

**U.S. District Court
Northern District of Texas (Dallas)
CIVIL DOCKET FOR CASE #: 3:12-cv-04737-P**

United States of America v. Henry et al
Assigned to: Judge Jorge A Solis
Related Case: [4:11-mc-00015-A](#)
Cause: Application for a Writ of Garnishment

Date Filed: 11/20/2012
Date Terminated: 02/19/2014
Jury Demand: None
Nature of Suit: 890 Other Statutes: Other
Statutory Actions
Jurisdiction: U.S. Government Plaintiff

Plaintiff

United States of America

represented by **Megan J Fahey-DOJ**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Not Admitted

V.

Defendant

Kenneth J Henry
*individually and
doing business as
Henry's Turkey Service*

represented by **Kenneth J Henry**
C/O Beam & McKethan PLLC
299 S. Columbia
Stephenville, TX 76401
PRO SE

Defendant

Hill Country Farms, Inc.
*doing business as
Henry's Turkey Service*

V.

Garnishee

First National Bank
TERMINATED: 02/19/2014

represented by **Carrie Roseanne Cappel**
Harris Finley & Bogle PC
777 Main St
Suite 1800
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Garnishee

Mills County State Bank
TERMINATED: 02/19/2014

Garnishee

Rusty Roberson
TERMINATED: 02/19/2014

Garnishee

Southwestern Farms & Cattle Co, Inc
TERMINATED: 02/19/2014

Garnishee

McKethan Espinoza PLLC

represented by **Bethany J Espinoza**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

Garnishee

Johnson & Johnson Egg Farms Inc

represented by **Mark David Threadgill**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Not Admitted

Garnishee

Frieda Johnson
*President of Johnson and Johnson Egg
Farms Inc*

represented by **Mark David Threadgill**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Not Admitted

Movant**US Equal Employment Opportunity
Commission**represented by **Robert A Canino , Jr**
Equal Employment Opportunity
Commission
Dallas District Office
207 S Houston St 3rd Floor
Dallas, TX 75202
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LEAD ATTORNEY
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Bar Status: Admitted/In Good Standing

Date Filed	#	Docket Text
11/20/2012	<u>1</u>	New Case Notes: A filing fee is not due for this case. File to Judge Solis. Pursuant to Misc. Order 6, Plaintiff is provided the Notice of Right to Consent to Proceed Before A U.S. Magistrate Judge (Judge Toliver). Clerk to provide copy to plaintiff if not received electronically. (ykp) (Entered: 11/20/2012)
11/20/2012	<u>2</u>	APPLICATION for Writ of Garnishment filed by United States of America. (ykp) (Entered: 11/20/2012)
11/20/2012	<u>3</u>	NOTICE of Related Case filed by United States of America. (ykp) (Entered: 11/20/2012)
11/20/2012	<u>4</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by United States of America. (ykp) (Entered: 11/20/2012)
11/20/2012	<u>5</u>	MOTION to Seal Case filed by United States of America. (ykp) (Entered: 11/20/2012)
11/30/2012	<u>6</u>	ORDER granting <u>5</u> Motion Motion to Seal Case. (Ordered by Judge Jorge A Solis on 11/30/2012) (chmb) (Entered: 12/03/2012)
04/16/2013	<u>7</u>	ORDER for Issuance of Writ of Garnishment as to First National Bank. (Ordered by Judge Jorge A Solis on 4/16/2013) (ctf) (Entered: 04/16/2013)
04/16/2013	<u>8</u>	ORDER for Issuance of Writ of Garnishment as to Mills County State Bank. (Ordered by Judge Jorge A Solis on 4/16/2013) (ctf) (Entered: 04/16/2013)
04/16/2013	<u>9</u>	ORDER for Issuance of Writ of Garnishment as to Rusty Roberson. (Ordered by Judge Jorge A Solis on 4/16/2013) (ctf) (Entered: 04/16/2013)
04/16/2013	<u>10</u>	ORDER for Issuance of Writ of Garnishment as to Southwestern Farms &Cattle Co. Inc. (Ordered by Judge Jorge A Solis on 4/16/2013) (ctf) (Entered: 04/16/2013)
04/16/2013	<u>11</u>	Writ of Garnishment Issued as to First National Bank. With Clerk's Notice of Post-Judgment and Claim for Exemptions Form. (ctf) (Entered: 04/16/2013)
04/16/2013	<u>12</u>	Writ of Garnishment Issued as to Mills County State Bank. With Clerk's Notice of Post-Judgment and Claim for Exemptions Form. (ctf) (Entered: 04/16/2013)
04/16/2013	<u>13</u>	Writ of Garnishment Issued as to Rusty Roberson. With Clerk's Notice of Post-Judgment and Claim for Exemptions Form. (ctf) (Entered: 04/16/2013)
04/16/2013	<u>14</u>	Writ of Garnishment Issued as to Southwestern Farms &Cattle Co. Inc. With Clerk's Notice of Post-Judgment and Claim for Exemptions Form. (ctf) (Entered: 04/16/2013)
05/20/2013	<u>15</u>	ANSWER to <u>2</u> Application for Writ of Garnishment filed by First National Bank. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas should seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: Attorney Information – Bar Membership . (ndt) (Entered: 05/21/2013)

05/31/2013	<u>16</u>	ANSWER to <u>2</u> Application for Writ of Garnishment filed by Mills County State Bank. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas should seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: Attorney Information – Bar Membership . (skt) (Entered: 05/31/2013)
06/28/2013	<u>17</u>	ANSWER to <u>2</u> Application for Writ of Garnishment filed by Rusty Roberson. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas should seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: Attorney Information – Bar Membership . (axm) (Entered: 06/28/2013)
07/23/2013	<u>18</u>	MOTION to Unseal Case filed by United States of America. (cea) (Entered: 07/23/2013)
07/24/2013	<u>19</u>	ORDER granting <u>18</u> Motion to Unseal Case. (Ordered by Judge Jorge A Solis on 7/24/2013) (cea) (Entered: 07/25/2013)
07/25/2013		***Clerk's Notice of delivery: (see NEF for details) Docket No:19. Thu Jul 25 07:27:18 CDT 2013 (crt) (Entered: 07/25/2013)
07/26/2013	<u>20</u>	ANSWER to <u>2</u> Application for Writ of Garnishment filed by Southwestern Farms & Cattle Co, Inc. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas should seek admission promptly. Forms, instructions, and exemption information may be found at www.txnd.uscourts.gov , or by clicking here: Attorney Information – Bar Membership . (cea) (Entered: 07/26/2013)
08/20/2013	<u>21</u>	Claim for Exemptions, Request for Hearing, and/or Request for Transfer by Kenneth J Henry. (twd) (Entered: 08/20/2013)
08/29/2013	<u>22</u>	CERTIFICATE OF SERVICE by United States of America re <u>8</u> Order, <u>10</u> Order, <u>7</u> Order, <u>13</u> Writ Issued, <u>2</u> Application for Writ of Garnishment, <u>12</u> Writ Issued, <u>9</u> Order, <u>4</u> Cert. Of Interested Persons/Disclosure Statement, <u>14</u> Writ Issued, <u>11</u> Writ Issued, <u>3</u> Notice (Other) (Fahey-DOJ, Megan) (Entered: 08/29/2013)
08/29/2013	<u>23</u>	Appendix in Support filed by United States of America re <u>22</u> Certificate of Service, (Attachments: # <u>1</u> Exhibit(s) A-I) (Fahey-DOJ, Megan) (Entered: 08/29/2013)
09/09/2013	<u>24</u>	RESPONSE filed by United States of America re: <u>21</u> Claim (Fahey-DOJ, Megan) (Entered: 09/09/2013)
09/18/2013	<u>25</u>	MOTION for Possession and Inventory of Defendants' Safe Deposit Box filed by United States of America (Fahey-DOJ, Megan) (Entered: 09/18/2013)
10/23/2013	<u>26</u>	ELECTRONIC NOTICE: Garnishment Hearing set for 12/10/2013 9:00 AM in US Courthouse, Courtroom 1632, 1100 Commerce St., Dallas, TX 75242-1310 before Judge Jorge A Solis. (chmb) (Entered: 10/23/2013)
10/23/2013	<u>27</u>	ORDER granting <u>25</u> Motion for Possession and Inventory of Defendants' Safe Deposit Box. (Ordered by Judge Jorge A Solis on 10/23/2013) (cea) (Entered: 10/24/2013)
10/24/2013		***Clerk's Notice of delivery: (see NEF for details) Docket No:27. Thu Oct 24 06:44:33 CDT 2013 (crt) (Entered: 10/24/2013)
10/24/2013		***Clerk's Notice of delivery: (see NEF for details) Docket No:26. Thu Oct 24 06:54:57 CDT 2013 (crt) (Entered: 10/24/2013)
01/13/2014	<u>28</u>	Process Receipt and Return for Possession of Safe Deposit Box served on First National Bank on 11/15/2013. (twd) (Entered: 01/13/2014)
01/22/2014	<u>29</u>	MOTION for Final Order of Garnishment filed by United States of America (Fahey-DOJ, Megan) (Entered: 01/22/2014)
02/19/2014	<u>30</u>	FINAL ORDER OF GARNISHMENT. (Ordered by Judge Jorge A Solis on 2/19/2014) (axm) (Entered: 02/24/2014)
02/19/2014		***Civil Case Terminated per <u>30</u> Final Order of Garnishment. (axm) (Entered: 02/24/2014)

10/03/2014	<u>31</u>	United States' Ex Parte Supplemental Application for Writs of Garnishment filed by United States of America (Attachments: # <u>1</u> Proposed Order for Issuance of Writs of Garnishment, # <u>2</u> Clerk's Notice of Exemption/Hearing Request Form, # <u>3</u> Writ of Garnishment to Frieda Johnson, # <u>4</u> Writ of Garnishment to Johnson & Johnson Egg Farm, Inc., # <u>5</u> Writ of Garnishment to McKethan Espinoza, PLLC) (Fahey-DOJ, Megan) (Entered: 10/03/2014)
03/11/2015	<u>32</u>	Ex Parte Order for Issuance of Writs of Garnishment. (Ordered by Chief Judge Jorge A Solis on 3/11/2015) (jrr) (Entered: 03/12/2015)
03/12/2015	<u>33</u>	Writs of Garnishment issued as to Frieda Johnson, Johnson & Johnson Egg Farm Inc, McKethan Espinoza PLLC with Clerk's Notice of Post Judgment Garnishment to Defendant. (Attachments: # <u>1</u> Additional Page(s) Notice) (jrr) (Entered: 03/12/2015)
05/12/2015	<u>34</u>	ANSWER to <u>31</u> Supplemental Application for Writs of Garnishment filed by McKethan Espinoza PLLC. 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 www.txnd.uscourts.gov , or by clicking here: Attorney Information – Bar Membership . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (jrr) Modified linkage on 9/2/2015 (jrr). (Entered: 05/13/2015)
05/27/2015	<u>35</u>	ANSWER to <u>31</u> Supplemental Application for Writs of Garnishment filed by Frieda Johnson and Johnson & Johnson Egg Farms Inc. Unless exempted, attorneys who are not admitted to practice in the Northern District of Texas must seek admission promptly. Forms and Instructions found at www.txnd.uscourts.gov , or by clicking here: Attorney Information – Bar Membership . If admission requirements are not satisfied within 21 days, the clerk will notify the presiding judge. (Threadgill, Mark) Filer and docket text modified on 9/2/2015 (twd). (Entered: 05/27/2015)
06/23/2015	<u>36</u>	CERTIFICATE OF SERVICE by United States of America re <u>33</u> Sealed and/or Ex Parte Document, <u>32</u> Sealed and/or Ex Parte Order, <u>31</u> Sealed and/or Ex Parte Document, (Fahey-DOJ, Megan) (Entered: 06/23/2015)
06/23/2015	<u>37</u>	Appendix in Support filed by United States of America re <u>36</u> Certificate of Service (Attachments: # <u>1</u> Exhibit(s) A–D) (Fahey-DOJ, Megan) (Entered: 06/23/2015)
08/12/2015	<u>38</u>	MOTION to Quash <i>Writ of Garnishment Issued to Southwestern Farms & Cattle Co.</i> filed by United States of America (Fahey-DOJ, Megan) (Entered: 08/12/2015)
08/14/2015	39	ELECTRONIC ORDER granting <u>38</u> United States' Motion to Quash Writ of Garnishment Issued to Southwestern Farms & Cattle Co. The Court grants the motion and ORDERS that the Writ of Garnishment issued to Southwestern Farms and Cattle Co. in this case is quashed. (Ordered by Chief Judge Jorge A Solis on 8/14/2015) (chmb) (Entered: 08/14/2015)
08/26/2015	<u>40</u>	MOTION Emergency Motion for Turnover Order filed by United States of America (Fahey-DOJ, Megan) (Entered: 08/26/2015)
08/26/2015	<u>41</u>	Appendix in Support filed by United States of America re <u>40</u> MOTION Emergency Motion for Turnover Order (Attachments: # <u>1</u> Exhibit(s) A–F, # <u>2</u> Exhibit(s) G–H, # <u>3</u> Exhibit(s) I–L, # <u>4</u> Exhibit(s) M–O) (Fahey-DOJ, Megan) (Entered: 08/26/2015)
08/27/2015	42	ELECTRONIC ORDER: The Court has under consideration <u>40</u> United States of America's Emergency Motion for Turnover Order. The Court believes that it is appropriate to expedite briefing on the motion. It is ORDERED that any Response is due on or before September 4, 2015, and any Reply to that response is due on or before September 8, 2015. (Ordered by Chief Judge Jorge A Solis on 8/27/2015) (chmb) (Entered: 08/27/2015)
08/27/2015		***Clerk's Notice of delivery: (see NEF for details) Docket No:42. Thu Aug 27 09:52:52 CDT 2015 (crt) (Entered: 08/27/2015)
09/01/2015	<u>43</u>	MOTION for Leave to File Amicus Curiae Brief filed by US Equal Employment Opportunity Commission with Brief/Memorandum in Support. (Canino, Robert)

		(Entered: 09/01/2015)
09/02/2015	44	ELECTRONIC ORDER: The Court has under consideration <u>43</u> Motion for Leave of Court to File Amicus Curiae Brief. The Court believes that it is appropriate to expedite briefing on the motion. It is ORDERED that any Response is due on or before September 8, 2015, and any Reply to that response is due on or before September 10, 2015. To facilitate a ruling, movant shall file its proposed amicus curiae brief as a supplemental exhibit to its motion (doc. <u>43</u>) on or before September 3, 2015. (Ordered by Chief Judge Jorge A Solis on 9/2/2015) (chmb) (Entered: 09/02/2015)
09/02/2015		***Clerk's Notice of delivery: (see NEF for details) Docket No:44. Wed Sep 2 16:44:26 CDT 2015 (crt) (Entered: 09/02/2015)
09/03/2015	<u>45</u>	Supplemental Document by US Equal Employment Opportunity Commission as to <u>43</u> MOTION for Leave to File Amicus Curiae Brief / <i>AMICUS CURIAE BRIEF IN SUPPORT OF</i> . (Canino, Robert) (Entered: 09/03/2015)
09/09/2015	<u>46</u>	NOTICE of <i>No Response Filed</i> re: 42 Order, <u>45</u> Supplemental Document, 44 Order, <u>40</u> MOTION Emergency Motion for Turnover Order filed by United States of America (Fahey-DOJ, Megan) (Entered: 09/09/2015)
09/09/2015	47	ELECTRONIC ORDER granting <u>43</u> U.S. Equal Employment Opportunity Commission Motion for Leave of Court to File Amicus Curiae Brief. The Court hereby grants that entity leave to file <u>45</u> Amicus Curiae Brief. The Court may consider that filing when ruling on <u>40</u> United States of America's Emergency Motion for Turnover Order. Because the brief has already been filed in this case, no further action is required to have the brief considered by the Court. (Ordered by Chief Judge Jorge A Solis on 9/9/2015) (chmb) (Entered: 09/09/2015)
09/10/2015	<u>48</u>	NOTICE of <i>Intent not to File Reply and of Correction</i> re: <u>45</u> Supplemental Document, 44 Order,, filed by US Equal Employment Opportunity Commission (Attachments: # <u>1</u> Exhibit(s) A) (Canino, Robert) (Entered: 09/10/2015)
09/11/2015	<u>49</u>	ORDER: Now before the Court is the United States of America's Emergency Motion for Turnover Order, filed on 8/26/2015. Doc. <u>40</u> . The Court ordered expedited briefing on this motion, Doc. 44 , but no response was filed. On 9/3/2015, with leave of the Court, the United States Equal Employment Opportunity Commission filed its amicus curiae brief in support of the United States' Emergency Motion for Turnover Order. Doc. <u>45</u> . After reviewing the parties' briefing, the evidence, and the applicable law, the Court GRANTS the United States' Emergency Motion for Turnover Order. (Ordered by Chief Judge Jorge A Solis on 9/11/2015) (bdb) (Entered: 09/11/2015)
09/11/2015		***Clerk's Notice of delivery: (see NEF for details) Docket No:49. Fri Sep 11 15:41:28 CDT 2015 (crt) (Entered: 09/11/2015)