

CLOSED

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Galveston)
CIVIL DOCKET FOR CASE #: 3:16-cv-00309**

West et al v. City of Hitchcock, Texas
Assigned to: Judge Jeffrey V Brown
Related Case: 3:18-cv-00283
Cause: 42:1983 Civil Rights Act

Date Filed: 11/03/2016
Date Terminated: 10/23/2019
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

George West
On Behalf of Himself and All Others
Similary Situated

represented by **Andre Ivan Segura**
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TERMINATED: 06/15/2017
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Plaintiff

Robert Jones
On Behalf of Himself and All Others
Similarly Situated

represented by **Andre Ivan Segura**
(See above for address)
ATTORNEY TO BE NOTICED

Rebecca L Robertson
(See above for address)
TERMINATED: 06/15/2017
ATTORNEY TO BE NOTICED

Trisha Trigilio
(See above for address)

ATTORNEY TO BE NOTICED

Plaintiff

Brady Fuller
On Behalf of Himself and All Others
Similarly Situated
TERMINATED: 09/20/2018

represented by **Andre Ivan Segura**
(See above for address)
ATTORNEY TO BE NOTICED

Rebecca L Robertson
(See above for address)
TERMINATED: 06/15/2017
ATTORNEY TO BE NOTICED

Trisha Trigilio
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

City of Santa Fe, Texas
TERMINATED: 09/20/2018

represented by **Norman Ray Giles**
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Defendant

Carlton Getty

represented by **Norman Ray Giles**
(See above for address)
ATTORNEY TO BE NOTICED

William Scott Helfand
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jeffrey Powell

represented by **Norman Ray Giles**
(See above for address)
ATTORNEY TO BE NOTICED

William Scott Helfand
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

City of Hitchcock, Texas

represented by **William Scott Helfand**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Norman Ray Giles

(See above for address)

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/03/2016	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0541-17467807) filed by George West, Brady Fuller, Robert Jones. (Attachments: # <u>1</u> Civil Cover Sheet)(Trigilio, Trisha) (Entered: 11/03/2016)
11/03/2016	<u>2</u>	MOTION to Certify Class by Brady Fuller, Robert Jones, George West, filed. Motion Docket Date 11/25/2016. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Appendix Exhibit List, # <u>3</u> Exhibit A: Municipal Court Website Excerpts, # <u>4</u> Exhibit B: Capias Pro Fine Warrants, # <u>5</u> Exhibit C: Emails About Feeding Prisoners, # <u>6</u> Exhibit D: Municipal Court Statistical Report, # <u>7</u> Exhibit E: Jail Booking List Excerpts, # <u>8</u> Exhibit F: Municipal Court Responses to Open Records Requests, # <u>9</u> Exhibit G: Capias Pro Fine Warrant List, # <u>10</u> Exhibit H: Decl. of Rebecca Robertson, # <u>11</u> Exhibit I: Decl. of Trisha Trigilio, # <u>12</u> Exhibit J: U.S. Census Quickfacts on Galveston County)(Trigilio, Trisha) (Entered: 11/03/2016)
11/03/2016	<u>3</u>	Request for Issuance of Summons as to All Defendants, filed. (Attachments: # <u>1</u> Summons request for Municipal Judge Carlton Getty, # <u>2</u> Summons request for Police Chief Jeffrey Powell)(Trigilio, Trisha) (Entered: 11/03/2016)
11/04/2016		Summons Not Issued as to City of Santa Fe, Texas, Carlton Getty, Jeffrey Powell due to these deficiencies: Name/Address of Plaintiff Attorney or Plaintiff not present. Attorney or Plaintiff notified of deficiencies by NEF, filed.(agould, 3) (Entered: 11/04/2016)
11/04/2016	<u>4</u>	DOCKETED IN ERROR – INCORRECT DATE FOR INITIAL CONFERENCE – SEE DE <u>5</u> . Parties notified.(dwilkerson, 3) Modified on 11/4/2016 (dwilkerson, 3). (Entered: 11/04/2016)
11/04/2016	<u>5</u>	ORDER for Initial Pretrial and Scheduling Conference and Order to Disclose Interested Persons. Initial Conference set for 2/10/2017 at 09:30 AM in Sixth Floor Courtroom before Judge George C Hanks Jr(Signed by Judge George C Hanks, Jr) Parties notified.(dwilkerson, 3) (Entered: 11/04/2016)
11/07/2016	<u>6</u>	Request for Issuance of Summons as to All Defendants, filed. (Attachments: # <u>1</u> Summons request for Municipal Judge Carlton Getty, # <u>2</u> Summons request for Police Chief Jeffrey Powell)(Trigilio, Trisha) (Entered: 11/07/2016)
11/07/2016	<u>7</u>	NOTICE of Appearance by Rebecca L. Robertson on behalf of Brady Fuller, Robert Jones, George West, filed. (Robertson, Rebecca) (Entered: 11/07/2016)
11/08/2016		Summons Issued as to City of Santa Fe, Texas, Carlton Getty, Jeffrey Powell. Issued summons returned to plaintiff by: First-class mail, filed.(agould, 3) (Entered: 11/08/2016)
11/17/2016	<u>8</u>	CERTIFICATE OF INTERESTED PARTIES by Brady Fuller, Robert Jones, George West, filed.(Trigilio, Trisha) (Entered: 11/17/2016)
11/28/2016	<u>9</u>	RETURN of Service of SUMMONS Executed as to City of Santa Fe, Texas served on 11/22/2016, answer due 12/13/2016, filed.(Robertson, Rebecca) (Entered: 11/28/2016)
11/28/2016	<u>10</u>	RETURN of Service of SUMMONS Executed as to Jeffrey Powell served on 11/23/2016, answer due 12/14/2016, filed.(Robertson, Rebecca) (Entered: 11/28/2016)
12/13/2016	<u>11</u>	REQUEST for pre-motion conference re: <u>1</u> Complaint, filed.(Giles, Norman) (Entered: 12/13/2016)
12/19/2016	<u>12</u>	RESPONSE to Defendants' request for pre-motion conference, filed by Brady Fuller, Robert Jones, George West. (Trigilio, Trisha) (Entered: 12/19/2016)
12/23/2016	<u>13</u>	RETURN of Service of SUMMONS Executed as to Carlton Getty served on 12/14/2016, answer due 1/4/2017, filed.(Robertson, Rebecca) (Entered: 12/23/2016)

12/30/2016	<u>14</u>	NOTICE of Setting as to <u>11</u> REQUEST for pre-motion conference re: <u>1</u> Complaint. Parties notified. Pre-Motion Conference set for 1/11/2017 at 02:45 PM in by telephone before Judge George C Hanks Jr, filed. Please call the conference line ten minutes prior to the scheduled hearing at 409-763-7801.***This line will be open 10 minutes prior to the hearing. Once you call the number, you will be connected to the meet-me-line; there will be silence so please hold until the Case Manager calls in to connect all parties. Everyone must be on a land line. No cell phones or speaker phones are permitted. If you have a volume control, please be sure that it is turned up. If more than one attorney/party is on the line, FOR CLARITY OF THE RECORD, PLEASE STATE YOUR NAME WHEN RESPONDING TO THE COURT. *** (dperez, 3) (Entered: 12/30/2016)
01/11/2017	<u>15</u>	Minute Entry for proceedings held before Judge George C Hanks, Jr. PRE-MOTION CONFERENCE held on 1/11/2017 The Court defers ruling on Motion to Certify Class until ruling on 12(b)(6)motion to Dismiss, 12(b)(6) Motion to Dismiss to be filed by January 20, 2017, (Responses due by 2/10/2017., Replies due by 2/17/2017). Appearances: Norman Ray Giles, Rebecca L Robertson, Trisha Trigilio.(Digital # 2:57 - 3:14)(ERO:Donna Wilkerson), filed.(agould, 3) (Entered: 01/11/2017)
01/20/2017	<u>16</u>	Opposed MOTION to Dismiss by City of Santa Fe, Texas, filed. Motion Docket Date 2/10/2017. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Proposed Order)(Giles, Norman) . (Entered: 01/20/2017)
01/31/2017	<u>17</u>	JOINT DISCOVERY/CASE MANAGEMENT PLAN by Brady Fuller, Robert Jones, George West, filed.(Trigilio, Trisha) (Entered: 01/31/2017)
02/08/2017	<u>18</u>	NOTICE of Resetting. Parties notified. Initial Conference reset for 2/10/2017 at 09:30 AM in 7th Floor Courtroom before Magistrate Judge John R Froeschner, filed. (ltrevino, 3) (Entered: 02/08/2017)
02/10/2017	<u>19</u>	RESPONSE in Opposition to <u>16</u> Opposed MOTION to Dismiss , filed by Brady Fuller, Robert Jones, George West. (Trigilio, Trisha) (Entered: 02/10/2017)
02/10/2017	<u>20</u>	** DOCKETED IN ERROR ** Minute Entry incorrect, disregard. See DE <u>21</u> for correct Minute Entry, filed.(dwilkerson, 3) Modified on 2/13/2017 (dwilkerson, 3). (Entered: 02/13/2017)
02/10/2017	<u>21</u>	Minute Entry for proceedings held before Magistrate Judge John R Froeschner. SCHEDULING CONFERENCE held on 2/10/2017. Appearances:William Helfand, by telephone; Trisha Trigilio. Initial Conference held. No docket control order to be issued. Order to follow. Court Time: 9:35 - 9:38; 10:14 - 10:22. (ERO:Dana Perez), filed.(dwilkerson, 3) (Entered: 02/13/2017)
02/10/2017	<u>22</u>	ORDER re Docket Control Order. No Docket Control Order issued following Initial Conference of 2/10/2017 for reasons set out in the record and in Order.(Signed by Magistrate Judge John R Froeschner) Parties notified.(dwilkerson, 3) (Entered: 02/13/2017)
02/16/2017	<u>23</u>	REPLY in Support of <u>16</u> Opposed MOTION to Dismiss , filed by City of Santa Fe, Texas, Carlton Getty, Jeffrey Powell. (Helfand, William) (Entered: 02/16/2017)
02/24/2017	<u>24</u>	MOTION to Deem Defendants' New Arguments Waived by Brady Fuller, Robert Jones, George West, filed. Motion Docket Date 3/17/2017. (Attachments: # <u>1</u> Proposed Order Deeming New Arguments Waived, # <u>2</u> Exhibit A, in the alternative, Plaintiffs' Proposed Surreply)(Trigilio, Trisha). (Entered: 02/24/2017)
03/03/2017	<u>25</u>	RESPONSE in Opposition to <u>24</u> MOTION to Deem Defendants' New Arguments Waived, filed by City of Santa Fe, Texas, Carlton Getty, Jeffrey Powell. (Giles, Norman) (Entered: 03/03/2017)
03/09/2017	<u>26</u>	REPLY in Support of <u>16</u> Opposed MOTION to Dismiss , filed by City of Santa Fe, Texas, Carlton Getty, Jeffrey Powell. (Giles, Norman) (Entered: 03/09/2017)
03/23/2017	<u>27</u>	Opposed MOTION for Protective Order by City of Santa Fe, Texas, Carlton Getty, Jeffrey Powell, filed. Motion Docket Date 4/13/2017. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Proposed Order Proposed Order)(Giles, Norman) . (Entered: 03/23/2017)

04/06/2017	<u>28</u>	RESPONSE in Opposition to <u>27</u> Opposed MOTION for Protective Order, filed by Brady Fuller, Robert Jones, George West. (Attachments: # <u>1</u> Proposed Order)(Trigilio, Trisha) (Entered: 04/06/2017)
05/31/2017	<u>29</u>	MOTION for Rebecca L. Robertson to Withdraw as Attorney by Brady Fuller, Robert Jones, George West, filed. Motion Docket Date 6/21/2017. (Robertson, Rebecca) (Entered: 05/31/2017)
06/15/2017	<u>30</u>	ORDER granting <u>29</u> Motion to Withdraw as Attorney. Attorney Rebecca L Robertson terminated.(Signed by Judge George C Hanks, Jr) Parties notified.(agould, 3) (Entered: 06/15/2017)
09/14/2017	<u>31</u>	NOTICE of Setting. Parties notified. Status Conference set for 9/15/2017 at 05:00 PM in by telephone before Judge George C Hanks Jr, filed. Please call the conference line at 409-763-7801 ten minutes prior to the scheduled hearing. Once you call the number, you will be connected to the meet-me-line; there will be silence so please hold until the Case Manager calls in to connect all parties. Everyone must be on a landline. No cell phones or speaker phones are permitted. If you have a volume control, please be sure that it is turned up. If more than one attorney/party is on the line, for clarity of the record, please state your name when responding to the Court. (ltrevino, 3) (Entered: 09/14/2017)
09/15/2017	<u>32</u>	NOTICE of Resetting. Parties notified. Status Conference set for 9/18/2017 at 08:00 AM in by telephone before Judge George C Hanks Jr, filed. Please call the conference line at 409-763-7801 ten minutes prior to the scheduled hearing. Once you call the number, you will be connected to the meet-me-line; there will be silence so please hold until the Case Manager calls in to connect all parties. Everyone must be on a land line. No cell phones or speaker phones are permitted. If you have a volume control, please be sure that it is turned up. If more than one attorney/party is on the line, for clarity of the record, please state your name when responding to the Court. (SusanGram, 3) (Entered: 09/15/2017)
09/18/2017	<u>33</u>	NOTICE of Setting. Parties notified. Status Conference set for 10/12/2017 at 08:00 AM in by telephone before Judge George C Hanks Jr, filed. Please call the conference line at 409-763-7801 ten minutes prior to the scheduled hearing. Once you call the number, you will be connected to the meet-me-line; there will be silence so please hold until the Case Manager calls in to connect all parties. Everyone must be on a land line. No cell phones or speaker phones are permitted. If you have a volume control, please be sure that it is turned up. If more than one attorney/party is on the line, for clarity of the record, please state your name when responding to the Court. (SusanGram, 3) (Entered: 09/18/2017)
09/18/2017	<u>34</u>	Minute Entry for proceedings held before Judge George C Hanks, Jr. STATUS CONFERENCE held on 9/18/2017. This case is administratively closed until October 12, 2017. Status Conference set for 10/12/2017 at 08:00 AM in Sixth Floor Courtroom before Judge George C Hanks Jr Appearances: William Scott Helfand by telephone, Trisha Trigilio by telephone.(ERO:Andy Gould), filed.(agould, 3) (Entered: 09/18/2017)
09/18/2017	<u>35</u>	ORDER denying <u>2</u> MOTION to Certify Class (Telephonic Status Conference set for 10/12/2017 at 08:00 AM by telephone before Judge George C Hanks Jr), Case terminated on 9/18/17(Signed by Judge George C Hanks, Jr) Parties notified.(dperez, 3) (Entered: 09/19/2017)
10/06/2017	<u>36</u>	AO 435 TRANSCRIPT REQUEST by Trisha Trigilio for Transcript of Status Conference on 9/18/17 before Judge Hanks. Daily (24 hours) turnaround requested. Court Reporter/Transcriber: Digital Scroll Transcription Services, filed. (Trigilio, Trisha) ELECTRONICALLY FORWARDED TO DIGITAL SCROLL 10/10/2017 (agould, 3). (Entered: 10/06/2017)
10/11/2017	<u>37</u>	[CHANGE AS TO TIME ONLY] NOTICE of Resetting. Parties notified. Status Conference set for 10/12/2017 at 08:30 AM in by telephone before Judge George C Hanks Jr, filed. (SusanGram, 3) Modified on 10/11/2017 (SusanGram, 3). (Entered: 10/11/2017)
10/11/2017	<u>38</u>	NOTICE of Dismissal as to Robert Jones by Robert Jones, filed. (Trigilio, Trisha) (Entered: 10/11/2017)

10/12/2017	<u>39</u>	TRANSCRIPT re: Status Conference (Telephonically) held on 9/18/2017 before Judge George C Hanks, Jr. Court Reporter/Transcriber Digital Scroll Transcription. Ordering Party Trisha Trigilio Release of Transcript Restriction set for 1/10/2018., filed. (lgriffin,) (Entered: 10/12/2017)
10/13/2017	<u>40</u>	Minute Entry for proceedings held before Judge George C Hanks, Jr. STATUS CONFERENCE held on 10/13/2017.Plaintiff to file an Amended Complaint by October 23, 2017 at 5:00 AM. Defendant to supplement its Motion to Dismiss, if necessary, by October 30, 2017 at 5:00 AM. Plaintiffs response to Defendants Motion to Dismiss to be filed by November 10, 2017 at 5:00 AM. Appearances: Norman Ray Giles, Trisha Trigilio.(Digital # 9:12 – 9:34)(ERO:Dana Perez), filed.(lusmith, 3) (Entered: 10/13/2017)
10/16/2017	<u>41</u>	AO 435 TRANSCRIPT REQUEST by Trisha Trigilio for Transcript of 10/12/17. Daily (24 hours) turnaround requested. Court Reporter/Transcriber: Digital Scroll Transcription Services, filed. (Trigilio, Trisha) ELECTRONICALLY FORWARDED TO DIGITAL SCROLL TRANSCRIPTION 10/17/2017. (agould, 3). (Entered: 10/16/2017)
10/18/2017	<u>42</u>	TRANSCRIPT re: Status Conference by Telephone held on 10/12/2017 before Judge George C Hanks, Jr. Court Reporter/Transcriber Digital Scroll Transcription. Ordering Party Trisha Trigilio Release of Transcript Restriction set for 1/16/2018., filed. (lgriffin,) (Entered: 10/18/2017)
10/23/2017	<u>43</u>	First AMENDED COMPLAINT with Jury Demand against City of Santa Fe, Texas, City of Hitchcock, Texas filed by George West, Brady Fuller.(Trigilio, Trisha) (Entered: 10/23/2017)
10/27/2017	<u>44</u>	Agreed MOTION for Extension of Time To File Defendants' Supplement to Motion to Dismiss Plaintiffs' Claims by City of Santa Fe, Texas, Carlton Getty, Jeffrey Powell, filed. Motion Docket Date 11/17/2017. (Attachments: # <u>1</u> Proposed Order)(Giles, Norman) (Entered: 10/27/2017)
10/30/2017	<u>45</u>	SUPPLEMENT to <u>16</u> Opposed MOTION to Dismiss by City of Santa Fe, Texas, Carlton Getty, Jeffrey Powell, filed. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Proposed Order)(Giles, Norman) (Entered: 10/30/2017)
11/02/2017	<u>46</u>	ANSWER to <u>43</u> Amended Complaint/Counterclaim/Crossclaim etc. with Jury Demand by City of Santa Fe, Texas, filed.(Giles, Norman) (Entered: 11/02/2017)
11/08/2017	<u>47</u>	ORDER granting <u>44</u> Motion for Extension of Time. The deadline for Defendants to file the Supplement to their previously–filed motion to dismiss is extended to November 1, 2017.The deadline for Plaintiffs to file their Response to Defendants Supplement is extended to November 13, 2017.(Signed by Judge George C Hanks, Jr) Parties notified.(jegonzalez, 3) (Entered: 11/08/2017)
11/13/2017	<u>48</u>	Supplemental RESPONSE in Opposition to <u>16</u> Opposed MOTION to Dismiss , filed by Brady Fuller, George West. (Trigilio, Trisha) (Entered: 11/13/2017)
01/17/2018	<u>49</u>	Request for Issuance of Summons as to City of Hitchcock, Texas, filed.(Trigilio, Trisha) (Entered: 01/17/2018)
01/18/2018		Summons Issued as to City of Hitchcock, Texas. Issued summons delivered to plaintiff by First–class mail, filed.(agould, 3) (Entered: 01/18/2018)
01/23/2018	<u>50</u>	RETURN of Service of SUMMONS Executed as to City of Hitchcock, Texas served on 1/19/2018, answer due 2/9/2018, filed.(Trigilio, Trisha) (Entered: 01/23/2018)
02/09/2018	<u>51</u>	REQUEST for pre–motion conference, filed.(Giles, Norman) (Entered: 02/09/2018)
02/14/2018	<u>52</u>	RESPONSE to <u>51</u> REQUEST for pre–motion conference , filed by George West. (Trigilio, Trisha) (Entered: 02/14/2018)
02/14/2018	<u>53</u>	ORDER denying as moot <u>51</u> Request for Pre–Motion Conference. Defendant City of Hitchcock is hereby instructed to file its proposed motion to dismiss within 10 days of the issuance of this Order.(Signed by Judge George C Hanks, Jr) Parties notified.(agould, 3) (Entered: 02/14/2018)

02/14/2018	<u>54</u>	Opposed MOTION to Dismiss <u>43</u> Amended Complaint/Counterclaim/Crossclaim etc. by City of Hitchcock, Texas, filed. Motion Docket Date 3/7/2018. (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 Court Records Affidavit, # <u>11</u> Proposed Order)(Helfand, William) (Entered: 02/14/2018)
03/07/2018	<u>55</u>	RESPONSE in Opposition to <u>54</u> Opposed MOTION to Dismiss <u>43</u> Amended Complaint/Counterclaim/Crossclaim etc. , filed by George West. (Trigilio, Trisha) (Entered: 03/07/2018)
03/19/2018	<u>56</u>	REPLY to Response to <u>54</u> Opposed MOTION to Dismiss <u>43</u> Amended Complaint/Counterclaim/Crossclaim etc. , filed by City of Hitchcock, Texas. (Helfand, William) (Entered: 03/19/2018)
06/01/2018	<u>57</u>	NOTICE of Referral of Motion to Magistrate Judge Andrew Edison re <u>54</u> Opposed MOTION to Dismiss <u>43</u> Amended Complaint/Counterclaim/Crossclaim etc. , filed. (jegonzalez, 3) (Entered: 06/01/2018)
06/18/2018	<u>58</u>	NOTICE of Setting as to <u>54</u> Opposed MOTION to Dismiss <u>43</u> Amended Complaint/Counterclaim/Crossclaim etc. . Parties notified. Motion Hearing set for 7/11/2018 at 10:00 AM in the 7th Floor Courtroom before Magistrate Judge Andrew M Edison, filed. (wbostic, 4) (Entered: 06/18/2018)
07/11/2018		Minute entry for proceedings before Magistrate Judge Andrew M. Edison. Motion hearing held on July 11, 2018. The Court heard arguments on the City of Hitchcock's Motion to Dismiss [Dkt. 54] and the motion is taken under advisement. The parties will provide a 2-3 page letter by the close of business Wednesday, July 18, 2018, on how O Donnell impacts this case. Appearances: Trisha Trigilio and Andre Segura for the plaintiffs and Norman Ray Giles for the defendant City of Hitchcock. (ERO:Yes), filed. (wbostic, 4) (Entered: 07/11/2018)
07/17/2018	<u>59</u>	NOTICE of Referral of Motion to Magistrate Judge Andrew Edison re <u>16</u> Opposed MOTION to Dismiss , filed. (jegonzalez, 3) (Entered: 07/17/2018)
07/17/2018	<u>60</u>	NOTICE of Setting as to <u>16</u> Opposed MOTION to Dismiss . Parties notified. Status Conference set for 7/18/2018 at 02:30 PM in by telephone before Magistrate Judge Andrew M Edison, filed. (wbostic, 4) (Entered: 07/17/2018)
07/18/2018		Minute entry for proceedings before Magistrate Judge Andrew M. Edison. Status conference held on July 18, 2018. The parties discussed the Motion to Dismiss [Dkt. 16] filed by the City of Santa Fe and it will be taken under advisement. Appearances: Trisha Trigilio and Andre Segura for the plaintiffs and Norman Ray Giles for the defendant City of Santa Fe, Texas. (ERO:Yes), filed. (wbostic, 4) (Entered: 07/18/2018)
07/18/2018	<u>61</u>	<i>Letter Brief Regarding ODonnell's Impact on Case</i> by City of Hitchcock, Texas, City of Santa Fe, Texas, filed.(Giles, Norman) (Entered: 07/18/2018)
07/18/2018	<u>62</u>	SUPPLEMENT to Motion Hearing,, by George West, filed.(Trigilio, Trisha) (Entered: 07/18/2018)
07/18/2018	<u>63</u>	Corrected SUPPLEMENT to Motion Hearing,, by George West, filed.(Trigilio, Trisha) (Entered: 07/18/2018)
07/20/2018	<u>64</u>	NOTICE of Referral of Motion to Magistrate Judge Andrew Edison re <u>24</u> MOTION to Deem Defendants' New Arguments Waived, <u>27</u> Opposed MOTION for Protective Order, filed. (jegonzalez, 3) (Entered: 07/20/2018)
07/24/2018	<u>65</u>	ORDER denying <u>24</u> Motion to Deem Defendants' New Arguments Waived. The Court grants Plaintiffs leave to file Plaintiffs' Surreply in Opposition to Defendants' Motion to Dismiss attached as Exhibit A to Plaintiffs' Motion. Plaintiffs must file the Surreply by Thursday, July 26, 2018. (Signed by Magistrate Judge Andrew M Edison) Parties notified. (wbostic, 4) (Entered: 07/24/2018)
07/26/2018	<u>66</u>	NOTICE of Appearance by Andre Segura on behalf of Brady Fuller, Robert Jones, George West, filed. (Segura, Andre) (Entered: 07/26/2018)
07/26/2018	<u>67</u>	SURREPLY to <u>16</u> Opposed MOTION to Dismiss , filed by Brady Fuller. (Attachments: # <u>1</u> Surreply)(Trigilio, Trisha) (Entered: 07/26/2018)

08/16/2018	<u>68</u>	MEMORANDUM AND RECOMMENDATION entered. The Court RECOMMENDS that the Defendant City of Hitchcock's Opposed Motion to Dismiss <u>54</u> and Defendants' Opposed Motion to Dismiss Plaintiffs' Claims <u>16</u> be DENIED. Objections to M&R due by 8/30/2018. (Signed by Magistrate Judge Andrew M Edison) Parties notified. (wbostic, 4) (Entered: 08/16/2018)
08/22/2018	<u>69</u>	ORDER denying as moot <u>27</u> Motion for Protective Order. (Signed by Magistrate Judge Andrew M Edison) Parties notified. (wbostic, 4) (Entered: 08/22/2018)
08/30/2018	<u>70</u>	OBJECTIONS to <u>68</u> Memorandum and Recommendations, filed by City of Hitchcock, Texas. (Attachments: # <u>1</u> Proposed Order)(Giles, Norman) (Entered: 08/30/2018)
08/30/2018	<u>71</u>	OBJECTIONS to <u>68</u> Memorandum and Recommendations, filed by City of Santa Fe, Texas. (Attachments: # <u>1</u> Proposed Order)(Giles, Norman) (Entered: 08/30/2018)
09/05/2018	<u>72</u>	OBJECTIONS to <u>69</u> Order on Motion for Protective Order , filed by City of Hitchcock, Texas, City of Santa Fe, Texas. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Proposed Order)(Giles, Norman) (Entered: 09/05/2018)
09/13/2018	<u>73</u>	RESPONSE to <u>70</u> Objections to Memorandum and Recommendations , filed by George West. (Attachments: # <u>1</u> Proposed Order)(Trigilio, Trisha) (Entered: 09/13/2018)
09/13/2018	<u>74</u>	RESPONSE to <u>71</u> Objections to Memorandum and Recommendations , filed by Brady Fuller. (Attachments: # <u>1</u> Proposed Order)(Trigilio, Trisha) (Entered: 09/13/2018)
09/19/2018	<u>75</u>	REPLY to <u>73</u> Response , filed by City of Hitchcock, Texas. (Giles, Norman) (Entered: 09/19/2018)
09/19/2018	<u>76</u>	REPLY to <u>74</u> Response , filed by City of Santa Fe, Texas. (Giles, Norman) (Entered: 09/19/2018)
09/19/2018	<u>77</u>	RESPONSE to <u>72</u> Objections to <i>Magistrate Judge's denial of protective order</i> , filed by Brady Fuller. (Attachments: # <u>1</u> Proposed Order)(Trigilio, Trisha) (Entered: 09/19/2018)
09/19/2018	<u>78</u>	ORDER ADOPTING MEMORANDUM AND RECOMMENDATION AND SEVERING CASES re: DENYING <u>54</u> Opposed MOTION to Dismiss and DENYING <u>16</u> Opposed MOTION to Dismiss. (Signed by Judge George C Hanks, Jr) Parties notified.(ltrevino, 3) (Entered: 09/20/2018)
09/21/2018	<u>79</u>	NOTICE of Setting. Parties notified. Motion Hearing on <u>27</u> Opposed MOTION for Protective Order set for 9/24/2018 at 11:00 AM by telephone before Magistrate Judge Andrew M Edison, filed. (wbostic, 4) (Entered: 09/21/2018)
09/21/2018		***The Hearing Scheduled for 9/24/2018 at 11:00 AM is CANCELLED*** (wbostic, 4) (Entered: 09/21/2018)
09/26/2018	<u>80</u>	ORDER Overruled <u>72</u> Objections (Signed by Judge George C Hanks, Jr) Parties notified.(agould, 3) (Entered: 09/26/2018)
10/02/2018	<u>81</u>	ANSWER to <u>43</u> Amended Complaint/Counterclaim/Crossclaim etc. with Jury Demand by City of Hitchcock, Texas, filed.(Giles, Norman) (Entered: 10/02/2018)
10/09/2018	<u>82</u>	Opposed PROPOSED ORDER (<i>Docket Control Order</i>), filed.(Giles, Norman) (Entered: 10/09/2018)
10/09/2018	<u>83</u>	Opposed PROPOSED ORDER : <i>Docket Control Order</i> , filed.(Trigilio, Trisha) (Entered: 10/09/2018)
10/31/2018	<u>84</u>	NOTICE of Setting as to <u>83</u> Proposed Order, <u>82</u> Proposed Order. Parties notified. Scheduling Conference set for 11/6/2018 at 11:15 AM in by telephone before Judge George C Hanks Jr, filed. (SusanGram, 3) (Entered: 10/31/2018)
11/06/2018	<u>85</u>	NOTICE of Joint Proposed Docket Control Order by George West, filed. (Trigilio, Trisha) (Entered: 11/06/2018)
11/06/2018	<u>86</u>	Minute Entry for proceedings held before Judge George C Hanks, Jr. SCHEDULING CONFERENCE held on 11/6/2018. At the hearing, the following rulings At the hearing, the following rulings were made as stated on the record:1. Telephonic

		scheduling conference held as to, a. Defendants Opposed Proposed Docket Control Order (Dkt <u>82</u>); and b. Plaintiffs Opposed Proposed Docket Control Order (Dkt <u>83</u>). 2. Dkt <u>82</u> and <u>83</u> are DENIED. 3. The Parties are to e-file a joint proposed Docket Control Order by Wednesday, November 7, 2018, at 9:00 AM which will include the following dates: a. December 6, 2018 Amend Pleadings; b. December 6, 2018 Add Parties; c. December 31, 2018 Motion to Certify Class; d. June 20, 2019 at 9:30 AM Docket Call. Appearances: Norman Ray Giles, Trisha Trigilio. (Digital # 11:13am-11:26am)(ERO:Andy Gould), filed.(ltrevino, 3) (Entered: 11/07/2018)
11/06/2018		***Set/Reset Deadlines: Joint proposed docket control order to be e-filed by November 7, 2018 at 9:00a.m. due by 11/7/2018 (ltrevino, 3) (Entered: 11/08/2018)
11/08/2018	<u>87</u>	DOCKET CONTROL ORDER. ETT: 3 days. Jury. Amended Pleadings due by 12/6/2018. Joinder of Parties due by 12/6/2018. Motion to Certify Class due by 12/31/2018. Pltf Expert Witness List due by 2/28/2019. Pltf Expert Report due by 2/28/2019. Deft Expert Witness List due by 3/28/2019. Deft Expert Report due by 3/28/2019. Discovery due by 4/18/2019. Dispositive Motion Filing due by 4/30/2019. Non-Dispositive Motion Filing due by 5/31/2019. Joint Pretrial Order and Motions in Limine due by 5/31/2019. Docket Call set for 6/20/2019 at 09:30 AM in Sixth Floor Courtroom before Judge George C Hanks Jr. Case is subject to being called to trial on short notice during the months of June/July 2019. (Signed by Judge George C Hanks, Jr) Parties notified.(agould, 3) (Entered: 11/08/2018)
11/08/2018		***Set/Reset Deadlines: Motion to Certify Class due by 12/31/2018 (ltrevino, 3) (Entered: 11/08/2018)
03/08/2019	<u>88</u>	NOTICE of Joint Dispute Letter by George West, filed. (Attachments: # <u>1</u> Exhibit 1, City's Response to Plaintiff's First Requests for Production)(Trigilio, Trisha) (Entered: 03/08/2019)
03/12/2019	<u>89</u>	NOTICE of Setting as to <u>88</u> NOTICE of Joint Dispute Letter. Parties notified. Discovery Hearing set for 3/13/2019 at 02:15 PM by telephone before Judge George C Hanks Jr, filed. (jegonzalez, 3) (Entered: 03/12/2019)
03/13/2019	<u>90</u>	NOTICE of Letter Regarding Telephonic Hearing by George West, filed. (Trigilio, Trisha) (Entered: 03/13/2019)
03/13/2019	<u>91</u>	Minute Entry for proceedings held before Judge George C Hanks, Jr. At the hearing, the following rulings were made as stated on the record: 1. Telephonic discovery hearing held as to the parties joint letter requesting the Courts intervention regarding a discovery dispute.(Dkt <u>88</u>) 2. Counsel for Plaintiff did not appear for this hearing. 3. The Court will not order the production requested Appearances: Norman Ray Giles.(Digital # 2:35pm-2:39pm)(ERO:Andy Gould), filed.(ltrevino, 3) (Entered: 03/14/2019)
04/08/2019	<u>92</u>	NOTICE of Discovery Dispute by George West, filed. (Trigilio, Trisha) (Entered: 04/08/2019)
04/09/2019	<u>93</u>	NOTICE of Setting as to <u>92</u> NOTICE of Discovery Dispute. Parties notified. Discovery Hearing set for 4/16/2019 at 11:15 AM by telephone before Judge George C Hanks Jr, filed. (jegonzalez, 3) (Entered: 04/09/2019)
04/10/2019	<u>94</u>	NOTICE of Resetting as to <u>92</u> Notice (Other). Parties notified. Discovery Hearing set for 4/17/2019 at 03:45 PM by telephone before Judge George C Hanks Jr, filed. (SusanGram, 3) (Entered: 04/10/2019)
04/12/2019	<u>95</u>	MOTION for Anjali Salvador to Appear Pro Hac Vice by George West, filed. Motion Docket Date 5/3/2019. (Trigilio, Trisha) (Additional attachment(s) added on 4/15/2019: # <u>1</u> Verified PHV) (SusanGram, 3). (Entered: 04/12/2019)
04/17/2019	<u>96</u>	ORDER GRANTING <u>95</u> Motion for Anjal Salvador to Appear Pro Hac Vice.(Signed by Judge George C Hanks, Jr) Parties notified.(dwilkerson, 3) (Entered: 04/17/2019)
04/17/2019	<u>97</u>	Minute Entry for proceedings held before Judge George C Hanks, Jr. At the hearing, the following rulings were made as stated on the record:1. Telephonic discovery hearing held pursuant to the parties joint letter regarding a discovery dispute. (Dkt <u>88</u>)2. The contention interrogatories are not to be answered by the Defendant City of Hitchcock, Texas.3. The parties will file an unopposed motion extending the

		dispositive motions deadline, as stated on the record.DISCOVERY HEARING held on 4/17/2019. Appearances: Norman Ray Giles, Trisha Trigilio.(Digital # 4:01pm-4:17pm 4:28pm-4:40pm)(ERO:Andy Gould), filed.(ltrevino, 3) (Entered: 04/18/2019)
04/28/2019	<u>98</u>	NOTICE of agreed extension to motions deadline following April 19 status conference by George West, filed. (Trigilio, Trisha) (Entered: 04/28/2019)
04/29/2019	<u>99</u>	ORDER. Dkt <u>98</u> GRANTED(Dispositive Motion Filing due by 5/17/2019.)(Signed by Judge George C Hanks, Jr) Parties notified.(ltrevino, 3) (Entered: 04/29/2019)
05/16/2019	<u>100</u>	Unopposed MOTION for Leave to File sealed motion concerning plaintiff's capacity(Motion Docket Date 6/6/2019.), Unopposed MOTION for Extension of Time to file dispositive motions by George West, filed. (Trigilio, Trisha) (Entered: 05/16/2019)
05/30/2019	<u>101</u>	REQUEST for pre-motion conference, filed.(Giles, Norman) (Entered: 05/30/2019)
06/03/2019	<u>102</u>	NOTICE of Setting as to <u>101</u> REQUEST for pre-motion conference. Parties notified. Pre-Motion Conference set for 6/4/2019 at 09:45 AM by telephone before Judge George C Hanks Jr, filed. (jegonzalez, 3) (Entered: 06/03/2019)
06/04/2019	<u>103</u>	SEALED MOTION for Capacity Determination by George West, filed. (Attachments: # <u>1</u> Exhibit 1, Trigilio Declaration, # <u>2</u> Exhibit 2, West Medical Records, # <u>3</u> Exhibit 3, Encephalopathy Information Page) (Trigilio, Trisha) (Entered: 06/04/2019)
06/04/2019	<u>104</u>	Minute Entry for proceedings held before Judge George C Hanks, Jr. At the hearing, the following rulings were made as stated on the record:Telephonic hearing held on the following: a) Parties joint request for a pre-motion conference Dkt <u>101</u>); and b) Plaintiffs Unopposed Motion for Leave to File Sealed Evidence Concerning Plaintiffs Capacity. (Dkt [100]) 2. Plaintiffs Motion (Dkt <u>100</u>) is GRANTED. 3. Plaintiff will file today (June 4, 2019), under seal, his motion regarding capacity. 4. Defendants response to Plaintiffs Motion is due June 11, 2019. 5. The Court will inform the parties after June 11th if the Court will require oral arguments. 6. All pending deadlines are suspended until the capacity issue is resolved. Appearances: Norman Ray Giles, Andre Ivan Segura, Trisha Trigilio.(Digital # 9:40am-9:55am)(ERO:Jessica Villarreal), filed.(ltrevino, 3) (Main Document 104 replaced on 6/5/2019) (ltrevino, 3). (Entered: 06/05/2019)
06/04/2019		***Set/Reset Deadlines: Response to Dkt 103 Sealed Motion due by 6/11/2019. (ltrevino, 3) (Entered: 06/05/2019)
06/10/2019	<u>105</u>	SEALED RESPONSE re: <u>103</u> SEALED MOTION for Capacity Determination by City of Hitchcock, Texas, filed. (Attachments: # <u>1</u> Proposed Order) (Giles, Norman) (Entered: 06/10/2019)
06/18/2019	<u>106</u>	ORDER. The Court accepts the parties' proposal. This case is STAYED and ADMINISTRATIVELY CLOSED for 60 days.Joint Status Report due by 8/20/2019. The docket call scheduled for June 20, 2019 CANCELLED until further notice.(Signed by Judge George C Hanks, Jr) Parties notified.(ltrevino, 3) (Entered: 06/18/2019)
06/18/2019		***Set/Reset Deadlines: Joint Status Report due by 8/20/2019 (JessicaVillarreal, 3) (Entered: 06/19/2019)
08/20/2019	<u>107</u>	STATUS REPORT by George West, filed.(Trigilio, Trisha) (Entered: 08/20/2019)
08/23/2019	<u>108</u>	Letter Requesting Pre-motion Conference by George West, filed. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Unredacted attachment)(Trigilio, Trisha). (Entered: 08/23/2019)
08/26/2019	<u>109</u>	NOTICE of Referral of Motion to Magistrate Judge Andrew Edison re <u>108</u> REQUEST for pre-motion conference, filed. (jegonzalez, 3) (Entered: 08/26/2019)
08/27/2019		*Motion No Longer Referred: <u>108</u> REQUEST for pre-motion conference, filed. (jegonzalez, 3) (Entered: 08/27/2019)
09/11/2019	<u>110</u>	NOTICE of Reassignment to Judge Jeffrey V Brown, pursuant to General Order No. 2019-8. Deadlines in scheduling orders remain in effect Judge George C Hanks, Jr no longer assigned to the case. Parties notified, filed. (ndiazadi, 4) (Entered: 09/11/2019)

09/25/2019	<u>111</u>	NOTICE of Setting. Parties notified. Telephone Conference set for 9/26/2019 at 02:00 PM by telephone before Judge Jeffrey V Brown, filed. As to Dkt. 108 (GeorgeCardenas, 4) (Entered: 09/25/2019)
09/25/2019	<u>112</u>	NOTICE of <i>unopposed request to reset phone conference</i> re: <u>111</u> Notice of Setting/Resetting FORM – CV by George West, filed. (Trigilio, Trisha) (Entered: 09/25/2019)
09/27/2019	<u>113</u>	NOTICE of <i>joint availability for phone conference</i> re: <u>112</u> Notice (Other), <u>111</u> Notice of Setting/Resetting FORM – CV by George West, filed. (Trigilio, Trisha) (Entered: 09/27/2019)
09/27/2019		Cancel phone conf. attorneys not available (GeorgeCardenas, 4) (Entered: 09/27/2019)
09/27/2019	114	NOTICE of Setting re: <u>112</u> Notice (Other), <u>108</u> REQUEST for pre-motion conference, <u>113</u> Notice (Other). Parties notified. Pre-Motion Conference set for 10/1/2019 at 03:00 PM in by telephone before Judge Jeffrey V Brown, filed. (GeorgeCardenas, 4) (Entered: 09/27/2019)
09/27/2019	<u>115</u>	NOTICE of Setting re: 114 Notice of Setting/Resetting FORM – CV,. Parties notified. Pre-Motion Conference set for 10/1/2019 at 03:00 PM in by telephone before Judge Jeffrey V Brown, filed. (GeorgeCardenas, 4) (Entered: 09/27/2019)
10/01/2019	116	Minute EntryParties are to file a joint proposed Amended Docket Control Order, which will include deadlines for dispositive motions. Parties may file dispositive motions in accordance with the ordered deadlines without the need to request a pre-motion conference under Local Rule 6.B. for proceedings held before Judge Jeffrey V Brown. PRE-MOTION CONFERENCE held on 10/1/2019. Appearances: William Scott Helfand, Andre Ivan Segura, Trisha Trigilio.(ERO:yes), filed.(GeorgeCardenas, 4) (Entered: 10/02/2019)
10/23/2019	<u>117</u>	CONDITIONAL DISMISSAL ORDER <u>108</u> REQUEST for pre-motion conference. Case terminated on 10/23/2019 (Signed by Judge Jeffrey V Brown) Parties notified.(GeorgeCardenas, 4) (Entered: 10/23/2019)