

CLOSED,JURY

**U.S. District Court
District of South Carolina (Beaufort)
CIVIL DOCKET FOR CASE #: 9:17-cv-02759-RMG**

Bairefoot et al v. Beaufort South Carolina, City of et al
Assigned to: Honorable Richard M Gergel
Cause: 42:1983pr (Other)

Date Filed: 10/11/2017
Date Terminated: 07/09/2019
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Tina Renee Bairefoot

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Plaintiff

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Susan King Dunn
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Plaintiff

Nathan Lee Fox
*individually and on behalf of a class of
all others similarly situated*

represented by **Benjamin Rush Smith , III**
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V.

Defendant

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Defendant

Bluffton South Carolina, Town of

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Date Filed	#	Docket Text
10/11/2017	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0420-7404633.), filed by Tina Renee Bairefoot, Nathan Lee Fox, Dae'Quandrea Trevell Nelson. Service due by 1/9/2018(sshe,) (Entered: 10/12/2017)
10/11/2017	<u>2</u>	Local Rule 26.01 Answers to Interrogatories by Tina Renee Bairefoot, Nathan Lee Fox, Dae'Quandrea Trevell Nelson.(sshe,) (Entered: 10/12/2017)
10/11/2017	<u>3</u>	Summons Issued as to All Defendants. (sshe,) (Entered: 10/12/2017)
10/18/2017	<u>5</u>	MOTION to Appear Pro Hac Vice by Ezekiel Edwards (Filing fee \$ 250 receipt number 0420-7417785) by Tina Renee Bairefoot. Response to Motion due by 11/1/2017. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Affidavit PHV application for Edwards, # <u>2</u> Exhibit Certificate of Good Standing)Proposed order is being emailed to chambers with copy to opposing counsel.(Dunn, Susan) (Entered: 10/18/2017)
10/18/2017	<u>6</u>	MOTION to Appear Pro Hac Vice by Twyla Carter (Filing fee \$ 250 receipt number 0420-7417786) by Tina Renee Bairefoot. Response to Motion due by 11/1/2017. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Affidavit PHV application for Carter, # <u>2</u> Exhibit Certificate of Good Standing Carter)Proposed order is being emailed to chambers with copy to opposing counsel.(Dunn, Susan) (Entered: 10/18/2017)
10/24/2017	<u>7</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint by Beaufort South Carolina, City of, Bluffton South Carolina, Town of. Response to Motion due by 11/7/2017. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Woodington, Kenneth) (Entered: 10/24/2017)
10/25/2017	8	TEXT ORDER granting <u>7</u> Motion for Extension of Time to Answer. All Defendants answers are due 12/6/17. Entered at the direction of the Honorable Richard M Gergel on 10/25/17.(Itap,) (Entered: 10/25/2017)
10/25/2017	<u>9</u>	ACCEPTANCE OF SERVICE OF COMPLAINT by Tina Renee Bairefoot, Nathan Lee Fox, Dae'Quandrea Trevell Nelson. All Defendants. (Attachments: # <u>1</u> Supporting Documents 2017.10.16 Acceptance of Service – City of Beaufort by William Harvey, # <u>2</u> Supporting Documents 2017.10.17 Acceptance of Service – Town of Bluffton by Terry Finger)(Smith, Benjamin) (Entered: 10/25/2017)
10/26/2017	<u>10</u>	ORDER granting <u>5</u> Motion for Ezekiel Edwards to Appear Pro Hac Vice for Tina Renee Bairefoot; granting <u>6</u> Motion for Twyla Carter to Appear Pro Hac Vice for Tina Renee Bairefoot. Signed by Honorable Richard M Gergel on 10/26/2017.(sshe,) (Entered: 10/26/2017)
11/27/2017	<u>12</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint (<i>Second motion</i>) by Beaufort South Carolina, City of, Bluffton South Carolina, Town of. Response to Motion due by 12/11/2017. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Woodington, Kenneth) (Entered: 11/27/2017)
12/04/2017	13	TEXT ORDER : For good cause shown, the time for Defendants to answer or otherwise plead is extended to 12/15/17. AND IT IS SO ORDERED. Entered at the direction of the Honorable Richard M Gergel on 12/4/17.(Itap,) (Entered: 12/04/2017)

12/13/2017	<u>14</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Beaufort South Carolina, City of, Bluffton South Carolina, Town of. Response to Motion due by 12/27/2017. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Memo in Support)No proposed order.(Woodington, Kenneth) (Entered: 12/13/2017)
12/13/2017	<u>15</u>	Local Rule 26.01 Answers to Interrogatories by Beaufort South Carolina, City of, Bluffton South Carolina, Town of.(Woodington, Kenneth) (Entered: 12/13/2017)
12/21/2017	<u>16</u>	Consent MOTION for Extension of Time <i>for filing by Plaintiffs of a Response in Opposition to Defendants' Motion to Dismiss</i> by Tina Renee Bairefoot, Nathan Lee Fox, Dae'Quandrea Trevell Nelson. Response to Motion due by 1/4/2018. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Smith, Benjamin) (Entered: 12/21/2017)
12/21/2017	17	TEXT ORDER granting <u>16</u> Motion for Extension of Time to file Response to <u>14</u> Motion to Dismiss. Response must be filed on or before January 22, 2018. AND IT IS SO ORDERED. Entered at the direction of the Honorable Richard M Gergel on 12/21/17.(Itap,) (Entered: 12/21/2017)
01/22/2018	<u>18</u>	MOTION for Leave to File Excess Pages by Tina Renee Bairefoot, Nathan Lee Fox, Dae'Quandrea Trevell Nelson. Response to Motion due by 2/5/2018. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Smith, Benjamin) (Entered: 01/22/2018)
01/22/2018	<u>19</u>	RESPONSE in Opposition re <u>14</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM Response filed by Tina Renee Bairefoot, Nathan Lee Fox, Dae'Quandrea Trevell Nelson.Reply to Response to Motion due by 1/29/2018 Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6. (Smith, Benjamin) (Entered: 01/22/2018)
01/23/2018	20	TEXT ORDER granting <u>18</u> Motion for Leave to File Excess Pages. AND IT IS SO ORDERED. Entered at the direction of the Honorable Richard M Gergel on 1/23/18.(Itap,) (Entered: 01/23/2018)
01/25/2018	<u>21</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>19</u> Response in Opposition to Motion, by Beaufort South Carolina, City of, Bluffton South Carolina, Town of. Response to Motion due by 2/8/2018. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Woodington, Kenneth) (Entered: 01/25/2018)
01/25/2018	22	TEXT ORDER granting <u>21</u> Motion for Extension of Time to File Response/Reply. Replies due by 2/5/2018. AND IT IS SO ORDERED. Entered at the direction of the Honorable Richard M Gergel on 1/25/18.(Itap,) (Entered: 01/25/2018)
02/01/2018	23	NOTICE of Hearing on <u>14</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM : Motion Hearing set for 3/13/2018 at 10:00 AM in J. Waties Waring Judicial Cntr, 83 Meeting St, Charleston, Courtroom TBD before Honorable Richard M Gergel. (Itap,) (Entered: 02/01/2018)
02/02/2018	<u>24</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>14</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <u>19</u> Response in Opposition to Motion, by Beaufort South Carolina, City of, Bluffton South Carolina, Town of. Response to Motion due by 2/16/2018. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Woodington, Kenneth) (Entered: 02/02/2018)
02/02/2018	25	TEXT ORDER granting <u>24</u> Consent Motion for Extension of Time to File Response/Reply. Response to Motion due by 2/12/2018. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. AND IT IS SO ORDERED. Entered at the direction of the Honorable Richard M Gergel on 2/2/18.(Itap,) (Entered: 02/02/2018)
02/12/2018	<u>26</u>	REPLY to Response to Motion re <u>14</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM Response filed by Beaufort South Carolina, City of, Bluffton South Carolina, Town of. (Woodington, Kenneth) (Entered: 02/12/2018)

03/09/2018	<u>27</u>	MOTION to Continue <i>Hearing</i> by Tina Renee Bairefoot, Nathan Lee Fox, Dae'Quandrea Trevell Nelson. Response to Motion due by 3/23/2018. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Smith, Benjamin) (Entered: 03/09/2018)
03/09/2018	28	TEXT ORDER granting <u>27</u> Motion to Continue Hearing. Plaintiff has moved for a continuance of the hearing on Defendants' motion to dismiss because of a sudden family illness. (Dkt. No. 27). Defendants have consented to the continuance. For good cause shown, the continuance is granted. AND IT IS SO ORDERED. Signed by Honorable Richard M Gergel on 03/09/2018. (egra,) (Entered: 03/09/2018)
03/09/2018	29	NOTICE of Cancellation of Hearing: on <u>14</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM : Motion Hearing set for 3/13/2018 at 10:00 AM in J. Waties Waring Judicial Cntr, 83 Meeting St, Charleston, Courtroom TBD before Honorable Richard M Gergel. (egra,) (Entered: 03/09/2018)
03/12/2018	30	NOTICE of Hearing on <u>14</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM : Motion Hearing set for 4/9/2018 at 10:00 AM in Charleston Courtroom #1, J. Waties Waring Judicial Center, 83 Meeting St, Charleston before Honorable Richard M Gergel. (ltap,) (Entered: 03/12/2018)
04/09/2018	31	Minute Entry. Proceedings held before Honorable Richard M Gergel: Motion Hearing held on 4/9/2018 re <u>14</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM. Court to issue an order. Court Reporter Tana Hess. (erav,) (Entered: 04/09/2018)
04/24/2018	<u>32</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings. Motion to Dismiss held on April 9, 2018, before Judge Richard M. Gergel. Court Reporter/Transcriber Tana J. Hess, Telephone number/E-mail tana_hess@scd.uscourts.gov 843.779.0837. 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. Parties have 7 calendar days from the filing of the transcript to file with the court a Notice of Intent to Request Redaction.. Redaction Request due 5/15/2018. Redacted Transcript Deadline set for 5/25/2018. Release of Transcript Restriction set for 7/23/2018. (thes,) (Entered: 04/24/2018)
05/16/2018	<u>33</u>	ORDER AND OPINION denying <u>14</u> Defendants' Motion to Dismiss Signed by Honorable Richard M Gergel on 5/16/2018.(sshe,) (Entered: 05/16/2018)
06/14/2018	<u>34</u>	ANSWER to <u>1</u> Complaint by Beaufort South Carolina, City of, Bluffton South Carolina, Town of.(Woodington, Kenneth) (Entered: 06/14/2018)
06/14/2018	<u>35</u>	SCHEDULING ORDER Rule 26(f) Conference Deadline 7/5/2018, 26(a) Initial Disclosures due by 7/19/2018, Rule 26 Report due by 7/19/2018, Motions to Amend Pleadings due by 9/12/2018, Plaintiffs ID of Expert Witness due by 10/12/2018, Defendants ID of Expert Witnesses Due by 11/13/2018, Records Custodian Affidavit due by 11/19/2018, Discovery due by 12/11/2018, Motion in Limine due by 15 business days prior to jury selection, Motions due by 12/27/2018, Rule 26(a)(3) Disclosures due by 21 business days prior to jury selection, Pretrial Briefs due by 5 business days prior to jury selection, Case ready for Jury Selection and/or Trial Deadline on or after 4/1/2019 Signed by Honorable Richard M Gergel on 6/14/2018. (sshe,) (Entered: 06/14/2018)
07/16/2018	36	TEXT ORDER The Court has been advised by Judge Duffy, serving as the mediator in this matter, that the parties are making constructive progress in their settlement negotiations and request the Court stay the present scheduling order while the parties devote their efforts to fashioning a settlement that meets state and federal legal requirements. For good cause shown, the motion to stay is granted. The parties are directed to file a joint report every 60 days from this date concerning the status of the case and to promptly advise the Court if a proposed settlement has been reached. AND IT IS SO ORDERED. Entered at the Direction of Honorable Richard M Gergel on 7/16/2018. (sshe,) (Entered: 07/17/2018)

07/09/2019	<u>41</u>	ORDER DISMISSING CASE without costs and without prejudice to the right of either party, upon good cause shown within sixty (60) days, to reinstate the action if settlement is not consummated. Signed by Honorable Richard M Gergel on 7/9/2019. (sshe,) (Entered: 07/09/2019)
09/06/2019	<u>42</u>	Consent MOTION for Extension of Time to <i>Consumate Settlement</i> by Tina Renee Bairefoot. Response to Motion due by 9/20/2019. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.(Dunn, Susan) (Entered: 09/06/2019)
09/09/2019	43	TEXT ORDER The Court GRANTS the Consent Motion for an Extension (Dkt. No. <u>42</u>) and EXTENDS the time to consummate settlement through September 27, 2019. Except for this extension of time, the Order of Dismissal (Dkt. No. 41) is not otherwise amended or changed. AND IT IS SO ORDERED. Signed by Honorable Richard M Gergel on 9/9/2019.(sshe,) (Entered: 09/09/2019)
09/27/2019	<u>44</u>	Consent MOTION for Settlement by Tina Renee Bairefoot. Response to Motion due by 10/11/2019. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. Proposed order is being emailed to chambers with copy to opposing counsel.(Dunn, Susan) (Entered: 09/27/2019)
10/07/2019	<u>45</u>	ORDER granting <u>44</u> Motion for Settlement Signed by Honorable Richard M Gergel on 10/7/2019.(sshe,) (Entered: 10/07/2019)