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LR16.2 TR4,PSN

**U.S. District Court
Western District of Tennessee (Memphis)
CIVIL DOCKET FOR CASE #: 2:18-cv-02201-MSN-tmp**

Malone et al v. Shelby County et al
Assigned to: Judge Mark S. Norris
Referred to: Magistrate Judge Tu M. Pham
Cause: 42:1983 Civil Rights Act

Date Filed: 03/23/2018
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

April Malone

represented by **April Malone**
596 Arbor Hollow Circle # 207
Cordova, TN 38018
901-708-0215
Email: Aprilmalone99@yahoo.com
PRO SE

Plaintiff

Celitria Watson

represented by **Celitria Watson**
P.O. Box 1332
Cordova, TN 38088
901-612-0850
Email: watsoncelitria@yahoo.com
PRO SE

V.

Defendant

Shelby County

represented by **John Marshall Jones**
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Memphis, TN 38103
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Emmett Lee Whitwell
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Memphis, TN 38103
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Email:
lee.whitwell@shelbycountyttn.gov
ATTORNEY TO BE NOTICED

Defendant

Paul Hagerman

*Assistant District Attorney. Individually
and in his Official Capacity.*

Defendant

Austin Scholfield

*Assistant Attorney General.
Individually and in his Official
Capacity.*

Defendant

Chris Scruggs

*Assistant Attorney General.
Individually and in his Official
Capacity.*

Defendant

City of Memphis

represented by **Barbaralette G. Davis**
CITY OF MEMPHIS, CITY
ATTORNEY'S OFFICE
125 North Main Street
Room 336
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901-636-6614
Fax: 901-636-6624
Email:
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Darius Walker , Jr

CITY OF MEMPHIS
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901-636-6614
Fax: 901-636-6524
Email: darius.walker@memphistn.gov
ATTORNEY TO BE NOTICED

Defendant

Thurmond Richardson

OCU Police Officer. Individually and in his Official Capacity.

Defendant**Jonathan Overly**

OCU Police Officer. Individually and in his Office Capacity.

Defendant**William Acred**

OCU Police Officer. Individually and in his Official Capacity.

Date Filed	#	Docket Text
03/23/2018	1	PRO SE COMPLAINT Pursuant to 42 U.S.C. § 1983 filed by Celitria Watson, April Malone against All Defendants. (Attachments: # 1 Judicial Cards)(csf) (Entered: 03/26/2018)
03/23/2018	2	Pro Se MOTION for Leave to Proceed in forma pauperis by April Malone. (csf) (Entered: 03/26/2018)
03/23/2018	3	Pro Se MOTION for Leave to Proceed in forma pauperis by Celitria Watson. (csf) (Entered: 03/26/2018)
03/23/2018	4	NOTICE: Signed agreement to receive notice of electronic filing (NEF) by April Malone (csf) (Entered: 03/26/2018)
03/23/2018	5	NOTICE: Signed agreement to receive notice of electronic filing (NEF) by Celitria Watson (csf) (Entered: 03/26/2018)
03/23/2018	6	NOTICE OF CASE TRACKING ASSIGNMENT PURSUANT TO LOCAL RULE 16.2: Pursuant to Local Rule 16.2, this case has been assigned to the Standard track. http://www.tnwd.uscourts.gov/pdf/content/LocalRules.pdf (csf) (Entered: 03/26/2018)
03/23/2018	7	NOTICE OF RIGHT TO CONSENT TO THE EXERCISE OF CIVIL JURISDICTION BY A MAGISTRATE JUDGE Pursuant to 28 U.S.C. 636(c), Fed.R.Civ.P.73, and Local Rule 72.1, this Court has designated the Magistrate Judges of this District to conduct trials and otherwise dispose of any civil case that is filed in this Court. Your decision to consent, or not consent, to the referral of your case to a United States Magistrate Judge for trial and entry of a final judgment must be entirely voluntary. The judge or magistrate judge to whom the case has been assigned will not be informed of your decision unless all parties agree that the case may be referred to a magistrate judge for these specific purposes. A less than unanimous decision will not be communicated by this office to either the judge or magistrate judge. The consent form is available on the courts website at https://www.tnwd.uscourts.gov/forms-and-applications.php (csf) (Entered: 03/26/2018)

03/23/2018	8	NOTICE TO COMPLY WITH PLAN FOR ALTERNATE DISPUTE RESOLUTION (ADR): Pursuant to Section to 2.1 of the ADR Plan, all civil cases filed on or after Sept. 1, 2014, shall be referred automatically for ADR. For compliance requirements, refer to the ADR Plan at: http://www.tnwd.uscourts.gov/pdf/content/ADRPlan.pdf (csf) (Entered: 03/26/2018)
03/23/2018		Pursuant to Administrative Order 2013-05, this case has been assigned to the United States magistrate judge for management of all pretrial matters, including screening of the complaint to determine whether or not summons shall be issued by the Clerk pursuant to 28 U.S.C. § 1915(e)(2)(B) and Local Rule 4.1(b)(2)(csf) (Entered: 03/26/2018)
03/30/2018	9	ORDER granting 2 Motion for Leave to Proceed <i>in forma pauperis</i> ; granting 3 Motion for Leave to Proceed <i>in forma pauperis</i> ; and ORDER to Issue and Effect Service of Process. Signed by Magistrate Judge Tu M. Pham on 3/30/2018. (Pham, Tu) (Entered: 03/30/2018)
04/02/2018	10	Summons Issued as to Shelby County. (Main Document 10 replaced on 4/2/2018) (jld). (Entered: 04/02/2018)
04/02/2018	11	Summons Issued as to Thurmond Richardson. (Entered: 04/02/2018)
04/02/2018	12	Summons Issued as to Paul Hagerman. (jld) (Entered: 04/02/2018)
04/02/2018	13	Summons Issued as to Chris Scruggs. (Entered: 04/02/2018)
04/02/2018	14	Summons Issued as to Austin Scholfield. (jld) (Entered: 04/02/2018)
04/02/2018	15	Summons Issued as to William Acred. (jld) (Entered: 04/02/2018)
04/02/2018	16	Summons Issued as to Jonathan Overly. (jld) (Entered: 04/02/2018)
04/02/2018	17	Summons Issued as to City of Memphis. (jld) (Entered: 04/02/2018)
06/26/2018	18	NOTICE of Appearance by John Marshall Jones on behalf of Shelby County (Jones, John) (Entered: 06/26/2018)
06/26/2018	19	NOTICE of Appearance by Emmett Lee Whitwell on behalf of Shelby County (Whitwell, Emmett) (Entered: 06/26/2018)
06/26/2018	20	NOTICE of Change of Address by April Malone (Attachments: # 1 envelope)(jae) (Entered: 06/26/2018)
07/06/2018	21	SUMMONS Returned Executed as to City of Memphis. (vp) (Entered: 07/06/2018)
07/06/2018	22	SUMMONS Returned Executed as to Shelby County. (vp) (Entered: 07/06/2018)
07/06/2018	23	Summons Returned Unexecuted as to Jonathan Overly. (vp) (Entered: 07/06/2018)
07/06/2018	24	Summons Returned Unexecuted as to Thurmond Richardson. (vp) (Entered: 07/06/2018)
07/06/2018	25	Summons Returned Unexecuted as to Chris Scruggs. (vp) (Entered: 07/06/2018)

07/06/2018	26	Summons Returned Unexecuted as to Paul Hagerman. (vp) (Entered: 07/06/2018)
07/06/2018	27	Summons Returned Unexecuted as to Austin Scholfield. ((vp) (Entered: 07/06/2018)
07/06/2018	28	Summons Returned Unexecuted as to William Acred. (vp) (Entered: 07/06/2018)
07/09/2018	29	NOTICE of Appearance by Barbaralette G. Davis on behalf of City of Memphis (Davis, Barbaralette) (Entered: 07/09/2018)
07/12/2018	30	ANSWER to Complaint by Shelby County.(Jones, John) (Entered: 07/12/2018)
07/12/2018	31	MOTION for Judgment on the Pleadings (<i>combined with Supporting Memorandum</i>) by Shelby County. (Attachments: # 1 1982 Tenn. Pub. Acts., chapter 772)(Jones, John) (Entered: 07/12/2018)
07/25/2018	32	*Sealed* Docketed in Error. Modified on 7/25/2018 (csf). (Entered: 07/25/2018)
07/25/2018	33	NOTICE of Appearance by Darius Walker, Jr on behalf of City of Memphis (Walker, Darius) (Entered: 07/25/2018)
08/03/2018	34	ANSWER to Complaint by City of Memphis.(Davis, Barbaralette) (Entered: 08/03/2018)
08/07/2018	35	SETTING LETTER:Scheduling Conference set for 10/12/2018 at 09:30 AM in Courtroom 3 - Memphis, before Judge John T. Fowlkes Jr. A JOINT proposed scheduling order in WORD format should be submitted at least 4 days prior to the scheduling conference to the ECF propdocs email address, ECF_Judge_Fowlkes@tnwd.uscourts.gov. Please follow Judge Fowlkes scheduling guidelines at https://connection.tnwd.circ6.dcn . Counsel should be prepared to set case deadlines and discuss case status and all pending motions at the conference. Following the scheduling conference, the approved order will be filed by the Case Manager. (pyb) (Entered: 08/07/2018)
08/21/2018	36	ORDER TO SHOW CAUSE. Signed by Magistrate Judge Tu M. Pham on 8/21/2018. (Pham, Tu) (Entered: 08/21/2018)
08/30/2018	37	Alias Summons Issued as to Austin Scholfield. (vup). (Entered: 08/31/2018)
08/30/2018	38	Alias Summons Issued as to Chris Scruggs. (vup) (Entered: 08/31/2018)
08/30/2018	39	Alias Summons Issued as to Thurmond Richardson. (vup) (Entered: 08/31/2018)
08/30/2018	40	Alias Summons Issued as to Jonathan Overly. (vup) (Entered: 08/31/2018)
08/30/2018	41	Alias Summons Issued as to William Acred. (vup) (Entered: 08/31/2018)
08/30/2018	42	Alias Summons Issued as to Paul Hagerman. (vup) (Entered: 08/31/2018)
09/04/2018	43	RESPONSE to Motion re 31 MOTION for Judgment on the Pleadings(combined with Supporting Memorandum) TITLED: Response to Motion to Dismiss filed by April Malone, Celitria Watson. (agj) (Entered: 09/05/2018)

09/04/2018	44	RESPONSE TO ORDER TO SHOW CAUSE by April Malone, Celitria Watson. (agj) (Entered: 09/05/2018)
09/07/2018	45	REPLY to Response to Motion re 43 Response to Motion (<i>Reply in Support of Motion for Judgment on the Pleadings</i>) filed by Shelby County. (Jones, John) (Entered: 09/07/2018)
10/01/2018	46	REPORT of Rule 26(f) Planning Meeting . (Jones, John) (Entered: 10/01/2018)
10/04/2018	47	Second RESPONSE TO ORDER TO SHOW CAUSE by April Malone. (vup) Modified on 10/9/2018 to correct date filed. (jae). (Entered: 10/05/2018)
10/12/2018	48	Minute Entry for proceedings held before Judge John T. Fowlkes, Jr.: Scheduling Conference held on 10/12/2018. Both Parties present in Court. Parties updated the Court as to the status of the case; the City plans to file a Motion to Dismiss; the Court sets a Motion to Dismiss deadline 11/07/2018. Plaintiff is attempting to retain counsel & request additional time. The Court will hold off on entering the Scheduling Order at this time. Case continued to Monday, 11/26/2018 at 9:30 a.m. for Scheduling Conference / Attorney Status. (Plaintiff: Pro Se)(Defense: John Marshall Jones, Barberlette G. Davis, Darius Walker, Jr.) (Court Reporter Lynn Dudley.) (wrh) (Entered: 10/12/2018)
10/12/2018	49	SETTING LETTER: [TEXT ONLY - NO IMAGE ATTACHED] Scheduling Conference / Attorney Status set for Friday, 11/26/2018 09:30 AM in Courtroom 3 - Memphis before Judge John T. Fowlkes Jr.. (wrh) (Entered: 10/12/2018)
11/07/2018	50	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by City of Memphis. (Attachments: # 1 Memorandum Memorandum in Support of Motion to Dismiss)(Davis, Barbaralette) (Entered: 11/07/2018)
11/09/2018	51	MOTION to Appoint Counsel by April Malone, Celitria Watson. (agj) (Entered: 11/09/2018)
11/13/2018	52	ORDER denying 51 plaintiffs' Motion for Appointment of Counsel. Signed by Magistrate Judge Tu M. Pham on 11/13/2018. (Pham, Tu) (Entered: 11/13/2018)
11/20/2018	53	NOTICE OF CACELATION: The Scheduling Conference set Monday, 11/26/2018 before Judge Fowlkes is CANCELED. Case to be transferred to Judge Norris. Case will be reset via separate notice at a later date. (wrh) (Entered: 11/20/2018)
11/26/2018	54	ORDER REASSIGNING CASE. Case reassigned to Judge Mark S. Norris for all further proceedings. Judge John T. Fowlkes, Jr no longer assigned to case. Signed by Judge John T. Fowlkes, Jr on 11/26/2018. (jae) (Entered: 11/26/2018)
12/06/2018	55	RESPONSE to 50 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by April Malone, Celitria Watson. (agj) (Entered: 12/06/2018)
12/06/2018	56	SUMMONS Returned Executed by Celitria Watson, April Malone as to Jonathan Overly. (agj) (Entered: 12/07/2018)
12/06/2018	57	SUMMONS Returned Executed by Celitria Watson, April Malone as to Thurmond Richardson. (agj) (Entered: 12/07/2018)

12/06/2018	58	SUMMONS Returned Executed by Celitria Watson, April Malone as to Paul Hagerman. (agj) (Entered: 12/07/2018)
12/06/2018	59	SUMMONS Returned Executed by Celitria Watson, April Malone as to Austin Scholfield. (agj) (Entered: 12/07/2018)
12/11/2018	60	SETTING LETTER: Scheduling Conference/Attorney Status RESET to Wednesday, 01/30/2019 at 10:00 AM in Courtroom 4 - Memphis before Judge Mark S. Norris. (zsf) (Entered: 12/11/2018)
12/11/2018	61	SUMMONS Returned Executed by Celitria Watson, April Malone as to Chris Scuggs. (agj) (Entered: 12/11/2018)
12/11/2018	62	SUMMONS Returned Executed by Celitria Watson, April Malone as to William Acred. (agj) (Entered: 12/11/2018)
12/14/2018	63	REPORT of Rule 26(f) Planning Meeting (<i>Second</i>). (Jones, John) (Entered: 12/14/2018)
01/28/2019	64	NOTICE OF COURTROOM : The Scheduling Conference/Attorney Status set on Wednesday, 01/30/2019 at 10:00 AM will be held before Magistrate Judge Tu M. Pham in Courtroom No. 6 on the 3rd floor of the Federal Building. (zsf) (Entered: 01/28/2019)
01/30/2019	65	AScheduling Conference was held on 01/30/2019. Pro-Se Plaintiffs April Malone and Celitria Watson present. John M. Jones and Emmett L. Whitwell appearing for defendant Shelby County. Darius Walker, Jr. appearing for the City of Memphis. Betsy McKinney making a limited appearance on behalf of defendants Thurmond Richardson, Jonathan Overly and William Acred. The parties submitted a proposed scheduling order. The court discussed the dates and deadlines with the parties. Plaintiffs made an oral motion to waive the mediator fees pursuant to the Mediation Plan for pro se civil cases with parties granted IFP status. The court granted plaintiffs oral motion and waived the fees. Mediator will be selected by the court. Scheduling Order to be entered. (Tape #FTR.) (smm) (Entered: 01/30/2019)
01/30/2019	66	SCHEDULING ORDER. Signed by Magistrate Judge Tu M. Pham on 1/30/2019. (Pham, Tu) (Entered: 01/30/2019)
01/30/2019	67	SETTING LETTER: Jury Trial set for Monday, 12/16/2019 at 09:30 AM in Courtroom 4 - Memphis before Judge Mark S. Norris. Pretrial Conference set for Friday, 11/15/2019 at 09:30 AM in Courtroom 4 - Memphis before Judge Mark S. Norris. Proposed Pretrial Order due by 11/08/2019. (zsf) (Entered: 01/30/2019)

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