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**U.S. District Court
Western District of Tennessee (Memphis)
CIVIL DOCKET FOR CASE #: 2:97-cv-02469-BBD**

Story v. Gilless, et al
Assigned to: Judge Bernice B. Donald
Demand: \$0
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 05/23/1997
Date Terminated: 02/29/2000
Jury Demand: None
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

Earley Story

represented by **Earley Story**

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Memphis, TN 38109
901-789-5384
Fax: prose
PRO SE

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TERMINATED: 04/28/1998
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 LEAD ATTORNEY
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V.

Defendant

A. C. Gillless
Sheriff

represented by **Debra L. Fessenden**
 SHELBY COUNTY ATTORNEY'S
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Rita L. Stotts
 STOTTS HIGGINS JOHNSON
 1470 Monroe Ave.
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 TERMINATED: 01/18/2011
 LEAD ATTORNEY
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Defendant

Shelby County Government

Defendant

Shelby County Sheriff's Department

Defendant

D. W. Wright
*Deputy Chief of Shelby County
 Sheriff's Department;*

| Date Filed | # | Docket Text |
|-------------------|----------|---|
| 05/23/1997 | 1 | COMPLAINT pursuant to 42:2000e; w/attachments (BAG) (Entered: 05/23/1997) |

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| 05/23/1997 | 2 | AFFIDAVIT in support of motion under 28 USC 1915 for appointment of attorney and authorization to commence suit without prepayment of filing fee; (BAG) (Entered: 05/23/1997) |
| 06/11/1997 | 3 | ORDER Granting Leave To Proceed In Forma Pauperis and Order To Issue Service Of Process by Mag Judge James H. Allen re [2-1]; The motion to proceed ifp is GRANTED; The Clerk is ORDERED to file case and record dft as A.C. Gillless; Clerk shall issue process and deliver to Marshal for service; Pla shall serve a copy of every further document filed on atty for each dft, or on dft if no atty, and make a certificate of service on every document; Failure to comply with requirements, may result in case being dismissed without further notice; (cc: all counsel) (BAG) (Entered: 06/11/1997) |
| 06/17/1997 | 4 | ORDER Under 28 USC 1915(e)(1) and Local Rule 83.2 Appointing Counsel From The Court's Civil Pro Bono Panel by Judge Bernice B. Donald re [2-1]; It is in the interests of justice for the court to appoint counsel on behalf of pla; Stephen Leffler has agreed to accept this limited appointment as pla's atty in this action; Mr. Leffler is appointed from the Court's Civil Pro Bono Panel pursuant to 28 USC 1915(e)(1) and Local Rule 83.2 to represent pla; Clerk shall make copy of file and deliver to atty; After conferring with pla in person, Mr. Leffler shall enter an appearance as counsel of record for pla; The court will not accept further documents from pla; (cc: all counsel) (BAG) (Entered: 06/18/1997) |
| 06/25/1997 | | SUMMONS issued as to defendant A. C. Gillless (BAG) (Entered: 06/26/1997) |
| 06/27/1997 | 5 | ATTORNEY APPEARANCE for plaintiff Earley Story by Stephen R. Leffler, Russell Curtis Rutledge (BAG) (Entered: 06/30/1997) |
| 07/24/1997 | 6 | RETURN OF SERVICE executed upon defendant A. C. Gillless on 7/11/97, via certified mail Z032054330; w/attachment (BAG) (Entered: 07/28/1997) |
| 08/01/1997 | 7 | SETTING LETTER; scheduling/status conference set for 4:30 8/12/97 (BAG) (Entered: 08/05/1997) |
| 08/13/1997 | 8 | SCHEDULING ORDER 16(b) Judge Bernice B. Donald ; motion filing deadline set for 1/30/98 ; discovery deadline set for 12/30/97 ; proposed pretrial order to be entered on 5/27/98 ; pretrial conference set for 6/3/98 at 1:30 ; non-jury trial set for 1/15/98 at 9:00 ; deadline for joining parties set for 9/29/97 ; deadline for amending pleadings set for 8/27/97; initial motions to dismiss ddl 9/29/97; depositions, interrogatories and requests for admissions ddl 12/30/97; (cc: all counsel) (WMW) (Entered: 08/14/1997) |
| 08/13/1997 | 9 | MINUTES: Status/Scheduling Conf. held 8/13/97; joining parties: 9/29/97; initial motions to dismiss: 9/29/97; amending pleadings ddl set 11/28/97; completing all discovery: 12/30/97; dispositive motions: 1/30/98; Trial (3 days to try) 6/15/98 at 9:00; PTC: 6/3/98 at 1:30; PTO: 5/27/98; Settlement conf. with mag judge after close of discovery; amend comp. 8/27/97; Presiding Judge: Bernice B. Donald; Pla Atty: S. Leffler, R. Rutledge; Dft Atty: R. Stotts; C/R: none noted; (BAG) (Entered: 08/14/1997) |
| 08/15/1997 | 10 | AMENDED SCHEDULING ORDER 16(b) Judge Bernice B. Donald; Amended Complaint: 8/27/97; joining parties: 9/29/97; initial motions to dismiss: 9/29/97; amending pleadings: 11/28/97; completing all discovery: 12/30/97; document |

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| | | production: 12/30/97; depositions, interrogatories and request for admissions: 12/30/97; pretrial motions (including summary judgment): 1/30/98; Magistrate Judge will conduct settlement conf. at close of discovery; non-jury trial set for 6/29/98 at 9:00, expected to last 3 days and will proceed from 9:00 until 2:00 daily; pretrial conference set for 6/17/98 at 1:30; joint pretrial order to be entered on 6/10/98 by 5:00pm; Absent good cause shown, scheduling dates will not be modified or extended; (cc: all counsel) (BAG) (Entered: 08/18/1997) |
| 08/27/1997 | 11 | AMENDED COMPLAINT [1-1] by plaintiff Earley Story; adding Shelby County, Sheriff Dept, Shelby, D. W. Wright (BAG) (Entered: 09/02/1997) |
| 04/08/1998 | 12 | MOTION TO WITHDRAW by plaintiff Earley Story to withdraw attorney Attorneys' Stephen R. Leffler and Russell C. Rutledge (YDS) (Entered: 04/09/1998) |
| 04/13/1998 | 13 | ORDER by Judge Bernice B. Donald referring to Mag Judge James H. Allen the attorneys of record for plaintiff's motion to withdraw [12-1] filed 4/9/98, for a determination. (CHMJ, CHMS) (cc: all counsel) (Former Emp) (Entered: 04/13/1998) |
| 04/27/1998 | 14 | CERTIFICATE of Consultation by plaintiff Earley Story re withdrawal of counsel for pla; (BAG) (Entered: 04/28/1998) |
| 04/28/1998 | 15 | ORDER by Judge Bernice B. Donald granting motion to withdraw attorney [12-1] attorney Russell Curtis Rutledge for Earley Story, attorney Stephen R. Leffler for Earley Story withdrawing attorneys Leffler and Rutledge as counsel for pla Earley Story; (cc: all counsel) (BAG) (Entered: 04/29/1998) |
| 05/05/1998 | 16 | ORDER Mooting Order Of Reference by Judge Bernice B. Donald withdrawing order [13-1]; The Court, on 4/28/98, ruled on the motion; Previously referenced Order of Reference is withdrawn; (Ch-Mag Allen) (cc: all counsel) (BAG) (Entered: 05/06/1998) |
| 06/11/1998 | 17 | MOTION by plaintiff Earley Story for continuance of trial currently set for 6/29/98; pla request additional time to seek counsel to represent him in this matter; (BAG) (Entered: 06/12/1998) |
| 06/18/1998 | 18 | ORDER Granting Motion For Continuance by Judge Bernice B. Donald granting motion for continuance of trial currently set for 6/29/98 [17-1] Following dates amended as follows: pretrial order due 11/24/98; pretrial conference set 8:45 12/1/98; trial set 12/14/98; (cc: all counsel) (BAG) (Entered: 06/18/1998) |
| 11/09/1998 | 19 | MOTION by plaintiff Earley Story for continuance of hearing scheduled for 12/1/98 on pla's motion for summary judgment; (BAG) (Entered: 11/10/1998) |
| 11/10/1998 | 20 | ORDER Denying Motion For Continuance by Judge Bernice B. Donald denying motion for continuance [19-1]; Pla moved for continuance to retain counsel; For cause, the Court granted pla's motion and fixed a trial date of 12/14/98; The Court set a pretrial conf. for 12/1/98 at 8:45; Pla has not articulated a basis for continuing the matter further; Pla's motion DENIED and pla ordered to appear for pretrial conf. on 12/1/98 at 8:45 (cc: all counsel) (BAG) (Entered: 11/10/1998) |

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| 12/02/1998 | 21 | FINAL SCHEDULING ORDER 16(b) Judge Bernice B. Donald; established as final dates; All discovery completed 30 days after conclusion of criminal trial; non-jury trial set for 3/29/99 at 9:00, expected to last 3 days; pretrial conference set for 3/16/99 at 8:45; joint pretrial order to be entered on 3/9/99 by 5:00pm; Absent good cause shown, scheduling dates set by this order will not be modified or extended; (cc: all counsel) (BAG) (Entered: 12/02/1998) |
| 12/02/1998 | 22 | MINUTES: Pretrial conf. held 12/1/98; , Dft renewed motion to continue trial (granted); trial set 3/29/99 at 9:00; PTC set 3/16/99 at 8:45; PTO due 3/9/99; Parties consent to taking of Mr. Story's deposition 30 days after his criminal matter is disposed; Presiding Judge: Bernice B. Donald; PLA Atty: Pro Se; DFT Atty: R. Stotts; C/R: Lynn Dudley; (BAG) (Entered: 12/04/1998) |
| 02/16/1999 | 23 | SUA SPONTE ORDER ADVANCING PRETRIAL CONFERENCE DATE AND CONFIRMING TRIAL DATE... by Judge Bernice B. Donald The above captioned case is set for a firm trial date of Monday, 3/29/99 @ 9:00 a.m. The court is, on its own initiative and for cause, advancing the pretrial conference date. The parties are ordered to appear Friday, 2/26/99 @ 9:00 a.m. for a pretrial conference. A joint pretrial order will be filed 3/9/99, subsequent to the pretrial conference . (cc: all counsel) (EHG) (Entered: 02/17/1999) |
| 02/26/1999 | 24 | ATTORNEY OF APPEARANCE for plaintiff Earley Story by Jeffery S. Rosenblum (Former Emp) (Entered: 02/26/1999) |
| 02/26/1999 | 25 | MOTION FOR CONTINUANCE AND REQUEST FOR EXTENSION FOR DISCOVERY DEADLINE by plaintiff Earley Story for continue , to extend discovery deadline (Former Emp) (Entered: 02/26/1999) |
| 02/26/1999 | 26 | ORDER GRANTING MOTION FOR CONTINUANCE AND REQUEST FOR EXTENSION FOR DISCOVERY DEADLINE by Judge Bernice B. Donald granting motion for continue [25-1], granting motion to extend discovery deadline [25-2] ...Upon review of the motion, and for good cause shown, the motion is GRANTED in accordance with the Amended Rule 16(b) Scheduling Order (cc: all counsel) (Former Emp) (Entered: 03/01/1999) |
| 02/26/1999 | 27 | SCHEDULING ORDER 16(b) Judge Bernice B. Donald; deadline for amending pleadings set for 6/4/99 discovery deadline set for 7/1/99; non-jury trial set for 10/25/99 at 9:00; expected to last 3-4 days; pretrial conference set for 9/27/99 at 1:30; proposed pretrial order to be entered on 10/4/99 no later than 5:00 p.m.; motion filing deadline set for 7/23/99; Depositions, Interrogatories and Requests For Admissions: Mr. Story's deposition may be taken outside of the discovery bar date; Expert Disclosure (Rule 26): Disclosure of Plaintiff's Rule 26 expert Information; Disclosure of Defendant's Rule 26 Expert Information; Absent Extraordinary good cause shown, the scheduling dates set by this order will not be modified or extended... The Civil Case Management Plan for this district requires that this case be disposed of by settlement or trial within eighteen (18) months of filing (cc: all counsel) (Former Emp) (Entered: 03/01/1999) |
| 02/26/1999 | 28 | MINUTES: (filed 3/2/99) PTC held 2/26/99. Pla motion to continue trial (granted). discovery cutoff 7/1/99, dispositive motion 7/23/99, trial 10/25/99 @ 9:00, PTC 9/27/99 @ 1:30, PTO 10/4/99. Presiding Judge: Donald PLA Atty: J. Rosenblum DFT Atty: R. Stotts C/R: Lynn Dudley (EHG) (Entered: 03/03/1999) |

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| 08/25/1999 | 29 | SETTING LETTER: pretrial conference set for 9/21/99 at 8:30 (resetting from 9/27/99) (BAG) (Entered: 08/25/1999) |
| 09/21/1999 | 30 | MINUTES: ; Case was set today for a Pretrial conference . A telephone conf. to be set @ the conclusion of pending criminal trial. Counsel will advise the court. Trial set 10/25/99. Presiding Judge: Donald PLA Atty: Jeffrey Rosenblum DFT Atty: Rita Stotts C/R: Lynn Dudley (EHG) Modified on 10/21/1999 (Entered: 09/22/1999) |
| 10/21/1999 | 31 | SETTING LETTER : This notice serves to confirm today's oral notification that a status conference in this matter has been SET for Monday, 10/25/99 at 9:00 a.m. before Judge Donald. (EHG) (Entered: 10/21/1999) |
| 10/25/1999 | 32 | MINUTES: Status Conf 10/25/99. Criminal trial set for 12/6/99. Court directs civil trial to be continued until Monday, 3/20/99 (2-3 days) @ 9:00 a.m.; pre-trial conf set for Monday, 2/28/00 @ 8:30 a.m.; PTO due 2/21/00 by 5:00 p.m.; telephonic status conf set for Wed, 1/12/00 @ 8:45 a.m. Presiding Judge: Donald PLA Atty: J. Rosenblum DFT Atty: R. Stotts CR: none (EHG) (Entered: 10/25/1999) |
| 10/26/1999 | 33 | AMENDED RULE 16(b) SCHEDULING ORDER Judge Bernice B. Donald ..Pursuant to the scheduling conf set by written notice, the following dates are amended as follows: telephonic status conference set for 8:45 1/12/00 ; non-jury trial set for 3/20/00 at 9:00 ; pretrial conference set for 2/28/00 at 8:30 ; proposed pretrial order due 2/21/00. Absent good cause shown, the scheduling dates set by this order will not be modified or extended. (cc: all counsel) (EHG) (Entered: 10/26/1999) |
| 01/12/2000 | 34 | MINUTES: Telephone Status conference held 1/12/00; Pla convicted on 1 count and acquitted on other counts (re: state criminal trial); Pla is going to be appealing conviction; jury trial set 9:00 3/20/00; PTC set 2/28/00 at 8:30; PTO due 2/21/00; Motion in limine due 2/21/00; Dft allowed to depose pla; Presiding Judge: Bernice B. Donald; PLA Atty: J. Rosenblum; DFT Atty: R. Stotts; C/R: Lynn Dudley; (BAG) (Entered: 01/18/2000) |
| 02/23/2000 | 35 | MOTION by plaintiff Earley Story for continuance (of trial currently set for 3/20/00), for at least one add'l trial setting and to set this matter for a status conf. in 90 days (BAG) (Entered: 02/24/2000) |
| 02/28/2000 | 36 | MINUTES: Pretrial conference held 2/28/00; trial set 9:00 3/20/00; Sentencing scheduled in pla's criminal case for 4/28/00; Pla planning appealing criminal conviction; Court to enter Administrative Closing Order due to pla's pending criminal matter; Parties to notify case Mgr. upon resolution of criminal matters; Trial continued; Presiding Judge: Bernice B. Donald; PLA Atty: J. Rosenblum; DFT Atty: R. Stotts; C/R: Lynn Dudley; (BAG) (Entered: 02/29/2000) |
| 02/29/2000 | 37 | ORDER Administratively Closing Case by Judge Bernice B. Donald; Parties have notified the Court that this matter should be stayed pending resolution of pla's motion for new trial and/or appeal of criminal jury's verdict; Thsi court will administratively close case pursuant to its inherent powers...; administratively closing case; In the event a party in interest files a motion ... seeking to reopen this case, no reopening fee shall be required; Clerk to docket any order of dismissal upon receipt; (cc: all counsel) (BAG) (Entered: 03/01/2000) |

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| 05/10/2010 | 38 | Pro Se MOTION (Request Permission) to Reopen This Administratively Closed Case by Earley Story. (csf) (Entered: 05/11/2010) |
| 06/29/2010 | 39 | Supplemental MOTION to Request to Reopen this Administratively Closed Case by Earley Story. (csf) (Entered: 06/29/2010) |
| 07/29/2010 | 40 | ORDER Denying 38 , 39 Motions to Reopen Case and for Appointment of Counsel. Signed by Judge Bernice B. Donald on 07/29/2010. (Donald, Bernice) (Entered: 07/29/2010) |
| 08/06/2010 | 41 | Mail Returned as Undeliverable. Mail sent to Rita Stotts. (vjm) (Entered: 08/12/2010) |
| 01/14/2011 | 42 | First MOTION to Substitute Attorney <i>in place of Rita L. Stotts with proposed Order submitted</i> by A. C. Gilless. (Fessenden, Debra) (Entered: 01/14/2011) |
| 01/18/2011 | 43 | ORDER Granting Motion of Debra L. Fessenden to Substitute as Counsel in Place of Rita L. Stotts. Signed by Judge Bernice B. Donald on 01/18/11. (Donald, Bernice) (Entered: 01/18/2011) |
| 01/28/2011 | 44 | Mail Returned as Undeliverable. Mail sent to Rita Stotts. (vjm) (Entered: 02/01/2011) |

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