

No. 22-60481

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

ARTHUR DOE; BRENDA DOE; CAROL DOE; DIANA DOE; ELIZABETH DOE,
Plaintiffs-Appellees

v.

LYNN FITCH; SEAN TINDELL, COMMISSIONER OF THE MISSISSIPPI DEPARTMENT
OF PUBLIC SAFETY; MEGAN COSTILOW, DIRECTOR OF THE MISSISSIPPI SEX
OFFENDER REGISTRY; COLONEL RANDY GINN, DIRECTOR OF THE MISSISSIPPI
HIGHWAY PATROL; LIEUTENANT COLONEL CHARLES HAYNES, DIRECTOR OF THE
MISSISSIPPI BUREAU OF INVESTIGATION,
Defendants-Appellants

Appeal from the United States District Court
for the Southern District of Mississippi
No. 3:16 cv 789-CWR-FKB

RECORD EXCERPTS

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CLOSED,APPEAL,CLASS_ACTION,FKB

U.S. District Court
Southern District of Mississippi (Northern (Jackson))
CIVIL DOCKET FOR CASE #: 3:16-cv-00789-CWR-FKB
Internal Use Only

Doe et al v. Hood et al
Assigned to: District Judge Carlton W. Reeves
Referred to: Magistrate Judge F. Keith Ball
Case in other court: USCA, 22-60481
Cause: 42:1983 Civil Rights Act

Date Filed: 10/07/2016
Date Terminated: 12/22/2021
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Arthur Doe

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Plaintiff

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Plaintiff

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Defendant

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Fund, Inc.**represented by **Oliver E. Diaz , Jr.**

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Date Filed	#	Docket Text
10/07/2016	<u>1 (p.29)</u>	COMPLAINT for Declaratory and Injunctive Relief against Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Filing fee \$ 400 receipt number 34643041616), filed by Carol Doe, Arthur Doe, Brenda Doe, Diana Doe, Elizabeth Doe. (Attachments: # <u>1 (p.29)</u> Civil Cover Sheet).(RRL) (Entered: 10/07/2016)
10/07/2016	<u>2 (p.61)</u>	Summons Issued as to Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner. (RRL) (Entered: 10/07/2016)
10/07/2016		(Court only) ***Set Magistrate Judge Ball/No CMC Held Flags/Class Action. (RRL) (Entered: 10/07/2016)
10/10/2016	<u>3 (p.76)</u>	SUMMONS Returned Executed by Carol Doe, Arthur Doe, Brenda Doe, Diana Doe, Elizabeth Doe Jim Hood served on 10/7/2016, answer due 10/28/2016. (Howard, Jacob) (Entered: 10/10/2016)
10/10/2016	<u>4 (p.79)</u>	SUMMONS Returned Executed by Carol Doe, Arthur Doe, Brenda Doe, Diana Doe, Elizabeth Doe Albert Santa Cruz served on 10/7/2016, answer due 10/28/2016. (Howard, Jacob) (Entered: 10/10/2016)
10/10/2016	<u>5 (p.82)</u>	SUMMONS Returned Executed by Carol Doe, Arthur Doe, Brenda Doe, Diana Doe, Elizabeth Doe Charlie Hill served on 10/7/2016, answer due 10/28/2016. (Howard, Jacob) (Entered: 10/10/2016)
10/10/2016	<u>6 (p.85)</u>	SUMMONS Returned Executed by Carol Doe, Arthur Doe, Brenda Doe, Diana Doe, Elizabeth Doe Chris Gillard served on 10/7/2016, answer due 10/28/2016. (Howard, Jacob) (Entered: 10/10/2016)
10/10/2016	<u>7 (p.88)</u>	SUMMONS Returned Executed by Carol Doe, Arthur Doe, Brenda Doe, Diana Doe, Elizabeth Doe Larry Waggoner served on 10/7/2016, answer due 10/28/2016. (Howard, Jacob) (Entered: 10/10/2016)
10/10/2016	<u>8 (p.91)</u>	MOTION for Ghita Schwarz to Appear Pro Hac Vice (Paid \$100 PHV fee; receipt number 0538-3287540) by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Attachments: # <u>1 (p.29)</u> Exhibit Certificate of Good Standing)(McDuff, Robert) (Entered: 10/10/2016)
10/10/2016	<u>9 (p.98)</u>	MOTION for Alexis Agathocleous to Appear Pro Hac Vice (Paid \$100 PHV fee; receipt number 0538-3287546) by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Attachments: # <u>1 (p.29)</u> Exhibit Certificate of Good Standing)(McDuff, Robert) (Entered: 10/10/2016)

10/12/2016		TEXT-ONLY ORDER granting <u>8 (p.91)</u> Motion to Appear Pro Hac Vice; granting <u>9 (p.98)</u> Motion to Appear Pro Hac Vice. That Ghita Schwartz and Alexis Agathocleous be admitted pro hac vice in this case on behalf of the plaintiffs in association with local counsel and upon registration for electronic filing as required by the Court. No further written order shall issue from the Court. Signed by Magistrate Judge F. Keith Ball on 10/12/2016. (JEJ) (Entered: 10/12/2016)
10/12/2016	<u>10 (p.105)</u>	MOTION for Matthew Strugar to Appear Pro Hac Vice (Paid \$100 PHV fee; receipt number 0538-3289228) by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Attachments: # <u>1 (p.29)</u> Exhibit Certificate of Good Standing)(McDuff, Robert) (Entered: 10/12/2016)
10/12/2016		(Court only) ***Attorney Ghita Schwarz - PHV,Alexis Agathocleous - PHV for Arthur Doe,Ghita Schwarz - PHV,Alexis Agathocleous - PHV for Brenda Doe,Ghita Schwarz - PHV,Alexis Agathocleous - PHV for Carol Doe,Ghita Schwarz - PHV,Alexis Agathocleous - PHV for Diana Doe,Ghita Schwarz - PHV,Alexis Agathocleous - PHV for Elizabeth Doe added. (RRL) (Entered: 10/12/2016)
10/13/2016	<u>11 (p.112)</u>	NOTICE of Appearance by Paul E. Barnes-State Gov on behalf of All Defendants (Barnes-State Gov, Paul) (Entered: 10/13/2016)
10/13/2016	<u>12 (p.114)</u>	NOTICE of Appearance by Wilson D. Minor-State Gov on behalf of All Defendants (Minor-State Gov, Wilson) (Entered: 10/13/2016)
10/14/2016		TEXT-ONLY ORDER granting <u>10 (p.105)</u> Motion to Appear Pro Hac Vice. That Matthew Strugar be admitted pro hac vice in this case on behalf of the plaintiffs in association with local counsel and upon registration for electronic filing as required by the Court. No further written order shall issue from the Court. Signed by Magistrate Judge F. Keith Ball on 10/14/2016. (JEJ) (Entered: 10/14/2016)
10/14/2016		(Court only) ***Attorney Matthew Strugar - PHV for Arthur Doe,Matthew Strugar - PHV for Brenda Doe,Matthew Strugar - PHV for Carol Doe,Matthew Strugar - PHV for Diana Doe,Matthew Strugar - PHV for Elizabeth Doe added. (RRL) (Entered: 10/14/2016)
10/27/2016	<u>13 (p.116)</u>	MOTION for Extension of Time to File Answer re <u>1 (p.29)</u> Complaint, by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Barnes-State Gov, Paul) (Entered: 10/27/2016)
10/28/2016		TEXT-ONLY ORDER granting <u>13 (p.116)</u> Motion for Extension of Time to Answer. Albert Santa Cruz answer due 11/2/2016; Chris Gillard answer due 11/2/2016; Charlie Hill answer due 11/2/2016; Jim Hood answer due 11/2/2016; Larry Waggoner answer due 11/2/2016. NO FURTHER WRITTEN ORDER SHALL ISSUE. Signed by Magistrate Judge F. Keith Ball on 10/28/2016. (JRB) (Entered: 10/28/2016)
11/02/2016	<u>14 (p.119)</u>	ANSWER to <u>1 (p.29)</u> Complaint, by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner.(Barnes-State Gov, Paul) (Entered: 11/02/2016)
11/03/2016	<u>15 (p.138)</u>	MOTION for Summary Judgment by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Schwarz - PHV, Ghita) (Entered: 11/03/2016)
11/03/2016	<u>16 (p.141)</u>	MEMORANDUM IN SUPPORT re <u>15 (p.138)</u> MOTION for Summary Judgment filed by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Schwarz - PHV, Ghita) (Entered: 11/03/2016)

11/03/2016	<u>17</u> (p.171)	AFFIDAVIT in Support re <u>15 (p.138)</u> MOTION for Summary Judgment filed by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Attachments: # <u>1 (p.29)</u> Attachment 1, # <u>2 (p.61)</u> Attachment 2, # <u>3 (p.76)</u> Attachment 3, # <u>4 (p.79)</u> Attachment 4, # <u>5 (p.82)</u> Attachment 5)(Schwarz - PHV, Ghita) (Entered: 11/03/2016)
11/03/2016	<u>18</u> (p.207)	MOTION to Seal Document <u>17 (p.171)</u> Affidavit in Support of Motion, <i>and To Proceed Under Pseudonyms</i> by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Schwarz - PHV, Ghita) (Entered: 11/03/2016)
11/03/2016	<u>19</u> (p.210)	MEMORANDUM in Support re <u>18 (p.207)</u> MOTION to Seal Document <u>17 (p.171)</u> Affidavit in Support of Motion, <i>and To Proceed Under Pseudonyms</i> , <u>17 (p.171)</u> Affidavit in Support of Motion, filed by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Schwarz - PHV, Ghita) (Entered: 11/03/2016)
11/03/2016	<u>20</u> (p.229)	MOTION to Certify Class by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Schwarz - PHV, Ghita) (Entered: 11/03/2016)
11/03/2016	<u>21</u> (p.232)	MEMORANDUM in Support re <u>20 (p.229)</u> MOTION to Certify Class filed by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Attachments: # <u>1 (p.29)</u> Exhibit A (Agathocleous Declaration), # <u>2 (p.61)</u> Exhibit B (McDuff Declaration), # <u>3 (p.76)</u> C (Strugar Declaration))(Schwarz - PHV, Ghita) (Entered: 11/03/2016)
11/10/2016	<u>22</u> (p.272)	MOTION for Leave to File Brief of Amicus Curiae by DKT Liberty Project, American Civil Liberties Union, ACLU of Mississippi, GLBTQ Legal Advocates and Defenders, Lambda Legal Defense and Education Fund, Inc. (Attachments: # <u>1 (p.29)</u> Amicus Brief in Support of Plaintiffs' Motion for Summary Judgment)(Diaz, Oliver) (Entered: 11/10/2016)
11/10/2016	<u>23</u> (p.302)	MOTION for Lindsay Harrison to Appear Pro Hac Vice (Paid \$100 PHV fee; receipt number 0538-3311215) by ACLU of Mississippi, American Civil Liberties Union, DKT Liberty Project, GLBTQ Legal Advocates and Defenders, Lambda Legal Defense and Education Fund, Inc. (Attachments: # <u>1 (p.29)</u> Certificate of Good Standing, # <u>2 (p.61)</u> Certificate of Good Standing)(Diaz, Oliver) (Entered: 11/10/2016)
11/10/2016	<u>24</u> (p.311)	MOTION for Elliot Tarloff to Appear Pro Hac Vice (Paid \$100 PHV fee; receipt number 0538-3311216) by ACLU of Mississippi, American Civil Liberties Union, DKT Liberty Project, GLBTQ Legal Advocates and Defenders, Lambda Legal Defense and Education Fund, Inc. (Attachments: # <u>1 (p.29)</u> Certificate of Good Standing, # <u>2 (p.61)</u> Certificate of Good Standing)(Diaz, Oliver) (Entered: 11/10/2016)
11/15/2016		Set Hearing: Telephone Conference set for 11/21/2016 10:30 AM before Magistrate Judge F. Keith Ball. Counsel for Defendant Jim Hood, et al. shall set up the conference and contact the Court at 601-608-4460. (JEJ) (Entered: 11/15/2016)
11/17/2016		ORDER granting <u>23 (p.302)</u> Motion to Appear Pro Hac Vice; granting <u>24 (p.311)</u> Motion to Appear Pro Hac Vice. That Lindsay Harrison and Elliot Tarloff be admitted pro hac vice in this case on behalf of ACLU of Mississippi, et al. in association with local counsel and upon registration for electronic filing as required by the Court. No further written order shall issue from the Court. Signed by Magistrate Judge F. Keith Ball on 11/17/2016. (JEJ) (Entered: 11/17/2016)
11/17/2016		

		(Court only) ***Attorney Elliot Tarloff - PHV for ACLU of Mississippi, Elliot Tarloff - PHV for American Civil Liberties Union, Elliot Tarloff - PHV for DKT Liberty Project, Elliot Tarloff - PHV for GLBTQ Legal Advocates and Defenders added. (RRL) (Entered: 11/17/2016)
11/17/2016		(Court only) ***Attorney Lindsay Harrison - PHV for ACLU of Mississippi, Lindsay Harrison - PHV for American Civil Liberties Union, Lindsay Harrison - PHV for DKT Liberty Project, Lindsay Harrison - PHV for GLBTQ Legal Advocates and Defenders added. (RRL) (Entered: 11/17/2016)
11/18/2016	<u>25</u> (p.320)	MOTION for Discovery <i>and Entry of a Scheduling Order</i> by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Barnes-State Gov, Paul) (Entered: 11/18/2016)
11/18/2016	<u>26</u> (p.324)	MEMORANDUM IN SUPPORT re <u>25</u> (p.320) MOTION for Discovery <i>and Entry of a Scheduling Order</i> filed by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Barnes-State Gov, Paul) (Entered: 11/18/2016)
11/21/2016	<u>27</u> (p.337)	AFFIDAVIT in Support re <u>25</u> (p.320) MOTION for Discovery <i>and Entry of a Scheduling Order</i> filed by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Barnes-State Gov, Paul) (Entered: 11/21/2016)
11/21/2016	<u>28</u> (p.342)	MEMORANDUM in Opposition re <u>18</u> (p.207) MOTION to Seal Document <u>17</u> (p.171) Affidavit in Support of Motion, <i>and To Proceed Under Pseudonyms</i> filed by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Barnes-State Gov, Paul) (Entered: 11/21/2016)
11/21/2016	<u>29</u> (p.360)	RESPONSE in Opposition re <u>20</u> (p.229) MOTION to Certify Class filed by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Barnes-State Gov, Paul) (Entered: 11/21/2016)
11/21/2016	<u>30</u> (p.363)	MEMORANDUM in Opposition re <u>20</u> (p.229) MOTION to Certify Class filed by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Barnes-State Gov, Paul) (Entered: 11/21/2016)
11/21/2016	<u>31</u> (p.367)	RESPONSE in Opposition re <u>15</u> (p.138) MOTION for Summary Judgment filed by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Barnes-State Gov, Paul) (Entered: 11/21/2016)
11/21/2016	<u>32</u> (p.370)	MEMORANDUM in Opposition re <u>15</u> (p.138) MOTION for Summary Judgment filed by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Barnes-State Gov, Paul) (Entered: 11/21/2016)
11/21/2016		Minute Entry for proceedings held before Magistrate Judge F. Keith Ball: Telephone Conference held on 11/21/2016 in Jackson, MS. Appearances: Rob McDuff, Jacob Howard, Ghita Schwartz, Alexis Agathocleous, Matthew Strugar, Paul Barnes and Wilson Minor. (JEJ) (Entered: 11/23/2016)
12/01/2016	<u>33</u> (p.376)	REPLY to Response to Motion re <u>21</u> (p.232) Memorandum in Support of Motion, <u>20</u> (p.229) MOTION to Certify Class , <u>30</u> (p.363) Memorandum in Opposition to Motion, <u>29</u> (p.360) Response in Opposition to Motion filed by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Schwarz - PHV, Ghita) (Entered: 12/01/2016)
12/01/2016	<u>34</u> (p.388)	RESPONSE in Opposition re <u>25</u> (p.320) MOTION for Discovery <i>and Entry of a Scheduling Order</i> filed by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe,

		Elizabeth Doe (Schwarz - PHV, Ghita) (Entered: 12/01/2016)
12/01/2016	<u>35</u> (p.390)	MEMORANDUM in Opposition re <u>25 (p.320)</u> MOTION for Discovery <i>and Entry of a Scheduling Order</i> filed by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Schwarz - PHV, Ghita) (Entered: 12/01/2016)
12/01/2016	<u>36</u> (p.418)	REPLY to Response to Motion re <u>15 (p.138)</u> MOTION for Summary Judgment , <u>31 (p.367)</u> Response in Opposition to Motion, <u>32 (p.370)</u> Memorandum in Opposition to Motion, <u>16 (p.141)</u> Memorandum in Support filed by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Schwarz - PHV, Ghita) (Entered: 12/01/2016)
12/01/2016	<u>37</u> (p.431)	REPLY to Response to Motion re <u>28 (p.342)</u> Memorandum in Opposition to Motion, <u>19 (p.210)</u> Memorandum in Support of Motion, <u>18 (p.207)</u> MOTION to Seal Document <u>17 (p.171)</u> Affidavit in Support of Motion, <i>and To Proceed Under Pseudonyms</i> filed by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Schwarz - PHV, Ghita) (Entered: 12/01/2016)
12/07/2016	<u>38</u> (p.444)	Unopposed MOTION for Extension of Time to File <i>Reply Brief</i> by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Barnes-State Gov, Paul) (Entered: 12/07/2016)
12/07/2016	<u>39</u> (p.447)	Unopposed MOTION for Extension of Time to File (<i>CORRECTED MOTION</i>) by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Barnes-State Gov, Paul) (Entered: 12/07/2016)
12/08/2016	<u>40</u> (p.450)	Response in Support re <u>37 (p.431)</u> REPLY to Response to Motion re <u>28 (p.342)</u> Memorandum in Opposition to Motion, <u>19 (p.210)</u> Memorandum in Support of Motion, <u>18 (p.207)</u> MOTION to Seal Document <u>17 (p.171)</u> Affidavit in Support of Motion, <i>and To Proceed Under Pseudonyms</i> filed by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Schwarz - PHV, Ghita), <u>28 (p.342)</u> MEMORANDUM in Opposition re <u>18 (p.207)</u> MOTION to Seal Document <u>17 (p.171)</u> Affidavit in Support of Motion, <i>and To Proceed Under Pseudonyms</i> filed by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Barnes-State Gov, Paul), <u>19 (p.210)</u> MEMORANDUM in Support re <u>18 (p.207)</u> MOTION to Seal Document <u>17 (p.171)</u> Affidavit in Support of Motion, <i>and To Proceed Under Pseudonyms</i> , <u>17 (p.171)</u> Affidavit in Support of Motion, filed by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Schwarz - PHV, Ghita), <u>18 (p.207)</u> MOTION to Seal Document <u>17 (p.171)</u> Affidavit in Support of Motion, <i>and To Proceed Under Pseudonyms</i> by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Schwarz - PHV, Ghita) filed by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Schwarz - PHV, Ghita) (Entered: 12/08/2016)
12/09/2016	<u>41</u> (p.452)	REPLY to Response to Motion re <u>25 (p.320)</u> MOTION for Discovery <i>and Entry of a Scheduling Order</i> , <u>26 (p.324)</u> Memorandum in Support, <u>34 (p.388)</u> Response in Opposition to Motion, <u>27 (p.337)</u> Affidavit in Support of Motion filed by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Barnes-State Gov, Paul) (Entered: 12/09/2016)
01/03/2017		TEXT-ONLY ORDER denying <u>38 (p.444)</u> Motion for Extension of Time to File; and granting, <i>nunc pro tunc</i> , <u>39 (p.447)</u> Motion for Extension of Time to File. NO FURTHER WRITTEN ORDER SHALL ISSUE. Signed by District Judge Carlton W. Reeves on 1/3/17 (rg) (Entered: 01/03/2017)
01/26/2017		

	<u>42</u> <u>(p.469)</u>	ORDER granting <u>22 (p.272)</u> Motion for Leave to File Brief of Amicus Curiae. Signed by District Judge Carlton W. Reeves on 1/26/17. (rg) (Entered: 01/26/2017)
06/02/2017	<u>43</u> <u>(p.470)</u>	ORDER granting in part and denying in part <u>18 (p.207)</u> Motion to Seal Document <u>17 (p.171)</u> and to Proceed Under Pseudonyms. Signed by District Judge Carlton W. Reeves on 6/2/17. (rg) (Entered: 06/02/2017)
06/02/2017	<u>44</u> <u>(p.476)</u>	ORDER denying <u>15 (p.138)</u> Motion for Summary Judgment; denying <u>20 (p.229)</u> Motion to Certify Class; and granting <u>25 (p.320)</u> Motion for Discovery. Signed by District Judge Carlton W. Reeves on 6/2/17. (rg) (Entered: 06/02/2017)
07/12/2017	<u>45</u> <u>(p.478)</u>	Rule 16(a) Initial Order Telephonic Case Management Conference set for 8/15/2017 02:00 PM before Magistrate Judge F. Keith Ball. No later than seven (7) days prior to the TCMC, a confidential memorandum AND a proposed Case Management Order shall be submitted via e-mail to ball_chambers@mssd.uscourts.gov. Counsel for Plaintiff shall set up the conference and, once all the parties are on the line, contact the Court at 601-608-4460. (JEJ) (Entered: 07/12/2017)
07/13/2017		TEXT-ONLY ORDER requiring the parties to submit a proposed protective order that meets the requirements set forth in Order <u>43 (p.470)</u> . The parties are to submit either an agreed proposed protective order, or competing proposed orders, via email to ball_chambers@mssd.uscourts.gov. The parties should have these orders submitted no later than 8/4/17 and should be prepared to discuss them at the Telephonic Case Management Conference set for 8/15/2017 02:00 PM. NO FURTHER WRITTEN ORDER TO ISSUE FROM THE COURT. Signed by Magistrate Judge F. Keith Ball on 7/13/17 (RBM) (Entered: 07/13/2017)
07/20/2017	<u>46</u> <u>(p.480)</u>	NOTICE of Withdrawal of Attorney Alexis Agathocleous by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Agathocleous - PHV, Alexis) (Entered: 07/20/2017)
07/20/2017		DOCKET ANNOTATION as to [#46]: Attorney Advised that a Motion to withdraw should be filed in place of Notice to Withdraw. (MGB) (Entered: 07/20/2017)
07/21/2017	<u>47</u> <u>(p.483)</u>	MOTION to Withdraw as Attorney by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Agathocleous - PHV, Alexis) (Entered: 07/21/2017)
07/24/2017		TEXT-ONLY ORDER granting <u>47 (p.483)</u> Motion to Withdraw as Attorney. Attorney Alexis Agathocleous - PHV terminated. NO FURTHER WRITTEN ORDER TO ISSUE FROM THE COURT. Signed by Magistrate Judge F. Keith Ball on 7/24/17 (RBM) (Entered: 07/24/2017)
08/15/2017		Minute Entry for proceedings held before Magistrate Judge F. Keith Ball: Telephonic Case Management Conference held on 8/15/2017 in Jackson, MS. (JEJ) (Entered: 08/22/2017)
08/18/2017	<u>48</u> <u>(p.486)</u>	Joint MOTION for Protective Order by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Attachments: # <u>1 (p.29)</u> Exhibit Joint Proposed Protective Order)(Schwarz - PHV, Ghita) (Entered: 08/18/2017)
08/22/2017		TEXT-ONLY ORDER. This case came before the undersigned for a telephonic case management conference (TCMC) on 8/15/2017. Appearing: Ghita Schwarz, Matthew Strugar, Rob McDuff, Paul Barnes, and Wilson Minor. During the TCMC, counsel advised that they have agreed to the terms of a protective order consistent with the instructions in District Judge Carlton Reeves's Order <u>43 (p.470)</u> , entered on 6/2/2017. The Court orders that counsel file a joint motion for entry of the protective

		order by 8/18/2017. The proposed protective order must be attached as an exhibit to the motion, and the terms of the proposed protective order must be consistent with the provisions of L.U.Civ.R. 79. No further written order shall issue from the Court. Signed by Magistrate Judge F. Keith Ball on 8/15/2017. (JEJ) (Entered: 08/22/2017)
08/23/2017	<u>49</u> <u>(p.495)</u>	CASE MANAGEMENT ORDER. Disclosure due by 9/8/2017; Motions for Amended Pleadings due by 9/14/2017; Motions for Joinder of Parties due by 9/14/2017; Designate Experts Plaintiff Deadline due by 12/6/2017; Designate Experts for Defendant Deadline due by 1/5/2018; Discovery due by 3/6/2018; Motions due by 3/20/2018; Settlement Conference set for 2/22/2018 09:00 AM before Magistrate Judge F. Keith Ball. Seven (7) days before the settlement conference, the parties must submit via e-mail to ball_chambers@mssd.uscourts.gov an updated CONFIDENTIAL SETTLEMENT MEMORANDUM. All parties are required to be present at the conference unless excused by the Court. If a party believes the scheduled settlement conference would not be productive and should be cancelled, the party is directed to inform the Court via e-mail of the grounds for their belief at least seven (7) days prior to the conference. Pretrial Conference set for 7/13/2018, time to be determined, in Courtroom 5B (Jackson) Reeves before District Judge Carlton W. Reeves; Jury Trial set for a two-week term of court commencing 8/20/2018 09:00 AM before Magistrate Judge F. Keith Ball. Signed by Magistrate Judge F. Keith Ball on 8/23/2017. (JEJ) (Entered: 08/23/2017)
09/08/2017	<u>50</u> <u>(p.500)</u>	NOTICE of Service of <i>Defendants' Initial</i> Disclosure by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Minor-State Gov, Wilson) (Entered: 09/08/2017)
09/08/2017	<u>51</u> <u>(p.503)</u>	NOTICE of Service of <i>Plaintiffs' Initial Disclosures</i> by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Schwarz - PHV, Ghita) (Entered: 09/08/2017)
09/14/2017	<u>52</u> <u>(p.506)</u>	First MOTION for Extension of Time to Amend <u>1</u> <u>(p.29)</u> Complaint, by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Schwarz - PHV, Ghita) (Entered: 09/14/2017)
09/20/2017		TEXT-ONLY ORDER granting <u>52</u> <u>(p.506)</u> Unopposed Motion for Extension of Time to Amend Complaint. Plaintiffs have until October 13, 2017 to file any motions seeking to amend the complaint. NO FURTHER WRITTEN ORDER TO ISSUE FROM THE COURT. Signed by Magistrate Judge F. Keith Ball on 9/20/17 (RBM) (Entered: 09/20/2017)
09/20/2017	<u>53</u> <u>(p.509)</u>	ORDER granting <u>48</u> <u>(p.486)</u> Motion for Protective Order Signed by Magistrate Judge F. Keith Ball on 9/8/17 (RBM) (Entered: 09/20/2017)
09/20/2017	<u>54</u> <u>(p.1706)</u>	*RESTRICTED* DOCUMENT <u>53</u> <u>(p.509)</u> Order on Motion for Protective Order. (Attachments: # <u>1</u> <u>(p.29)</u> Appendix 1, # <u>2</u> <u>(p.61)</u> Appendix 2, # <u>3</u> <u>(p.76)</u> Appendix 3, # <u>4</u> <u>(p.79)</u> Appendix 4, # <u>5</u> <u>(p.82)</u> Appendix 5).(RRL) (Entered: 09/20/2017)
09/20/2017	<u>55</u> <u>(p.515)</u>	Unopposed MOTION to Amend/Correct <u>53</u> <u>(p.509)</u> Order on Motion for Protective Order by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Barnes-State Gov, Paul) (Entered: 09/20/2017)
09/26/2017	<u>56</u> <u>(p.519)</u>	MOTION to Amend/Correct <u>53</u> <u>(p.509)</u> Order on Motion for Protective Order, <u>54</u> <u>(p.1706)</u> Restricted Document (Court Users and Case Participants Only) by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Schwarz - PHV, Ghita) (Entered: 09/26/2017)

10/13/2017	<u>57</u> (p.522)	First MOTION to Amend/Correct <i>Complaint</i> by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Schwarz - PHV, Ghita) (Entered: 10/13/2017)
10/13/2017	<u>58</u> (p.525)	MEMORANDUM in Support re <u>57</u> (p.522) First MOTION to Amend/Correct <i>Complaint</i> filed by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Schwarz - PHV, Ghita) (Entered: 10/13/2017)
10/16/2017	<u>59</u> (p.527)	CERTIFICATE OF SERVICE by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe re <u>58</u> (p.525) Memorandum in Support of Motion to Amend <i>Complaint</i> (Schwarz - PHV, Ghita) (Entered: 10/16/2017)
10/16/2017		TEXT-ONLY ORDER granting <u>55</u> (p.515) Defendants' Unopposed Motion to Amend/Correct Order on Motion for Protective Order. Signed by District Judge Carlton W. Reeves on 10/16/2017. (mm) (Entered: 10/16/2017)
10/16/2017		ORDER granting <u>56</u> (p.519) Plaintiffs' Motion to Amend/Correct <u>53</u> (p.509) Order on Motion for Protective Order, <u>54</u> (p.1706) Restricted Document. Signed by District Judge Carlton W. Reeves on 10/16/2017. (mm) (Entered: 10/16/2017)
10/23/2017		TEXT-ONLY ORDER granting <u>57</u> (p.522) Motion to Amend/Correct Complaint. Plaintiff is advised in the future to attach a copy of the Amended Complaint to the Motion in accordance with Local Uniform Civil Rule 15. Plaintiff has seven (7) days to file the Amended Complaint. NO FURTHER WRITTEN ORDER TO ISSUE FROM THE COURT. Signed by Magistrate Judge F. Keith Ball on 10/23/17 (RBM) (Entered: 10/23/2017)
10/25/2017	<u>60</u> (p.528)	AMENDED COMPLAINT against All Defendants, filed by Carol Doe, Arthur Doe, Elizabeth Doe, Brenda Doe, Diana Doe.(Schwarz - PHV, Ghita) (Entered: 10/25/2017)
10/25/2017	<u>61</u> (p.558)	CERTIFICATE OF SERVICE by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe re <u>60</u> (p.528) Amended Complaint (Schwarz - PHV, Ghita) (Entered: 10/25/2017)
10/27/2017	<u>62</u> (p.559)	NOTICE of Service of Response to Interrogatories by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Minor-State Gov, Wilson) (Entered: 10/27/2017)
10/27/2017	<u>63</u> (p.562)	NOTICE of Service of Response to Request for Admissions by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Minor-State Gov, Wilson) (Entered: 10/27/2017)
10/27/2017	<u>64</u> (p.565)	NOTICE of Service of Response to Request for Production by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Minor-State Gov, Wilson) (Entered: 10/27/2017)
10/27/2017	<u>65</u> (p.568)	NOTICE of Service of <i>Privilege Log with</i> Response to Request for Production by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Minor-State Gov, Wilson) (Entered: 10/27/2017)
11/07/2017	<u>66</u> (p.570)	ANSWER to <u>60</u> (p.528) Amended Complaint by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner.(Minor-State Gov, Wilson) (Entered: 11/07/2017)
11/09/2017	<u>67</u> (p.591)	NOTICE of Service of <i>Defendants' First Set of</i> Interrogatories by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Minor-State Gov, Wilson) (Entered: 11/09/2017)

11/09/2017	<u>68</u> (p.593)	NOTICE of Service of <i>Defendants' First Set of Request for Admissions</i> by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Minor-State Gov, Wilson) (Entered: 11/09/2017)
11/09/2017	<u>69</u> (p.595)	NOTICE of Service of <i>Defendants' First Set of Request for Production</i> by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Minor-State Gov, Wilson) (Entered: 11/09/2017)
11/13/2017	<u>70</u> (p.597)	NOTICE of Service of <i>Plaintiffs' Second Set of Requests for Production to Defendant Charlie Hill</i> by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Strugar - PHV, Matthew) (Entered: 11/13/2017)
11/13/2017	<u>71</u> (p.600)	NOTICE of Service of <i>Plaintiffs' Second Set of Interrogatories to Defendant Charlie Hill</i> by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Strugar - PHV, Matthew) (Entered: 11/13/2017)
12/14/2017	<u>72</u> (p.603)	NOTICE of Service of Response to Interrogatories by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Minor-State Gov, Wilson) (Entered: 12/14/2017)
12/14/2017	<u>73</u> (p.606)	NOTICE of Service of Response to Request for Production by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Minor-State Gov, Wilson) (Entered: 12/14/2017)
12/22/2017	<u>74</u> (p.609)	NOTICE of Service of Responses to Requests for Admissions by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Strugar - PHV, Matthew) (Entered: 12/22/2017)
12/22/2017	<u>75</u> (p.612)	NOTICE of Service of Responses to Requests for Production by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Strugar - PHV, Matthew) (Entered: 12/22/2017)
12/22/2017	<u>76</u> (p.615)	NOTICE of Service of Responses to Interrogatories by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Strugar - PHV, Matthew) (Entered: 12/22/2017)
01/31/2018		RESET Scheduling Order Deadlines/Hearings: This matter reset to reflect that the trial will be held before Judge Reeves. Jury Trial reset for a two-week term of court commencing 8/20/2018 09:00 AM in Courtroom 5B (Jackson) Reeves before District Judge Carlton W. Reeves. (JEJ) (Entered: 01/31/2018)
02/06/2018	<u>77</u> (p.618)	Joint MOTION to Clarify Set/Reset Scheduling Order Deadlines/Hearings, by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Schwarz - PHV, Ghita) (Entered: 02/06/2018)
02/08/2018		TEXT-ONLY ORDER granting <u>77</u> (p.618) Motion to Clarify. This case is reset to reflect that it is a BENCH trial. No further written order shall issue from the Court. Signed by Magistrate Judge F. Keith Ball on 2/8/2018. (JEJ) (Entered: 02/08/2018)
02/08/2018		RESET Scheduling Order Deadlines/Hearings: Bench Trial set for a two-week term of court commencing 8/20/2018 09:00 AM before District Judge Carlton W. Reeves. (JEJ) (Entered: 02/08/2018)
02/22/2018		Minute Entry for proceedings held before Magistrate Judge F. Keith Ball: Settlement Conference held on 2/22/2018 in Jackson, MS. Appearing: Ghita Schwarz, Matthew Strugar, Stephanie Llanes, Rob McDuff, Paul Barnes, Lora E. Hunter and Wilson Minor. (JEJ) (Entered: 02/26/2018)

02/23/2018	<u>78</u> <u>(p.619)</u>	MOTION for Shayana D. Kadidal to Appear Pro Hac Vice (Paid \$100 PHV fee; receipt number 0538-3644883) by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Attachments: # <u>1</u> (p.29) Exhibit A - Certificate of Good Standing)(McDuff, Robert) (Entered: 02/23/2018)
02/26/2018		TEXT-ONLY ORDER granting <u>78</u> (p.619) Motion to Appear Pro Hac Vice. That Shayana D. Kadidal be admitted pro hac vice in this case on behalf of the plaintiffs in association with local counsel and upon registration for electronic filing as required by the Court. No further written order shall issue from the Court. Signed by Magistrate Judge F. Keith Ball on 2/26/2018. (JEJ) (Entered: 02/26/2018)
02/26/2018		Set Hearing: Telephonic Status Conference set for 2/28/2018 01:00 PM before Magistrate Judge F. Keith Ball. Counsel for the plaintiff shall set up the conference and contact the Court at 601-608-4460. (JEJ) (Entered: 02/26/2018)
02/28/2018		Minute Entry for proceedings held before Magistrate Judge F. Keith Ball: Telephonic Status Conference held on 2/28/2018 in Jackson, MS. Appearing: Ghita Schwartz, Stephanie Llanes, Shayana Kadidal, Matt Strugar, Rob McDuff, Paul Barnes and Wilson Minor. (JEJ) (Entered: 03/06/2018)
03/01/2018	<u>79</u> <u>(p.626)</u>	MOTION for Stephanie Llanes to Appear Pro Hac Vice (Paid \$100 PHV fee; receipt number 0538-3649870) by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Attachments: # <u>1</u> (p.29) Exhibit A - Certificate of Good Standing)(McDuff, Robert) (Entered: 03/01/2018)
03/02/2018		TEXT-ONLY ORDER granting <u>79</u> (p.626) Motion to Appear Pro Hac Vice. That Stephanie Llanes be admitted pro hac vice in this case on behalf of the plaintiffs in association with local counsel and upon registration for electronic filing as required by the Court. No further written order shall issue from the Court. Signed by Magistrate Judge F. Keith Ball on 3/2/2018. (JEJ) (Entered: 03/02/2018)
03/06/2018		Set Scheduling Order Deadlines/Hearings: Discovery due by 4/10/2018 and Dispositive and Daubert Motions due by 4/24/2018. (JEJ) (Entered: 03/06/2018)
03/15/2018	<u>80</u> <u>(p.633)</u>	NOTICE of Service of Response to Interrogatories by Charlie Hill (Minor-State Gov, Wilson) (Entered: 03/15/2018)
03/15/2018	<u>81</u> <u>(p.635)</u>	NOTICE of Service of Response to Request for Production by Charlie Hill (Minor-State Gov, Wilson) (Entered: 03/15/2018)
03/15/2018	<u>82</u> <u>(p.637)</u>	NOTICE of Service of Response to Interrogatories by Jim Hood (Minor-State Gov, Wilson) (Entered: 03/15/2018)
03/15/2018	<u>83</u> <u>(p.639)</u>	NOTICE of Service of Response to Request for Production by Jim Hood (Minor-State Gov, Wilson) (Entered: 03/15/2018)
04/09/2018	<u>84</u> <u>(p.641)</u>	NOTICE of Service of <i>Supplemental</i> Response to Request for Production by Charlie Hill (Minor-State Gov, Wilson) (Entered: 04/09/2018)
04/10/2018	<u>85</u> <u>(p.643)</u>	NOTICE of Service of <i>Supplemental</i> Response to Interrogatories by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Minor-State Gov, Wilson) (Entered: 04/10/2018)
04/10/2018	<u>86</u> <u>(p.645)</u>	NOTICE of Service of Response to Request for Admissions by Charlie Hill (Minor-State Gov, Wilson) (Entered: 04/10/2018)
04/10/2018		

	<u>87</u> <u>(p.647)</u>	NOTICE of Service of Response to Request for Admissions by Jim Hood (Minor-State Gov, Wilson) (Entered: 04/10/2018)
04/18/2018	<u>88</u>	**ERROR** Disregard this entry. Joint MOTION to Extend Dispositive and Daubert Motions Deadline , Joint MOTION for Leave to File Excess Pages by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Minor-State Gov, Wilson) (Entered: 04/18/2018)
04/18/2018		DOCKET ANNOTATION as to Doc <u>88</u> : Pursuant to the Administrative Procedures for Electronic Case Filing Section 2.C. and FED.R.Civ.P.11 an attorney's password issued by the court combined with the user's identification (login) serves as the attorney's signature for Rule 11 and other purposes. Attorneys should not permit other attorneys to use their login and password for any ECF filing. Document #88 will be disregarded and the attorney with the electronic signature on the document should re-file document. (VM) (Entered: 04/18/2018)
04/18/2018		(Court only) ***Motions terminated: <u>88</u> Joint MOTION to Extend Dispositive and Daubert Motions Deadline Joint MOTION for Leave to File Excess Pages filed by Chris Gillard, Jim Hood, Larry Waggoner, Charlie Hill, Albert Santa Cruz. (VM) (Entered: 04/18/2018)
04/18/2018	<u>89</u> <u>(p.649)</u>	Joint MOTION to Extend Dispositive and Daubert Motions Deadline , Joint MOTION for Leave to File Excess Pages by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Barnes-State Gov, Paul) (Entered: 04/18/2018)
04/20/2018		Text-only ORDER granting <u>89 (p.649)</u> Motion to Extend Deadline; denying <u>89 (p.649)</u> Motion for Leave to File Excess Pages. The deadline for filing dispositive and Daubert motions is extended, and a new trial date set, as set forth in the separate docket entry to follow. The request for leave to file excess pages is denied without prejudice; the parties may file a separate motion to be ruled upon by the district judge. Signed by Magistrate Judge F. Keith Ball on 4/20/18. (No further written order will be issued.) (dfk) (Entered: 04/20/2018)
04/20/2018		Set/Reset Deadlines: Dispositive and Daubert Motions to be filed by 5/8/2018. Set/Reset Hearings: Bench Trial set for trial term beginning 11/5/2018 before District Judge Carlton W. Reeves, Pretrial Conference set for 10/12/2018 before District Judge Carlton W. Reeves. (dfk) (Entered: 04/20/2018)
05/01/2018	<u>90</u> <u>(p.653)</u>	Joint MOTION for Leave to File Excess Pages by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Schwarz - PHV, Ghita) (Entered: 05/01/2018)
05/03/2018		TEXT-ONLY ORDER granting <u>90 (p.653)</u> Joint Motion for Leave to File Excess Pages. The page limit for opening and reply briefs in support of the parties' motions for summary judgment is increased to fifty pages. NO FURTHER WRITTEN ORDER SHALL ISSUE. Signed by District Judge Carlton W. Reeves on 05/03/2018. (mm) (Entered: 05/03/2018)
05/08/2018	<u>91</u> <u>(p.657)</u>	MOTION for Summary Judgment by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Attachments: # <u>1 (p.29)</u> Exhibit Plaintiff Arthur Does MSOR file (to be filed under seal), # <u>2 (p.61)</u> Exhibit Plaintiffs Responses to Defendants Interrogatories (to be filed under seal), # <u>3 (p.76)</u> Exhibit MSOR Files of Certain Registered Sex Offenders (to be filed under seal), # <u>4 (p.79)</u> Exhibit Plaintiffs Supplemental Responses to Defendants Interrogatories (to be filed under seal, # <u>5 (p.82)</u> Exhibit MSOR Files of Certain Registered Sex Offenders Identified by Plaintiffs as Members of Putative Class (to be filed under seal), # <u>6 (p.85)</u> Exhibit

		MSOR File of Sex Offender Relieved of Duty to Register After Vacation of Sodomy Conviction (to be filed under seal), # <u>7 (p.88)</u> Exhibit Defendants Supplemental Responses to Plaintiffs Interrogatories (to be filed under seal))(Barnes-State Gov, Paul) (Entered: 05/08/2018)
05/08/2018	<u>92 (p.667)</u>	MEMORANDUM IN SUPPORT re <u>91 (p.657)</u> MOTION for Summary Judgment [<i>Redacted</i>] filed by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Barnes-State Gov, Paul) (Entered: 05/08/2018)
05/08/2018	<u>93 (p.700)</u>	MOTION to Exclude <i>the Opinions of Plaintiffs' Expert, Robert Rudder</i> by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Attachments: # <u>1 (p.29)</u> Exhibit 1 - Affidavit and Report of Robert Rudder)(Minor-State Gov, Wilson) (Entered: 05/08/2018)
05/08/2018	<u>94 (p.706)</u>	MEMORANDUM in Support re <u>93 (p.700)</u> MOTION to Exclude <i>the Opinions of Plaintiffs' Expert, Robert Rudder</i> filed by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Minor-State Gov, Wilson) (Entered: 05/08/2018)
05/08/2018	<u>95 (p.714)</u>	MOTION for Leave to File Document Under Seal by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Minor-State Gov, Wilson) (Entered: 05/08/2018)
05/08/2018	<u>96 (p.719)</u>	MEMORANDUM in Support re <u>95 (p.714)</u> MOTION for Leave to File Document Under Seal filed by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Minor-State Gov, Wilson) (Entered: 05/08/2018)
05/08/2018	<u>97 (p.726)</u>	MOTION for Partial Summary Judgment by Arthur Doe (Schwarz - PHV, Ghita) (Entered: 05/08/2018)
05/08/2018	<u>98 (p.729)</u>	MEMORANDUM in Support re <u>97 (p.726)</u> MOTION for Partial Summary Judgment filed by Arthur Doe (Schwarz - PHV, Ghita) (Entered: 05/08/2018)
05/08/2018	<u>99 (p.770)</u>	AFFIDAVIT in Support re <u>97 (p.726)</u> MOTION for Partial Summary Judgment filed by Arthur Doe (Attachments: # <u>1 (p.29)</u> Exhibit 7)(Schwarz - PHV, Ghita) (Entered: 05/08/2018)
05/08/2018	<u>100 (p.778)</u>	Statement of Undisputed Facts in Support re <u>97 (p.726)</u> MOTION for Partial Summary Judgment filed by Arthur Doe (Schwarz - PHV, Ghita) (Entered: 05/08/2018)
05/08/2018	<u>101 (p.790)</u>	Unopposed MOTION to Seal Document <u>100 (p.778)</u> Statement of Undisputed Facts in Support of <u>97 (p.726)</u> Motion, <u>98 (p.729)</u> Memorandum in Support of Motion, <u>99 (p.770)</u> Affidavit in Support of Motion by Arthur Doe (Schwarz - PHV, Ghita) (Entered: 05/08/2018)
05/08/2018	<u>102 (p.793)</u>	MEMORANDUM in Support re <u>101 (p.790)</u> Unopposed MOTION to Seal Document <u>100 (p.778)</u> Statement of Undisputed Facts in Support of <u>97 (p.726)</u> Motion, <u>98 (p.729)</u> Memorandum in Support of Motion, <u>99 (p.770)</u> Affidavit in Support of Motion filed by Arthur Doe (Schwarz - PHV, Ghita) (Entered: 05/08/2018)
05/08/2018		Docket Annotation as to Doc. <u>99 (p.770)</u> : L.U.Civ.R. 7(b)(2) requires that all supporting exhibits to a document be denominated by an exhibit letter or number and a meaningful description. Attorney is advised to follow this rule in future filings. (VM) (Entered: 05/09/2018)
05/08/2018		

		(Court only) ***Reopen Document/Unterm Motion <u>93 (p.700)</u> MOTION to Exclude <i>the Opinions of Plaintiffs' Expert, Robert Rudder, 91 (p.657)</i> MOTION for Summary Judgment , <u>97 (p.726)</u> MOTION for Partial Summary Judgment (VM) (Entered: 05/17/2018)
05/10/2018		TEXT-ONLY ORDER granting <u>101 (p.790)</u> Motion to Seal Document. The documents shall be restricted. Plaintiff shall deliver documents to the Clerks' Office. NO FURTHER WRITTEN ORDER SHALL ISSUE. Signed by District Judge Carlton W. Reeves on 05/10/2018. (mm) (Entered: 05/10/2018)
05/10/2018		TEXT-ONLY ORDER granting <u>95 (p.714)</u> Motion for Leave to File Document Under Seal. The documents shall be restricted. Defendants shall deliver documents to Clerks' Office. NO FURTHER WRITTEN ORDER SHALL ISSUE. Signed by District Judge Carlton W. Reeves on 05/10/2018.(mm) (Entered: 05/10/2018)
05/10/2018	<u>103 (p.801)</u>	AGREED ORDER re: Louisiana CANS law. Signed by District Judge Carlton W. Reeves on 05/10/2018.(mm) (Entered: 05/10/2018)
05/10/2018	<u>104 (p.808)</u>	PARTIAL JUDGMENT. This case is DISMISSED WITH PREJUDICE. Signed by District Judge Carlton W. Reeves on 5/10/18 (VM) (Entered: 05/10/2018)
05/10/2018	<u>105 (p.810)</u>	AMENDED AGREED ORDER re: Louisiana CANS law. Signed by District Judge Carlton W. Reeves on 05/10/2018.(mm) (Entered: 05/10/2018)
05/11/2018	<u>106 (p.817)</u>	NOTICE OF CONVENTIONAL FILING filed by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (VM) (Entered: 05/11/2018)
05/11/2018	<u>107 (p.1742)</u>	*RESTRICTED* DOCUMENT <u>92 (p.667)</u> Memorandum in Support of Defendants' <u>91 (p.657)</u> Motion for Summary Judgment in re <u>106 (p.817)</u> Notice of Conventional Filing and Text-Only Order dated 5/10/18 granting Motion for Leave to File Document Under Seal, (Attachments: # <u>1 (p.29)</u> Exhibit 1, # <u>2 (p.61)</u> Exhibit 2, # <u>3 (p.76)</u> Exhibit 3, # <u>4 (p.79)</u> Exhibit 4, # <u>5 (p.82)</u> Exhibit 5, # <u>6 (p.85)</u> Exhibit 6, # <u>7 (p.88)</u> Exhibit 7)(VM) (Entered: 05/11/2018)
05/11/2018	<u>108 (p.820)</u>	NOTICE OF CONVENTIONAL FILING filed by Arthur Doe (VM) Modified on 5/11/2018 (VM). (Entered: 05/11/2018)
05/11/2018	<u>109 (p.1953)</u>	*RESTRICTED* DOCUMENT <u>98 (p.729)</u> Memorandum in Support of Motion in re <u>108 (p.820)</u> Notice of Conventional Filing and Text-Only Order granting Motion to Seal Document (VM) (Entered: 05/11/2018)
05/11/2018	<u>110 (p.1994)</u>	*RESTRICTED* DOCUMENT <u>99 (p.770)</u> Affidavit in Support of Motion in re <u>108 (p.820)</u> Notice of Conventional Filing and Text-Only Order granting Motion to Seal Document (VM) (Entered: 05/11/2018)
05/11/2018	<u>111 (p.2006)</u>	*RESTRICTED* DOCUMENT <u>100 (p.778)</u> Affidavit in Support of Motion in re <u>108 (p.820)</u> Notice of Conventional Filing and Text-Only Order granting Motion to Seal Document. (Attachments: # <u>1 (p.29)</u> Exhibit 1, # <u>2 (p.61)</u> Exhibit 2, # <u>3 (p.76)</u> Exhibit 3, # <u>4 (p.79)</u> Exhibit 4, # <u>5 (p.82)</u> Exhibit 5, # <u>6 (p.85)</u> Exhibit 6, # <u>7 (p.88)</u> Exhibit 8, # <u>8 (p.91)</u> Exhibit 9)(VM) (Entered: 05/11/2018)
05/14/2018	<u>112 (p.823)</u>	Consent MOTION to Extend Plaintiffs' Motion for Attorneys' Fees and Costs Related to Partial Judgment Deadline by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Attachments: # <u>1 (p.29)</u> Proposed Order)(Strugar - PHV, Matthew) (Entered: 05/14/2018)
05/21/2018		

		TEXT-ONLY ORDER granting ore tenus request of the parties, extending time for the parties to submit responses to respective motions for summary judgment. Responses are due on 06/01/2018, and reply briefs are due on 06/15/2018. The parties' opening and reply briefs shall not exceed 50 pages. NO FURTHER WRITTEN ORDER SHALL ISSUE. Signed by District Judge Carlton W. Reeves on 05/21/2018.(mm) (Entered: 05/21/2018)
05/22/2018	<u>113</u> (p.827)	MEMORANDUM in Opposition re <u>93 (p.700)</u> MOTION to Exclude <i>the Opinions of Plaintiffs' Expert, Robert Rudder</i> filed by Arthur Doe (Schwarz - PHV, Ghita) (Entered: 05/22/2018)
05/24/2018		TEXT-ONLY ORDER granting <u>112 (p.823)</u> Plaintiff's Motion to extend deadline to move for attorneys' fees and costs associated with the May 10, 2018 Partial Judgment <u>104 (p.808)</u> to 14 days after this Court enters Final Judgment. NO FURTHER WRITTEN ORDER SHALL ISSUE. Signed by District Judge Carlton W. Reeves on 05/24/2018.(mm) (Entered: 05/24/2018)
05/29/2018	<u>114</u> (p.839)	Rebuttal re <u>93 (p.700)</u> MOTION to Exclude <i>the Opinions of Plaintiffs' Expert, Robert Rudder</i> filed by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Minor-State Gov, Wilson) (Entered: 05/29/2018)
06/01/2018	<u>115</u> (p.847)	MEMORANDUM in Opposition re <u>91 (p.657)</u> MOTION for Summary Judgment filed by Arthur Doe (Attachments: # <u>1 (p.29)</u> Supplement Declaration of Ghita Schwarz, # <u>2 (p.61)</u> Exhibit 10 (redacted), # <u>3 (p.76)</u> Exhibit 11 (redacted), # <u>4 (p.79)</u> Exhibit 12 (redacted), # <u>5 (p.82)</u> Exhibit 13 (redacted), # <u>6 (p.85)</u> Exhibit 14 (redacted), # <u>7 (p.88)</u> Exhibit 15 (redacted))(Schwarz - PHV, Ghita) (Entered: 06/01/2018)
06/01/2018	<u>116</u> (p.910)	Unopposed MOTION to Seal Document <u>115 (p.847)</u> Memorandum in Opposition to Motion, <i>Supplemental Declaration, & Exhibits 10-15</i> by Arthur Doe (Schwarz - PHV, Ghita) (Entered: 06/01/2018)
06/01/2018	<u>117</u> (p.913)	MEMORANDUM in Support re <u>116 (p.910)</u> Unopposed MOTION to Seal Document <u>115 (p.847)</u> Memorandum in Opposition to Motion, <i>Supplemental Declaration, & Exhibits 10-15</i> filed by Arthur Doe (Schwarz - PHV, Ghita) (Entered: 06/01/2018)
06/01/2018	<u>118</u> (p.921)	Response in Opposition re <u>100 (p.778)</u> Statement of Undisputed Facts in Support re <u>97 (p.726)</u> MOTION for Partial Summary Judgment filed by Arthur Doe (Schwarz - PHV, Ghita) filed by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Barnes-State Gov, Paul) (Entered: 06/01/2018)
06/01/2018	<u>119</u> (p.927)	MOTION to Strike <u>100 (p.778)</u> Affidavit in Support of Motion by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Barnes-State Gov, Paul) (Entered: 06/01/2018)
06/01/2018	<u>120</u> (p.933)	MEMORANDUM IN OPPOSITION re <u>97 (p.726)</u> MOTION for Partial Summary Judgment (<i>Redacted</i>) filed by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Barnes-State Gov, Paul) (Entered: 06/01/2018)
06/01/2018	<u>121</u> (p.963)	Unopposed MOTION for Leave to File Document Under Seal by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Minor-State Gov, Wilson) (Entered: 06/01/2018)
06/01/2018	<u>122</u> (p.967)	MEMORANDUM in Support re <u>121 (p.963)</u> Unopposed MOTION for Leave to File Document Under Seal filed by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim

		Hood, Larry Waggoner (Minor-State Gov, Wilson) (Entered: 06/01/2018)
06/05/2018	<u>123</u> <u>(p.973)</u>	ORDER granting <u>121</u> (p.963) Unopposed Motion for Leave to File An Unredacted Memorandum in Opposition to Plaintiffs' Motion for Summary Judgment Under Seal. The document filed under seal shall be accessible only to Plaintiffs Counsel and Defendants Counsel and maintained as further stated in this Order. Signed by District Judge Carlton W. Reeves on 6/5/2018. (JS) (Entered: 06/05/2018)
06/07/2018	<u>124</u> <u>(p.975)</u>	ORDER granting <u>116</u> (p.910) Unopposed Motion to Seal Document <u>115</u> (p.847) Memorandum in Opposition to Motion. The Plaintiff shall be permitted to file unredacted versions of the Memorandum in Opposition to Defendants Motion for Summary Judgment, the Supplemental Schwarz Declaration, and supporting exhibits under permanent seal. Signed by District Judge Carlton W. Reeves on 06/07/2018.(mm) (Entered: 06/07/2018)
06/07/2018	<u>125</u> <u>(p.1586)</u>	REDACTION <i>List of Persons With CANS Convictions Removed from the MSOR</i> by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Barnes-State Gov, Paul) (Entered: 06/07/2018)
06/07/2018	<u>126</u> <u>(p.978)</u>	Unopposed MOTION for Leave to File Document Under Seal by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Barnes-State Gov, Paul) (Entered: 06/07/2018)
06/07/2018	<u>127</u> <u>(p.983)</u>	MEMORANDUM in Support re <u>126</u> (p.978) Unopposed MOTION for Leave to File Document Under Seal filed by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Barnes-State Gov, Paul) (Entered: 06/07/2018)
06/08/2018	<u>128</u> <u>(p.989)</u>	NOTICE OF CONVENTIONAL FILING filed by Arthur Doe (VM) (Entered: 06/08/2018)
06/08/2018	<u>129</u> <u>(p.2083)</u>	*RESTRICTED* DOCUMENT re <u>128</u> (p.989) Notice of Conventional Filing: <u>115</u> (p.847) Memorandum in Opposition to <u>91</u> (p.657) Defendants' MOTION for Summary Judgment, filed by Arthur Doe, (Attachments: # <u>1</u> (p.29) Supplemental Declaration of Ghita Schwarz in Opposition to Defendants' Motion for Summary Judgment, # <u>2</u> (p.61) Exhibit 10, # <u>3</u> (p.76) Exhibit 11, # <u>4</u> (p.79) Exhibit 12, # <u>5</u> (p.82) Exhibit 13, # <u>6</u> (p.85) Exhibit 14, # <u>7</u> (p.88) Exhibit 15)(VM) (Entered: 06/08/2018)
06/11/2018	<u>130</u> <u>(p.992)</u>	ORDER granting <u>126</u> (p.978) Defendants' Unopposed Motion for Leave to File an Unredacted List of Persons with CANS Convictions Removed from the MSOR Under Seal. Defendants shall file a Notice of Filing Under Seal attaching an unredacted version of the Memorandum with the Clerk of the Court. The documents filed under seal shall be accessible only to plaintiffs' counsel and defendants' counsel. Signed by District Judge Carlton W. Reeves on 06/11/2018. (mm) (Entered: 06/11/2018)
06/12/2018	<u>131</u> <u>(p.994)</u>	NOTICE OF CONVENTIONAL FILING filed by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (VM) (Entered: 06/12/2018)
06/12/2018	<u>132</u> <u>(p.2401)</u>	*RESTRICTED* DOCUMENT re <u>131</u> (p.994) Notice of Conventional Filing: <u>120</u> (p.933) Memorandum in Opposition to <u>97</u> (p.726) MOTION for Partial Summary Judgment, filed by Chris Gillard, Jim Hood, Larry Waggoner, Charlie Hill, Albert Santa Cruz. (VM) (Entered: 06/12/2018)
06/12/2018	<u>133</u> <u>(p.2431)</u>	*RESTRICTED* DOCUMENT re <u>131</u> (p.994) Notice of Conventional Filing: <u>125</u> (p.1586) List of Persons With CANS Convictions Removed from the MSOR, filed

		by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner. (VM) (Entered: 06/12/2018)
06/15/2018	<u>134</u> <u>(p.997)</u>	REPLY to Response to Motion re <u>97</u> <u>(p.726)</u> MOTION for Partial Summary Judgment filed by Arthur Doe (Strugar - PHV, Matthew) (Entered: 06/15/2018)
06/15/2018	<u>135</u> <u>(p.1018)</u>	MEMORANDUM in Opposition re <u>119</u> <u>(p.927)</u> MOTION to Strike <u>100</u> <u>(p.778)</u> Affidavit in Support of Motion filed by Arthur Doe (Strugar - PHV, Matthew) (Entered: 06/15/2018)
06/15/2018	<u>136</u> <u>(p.1023)</u>	Consent MOTION to Seal Document <u>134</u> <u>(p.997)</u> Reply to Response to Motion by Arthur Doe (Strugar - PHV, Matthew) (Entered: 06/15/2018)
06/15/2018	<u>137</u> <u>(p.1026)</u>	MEMORANDUM in Support re <u>136</u> <u>(p.1023)</u> Consent MOTION to Seal Document <u>134</u> <u>(p.997)</u> Reply to Response to Motion filed by Arthur Doe (Strugar - PHV, Matthew) (Entered: 06/15/2018)
06/15/2018	<u>138</u> <u>(p.1033)</u>	Rebuttal re <u>91</u> <u>(p.657)</u> MOTION for Summary Judgment filed by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Attachments: # <u>1</u> <u>(p.29)</u> Appendix I-A Miss. Code Ann. s 97-3-65 (1972), # <u>2</u> <u>(p.61)</u> Appendix I-B Miss. Code Ann. s 97-3-65 (1977), # <u>3</u> <u>(p.76)</u> Appendix I-C 1985 Laws ch. 389, H.B. 916, # <u>4</u> <u>(p.79)</u> Appendix I-D Miss. Code Ann. s 97-3-65 (2017), # <u>5</u> <u>(p.82)</u> Appendix I-E 1980 Laws ch. 450, H.B. 501)(Barnes-State Gov, Paul) (Entered: 06/15/2018)
06/15/2018	<u>139</u> <u>(p.1069)</u>	Unopposed MOTION for Leave to File Document Under Seal by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Minor-State Gov, Wilson) (Entered: 06/15/2018)
06/15/2018	<u>140</u> <u>(p.1073)</u>	MEMORANDUM in Support re <u>139</u> <u>(p.1069)</u> Unopposed MOTION for Leave to File Document Under Seal filed by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Minor-State Gov, Wilson) (Entered: 06/15/2018)
06/18/2018		TEXT-ONLY ORDER granting <u>139</u> <u>(p.1069)</u> Defendants' Unopposed Motion for Leave to File an Unredacted Reply in Further Support of Defendants' Motion for Summary Judgment. The document shall be accessible only to plaintiffs' counsel and defendants' counsel. NO FURTHER WRITTEN ORDER SHALL ISSUE. Signed by District Judge Carlton W. Reeves on 06/18/2018. (mm) (Entered: 06/18/2018)
06/20/2018	<u>141</u> <u>(p.1079)</u>	ORDER granting <u>136</u> <u>(p.1023)</u> Plaintiff's Motion to File Documents Under Seal. The Plaintiff shall be permitted to file an unredacted version of the Memorandum of Law in Reply to Defendants' Opposition to Plaintiff's Motion for Summary Judgment under permanent seal; AND Plaintiff shall file the redacted version publicly on ECF. Signed by District Judge Carlton W. Reeves on 06/20/2018. (mm) (Entered: 06/20/2018)
06/20/2018	<u>142</u> <u>(p.1082)</u>	REPLY to Response to Motion re <u>119</u> <u>(p.927)</u> MOTION to Strike <u>100</u> <u>(p.778)</u> Affidavit in Support of Motion filed by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Barnes-State Gov, Paul) (Entered: 06/20/2018)
06/22/2018	<u>143</u> <u>(p.1088)</u>	NOTICE OF CONVENTIONAL FILING filed by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner. (VM) (Entered: 06/22/2018)
06/22/2018	<u>144</u> <u>(p.2434)</u>	*RESTRICTED* DOCUMENT re <u>143</u> <u>(p.1088)</u> Notice of Conventional Filing: <u>138</u> <u>(p.1033)</u> Rebuttal to <u>91</u> <u>(p.657)</u> MOTION for Summary Judgment, filed by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner. (VM) (Entered: 06/22/2018)

06/25/2018	<u>145</u> (p.1091)	NOTICE OF CONVENTIONAL FILING filed by Arthur Doe (VM) (Entered: 06/25/2018)
06/25/2018	<u>146</u> (p.2454)	Sealed Document re <u>145</u> (p.1091) Notice of Conventional Filing: <u>134</u> (p.997) Reply to Response to <u>97</u> (p.726) MOTION for Partial Summary Judgment, filed by Arthur Doe (VM) (Entered: 06/25/2018)
07/06/2018		Set hearing as to <u>119</u> (p.927) MOTION to Strike <u>100</u> (p.778) Affidavit in Support of Motion ; <u>97</u> (p.726) MOTION for Partial Summary Judgment ; <u>93</u> (p.700) MOTION to Exclude <i>the Opinions of Plaintiffs' Expert, Robert Rudder</i> ; and <u>91</u> (p.657) MOTION for Summary Judgment . Motion Hearing set for 7/31/2018 at 9:00 AM in Courtroom 5B (Jackson) before District Judge Carlton W. Reeves. (JS) (Entered: 07/06/2018)
07/19/2018		Reset hearing as to <u>119</u> (p.927) MOTION to Strike <u>100</u> (p.778) Affidavit in Support of Motion ; <u>97</u> (p.726) MOTION for Partial Summary Judgment ; <u>93</u> (p.700) MOTION to Exclude <i>the Opinions of Plaintiffs' Expert, Robert Rudder</i> ; and <u>91</u> (p.657) MOTION for Summary Judgment . Motion Hearing reset for 10/10/2018 at 9:00 AM in Courtroom 5B (Jackson) before District Judge Carlton W. Reeves. (JS) (Entered: 07/19/2018)
09/21/2018		TEXT-ONLY ORDER canceling the Pretrial Conference set for 10/12/2018 and the Bench Trial set for 11/5/2018. To be rescheduled, if necessary. Signed by District Judge Carlton W. Reeves on 9/21/18. (DJ) (Entered: 09/21/2018)
10/01/2018	<u>147</u> (p.1094)	ORDER deferring ruling on <u>91</u> (p.657) Motion for Summary Judgment; denying <u>93</u> (p.700) Motion to Exclude; deferring ruling on <u>97</u> (p.726) Motion for Partial Summary Judgment; granting <u>119</u> (p.927) Motion to Strike. Signed by District Judge Carlton W. Reeves on 10/1/2018 (dj) (Entered: 10/01/2018)
10/10/2018		Minute Entry for proceedings held before District Judge Carlton W. Reeves: Motion Hearing held on 10/10/2018 re <u>91</u> (p.657) MOTION for Summary Judgment filed by Chris Gillard, Jim Hood, Larry Waggoner, Charlie Hill, Albert Santa Cruz, <u>97</u> (p.726) MOTION for Partial Summary Judgment filed by Arthur Doe. The Court reserved ruling. The parties shall 21 days after the the preparation of the transcript to file additional briefing. APPEARANCES: Ghita Schwarz, Matthew Strugar, Robert McDuff, and Shayana D. Kadidal (Plaintffs counsel); Paul E. Barnes and Wilson D. Minor (Defense counsel). Exhibit admitted: P-1. Court Reporter/Transcriber Cherie Bond, Telephone Number : 601-608-4186. (TRS) Modified on 10/10/2018 (TRS). (Entered: 10/10/2018)
10/10/2018	<u>148</u> (p.1702)	Plaintiffs Exhibit List by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe. (Attachments: # <u>1</u> (p.29) Exhibit P-1)(TRS) (Entered: 10/10/2018)
11/12/2018	<u>149</u> (p.1589)	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Motion for Summary Judgment Hearing held on October 10, 2018 before Judge Carlton W. Reeves. Court Reporter/Transcriber Cherie Bond, Telephone Number : 601-608-4186. NOTICE RE : REDACTION OF TRANSCRIPTS: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no Notice is filed, the transcript will be made electronically available to the public without redaction after 90 calendar days. The policy is located on the court website at www.mssd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/3/2018. Redacted Transcript Deadline set for 12/13/2018.

		Release of Transcript Restriction set for 2/11/2019. (CB) (Entered: 11/12/2018)
12/03/2018	<u>150</u> (p.1115)	MEMORANDUM IN SUPPORT re <u>91</u> (p.657) MOTION for Summary Judgment (<i>Supplemental</i>) filed by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Minor-State Gov, Wilson) (Entered: 12/03/2018)
12/03/2018	<u>151</u> (p.1128)	MEMORANDUM in Support re <u>97</u> (p.726) MOTION for Partial Summary Judgment (<i>supplemental post-hearing</i>) filed by Arthur Doe (Attachments: # <u>1</u> (p.29) Exhibit)(Schwarz - PHV, Ghita) (Entered: 12/03/2018)
12/04/2018		DOCKET ANNOTATION as to # <u>151</u> (p.1128) : L.U.Civ.R. 7(b)(2) requires that all supporting exhibits to a document be denominated by an exhibit letter or number AND a meaningful description. Attorney is advised to follow this rule in future filings. (cwl) (Entered: 12/04/2018)
05/13/2019	<u>152</u> (p.1159)	ORDER deferring ruling on <u>91</u> (p.657) Motion for Summary Judgment; deferring ruling on <u>97</u> (p.726) Motion for Partial Summary Judgment. The case is stayed pending a state court ruling. Signed by District Judge Carlton W. Reeves on 5/13/2019. (DJ) (Entered: 05/13/2019)
05/13/2019		(Court only) ***Set Flag: Stay (DJ) (Entered: 05/13/2019)
07/02/2019		TEXT ONLY ORDER STAYING CASE pending state court ruling and pursuant to the Order filed on 5/13/19. NO FURTHER WRITTEN ORDER SHALL BE ISSUED. Signed by District Judge Carlton W. Reeves on 7/2/19 (TRS) (Entered: 07/02/2019)
01/07/2020		TEXT-ONLY ORDER directing the Clerk of Court to administratively close this case. If further proceedings are necessary, either party may move to reopen this case without any additional filing fee. Signed by District Judge Carlton W. Reeves on 1/7/20. NO FURTHER WRITTEN ORDER SHALL ISSUE. (AC) (Entered: 01/07/2020)
01/07/2020		(Court only) ***Motions terminated: <u>97</u> (p.726) MOTION for Partial Summary Judgment filed by Arthur Doe, <u>91</u> (p.657) MOTION for Summary Judgment filed by Chris Gillard, Jim Hood, Larry Waggoner, Charlie Hill, Albert Santa Cruz. (AC) (Entered: 01/07/2020)
01/07/2020		(Court only) ***Civil Case Terminated. (VM) (Entered: 01/08/2020)
06/29/2021	<u>153</u> (p.1176)	MOTION to Withdraw as Attorney by Albert Santa Cruz, Chris Gillard, Charlie Hill, Jim Hood, Larry Waggoner (Barnes-State Gov, Paul) (Entered: 06/29/2021)
06/30/2021		TEXT-ONLY ORDER granting <u>153</u> (p.1176) Motion to Withdraw as Attorney. Attorney Paul E. Barnes-State Gov terminated. NO FURTHER WRITTEN ORDER SHALL ISSUE. Signed by Magistrate Judge F. Keith Ball on 6/30/2021. (dcw) (Entered: 06/30/2021)
06/30/2021		(Court only) ***Staff notes***Copy of NEF with Text-Only Order mailed today to Stephanie Llanes at the following address shown on docket: Stephanie Llanes - PHV, CENTER FOR CONSTITUTIONAL RIGHTS - New York, 666 Broadway, 7th Floor, New York, NY 10012. (dcw) (Entered: 06/30/2021)
12/10/2021	<u>154</u> (p.1179)	MOTION for Attorney Fees by Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Attachments: # <u>1</u> (p.29) Memorandum of Law in Support of Plaintiffs' Motion for an Award of Attorneys' Fees and Costs, # <u>2</u> (p.61) Declaration of Shayana Kadidal in Support of Plaintiffs' Motion for an Award of Attorneys' Fees and Costs, # <u>3</u>

		(<u>p.76</u>) Declaration of Matthew Strugar in Support of Plaintiffs' Motion for an Award of Attorneys' Fees and Costs, # <u>4</u> (<u>p.79</u>) Declaration of Robert McDuff in Support of Plaintiffs' Motion for an Award of Attorneys' Fees and Costs, # <u>5</u> (<u>p.82</u>) Declaration of Cliff Johnson in Support of Plaintiffs' Motion for an Award of Attorneys' Fees and Costs, # <u>6</u> (<u>p.85</u>) Declaration of Carol Sobel in Support of Plaintiffs' Motion for an Award of Attorneys' Fees and Costs)(Strugar - PHV, Matthew) (Entered: 12/10/2021)
12/13/2021		DOCKET ANNOTATION as to # <u>154</u> (<u>p.1179</u>) : Memoranda in support should be filed separately and shown as a related document to the motion (Court's Administrative Procedures for Electronic Case Filing Sec. 3.A.7). Attorney is directed to file the Memorandum as a separate document and link it to the appropriate document. (KNS) (Entered: 12/13/2021)
12/13/2021	<u>155</u> (<u>p.1437</u>)	MEMORANDUM in Support re <u>154</u> (<u>p.1179</u>) MOTION for Attorney Fees filed by Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Strugar - PHV, Matthew) (Entered: 12/13/2021)
12/20/2021	<u>156</u> (<u>p.1455</u>)	Unopposed MOTION for Entry of Final Judgment by Arthur Doe, Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Attachments: # <u>1</u> (<u>p.29</u>) Proposed Final Judgment)(Strugar - PHV, Matthew) (Entered: 12/20/2021)
12/21/2021		DOCKET ANNOTATION as to # <u>156</u> (<u>p.1455</u>) : Proposed orders are not to be electronically filed as a separate pleading or as an attachment to a pleading, but instead are to be provided to chambers by e-mail (Court's Administrative Procedures for Electronic Case Filing Sec.5.B.). (cwl) (Entered: 12/21/2021)
12/22/2021	<u>157</u> (<u>p.1459</u>)	FINAL JUDGMENT - Lynn Fitch is substituted for Jim Hood. The stay is lifted, and all claims of Brenda Doe, Carol Doe, Diana Doe and Elizabeth Doe have now been resolved. The claims of Arthur Doe are dismissed with prejudice as moot, and judgment is entered in favor of the plaintiffs. The issue of attorneys fees shall be addressed separately. Signed by District Judge Carlton W. Reeves on 12/22/2021 (VM) (Entered: 12/22/2021)
12/22/2021		(Court only) ***Clear STAY Flag. (VM) (Entered: 12/22/2021)
12/22/2021		(Court only) ***Case Reopened (VM) (Entered: 12/22/2021)
12/22/2021		TEXT-ONLY ORDER: Case Stay is Lifted. Signed by District Judge Carlton W. Reeves on 12/22/21. NO FURTHER WRITTEN ORDER SHALL ISSUE. (KLJ) (Entered: 12/22/2021)
12/22/2021		(Court only) ***Civil Case Terminated. (VM) (Entered: 12/22/2021)
12/22/2021	<u>158</u> (<u>p.1460</u>)	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>154</u> (<u>p.1179</u>) MOTION for Attorney Fees by Albert Santa Cruz, Lynn Fitch, Chris Gillard, Charlie Hill, Larry Waggoner (Minor-State Gov, Wilson) (Entered: 12/22/2021)
12/23/2021		TEXT-ONLY ORDER granting <u>158</u> (<u>p.1460</u>) Unopposed Motion for Extension of Time to File Response to <u>154</u> (<u>p.1179</u>) Motion for Attorney Fees. Response due by 1/10/2022. Signed by District Judge Carlton W. Reeves on 12/23/2021. NO FURTHER WRITTEN ORDER SHALL ISSUE. (KLJ) (Entered: 12/23/2021)
01/10/2022	<u>159</u> (<u>p.1463</u>)	MEMORANDUM in Opposition re <u>154</u> (<u>p.1179</u>) MOTION for Attorney Fees filed by Albert Santa Cruz, Lynn Fitch, Chris Gillard, Charlie Hill, Larry Waggoner

		(Attachments: # <u>1</u> (p.29) Exhibit A - Time Sheet Mark Up)(Minor-State Gov, Wilson) (Entered: 01/10/2022)
01/18/2022	<u>160</u> (p.1545)	REPLY to Response re <u>159</u> (p.1463) Memorandum in Opposition to <u>154</u> (p.1179) Motion filed by Brenda Doe, Carol Doe, Diana Doe, Elizabeth Doe (Strugar - PHV, Matthew) Modified on 1/19/2022 (KNS). (Entered: 01/18/2022)
01/19/2022		DOCKET ANNOTATION as to # <u>154</u> (p.1179) : All related filings to motions should be linked back to the original motion. Court staff has made the correction. (KNS) (Entered: 01/19/2022)
08/01/2022	<u>161</u> (p.1565)	ORDER granting in part and denying in part <u>154</u> (p.1179) Motion for Attorney Fees - the Court awards plaintiffs' \$352,143.20 in fees and \$10,777.83 in costs for a total award of \$362,921.03. Signed by District Judge Carlton W. Reeves on 8/1/2022 (VM) (Entered: 08/01/2022)
08/01/2022		(Court only) ***Staff notes: NEF and copy of Order <u>161</u> (p.1565) mailed to Stephanie Llanes. (VM) (Entered: 08/01/2022)
08/29/2022	<u>162</u> (p.1583)	NOTICE OF APPEAL as to <u>161</u> (p.1565) Order on Motion for Attorney Fees, by Albert Santa Cruz, Lynn Fitch, Chris Gillard, Charlie Hill, Larry Waggoner. Filing fee \$ 505, receipt number AMSSDC-4921590. Appeal Record due by 9/12/2022 (Minor-State Gov, Wilson) (Entered: 08/29/2022)
09/02/2022		USCA Case Number 22-60481 for <u>162</u> (p.1583) Notice of Appeal, filed by Chris Gillard, Lynn Fitch, Larry Waggoner, Charlie Hill, Albert Santa Cruz. (VM) (Entered: 09/02/2022)

2

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

ARTHUR DOE, et al.

PLAINTIFFS

V.

CIVIL ACTION NO. 3:16-CV-789-CWR-FKB

JIM HOOD, et al.

DEFENDANTS

FINAL JUDGMENT

The parties have jointly moved for the entry of final judgment in the instant matter. Accordingly, the matter is reopened and because defendant Jim Hood is no longer the Attorney General, pursuant to Rule 25(d)(1) of the Fed.R.Civ.P., Lynn Fitch is substituted as the proper party. The stay is hereby lifted, and all claims of Brenda Doe, Carol Doe, Diana Doe and Elizabeth Doe have now been resolved. The claims of Arthur Doe are dismissed with prejudice as moot, and judgment is entered in favor of the plaintiffs. The issue of attorneys' fees shall be addressed separately, but in no way does that issue delay the entry of this final judgment.

IT IS HEREBY ORDERED AND ADJUDGED that this cause is dismissed with prejudice.

SO ORDERED AND ADJUDGED, this the 22nd day of December, 2021.

s/ Carlton W. Reeves

UNITED STATES DISTRICT JUDGE

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

ARTHUR DOE, et al.

PLAINTIFFS

V.

CAUSE NO. 3:16-CV-789-CWR-FKB

LYNN FITCH, et al.

DEFENDANTS

ORDER

Before the Court is plaintiffs’ motion for attorneys’ fees and costs. Docket No. 154. Upon review of the parties’ briefing and supporting materials, and the applicable law, the motion will be granted in part and denied in part.

I. Factual and Procedural History

Pseudonymous plaintiffs Arthur, Brenda, Carol, Diana, and Elizabeth Doe are residents of Mississippi. They were required to register as sex offenders as a result of a conviction under Mississippi’s “Unnatural Intercourse” statute or an equivalent out-of-state offense. The “Unnatural Intercourse” statute criminalizes, in relevant part, “the detestable and abominable crime against nature committed with mankind.” Miss. Code Ann. § 97-29-59. The Mississippi Supreme Court has defined the statute to encompass the behavior of oral and anal sex, commonly referred to as “sodomy.” *See, e.g., Miller v. State*, 636 So. 2d 391 (Miss. 1994); *State v. Davis*, 79 So. 2d 452 (Miss. 1955).

Plaintiffs retained counsel who initiated discussions with the Mississippi Attorney General’s Office in January 2016, with the hope of avoiding costly litigation. Those talks lasted until August, but ultimately failed. In October the plaintiffs filed suit. In this lawsuit plaintiffs asserted that the proscribed conduct is protected by the Due Process Clause of the Fourteenth Amendment, and they should not be subjected to the cumbersome and stigmatizing requirements

imposed by the Mississippi Sex Offender Registry (“MSOR”). Alternatively, they argued that their inclusion on the MSOR violated the Fourteenth Amendment’s Equal Protection Clause.

Arthur Doe is a Mississippi resident convicted under Mississippi’s Unnatural Intercourse statute. Brenda Doe, Carol Doe, Diana Doe, and Elizabeth Doe are Mississippi residents convicted of Louisiana’s Crime Against Nature by Solicitation (CANS) law. Because of these offenses, the State required plaintiffs to register with the Mississippi Department of Public Safety as sex offenders.

In February 2018, during a settlement conference before U.S. Magistrate Judge F. Keith Ball, the State agreed to remove all persons convicted under Louisiana’s CANS law from the MSOR. This relieved four of the plaintiffs and 20 others from the MSOR and its obligations. Notably, the agreement was based in part on 2012 and 2013 rulings from the U.S. District Court for the Eastern District of Louisiana that declared Louisiana’s CANS law violative of the Equal Protection Clause of the Fourteenth Amendment, *see Doe v. Jindal*, 851 F. Supp. 2d 995 (E.D. La. 2012) (“*Doe I*”), and required Louisiana to remove CANS offenders convicted unconstitutionally from Louisiana’s sex offender registry, *Doe v. Caldwell*, Civil Case No. 12-1670 (E.D. La.) (“*Doe II*”). *Doe I* and *Doe II* were brought by plaintiffs’ counsel in the present case.

This left Arthur Doe, the sole plaintiff convicted under Mississippi’s Unnatural Intercourse statute. The parties filed cross motions for summary judgment. This Court ruled that because Mississippi’s anti-sodomy statute criminalizes consensual sex acts between adults, the statute is likely unconstitutional. *See* Docket No. 147 at 2. But pursuant to Mississippi’s Uniform Post-Conviction Collateral Relief Act, Arthur Doe must first seek relief in state court. Accordingly, on May 13, 2019, this Court stayed all proceedings pending a state court ruling.

The Circuit Court of Hinds County, Mississippi later vacated Doe’s conviction, *see* Docket No. 156, which resulted in the undersigned dismissing Doe’s claims with prejudice as moot, *see* Docket No. 157.

Now this Court rules on the plaintiffs’ motion for attorneys’ fees and costs.

The parties do not dispute that plaintiffs are entitled to an award of attorneys’ fees and costs. The question before this Court is what amount is reasonable. Plaintiffs have requested a total award of \$412,109.08. The State argues that given the limited relief obtained, the award sought by plaintiffs isn’t reasonable and “must be substantially reduced . . . to no more than \$75,000.” Docket No. 159 at 1-2, 28.

II. Legal Standard

Under the Civil Rights Attorney’s Fees Awards Act, 42 U.S.C. § 1988, prevailing plaintiffs in civil rights cases “should ordinarily recover an attorney’s fee.” *Hensley v. Eckerhart*, 461 U.S. 424, 429 (1983). “The purpose of section 1988 is to ensure effective access to the judicial process for persons with civil rights grievances.” *Id.* (internal quotation marks omitted). This purpose will be achieved only if prevailing plaintiffs’ counsel recover a fee “sufficient to induce a capable attorney to undertake the representation of a meritorious civil rights case.” *Perdue v. Kenny A.*, 559 U.S. 542, 552 (2010).

The Fifth Circuit employs a two-step process to decide the reasonableness of attorneys’ fees. First, the court must calculate a “lodestar” by multiplying the reasonable hourly rates for the participating plaintiffs’ attorneys by the number of hours reasonably expended on the case.

After determining the lodestar, the court may adjust the lodestar after considering 12 factors commonly known as the *Johnson* factors. *Lighthouse Rescue Mission, Inc. v. City of Hattiesburg, Miss.*, No. 2:12-CV-184, 2014 WL 4402229, at *3 (S.D. Miss. Sept. 5, 2014). They are:

(1) the time and labor required; (2) the novelty and difficulty of the questions; (3) the skill requisite to perform the legal service properly; (4) the preclusion of employment by the attorney due to the acceptance of the case; (5) the customary fee; (6) whether the fee is fixed or contingent; (7) time limitations imposed by the client or the circumstances; (8) the amount involved and the results obtained; (9) the experience, reputation, and ability of the attorneys; (10) the “undesirability” of the case; (11) the nature and length of the professional relationship with the client; and (12) awards in similar cases.

Johnson v. Georgia Highway Express, Inc., 488 F.2d at 717-19 (5th Cir. 1974).

“The United States Supreme Court has stated that many of the Johnson ‘factors usually are subsumed within the initial calculation of hours reasonably expended at a reasonable hourly rate.’”

Penthouse Owners Ass’n, Inc. v. Certain Underwriters at Lloyd’s, London, No. 1:07-CV-568-HSO-RHW, 2011 WL 6699447, at *3 (S.D. Miss. Dec. 21, 2011) (quoting *Hensley*, 461 U.S. at 434 n. 9). And “trials courts need not, and indeed should not, become green-eyeshade accountants.

The essential goal in shifting fees (to either party) is to do rough justice, not to achieve auditing perfection.” *Fox v. Vice*, 131 S. Ct. 2205, 2216 (2011).

III. Discussion

The lodestar calculations plaintiffs seek are set forth in the following table:

Attorney or Paralegal	Proposed Hourly Rate	Hours Expended	Lodestar (*incorporates -10% adj.)
Robert McDuff	\$450	12.7	\$5,715
Jake Howard	\$400	11.2	\$4,480
Ghita Schwarz	\$450/\$225 Travel	332.6/46.3 Travel	*\$134,703.00/ \$9,375.75
Alexis Agathocleous	\$450/\$225 Travel	110.8/31.3 Travel	*\$44,874.00/\$6,338.25
Shayana Kadidal	\$550	51	*\$25,245.00
Stephanie Llanes	\$250/\$125 Travel	125.5/17 Travel	*\$28,237.50/\$1,912.50
Claire Dailey	\$125	72.5	*\$8,156.25
Matthew Strugar	\$450/\$225 Travel	234.1/44.4 Travel	\$105,345/\$9,990

A. Reasonable Hourly Rates for Local Counsel

The first question is whether each attorney's hourly rate is reasonable given the attorney's ability, competence, experience, and skill. Generally, this is a localized inquiry based on the prevailing marking rates of comparable attorneys in the community. *See, e.g., Watkins v. Fordice*, 7 F.3d 453, 458 (5th Cir. 1993) ("Appellants submitted affidavits of their attorneys' billing rates, as well as affidavits from other attorneys in the community showing customary market rates in the area."); *see also Lighthouse Rescue Mission, Inc.*, 2014 WL 4402229, at *3 n.4 (considering rates approved in other civil rights cases in the Southern District). In the present case, local attorneys Robert McDuff and Jake Howard seek an hourly rate of \$450 and \$400, respectively. The State counters that the rates should be \$325 for McDuff and \$275 for Howard, given their limited involvement in this case. Specifically, McDuff claims just 12 hours, and Howard, 11.

McDuff graduated from Harvard Law School in 1980 and has over 40 years of experience in civil rights litigation, including several arguments before the United State Supreme Court. He is a founding board member of the Mississippi Center for Justice and has served as faculty at the University of Mississippi Law School. In *Thomas v. Reeves*, this Court found an hourly rate of \$450 for McDuff was reasonable. No. 3:18-CV-441-CWR-FKB, 2021 U.S. Dist. LEXIS 26320, at *13 (S.D. Miss. Feb. 11, 2021). In that voting rights case, McDuff was lead co-counsel, and averred that he "ha[d] more experience in voting rights cases than any other particular type of case," and that he was "one of the three most experienced lawyers in Mississippi at litigating voting rights case on behalf of minority voters." *Id.* at 12. In this case McDuff attested that for those clients who can afford it, his hourly rate is \$500 per hour. Docket No. 154-4 at 4. That rate fell within the 2016 customary and reasonable rate of Mississippi lawyers involved in complex litigation. *Id.* (citing *McWilliams v. Advanced Recovery Systems, Inc.*, No. 3:15-CV-70-CWR-

LRA, 2017 WL 2625118, at *2 (S.D. Miss. June 16, 2017)). A rate of \$450, therefore, is reasonable for McDuff's work assisting as local counsel in this case.

Jake Howard, formerly an associate at McDuff's law firm, seeks an hourly rate of \$400. Howard graduated from Harvard Law School in 2009, and after completing a federal judicial clerkship, he litigated criminal and civil rights cases for nearly a decade. McDuff's declaration states that "the rate of \$400 per hour is within, and does not exceed, the range of prevailing market rates for a lawyer of his experience for complex litigation in the Southern District of Mississippi." Docket No. 154-4 at 5. An affidavit filed by attorney Cliff Johnson states that he is familiar with the skill, reputation, and experience of Howard and that \$400 does not exceed the rates charged in this community. Docket No. 154-5 at 6. Based on the Court's research and other record evidence, an hourly rate of \$385 is reasonable for Howard's work assisting as local counsel in this case. *See, e.g., Benham v. City of Jackson*, 2022 WL 2033333 at *11.

B. Reasonable Hourly Rates for Out-of-District Counsel

Plaintiffs' out-of-district counsel are from the Center for Constitutional Rights (CCR), which is located in New York City, and the Law Office of Matthew Strugar, located in Los Angeles, California. Typically, local rates apply, but "where out-of-district counsel are proven to be necessary to secure adequate representation for a civil rights plaintiff, the rates charged by that firm are the starting point for the lodestar calculation." *McClain v. Lufkin Industries, Inc.*, 649 F.3d 374, 383 (5th Cir. 2011). This exception specifically applies "where . . . abundant and uncontradicted evidence prove[s] the necessity of . . . turning to out-of-district counsel." *Id.*

Relying largely on an affidavit from Cliff Johnson, an Assistant Professor of Law and Director of the Roderick and Solange MacArthur Justice Center at the University of Mississippi School of Law, plaintiffs argue that they meet the standard set forth in *McClain*. Specifically, that

while there are Mississippi attorneys that are willing to assist as local counsel on matters like the present one, many do not have the support staff or access to substantial resources needed for a case like this. Further, Johnson attests,

While there are obviously law firms in Mississippi with the time and resources to handle complex litigation, I am not aware of any such firm that would have been willing to handle a complex pro bono matter for sex offenders. For several reasons, such a case would be highly undesirable to such local lawyers. Obviously, sex offenders are a reviled class. Many Mississippi lawyers would not represent sex offenders for personal reasons or because they are concerned about losing paying matters from clients or potential clients. Moreover, even if there are firms who would be able to expend the time and resources to handle a complex multi-year sex-offender rights case, I am aware of none with the background in this area of the law, which would significantly increase the time necessary to litigate the case while their lawyers got up to speed. And even if they were otherwise willing and had the time and resources, I am not aware of any firms that would commit that sort of time and resources where the prospect of payment was uncertain, where a premium on their fees was unlikely, and where any such payment would not come until well after the conclusion of the case.

Docket No. 154-5 at 4.

This Court agrees that plaintiffs could not have obtained adequate representation in this matter—much less representation of the same quality as that of plaintiffs’ out-of-state attorneys—from a team comprised exclusively of in-state lawyers.

The CCR has already successfully litigated two similar challenges in *Doe I* and *Doe II*. In fact, the CCR was contacted by Brenda Doe, a plaintiff in the present case, because she had also been a class representative in *Doe II*. Brenda Doe requested the CCR’s advice because Mississippi refused to remove her from the MSOR for her Louisiana conviction, even though she had already been removed from Louisiana’s sex offender registry based on the success of *Doe II*. Docket No. 154-2 at 2-3. The complaint from Brenda Doe to the CCR was the impetus of this case. And like *Doe I* and *Doe II*, plaintiffs envisioned this case as a multi-year, class action suit, requiring

significant time and resources. Given the evidence and surrounding circumstances, this Court finds that turning to out-of-district counsel was necessary and thus, reasonable.¹

As a final point, the Court notes that all counsel, local and out-of-district, submitted blended or downwardly modified hourly rates of \$550 or less, which this Court, and many others in the Southern District have generally deemed a reasonable range. *See Thomas*, 2021 U.S. Dist. LEXIS 26320, at *13-14 (collecting cases).

Now the Court considers each out-of-district counsel's hourly rate.

First, Shayana Kadidal requests an hourly rate of \$550. Kadidal graduated from Yale Law School in 1994 and has worked with the CCR since 2001. The State admits that Kadidal has substantial experience but notes that Kadidal had such a limited role in this litigation that such a steep rate is not justified. For example, Kadidal billed a total of 80 hours to this case and many of those hours were related to the plaintiffs' fee application. The Court agrees that Kadidal's contributions to the present litigation does not warrant a rate of \$550, but that the State's proposal of \$300 is inappropriate for someone of Kadidal's skill and experience. As this Court recognized in *Thomas*, for "lawyers with 25 years of experience or more, a rate of \$450 would be within the market range." *Id.* at *15. The Court finds that an hourly rate of \$450 is reasonable here.

Ghita Schwarz graduated from Columbia University School of Law in 1998 and spent almost a decade in public interest litigation before moving to complex constitutional and civil rights litigation in 2007. Schwarz worked at CCR from 2012 to 2021 and served as lead counsel

¹ The value and need for these lawyers are underscored by the fact that this case was brought thirteen years after *Lawrence v. Texas*, 539 U.S. 558 (2003), declared that laws like Mississippi's Unnatural Intercourse statute were unconstitutional. In response the State points to two cases where lawyers have filed petitions in state court for individual sex offenders' removal from the registry. *See* Docket No. 159, at 22 n.5. Obviously, seeking such relief for an individual offender is not equivalent to this type of civil rights case challenging an entire registration scheme in federal court. The relief is different. The path to relief is different. The work necessary to get to the relief is different. The false equivalency the State urges is rejected.

in this case. Given her skill, experience, and role in this litigation, the Court finds that Schwarz will receive the hourly rate she seeks, \$450.

Alexis Agathocleous graduated from Yale Law School in 2003 and now serves as the Deputy Director of the ACLU's Racial Justice Program. While at CCR, Agathocleous served as the Deputy Legal Director. He too put in significant time, 110 hours, and given his skill, experience, and integral role in this litigation, the Court finds that Agathocleous' rate of \$450 is reasonable.

Stephanie Llanes graduated from the University of California–Berkeley School of Law in 2016 and worked at CCR until 2018 as a Bertha Justice Fellow. She seeks an hourly rate of \$250. The State claims that given Llanes' lack of litigation experience while working on this case, a rate of \$200 is more appropriate. This Court finds that \$225 is reasonable for a newly practicing attorney. *See id.* at *18 (awarding a 2016 graduate an hourly rate of \$225); *see also Currier*, 2019 U.S. Dist. LEXIS 16392, at *17 (granting New York City based junior associates an hourly rate of \$225 in a complex civil rights case).

Claire Dailey is an experienced Senior Legal Worker at CCR. This Court agrees with plaintiffs that the paralegal hourly rate of \$125 is reasonable for her services. *See McWilliams*, 2017 U.S. Dist. LEXIS 92945, at *10.

Finally, Matthew Strugar, along with Schwartz, performed the lion's share of work in this case. Strugar graduated from the University of Southern California School of Law in 2004 and then joined the CCR. Strugar later joined the Disability Rights Legal Center in Los Angeles, California, and eventually left to become the Director of Litigation at the PETA Foundation. Now, Strugar is a solo practitioner based in Los Angeles. Though his local rate is \$725 an hour, and he

is routinely granted rates that exceed \$500 by courts in California, he seeks \$450 in the present case. The Court agrees that \$450 is a reasonable hourly rate for Strugar.

C. Reasonable Hours Expended

The State then argues that the hours claimed by plaintiffs' attorneys were not reasonably expended. It has identified eight categories of objections:

(i) Excessive Time for Task Performed; (ii) Vague Time Entries Lacking Explanatory Detail; (iii) Duplicative Hours for Multiple Counsel; (iv) Conferences, Meetings, or Telephone Conversations; (v) Not Related to Successful Claim on Behalf of CANS Plaintiffs; (vi) Not Successful on a Discrete Issue; (vii) Paralegal or Clerical Work Performed by Attorney; and (viii) Work On Attorney Fee Application.

Docket No. 159 at 4-5. According to plaintiffs' calculations, the State has made 2,033 objections to plaintiffs' 1,069 time entries. Docket No. 160 at 3.

As an initial note, the CCR has cut 10% of all its attorneys' fees and no attorney has requested fees after February 2018 other than work related to the present application. Put another way, the plaintiffs are not requesting fees for work pertaining to just Arthur Doe. Still, the State argues that these reductions are an inadequate show of billing judgment. It urges the Court to further reduce the total number of hours each timekeeper spent by an across-the-board percentage. The Court agrees, and for the reasons explained below, will reduce all plaintiffs' counsels' hours expended by a total of 15%. *See Walker v. U.S. Dep't of Hous. & Urban Dev.*, 99 F.3d 761, 770 (5th Cir. 1996).

i. "Excessive Time for Task Performed"

The State's challenges under this category center on hours which it deems disproportionate to a discrete task. This objection applies to 81 entries, totaling 164.2 hours. As an example, the State cites to the 70 hours spent in connection with the plaintiff's briefing of their motion to proceed under pseudonyms and to file documents under seal. The State, however, challenged that

motion vigorously. In this Court’s Order granting the plaintiffs’ motion, the undersigned noted that,

this suit requires the disclosure of plaintiffs’ private lives, including information of the utmost intimacy. Here, plaintiffs are required to reveal information concerning private, consensual sexual conduct common to a homosexual lifestyle. The Fifth Circuit explicitly listed homosexuality among those matters of a sensitive and highly personal nature . . . [when] the normal practice of disclosing the parties’ identities yields to a policy of protecting privacy in a very private matter.

Docket No. 43 at 4 (internal citations and quotations omitted).

While “[they] had the right to play hardball in contesting [plaintiffs’] claims, it is also appropriate that [they] bear the cost of their . . . strategy.” *Burgess v. Premier Corp.*, 727 F.2d 826, 841 (9th Cir. 1984) (rev’d on other grounds); *see also Schwarz v. Folloder*, 767 F.2d 125, 134 (5th Cir. 1985) (stating that “[i]t is unbecoming” for the defendants to insist on litigation “and then to complain when the [prevailing party] hires skillful, experienced and expensive advocates Having wrongfully kicked the snow loose at the top, the[y] must bear the consequences of the avalanche at the bottom.”). No reduction is warranted here.

ii. “Vague Time Entries Lacking Explanatory Detail”

The State objects to entries “which fail to specify the exact work product produced or fail to describe the exact legal tasks performed, such as ‘research case law,’ ‘discussions with counsel,’ ‘conference with co-counsel,’ ‘preparing case materials,’” as vague and insufficient. Docket No. 159 at 13-14. The Court credits the State’s contention that lack of details inhibits its ability to object substantively, however, considering the context provided by surrounding entries, they are not “too vague to permit meaningful review.” *La. Power & Light Co. v. Kellstrom*, 50 F.3d 319, 326 (5th Cir. 1995). The “practical considerations of the daily practice of law in this day and age preclude ‘writing a book’ to describe in excruciating detail the professional services rendered for each hour or fraction of an hour.” *LULAC v. Roscoe Ind. Sch. Dist.*, 119 F.3d 1228, 1233 (5th Cir.

1997). Counsel are “not required to record in great detail how each minute of [their] time was expended.” *Hensley*, 461 U.S. at 437 n.12. They need only provide “the date, the number of hours spent (calculated to a tenth of an hour), and a short but thorough description of the services rendered.” *LULAC*, 119 F.3d at 1233. As a result, no reduction is warranted here.

iii. “Duplicative Hours for Multiple Counsel”

The State has challenged 505 entries, totaling 655.1 hours, as duplicative. Particularly, any event where more than one of plaintiffs’ attorneys participated, like team meetings, certain depositions, court appearances, and settlement hearings, was objected to as duplicative. The State observes that three attorneys, Schwartz, Strugar, and Llanes, all attended depositions.

Although the State insists that this was duplicative, the Court credits plaintiffs’ explanation that there were only two depositions taken in this case, and that the case potentially rested on their outcome. Upon review of the billing records, the Court finds that this category of objections does not warrant a reduction.

iv. “Conferences, Meetings or Telephone Conversations”

The State argues that “[e]xcessive and unnecessary communication between counsel, in person, over the telephone, and via e-mail, may be the single most abused time entry[.]” Docket No. 159 at 10. This case, however, involved numerous attorneys and clients, located all over the United States, and strategic planning, like considerations to protect plaintiffs’ identities and pursue class certification. *See, e.g., Taylor v. Wash. Mut., Inc.*, No. 3:04-CV-0521, 2015 U.S. Dist. LEXIS 112427, at *26 (W.D. La. Aug. 24, 2015) (noting that cases which require planning trial strategy might warrant frequent and substantive conferences.). Moreover, courts regularly find that “conferences between attorneys to discuss strategy and prepare for oral argument are an essential part of effective litigation.” *McKenzie v. Kennickell*, 645 F. Supp. 437, 450 (D.D.C. 1986). Here,

the Court finds that communication was an effective and essential tool and thus, no reduction is appropriate.

v. Hours “Not Related to Successful Claim on Behalf of CANS Plaintiffs”

This dispute centers on the Supreme Court’s guidance in *Hensley v. Eckerhart*, 461 U.S. 424 (1983). *Hensley* instructs district courts that in determining what fee is “reasonable,” to consider whether “claims for relief [] are based on different facts and legal theories” as to be considered “unrelated.” *Id.* at 435. If unrelated, *Hensley* requires that the “claims be treated as if they had been raised in separate lawsuits, and therefore no fee may be awarded for services on the unsuccessful claim.” *Id.* But if the district court finds that the claims are related, the inquiry turns to the “results obtained.” *Id.* at 434 (citing *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714, 717-719 (1974)).

“Where a plaintiff has obtained excellent results, his attorney should recover a fully compensatory fee.” *Id.* at 435. “Litigants in good faith may raise alternative legal grounds for a desired outcome, and the court’s rejection of or failure to reach certain grounds is not a sufficient reason for reducing a fee. The result is what matters.” *Id.* Where only partial or limited success is achieved, district courts have discretion to adjust accordingly even if the claims “were interrelated, nonfrivolous, and raised in good faith.” *Id.* at 436.

According to the State, plaintiffs’ substantive due process claim was “unrelated” to plaintiff’s equal protection claim, and moreover, “unsuccessful.” Relying on *Hensley*, the State contests all fees related to the due process claim on these grounds.

The Court disagrees that plaintiffs’ claims are unrelated. As noted in *Hensley*, “cases involving such unrelated claims are unlikely to arise with great frequency,” as “[m]any civil rights cases will present only a single claim,” or “plaintiff’s claims for relief will involve a common core of facts or will be based on related legal theories.” *Id.* at 435. The latter is true here. Plaintiffs’

claims center on the same facts and the legal theories are interrelated. Accordingly, the Court finds that plaintiffs' claims are not unrelated, and turns to the results obtained.

On one hand, all plaintiffs (and 24 others) were removed from the MSOR through the efforts of plaintiffs' counsel. On the other hand, however, plaintiffs did not enjoin or otherwise invalidate Mississippi's anti-sodomy law—one of the lawsuit's central issues. Case law suggests that a reduction is appropriate in such circumstances. *See Commonwealth Oil Refining Co., Inc. v. EEOC*, 720 F.2d 1383, 1385 (5th Cir.1983) (explaining that the "proper focus is whether the plaintiff has been successful on *the central issue* as exhibited by the fact that he has acquired *the primary relief sought*") (emphasis in original). The plaintiffs did not prevail in their efforts to invalidate the state statute, and accordingly a downward adjustment is warranted. Because it would be impossible to extrapolate the amount of time expended on this issue alone, the Court will reduce plaintiffs' total hours expended.

vi. "Not Successful on a Discrete Issue"

The State next claims that plaintiffs should not be compensated for time spent working on the November 2016 motions for summary judgment and class certification. *See* Docket Nos. 15 and 20. The undersigned did not reach the merits of those motions as they were denied without prejudice in favor of the State's motion for discovery.

On one hand, it was the State that pressed for costly and timely discovery while the plaintiffs' pushed for a speedy resolution. And though the plaintiffs ultimately abandoned their claim for class certification, the Court credits their explanation that the settlement for the CANS offenders, which was a success, reduced the putative class below the numerosity threshold.

On the other hand, however, the hours billed must have been for time reasonably spent on work in furtherance of claims in which the plaintiffs prevailed, *see Von Clark v. Butler*, 916 F.2d 255, 259 (5th Cir.1990), and plaintiffs did not. Therefore, a slight reduction is warranted here. The

Court, rather than cosplay as a green-eyeshade accountant, will reduce plaintiffs' hours expended by a percentage.

vii. "Paralegal or Clerical Work Performed by Attorney"

The State has identified 168 entries, totaling 96 hours, as clerical or administrative tasks that were billed at an attorneys' rate. The plaintiffs agree that 22.5 hours should have been billed at a paralegals' rate rather than an attorneys' rate but oppose any reduction to the remaining hours.

Upon review, many of the State's objections under this category are well-taken. Plaintiffs' press that 0.4 of an hour for "Call w/ OC [opposing counsel] and team [co-counsel] re: deposition scheduling" does not require a reduction because "[c]onferences with opposing counsel are not appropriately staffed only by paralegals." But that misses the mark. There is no prohibition against attorneys participating in scheduling calls, but if they so choose, they will be paid less for it. "Clerical work which does not require the skill of an attorney, but which an attorney nevertheless performs, may be compensated at a lesser rate than the attorney's customary hourly rate." *Morrow v. Ingram*, No. 1:70-CV-4716-WJG, 2011 U.S. Dist. LEXIS 27841 at *7-8 (S.D. Miss. Mar. 1, 2011) (citing *Cruz v. Hauck*, 762 F.2d 1230, 1235 (5th Cir. 1985)). "Time spent on such tasks as letters to accompany motions for filing, review of lists and other routine matters should be compensated at the lesser rate as these are clerical duties that could have been handled by non-lawyers." *Id.* at 8. "Work of this nature is generally allowed at the paralegal billing rate." *Id.*

Rather than accepting the plaintiffs' reclassification of 22.5 hours or recalculating each attorney's lodestar in relation to each objection, the Court will follow the State's "across-the-board" recommendation and reduce all plaintiffs' hours expended.

viii. "Work On Attorney Fee Application"

Finally, the State challenges the plaintiffs' request for expenses and fees on fees, but "it is well settled that fees-on-fees are recoverable under § 1988." *Volk v. Gonzalez*, 262 F.3d 528, 536

(5th Cir. 2001). Plaintiffs’ request for fees, including the lodestar requested related to the reply brief (\$4,590) is granted.

ix. Travel Time and Expenses

Under Section 1988, prevailing parties are entitled to compensation for reasonable litigation expenses such as “charges for photocopying, paralegal assistance, travel, and telephone.” *Associated Builders & Contractors of La., Inc. v. Orleans Par. Sch. Bd.*, 919 F.2d 374, 380 (5th Cir. 1990). “Whether these expenses are reasonable is committed to the sound discretion of the trial judge.” *Id.*

The Court hereby finds that plaintiffs’ travel rate of 50% of their hourly rate and the revised request for expenses, *see* Docket No. 160 at 17-18, are reasonable. *See Watkins v. Fordice*, 807 F. Supp. 406, 414 (S.D. Miss. 1992).

D. The Johnson Factors

Finally, the Court must consider whether the *Johnson* factors counsel in favor of an upward or downward adjustment. They are:

- (1) the time and labor required;
- (2) the novelty and difficulty of the questions;
- (3) the skill requisite to perform the legal service properly;
- (4) the preclusion of employment by the attorney due to the acceptance of the case;
- (5) the customary fee;
- (6) whether the fee is fixed or contingent;
- (7) time limitations imposed by the client or the circumstances;
- (8) the amount involved and the results obtained;
- (9) the experience, reputation, and ability of the attorneys;
- (10) the “undesirability” of the case;
- (11) the nature and length of the professional relationship with the client;
- and (12) awards in similar cases.

488 F.2d at 717-19.

“The United States Supreme Court has stated that many of the *Johnson* ‘factors usually are subsumed within the initial calculation of hours reasonably expended at a reasonable hourly rate.’” *Penthouse Owners*, 2011 WL 6699447, at *3 (quoting *Hensley*, 461 U.S. at 434 n. 9 (1983)).

In this case, each of the *Johnson* factors have been considered in the lodestar analysis. For example, “the results obtained” was discussed at length above, and it would be duplicative to address again. Additionally, the attorneys’ experience, reputation, and ability, customary hourly rate, typical fee arrangements, and time limitations and contributions were expressly considered in the lodestar analysis. Thus, in weighing all of these factors, the Court finds that the lodestar should remain as-is.

IV. Conclusion

Based on the forgoing reasons, the Court awards plaintiffs’ \$352,143.20 in fees and \$10,777.83 in costs for a total award of \$362,921.03. In arriving at this amount the Court applied a downward adjustment of 15% to all plaintiffs’ attorneys’ proposed hours, to account for proper billing judgment, *e.g.*, lack of clarity as to whether fees were for clerical or legal work, the results achieved, and work spent on non-prevailing issues. *See Saizan v. Delta Concrete Products Co., Inc.*, 448 F.3d 795, 800 (5th Cir. 2006) (reducing award sought by 15%); *see also Walker v. HUD*, 99 F.3d 761, 770 (5th Cir. 1996) (reducing award sought by 15%). Then the Court multiplied those hours by the hourly rate approved by this Court to reach an “adjusted lodestar.”

The following table sets forth the Court’s fee calculation:

Attorney or Paralegal	Proposed Hours	Court's Approved Rate	Unadjusted Lodestar	Court's Approved Hours (incorporating -15% adj.)	Adjusted Lodestar
Ghita Schwarz	332.6	\$450.00	\$149,670.00	226.168	\$127,219.50
Ghita Schwarz - Travel	46.3	\$225.00	\$10,417.50	46.3	\$10,417.50
Alexis Agathocleous	110.8	\$450.00	\$49,860.00	75.344	\$42,381.00
Alexis Agathocleous - Travel	31.3	\$225.00	\$7,042.50	31.3	\$7,042.50
Shayana Kadidal	51	\$450.00	\$22,950.00	34.68	\$19,507.50
Stephanie Llanes	125.5	\$225.00	\$28,237.50	85.34	\$24,001.88
Stephanie Llanes - Travel	17	\$112.50	\$1,912.50	17	\$1,912.50
Claire Dailey	72.5	\$125.00	\$9,062.50	49.3	\$7,703.13
Matthew Strugar	244.3	\$450.00	\$109,935.00	166.124	\$93,444.75
Matthew Strugar - Travel	44.4	\$225.00	\$9,990.00	44.4	\$9,990.00
Rob McDuff	12.7	\$450.00	\$5,715.00	8.636	\$4,857.75
Jake Howard	11.2	\$385.00	\$4,312.00	7.616	\$3,665.20
Total	1099.6		\$409,104.50	792.208	\$352,143.20
Costs					\$10,777.83
AWARD TOTAL					\$362,921.03

SO ORDERED, this the 1st day of August, 2022.

s/ Carlton W. Reeves
 UNITED STATES DISTRICT JUDGE

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**IN UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**ARTHUR DOE, BRENDA DOE, CAROL DOE,
DIANA DOE, AND ELIZABETH DOE**

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:16-cv-789-CWR-FKB

**LYNN FITCH, Attorney General
of the State Of Mississippi; SEAN TINDELL,
Commissioner of the Mississippi Department of
Public Safety; MEGAN COSTILOW, Director
of the Mississippi Sex Offender Registry;
COLONEL RANDY GINN, Chief of the
Mississippi Highway Patrol; LIEUTENANT
COLONEL CHARLES HAYNES, Director of
the Mississippi Bureau of Investigation**

DEFENDANTS

**NOTICE OF APPEAL OF ORDER ON PLAINTIFFS' MOTION FOR ATTORNEYS'
FEES**

Notice is hereby given that Defendants,¹ Lynn Fitch, the Attorney General of the State of Mississippi; Sean Tindell, the Commissioner of the Mississippi Department of Public Safety; Megan Costilow, Director of the Mississippi Sex Offender Registry; Colonel Randy Ginn, Director of the Mississippi Highway Patrol; and Lieutenant Colonel Charles Haynes, Director of the Mississippi Bureau of Investigation, sued in their official capacities, hereby appeal to the United States Court of Appeals for the Fifth Circuit from the Order [Doc. 161] issued on August 1, 2022, granting Plaintiffs' motion for attorneys' fees. The Court of Appeals has jurisdiction pursuant to 28 U.S.C. § 1291.

Respectfully submitted this the 29th day of August, 2022.

¹ Defendants Sean Tindell, Megan Costilow, Colonel Randy Ginn, and Lieutenant Colonel Charles Haynes are automatically substituted as official-capacity defendants in place of their predecessors-in-office pursuant to Fed. R. Civ. P. 25(d).

LYNN FITCH, Attorney General of the State of Mississippi; SEAN TINDELL, Commissioner of the Mississippi Department of Public Safety; MEGAN COSTILOW, Director of the Mississippi Sex Offender Registry; COLONEL RANDY GINN, Director of the Mississippi Highway Patrol; and LIEUTENANT COLONEL CHARLES HAYNES, Director of the Mississippi Bureau of Investigation, Defendants

BY: LYNN FITCH, ATTORNEY GENERAL OF THE STATE OF MISSISSIPPI

BY: *s/Wilson Minor*
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CERTIFICATE OF SERVICE

This is to certify that on this day I, Wilson Minor, Special Assistant Attorney General for the State of Mississippi, electronically filed the foregoing document with the Clerk of the Court using the ECF system which sent notice of such filing to all counsel of record.

THIS, the 29th day of August, 2022.

s/Wilson Minor

WILSON MINOR

CERTIFICATE OF SERVICE

I, Wilson D. Minor, hereby certify that the foregoing has been filed with the Clerk of Court using the Court's electronic filing system, which sent notification of such filing to all counsel of record.

Dated: December 7, 2022

s/ Wilson D. Minor

Wilson D. Minor

Counsel for Defendants-Appellants