

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01034-BAH**

SETH v. DISTRICT OF COLUMBIA et al
Assigned to: Chief Judge Beryl A. Howell
Case in other court: USCA, 19-07057
Cause: Viol. of the Americans with Disabilities Act of 1990

Date Filed: 05/01/2018
Date Terminated: 09/28/2018
Jury Demand: None
Nature of Suit: 446 Civil Rights:
Americans with Disabilities - Other
Jurisdiction: Federal Question

Plaintiff

MARKELLE SETH

represented by **Rebecca Mei Murday**
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TERMINATED: 05/06/2019

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TERMINATED: 12/21/2018

Defendant

**D.C. DEPARTMENT ON
DISABILITY SERVICES**

represented by **Matthew Robert Blecher**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amanda J. Montee
(See above for address)
TERMINATED: 12/21/2018

Defendant

ANDREW REESE
*in his official capacity as Director of the
D.C. Department of Disability Services*

represented by **Matthew Robert Blecher**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Amanda J. Montee

(See above for address)

TERMINATED: 12/21/2018

Date Filed	#	Docket Text
05/01/2018	<u>1</u>	COMPLAINT against D.C. DEPARTMENT ON DISABILITY SERVICES, ANDREW REESE, DISTRICT OF COLUMBIA (Filing fee \$ 400 receipt number 0090-5455208) filed by MARKELLE SETH. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Civil Cover Sheet, # <u>5</u> Notice of Related Cases, # <u>6</u> Summons to Karl A. Racine, # <u>7</u> Summons to DC Dept on Disability Services, # <u>8</u> Summons to Andrew Reese)(Salzman, Donald) (Entered: 05/01/2018)
05/01/2018	<u>2</u>	NOTICE OF RELATED CASE by MARKELLE SETH. Case related to Case No. 14-mj-608. (zmd) (Entered: 05/03/2018)
05/01/2018		Case Assigned to Chief Judge Beryl A. Howell. (zmd) (Entered: 05/03/2018)
05/04/2018	<u>3</u>	STANDING ORDER. Signed by Chief Judge Beryl A. Howell on May 4, 2018. (lcbah4) (Entered: 05/04/2018)
05/04/2018	<u>4</u>	SUMMONS (3) Issued Electronically as to D.C. DEPARTMENT ON DISABILITY SERVICES, DISTRICT OF COLUMBIA, ANDREW REESE, District of Columbia Attorney General. (tth) (Additional attachment(s) added on 5/4/2018: # <u>1</u> Notice and Consent) (zmd). (Entered: 05/04/2018)
05/04/2018		SUMMONS Not Issued as to Mayor of the DISTRICT OF COLUMBIA. (zmd) (Entered: 05/04/2018)
05/04/2018	<u>5</u>	REQUEST FOR SUMMONS TO ISSUE <i>for Mayor Muriel Bowser</i> re <u>1</u> Complaint, filed by MARKELLE SETH. Related document: <u>1</u> Complaint, filed by MARKELLE SETH.(Salzman, Donald) (Entered: 05/04/2018)
05/08/2018	<u>6</u>	SUMMONS (1) Issued Electronically as to the District of Columbia Mayor. (Attachments: # <u>1</u> Notice and Consent)(zrdj) (Entered: 05/08/2018)
05/18/2018	<u>7</u>	NOTICE of Appearance by Amanda J. Montee on behalf of All Defendants (Montee, Amanda) (Entered: 05/18/2018)
05/18/2018	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the District of Columbia Attorney General. Date of Service Upon District of Columbia Attorney General 5/10/2018. Answer due for ALL D.C. DEFENDANTS by 5/31/2018. (Salzman, Donald) (Entered: 05/18/2018)
05/18/2018	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. ANDREW REESE served on 5/10/2018 (Salzman, Donald) (Entered: 05/18/2018)
05/18/2018	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. D.C. DEPARTMENT ON DISABILITY SERVICES served on 5/10/2018 (Salzman, Donald) (Entered: 05/18/2018)
05/18/2018	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on the Mayor of the District of Columbia. Date of Service Upon the Mayor for the District of Columbia on 5/10/2018. (Salzman, Donald) (Entered: 05/18/2018)
05/18/2018	<u>12</u>	NOTICE of Appearance by Gary DiBianco on behalf of MARKELLE SETH (DiBianco, Gary) (Entered: 05/18/2018)
05/18/2018	<u>13</u>	NOTICE of Appearance by Eve L. Hill on behalf of MARKELLE SETH (Hill, Eve) (Entered: 05/18/2018)
05/18/2018	<u>14</u>	NOTICE of Appearance by Shira Wakschlag on behalf of MARKELLE SETH (Wakschlag, Shira) (Entered: 05/18/2018)
05/18/2018	<u>15</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Rebecca Murday, :Firm- Skadden Arps Slate Meagher & Flom LLP, :Address- 1440 New York

		Avenue, N.W., Washington, D.C. 20005. Phone No. – 202–371–7983. Fax No. – 202–661–8323 Filing fee \$ 100, receipt number 0090–5490203. Fee Status: Fee Paid. by MARKELLE SETH (Attachments: # <u>1</u> Declaration of Rebecca Murday In Support of Motion for Admission Pro Hac Vice, # <u>2</u> Text of Proposed Order)(Salzman, Donald) (Entered: 05/18/2018)
05/22/2018	<u>16</u>	Consent MOTION for Extension of Time to File Answer by D.C. DEPARTMENT ON DISABILITY SERVICES, DISTRICT OF COLUMBIA, ANDREW REESE (Attachments: # <u>1</u> Text of Proposed Order)(Montee, Amanda) (Entered: 05/22/2018)
05/22/2018	<u>17</u>	NOTICE of Appearance by Daniel W. J. Becker on behalf of MARKELLE SETH (Becker, Daniel) (Entered: 05/22/2018)
05/22/2018	<u>18</u>	NOTICE of Appearance by Robert Dinerstein on behalf of MARKELLE SETH (Dinerstein, Robert) Modified on 5/22/2018 (zrdj). (Entered: 05/22/2018)
05/23/2018		MINUTE ORDER (paperless) GRANTING the defendants' <u>16</u> Consent Motion for an Extension of Time to Respond to Plaintiff's Complaint. The defendants shall, by June 14, 2018, file their answer to the plaintiff's complaint. Signed by Chief Judge Beryl A. Howell on May 23, 2018. (lcbah4) (Entered: 05/23/2018)
05/23/2018		Set/Reset Deadlines: Defendants' answer to plaintiff's Complaint due by 6/14/2018. (hmc) (Entered: 05/23/2018)
05/24/2018		MINUTE ORDER (paperless) GRANTING the plaintiff's <u>15</u> Motion for Admission <i>Pro Hac Vice</i> . Ms. Rebecca M. Murday may enter an appearance <i>pro hac vice</i> for the purpose of representing the plaintiff in this action. Signed by Chief Judge Beryl A. Howell on May 24, 2018. (lcbah4) Modified on 5/24/2018 to edit attorney's last name(hmc). (Entered: 05/24/2018)
06/14/2018	<u>19</u>	MOTION to Dismiss by D.C. DEPARTMENT ON DISABILITY SERVICES, DISTRICT OF COLUMBIA, ANDREW REESE (Attachments: # <u>1</u> Text of Proposed Order)(Montee, Amanda) (Entered: 06/14/2018)
06/19/2018	<u>20</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>19</u> MOTION to Dismiss by MARKELLE SETH (Attachments: # <u>1</u> Text of Proposed Order)(Salzman, Donald) (Entered: 06/19/2018)
06/19/2018		MINUTE ORDER (paperless) GRANTING the plaintiff's <u>20</u> Consent Motion for Extension of Time to Respond to Defendants' Motion to Dismiss Plaintiff's Complaint. The plaintiff shall, by July 12, 2018, file any response to the defendants' <u>19</u> Motion to Dismiss. The defendants shall, by July 26, 2018, file any reply. Signed by Chief Judge Beryl A. Howell on June 19, 2018. (lcbah4) (Entered: 06/19/2018)
06/20/2018		Set/Reset Deadlines: Response to Dispositive Motion due by 7/12/2018; Reply due by 7/26/2018. (tg) (Entered: 06/20/2018)
07/12/2018	<u>21</u>	RESPONSE re <u>19</u> MOTION to Dismiss (<i>Opposition to Defendants' Motion to Dismiss Plaintiff's Complaint</i>) filed by MARKELLE SETH. (Salzman, Donald) (Entered: 07/12/2018)
07/26/2018	<u>22</u>	REPLY to opposition to motion re <u>19</u> MOTION to Dismiss filed by D.C. DEPARTMENT ON DISABILITY SERVICES, DISTRICT OF COLUMBIA, ANDREW REESE. (Montee, Amanda) (Entered: 07/26/2018)
07/26/2018	<u>23</u>	NOTICE of Appearance by Matthew Robert Blecher on behalf of All Defendants (Blecher, Matthew) (Entered: 07/26/2018)
09/04/2018	<u>24</u>	MOTION for Order (<i>Motion Requesting an Order to Bureau of Prisons Directing Expert Access to Federal Medical Center Butner to Interview Plaintiff</i>) by MARKELLE SETH (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Memorandum in Support, # <u>6</u> Text of Proposed Order)(Salzman, Donald) (Entered: 09/04/2018)
09/05/2018		MINUTE ORDER (paperless) DIRECTING, upon consideration of the plaintiff's <u>24</u> Motion Requesting an Order to Bureau of Prisons Directing Expert Access to Federal Medical Center Butner to Interview Plaintiff, the defendants to file, by 3:00 p.m. on September 7, 2018, a statement of the reasons for their opposition to the plaintiff's motion. Signed by Chief Judge Beryl A. Howell on September 5, 2018. (lcbah4)

		(Entered: 09/05/2018)
09/05/2018		Set/Reset Deadlines: Defendants' response to Order of the Court due by 3:00 p.m. on 9/7/2018. (tg) (Entered: 09/05/2018)
09/07/2018	<u>25</u>	RESPONSE re <u>24</u> MOTION for Order (<i>Motion Requesting an Order to Bureau of Prisons Directing Expert Access to Federal Medical Center Butner to Interview Plaintiff</i>) filed by D.C. DEPARTMENT ON DISABILITY SERVICES, DISTRICT OF COLUMBIA, ANDREW REESE. (Attachments: # <u>1</u> Text of Proposed Order)(Montee, Amanda) (Entered: 09/07/2018)
09/07/2018		MINUTE ORDER (paperless) DIRECTING, upon consideration of the plaintiff's <u>24</u> Motion Requesting an Order to Bureau of Prisons Directing Expert Access to Federal Medical Center Butner to Interview Plaintiff and the defendants' <u>25</u> Response to the Plaintiff's Motion, the plaintiff to file, by 3:00 p.m. on September 12, 2018, any reply to the defendants' response. Signed by Chief Judge Beryl A. Howell on September 7, 2018. (lcbah4) (Entered: 09/07/2018)
09/10/2018		Set/Reset Deadlines: Plaintiff's reply to the defendants' <u>25</u> response due by 3:00 p.m. on 9/12/2018. (tg) (Entered: 09/10/2018)
09/10/2018	<u>26</u>	REPLY to opposition to motion re <u>24</u> MOTION for Order (<i>Motion Requesting an Order to Bureau of Prisons Directing Expert Access to Federal Medical Center Butner to Interview Plaintiff</i>) filed by MARKELLE SETH. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Salzman, Donald) (Entered: 09/10/2018)
09/28/2018	<u>27</u>	ORDER GRANTING the defendants' <u>19</u> Motion to Dismiss Plaintiff's Complaint and DENYING AS MOOT the plaintiff's <u>24</u> Motion Requesting an Order to Bureau of Prisons Directing Expert Access to Federal Medical Center Butner to Interview Plaintiff. See Order for further details. The Clerk of the Court is directed to close this case. Signed by Chief Judge Beryl A. Howell on September 28, 2018. (lcbah4) (Entered: 09/28/2018)
09/28/2018	<u>28</u>	MEMORANDUM OPINION regarding the defendants' <u>19</u> Motion to Dismiss Plaintiff's Complaint and the plaintiff's <u>24</u> Motion Requesting an Order to Bureau of Prisons Directing Expert Access to Federal Medical Center Butner to Interview Plaintiff. Signed by Chief Judge Beryl A. Howell on September 28, 2018. (lcbah4) (Entered: 09/28/2018)
10/26/2018	<u>29</u>	MOTION to Amend/Correct <i>Judgment</i> , MOTION for Leave to File <i>an Amended Complaint</i> by MARKELLE SETH (Attachments: # <u>1</u> Plaintiffs Proposed Amended Complaint, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8, # <u>10</u> Exhibit 9, # <u>11</u> Exhibit 10, # <u>12</u> Exhibit 11, # <u>13</u> Exhibit 12, # <u>14</u> Exhibit 13, # <u>15</u> Exhibit 14, # <u>16</u> Exhibit 15, # <u>17</u> Text of Proposed Order)(Salzman, Donald) (Entered: 10/26/2018)
11/06/2018	<u>30</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>29</u> MOTION to Amend/Correct <i>Judgment</i> MOTION for Leave to File <i>an Amended Complaint</i> by D.C. DEPARTMENT ON DISABILITY SERVICES, DISTRICT OF COLUMBIA, ANDREW REESE (Attachments: # <u>1</u> Text of Proposed Order)(Montee, Amanda) (Entered: 11/06/2018)
11/06/2018		MINUTE ORDER (paperless) GRANTING the defendants' <u>30</u> Consent Motion for an Extension of Time to Respond to Plaintiff's Motion to Alter or Amend Judgment and Motion for Leave to File Amended Complaint. The defendants shall, by November 23, 2018, file any response to the plaintiff's <u>29</u> Motion to Alter or Amend Judgment and Motion for Leave to File Amended Complaint. The plaintiff shall, by December 7, 2018, file any reply. Signed by Chief Judge Beryl A. Howell on November 6, 2018. (lcbah4) (Entered: 11/06/2018)
11/07/2018		Set/Reset Deadlines: Defendants' response to the <u>29</u> motion to alter or amend judgment and motion to file amended complaint due by 11/23/2018; plaintiff's reply due by 12/7/2018. (tg) (Entered: 11/07/2018)
11/20/2018	<u>31</u>	RESPONSE re <u>29</u> MOTION to Amend/Correct <i>Judgment</i> MOTION for Leave to File <i>an Amended Complaint</i> filed by D.C. DEPARTMENT ON DISABILITY SERVICES, DISTRICT OF COLUMBIA, ANDREW REESE. (Attachments: # <u>1</u> Text of Proposed Order)(Montee, Amanda) (Entered: 11/20/2018)

12/07/2018	<u>32</u>	REPLY to opposition to motion re <u>29</u> MOTION to Amend/Correct <i>Judgment</i> MOTION for Leave to File <i>an Amended Complaint</i> filed by MARKELLE SETH. (Salzman, Donald) (Entered: 12/07/2018)
12/21/2018	<u>33</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to D.C. DEPARTMENT ON DISABILITY SERVICES, DISTRICT OF COLUMBIA, ANDREW REESE. Attorney Amanda J. Montee terminated. (Montee, Amanda) (Entered: 12/21/2018)
05/06/2019	<u>34</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to MARKELLE SETH. Attorney Daniel W. J. Becker terminated. (Becker, Daniel) (Entered: 05/06/2019)
05/08/2019	<u>35</u>	ORDER DENYING the plaintiff's <u>29</u> Motion to Alter or Amend Judgment and DENYING AS MOOT the plaintiff's <u>29</u> Motion for Leave to File Amended Complaint. See Order for further details. The Clerk of the Court is directed to close this case. Signed by Chief Judge Beryl A. Howell on May 8, 2019. (lcbah4) (Entered: 05/08/2019)
05/08/2019	<u>36</u>	MEMORANDUM OPINION regarding the plaintiff's <u>29</u> Motion to Alter or Amend Judgment and Motion for Leave to File Amended Complaint. Signed by Chief Judge Beryl A. Howell on May 8, 2019. (lcbah4) (Entered: 05/08/2019)
06/07/2019	<u>37</u>	NOTICE OF APPEAL TO DC CIRCUIT COURT as to <u>27</u> Order on Motion to Dismiss,, Order on Motion for Order, <u>35</u> Order on Motion to Amend/Correct,, Order on Motion for Leave to File, <u>36</u> Memorandum & Opinion, <u>28</u> Memorandum & Opinion, by MARKELLE SETH. Filing fee \$ 505, receipt number 0090-6174658. Fee Status: Fee Paid. Parties have been notified. (Salzman, Donald) (Entered: 06/07/2019)
06/10/2019	<u>38</u>	Transmission of the Notice of Appeal, Order Appealed (Memorandum Opinion), and Docket Sheet to US Court of Appeals. The Court of Appeals fee was paid this date re <u>37</u> Notice of Appeal to DC Circuit Court. (zrdj) (Entered: 06/10/2019)
06/17/2019		USCA Case Number 19-7057 for <u>37</u> Notice of Appeal to DC Circuit Court, filed by MARKELLE SETH. (zrdj) (Entered: 06/17/2019)