/08/2014	51	Joint MOTION to Stay Proceedings by Maggie Griffin, D. H., Moss Point School Board, Moss Point School District, Durand Payton (Owens, Jody) (Entered: 12/08/2014)
12/09/2014		NOTICE of Hearing: Telephone Conference set for 1/15/2015 10:30 AM before Magistrate Judge Robert H. Walker. Plaintiff will place the telephone call to Judge Walker's chambers with all necessary counsel on the line. (SR) (Entered: 12/09/2014)
01/15/2015		Minute Entry for proceedings held before Magistrate Judge Robert H. Walker: Telephone Conference held on 1/15/2015 with attorneys Anjali Nair, Jody E. Owens II, Scott McCoy and John Simeon Hooks who advised that substantial progress has been made regarding settlement of the case and that the only issues remaining appear to be minor adjustments to requested policy changes of the school district. The Court will notice another telephonic status conference for Friday, January 23, 2015 at 10:00 AM. (SR) (Entered: 01/15/2015)
01/15/2015		NOTICE of Hearing: Telephonic Status Conference set for 1/23/2015 10:00 AM before Magistrate Judge Robert H. Walker. Plaintiff will place the telephone call to Judge Walker's chambers with all necessary counsel on the line. (SR) (Entered: 01/15/2015)
01/27/2015		TEXT ONLY ORDER finding as moot 51 Motion to Stay Proceedings. The parties have notified the court that the case has settled. NO FURTHER WRITTEN ORDER WILL ISSUE. Signed

		by Magistrate Judge Robert H. Walker on January 27, 2015. (Joffe, Scherry) (Entered: 01/27/2015)
01/27/2015		NOTICE of Settlement by All Parties per email notification from Scott McCoy, counsel for plaintiff. The attorneys are directed to file an agreed notice of dismissal no later than February 17, 2015. (SR) (Entered: 01/27/2015)
02/17/2015	52	STIPULATION of Dismissal by D. H. (Owens, Jody) (Entered: 02/17/2015)
02/18/2015	53	FINAL JUDGMENT OF DISMISSAL: civil action is dismissed with prejudice as to all parties. The Court hereby specifically retains jurisdiction to enforce the settlement agreement. Signed by District Judge Halil S. Ozerden on 2/18/15 (PKS) (Entered: 02/18/2015)
08/02/2016	54	*** DISREGARD THIS ENTRY ***Letter from Dennis Lee to Judge Starrett dated 7/27/2016. (scp) Modified on 8/2/2016 (scp). (Entered: 08/02/2016)
08/02/2016		DOCKET ANNOTATION as to #54 (Letter). This document was inadvertently docketed in the incorrect case. Please disregard. (scp) (Entered: 08/02/2016)

PACER Service Center			
Transaction Receipt			
11/06/2017 00:02:53			
PACER Login:	hs0328:2563377:0	Client Code:	
Description:	Docket Report	Search Criteria:	1:13-cv-00466-HSO-RHW
Billable Pages:	8	Cost:	0.80