Case: 2:06-cv-2249 As of: 09/20/2012 04:31 PM CDT 1 of 8

CLOSED

U.S. District Court Western District of Tennessee (Memphis) CIVIL DOCKET FOR CASE #: 2:06-cv-02249-BBD-tmp

Jackson v. Novastar Mortgage, Inc. Assigned to: Judge Bernice B. Donald Referred to: Magistrate Judge Tu M. Pham

Cause: 42:405 Fair Housing Act

Nature of Suit: 443 Civil Rights: Accomodations Jurisdiction: Federal Question

Date Filed: 04/28/2006 Date Terminated: 12/23/2008

Jury Demand: Plaintiff

Plaintiff

Mae Jackson

individually and on behalf of all others similarly situated

represented by Andrew S. Friedman

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Case: 2:06-cv-2249 As of: 09/20/2012 04:31 PM CDT 2 of 8

901–527–4673 Fax: 901–521–0940

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V.

Defendant

Novastar Mortgage, Inc.

represented by **Bruce E. Alexander**

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LEAD ÂTTORNÊY

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Counter Claimant

Novastar Mortgage, Inc.

represented by Bruce E. Alexander

(See above for address)

LEAD ATTORNEY

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ATTORNEY TO BE NOTICED

Mitchel H. Kider

(See above for address)

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R. Porter Feild

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

V.

Counter Defendant

Mae Jackson

individually and on behalf of all others similarly situated

represented by Andrew S. Friedman

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Case: 2:06-cv-2249 As of: 09/20/2012 04:31 PM CDT 3 of 8

B. J. Wade

(See above for address) LEAD ATTORNEY ATTORNEY TO BE NOTICED

J. Andrew Meyer

(See above for address)

LEAD ATTORNEY

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Wendy J Harrison

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Thomas E. Clary , III (See above for address) *ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
04/28/2006	1	COMPLAINT against Novastar Mortgage, Inc. (Filing fee \$ 350.00), filed by Mae Jackson. (Attachments: #_1 Civil Cover Sheet)(cas) (Entered: 05/01/2006)
05/01/2006		Case initiation fee of \$350.00 received. Receipt number M101247 (cas) (Entered: 05/02/2006)
06/13/2006		Summons Issued as to Novastar Mortgage, Inc (cas) (Entered: 06/22/2006)
06/19/2006	2	SUMMONS Returned Executed by Mae Jackson. Novastar Mortgage, Inc. served on 6/15/2006, answer due 7/5/2006. (Wade, B.) (Entered: 06/19/2006)
06/30/2006	<u>3</u>	MOTION for Extension of Time to File <i>Motion to Dismiss and for Leave to Exceed the Limit of Twenty Pages</i> by Novastar Mortgage, Inc (Attachments: #_1 Memorandum in Support of Motion for Extension of Time to File Motion to Dismiss and for Leave to Exceed the Limit of Twenty Pages#_2 Certificate of Consultation)(Alexander, Bruce) (Entered: 06/30/2006)
07/05/2006	4	COURTESY NOTICE: Pursuant to Rule 5 of the Federal Rules of Civil Procedure, document 3 MOTION for Extension of Time to File <i>Motion to Dismiss and for Leave to Exceed the Limit of Twenty Pages</i> filed by Novastar Mortgage, Inc., has been filed. For future reference, please note all signatures must reflect s/ atty name Filer is not required to resubmit document. (jml,) (Entered: 07/05/2006)
07/07/2006	<u>5</u>	ORDER Granting 3 Motion for Extension of Time to File Motion to Dismiss and for Leave to Exceed the Limit of 20 pages. NovaStar may file its motion to dismiss plaintiffs' complaint on or before 8/15/06. NovaStar's Memo in Spt may exceed 20 pages, but may not exceed 25 pages. Signed by Judge Tu M. Pham on 7/7/06. (Pham, Tu) (Entered: 07/07/2006)
08/15/2006	<u>6</u>	MOTION to Dismiss <i>Plaintiff's Complaint [proposed order submitted]</i> by Novastar Mortgage, Inc (Attachments: #_1 Memorandum in Support of Motion to Dismiss#_2 Exhibit 1 to Memorandum – Uniform Residential Loan Application#_3 Exhibit 2 to Memorandum – Voluntary Petition#_4 Exhibit 3 to Memorandum – Note#_5 Exhibit 4 to Memorandum – Settlement Statement#_6 Exhibit 5 to Memorandum – Notice of Assignment, Sale, or Transfer of Servicing Rights#_7 Exhibit 6 to Memorandum – Waiver of Escrow#_8 Exhibit 7 to Memorandum – Correspondent Agreement#_9 Exhibit 8 to Memorandum – Cases#_10 Exhibit 9 to Memorandum – Plaintiff's Amended Responses to NovaStar's First Set of Interrogatories and Requests for Production of Documents)(Alexander, Bruce) (Entered: 08/15/2006)
08/21/2006	7	SETTING LETTER: Scheduling Conference set for 9/14/2006 10:15 AM in Courtroom 6 – Memphis before Tu M. Pham. (bdg,) (Entered: 08/21/2006)

Case: 2:06-cv-2249 As of: 09/20/2012 04:31 PM CDT 4 of 8

09/06/2006	8	MOTION for Extension of Time to File Response/Reply as to 6 MOTION to Dismiss <i>Plaintiff's Complaint [proposed order submitted] proposed order submitted</i> by Mae Jackson. (Attachments: #1 Certificate of Consultation #2 Memorandum In Support of Plaintiff's Unopposed Motion for Extension of Time to File an Opposition to Defendant's Motion to Dismiss Plaintiff's Complaint)(Wade, B.) (Entered: 09/06/2006)
09/08/2006	9	MOTION for Postponement of the Rule 16 Scheduling Conference [Unopposed] [proposed order submitted] by Novastar Mortgage, Inc (Attachments: #1 Memorandum in Support of Unopposed Motion for Postponement of the Rule 16 Scheduling Conference#2 Certificate of Consultation)(Alexander, Bruce) (Entered: 09/08/2006)
09/12/2006	10	ORDER Granting in Part 9 Motion for Postponement of Rule 16 Scheduling Conference. The Scheduling Conference is postponed until 11/16/06 at 9:30 and discovery in this action is stayed until further order of the Court. Signed by Judge Tu M. Pham on 9/12/06. (Pham, Tu) Modified on 9/12/2006 (wmw,). (Entered: 09/12/2006)
09/12/2006		Set Deadlines/Hearings: Scheduling Conference set for 11/16/2006 09:30 AM before Bernice B. Donald. (jml,) (Entered: 09/13/2006)
10/04/2006	<u>11</u>	MOTION for Leave to File Excess Pages <i>proposed order submitted</i> by Mae Jackson. (Attachments: #_1 Certificate of Consultation)(Wade, B.) (Entered: 10/04/2006)
10/05/2006	<u>13</u>	MOTION for Leave to Appear Pro Hac Vice by Mae Jackson as to Wendy Harrison. Proposed order submitted. (Attachments: #1 Certificate of Good Standng#2 Certificate of Consultation#3 Declaration)*FILNG FEE HAS BEEN PAID*(jml,) (Entered: 10/12/2006)
10/10/2006	<u>12</u>	MOTION for Leave to File Excess Pages <i>proposed order previously submitted</i> by Mae Jackson. (Attachments: #_1 Certificate of Consultation)(Wade, B.) (Entered: 10/10/2006)
10/12/2006	<u>14</u>	MOTION for Leave to Appear Pro Hac Vice by Mae Jackson. Proposed Order Submitted. (Attachments: #1 Certificate of Good Standing#2 Certificate of Consultation#3 Declaration)*FILING FEE HAS BEEN PAID*(jml,) (Entered: 10/13/2006)
10/16/2006	<u>15</u>	ORDER granting 14 Motion of Andrew S. Friedman for Leave to Appear Pro Hac Vice . Signed by Judge Bernice B. Donald on 10/16/2006. (Donald, Bernice) (Entered: 10/16/2006)
10/16/2006	<u>16</u>	ORDER granting 13 Motion of B.J. Wade requesting admission of Wendy J. Harrison Pro Hac Vice . Signed by Judge Bernice B. Donald on 10/16/2006. (Donald, Bernice) (Entered: 10/16/2006)
10/16/2006	<u>17</u>	RESPONSE in Opposition re 6 MOTION to Dismiss <i>Plaintiff's Complaint</i> [proposed order submitted] filed by Mae Jackson. (Attachments: #1 Affidavit Tom Clary#2 Exhibit A – Clary Affidavit#3 Exhibit B – Affidavit – Clary#4 Exhibit C – Affidavit – Clary#5 Exhibit 2#6 Exhibit 3#7 Exhibit 4#8 Exhibit 5#9 Exhibit 6#10 Exhibit 7)(Wade, B.) (Entered: 10/16/2006)
11/06/2006	<u>18</u>	MOTION for Protective Order by Novastar Mortgage, Inc (Alexander, Bruce) (Entered: 11/06/2006)
11/06/2006	<u>19</u>	MOTION for Protective Order <i>Memorandum in Support of</i> by Novastar Mortgage, Inc (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3)(Alexander, Bruce) (Entered: 11/06/2006)
11/06/2006	<u>20</u>	NOTICE by Novastar Mortgage, Inc. re 18 MOTION for Protective Order <i>Certificate of Consultation</i> (Alexander, Bruce) (Entered: 11/06/2006)
11/08/2006	21	COURTESY NOTICE: Pursuant to Rule 5 of the Federal Rules of Civil Procedure, document 20 Notice (Other) filed by Novastar Mortgage, Inc., 19 MOTION for Protective Order <i>Memorandum in Support of</i> filed by Novastar Mortgage, Inc., has been filed. For future reference, please note that document #19 was submitted as a motion, although it is a memoranadum in support of document #18. Also, #19 and

Case: 2:06-cv-2249 As of: 09/20/2012 04:31 PM CDT 5 of 8

		#20 should have been submitted as an attached document to the motion receiving only one docket entry number. #19 and will be termed. For questions please call 901–495–1505 Filer is not required to resubmit document. (jml,) (Entered: 11/08/2006)
11/10/2006	22	MOTION for Leave to File A Reply Brief in Support of Its Motion to Dismiss Plaintiff's Complaint by Novastar Mortgage, Inc (Attachments: #_1 Exhibit Memorandum in Support of Its Motion to Dismiss Plaintiff's Complaint (Exh A)#_2 Exhibit to Memorandum in Support of Its Motion to Dismiss Plaintiff's Complaint (Exh 1)#_3 Exhibit to Memorandum in Support of Its Motion to Dismiss Plaintiff's Complaint (Exh 2)#_4 Exhibit to Memorandum in Support of Its Motion to Dismiss Plaintiff's Complaint (Exh 3)#_5 Memorandum In Support of Its Motion For Leave to File a Reply Brief)(Alexander, Bruce) (Entered: 11/10/2006)
11/10/2006	<u>23</u>	CERTIFICATE of Counsel re <u>22</u> MOTION for Leave to File <i>A Reply Brief in Support of Its Motion to Dismiss Plaintiff's Complaint</i> by Bruce E. Alexander on behalf of Novastar Mortgage, Inc. (Alexander, Bruce) (Entered: 11/10/2006)
11/15/2006	24	COURTESY NOTICE: Pursuant to Rule 5 of the Federal Rules of Civil Procedure, document 23 Certificate of Counsel filed by Novastar Mortgage, Inc., has been filed. For future reference, please note that the certificate of consultation should have been submitted as an attached document to the motion receiving only one docket entry number Filer is not required to resubmit document. (jml,) (Entered: 11/15/2006)
11/16/2006	25	Minute Entry for proceedings held before Judge Tu M. Pham: the parties pursuant to dft's motion for protective order jointly asked the court to stay all discovery until such time that the court decides the pending motion to dismiss. For good cause shown, the motion is granted. The parties shall contact the magistrate judge after the court decides the motion to dismiss to set the case for a sched conf, if necessary. Motion terminated: 18 (Tape #FTR.) (wmw,) (Entered: 11/16/2006)
11/20/2006	<u>26</u>	ORDER granting 12 Motion for Leave to File Excess Pages. Signed by Judge Bernice B. Donald on 11/20/2006. (Donald, Bernice) (Entered: 11/22/2006)
11/28/2006	27	(TEXT ONLY) – ORDER GRANTED (18) Motion for Protective Order. Signed by Judge Tu M. Pham on 11/28/06. (Pham, Tu) (Entered: 11/28/2006)
12/01/2006	28	PROTECTIVE ORDER. The parties shall contact the Magistrate Judge after the court decides the motion to dismiss to set the case for a scheduling conference, if necessary. Signed by Judge Tu M. Pham on 12/1/06. (Pham, Tu) (Entered: 12/01/2006)
12/01/2006	<u>29</u>	NOTICE by Mae Jackson re 17 Response in Opposition to Motion, <i>Notice of Recent Events Relative to Plaintiff's Opposition to NovaStar's Motion to Dismiss</i> (Attachments: #1 Exhibit A#2 Exhibit B#3 Exhibit C)(Clary, Thomas) (Entered: 12/01/2006)
12/14/2006	<u>30</u>	NOTICE by Novastar Mortgage, Inc. <i>Objection to Plaintiff's Notive of Recent Events</i> (Attachments: #_1 Tab 1 to Objection to Plaintiff's Notice of Recent Events# 2 Tab 2 to Objection to Plaintiff's Notice of Recent Events#_3 Tab 3 to Objection to Plaintiff's Notice of Recent Events)(Alexander, Bruce) (Entered: 12/14/2006)
02/23/2007		Motions No Longer Referred: <u>8</u> MOTION for Extension of Time to File Response/Reply as to <u>6</u> MOTION to Dismiss Plaintiff's Complaint [proposed order submittedproposed order submitted per Magistrate Judge Chambers motion removed from Magistrate Report (vlg) (Entered: 02/23/2007)
07/31/2007	31	ORDER Granting 8 Motion for Extension of Time to File Response/Reply to Defendant's 6 Motion to Dismiss. Responses due by 10/16/2006. Signed by Judge Bernice B. Donald on 07/31/07. (Donald, Bernice) (Entered: 07/31/2007)
07/31/2007	32	ORDER Granting Defendant's <u>22</u> Motion for Leave to File a Reply Brief in Support of its Motion to Dismiss. Reply due by 08/10/07. Signed by Judge Bernice B. Donald on 07/31/07. (Donald, Bernice) (Entered: 07/31/2007)
09/27/2007	<u>33</u>	ORDER denying <u>6</u> Motion to Dismiss. Signed by Judge Bernice B. Donald on 09/27/2007. (Donald, Bernice) (Entered: 09/27/2007)

Case: 2:06-cv-2249 As of: 09/20/2012 04:31 PM CDT 6 of 8

10/11/2007	<u>34</u>	SETTING LETTER: Scheduling Conference set for 10/25/2007 at 9:30 AM in Courtroom 6 – Memphis before Magistrate Judge Tu M. Pham. (bdg) (Entered: 10/11/2007)
10/15/2007	<u>35</u>	MOTION for Reconsideration re <u>33</u> Order on Motion to Dismiss <i>proposed order submitted</i> by Novastar Mortgage, Inc (Attachments: # <u>1</u> attachment)(Feild, R.) (Entered: 10/15/2007)
10/17/2007	<u>36</u>	MOTION to Extend Deadline <i>proposed order submitted</i> by Novastar Mortgage, Inc (Attachments: #1 Certificate of Consultation)(Feild, R.) (Entered: 10/17/2007)
10/18/2007	37	ORDER (TEXT ORDER ONLY – NO IMAGE ATTACHED) re <u>36</u> MOTION to Extend Deadline. Before the court is defendant's October 17 motion to continue the scheduling conference, which is currently set for October 25, 2007. The certificate of consultation states that plaintiff opposes the motion. The court will conduct a telephone hearing on the motion on October 25 at the previously set time for the scheduling conference. Counsel for defendant shall initiate the conference call. Signed by Magistrate Judge Tu M. Pham on 10/18/07. (Pham, Tu) (Entered: 10/18/2007)
10/23/2007	<u>38</u>	ORDER denying 35 Motion for Reconsideration. Signed by Judge Bernice B. Donald on 10/23/07.(Donald, Bernice) (Entered: 10/23/2007)
10/24/2007	<u>39</u>	SETTING LETTER: Telephonic Scheduling Conference reset for 11/15/2007 09:45 AM before Magistrate Judge Tu M. Pham. (wmw,) (Entered: 10/24/2007)
10/29/2007	<u>40</u>	NOTICE of Appearance by Thomas E. Clary, III on behalf of Mae Jackson (Clary, Thomas) (Entered: 10/29/2007)
11/06/2007	41	ANSWER to Complaint, COUNTERCLAIM against Mae Jackson by Novastar Mortgage, Inc(Alexander, Bruce) (Entered: 11/06/2007)
11/15/2007	42	Minute Entry for proceedings held before Magistrate Judge Tu M. Pham: Status/Sched Conference held on 11/15/2007. Parties submitted agreed scheduling order. Mr. Alexander stated that he believes it would be appropriate for the parties to limit their initial discovery to plt Jackson's claims and for the court to determine whether Ms Jackson should be class representative before the parties engage in any class discovery. The court directed Mr. Alexander to file a motion regarding his request for phase discovery. Attys present in courtroom: B.J. Wade &R. Feild; Attys via telephone: B. Alexander &J. Andrew Meyer (Tape #FTR.) (wmw,) (Entered: 11/15/2007)
11/15/2007	43	SCHEDULING ORDER: Plaintiff's Amended Pleadings due by 9/24/2008. Defendant's Amended Pleadings due 10/24/08. Discovery due by 1/23/2009. Plaintiff's Joinder of Parties due by 9/24/2008. Defendant's Joinder of Parties due 10/24/08. Dispositive Motions due by 3/23/2009. Jury trial expected to last seven (7) days. Signed by Magistrate Judge Tu M. Pham on 11/15/07. (Pham, Tu) Modified on 11/27/2007 (wmw,). (Entered: 11/15/2007)
11/27/2007		NOTICE: Scheduling Order <u>43</u> modified to reflect correct Plaintiff's Joinder of Parties due due date of 9/24/2008 (wmw,) (Entered: 11/27/2007)
11/27/2007	44	ORDER re <u>43</u> Amending Scheduling Order. Deposition of rebuttal experts shall be completed by 1/15/09. (TEXT ORDER ONLY – NO IMAGE ATTACHED). Signed by Magistrate Judge Tu M. Pham on 11/27/07. (Pham, Tu) (Entered: 11/27/2007)
11/27/2007		Set Deadlines/Hearings: Joinder of Parties due by 9/24/2008 per notice. (jml,) (Entered: 12/03/2007)
11/29/2007	<u>45</u>	Plaintiff's ANSWER to Counterclaim of Novastar by Mae Jackson.(Wade, B.) (Entered: 11/29/2007)
12/07/2007	<u>46</u>	MOTION for Leave to Appear Pro Hac Vice as to J Andrew Meyer by Mae JacksonPROPOSED ORDER SUBMITTED (Attachments: #1 Certificate of Consultation #2 Declaration#3 Filing Fee Paid)(jml,) (Entered: 12/11/2007)

Case: 2:06-cv-2249 As of: 09/20/2012 04:31 PM CDT 7 of 8

12/11/2007	<u>47</u>	ORDER granting 46 Motion for Leave to Appear Pro Hac Vice of J. Andrew Meyer as Counsel for Plaintiff. Signed by Judge Bernice B. Donald on 12/11/2007. (Donald, Bernice) (Entered: 12/11/2007)
12/20/2007	<u>48</u>	ORDER granting Defendant's motion for reconsideration and Memorandum Opinion and Order Denying Defendant's Motion to Dismiss <u>6</u> . Signed by Judge Bernice B. Donald on 12/20/2007. (Donald, Bernice) (Entered: 12/20/2007)
03/03/2008	<u>49</u>	Joint MOTION to Extend Deadline JOINT MOTION AND ORDER TO EXTEND SCHEDULING ORDER Proposed Order Submitted by Mae Jackson. (Attachments: #1 Exhibit A – PROPOSED AMENDED RULE 16(b) SCHEDULING ORDER)(Meyer, J.) (Entered: 03/03/2008)
03/04/2008	<u>50</u>	ORDER granting 49 Motion to Extend Deadline. Signed by Judge Bernice B. Donald on 03/04/2008. (Donald, Bernice) (Entered: 03/04/2008)
03/04/2008	51	SETTING LETTER: Jury Trial set for 9/21/2009 09:00 AM in Courtroom 3 – Memphis before Judge Bernice B. Donald; Pretrial Conference set for 8/24/2009 08:45 AM in Courtroom 3 – Memphis before Judge Bernice B. Donald; Proposed Joint Pretrial Order due by 8/17/2009.(tlh,) (Entered: 03/04/2008)
03/04/2008		Set/Reset Deadlines: Proposed Pretrial Order due by 8/17/2009. (tlh,) (Entered: 03/04/2008)
03/04/2008		Set Deadlines/Hearings: Amended Pleadings due by 1/20/2009 for Defendant. Joinder of Parties due by 1/20/2009 for Defendant. Discovery due by 4/24/2009. Dispositive Motions due by 6/12/2009 per #50. (jml,) (Entered: 03/10/2008)
03/10/2008	52	COURTESY NOTICE: Pursuant to Rule 5 of the Federal Rules of Civil Procedure, document 49 Joint MOTION to Extend Deadline JOINT MOTION AND ORDER TO EXTEND SCHEDULING ORDER Proposed Order Submitted filed by Mae Jackson has been filed. For future reference, please note the orders are only to be submitted to the Judge's email only(it is not necessary to submit as an ecf filing). Also this motion also requires a certificate of service page as well. Althoulgh the order has been granted, you will need to go under the notice other category then in the drop down box select 'notice of correction' and enter the certificate of service page only. Thanks and if you have questions please call 901–495–1505 Filer is not required to resubmit document. (jml,) (Entered: 03/10/2008)
08/01/2008	<u>53</u>	MOTION to Certify Order for Interlocutory Appeal and Request for Hearing by Novastar Mortgage, Inc (Attachments: #1 Certificate of Consultation)(Alexander, Bruce) (Entered: 08/01/2008)
08/01/2008	<u>54</u>	MEMORANDUM in Support re <u>53</u> MOTION <i>to Certify Order for Interlocutory Appeal and Request for Hearing</i> filed by Novastar Mortgage, Inc (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3–4, # <u>4</u> Exhibit 5, # <u>5</u> Exhibit 6–7)(Alexander, Bruce) (Entered: 08/01/2008)
08/01/2008	<u>55</u>	Joint MOTION for Suspension of the Scheduling Order and Setting of Status/Scheduling Conference by Novastar Mortgage, Inc (Attachments: #1 Certificate of Consultation)(Alexander, Bruce) (Entered: 08/01/2008)
08/01/2008	<u>56</u>	MEMORANDUM in Support re <u>55</u> Joint MOTION for Suspension of the Scheduling Order and Setting of Status/Scheduling Conference filed by Novastar Mortgage, Inc (Alexander, Bruce) (Entered: 08/01/2008)
08/04/2008	<u>57</u>	Notice of Correction to <u>55</u> Joint MOTION for Suspension of the Scheduling Order and Setting of Status/Scheduling Conference Certificate of Service. (Alexander, Bruce) (Entered: 08/04/2008)
08/06/2008	<u>58</u>	ORDER granting 53 Motion to Certify Order for Interlocutory Appeal. Signed by Judge Bernice B. Donald on 8/6/08. (Donald, Bernice) (Entered: 08/06/2008)
08/06/2008	<u>59</u>	ORDER granting <u>55</u> Motion SUSPENSION OF THE SCHEDULING ORDER AND SETTING STATUS/ SCHELDULING CONFERENCE. Signed by Judge Bernice B. Donald on 8/6/08. (Donald, Bernice) (Entered: 08/06/2008)
08/06/2008		Set Deadlines/Hearings: Status Conference set for 9/5/2008 09:00 AM before Judge Bernice B. Donald per #59. (jml) (Entered: 08/06/2008)

Case: 2:06-cv-2249 As of: 09/20/2012 04:31 PM CDT 8 of 8

09/02/2008	60	NOTICE: The status conference previously set for 9/5/08 is VACATED pursuant to a joint request by the parties. (tpe) (Entered: 09/02/2008)
10/27/2008	<u>61</u>	Letter from Court of Appeals (vjm) (Entered: 10/27/2008)
12/23/2008	<u>62</u>	ORDER ADMINISTRATIVELY CLOSING CASE. Signed by Judge Bernice B. Donald on 12/23/08.(Donald, Bernice) (Entered: 12/23/2008)
12/02/2010	<u>63</u>	NOTICE by Mae Jackson of Attorneys' Lien on Plaintiff Willie Mae Jackson's and/or Class Recovery (Glassman, Richard) (Entered: 12/02/2010)