

[R](#) [Create an Alert for This Case on RECAP](#)

CLOSED, [TRCK1](#)

**U.S. District Court  
Eastern District of Missouri (St. Louis)  
CIVIL DOCKET FOR CASE #: 4:19-cv-01638-SNLJ**

Fernandez v. St. Louis County  
Assigned to: District Judge Stephen N. Limbaugh, Jr  
Cause: 42:1983 Civil Rights Act

Date Filed: 06/05/2019  
Date Terminated: 05/11/2021  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Robert A. Fernandez**

represented by **Hugh A. Eastwood**  
Hugh A. Eastwood, Attorney at Law  
7911 Forsyth Blvd., Ste. 300  
St. Louis, MO 63105-3825  
314-809-2343  
Fax: 314-863-5335  
Email: [heastwood@eastwoodlawstl.com](mailto:heastwood@eastwoodlawstl.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**W. Bevis Schock**  
SCHOCK LAW  
7777 Bonhomme Avenue  
Suite 1300  
St. Louis, MO 63105  
314-726-2322  
Fax: 314-721-1698  
Email: [wbschock@schocklaw.com](mailto:wbschock@schocklaw.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**St. Louis County**

represented by **Linda Levin**  
ST. LOUIS COUNTY COUNSELORS OFFICE  
41 S. Central Avenue  
Clayton, MO 63105  
314-615-7033  
Fax: 314-615-3732  
Email: [llevin@stlouisco.com](mailto:llevin@stlouisco.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*


**Robert C. Moore**  
ST. LOUIS COUNTY COUNSELOR'S OFFICE  
41 S. Central Avenue  
Clayton, MO 63105  
314-952-6484  
Fax: 314-615-3732  
Email: [rmoore@stlouisco.com](mailto:rmoore@stlouisco.com)  
*ATTORNEY TO BE NOTICED*

**Steven J Capizzi**  
ST. LOUIS COUNTY COUNSELORS OFFICE  
41 S. Central Avenue  
Clayton, MO 63105  
314-615-6870  
Email: [scapizzi@stlouisco.com](mailto:scapizzi@stlouisco.com)  
*ATTORNEY TO BE NOTICED*

--	--	--

Date Filed	#	Docket Text
06/05/2019	<a href="#"><u>1</u></a> <a href="#"><u>R</u></a>	COMPLAINT against defendant St. Louis County with receipt number AMOEDC-7259440, in the amount of \$400 Jury Demand,, filed by Robert A Fernandez. (Attachments: # <a href="#"><u>1</u></a> Attachment Exhibit List, # <a href="#"><u>2</u></a> Exhibit Ex.1.Website version of County Code Chapter 804, # <a href="#"><u>3</u></a> Exhibit Ex.2.Certified copy of Ordinance No. 6201, # <a href="#"><u>4</u></a> Exhibit Ex.3.Certified copy of Ordinance No. 13091, # <a href="#"><u>5</u></a> Exhibit Ex.4.Certified Copy of Ordinance No. 14,722, # <a href="#"><u>6</u></a> Exhibit Ex..Certified copy of Ordinance No. 21,507, # <a href="#"><u>7</u></a> Exhibit Certified copy of Ordinance No. 20,361, # <a href="#"><u>8</u></a> Exhibit Certified copy of Ordinance No. 21,028, # <a href="#"><u>9</u></a> Exhibit Ex.8.Certified copy of Ordinance No. 21,613, # <a href="#"><u>10</u></a> Exhibit Ex.9.Certified copy of Ordinance No. 21,834, # <a href="#"><u>11</u></a> Exhibit Ex.10.Certified copy of Ordinance No. 22,767, # <a href="#"><u>12</u></a> Exhibit Ex.11.Certified copy of Ordinance No. 23,112, # <a href="#"><u>13</u></a> Exhibit Ex.12.Certified copy of Ordinance No. 23,268, # <a href="#"><u>14</u></a> Exhibit Ex.13.Certified copy of Ordinance No. 23,731, # <a href="#"><u>15</u></a> Exhibit Ex.14.Certified copy of Ordinance No. 24,089, # <a href="#"><u>16</u></a> Exhibit Ex.15.Certified copy of Ordinance No. 24,769, # <a href="#"><u>17</u></a> Exhibit Ex.16.Certified copy of Ordinance No.25,013, # <a href="#"><u>18</u></a> Exhibit Ex.17.Certified copy of Ordinance No. 25,277, # <a href="#"><u>19</u></a> Exhibit Ex.18.Certified copy of Ordinance No. 25,559, # <a href="#"><u>20</u></a> Exhibit Ex.19.Certified copy of Ordinance No. 27,173, # <a href="#"><u>21</u></a> Exhibit Ex.20.County website, Peddler,Commercial Solicitor, Street Vendor License Requirement, # <a href="#"><u>22</u></a> Exhibit Ex.21.County Police website, Background Checks, # <a href="#"><u>23</u></a> Exhibit Ex.22.Appl. for Peddler,Commercial Solicitor, # <a href="#"><u>24</u></a> Exhibit Ex.23.Website for County Code Sections 1201,1202,1209,1215, # <a href="#"><u>25</u></a> Exhibit Ex.24.Certified copy of Ordinance No. 12347, # <a href="#"><u>26</u></a> Exhibit Ex.25.Certified copy of Ordinance No. 26,424, # <a href="#"><u>27</u></a> Exhibit Ex.26.Website for County Code Chapter 716, # <a href="#"><u>28</u></a> Exhibit Ex.27.Certified copy of Ordinance No. 3729, # <a href="#"><u>29</u></a> Exhibit Ex.28.Solicitor License no. 3371 and 3483, # <a href="#"><u>30</u></a> Exhibit Ex.29.Record of thirty-nine citations in St. Louis County, # <a href="#"><u>31</u></a> Exhibit Ex.30.Email from Asst. County Counselor Alper, # <a href="#"><u>32</u></a> Exhibit Ex.31.Nolle prosequi memorandum dated May 9, 2019, # <a href="#"><u>33</u></a> Exhibit Ex.32.Photograph A, # <a href="#"><u>34</u></a> Exhibit Ex.33.Photograph B, # <a href="#"><u>35</u></a> Exhibit Ex.34.Photograph C, # <a href="#"><u>36</u></a> Exhibit Ex.35.Google Map of exit ramp, 55 with S. Lindbergh, # <a href="#"><u>37</u></a> Exhibit Ex.36.Same Google Map, zoomed in, # <a href="#"><u>38</u></a> <a href="#"><u>R</u></a> Exhibit Ex.37.Affidavit of Plaintiff Robert Fernandez)(Schock, W.) <b>Clerk's note: Attachment 30 sealed pursuant to Local Rule 2.17 because it contains personal identifiers.</b> (Entered: 06/05/2019)
06/05/2019	<a href="#"><u>2</u></a>	ENTRY of Appearance by Hugh A. Eastwood for Plaintiff Robert A Fernandez. (Eastwood, Hugh) (Entered: 06/05/2019)
06/06/2019	<a href="#"><u>3</u></a>	MOTION for Preliminary Injunction by Plaintiff Robert A. Fernandez. (Attachments: # <a href="#"><u>1</u></a> <a href="#"><u>R</u></a> Attachment Plaintiff's Memorandum in Support of his Motion for Preliminary Injunction)(Schock, W.) (Entered: 06/06/2019)
06/06/2019	<a href="#"><u>4</u></a>	SUPPLEMENTAL re <a href="#"><u>1</u></a> <a href="#"><u>R</u></a> Complaint,,,,,,,,, <i>Waiver of Service, Original Filing Form, Civil Cover Sheet</i> by Plaintiff Robert A. Fernandez. (Eastwood, Hugh) (Entered: 06/06/2019)
06/06/2019		Case Opening Notification: Waivers issued 1. Judge Assigned: Honorable Jean C. Hamilton. (JWD) (Entered: 06/06/2019)
07/08/2019	<a href="#"><u>5</u></a>	WAIVER OF SERVICE Returned Executed filed by Robert A. Fernandez St. Louis County waiver signed on 7/1/2019, answer due 8/30/2019. (Schock, W.) (Entered: 07/08/2019)
07/23/2019	<a href="#"><u>6</u></a>	ENTRY of Appearance by Linda Levin for Defendant St. Louis County. (Levin, Linda) (Entered: 07/23/2019)
08/22/2019	<a href="#"><u>7</u></a>	ORDER - Due to conflict of interest, this Court hereby recuses itself from this case. This case will be reassigned to another Judge. Signed by District Judge Jean C. Hamilton on 8/22/19. (KJS) (Entered: 08/22/2019)
08/22/2019	<a href="#"><u>8</u></a>	REASSIGNMENT ORDER (GJL). IT IS HEREBY ORDERED that the above styled cause is reassigned to the Honorable Stephen N. Limbaugh, Jr.. District Judge Jean C. Hamilton no longer assigned to case. Case reassigned to District Judge Stephen N. Limbaugh, Jr for all further proceedings. (KJS) (Entered: 08/22/2019)
08/23/2019	<a href="#"><u>9</u></a>	ORDER SETTING RULE 16 CONFERENCE: See prepared Order; Joint Scheduling Plan due by 9/26/2019. Rule 16 Conference set for 10/10/2019 10:30 AM in Telephone before District Judge Stephen N. Limbaugh Jr.; Signed by District Judge Stephen N. Limbaugh, Jr on 08/23/19. (CMH) (Entered: 08/23/2019)
08/30/2019	<a href="#"><u>10</u></a> <a href="#"><u>R</u></a>	ANSWER to <a href="#"><u>1</u></a> <a href="#"><u>R</u></a> Complaint,,,,,,,,, by St. Louis County.(Levin, Linda) (Entered: 08/30/2019)
08/30/2019	<a href="#"><u>11</u></a>	MEMORANDUM in Opposition re <a href="#"><u>3</u></a> MOTION for Preliminary Injunction filed by Defendant St. Louis County. (Levin, Linda) (Entered: 08/30/2019)
09/03/2019	<a href="#"><u>12</u></a>	MOTION for Hearing re <a href="#"><u>3</u></a> MOTION for Preliminary Injunction <i>Plaintiffs Motion for Preliminary Injunction Hearing Date, Relief from Order setting Rule 16 Conference, and Reply to Defendants Memorandum in Opposition to Plaintiffs Motion for Preliminary Injunction</i> by Plaintiff Robert A. Fernandez. (Attachments: # <a href="#"><u>1</u></a> Exhibit Exhibit 1 (St. Louis County municipal court docket report for Fernandez (printed 9/03/2019)))(Eastwood, Hugh) (Entered: 09/03/2019)
09/10/2019	<a href="#"><u>13</u></a>	MEMORANDUM in Opposition re <a href="#"><u>12</u></a> MOTION for Hearing re <a href="#"><u>3</u></a> MOTION for Preliminary Injunction <i>Plaintiffs Motion for Preliminary Injunction Hearing Date, Relief from Order setting Rule 16 Conference, and Reply to Defendants Memorandum in Opposition to Plaintiffs Mo</i> filed by Defendant St. Louis County. (Levin, Linda) (Entered: 09/10/2019)
09/11/2019	<a href="#"><u>14</u></a>	REPLY to Response to Motion re <a href="#"><u>12</u></a> MOTION for Hearing re <a href="#"><u>3</u></a> MOTION for Preliminary Injunction <i>Plaintiffs Motion for Preliminary Injunction Hearing Date, Relief from Order setting Rule 16 Conference, and Reply to Defendants Memorandum in Opposition to Plaintiffs Mo</i> filed by Plaintiff Robert A. Fernandez. (Eastwood, Hugh) (Entered: 09/11/2019)
09/18/2019	<a href="#"><u>15</u></a>	JOINT SCHEDULING PLAN by Plaintiff Robert A. Fernandez. . (Schock, W.) (Entered: 09/18/2019)
09/27/2019	<a href="#"><u>16</u></a>	ELECTRONIC MINUTE ENTRY (no pdf attached) for proceedings held before District Judge Stephen N. Limbaugh, Jr: Conference call held this day with the Court and counsel for all parties participating, the parties are directed to file revised proposed case management order prior to the Rule 16 hearing set October 10, 2019. Telephone Conference held on 9/27/2019. (CMH) (Entered: 09/27/2019)
10/08/2019	<a href="#"><u>17</u></a>	JOINT SCHEDULING PLAN by Plaintiff Robert A. Fernandez. <i>First Amended.</i> (Eastwood, Hugh) (Entered: 10/08/2019)
10/08/2019	<a href="#"><u>18</u></a>	MEMORANDUM re 16 Telephone Conference, <i>Meet and Confer</i> by Plaintiff Robert A. Fernandez. (Eastwood, Hugh)

		(Entered: 10/08/2019)
10/10/2019	19	ELECTRONIC MINUTE ENTRY (no pdf attached) for proceedings held before District Judge Stephen N. Limbaugh, Jr: Rule 16 Conference held on 10/10/2019. Conference held by phone. CMO to issue. (Notice only, no.pdf attached.). (proceedings started: 10:30 A.M.) (proceedings ended: 10:51 A.M.)(Appearance for Plaintiff: Hugh Eastwood and Bevis Shock)(Appearance for Defendant: Linda Levin) (CMH) (Entered: 10/10/2019)
10/10/2019	<a href="#">20</a>	NOTICE Filing of Proposed Order: by Plaintiff Robert A. Fernandez re <a href="#">1</a> <a href="#">R</a> Complaint,,,,,,,,, <i>Preliminary Injunction of St. Louis County Vagrancy Ordinance</i> (Attachments: # <a href="#">1</a> Text of Proposed Order Proposed ORDER)(Eastwood, Hugh) (Entered: 10/10/2019)
10/10/2019	<a href="#">21</a>	CASE MANAGEMENT ORDER This case is assigned to Track: 1: Expedited. Motion to Join Parties due by 11/15/2019. Discovery Completion due by 2/3/2020. Non-Dispositive Motions due by 2/10/2020. Dispositive Motions due by 2/10/2020. Bench Trial set for 4/6/2020 01:30 PM in Courtroom 3N - St. Louis before District Judge Stephen N. Limbaugh Jr. Motion in Limine due by 3/27/2020. SEE ORDER FOR ADDITIONAL DEADLINES. Signed by District Judge Stephen N. Limbaugh, Jr on 10/10/19. (CMH) (Entered: 10/10/2019)
10/10/2019	<a href="#">22</a> <a href="#">R</a>	PRELIMINARY INJUNCTION re: <a href="#">3</a> MOTION for Preliminary Injunction filed by Plaintiff Robert A. Fernandez. IT IS HEREBY ORDERED that St. Louis County, Missouri is enjoined from enforcement of its Vagrancy Ordinance No. 3729, enacted 10-28-1965, and codified at Sections 716.080 and 716.090 of the St. Louis County Revised Ordinances. Signed by District Judge Stephen N. Limbaugh, Jr on 10/10/19. (CMH) (Entered: 10/10/2019)
11/12/2019	<a href="#">23</a> <a href="#">R</a>	MOTION for Preliminary Injunction <i>Renewed motion based on New Eighth Circuit Authority</i> by Plaintiff Robert A. Fernandez. (Attachments: # <a href="#">1</a> Exhibit Exhibit 1 - Rodgers v. Bryant)(Eastwood, Hugh) Modified on 12/29/2020 (MRS). (Entered: 11/12/2019)
11/18/2019	<a href="#">24</a> <a href="#">R</a>	MEMORANDUM in Opposition re <a href="#">23</a> <a href="#">R</a> MOTION for Preliminary Injunction <i>Renewed motion based on New Eighth Circuit Authority</i> filed by Defendant St. Louis County. (Levin, Linda) (Entered: 11/18/2019)
11/19/2019	<a href="#">25</a>	REPLY to Response to Motion re <a href="#">23</a> <a href="#">R</a> MOTION for Preliminary Injunction <i>Renewed motion based on New Eighth Circuit Authority</i> filed by Plaintiff Robert A. Fernandez. (Schock, W.) (Entered: 11/19/2019)
12/27/2019	<a href="#">26</a>	NOTICE by Plaintiff Robert A. Fernandez <i>Plaintiffs Memorandum re: Dismissal of Underlying Criminal Cases</i> (Attachments: # <a href="#">1</a> Exhibit Exhibit 1 - Order)(Eastwood, Hugh) (Entered: 12/27/2019)
01/22/2020	<a href="#">27</a>	MOTION for Leave to file Additional Memorandum by Plaintiff Robert A. Fernandez. (Schock, W.) (Entered: 01/22/2020)
01/22/2020	<a href="#">28</a>	MEMORANDUM in Support of Motion re <a href="#">23</a> <a href="#">R</a> MOTION for Preliminary Injunction <i>Renewed motion based on New Eighth Circuit Authority</i> filed by Plaintiff Robert A. Fernandez. (Attachments: # <a href="#">1</a> Exhibit St. Louis County Memorandum of 10/29/19)(Schock, W.) (Entered: 01/22/2020)
01/23/2020	29	Docket Text ORDER: Re: <a href="#">27</a> MOTION for Leave to file Additional Memorandum by Plaintiff Robert A. Fernandez. (Schock, W.) filed by Robert A. Fernandez; ORDERED GRANTED. Signed by District Judge Stephen N. Limbaugh, Jr on 01/23/20. (CMH) (Entered: 01/23/2020)
01/28/2020	<a href="#">30</a>	ENTRY of Appearance by Robert C. Moore for Defendant St. Louis County. (Moore, Robert) (Entered: 01/28/2020)
01/29/2020	<a href="#">31</a>	MEMORANDUM in Opposition re <a href="#">23</a> <a href="#">R</a> MOTION for Preliminary Injunction <i>Renewed motion based on New Eighth Circuit Authority</i> filed by Defendant St. Louis County. (Levin, Linda) (Entered: 01/29/2020)
02/03/2020	<a href="#">32</a> <a href="#">R</a>	REPLY to Response to Motion re <a href="#">23</a> <a href="#">R</a> MOTION for Preliminary Injunction <i>Renewed motion based on New Eighth Circuit Authority</i> filed by Plaintiff Robert A. Fernandez. (Schock, W.) (Entered: 02/03/2020)
02/10/2020	<a href="#">33</a> <a href="#">R</a>	MOTION for Judgment on the Pleadings by Defendant St. Louis County. (Levin, Linda) (Entered: 02/10/2020)
02/10/2020	<a href="#">34</a>	MEMORANDUM in Support of Motion re <a href="#">33</a> <a href="#">R</a> MOTION for Judgment on the Pleadings filed by Defendant St. Louis County. (Attachments: # <a href="#">1</a> <a href="#">R</a> Exhibit Affidavit of Jericka Johnson)(Levin, Linda) (Entered: 02/10/2020)
02/21/2020	<a href="#">35</a>	MEMORANDUM in Opposition re <a href="#">33</a> <a href="#">R</a> MOTION for Judgment on the Pleadings filed by Plaintiff Robert A. Fernandez. (Eastwood, Hugh) (Entered: 02/21/2020)
02/21/2020	<a href="#">36</a>	MOTION to Exclude Affidavit of Jericka Johnson by Plaintiff Robert A. Fernandez. (Eastwood, Hugh) (Entered: 02/21/2020)
03/03/2020	37	ELECTRONIC MINUTE ENTRY (no pdf attached) for proceedings held before District Judge Stephen N. Limbaugh, Jr: Telephone Conference held on 3/3/2020. (proceedings started: 11:16 A.M.) (proceedings ended: 11:28 A.M.) (Appearance for Plaintiff: Hugh Eastwood and W. Beavis Shock) (Appearance for Defendant: Linda Levin and Robert Moore) (CMH) (Entered: 03/03/2020)
03/03/2020	38	Docket Text ORDER: On the Court's own motion case continued for Bench Trial on Monday, June 15th and Tuesday, June 16th at 10:00 a.m in Courtroom 3N. Bench Trial set for 6/15/2020 10:00 AM in Courtroom 3N - St. Louis before District Judge Stephen N. Limbaugh Jr. Signed by District Judge Stephen N. Limbaugh, Jr on 03/03/20. (CMH) (Entered: 03/03/2020)
03/03/2020	<a href="#">39</a>	REPLY to Response to Motion re <a href="#">33</a> <a href="#">R</a> MOTION for Judgment on the Pleadings filed by Defendant St. Louis County. (Levin, Linda) (Entered: 03/03/2020)
03/09/2020	40	Docket Text ORDER: Re: <a href="#">3</a> MOTION for Preliminary Injunction by Plaintiff Robert A. Fernandez. (Attachments: # <a href="#">1</a> Attachment Plaintiff's Memorandum in Support of his Motion for Preliminary Injunction)(Schock, W.) filed by Robert A. Fernandez; ORDERED DENIED as moot in view of the renewed motion for preliminary injunction Doc. #23. Signed by District Judge Stephen N. Limbaugh, Jr on 03/09/2020. (CMH) (Entered: 03/09/2020)

05/18/2020	41	Docket Text ORDER: Status Conference set for 5/28/2020 10:30 AM in Telephone Conference in Chambers before District Judge Stephen N. Limbaugh Jr.. Signed by District Judge Stephen N. Limbaugh, Jr on 05/18/20. (CMH) (Entered: 05/18/2020)
05/18/2020	<a href="#">42</a> 	MEMORANDUM AND ORDER re: <a href="#">36</a> MOTION to Exclude Affidavit of Jericka Johnson filed by Plaintiff Robert A. Fernandez, <a href="#">33</a>  MOTION for Judgment on the Pleadings filed by Defendant St. Louis County. IT IS HEREBY ORDERED that plaintiff's motion to exclude the affidavit of Jericka Johnson (ECF #36) is GRANTED. IT IS FURTHER ORDERED that defendant St. Louis County's motion for judgment on the pleadings (#33) is DENIED. Signed by District Judge Stephen N. Limbaugh, Jr. on 5/18/20. (CSG) (Entered: 05/18/2020)
05/26/2020	<a href="#">43</a>	ENTRY of Appearance by Steven J Capizzi for Defendant St. Louis County. (Capizzi, Steven) (Entered: 05/26/2020)
05/26/2020	<a href="#">44</a>	Stipulation of Uncontested Facts by Plaintiff Robert A. Fernandez. (Schock, W.) (Entered: 05/26/2020)
05/26/2020	<a href="#">45</a>	Exhibit List by Plaintiff Robert A. Fernandez. (Schock, W.) (Entered: 05/26/2020)
05/26/2020	<a href="#">46</a>	Deposition Designations by Plaintiff Robert A. Fernandez.. (Schock, W.) (Entered: 05/26/2020)
05/26/2020	<a href="#">47</a>	WITNESS LIST by Plaintiff Robert A. Fernandez. (Schock, W.) (Entered: 05/26/2020)
05/26/2020	<a href="#">48</a>	WITNESS LIST by Defendant St. Louis County. (Moore, Robert) (Entered: 05/26/2020)
05/26/2020	<a href="#">49</a>	Exhibit List by Defendant St. Louis County. (Moore, Robert) (Entered: 05/26/2020)
05/26/2020	<a href="#">50</a>	Deposition Designations by Defendant St. Louis County.. (Moore, Robert) (Entered: 05/26/2020)
05/28/2020		ELECTRONIC MINUTE ENTRY (no pdf attached) for proceedings held before District Judge Stephen N. Limbaugh, Jr: Status Conference held on 5/28/2020. (proceedings started: 10:31 A.M.) (proceedings ended: 10:47 A.M.)(Appearance for Plaintiff: Hugh Eastwood & Bevis Shock)(Appearance for Defendant: Linda Levin, Robert Moore & Steven Capizzi) (CMH) (Entered: 05/28/2020)
05/28/2020	<a href="#">51</a>	SCHEDULING ORDER: IT IS HEREBY ORDERED that this case be reset for Bench Trial on Thursday, September 10, 2020 at 10:30 a.m. in Courtroom 3N of the Thomas F. Eagleton United States Courthouse. Bench Trial set for 9/10/2020 10:30 AM in Courtroom 3N - St. Louis before District Judge Stephen N. Limbaugh Jr. Signed by District Judge Stephen N. Limbaugh, Jr on 05/28/20. (CMH) (Entered: 05/28/2020)
08/19/2020	52	Docket Text ORDER: Status Conference set for 8/21/2020 10:15 AM in Telephone Conference in Chambers before District Judge Stephen N. Limbaugh Jr.. Signed by District Judge Stephen N. Limbaugh, Jr on 08/19/20. (CMH) (Entered: 08/19/2020)
08/19/2020	<a href="#">53</a>	TRIAL BRIEF by Plaintiff Robert A. Fernandez. (Schock, W.) (Entered: 08/19/2020)
08/21/2020	<a href="#">54</a>	ORDER: Conference call held this day with Court and counsel for all parties participating. By agreement of the parties, the case is removed from the trial setting of September 10, 2020, and the case will be submitted by that date on a stipulated record and briefs. Signed by District Judge Stephen N. Limbaugh, Jr on 08/21/20. (CMH) (Entered: 08/21/2020)
09/10/2020	<a href="#">55</a>	TRIAL BRIEF of the Solicitor License, Damages, and Attorney's Fees by Plaintiff Robert A. Fernandez. (Schock, W.) (Entered: 09/10/2020)
09/10/2020	<a href="#">56</a>	Exhibit List by Plaintiff Robert A. Fernandez. (Attachments: # <a href="#">1</a> Exhibit Ex. 1.Website version of County Code Chapter 804, # <a href="#">2</a> Exhibit Ex.2. Certified Copy of Ordinance No. 6201, # <a href="#">3</a> Exhibit Ex.3. Certified copy of Ordinance No. 13091, # <a href="#">4</a> Exhibit Ex. 4. Certified copy of Ordinance No. 14,722, # <a href="#">5</a> Exhibit Ex.5. Certified copy of Ordinance No. 21,507, # <a href="#">6</a> Exhibit Ex.6.Certified copy of Ordinance No. 20,361, # <a href="#">7</a> Exhibit Ex.7.Certified copy of Ordinance No. 21,028, # <a href="#">8</a> Exhibit Ex.8. Certified copy of Ordinance No. 21,613, # <a href="#">9</a> Exhibit Ex.9. Certified copy of Ordinance No. 21,834, # <a href="#">10</a> Exhibit Ex.10. Certified copy of Ordinance No. 22,767, # <a href="#">11</a> Exhibit Ex.11. Certified copy of Ordinance No. 23,112, # <a href="#">12</a> Exhibit Ex.12. Certified copy of Ordinance No. 23,268, # <a href="#">13</a> Exhibit Ex.13. Certified copy of Ordinance No. 23,7313, # <a href="#">14</a> Exhibit Ex.14. Certified copy of Ordinance No. 24,089, # <a href="#">15</a> Exhibit Ex.15. Certified copy of Ordinance No. 24,769, # <a href="#">16</a> Exhibit Ex.16. Certified copy of Ordinance No. 25,013, # <a href="#">17</a> Exhibit Ex.17. Certified copy of Ordinance No. 25,277, # <a href="#">18</a> Exhibit Ex.18. Certified copy of Ordinance No. 25,559, # <a href="#">19</a> Exhibit Ex.19. Certified copy of Ordinance No. 27,173, # <a href="#">20</a> Exhibit Ex.20. County Website "Peddler/Commercial Solicitor/Street Vendor License Requirement", # <a href="#">21</a> Exhibit Ex.21. CountyPolice website "Background Checks:.", # <a href="#">22</a> Exhibit Ex.22. Application for Peddler/Commercial Solicitor under Chapter 804, # <a href="#">23</a> Exhibit Ex.23. Website for County Code Sections, # <a href="#">24</a> Exhibit Ex.24.Certified copy of Ordinance No. 12347, # <a href="#">25</a> Exhibit Ex.25. Certified copy of Ordinance No. 26,424, # <a href="#">26</a> Exhibit Ex.26. Website for County Code Chapter 716, # <a href="#">27</a> Exhibit Ex.27. Certified copy of Ordinance No. 3729, # <a href="#">28</a> Exhibit Ex.28. Solicitor License No. 3371, # <a href="#">29</a> Exhibit Ex.29. Record of 39 citations in St. Louis County, # <a href="#">30</a> Exhibit Ex.30. Email from Asst. County Counselor Andi Alper, # <a href="#">31</a> Exhibit Ex.31. Nolle Prosequi Memorandum dated May 9, 2019, # <a href="#">32</a> Exhibit Ex.32. Photograph A, # <a href="#">33</a> Exhibit Ex.33. Photograph B, # <a href="#">34</a> Exhibit Ex.34. Photograph C, # <a href="#">35</a> Exhibit Ex.35.Google Map of Intersection, # <a href="#">36</a> Exhibit Ex.36. Same Google Map zoomed in, # <a href="#">37</a> Exhibit Ex.37. Affidavit of Plaintiff, # <a href="#">38</a> Exhibit Ex.38. Additional citations, # <a href="#">39</a> Exhibit Ex.39. Fernandez motion to dismiss in county municipal court, # <a href="#">40</a> Exhibit Ex.40. Order on Motion to dismiss in County, # <a href="#">41</a> Exhibit Ex.41. Demonstrative Spreadsheet showing all relevant citations, # <a href="#">42</a> Exhibit Ex.42. Demonstrative spreadsheet showing length of seizure, # <a href="#">43</a> Exhibit Ex.43. Fernandez medical records, # <a href="#">44</a> Exhibit Ex.44. Schock timesheet, # <a href="#">45</a> Exhibit Ex.45. Eastwood Timesheet, # <a href="#">46</a> Exhibit Ex.46. Schock Affidavit, # <a href="#">47</a> Exhibit Ex.47. Pleban Affidavit, # <a href="#">48</a> Exhibit Ex.48. Herman Affidavit, # <a href="#">49</a> Exhibit Ex.49. Eastwood Affidavit, # <a href="#">50</a> Exhibit Ex.50. Fry Affidavit, # <a href="#">51</a> Exhibit Ex.51. Hoell Affidavit, # <a href="#">52</a> Exhibit Ex.52. Billing Rates Missouri Lawyers Weekly 2019)(Schock, W.) (Entered: 09/10/2020)
09/10/2020	<a href="#">57</a>	Stipulation of Uncontested Facts by Plaintiff Robert A. Fernandez. (Schock, W.) (Entered: 09/10/2020)
09/10/2020	<a href="#">58</a> 	TRIAL BRIEF by Defendant St. Louis County. (Moore, Robert) (Entered: 09/10/2020)



09/10/2020	<a href="#"><u>59</u></a>	Exhibit List <i>For Trial Brief</i> by Defendant St. Louis County. (Attachments: # <a href="#"><u>1</u></a> Exhibit Exhibit A - Audio Disc, # <a href="#"><u>2</u></a> Exhibit Exhibit B - Report 18-33253, # <a href="#"><u>3</u></a> Exhibit Exhibit C - Report 19-49564, # <a href="#"><u>4</u></a> Exhibit Exhibit D - Plaintiff Deposition, # <a href="#"><u>5</u></a> Exhibit Exhibit E - CAD call log, # <a href="#"><u>6</u></a> Exhibit Exhibit F - Report 19-43909, # <a href="#"><u>7</u></a> Exhibit Exhibit G - Report 19-40240, # <a href="#"><u>8</u></a> Exhibit Exhibit H - Report 18-9201, # <a href="#"><u>9</u></a> Exhibit Exhibit I - Report 17-6310, # <a href="#"><u>10</u></a> Exhibit Exhibit J - Report 19-13856) (Moore, Robert) (Entered: 09/10/2020)
09/10/2020	<a href="#"><u>60</u></a>	MOTION for Leave to File in Excess of Page Limitation by Defendant St. Louis County. (Moore, Robert) (Entered: 09/10/2020)
09/10/2020	<a href="#"><u>61</u></a>	Exhibit List <i>Affidavits for Trial Brief</i> by Defendant St. Louis County. (Attachments: # <a href="#"><u>1</u></a> Affidavit Affidavit - Kriska, # <a href="#"><u>2</u></a> Affidavit Affidavit - Dolly, # <a href="#"><u>3</u></a> Affidavit Affidavit - Schneider)(Moore, Robert) (Entered: 09/10/2020)
09/10/2020	<a href="#"><u>62</u></a>	MOTION for Leave to <i>Trial Brief of the Solicitor License, Damages, and Attorneys Fees</i> file Excess Pages by Plaintiff Robert A. Fernandez. (Eastwood, Hugh) (Entered: 09/10/2020)
09/11/2020	63	Docket Text ORDER: Re: <a href="#"><u>62</u></a> MOTION for Leave to <i>Trial Brief of the Solicitor License, Damages, and Attorneys Fees</i> file Excess Pages by Plaintiff Robert A. Fernandez. (Eastwood, Hugh) filed by Robert A. Fernandez ; ORDERED GRANTING. Signed by District Judge Stephen N. Limbaugh, Jr on 9/11/20. (CMH) (Entered: 09/11/2020)
09/11/2020	64	Docket Text ORDER: Re: <a href="#"><u>60</u></a> MOTION for Leave to File in Excess of Page Limitation by Defendant St. Louis County. (Moore, Robert) filed by St. Louis County ; ORDERED GRANTING. Signed by District Judge Stephen N. Limbaugh, Jr on 09/11/20. (CMH) (Entered: 09/11/2020)
09/23/2020	65	Docket Text ORDER: The parties have submitted briefing and stipulated facts, most of which they agree on. However, there is a clear disagreement about the extent of Fernandez's use of the roadway separate and apart from sidewalks, curbs, and/or medians. Fernandez embraces that he may briefly step into the curbside or shoulder of the roadway when the light is red to complete his receipt of a donation. Police contend, by affidavit, that they have seen plaintiff walk into the traffic lanes, including the second lane of traffic, in order to get donations from vehicles a practice both parties acknowledge can slow traffic and create dangerous situations when the light turns green. This Court notes that the relevant ordinance, Section 1209.090, prohibits persons from stand[ing] in a roadway for the purpose of soliciting[,] which earlier ordinances such as Section 1209.080 distinguish from sidewalks and shoulders. The citation spreadsheet (exhibit 41) does not indicate whether citations were issued for standing in or otherwise obstructing the roadway itself, as opposed to being cited for using the sidewalk, median, or shoulders to solicit. But, given its plain language, Section 1209.090 appears to prohibit conduct separate and apart from that which plaintiff says he was engaged in that is, soliciting from the safety of a median or sidewalk. This distinction plays greatly into the County's rationale about traffic safety. Indeed, Fernandez expressly acknowledges that he is not asking this Court to extend novel protections to his ability to meander through the travel lanes within the roadway. (emphasis in original). And this Court takes the parties' arguments to mean that Fernandez is not being arbitrarily cited for violation of Section 1209.090 for the brief moment it takes to step away from the sidewalk or median to receive money from a car window. The parties are hereby ordered, within seven (7) days, to provide additional briefing regarding the limited scope of Section 1209.090 (limited to stand[ing] in the roadway) and how this pertains to Fernandez's arguments that his constitutional rights have been violated for having used, instead, the wide sidewalk median area to engage in solicitation. Signed by District Judge Stephen N. Limbaugh, Jr on 09/23/20. (CMH) (Entered: 09/23/2020)
09/30/2020	<a href="#"><u>66</u></a>	TRIAL BRIEF <i>Plaintiffs Additional Briefing on Limited Scope of Section 1209.090</i> by Plaintiff Robert A. Fernandez. (Eastwood, Hugh) (Entered: 09/30/2020)
09/30/2020	<a href="#"><u>67</u></a>	Exhibit List <i>For Supplemental Trial Brief</i> by Defendant St. Louis County. (Attachments: # <a href="#"><u>1</u></a> Exhibit Police Report 18-60180, # <a href="#"><u>2</u></a> Exhibit Police Report 19-13698, # <a href="#"><u>3</u></a> Exhibit Police Report 20-1918, # <a href="#"><u>4</u></a> Exhibit Police Report 20-2226, # <a href="#"><u>5</u></a> Exhibit Police Report 18-30542, # <a href="#"><u>6</u></a> Exhibit Police Report 19-40534, # <a href="#"><u>7</u></a> Exhibit Police Report 18-23420, # <a href="#"><u>8</u></a> Exhibit Police Report 17-2325, # <a href="#"><u>9</u></a> Exhibit Police Report 46743, # <a href="#"><u>10</u></a> Exhibit Police Report 18-65482, # <a href="#"><u>11</u></a> Exhibit Plaintiff's Deposition, # <a href="#"><u>12</u></a> Exhibit Police Report 19-40240, # <a href="#"><u>13</u></a> Exhibit Police Report 17-6310, # <a href="#"><u>14</u></a> Affidavit Craig Kriska Affidavit)(Moore, Robert) (Entered: 09/30/2020)
09/30/2020	<a href="#"><u>68</u></a> <a href="#"><u>R</u></a>	TRIAL BRIEF <i>Supplemental Trial Brief</i> by Defendant St. Louis County. (Moore, Robert) (Entered: 09/30/2020)
10/13/2020	<a href="#"><u>69</u></a> <a href="#"><u>R</u></a>	ORDER re <a href="#"><u>12</u></a> MOTION for Hearing re <a href="#"><u>3</u></a> MOTION for Preliminary Injunction <i>Plaintiffs Motion for Preliminary Injunction Hearing Date, Relief from Order setting Rule 16 Conference, and Reply to Defendants Memorandum in Opposition to Plaintiffs Motion filed by Robert A. Fernandez. Plaintiff's motion for hearing on his preliminary injunction (ECF #12) and motion for preliminary injunction (ECF #23) are DENIED AS MOOT. Signed by District Judge Stephen N. Limbaugh, Jr on 10/13/20. (CSG) (Entered: 10/13/2020)</i>
05/11/2021	<a href="#"><u>70</u></a> <a href="#"><u>R</u></a>	MEMORANDUM AND ORDER: IT IS HEREBY ORDERED, ADJUDGED, and DECREED that judgment will be entered in plaintiff Robert Fernandez's favor on Counts I, II, III, and V of plaintiff's complaint [Doc. #1]. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that judgment will be entered in defendant St. Louis County's favor on Counts IV and VI of plaintiff's complaint [Doc. #1]. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the following provisions will be severed from the St. Louis County Peddlers and Solicitors Code, Chapter 804, and defendant is prohibited from enforcing them: (1) the prohibition on soliciting property or financial assistance of any kind without a license, as contained in sections 804.030(4)(c)(i) and 804.050; and (2) section 804.165, Restriction of Solicitation at Designated Intersections. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that section 1209.090.1 will be severed from the St. Louis County Traffic Code, Chapter 1209, and defendant is prohibited from enforcing section 1209.090.1. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that sections 716.080 and 716.090 will be severed from the St. Louis County Petty Offenses Code, Chapter 716, and defendant is prohibited from enforcing sections 716.080 and 716.090. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that plaintiff is entitled to damages from defendant in the amount of \$150,000.00. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that plaintiff is entitled to attorneys' fees and costs from defendant under 42 U.S.C. § 1988 in the amount of \$138,515.00. A separate judgment will issue. Signed by District Judge Stephen N. Limbaugh, Jr on 05/11/2021. (CMH) (Entered: 05/11/2021)

05/11/2021	<a href="#">71</a>	JUDGMENT: In accordance with the memorandum and order entered today, and Fed. R. Civ. P. 58, JUDGMENT is hereby granted as follows: On Count I, in favor of plaintiff and against defendant. The following provisions are hereby severed from the St. Louis County Peddlers and Solicitors Code, Chapter 804, and defendant is prohibited from enforcing them: (1) the prohibition on soliciting property or financial assistance of any kind without a license, as contained in sections 804.030(4)(c) (i) and 804.050; and (2) section 804.165, Restriction of Solicitation at Designated Intersections. On Count II, in favor of plaintiff and against defendant. Section 1209.090.1 is hereby severed from the St. Louis County Traffic Code, Chapter 1209, and defendant is prohibited from enforcing section 1209.090.1. On Count III, in favor of plaintiff and against defendant. Sections 716.080 and 716.090 are hereby severed from the St. Louis County Petty Offenses Code, Chapter 716, and defendant is prohibited from enforcing sections 716.080 and 716.090. Signed by District Judge Stephen N. Limbaugh, Jr on 05/11/2021. (CMH) (Entered: 05/11/2021)
05/17/2021	<a href="#">72</a>	MOTION for Bill of Costs by Plaintiff Robert A. Fernandez. (Schock, W.) (Entered: 05/17/2021)
06/17/2021	<a href="#">73</a>	NOTICE Satisfaction of Judgment: by Plaintiff Robert A. Fernandez (Schock, W.) (Entered: 06/17/2021)
06/18/2021	<a href="#">74</a>	Bill of Costs Taxed in amount of \$ 781.00 against St. Louis County <a href="#">72</a> MOTION for Bill of Costs filed by Robert A. Fernandez. (CMH) (Entered: 06/18/2021)

PACER Service Center			
Transaction Receipt			
07/11/2021 20:59:47			
<b>PACER Login:</b>	CRClearinghouse	<b>Client Code:</b>	Eric Gripp
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	4:19-cv-01638-SNLJ
<b>Billable Pages:</b>	9	<b>Cost:</b>	0.90