

**U.S. District Court  
Northern District of Texas (Amarillo)  
CIVIL DOCKET FOR CASE #: 2:16-cv-00009-J**

McKee et al v. City of Amarillo, Texas  
Assigned to: Judge Mary Lou Robinson  
Cause: 42:1983 Civil Rights Act

Date Filed: 01/14/2016  
Date Terminated: 08/08/2016  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Civil Rights  
Jurisdiction: Federal Question

**Plaintiff**

**Rachel McKee**

represented by **Chris G Hoffman**  
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**Plaintiff**

**Loneta Jackson**

represented by **Chris G Hoffman**  
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**LEAD ATTORNEY**  
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**Jeff Blackburn**  
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**Plaintiff**

**Janet Cato**

represented by **Chris G Hoffman**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Jeff Blackburn**  
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**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Larissa Coil**

represented by **Chris G Hoffman**  
(See above for address)  
**LEAD ATTORNEY**  
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**Jeff Blackburn**  
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**Plaintiff****Joshua Moore**

represented by **Chris G Hoffman**  
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**LEAD ATTORNEY**  
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**Jeff Blackburn**  
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**Plaintiff****Hilario Nayola**

represented by **Chris G Hoffman**  
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**LEAD ATTORNEY**  
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V.

**Defendant****City of Amarillo, Texas**

represented by **Bryan Scott McWilliams**  
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Date Filed	#	Docket Text
01/14/2016	<u>1</u>	COMPLAINT against City of Amarillo, TX filed by Rachel McKee, Loneta Jackson. (Filing fee \$400; Receipt number 0539-7312958) Summons(es) not requested at this time. In each Notice of Electronic Filing, the judge assignment is indicated, and a link to the <a href="#">Judges Copy Requirements</a> is provided. The court reminds the filer that any required copy of this and future documents must be delivered to the judge, in the manner prescribed, within three business days of filing. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at <a href="http://www.txnd.uscourts.gov">www.txnd.uscourts.gov</a> , or by clicking here: <a href="#">Attorney Information – Bar Membership</a> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Attachments: # <u>1</u> Cover Sheet with continuation sheet) (Hoffman, Chris) (Entered: 01/14/2016)
01/14/2016	<u>2</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Loneta Jackson, Rachel McKee. (Hoffman, Chris) (Entered: 01/14/2016)

01/14/2016	<u>3</u>	New Case Notes: A filing fee has been paid. File to Judge Robinson. Pursuant to Misc. Order 6, Plaintiff is provided the Notice of Right to Consent to Proceed Before A U.S. Magistrate Judge. Clerk to provide copy to plaintiff if not received electronically. (daa) (Entered: 01/14/2016)
01/20/2016	<u>4</u>	Request for Clerk to issue Summons in a Civil Action filed by Loneta Jackson, Rachel McKee. (Hoffman, Chris) (Entered: 01/20/2016)
01/20/2016	<u>5</u>	Summons Issued as to City of Amarillo, Texas. (daa) (Entered: 01/20/2016)
01/26/2016	<u>6</u>	SUMMONS Returned Executed as to City of Amarillo, Texas ; served on 1/21/2016. (Hoffman, Chris) (Entered: 01/26/2016)
02/11/2016	<u>7</u>	Motion to Dismiss for Failure to State a Claim filed by City of Amarillo, Texas (McWilliams, Bryan) (Entered: 02/11/2016)
02/11/2016	<u>8</u>	Brief/Memorandum in Support filed by City of Amarillo, Texas re <u>7</u> Motion to Dismiss for Failure to State a Claim (McWilliams, Bryan) (Entered: 02/11/2016)
02/16/2016	<u>9</u>	ORIGINAL RULE 16 SCHEDULING ORDER: Parties shall be ready for trial by 10/24/2016. Counsel shall file a joint report setting forth the status of settlement negotiations by 5/31/2016. Discovery due by 8/22/2016. Pretrial Materials (designation of expert witnesses) due by 4/25/2016 by parties seeking affirmative relief and due by 5/16/2016 by parties opposing affirmative relief. Joinder of Parties due by 4/4/2016. Amended Pleadings due by 8/15/2016. Motions for summary judgment due by 8/22/2016. All other motions except motions in limine due by 9/19/2016. Rule 26(a)(3) disclosures due by 10/11/2016. (Ordered by Judge Mary Lou Robinson on 2/16/2016) (djs) (Entered: 02/16/2016)
03/02/2016	<u>10</u>	AMENDED COMPLAINT – <i>Class Action</i> against City of Amarillo, Texas filed by Rachel McKee, Loneta Jackson. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at <a href="http://www.txnd.uscourts.gov">www.txnd.uscourts.gov</a> , or by clicking here: <a href="#">Attorney Information – Bar Membership</a> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Hoffman, Chris) (Entered: 03/02/2016)
03/03/2016	<u>11</u>	RESPONSE filed by Loneta Jackson, Rachel McKee re: <u>7</u> Motion to Dismiss for Failure to State a Claim (Hoffman, Chris) (Entered: 03/03/2016)
03/16/2016	<u>12</u>	Motion to Dismiss for Failure to State a Claim filed by City of Amarillo, Texas (McWilliams, Bryan) (Entered: 03/16/2016)
03/16/2016	<u>13</u>	Brief/Memorandum in Support filed by City of Amarillo, Texas re <u>12</u> Motion to Dismiss for Failure to State a Claim (McWilliams, Bryan) (Entered: 03/16/2016)
03/22/2016	<u>14</u>	NOTICE of <i>Service of Plaintiffs' Rule 26(a)(1) Disclosures</i> filed by Loneta Jackson, Rachel McKee (Hoffman, Chris) (Entered: 03/22/2016)
03/22/2016	<u>15</u>	Joint Submission on Discovery Matters – <i>Scheduling/Discovery Plan</i> by City of Amarillo, Texas, Loneta Jackson, Rachel McKee. (Hoffman, Chris) (Entered: 03/22/2016)
03/23/2016	<u>16</u>	ORDER: On March 22, 2016, the parties submitted a Joint Scheduling/Discovery Plan, requesting a modification to the Court's Original Rule 16 Scheduling Order. The request is granted. See Order for details. (Ordered by Judge Mary Lou Robinson on 3/23/2016) (daa) (Entered: 03/23/2016)
03/24/2016	<u>17</u>	Unopposed MOTION for Leave to Amend <u>10</u> Amended Complaint, filed by Loneta Jackson, Rachel McKee, Janet Cato, Larissa Coil, Joshua Moore, Hilario Nayola with Brief/Memorandum in Support. (Attachments: # <u>1</u> Proposed Amendment Exhibit A, # <u>2</u> Proposed Amendment Exhibit B) (Hoffman, Chris) Modified text on 3/24/2016 (daa). (Entered: 03/24/2016)
04/01/2016	<u>18</u>	ORDER re granting <u>17</u> Unopposed MOTION for Leave to Amend <u>10</u> Amended Complaint. Plaintiffs are to promptly electronically file the amended complaint as proposed. (Ordered by Judge Mary Lou Robinson on 4/1/2016) (awc) (Entered: 04/01/2016)

04/04/2016	<u>19</u>	AMENDED COMPLAINT ( <i>Second</i> ) – <i>Class Action</i> against City of Amarillo, Texas filed by Rachel McKee, Loneta Jackson, Hilario Nayola, Larissa Coil, Joshua Moore, Janet Cato. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms, instructions, and exemption information may be found at <a href="http://www.txnd.uscourts.gov">www.txnd.uscourts.gov</a> , or by clicking here: <a href="#">Attorney Information – Bar Membership</a> . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Hoffman, Chris) (Entered: 04/04/2016)
04/06/2016	<u>20</u>	RESPONSE filed by Janet Cato, Larissa Coil, Loneta Jackson, Rachel McKee, Joshua Moore, Hilario Nayola re: <u>12</u> Motion to Dismiss for Failure to State a Claim (Hoffman, Chris) (Entered: 04/06/2016)
04/13/2016	<u>21</u>	MOTION to Certify Class filed by Janet Cato, Larissa Coil, Loneta Jackson, Rachel McKee, Joshua Moore, Hilario Nayola with Brief/Memorandum in Support. (Attachments: # <u>1</u> Proposed Order) (Hoffman, Chris) (Entered: 04/13/2016)
04/13/2016	<u>22</u>	Appendix in Support filed by Janet Cato, Larissa Coil, Loneta Jackson, Rachel McKee, Joshua Moore, Hilario Nayola re <u>21</u> MOTION to Certify Class (Attachments: # <u>1</u> Exhibit(s)) (Hoffman, Chris) (Entered: 04/13/2016)
04/20/2016	<u>23</u>	REPLY filed by City of Amarillo, Texas re: <u>12</u> Motion to Dismiss for Failure to State a Claim (McWilliams, Bryan) (Entered: 04/20/2016)
05/23/2016	<u>24</u>	Designation of Experts by Janet Cato, Larissa Coil, Loneta Jackson, Rachel McKee, Joshua Moore, Hilario Nayola. (Hoffman, Chris) (Entered: 05/23/2016)
05/23/2016	<u>25</u>	MOTION to Quash filed by City of Amarillo, Texas with Brief/Memorandum in Support. (Attachments: # <u>1</u> Proposed Order) (McWilliams, Bryan) (Entered: 05/23/2016)
05/24/2016	<u>26</u>	Amended MOTION to Quash filed by City of Amarillo, Texas with Brief/Memorandum in Support. (Attachments: # <u>1</u> Proposed Order) (McWilliams, Bryan) (Entered: 05/24/2016)
05/25/2016	<u>27</u>	Order Referring Motion re: <u>26</u> Amended MOTION to Quash Motion(s) referred to Magistrate Judge Clinton E Averitte. (Ordered by Senior Judge Mary Lou Robinson on 5/25/2016) (daa) (Entered: 05/25/2016)
05/31/2016	<u>28</u>	Joint STATUS REPORT on <i>Settlement Discussions</i> filed by Janet Cato, Larissa Coil, Loneta Jackson, Rachel McKee, Joshua Moore, Hilario Nayola. (Attachments: # <u>1</u> Exhibit(s) A, # <u>2</u> Exhibit(s) B, # <u>3</u> Exhibit(s) C) (Hoffman, Chris) (Entered: 05/31/2016)
06/01/2016	<u>29</u>	ORDER: Before the Court is Plaintiffs' Motion for Class Certification and Brief in Support, filed April 13, 2016. Defendant shall file a Response and Brief in Support within fourteen (14) days from the date of this Order. (Ordered by Senior Judge Mary Lou Robinson on 6/1/2016) (awc) (Entered: 06/01/2016)
06/02/2016	<u>30</u>	Unopposed MOTION for Protective Order filed by City of Amarillo, Texas with Brief/Memorandum in Support. (Attachments: # <u>1</u> Proposed Order) (McWilliams, Bryan) (Entered: 06/02/2016)
06/03/2016	<u>31</u>	ORDER TO CONFER AND ORDER TO RESPOND: Lead counsel for the parties are ordered to meaningfully confer to attempt to resolve this matter. If the parties are unable to resolve the matter by agreement, plaintiffs shall file their response to the motion on or before June 10, 2016. If the parties resolve this matter, then a joint report shall be filed. (Ordered by Magistrate Judge Clinton E Averitte on 6/3/2016) (epm) (Entered: 06/03/2016)
06/08/2016	<u>32</u>	RESPONSE filed by Janet Cato, Larissa Coil, Loneta Jackson, Rachel McKee, Joshua Moore, Hilario Nayola re: <u>26</u> Amended MOTION to Quash (Hoffman, Chris) (Entered: 06/08/2016)
06/09/2016	<u>33</u>	Joint MOTION to Extend Time to Provide Rule 26(A)(2) Disclosures and to Complete Discovery filed by Janet Cato, Larissa Coil, Loneta Jackson, Rachel McKee, Joshua Moore, Hilario Nayola (Attachments: # <u>1</u> Proposed Order on Joint Motion to Extend Time) (Hoffman, Chris) (Entered: 06/09/2016)

06/13/2016	<u>34</u>	ORDER granting <u>33</u> Joint MOTION to Extend Time to Provide Rule 26(A)(2) Disclosures and to Complete Discovery. The deadlines in the Court's Original Rule 16 Scheduling Order are amended as follows: Parties seeking affirmative relief must provide Rule 26(a)(2) disclosures by August 5, 2016. Parties opposing affirmative relief must provide Rule 26(a)(2) disclosures by August 22, 2016. Finally, all discovery procedures shall be initiated in time to complete discovery by October 3, 2016. No further extensions will be granted without a showing of good cause. (Ordered by Senior Judge Mary Lou Robinson on 6/13/2016) (daa) (Entered: 06/13/2016)
06/13/2016	<u>35</u>	REPLY filed by City of Amarillo, Texas re: <u>26</u> Amended MOTION to Quash (McWilliams, Bryan) (Entered: 06/13/2016)
06/14/2016	<u>36</u>	ORDER SETTING HEARING: Motion Hearing set for 6/16/2016 01:30 PM in US Courthouse, Courtroom 1st Floor, 205 E. 5th St. Amarillo, TX 79101-1559 before Magistrate Judge Clinton E Averitte. re: <u>30</u> Unopposed MOTION for Protective Order , <u>26</u> Amended MOTION to Quash , <u>32</u> Response (Ordered by Magistrate Judge Clinton E Averitte on 6/14/2016) (daa) (Entered: 06/14/2016)
06/15/2016	<u>37</u>	MOTION for Hearing to <i>Reschedule Hearing on Pending Motions</i> filed by City of Amarillo, Texas (McKamie, William) (Entered: 06/15/2016)
06/15/2016	<u>38</u>	ORDER CORRECTING ORDER SETTING HEARING: On June 15, 2016, the Court entered an Order Setting Hearing. The order stated that the Unopposed Motion for Protective Order (Doc. 30) would be considered, in addition to the Motion to Quash (Doc. No. 26) and Response (Doc. No. 32). The Unopposed Motion for Protective Order has not been referred to the undersigned and will not be considered at the hearing. (Ordered by Magistrate Judge Clinton E Averitte on 6/15/2016) (daa) (Entered: 06/15/2016)
06/15/2016	<u>39</u>	ORDER RESETTING HEARING: Motion Hearing reset for 6/20/2016 01:30 PM in US Courthouse, Courtroom 1st Floor, 205 E. 5th St. Amarillo, TX 79101-1559 before Magistrate Judge Clinton E Averitte. re: <u>26</u> Amended MOTION to Quash , <u>32</u> Response. (Ordered by Magistrate Judge Clinton E Averitte on 6/15/2016) (daa) (Entered: 06/15/2016)
06/15/2016	<u>40</u>	RESPONSE filed by City of Amarillo, Texas re: <u>21</u> MOTION to Certify Class (McWilliams, Bryan) (Entered: 06/15/2016)
06/17/2016	<u>41</u>	ORDER granting <u>30</u> Unopposed MOTION for Protective Order filed by City of Amarillo, Texas. (Ordered by Senior Judge Mary Lou Robinson on 6/17/2016) (daa) (Entered: 06/17/2016)
06/20/2016	<u>42</u>	Minute Entry for proceedings held before Magistrate Judge Clinton E Averitte: Motion Hearing held on 6/20/2016 re <u>26</u> Amended Motion to Quash filed by City of Amarillo, Texas. Attorney Appearances: Plaintiff – Chris G. Hoffman, Jeff Blackburn; Defense – William M. McKamie. (Court Reporter: Digital File) (No exhibits) Time in Court – :38. (egb) (Entered: 06/20/2016)
06/20/2016	<u>43</u>	ORDER GRANTING MOTION FOR PROTECTION, re: <u>26</u> Amended Motion to Quash the Oral Depositions. After considering the pleadings and arguments of counsel, the Court GRANTS the Motion for Protection to the extent that the June 22, 2016 oral depositions of Mayor Harpole and Councilmember Burkett are vacated and shall not be taken without leave of the Court. (Ordered by Magistrate Judge Clinton E Averitte on 6/20/2016) (daa) (Entered: 06/20/2016)
06/21/2016	<u>44</u>	MOTION for Extension of Time to File Response/Reply to <u>40</u> Response/Objection filed by Janet Cato, Larissa Coil, Loneta Jackson, Rachel McKee, Joshua Moore, Hilario Nayola (Attachments: # <u>1</u> Proposed Order Extending Time to Reply) (Hoffman, Chris) (Entered: 06/21/2016)
06/23/2016	<u>45</u>	ORDER granting <u>44</u> Unopposed Motion to Extend Time to Reply to Defendant's Response to Plaintiffs' Motion to Certify Class. Plaintiffs shall file a Reply to Defendant's Response to Plaintiffs' Motion to Certify Class on or before July 8, 2016. (Ordered by Senior Judge Mary Lou Robinson on 6/23/2016) (daa) (Entered: 06/23/2016)

06/27/2016		Magistrate Judge Clinton E Averitte no longer assigned to case. (daa) (Entered: 06/27/2016)
07/07/2016	<u>46</u>	RESPONSE filed by City of Amarillo, Texas re: <u>21</u> MOTION to Certify Class (Attachments: # <u>1</u> Cover Sheet, # <u>2</u> Exhibit(s), # <u>3</u> Exhibit(s), # <u>4</u> Cover Sheet, # <u>5</u> Exhibit(s), # <u>6</u> Exhibit(s), # <u>7</u> Exhibit(s), # <u>8</u> Exhibit(s), # <u>9</u> Cover Sheet, # <u>10</u> Exhibit(s), # <u>11</u> Cover Sheet, # <u>12</u> Exhibit(s), # <u>13</u> Cover Sheet, # <u>14</u> Exhibit(s), # <u>15</u> Cover Sheet, # <u>16</u> Exhibit(s), # <u>17</u> Exhibit(s)) (McKamie, William) (Entered: 07/07/2016)
07/08/2016	<u>47</u>	REPLY filed by Janet Cato, Larissa Coil, Loneta Jackson, Rachel McKee, Joshua Moore, Hilario Nayola re: <u>21</u> MOTION to Certify Class (Hoffman, Chris) (Entered: 07/08/2016)
07/08/2016	<u>48</u>	Appendix in Support filed by Janet Cato, Larissa Coil, Loneta Jackson, Rachel McKee, Joshua Moore, Hilario Nayola re <u>47</u> Reply to Response to <u>21</u> Motion to Certify Class (Hoffman, Chris) (Entered: 07/08/2016)
08/08/2016	<u>49</u>	MEMORANDUM OPINION AND ORDER Granting Defendant's <u>12</u> Motion to Dismiss for Failure to State a Claim as to all of Plaintiffs' § 1983 claims. (Ordered by Senior Judge Mary Lou Robinson on 8/8/2016) (chmb) (Entered: 08/08/2016)
08/08/2016	<u>50</u>	ORDER DENYING Plaintiffs' <u>21</u> Motion for Class Certification as MOOT. (Ordered by Senior Judge Mary Lou Robinson on 8/8/2016) (chmb) (Entered: 08/08/2016)
08/08/2016	<u>51</u>	FINAL JUDGMENT -- The Court having granted Defendant's Motion to Dismiss, it is therefore ORDERED, ADJUDGED and DECREED that Plaintiffs take nothing on any and all claims and causes of action asserted in this lawsuit against Defendant, and it is FURTHER ORDERED, ADJUDGED and DECREED that Defendant is entitled to their reasonable and necessary costs in this action. (Ordered by Senior Judge Mary Lou Robinson on 8/8/2016) (awc) (Entered: 08/08/2016)
08/18/2016	<u>52</u>	BILL OF COSTS by City of Amarillo, Texas. (McWilliams, Bryan) (Entered: 08/18/2016)
08/30/2016	<u>53</u>	OBJECTION filed by Janet Cato, Larissa Coil, Loneta Jackson, Rachel McKee, Joshua Moore, Hilario Nayola re: <u>52</u> Bill of Costs (Attachments: # <u>1</u> Affidavit(s) of Verification) (Hoffman, Chris) (Entered: 08/30/2016)
08/30/2016	<u>54</u>	Appendix in Support filed by Janet Cato, Larissa Coil, Loneta Jackson, Rachel McKee, Joshua Moore, Hilario Nayola re <u>53</u> Response/Objection to Defendant's Bill of Costs (Hoffman, Chris) (Entered: 08/30/2016)
09/23/2016	<u>55</u>	ORDER: Before the Court is Plaintiffs' Objection to Defendant's Bill of Costs, filed August 30, 2016. Defendant shall file a Response and Brief in Support within fourteen (14) days from the date of this Order. If Defendant fails to timely respond, the Court will sustain Plaintiffs' Objection and costs will be adjusted accordingly. (Ordered by Senior Judge Mary Lou Robinson on 9/23/2016) (vls) Modified typos on 9/26/2016 (awc). (Entered: 09/23/2016)
10/07/2016	<u>56</u>	RESPONSE filed by City of Amarillo, Texas re: <u>53</u> Response/Objection (McWilliams, Bryan) (Entered: 10/07/2016)
10/12/2016	<u>57</u>	ORDER, re: <u>53</u> Plaintiffs' Objections to Defendant's Bill of Costs. Costs taxed at \$3,660. (Ordered by Senior Judge Mary Lou Robinson on 10/12/2016) (daa) Modified text on 12/14/2016 (daa). (Entered: 10/12/2016)