

CLOSED,JJV,JURY

**U.S. District Court
Eastern District of Arkansas (Northern Division)
CIVIL DOCKET FOR CASE #: 3:17-cv-00169-JM**

Justice Network Inc v. Craighead County et al
Assigned to: Judge James M. Moody Jr.
Case in other court: USCA8, 17-03770
Cause: 42:1983 Other Civil Rights

Date Filed: 06/30/2017
Date Terminated: 11/28/2017
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Justice Network Inc

represented by **John Timothy Edwards**
Ballin, Ballin & Fishman, P.C.
200 Jefferson Avenue
Suite 1250
Memphis, TN 38103
901-525-6278
Fax: 901-525-6294
Email: tedwards@bbfpc.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joseph E. Horowitz
Ballin, Ballin & Fishman, P.C.
200 Jefferson Avenue
Suite 1250
Memphis, TN 38103
901-525-6278
Fax: 901-525-6294
Email: ecfcivil@bbfpc.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kevin McCormack
Ballin, Ballin & Fishman, P.C.
200 Jefferson Avenue
Suite 1250
Memphis, TN 38103
901-525-6278
Fax: 901-525-6294
Email: kmccormack@bbfpc.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Randall J. Fishman
Ballin, Ballin & Fishman, P.C.
200 Jefferson Avenue
Suite 1250
Memphis, TN 38103
901-525-6278
Fax: 901-525-6294
Email: ecfcivil@bbfpc.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Richard S. Townley
Ballin, Ballin & Fishman, P.C.
200 Jefferson Avenue
Suite 1250

Memphis, TN 38103
901-525-6278
Fax: 901-525-6294
Email: ecfcivil@bbfpc.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

V.

Defendant

Craighead County

represented by **Jason E. Owens**
Jason Owens Law Firm, PA
Post Office Box 850
Conway, AR 72033-0850
501-764-4334
Email: owens@jowenslawfirm.com
ATTORNEY TO BE NOTICED

Defendant

David Boling

Judge, in his individual and official capacity

represented by **Patrick E. Hollingsworth**
Arkansas Attorney General's Office
Catlett-Prien Tower Building
323 Center Street, Suite 200
Little Rock, AR 72201-2610
501-682-1051
Email: phollingsworth@uasys.edu
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Delena C. Hurst

Arkansas Attorney General's Office
Catlett-Prien Tower Building
323 Center Street, Suite 200
Little Rock, AR 72201-2610
501-682-2007
Fax: 501-682-2591
Email: delena.hurst@arkansasag.gov
TERMINATED: 11/27/2017
ATTORNEY TO BE NOTICED

Defendant

Tommy Fowler

Judge, in his individual and official capacity

represented by **Patrick E. Hollingsworth**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Delena C. Hurst

(See above for address)
TERMINATED: 11/27/2017
ATTORNEY TO BE NOTICED

Defendant

Bay, City of

represented by **John Lennon Wilkerson**
Arkansas Municipal League
Post Office Box 38
North Little Rock, AR 72115-0038
501-374-3484
Fax: 501-978-6560
Email: jwilkerson@arml.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Bono, City of**

represented by **John Lennon Wilkerson**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Brookland, City of**

represented by **John Lennon Wilkerson**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Caraway, City of**

represented by **John Lennon Wilkerson**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Cash, City of**

represented by **John Lennon Wilkerson**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Egypt, City of**

represented by **John Lennon Wilkerson**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Jonesboro, City of**

represented by **Ralph C. Ohm**
 Attorney at Law
 Post Office Box 1558
 Hot Springs, AR 71902-1558
 501-624-7555
 Email: aperma@hotspringslaw.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Lake City, Arkansas**

represented by **John Lennon Wilkerson**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Monette, City of**

represented by **John Lennon Wilkerson**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/30/2017	<u>1</u>	COMPLAINT with Jury Demand for Violation of Civil Rights and State Law, for Declaratory Relief, Injunctive Relief, and Damages against all Defendants filed by Justice Network Inc. (Fee \$ 400. Receipt Number LIT062557.) Summons issued as to David Boling and Tommy Fowler and returned to counsel for service. (Attachments: # <u>1</u> Civil Cover Sheet)(mef) (Entered: 06/30/2017)

07/03/2017	<u>2</u>	ORDER of Recusal. The clerk must reassign this case at random by chip exchange. Signed by Judge D. P. Marshall Jr. on 7/3/2017. (mcz) (Entered: 07/03/2017)
07/03/2017	<u>3</u>	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) NOTICE OF REASSIGNMENT. Based on <u>2</u> Order, the Clerk's office has reassigned the case to Judge James M. Moody Jr. on 7/3/2017. (scw) (Entered: 07/03/2017)
07/07/2017		Summons Issued as to Bay, City of, Bono, City of, Brookland, City of, Caraway, City of, Cash, City of, Craighead County, Egypt, City of, Jonesboro, City of, Lake City, Arkansas, Monette, City of and returned to counsel for service. (alm) (Entered: 07/07/2017)
07/13/2017	<u>4</u>	MOTION for Leave to Appear pro hac vice by Joseph Horowitz. Fee \$100 receipt number 0860-3082882. Filed by All Plaintiffs (Edwards, John) (Entered: 07/13/2017)
07/13/2017	<u>5</u>	MOTION for Leave to Appear pro hac vice by Kevin McCormack. Fee \$100 receipt number 0860-3082906. Filed by All Plaintiffs (Edwards, John) (Entered: 07/13/2017)
07/13/2017	<u>6</u>	MOTION for Leave to Appear pro hac vice by Randall J. Fishman. Fee \$100 receipt number 0860-3082927. Filed by All Plaintiffs (Edwards, John) (Entered: 07/13/2017)
07/13/2017	<u>7</u>	MOTION for Leave to Appear pro hac vice by Richard S. Townley. Fee \$100 receipt number 0860-3082931. Filed by All Plaintiffs (Edwards, John) (Entered: 07/13/2017)
07/17/2017	<u>8</u>	ORDER admitting Joseph Horowitz, Kevin McCormack, Randall J. Fishman, and Richard S. Townley to practice pro hac vice before this Court in this matter and to represent Plaintiff. It is further ordered that the Court waives the local counsel requirement pursuant to Local Rule 83.5(d). Signed by Judge James M. Moody Jr. on 7/17/2017. (mcz) (Entered: 07/17/2017)
08/04/2017	<u>9</u>	NOTICE of Appearance by Jason E. Owens on behalf of Craighead County (Owens, Jason) (Entered: 08/04/2017)
08/04/2017	<u>10</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Craighead County (Owens, Jason) (Entered: 08/04/2017)
08/04/2017	<u>11</u>	BRIEF IN SUPPORT re <u>10</u> Motion to Dismiss for Failure to State a Claim filed by Craighead County. (Owens, Jason) (Entered: 08/04/2017)
08/07/2017	<u>12</u>	NOTICE of Appearance by John Lennon Wilkerson on behalf of Bay, City of, Bono, City of, Brookland, City of, Caraway, City of, Cash, City of, Egypt, City of, Lake City, Arkansas, Monette, City of (Wilkerson, John) (Entered: 08/07/2017)
08/07/2017	<u>13</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Bay, City of, Bono, City of, Brookland, City of, Caraway, City of, Cash, City of, Egypt, City of, Lake City, Arkansas, Monette, City of (Wilkerson, John) (Entered: 08/07/2017)
08/07/2017	<u>14</u>	BRIEF IN SUPPORT re <u>13</u> Motion to Dismiss for Failure to State a Claim filed by Bay, City of, Bono, City of, Brookland, City of, Caraway, City of, Cash, City of, Egypt, City of, Lake City, Arkansas, Monette, City of. (Wilkerson, John) (Entered: 08/07/2017)
08/07/2017	<u>15</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Jonesboro, City of (Ohm, Ralph) (Entered: 08/07/2017)
08/07/2017	<u>16</u>	BRIEF IN SUPPORT re <u>15</u> Motion to Dismiss for Failure to State a Claim filed by Jonesboro, City of. (Ohm, Ralph) (Entered: 08/07/2017)
08/08/2017	<u>17</u>	SUMMONS Returned Executed by Justice Network Inc. Egypt, City of served on 7/18/2017. (Edwards, John) (Entered: 08/08/2017)
08/08/2017	<u>18</u>	SUMMONS Returned Executed by Justice Network Inc. Bay, City of served on 7/17/2017. (Edwards, John) (Entered: 08/08/2017)
08/08/2017	<u>19</u>	SUMMONS Returned Executed by Justice Network Inc. Monette, City of served on 7/17/2017. (Edwards, John) (Entered: 08/08/2017)
08/08/2017	<u>20</u>	SUMMONS Returned Executed by Justice Network Inc. Lake City, Arkansas served on 7/17/2017. (Edwards, John) (Entered: 08/08/2017)

08/08/2017	<u>21</u>	SUMMONS Returned Executed by Justice Network Inc. Brookland, City of served on 7/19/2017. (Edwards, John) (Entered: 08/08/2017)
08/08/2017	<u>22</u>	SUMMONS Returned Executed by Justice Network Inc. Caraway, City of served on 7/20/2017. (Edwards, John) (Entered: 08/08/2017)
08/08/2017	<u>23</u>	SUMMONS Returned Executed by Justice Network Inc. David Boling served on 7/19/2017. (Edwards, John) (Entered: 08/08/2017)
08/08/2017	<u>24</u>	SUMMONS Returned Executed by Justice Network Inc. Bono, City of served on 7/18/2017. (Edwards, John) (Entered: 08/08/2017)
08/08/2017	<u>25</u>	SUMMONS Returned Executed by Justice Network Inc. Craighead County served on 7/19/2017. (Edwards, John) (Entered: 08/08/2017)
08/08/2017	<u>26</u>	SUMMONS Returned Executed by Justice Network Inc. Cash, City of served on 7/18/2017. (Edwards, John) (Entered: 08/08/2017)
08/08/2017	<u>27</u>	SUMMONS Returned Executed by Justice Network Inc. Jonesboro, City of served on 7/18/2017. (Edwards, John) (Entered: 08/08/2017)
08/09/2017	<u>28</u>	NOTICE of Appearance by Delena C. Hurst on behalf of David Boling, Tommy Fowler (Hurst, Delena) (Entered: 08/09/2017)
08/09/2017	<u>29</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by David Boling, Tommy Fowler (Hurst, Delena) (Entered: 08/09/2017)
08/09/2017	<u>30</u>	BRIEF IN SUPPORT re <u>29</u> Motion to Dismiss for Failure to State a Claim filed by David Boling, Tommy Fowler. (Hurst, Delena) (Entered: 08/09/2017)
08/10/2017	<u>31</u>	SUMMONS Returned Executed by Justice Network Inc. Tommy Fowler served on 8/9/2017. (Edwards, John) (Entered: 08/10/2017)
08/18/2017	<u>32</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>10</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <u>15</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <u>29</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <u>13</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Justice Network Inc (Attachments: # <u>1</u> Exhibit Memorandum)(Edwards, John) (Entered: 08/18/2017)
08/18/2017	33	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER granting <u>32</u> Motion for Extension of Time to File Response/Reply re <u>10</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <u>15</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <u>13</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <u>29</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM . Responses due by September 1, 2017. Signed by Judge James M. Moody Jr. on 8/18/17. (amr) (Entered: 08/18/2017)
08/23/2017	<u>34</u>	NOTICE of Appearance by Jon M. Greenbaum on behalf of Lawyers Committee for Civil Rights Under Law (jap) (Entered: 08/23/2017)
08/23/2017	<u>35</u>	MOTION for Leave to File Amicus Brief by Lawyers Committee for Civil Rights Under Law (Attachment: # <u>1</u> Exhibit A) (jap) (Additional attachment(s) added on 8/23/2017: # <u>2</u> Exhibit A – Complete) (thd). (Entered: 08/23/2017)
08/23/2017	<u>36</u>	NOTICE OF DOCKET CORRECTION re: <u>35</u> Motion for Leave to File Amicus Brief. CORRECTION: The original Exhibit A was attached to docket entry <u>35</u> in error (incomplete image file) due to a clerical mistake by the Clerk's office. The complete Exhibit A was added as an attachment to docket entry <u>35</u> and is attached hereto for review by the parties. (thd) (Entered: 08/23/2017)
08/25/2017	<u>37</u>	RESPONSE in Support re <u>35</u> MOTION for Leave to File filed by Craighead County. (Owens, Jason) (Entered: 08/25/2017)
08/29/2017	<u>38</u>	RESPONSE in Opposition re <u>10</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <u>15</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <u>29</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <u>13</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Justice Network Inc. (Edwards, John) (Entered: 08/29/2017)

08/30/2017	<u>39</u>	MOTION for Leave to File <i>Reply in Support of Motion to Dismiss</i> by David Boling, Tommy Fowler (Hurst, Delena) (Entered: 08/30/2017)
08/31/2017	40	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER granting <u>39</u> Motion for Leave to File. Separate Defendants, David Boling and Tommy Fowler may file a reply brief on or before September 18, 2017. Signed by Judge James M. Moody Jr. on 8/31/17. (amr) (Entered: 08/31/2017)
09/05/2017	<u>41</u>	MOTION for Leave to File <i>Reply</i> by Bay, City of, Bono, City of, Brookland, City of, Caraway, City of, Cash, City of, Egypt, City of, Lake City, Arkansas, Monette, City of (Wilkerson, John) (Entered: 09/05/2017)
09/06/2017	42	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER granting <u>41</u> Motion for Leave to File. Separate Defendants will have up to and including 9/8/17 in which to file their reply brief. Signed by Judge James M. Moody Jr. on 9/6/17. (amr) (Entered: 09/06/2017)
09/06/2017	<u>43</u>	RESPONSE in Opposition re <u>35</u> MOTION for Leave to File filed by Justice Network Inc. (Edwards, John) (Entered: 09/06/2017)
09/08/2017	<u>44</u>	REPLY to Response to Motion re <u>13</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Bay, City of, Bono, City of, Brookland, City of, Caraway, City of, Cash, City of, Egypt, City of, Lake City, Arkansas, Monette, City of. (Wilkerson, John) (Entered: 09/08/2017)
09/08/2017	<u>45</u>	MOTION for Order to Adopt <i>Separate Defendants' Reply to Plaintiff's Response to Motions to Dismiss</i> by Jonesboro, City of (Ohm, Ralph) (Entered: 09/08/2017)
09/11/2017	46	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER granting <u>45</u> Motion to allow the adoption and incorporation of Separate Defendants' reply brief. Signed by Judge James M. Moody Jr. on 9/11/17. (amr) (Entered: 09/11/2017)
09/18/2017	<u>47</u>	REPLY to Response to Motion re <u>29</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by David Boling, Tommy Fowler. (Hurst, Delena) (Entered: 09/18/2017)
10/12/2017	<u>48</u>	INITIAL SCHEDULING ORDER:Rule 26(f) Conference to occur by 11/13/2017; Rule 26(f) Report due by 11/27/2017. Proposed Jury Trial set sometime during the week of 7/30/2018 at 9:15 AM in Jonesboro Courtroom # 324 before Judge James M. Moody Jr. Signed at the Direction of the Court on 10/12/2017. (Attachments: # <u>1</u> Proposed Final Scheduling Order)(kog) (Entered: 10/12/2017)
10/24/2017	49	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER granting <u>35</u> Motion for Leave to File an amicus brief. The Lawyers' Committee for Civil Rights Under the Law is directed to file its amicus brief within five (5) days of the entry of this order. Signed by Judge James M. Moody Jr. on 10/24/17. (amr) (Entered: 10/24/2017)
10/24/2017	<u>50</u>	BRIEF filed by Lawyers Committee for Civil Rights Under Law (Attachments: # <u>1</u> Exhibit Exhibits to Amicus Brief)(Greenbaum, Jon) (Entered: 10/24/2017)
11/07/2017	<u>51</u>	RESPONSE re <u>50</u> Brief (non-appeal) <i>Response to Amicus Brief</i> by Justice Network Inc (Edwards, John) (Entered: 11/07/2017)
11/21/2017	<u>52</u>	NOTICE of Appearance by Patrick E. Hollingsworth on behalf of David Boling, Tommy Fowler (Hollingsworth, Patrick) (Entered: 11/21/2017)
11/21/2017	<u>53</u>	MOTION to Substitute Attorney by David Boling, Tommy Fowler (Hollingsworth, Patrick) (Entered: 11/21/2017)
11/27/2017	54	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER granting <u>53</u> Motion to Substitute Attorney. Attorney Delena C. Hurst terminated. Patrick E. Hollingsworth is substituted as counsel for Defendants Boling and Fowler. Signed by Judge James M. Moody Jr. on 11/27/17. (amr) (Entered: 11/27/2017)
11/27/2017	<u>55</u>	REPORT of Rule 26(f) Planning Meeting by Justice Network Inc. <i>Joint Report</i> (Edwards, John) (Entered: 11/27/2017)

11/28/2017	<u>56</u>	ORDER granting <u>10</u> , <u>13</u> , <u>15</u> , and <u>29</u> Motions to Dismiss. Signed by Judge James M. Moody Jr. on 11/28/2017. (jak) (Entered: 11/28/2017)
11/28/2017	<u>57</u>	JUDGMENT consistent with the Order entered on this date, it is considered, ordered, and adjudged that all claims against the Defendants are dismissed. Signed by Judge James M. Moody Jr. on 11/28/2017. (jak) (Entered: 11/28/2017)
12/20/2017	<u>58</u>	NOTICE OF APPEAL re <u>56</u> Order and <u>57</u> Judgment by Justice Network Inc. (Edwards, John) (Docket text modified on 12/21/2017 to establish linkage) (jak) (Entered: 12/20/2017)
12/21/2017		NOTICE OF DOCKET CORRECTION re <u>58</u> Notice of Appeal. CORRECTION: The docket text was modified to establish linkage to docket entries <u>56</u> Order and <u>57</u> Judgment. (jak) (Entered: 12/21/2017)
12/21/2017	<u>59</u>	NOTIFICATION OF APPEAL and NOA SUPPLEMENT as to <u>58</u> Notice of Appeal filed by Justice Network Inc re: <u>56</u> Order and <u>57</u> Judgment. (mcz) (Entered: 12/21/2017)
12/21/2017	<u>60</u>	USCA Docketing Letter and Briefing Schedule as to <u>58</u> Notice of Appeal filed by Justice Network Inc. USCA Case Number 17-3770. (mcz) (Entered: 12/21/2017)
12/27/2017	<u>61</u>	USCA Appeal Fees received \$505 paid, receipt number LIT065052 re <u>58</u> Notice of Appeal filed by Justice Network Inc. (mcz) (Entered: 12/27/2017)
07/26/2019	<u>62</u>	OPINION of USCA as to <u>58</u> Notice of Appeal filed by Justice Network Inc. (cmn) (Entered: 07/26/2019)
07/26/2019	<u>63</u>	USCA JUDGMENT as to <u>58</u> Notice of Appeal filed by Justice Network Inc: The judgment of the district court in this cause is affirmed in accordance with the opinion of this Court. (cmn) (Entered: 07/26/2019)
08/21/2019	<u>64</u>	MANDATE of USCA in accordance with the opinion and judgment of 07/26/2019, as to <u>58</u> Notice of Appeal filed by Justice Network Inc. (cmn) (Entered: 08/21/2019)