

**U.S. District Court  
Southern District of Alabama (Mobile)  
CIVIL DOCKET FOR CASE #: 1:15-cv-00067-CG-C**

Hedgepeth et al v. Robert Bentley, et al.  
Assigned to: Senior Judge Callie V. S. Granade  
Referred to: Magistrate Judge William E. Cassidy  
Cause: 42:1983 Civil Rights Act

Date Filed: 02/09/2015  
Date Terminated: 06/22/2015  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Paula Kay Hedgepeth**

represented by **Christine Cassie Hernandez**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**David Graham Kennedy**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Saran Sills**

represented by **Christine Cassie Hernandez**  
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**LEAD ATTORNEY**  
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**David Graham Kennedy**  
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**Plaintiff**

**Deanna Ladnier**

represented by **Christine Cassie Hernandez**  
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**LEAD ATTORNEY**  
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**David Graham Kennedy**  
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**LEAD ATTORNEY**  
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**Plaintiff**

**Alice Fisher**

represented by **Christine Cassie Hernandez**  
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**LEAD ATTORNEY**  
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**David Graham Kennedy**  
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**LEAD ATTORNEY**  
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**Plaintiff**

**Wendy Smith**

represented by **Christine Cassie Hernandez**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**David Graham Kennedy**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Deborah Lynn Presley**

represented by **Christine Cassie Hernandez**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**David Graham Kennedy**  
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**Plaintiff**

**Russell Martin Wilson**

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**David Graham Kennedy**  
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**Plaintiff**

**Hilary Joe Baker**

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*ATTORNEY TO BE NOTICED*

**David Graham Kennedy**  
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**Plaintiff**

**Tim Jan**

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**David Graham Kennedy**  
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**Plaintiff**

**Kristy Simmons**

represented by **Christine Cassie Hernandez**  
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*LEAD ATTORNEY*  
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**David Graham Kennedy**  
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**Plaintiff**

**Marshay Safford**

represented by **Christine Cassie Hernandez**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**David Graham Kennedy**  
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**Plaintiff**

**Dandrick Cox**

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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**David Graham Kennedy**  
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*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Breona Yett**

represented by **Christine Cassie Hernandez**  
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*LEAD ATTORNEY*  
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**David Graham Kennedy**  
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**Plaintiff**

**Priscilla Coates**

represented by **Christine Cassie Hernandez**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**David Graham Kennedy**  
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**Plaintiff**

**France Stewart, III**

represented by **Christine Cassie Hernandez**  
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*LEAD ATTORNEY*  
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**David Graham Kennedy**  
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**Plaintiff**

**Jazmyn Hayes**

represented by **Christine Cassie Hernandez**  
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*LEAD ATTORNEY*  
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**David Graham Kennedy**  
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*LEAD ATTORNEY*  
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V.

**Defendant**

**Don Davis**  
*Mobile County Probate Judge,*  
*Individually and in his Official Capacity*  
*TERMINATED: 02/24/2015*

represented by **Harry V. Satterwhite**  
Satterwhite & Associates, LLC  
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**Defendant**

**Joe McEarchern, Jr.**  
*Individually and in his Official Capacity*  
*as the Clerk of Court*  
*TERMINATED: 02/24/2015*

**Defendant**

**Mark Erwin**  
*Individually and in his Official Capacity*  
*as Chief of Staff of the Probate Court of*  
*Mobile County*  
*TERMINATED: 02/24/2015*

**Defendant**

**Robert Bentley**  
*Individually and in his Official Capacity*  
*as Governor of the State of Alabama*  
*TERMINATED: 03/26/2015*

represented by **Algert S. Agricola , Jr.**  
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**Defendant****Luther Strange, III**

*Individually and in his Official Capacity  
as Attorney General of the State of  
Alabama*

TERMINATED: 04/02/2015

represented by **James W. Davis**

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**ATTORNEY TO BE NOTICED**

**Defendant****Roy Moore**

*Individually and in his Official Capacity  
as Chief Justice of the Alabama Supreme  
Court*

represented by **Herbert W. Titus**

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**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
02/09/2015	<u>1</u>	COMPLAINT <i>and Request For Immediate Injunctive Relief</i> against All Defendants ( Filing fee \$400 receipt number 1128-1696364, Online Credit Card Payment), filed by Deanna Ladnier, Tim Jan, Paula K. Hedgepeth, Wendy Smith, Deborah L. Presley, Kristy Simmons, Marshay Safford, France Stewart, III, Saran Sills, Breona Yett, Priscilla Coates, Jazmyn Hayes, Alice Fisher, Russell M. Wilson, Dandrick Cox. (Hernandez, Christine) (Additional attachment(s) added on 2/9/2015: # <u>1</u> Civil Cover Sheet) (mab). (Entered: 02/09/2015)

02/09/2015	<u>2</u>	NOTICE of Filing Proposed Summons by Priscilla Coates, Dandrick Cox, Alice Fisher, Jazmyn Hayes, Paula K. Hedgepeth, Tim Jan, Deanna Ladnier, Deborah L. Presley, Marshay Safford, Saran Sills, Kristy Simmons, Wendy Smith, France Stewart, III, Russell M. Wilson, Breona Yett (Hernandez, Christine) (Entered: 02/09/2015)
02/09/2015		MOTION for Preliminary Injunction by Paula K. Hedgepeth, et al. (See Doc. <u>1</u> ); Referred to Judge Callie V. S. Granade. (mab) (Entered: 02/09/2015)
02/09/2015	<u>3</u>	Summonses Issued as to Robert Bentley, Don Davis, C. Mark Erwin, Joe McEarchern, Jr, Roy Moore, Probate Court of Mobile County, Luther Strange, III. (Note to Counsel: The Summonses have been issued. Please print copies necessary for service.) (mab) (Entered: 02/09/2015)
02/09/2015	<u>4</u>	Service Notice issued 2/9/2015. Plaintiffs' Notice of Service Attempts due by 3/26/2015. (mab) (Entered: 02/09/2015)
02/10/2015	<u>5</u>	NOTICE of Appearance by James W. Davis on behalf of Luther Strange, III (Davis, James) (Entered: 02/10/2015)
02/10/2015	<u>6</u>	NOTICE of Appearance by Laura Elizabeth Howell on behalf of Luther Strange, III (Howell, Laura) (Entered: 02/10/2015)
02/10/2015	<u>7</u>	Order re: request for immediate relief contained in Plfs' <u>1</u> Complaint. To the extent Plfs seek a TRO, the motion is DENIED as set out. Court will not consider a preliminary injunction until all of the dts have been notified. Court will allow counsel for Plfs to participate in preliminary injunction hrg set in Case No. 14-0424-CG-C on 2/12/15 at 1:00 p.m., as set out. Signed by Judge Callie V. S. Granade on 2/10/2015. (tot) (Entered: 02/10/2015)
02/10/2015	<u>8</u>	AFFIDAVIT of Service for Summons & Complaint served on Don Davis on 02/10/2015, filed by Priscilla Coates, Dandrick Cox, Alice Fisher, Jazmyn Hayes, Paula K. Hedgepeth, Tim Jan, Deanna Ladnier, Deborah L. Presley, Marshay Safford, Saran Sills, Kristy Simmons, Wendy Smith, France Stewart, III, Russell M. Wilson, Breona Yett. (Hernandez, Christine) (Entered: 02/10/2015)
02/10/2015	<u>9</u>	AFFIDAVIT of Service for Summons & Complaint served on Mark Erwin on 02/10/2015, filed by Priscilla Coates, Dandrick Cox, Alice Fisher, Jazmyn Hayes, Paula K. Hedgepeth, Tim Jan, Deanna Ladnier, Deborah L. Presley, Marshay Safford, Saran Sills, Kristy Simmons, Wendy Smith, France Stewart, III, Russell M. Wilson, Breona Yett. (Hernandez, Christine) (Entered: 02/10/2015)
02/10/2015	<u>10</u>	AFFIDAVIT of Service for Summons & Complaint served on Joe McEarchern, Jr. on 02/10/2015, filed by Priscilla Coates, Dandrick Cox, Alice Fisher, Jazmyn Hayes, Paula K. Hedgepeth, Tim Jan, Deanna Ladnier, Deborah L. Presley, Marshay Safford, Saran Sills, Kristy Simmons, Wendy Smith, France Stewart, III, Russell M. Wilson, Breona Yett. (Hernandez, Christine) (Entered: 02/10/2015)
02/11/2015	<u>11</u>	NOTICE of Appearance by Algert S. Agricola, Jr on behalf of Robert Bentley (Agricola, Algert) (Entered: 02/11/2015)
02/11/2015	<u>12</u>	AFFIDAVIT of Service for Summons & Complaint served on Roy Moore on 02/10/2015, filed by Priscilla Coates, Dandrick Cox, Alice Fisher, Jazmyn Hayes, Paula K. Hedgepeth, Tim Jan, Deanna Ladnier, Deborah L. Presley, Marshay Safford, Saran Sills, Kristy Simmons, Wendy Smith, France Stewart, III, Russell M. Wilson, Breona Yett. (Hernandez, Christine) (Entered: 02/11/2015)
02/11/2015	<u>13</u>	AFFIDAVIT of Service for Summons & Complaint served on Robert Bentley on 02/10/2015, filed by Priscilla Coates, Dandrick Cox, Alice Fisher, Jazmyn Hayes, Paula K. Hedgepeth, Tim Jan, Deanna Ladnier, Deborah L. Presley, Marshay Safford, Saran Sills, Kristy Simmons, Wendy Smith, France Stewart, III, Russell M. Wilson, Breona Yett. (Hernandez, Christine) (Entered: 02/11/2015)
02/12/2015	<u>14</u>	NOTICE of Appearance by Joseph Michael Druhan, Jr on behalf of Don Davis (Druhan, Joseph) (Entered: 02/12/2015)
02/12/2015	<u>15</u>	NOTICE of Appearance by Harry V. Satterwhite on behalf of Don Davis (Satterwhite, Harry) (Entered: 02/12/2015)

02/13/2015	<u>16</u>	MOTION to Dismiss by Hilary Joe Baker, Priscilla Coates, Dandrick Cox, Alice Fisher, Jazmyn Hayes, Paula Kay Hedgepeth, Tim Jan, Deanna Ladnier, Deborah Lynn Presley, Marshay Safford, Saran Sills, Kristy Simmons, Wendy Smith, France Stewart, III, Russell Martin Wilson, Breona Yett. (Kennedy, David) (Entered: 02/13/2015)
02/18/2015		MOTIONS REFERRED: <u>16</u> MOTION/Stipulation for Dismissal of Mobile County Probate Judge Don Davis, Joe McEarchern, Jr. and C. Mark Erwin Referred to Judge Callie V. S. Granade. (mab) (Entered: 02/18/2015)
02/18/2015	<u>17</u>	MOTION to Dismiss for Lack of Jurisdiction <i>with Memorandum of Law in support thereof</i> by Robert Bentley. (Agricola, Algert) (Entered: 02/18/2015)
02/18/2015		MOTIONS REFERRED: <u>17</u> MOTION to Dismiss for Lack of Jurisdiction <i>with Memorandum of Law in support thereof</i> Referred to Judge William E. Cassady. (mab) (Entered: 02/18/2015)
02/18/2015	<u>18</u>	Order re: <u>17</u> MOTION to Dismiss for Lack of Jurisdiction <i>with Memorandum of Law in support thereof</i> filed by Robert Bentley. Plaintiffs' response due by Defendant on 3/11/2015. Any reply due by 3/18/2015. Motion to be taken under submission on 3/19/2015. Signed by Magistrate Judge William E. Cassady on 2/18/2015. (mab) (Entered: 02/19/2015)
02/24/2015	<u>19</u>	PRELIMINARY SCHEDULING ORDER entered. Rule 26 Meeting Report due by 4/6/2015. Signed by Magistrate Judge William E. Cassady on 2/24/2015. (Attachment: # <u>1</u> consent form) (mab) (Entered: 02/24/2015)
02/24/2015	<u>20</u>	ORDER, GRANTING <u>16</u> Motion for Dismissal, and DISMISSING with prejudice plaintiffs' claims against Defendants Mobile County Probate Judge Don Davis, Joe McEarchern, Jr., and C. Mark Erwin in their individual and official capacities. Signed by Judge Callie V. S. Granade on 2/24/2015. (mab) (Entered: 02/24/2015)
02/24/2015	<u>21</u>	MOTION to Dismiss <i>Claims Against the Attorney General</i> by Luther Strange, III. (Davis, James) (Entered: 02/24/2015)
02/25/2015		MOTIONS REFERRED: <u>21</u> MOTION to Dismiss <i>Claims Against the Attorney General</i> Referred to Judge William E. Cassady. (mab) (Entered: 02/25/2015)
02/26/2015	<u>22</u>	NOTICE of Appearance by James Douglas McElvy on behalf of Roy Moore (McElvy, James) (Entered: 02/26/2015)
02/26/2015	<u>23</u>	NOTICE of Appearance by Elizabeth C. Wible on behalf of Roy Moore (Wible, Elizabeth) (Entered: 02/26/2015)
02/26/2015	<u>24</u>	Unopposed MOTION for Extension of Time for Responding to Complaint by Roy Moore. (McElvy, James) (Entered: 02/26/2015)
02/26/2015		MOTIONS REFERRED: <u>24</u> MOTION for Extension of Time for Responding to Complaint Referred to Judge Callie V. S. Granade. (mab) (Entered: 02/26/2015)
02/26/2015	25	ENDORSED ORDER, GRANTING <u>24</u> MOTION by Chief Justice Roy S. Moore to Extend the Time for Responding to the Complaint. Response to complaint due from Chief Justice Roy Moore on 3/17/2015. Signed by Judge Callie V. S. Granade on 2/26/2015. (mab) (Entered: 02/26/2015)
03/02/2015	<u>26</u>	Order, re: <u>17</u> MOTION to Dismiss for Lack of Jurisdiction filed by Robert Bentley, and <u>21</u> MOTION to Dismiss <i>Claims Against the Attorney General</i> filed by Luther Strange, III. Plaintiffs' responses to motions due 3/19/2015. Any replies due from Defendants by 3/26/2015. Motions to be taken under submission on 3/27/2015. Style of case is now changed in that it only includes the names of the current defendants. Parties directed to use the appropriate style: Paula Kay Hedgepeth, et al., v. Robert Bentley, et al. Signed by Magistrate Judge William E. Cassady on 3/2/2015. (mab) (Entered: 03/02/2015)
03/17/2015	<u>27</u>	MOTION to Dismiss <i>Complaint</i> by Roy Moore. (McElvy, James) (Entered: 03/17/2015)
03/17/2015	<u>28</u>	Brief filed by Roy Moore re <u>27</u> MOTION to Dismiss <i>Complaint</i> . (McElvy, James) (Entered: 03/17/2015)

03/18/2015	<u>29</u>	MOTION for Herbert W. Titus to Appear Pro Hac Vice ( Filing fee \$ 50, Receipt number 1128-1714117, Online Credit Card Payment.) by Roy Moore. (Titus, Herbert) (Entered: 03/18/2015)
03/18/2015	<u>30</u>	MOTION for William J. Olson to Appear Pro Hac Vice ( Filing fee \$ 50, Receipt number 1128-1714123, Online Credit Card Payment.) by Roy Moore. (Olson, William) (Entered: 03/18/2015)
03/18/2015		REFERRAL OF <u>27</u> MOTION to Dismiss <i>Complaint</i> and <u>28</u> Brief in support to Judge William E. Cassady. (mab) (Entered: 03/18/2015)
03/18/2015		MOTIONS REFERRED: <u>29</u> MOTION of Herbert W. Titus for Admission Pro Hac Vice, with application and Certificate of Good Standing ( Filing fee \$ 50, Receipt number 1128-1714117, Online Credit Card Payment.); and <u>30</u> MOTION of William J. Olson for Admission Pro Hac Vice, with application and Certificate of Good Standing ( Filing fee \$ 50, Receipt number 1128-1714123, Online Credit Card Payment.) Referred to Judge William E. Cassady. (mab) (Entered: 03/18/2015)
03/19/2015	<u>32</u>	Order re: <u>27</u> MOTION to Dismiss <i>Complaint</i> filed by Roy Moore. Plaintiffs' response due by 4/9/2015. Defendant's reply due by 4/16/2015. Motion to be taken under submission on 4/17/2015. Signed by Magistrate Judge William E. Cassady on 3/19/2015. (mab) (Entered: 03/20/2015)
03/20/2015	<u>31</u>	ORDER, GRANTING motions for admission pro hac vice of Attorneys <u>29</u> Herbert William Titus and <u>30</u> William Jeffrey Olson. Signed by Magistrate Judge William E. Cassady on 3/19/2015. (mab) (Entered: 03/20/2015)
03/20/2015	<u>33</u>	MOTION to Designate <u>17</u> Motion to Dismiss of Governor Robert Bentley as Unopposed and to Grant Motion, by Robert Bentley. (Agricola, Algert) (Entered: 03/20/2015)
03/20/2015		MOTIONS REFERRED: <u>33</u> MOTION to Designate <u>17</u> Motion to Dismiss of Governor Bentley as Unopposed and to Grant Motion Referred to Judge William E. Cassady. (mab) (Entered: 03/20/2015)
03/24/2015	<u>34</u>	MOTION to Dismiss by Hilary Joe Baker, Priscilla Coates, Dandrick Cox, Alice Fisher, Jazmyn Hayes, Paula Kay Hedgepeth, Tim Jan, Deanna Ladnier, Deborah Lynn Presley, Marshay Safford, Saran Sills, Kristy Simmons, Wendy Smith, France Stewart, III, Russell Martin Wilson, Breona Yett. (Hernandez, Christine) (Entered: 03/24/2015)
03/26/2015	<u>35</u>	Order, GRANTING Plaintiffs' <u>34</u> Motion to dismiss with respect to Defendant Governor Robert Bentley, GRANTING Defendant's request for dismissal with prejudice, and DISMISSING with prejudice Plaintiffs' claims against Defendant Robert Bentley. Unless Defendants Attorney General Luther Strange, III and Chief Justice Roy Moore file objections to the Plaintiffs' <u>34</u> Motion to dismiss, on or before 4/2/2015, Plaintiffs' claims against said defendants will be dismissed without prejudice, and all pending motions will be deemed to be moot without further order from the court. Signed by Judge Callie V. S. Granade on 3/26/2015. (mab) (Entered: 03/27/2015)
04/02/2015	<u>36</u>	RESPONSE to <u>34</u> MOTION to Dismiss <i>by Plaintiffs &amp; Request to Dismiss With Prejudice</i> filed by Roy Moore. (McElvy, James) (Entered: 04/02/2015)
06/16/2015	<u>37</u>	NOTICE of Withdrawal of <u>36</u> Request to Dismiss with Prejudice, filed by Roy Moore. (McElvy, James) Modified on 6/16/2015 (mab). (Entered: 06/16/2015)
06/16/2015		REFERRAL OF <u>37</u> NOTICE of Withdrawal of <u>36</u> Request to Dismiss with Prejudice to Judge Granade. (mab) (Entered: 06/16/2015)
06/22/2015	<u>38</u>	ORDER, Plaintiffs' motion to dismiss (Doc. <u>34</u> ) is GRANTED and all claims asserted by Plaintiffs against Chief Justice Roy Moore are hereby DISMISSED without prejudice. Signed by Judge Callie V. S. Granade on 6/22/2015. (mab) (Entered: 06/22/2015)