

**U.S. District Court
Northern District of Texas (Dallas)
CIVIL DOCKET FOR CASE #: 3:01-cv-00746-L**

Beal, et al v. Midlothian ISD, et al
Assigned to: Judge Sam A Lindsay
Demand: \$0
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 04/18/2001
Date Terminated: 08/16/2002
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Sheila Beal
*and on behalf of all others similarly
situated
on behalf of
Amber Neely*

represented by **Samuel J Schiller**
Schiller Law Firm
4113 Cumby Rd
Suite 200
Cookeville, TN 38501
931/528-5050
Fax: 931/528-5051 FAX
Email: sjs@schillerlawfirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Not Admitted

Ray Yasser
Schiller Law Firm
4113 Cumby Rd
Suite 200
Cookeville, TN 38501
931/528-5050
Bar Status: Not Admitted

Plaintiff

Charles V Emmett
*and on behalf of all others similarly
situated
on behalf of
Valerie Kay Emmett*

represented by **Samuel J Schiller**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Not Admitted

Ray Yasser
(See above for address)
Bar Status: Not Admitted

Plaintiff

Rick Maloney
*and on behalf of all others similarly
situated
on behalf of
Allison Maloney
on behalf of
Katie Maloney*

represented by **Samuel J Schiller**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Not Admitted

Ray Yasser
(See above for address)
Bar Status: Not Admitted

Plaintiff

Lynn Maloney
*and on behalf of all other similarly
situated
on behalf of
Allison Maloney
on behalf of*

represented by **Samuel J Schiller**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Not Admitted

Katie Maloney

Ray Yasser
(See above for address)
Bar Status: Not Admitted

V.

Defendant

**Midlothian Independent School District
#070908 of Ellis County Texas**

represented by **Nicole Woods Stammel**
Strasburger &Price
PO Box 50100
901 Main St Ste 4300
Dallas, TX 75250-0100
214/651-4300
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

D Bradley Kizzia
Brown Fox Kizzia &Johnson PLLC
750 N. St. Paul Street
Suite 1320
Dallas, TX 75201
469/893-9940
Fax: 214/613-3330
Email: brad@brownfoxlaw.com
Bar Status: Admitted/In Good Standing

Defendant

Molly Helmlinger
in her official capacity as Superintendent

represented by **Nicole Woods Stammel**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Bar Status: Admitted/In Good Standing

D Bradley Kizzia
(See above for address)
Bar Status: Admitted/In Good Standing

Defendant**Does 1-50**

Date Filed	#	Docket Text
04/18/2001	<u>1</u>	COMPLAINT-Class Action filed. Filing Fee \$ 150.00 Receipt # 149796 (15+) (jrb) (Entered: 04/19/2001)
04/18/2001	2	CERTIFICATE OF INTERESTED PERSONS by plaintiff Sheila Beal, plaintiff Rick Maloney, plaintiff Lynn Maloney, plaintiff Rick Maloney, plaintiff Lynn Maloney, plaintiff Charles V Emmett (2) (jrb) (Entered: 04/19/2001)
04/18/2001	3	SUMMONS(ES) issued for defendant Molly Helmlinger (1) (jrb) (Entered: 04/19/2001)
04/18/2001		PRELIMINARY ASSIGNMENT TO Magistrate Judge Wm F Sanderson Jr (jrb) (Entered: 04/19/2001)
04/18/2001	4	Application/MOTION by plaintiff Sheila Beal, plaintiff Charles V Emmett, plaintiff Rick Maloney, plaintiff Lynn Maloney to proceed without local counsel (2) (jrb) (Entered: 04/20/2001)
04/19/2001	<u>5</u>	ORDER granting [4-1] motion to proceed without local counsel (Signed by Judge Sam A. Lindsay) Copies to counsel: 4/20/01 Page(s) 1 (jrb) (Entered: 04/20/2001)

04/19/2001	<u>6</u>	Application and ORDER for Raymond Yasser to appear pro hac vice (Signed by Judge Sam A. Lindsay) Copies to counsel: 4/20/01 Page(s) 3 (jrb) (Entered: 04/20/2001)
04/19/2001	<u>7</u>	Application and ORDER for Samuel J Schiller to appear pro hac vice (Signed by Judge Sam A. Lindsay) Copies to counsel: 4/20/01 Page(s) 3 (jrb) (Entered: 04/20/2001)
04/24/2001	8	SUMMONS(ES) issued for defendant Midlothian ISD (issued-1) (jrb) (Entered: 04/25/2001)
05/14/2001	9	RETURN OF SERVICE executed as to defendant Molly Helmlinger 4/27/01 Answer due on 5/17/01 for Molly Helmlinger...original green card attached. (1) (jrb) (Entered: 05/15/2001)
05/14/2001	10	RETURN OF SERVICE executed as to defendant Midlothian ISD 5/2/01 Answer due on 5/22/01 for Midlothian ISD...served Steve Griffin...original green card attached. (1) (jrb) (Entered: 05/15/2001)
05/17/2001	11	CERTIFICATE OF INTERESTED PERSONS by defendant Midlothian ISD, defendant Molly Helmlinger(3) (jrb) (Entered: 05/18/2001)
05/17/2001	12	ANSWER to Complaint by defendant Midlothian ISD, defendant Molly Helmlinger (Attorney Nicole Woods Stammel, Don Bradley Kizzia), (9) (jrb) (Entered: 05/18/2001)
05/18/2001	<u>13</u>	ORDER requiring attorney conference and status report...this conference shall take place no later than 6/4/01...within 14 days from the date of the conference, the parties shall submit a status report. (Signed by Judge Sam A. Lindsay) Copies to counsel: 5/21/01 Page(s) 3 (jrb) (Entered: 05/21/2001)
06/18/2001	14	Joint STATUS REPORT and Proposed Discovery Plan by plaintiff Sheila Beal, defendant Molly Helmlinger, plaintiff Rick Maloney, plaintiff Lynn Maloney (5) (jyg) (Entered: 06/19/2001)
06/26/2001	<u>15</u>	ORDER referring case to ADR; ADR provider; Type of ADR: mediation Requested by: court..due by 10/29/01. (Signed by Judge Sam A. Lindsay) Copies to counsel: 6/27/01 Page(s): 2 (jrb) (Entered: 06/27/2001)
06/26/2001	<u>16</u>	SCHEDULING ORDER setting Bench trial set for 4/1/02 ; Joining of Parties on 9/1/01 ; Amending of Pleadings on 9/1/01 ; Deadline for filing of dispositive motions 1/2/02 ; Discovery cutoff 12/14/01 ; Pretrial materials due on 3/11/02 Pretrial conference for 10:00 3/28/02 ; Proposed pretrial order due 3/11/02 ; (Signed by Judge Sam A. Lindsay) Copies to counsel: 6/27/01 Page(s): 9 (jrb) (Entered: 06/27/2001)
07/17/2001	<u>17</u>	MOTION by plaintiff Sheila Beal, plaintiff Charles V Emmett, plaintiff Rick Maloney, plaintiff Lynn Maloney for class action certification . (3) (jaw) (Entered: 07/18/2001)
07/17/2001	<u>18</u>	BRIEF/MEMORANDUM by plaintiff Sheila Beal, plaintiff Charles V Emmett, plaintiff Rick Maloney, plaintiff Lynn Maloney in support of [17-1] motion for class action certification. (15+) (jaw) (Entered: 07/18/2001)
08/06/2001	<u>19</u>	Unopposed MOTION by defendant Midlothian ISD, defendant Molly Helmlinger to extend time to file response brief, and subject thereto, dfts' preliminary brief in response to plaintiffs' mtn for class action certification (15+) (jrb) (Entered: 08/07/2001)
08/13/2001	<u>20</u>	First Amended RESPONSE and Brief by defendant Molly Helmlinger, defendant Midlothian ISD to [17-1] motion for class action certification (15+) (jrb) (Entered: 08/14/2001)
08/13/2001	<u>21</u>	ORDER granting [19-1] motion to extend time to file response brief, and subject thereto, dfts' preliminary brief in response to plaintiffs' mtn for class action certification Reply to Response to Motion reset to 8/13/01 for [17-1] motion for class action certification (Signed by Judge Sam A. Lindsay) Copies to counsel: 8/14/01 Page(s) 2 (jrb) (Entered: 08/14/2001)

08/22/2001	<u>22</u>	UNOPPOSED MOTION by plaintiff Sheila Beal, plaintiff Lynn Maloney, plaintiff Rick Maloney, plaintiff Charles V Emmett for extension of time to file reply brief to defendants' first amended response and brief in support or response opposing plaintiffs' motion for class action certification (3) (vdf) (Entered: 08/23/2001)
08/29/2001	<u>23</u>	Agreed ORDER granting [22-1] motion for extension of time to file reply brief to defendants' first amended response and brief in support or response opposing plaintiffs' motion for class action certification Reply to Response to Motion reset to 9/27/01 for [17-1] motion for class action certification (Signed by Judge Sam A. Lindsay) Copies to counsel: 8/29/01 Page(s) 2 (jrb) (Entered: 08/29/2001)
09/10/2001	<u>24</u>	NOTICE of ADDRESS CHANGE by plaintiff Charles V Emmett, plaintiff Rick Maloney, plaintiff Lynn Maloney, plaintiff Sheila Beal New address is: Samuel J Schiller Schiller Law Firm Suite 200 4113 Cumby Road Cookeville TN 38501. (3) (jrb) (Entered: 09/12/2001)
09/27/2001	<u>25</u>	REPLY by plaintiff Charles V Emmett, plaintiff Rick Maloney, plaintiff Lynn Maloney, plaintiff Sheila Beal to response to [17-1] motion for class action certification (11) (jrb) (Entered: 09/28/2001)
10/01/2001	<u>26</u>	Joint Settlement STATUS REPORT by defendant Molly Helmlinger, defendant Midlothian ISD, plaintiff Charles V Emmett, plaintiff Rick Maloney, plaintiff Lynn Maloney, plaintiff Sheila Beal (2) (jrb) (Entered: 10/02/2001)
10/17/2001	<u>27</u>	Agreed/JOINT MOTION for extension of mediation deadline by defendant Molly Helmlinger, defendant Midlothian ISD, plaintiff Charles V Emmett, plaintiff Rick Maloney, plaintiff Lynn Maloney, plaintiff Sheila Beal (3) (jrb) (Entered: 10/18/2001)
10/18/2001	<u>28</u>	ORDER granting [27-1] joint motion for extension of mediation deadline...deadline is extended until 11/30/01. (Signed by Judge Sam A. Lindsay) Copies to counsel: 10/19/01 Page(s) 2 (jrb) (Entered: 10/19/2001)
11/28/2001	<u>29</u>	Agreed/JOINT MOTION for extension of mediation and discovery deadlines by defendant Midlothian ISD, plaintiff Charles V Emmett, plaintiff Rick Maloney, plaintiff Lynn Maloney, plaintiff Sheila Beal(4) (jrb) (Entered: 11/29/2001)
11/30/2001	<u>30</u>	Amended Scheduling Order/ORDER granting [29-1] joint motion for extension of mediation and discovery deadlines reset scheduling order deadlines: Bench trial reset for 6/3/02 ; Discovery deadline on 2/1/02 Deadline for filing of dispositive motions by 3/4/02 Pretrial materials due 5/13/02 Proposed pretrial order due 5/13/02 Pretrial conference by 10:00 5/31/02 (Signed by Judge Sam A. Lindsay) Copies to counsel: 12/3/01 Page(s) 9 (jrb) (Entered: 12/03/2001)
02/22/2002	<u>31</u>	Unopposed MOTION by defendant Molly Helmlinger, defendant Midlothian ISD to extend scheduling deadlines (3) (jrb) (Entered: 02/25/2002)
02/26/2002	<u>32</u>	Second Amended Scheduling ORDER granting [31-1] motion to extend scheduling deadlines reset scheduling order deadlines: Bench trial reset for 9/3/02 ; Deadline for filing of dispositive motions by 6/3/02 Discovery deadline on 5/3/02 Pretrial materials due 8/13/02 Proposed pretrial order due 8/13/02 Pretrial conference by 10:00 8/28/02 (Signed by Judge Sam A. Lindsay) Copies to counsel: 2/26/02 Page(s) 8 (jrb) (Entered: 02/26/2002)
05/21/2002	<u>33</u>	MEMORANDUM OPINION AND ORDER granting in part, denying in part [17-1] motion for class action certification and dismisses plaintiffs' effective accomodation claim for lack of standing...see order for specifics. (Signed by Judge Sam A. Lindsay) Copies to counsel: 5/21/02 Page(s): 13 (jrb) (Entered: 05/21/2002)
08/08/2002	<u>34</u>	Agreed MOTION by defendant Molly Helmlinger, defendant Midlothian ISD for extension of deadline regarding pretrial disclosures and pretrial materials (3) (jrb) (Entered: 08/09/2002)
08/09/2002	<u>35</u>	Agreed ORDER regarding certain pretrial deadlines/ granting [34-1] motion for extension of deadline regarding pretrial disclosures and pretrial materials...the deadline for pretrial disclosures and objections and pretrial materials is extended to 5:00 pm on 8/16/02. (Signed by Judge Sam A. Lindsay) Copies to counsel: 8/9/02

		Page(s) 3 (jrb) (Entered: 08/09/2002)
08/16/2002	<u>36</u>	ORDER DIRECTING ADMINISTRATIVE CLOSURE...due by 9/16/02. (signed by Judge Lindsay) Copies to counsel: 8/19/02 Page(s): 1 (jrb) (Entered: 08/19/2002)
08/26/2002	<u>37</u>	JOINT MOTION for approval of settlement and consent decree by defendants and plaintiffs. (3) (jrb) (Entered: 08/27/2002)
08/26/2002	<u>38</u>	Joint STIPULATION of dismissal...with prejudice. (4) (jrb) (Entered: 08/27/2002)
09/11/2002	<u>39</u>	ORDER granting [37-1] joint motion for approval of settlement and consent decree...ordered that no notice to the class of class certification or settlement is required. (Signed by Judge Sam A. Lindsay) Copies to counsel: 9/12/02 Page(s) 2 (jrb) (Entered: 09/12/2002)
09/11/2002	<u>40</u>	ORDER of dismissal...any and all claims which were asserted or could have been asserted by any party against the other herein is hereby dismissed with prejudice with the specific exception of plaintiffs' or their attorneys' claim for attys' fees and costs related to this action, which will be the subject of a separate and subsequent order of this Court. (Signed by Judge Sam A. Lindsay) Copies to counsel: 9/12/02 Page(s) 3 (jrb) (Entered: 09/12/2002)
09/11/2002	<u>41</u>	CONSENT Decree...see order for specifics. (signed by Judge Lindsay) Copies to counsel: 9/12/02 Page(s): 14 (jrb) (Entered: 09/12/2002)
09/17/2002	<u>42</u>	JOINT MOTION to extend deadline for filing plaintiffs' mtn for attys' fees and costs by defendants and plaintiffs. (4) (jrb) (Entered: 09/18/2002)
09/17/2002	<u>43</u>	ORDER granting [42-1] joint motion to extend deadline for filing plaintiffs' mtn for attys' fees and costs...extended for a period of 30 days, or until 10/25/02...see order for other specifics. (Signed by Judge Sam A. Lindsay) Copies to counsel: 9/18/02 Page(s) 3 (jrb) (Entered: 09/18/2002)
10/17/2002	<u>44</u>	Second JOINT MOTION to extend deadline for filing plaintiffs' mtn for awarding of attys' fees and costs by defendant Does 1-50, defendant Molly Helmlinger, defendant Midlothian ISD, plaintiff Charles V Emmett, plaintiff Rick Maloney, plaintiff Lynn Maloney, plaintiff Sheila Beal (5) (jrb) (Entered: 10/18/2002)
10/18/2002	<u>45</u>	ORDER granting [44-1] joint motion to extend deadline for filing plaintiffs' mtn for awarding of attys' fees and costs...deadline for filing plaintiffs' mtn for awarding of attys' fees and costs is extended for a period 30 days or until 11/24/02...see order for other specifics. (Signed by Judge Sam A. Lindsay) Copies to counsel: 10/18/02 Page(s) 3 (jrb) (Entered: 10/18/2002)
11/20/2002	<u>46</u>	Third Joint MOTION by defendant Molly Helmlinger, defendant Midlothian ISD, plaintiff Charles V Emmett, plaintiff Rick Maloney, plaintiff Lynn Maloney, plaintiff Sheila Beal to extend deadline for filing plaintiffs' mtn for awarding of attorneys' fees and costs (5) (jrb) (Entered: 11/21/2002)
11/20/2002	<u>47</u>	ORDER granting [46-1] motion to extend deadline for filing plaintiffs' mtn for awarding of attorneys' fees and costs...due 12/24/02...see order for other specifics. Signed by Judge Sam A. Lindsay) Copies to counsel: 11/21/02 Page(s) 3 (jrb) Modified on 11/21/2002 (Entered: 11/21/2002)
12/24/2002	<u>48</u>	Fourth JOINT MOTION to extend deadline for filing plaintiff's mtn for awarding of attys' fees and costs by defendants and plaintiffs. (8) (jrb) Modified on 01/08/2003 (Entered: 12/26/2002)
01/07/2003	<u>49</u>	ORDER granting [48-1] joint motion to extend deadline for filing plaintiff's mtn for awarding of attys' fees and costs for a period of 30 days or until 1/24/03. See order for specifics. (Signed by Judge Sam A. Lindsay) Copies to counsel: 1/8/03 Page(s) 3 (jrb) Modified on 01/08/2003 (Entered: 01/08/2003)
01/16/2003	<u>50</u>	Joint STIPULATION of dismissal filed by plaintiffs and defendants. (3) (jrb) (Entered: 01/21/2003)
01/22/2003	<u>51</u>	ORDER of Dismissal. Any and all claims which were asserted or could have been asserted by any party against the other herein are hereby dismissed with prejudice.

		(Signed by Judge Sam A. Lindsay) Copies to counsel: 1/23/03 Page(s) 2 (jrb) (Entered: 01/23/2003)
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