

**U. S. District Court  
Eastern District of Louisiana (New Orleans)  
CIVIL DOCKET FOR CASE #: 2:07-cv-06541-JCZ-KWR**

Adar et al v. Smith  
Assigned to: Judge Jay C. Zainey  
Referred to: Magistrate Judge Karen Wells Roby  
Case in other court: USCOA 5th Circuit, 09-30036  
USCA, 5th Circuit, 09-30036

Date Filed: 10/09/2007  
Date Terminated: 12/29/2008  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

Cause: 28:1983 Civil Rights

**Plaintiff**

**Oren Adar**

*individually and as parent and next friend  
of J.C.A.-S., a minor*

represented by **Regina O. Matthews**  
Martzell & Bickford  
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**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Mickey Ray Smith**

*individually and as parent and next friend  
of J.C.A.-S., a minor*

represented by **Regina O. Matthews**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Kenneth D. Upton, Jr.**  
(See above for address)  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

**Spencer R. Doody**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

represented by

**Darlene W. Smith**

*in her capacity as State Registrar and  
Director, Office of Vital Records and  
Statistics, State of Louisiana Department  
of Health and Hospitals*

**Carol Lee Haynes**

Louisiana Department of Health  
&Hospitals (New Orleans)  
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**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
10/09/2007	<u>1</u>	COMPLAINT against Darlene W. Smith (Filing fee \$ 350.) filed by Oren Adar, Mickey Ray Smith. (Attachments: # <u>1</u> Civil Cover Sheet)(cms, ) (Entered: 10/09/2007)
10/09/2007	2	Summons Issued as to Darlene W. Smith. (cms, ) (Entered: 10/09/2007)
10/09/2007	<u>3</u>	EXPARTE/CONSENT MOTION to Appear Pro Hac Vice as to Kenneth D. Upton, Jr. (Filing fee \$5.) by Oren Adar, Mickey Ray Smith. (Attachments: # <u>1</u> Affidavit & Certificate)(gbw, ) (Entered: 10/19/2007)
10/12/2007	<u>4</u>	ORDER granting <u>3</u> Motion to Appear Pro Hac Vice as to Kenneth D. Upton, Jr.. Signed by Judge Jay C. Zainey on 10/9/07. (gbw, ) (Entered: 10/19/2007)
11/12/2007	<u>5</u>	WAIVER OF SERVICE Returned Executed; waiver sent to Darlene W. Smith on 10/9/2007, answer due 12/3/2007. (Matthews, Regina) Modified text on 11/13/2007 (gbw, ). (Entered: 11/12/2007)
11/30/2007	<u>6</u>	MOTION to Dismiss for Lack of Jurisdiction by Darlene W. Smith. Motion Hearing set for 1/23/2008 09:00 AM before Judge Jay C. Zainey. (Attachments: # <u>1</u> Memorandum in Support # <u>2</u> Notice of Hearing)(Haynes, Carol) (Entered: 11/30/2007)
12/03/2007	7	Correction of Docket Entry by Clerk re <u>6</u> MOTION to Dismiss for Lack of Jurisdiction. Document's signature line is either incomplete or blank. All future documents must reflect either an original signature or an electronic signature of the filing attorney following the format 's/ (attorney name)'. No further action is necessary. (gbw, ) (Entered: 12/03/2007)
01/14/2008	<u>8</u>	RESPONSE/MEMORANDUM in Opposition filed by all plaintiffs re <u>6</u> MOTION to Dismiss for Lack of Jurisdiction. (Matthews, Regina) (Entered: 01/14/2008)

01/14/2008	<u>9</u>	Request/Statement of Oral Argument by all plaintiffs regarding <u>6</u> MOTION to Dismiss for Lack of Jurisdiction. (Attachments: # <u>1</u> Proposed Order)(Matthews, Regina) (Entered: 01/14/2008)
01/22/2008	<u>10</u>	ORDER Setting oral argument on <u>6</u> MOTION to Dismiss for Lack of Jurisdiction ; Oral Argument set for 3/12/2008 10:00 AM. Signed by Judge Jay C. Zainey on 1/18/08.(jrc, ) (Entered: 01/22/2008)
01/28/2008	<u>11</u>	ORDER Resetting Oral Argument on <u>6</u> MOTION to Dismiss for Lack of Jurisdiction: Oral Argument reset for 3/19/2008 10:00 AM before Judge Jay C. Zainey.. Signed by Judge Jay C. Zainey.(jrc, ) (Entered: 01/28/2008)
02/07/2008	<u>12</u>	ORDER that <u>6</u> MOTION to Dismiss for Lack of Jurisdiction filed by Darlene W. Smith shall be heard on the briefs w/o oral argument. Oral argument set for 3/19/08 10:00 AM is CANCELLED. Signed by Judge Jay C. Zainey on 2/6/08.(gbw, ) (Entered: 02/07/2008)
04/01/2008	<u>13</u>	ORDER denying <u>6</u> Motion to Dismiss for Lack of Jurisdiction. Signed by Judge Jay C. Zainey on 3/31/08. (jrc, ) (Entered: 04/01/2008)
04/01/2008	<u>14</u>	NOTICE Scheduling Conference set for 5/14/2008 3:15 PM before courtroom deputy by telephone, by Clerk.(jrc, ) (Entered: 04/01/2008)
04/11/2008	<u>15</u>	ANSWER to Complaint by Darlene W. Smith.(Haynes, Carol) (Entered: 04/11/2008)
05/14/2008	<u>16</u>	SCHEDULING ORDER: Final Pretrial Conference set for 1/14/2009 4:30 PM, Bench Trial set for 2/9/2009 9:30 AM. Signed by Judge Jay C. Zainey on 5/14/08. (Attachments: # <u>1</u> Pretrial Notice Form)(jrc, ) (Entered: 05/16/2008)
05/23/2008	<u>17</u>	ORDER: Settlement Conference set for 12/5/2008 02:00 PM before Magistrate Judge Karen Wells Roby.. Signed by Magistrate Judge Karen Wells Roby on 5/23/08.(NEF: Zainey)(bbc, ) (Entered: 05/27/2008)
06/26/2008	<u>18</u>	EX PARTE/CONSENT MOTION to Amend/Correct <u>1</u> Complaint by Oren Adar, Mickey Ray Smith. (Attachments: # <u>1</u> Exhibit Consent of Opposing Counsel, # <u>2</u> Proposed Order, # <u>3</u> Proposed Pleading)(Upton, Kenneth) Modified on 6/27/2008 (gbw, ). (Entered: 06/26/2008)
06/27/2008	<u>19</u>	ORDER granting <u>18</u> Motion to Amend Complaint. Signed by Judge Jay C. Zainey on 6/27/08. (gbw, ) (Entered: 06/30/2008)
06/30/2008	<u>20</u>	AMENDED COMPLAINT against Darlene W. Smith filed by Oren Adar, Mickey Ray Smith.(gbw, ) (Entered: 06/30/2008)
07/02/2008	<u>21</u>	ANSWER to <u>20</u> Amended Complaint by Darlene W. Smith.(Haynes, Carol) (Entered: 07/02/2008)
09/11/2008	<u>22</u>	**DOCUMENT STRICKEN** NOTICE to Take Deposition of Defendant Darlene W. Smith by Oren Adar, Mickey Ray Smith.(Upton, Kenneth) Modified on 9/12/2008 (gec, ). (Entered: 09/11/2008)
09/12/2008	<u>23</u>	Correction of Docket Entry by Clerk re <u>22</u> Notice to Take Deposition. Document has been stricken pursuant to Federal Rule of Civil Procedure 5(d). (gec, ) (Entered: 09/12/2008)
11/14/2008	<u>24</u>	Witness and Exhibit List by all plaintiffs. (Upton, Kenneth) (Entered: 11/14/2008)
11/21/2008	<u>25</u>	DEFICIENT. MOTION for Summary Judgment by Oren Adar, Mickey Ray Smith. (Attachments: # <u>1</u> Statement of Contested/Uncontested Facts, # <u>2</u> Appendix Attachment 1 – Smith Depo Excerpts, # <u>3</u> Appendix Attachment 2 – Affd Pltf Oren Adar, # <u>4</u> Appendix Attachment 3 – Affd of Pltf Mickey Ray Smith, # <u>5</u> Memorandum in Support)(Upton, Kenneth) Modified on 11/24/2008 (gbw, ). (Entered: 11/21/2008)
11/24/2008	<u>26</u>	DEFICIENT. MOTION for Summary Judgment by Oren Adar, Mickey Ray Smith. Motion Hearing set for 12/10/2008 09:00 AM before Judge Jay C. Zainey. (Attachments: # <u>1</u> Statement of Contested/Uncontested Facts, # <u>2</u> Appendix Attachment 1 – Darlene Smith Depo Excerpts, # <u>3</u> Appendix Attachment 2 – Affd Pltf Oren Adar, # <u>4</u> Appendix Attachment 3 – Affd of Pltf Mickey Ray Smith, # <u>5</u>

		Memorandum in Support)(Upton, Kenneth) Modified on 11/25/2008 (gbw, ). (Entered: 11/24/2008)
11/25/2008	<u>27</u>	MOTION for Summary Judgment by Oren Adar, Mickey Ray Smith. Motion Hearing set for 12/10/2008 09:00 AM before Judge Jay C. Zainey. (Attachments: # <u>1</u> Notice of Hearing, # <u>2</u> Statement of Contested/Uncontested Facts, # <u>3</u> Appendix Attachment 1 – Def Darlene Smith Depo Excerpts, # <u>4</u> Appendix Attachment 2 – Affd of Pltf Oren Adar, # <u>5</u> Appendix Attachment 3 – Affd of Pltf Mickey Ray Smith, # <u>6</u> Memorandum in Support)(Upton, Kenneth) (Entered: 11/25/2008)
11/26/2008	<u>28</u>	ERROR: WRONG EVENT SELECTED. AFFIDAVIT in Opposition by Affiant carol haynes re <u>27</u> MOTION for Summary Judgment. (Haynes, Carol) Modified on 11/28/2008 (gbw, ). (Entered: 11/26/2008)
11/26/2008	<u>30</u>	RESPONSE/MEMORANDUM in Opposition filed by Darlene W. Smith re <u>27</u> MOTION for Summary Judgment. (gbw, ) (Entered: 11/28/2008)
11/28/2008	29	Correction of Docket Entry by Clerk re <u>28</u> Affidavit in Opposition to Motion. Filing attorney selected incorrect event. Correct event is Response/Memorandum in opposition to motion. Clerk took corrective action by re-docketing the event.(gbw, ) (Entered: 11/28/2008)
12/03/2008	<u>31</u>	EXPARTE MOTION for Leave to File <i>Reply Memorandum</i> by Oren Adar, Mickey Ray Smith. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Pleading Reply Memo)(Doody, Spencer) Modified on 12/4/2008 (gbw, ). (Entered: 12/03/2008)
12/03/2008	<u>33</u>	Minute Entry for proceedings held before Magistrate Judge Karen Wells Roby: Settlement Conference held on 12/3/2008; negotiations unsuccessful – settlement not reached; ORDERED that Settlement Conference set for 12/5/2008 02:00 PM is cancelled (rll, ) (NEF to Judge Zainey) (Entered: 12/04/2008)
12/04/2008	32	Correction of Docket Entry by Clerk re <u>31</u> MOTION for Leave to File <i>Reply Memorandum</i> . Filing attorney should have changed 'N' to 'Y' at the question 'Is this an Exparte/Consent Motion Y/N?' before clicking the Next button. Clerk modified docket text to reflect 'Exparte'. Filing attorney did not select Mickey Ray Smith as a filer(s). Clerk added filer(s).Filing attorney incorrectly changed 'N' to 'Y' at the question 'Is this motion to be decided by the Magistrate Judge Y/N?'. This motion will be decided by the district judge. Clerk took corrective action.(gbw, ) (Entered: 12/04/2008)
12/04/2008	<u>34</u>	ORDER granting <u>31</u> Motion for Leave to File reply memo. Signed by Judge Jay C. Zainey on 12/3/08. (gbw, ) (gbw, ). (Entered: 12/04/2008)
12/04/2008	<u>35</u>	Correction of Docket Entry by Clerk re <u>34</u> Order on Motion for Leave to File. image of document was not attached. Clerk took corrective action. (gbw, ) (Entered: 12/04/2008)
12/05/2008	<u>36</u>	REPLY MEMORANDUM in Support filed by Oren Adar, Mickey Ray Smith re <u>27</u> MOTION for Summary Judgment. (gbw, ) (Entered: 12/05/2008)
12/22/2008	<u>37</u>	ORDER & REASONS granting <u>27</u> Motion for Summary Judgment. Signed by Judge Jay C. Zainey on 12/22/08. (gbw, ) (Entered: 12/23/2008)
12/29/2008	<u>38</u>	JUDGMENT entered in favor of Mickey Ray Smith, Oren Adar against Darlene W. Smith. Signed by Judge Jay C. Zainey on 12/29/08.(gbw, ) (Entered: 12/30/2008)
01/05/2009	<u>39</u>	BILL OF COSTS by all plaintiffs. Hearing set for January 21, 2009 at 9:30 a.m. before Clerk of Court (Attachments: # <u>1</u> Notice of Hearing # <u>2</u> Exhibits)(Doody, Spencer) (Entered: 01/05/2009)
01/06/2009	<u>40</u>	MOTION for Attorney Fees by Oren Adar, Mickey Ray Smith. Motion Hearing set for 1/21/2009 09:00 AM before Judge Jay C. Zainey. (Attachments: # <u>1</u> Memorandum in Support Memo, # <u>2</u> Exhibit Attorney Time Report Summary, # <u>3</u> Notice of Hearing)(Upton, Kenneth) (Entered: 01/06/2009)
01/13/2009	<u>41</u>	EXPARTE/CONSENT MOTION to Enroll as Counsel of Record by Darlene W. Smith. (Attachments: # <u>1</u> Proposed Order)(Haynes, Carol) (Additional attachment(s) added on 1/14/2009: # <u>2</u> Main Document) (gbw, ). (Entered: 01/13/2009)

		01/13/2009)
01/13/2009	<u>42</u>	DEFICIENT. MOTION for New Trial by Darlene W. Smith. Motion Hearing set for 3/18/2009 09:00 AM before Judge Jay C. Zainey. (Attachments: # <u>1</u> Memorandum in Support)(Haynes, Carol) Modified on 1/14/2009 (gbw, ). (Entered: 01/13/2009)
01/14/2009	43	Correction of Docket Entry by Clerk re <u>41</u> MOTION to Enroll as Counsel of Record. Proposed Order should be added as a separate attachment to the motion and not as part of the motion. Clerk took corrective action. No further action is necessary. (gbw, ) (Entered: 01/14/2009)
01/14/2009	44	Correction of Docket Entry by Clerk re <u>41</u> MOTION to Enroll as Counsel of Record. Document's signature line is either incomplete or blank. All future documents must reflect either an original signature or an electronic signature of the filing attorney following the format 's/ (attorney name)'. No further action is necessary. (gbw, ) (Entered: 01/14/2009)
01/14/2009	<u>45</u>	ERROR: MOTION WITH MULTIPLE RELIEFS FILED AS ONE RELIEF. MOTION for New Trial by Darlene W. Smith. Motion Hearing set for 3/18/2009 09:00 AM before Judge Jay C. Zainey. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Notice of Hearing)(Haynes, Carol) Modified on 1/14/2009 (gbw, ). (Entered: 01/14/2009)
01/14/2009	46	Correction of Docket Entry by Clerk re <u>45</u> MOTION for New Trial. Filing attorney selected only one relief for a multiple-relief motion. To select multiple reliefs, you must select all applicable reliefs by pressing the 'control key' and clicking the additional reliefs before clicking the Next button. Clerk took corrective action by re-docketing the document using the reliefs MOTION for New Trial, MOTION to Dismiss. (gbw, ) (Entered: 01/14/2009)
01/14/2009	<u>47</u>	MOTION for New Trial, MOTION to Dismiss by Darlene W. Smith. Motion Hearing set for 3/18/2009 09:00 AM before Judge Jay C. Zainey. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Notice of Hearing)(gbw, ) (Entered: 01/14/2009)
01/15/2009	<u>48</u>	ORDER granting <u>41</u> Motion to Enroll S. Kyle Duncan as additional counsel for Darlene W. Smith. Signed by Judge Jay C. Zainey on 1/15/09. (jrc, ) (Entered: 01/15/2009)
01/20/2009	<u>49</u>	NOTICE OF APPEAL by Darlene W. Smith as to <u>38</u> Judgment. Filing fee \$ 455 Paid.(Duncan, Stuart) Modified on 1/21/2009 (gbw, ). Modified on 1/27/2009 (gbw, ). (Entered: 01/20/2009)
01/22/2009	<u>51</u>	Bill of Costs Taxed in amount of \$682.20. Signed by Clerk on 1/21/09. (gbw, ) (Entered: 01/23/2009)
01/22/2009	52	USCA Appeal Fees received \$ 455 re <u>49</u> Notice of Appeal filed by Darlene W. Smith. (gbw, ) (Entered: 01/27/2009)
01/23/2009	<u>50</u>	RESPONSE/MEMORANDUM in Opposition filed by all plaintiffs re <u>47</u> MOTION for New Trial MOTION to Dismiss. (Upton, Kenneth) (Entered: 01/23/2009)
01/30/2009	<u>53</u>	DEFICIENT. REPLY to Response to Motion filed by Darlene W. Smith re <u>47</u> MOTION for New Trial MOTION to Dismiss. (Duncan, Stuart) Modified on 2/2/2009 (gbw, ). (Entered: 01/30/2009)
02/02/2009	<u>54</u>	EXPARTE/CONSENT MOTION for Leave to File <i>Reply to Plaintiffs' Opposition to Motion for New Trial and Motion to Dismiss</i> by Darlene W. Smith. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Pleading)(Duncan, Stuart) (Entered: 02/02/2009)
02/02/2009	<u>55</u>	EXPARTE/CONSENT MOTION for Leave to File <i>Supplemental Authority</i> by Oren Adar, Mickey Ray Smith. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Pleading)(Upton, Kenneth) (Entered: 02/02/2009)
02/03/2009	<u>57</u>	ORDER granting <u>54</u> Motion for Leave to File reply to plaintiff's opposition to motion for new trial and motion to dismiss. Signed by Judge Jay C. Zainey on 2/3/09. (gbw, ) (Entered: 02/04/2009)

02/03/2009	<u>59</u>	ORDER granting <u>55</u> Motion for Leave to File supplemental authority in opposition to motion for new trial. Signed by Judge Jay C. Zainey on 2/3/09. (gbw, ) (Entered: 02/04/2009)
02/03/2009	<u>61</u>	Certified and Transmitted Record on Appeal to US Court of Appeals re <u>49</u> Notice of Appeal. USCA Case Number 09-30036. (gbw, ) (Entered: 02/04/2009)
02/04/2009	<u>58</u>	REPLY to Response to Motion filed by Darlene W. Smith re <u>47</u> MOTION for New Trial MOTION to Dismiss. (gbw, ) (Entered: 02/04/2009)
02/04/2009	<u>60</u>	SUPPLEMENTAL AUTHORITY in Opposition filed by Oren Adar re <u>47</u> MOTION for New Trial MOTION to Dismiss. (gbw, ) (Entered: 02/04/2009)
02/06/2009	<u>62</u>	MOTION to Enforce Judgment <i>In Part</i> by Oren Adar, Mickey Ray Smith. Motion Hearing set for 3/4/2009 09:00 AM before Judge Jay C. Zainey. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Notice of Hearing)(Upton, Kenneth) (Entered: 02/06/2009)
02/12/2009	<u>63</u>	RESPONSE/MEMORANDUM in Opposition filed by Darlene W. Smith re <u>62</u> MOTION to Enforce Judgment <i>In Part</i> . (Duncan, Stuart) (Entered: 02/12/2009)
02/12/2009	<u>64</u>	MOTION to Continue <i>Plaintiffs' March 4 hearing on Motion for Partial Enforcement of Judgment to March 18</i> by Darlene W. Smith. Motion Hearing set for 3/4/2009 09:00 AM before Judge Jay C. Zainey. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Notice of Hearing)(Duncan, Stuart) (Entered: 02/12/2009)
02/12/2009	<u>65</u>	EXPARTE/CONSENT MOTION to Expedite, MOTION for Hearing re <u>64</u> MOTION to Continue <i>Plaintiffs' March 4 hearing on Motion for Partial Enforcement of Judgment to March 18</i> by Darlene W. Smith. (Attachments: # <u>1</u> Proposed Order)(Duncan, Stuart) (Entered: 02/12/2009)
02/12/2009	<u>66</u>	MOTION to Stay <i>Judgment of December 29, 2008</i> by Darlene W. Smith. Motion Hearing set for 3/18/2009 09:00 AM before Judge Jay C. Zainey. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Notice of Hearing)(Duncan, Stuart) (Entered: 02/12/2009)
02/19/2009	<u>67</u>	ORDER SETTING ORAL ARGUMENT on <u>47</u> MOTION for New Trial MOTION to Dismiss, <u>40</u> MOTION for Attorney Fees, <u>66</u> MOTION to Stay <i>Judgment of December 29, 2008</i> , FURTHER ORDERED that the <u>64</u> MOTION to Continue <i>Plaintiffs' March 4 hearing on Motion for Partial Enforcement of Judgment to March 18</i> , <u>65</u> MOTION to Expedite are GRANTED. The hearing on <u>62</u> MOTION to Enforce Judgment <i>In Part</i> is set for hrg on 3/18/09.. Signed by Judge Jay C. Zainey on 2/19/09.(gbw, ) (Entered: 02/20/2009)
03/03/2009	<u>68</u>	RESPONSE/MEMORANDUM in Opposition filed by all plaintiffs re <u>66</u> MOTION to Stay <i>Judgment of December 29, 2008</i> . (Attachments: # <u>1</u> Exhibit Perdue v Ms Bd of Health)(Upton, Kenneth) (Entered: 03/03/2009)
03/18/2009	<u>69</u>	ORDER DENYING <u>47</u> Motion for New Trial/Motion to Dismiss; GRANTING <u>62</u> Motion to Enforce Judgment; DENYING <u>66</u> Motion to Stay Judgment, ordering that the State Registrar, Office of Vital Records and Statistics issue a completed birth certificate reflecting the names of the adoptive parents in accordance with this Court's Judgment within 15 days of the signing of this order; DEFERRING <u>40</u> Motion for Attorney Fees, Defendant shall file a response within 15 days of the signing of this order. Signed by Judge Jay C. Zainey. (jrc, ) (Entered: 03/18/2009)
03/18/2009	<u>70</u>	Minute Entry for proceedings held before Judge Jay C. Zainey: Motion Hearing held on 3/18/2009 re <u>66</u> MOTION to Stay <i>Judgment of December 29, 2008</i> filed by Darlene W. Smith, <u>40</u> MOTION for Attorney Fees filed by Oren Adar, Mickey Ray Smith, <u>62</u> MOTION to Enforce Judgment <i>In Part</i> filed by Oren Adar, Mickey Ray Smith, <u>47</u> MOTION for New Trial MOTION to Dismiss filed by Darlene W. Smith. A Separate order will be issued. (Court Reporter Vic DiGiorgio.) (Attachments: # <u>1</u> Exhibit) (gbw, ) (Entered: 03/19/2009)
03/20/2009	<u>71</u>	EXPARTE/CONSENT MOTION for Leave to File <i>Supplement to Motion for Attorney Fees</i> by Oren Adar, Mickey Ray Smith. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Pleading Supplement to Motion for Atty Fees)(Upton,

		Kenneth) (Entered: 03/20/2009)
03/23/2009	<u>72</u>	ORDER granting <u>71</u> Motion for Leave to supplement motion for attorney fees. Signed by Judge Jay C. Zainey on 3/23/09. (gbw, ) (Entered: 03/24/2009)
03/24/2009	<u>73</u>	Supplement to Document by Oren Adar, Mickey Ray Smith re <u>40</u> MOTION for Attorney Fees. (Attachments: # <u>1</u> Exhibit)(gbw, ) (Entered: 03/24/2009)
03/24/2009	<u>74</u>	APPEAL TRANSCRIPT REQUEST by Darlene W. Smith for proceedings held on 3/18/09 re <u>49</u> Notice of Appeal. (gbw, ) (Entered: 03/26/2009)
03/25/2009	<u>75</u>	Supplemental Record on Appeal transmitted to US Court of Appeals re <u>49</u> Notice of Appeal.(gbw, ) (Entered: 03/26/2009)
03/27/2009	<u>76</u>	ORDER of USCA as to <u>49</u> Notice of Appeal filed by Darlene W. Smith; ORDERED that the Motion for Stay Pending Appeal is GRANTED by Circuit Judges: Smith and Stewart. (Attachments: # <u>1</u> Letter)(gbw, ) (Entered: 03/30/2009)
03/31/2009	<u>77</u>	APPEAL TRANSCRIPT of Motion Hearing held on March 18, 2009 before Judge Jay C. Zainey. Court Reporter/Recorder Vic DiGiorgio, Telephone number (504) 589-7782. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Parties have 21 days from the filing of this transcript to file with the Court a Redaction Request. Release of Transcript Restriction set for 6/29/2009. (clu, ) (Entered: 03/31/2009)
04/01/2009	<u>78</u>	EXPARTE/CONSENT MOTION to Enroll as Counsel of Record by Darlene W. Smith. (Attachments: # <u>1</u> Proposed Order)(Haynes, Carol) (Entered: 04/01/2009)
04/01/2009	<u>79</u>	RESPONSE to Motion filed by Darlene W. Smith re <u>40</u> MOTION for Attorney Fees, <u>71</u> MOTION for Leave to File <i>Supplement to Motion for Attorney Fees</i> . (Haynes, Carol) (Entered: 04/01/2009)
04/01/2009	<u>80</u>	ORDER granting <u>78</u> Motion to Enroll Babatunde Mobolade Animashaun as Co-Counsel of Record for defendant Darlene W. Smith. Signed by Judge Jay C. Zainey on 4/1/09. (jrc, ) (Entered: 04/03/2009)
04/01/2009	<u>84</u>	Supplemental Record on Appeal transmitted to US Court of Appeals re <u>49</u> Notice of Appeal, <u>81</u> Amended Notice of Appeal (rll, ) (Entered: 04/09/2009)
04/02/2009	<u>83</u>	Appeal Record on Loan re <u>49</u> Notice of Appeal, <u>81</u> Amended Notice of Appeal – 1 Volume of Original Record, 2 Supplemental Record Volumes. (rll, ) (Entered: 04/09/2009)
04/03/2009	<u>81</u>	AMENDED NOTICE OF APPEAL by Darlene W. Smith as to <u>69</u> Order on Motion for Attorney Fees, Order on Motion for New Trial, Order on Motion to Dismiss, Order on Motion to Enforce Judgment, Order on Motion to Stay. (Duncan, Stuart) Modified on 4/13/2009 (gbw, ). (Entered: 04/03/2009)
04/07/2009	<u>82</u>	ORDER dismissing <u>40</u> Motion for Attorney Fees without prejudice pending the decision of the appellate court as set forth therein. Signed by Judge Jay C. Zainey on 4/7/09. (rll, ) (Entered: 04/09/2009)
04/09/2009	<u>85</u>	Supplemental Record on Appeal transmitted to US Court of Appeals re <u>49</u> Notice of Appeal, <u>81</u> Amended Notice of Appeal. (gbw, ) (Entered: 04/13/2009)
05/29/2009	<u>87</u>	Appeal Record on Loan to Kenneth D. Upton, Jr re <u>49</u> Notice of Appeal, <u>81</u> Amended Notice of Appeal – 1 Volume of Original Record, 3 Supplemental Record Volumes. (gec, ) (Entered: 06/02/2009)
04/15/2011	<u>88</u>	ORDER of USCA as to <u>49</u> Notice of Appeal filed by Darlene W. Smith, <u>81</u> Amended Notice of Appeal, filed by Darlene W. Smith. ORDERED that appellee's motion for appeal-related attorneys' fees is DENIED. USCA Judge Name: Edith H. Jones.(gbw, ) (Entered: 04/18/2011)
05/04/2011	<u>89</u>	USCA JUDGMENT issued as mandate on 5/4/2011 as to <u>81</u> Amended Notice of Appeal, filed by Darlene W. Smith, <u>49</u> Notice of Appeal filed by Darlene W. Smith. ORDERED that the judgment of the District Court is reversed and remanded for entry of judgment of dismissal. FURTHER ORDERED that the

		Appellees Oren Adar and Mickey Ray Smith pay to Appellant Darlene W. Smith the costs on appeal to be taxed by the Clerk of this Court. USCA judge name: Jones, Reavley, Jolly, Davis, Smith, Wiener, Garza, Benavides, Stewart, Dennis, Clement, Prado, Owen, Elrod, Southwick and Haynes. (gbw, ) (Entered: 05/05/2011)
05/12/2011	<u>90</u>	Appeal Record Returned (original exhibits and/or non-electronic documents) from U.S. Court of Appeals: <u>49</u> Notice of Appeal, <u>81</u> Amended Notice of Appeal, (gbw, ) (Entered: 05/17/2011)
05/20/2011	<u>91</u>	JUDGMENT entered in favor of Darlene W. Smith against Mickey Ray Smith, Oren Adar, dismissing plaintiffs' complaint. Signed by Judge Jay C. Zainey on 5/18/2011.(gbw, ) (Entered: 05/20/2011)
10/19/2011	<u>92</u>	Letter from U.S. Supreme Court denying Writ of Certiorari. (blg) (Entered: 10/20/2011)