

CLOSED,MOTREF

**U.S. District Court  
SOUTHERN DISTRICT OF TEXAS (Galveston)  
CIVIL DOCKET FOR CASE #: 3:18-cv-00081**

Willey v. Ewing  
Assigned to: Judge George C Hanks, Jr  
Cause: 42:1983 Civil Rights Act

Date Filed: 03/19/2018  
Date Terminated: 04/22/2019  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff****Andrew Willey**

represented by **Eric Halperin**  
Civil Rights Corps  
910 17th Street  
NW Suite 200  
Washington, DC 20006  
202-854-1518  
Email: [eric@civilrightscorps.org](mailto:eric@civilrightscorps.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Charles Lewis Gerstein**  
Civil Rights Corps  
910 17th Street NE  
Suite 200  
Washington, DC 20006  
202-670-4809  
Email: [charlie@civilrightscorps.org](mailto:charlie@civilrightscorps.org)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****Hon. Jack Ewing**

represented by **Michael Jude Lowenberg**  
Lowenberg Law Firm PLLC  
7941 Katy Freeway  
#306  
Houston, TX 77024  
832-241-6000  
Fax: 832-241-6001  
Email: [mike@thetexasrialawyers.com](mailto:mike@thetexasrialawyers.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
03/19/2018	<u>1</u>	COMPLAINT against Jack Ewing (Filing fee \$ 400 receipt number 0541-19759518) filed by Andrew Willey. (Attachments: # <u>1</u> Civil Cover Sheet)(Gerstein, Charles) (Entered: 03/19/2018)
03/19/2018	<u>2</u>	Request for Issuance of Summons as to Jack Ewing, filed.(Gerstein, Charles) (Entered: 03/19/2018)
03/20/2018		Summons Issued as to Jack Ewing. Issued summons delivered to plaintiff by First-class mail, filed.(agould, 3) (Entered: 03/20/2018)
04/06/2018	<u>3</u>	ORDER for Initial Pretrial and Scheduling Conference and Order to Disclose Interested Persons. Initial Conference set for 7/31/2018 at 09:30 AM in 7th Floor Courtroom before Magistrate Judge Andrew M Edison(Signed by Judge George C Hanks, Jr) Parties notified.(dwilkerson, 3) (Entered: 04/06/2018)

04/09/2018	<u>4</u>	CERTIFICATE OF INTERESTED PARTIES by Andrew Willey, filed.(Gerstein, Charles) (Entered: 04/09/2018)
04/16/2018	<u>5</u>	WAIVER OF SERVICE Returned Executed as to Jack Ewing served on 3/23/2018, answer due 5/22/2018, filed.(Gerstein, Charles) (Entered: 04/16/2018)
05/22/2018	<u>6</u>	MOTION to Dismiss <u>1</u> Complaint by Request of Pre-Motion Conference Letter by Jack Ewing, filed. Motion Docket Date 6/12/2018. (Lowenberg, Michael) . (Entered: 05/22/2018)
05/25/2018	<u>7</u>	NOTICE of Setting re: <u>6</u> REQUEST for pre-motion conference. Parties notified. Telephone Conference set for 6/20/2018 at 10:15 AM by telephone before Judge George C Hanks Jr, filed. Please call the conference line at 409-763-7801 ten minutes prior to the scheduled hearing. Once you call the number, you will be connected to the meet-me-line; there will be silence so please hold until the Case Manager calls in to connect all parties. Everyone must be on a landline. No cell phones or speaker phones are permitted. If you have a volume control, please be sure that it is turned up. If more than one attorney/party is on the line, for clarity of the record, please state your name when responding to the Court.(agould, 3) (Entered: 05/25/2018)
05/25/2018	<u>8</u>	RESPONSE to <u>6</u> REQUEST for pre-motion conference filed by Andrew Willey. (Attachments: # <u>1</u> Appendix De Luna v. Hidalgo County, Doc. 50)(Gerstein, Charles) (Entered: 05/25/2018)
06/06/2018	<u>9</u>	NOTICE of Resetting as to <u>7</u> Notice of Setting. Parties notified. Telephone Conference set for 6/20/2018 at 10:15 AM by telephone before Judge George C Hanks Jr, filed. This is to notify the parties of the new conference line call in information. (SusanGram, 3) (Entered: 06/06/2018)
06/13/2018	<u>10</u>	MOTION for Eric Halperin to Appear Pro Hac Vice by Civil Rights Corps, filed. Motion Docket Date 7/5/2018. (Gerstein, Charles) (Entered: 06/13/2018)
06/13/2018	<u>11</u>	ORDER granting <u>10</u> MOTION for Eric Halperin to Appear Pro Hac Vice, Attorney Eric Halperin for Andrew Willey added (Signed by Judge George C Hanks, Jr) Parties notified.(dperez, 3) (Entered: 06/15/2018)
06/20/2018	<u>12</u>	NOTICE of Resetting as to <u>6</u> REQUEST for pre-motion conference. Parties notified. Telephone Conference set for 6/20/2018 at 12:30 PM by telephone before Judge George C Hanks Jr, filed. (SusanGram, 3) (Entered: 06/20/2018)
06/20/2018	<u>13</u>	Minute Entry for proceedings held before Judge George C Hanks, Jr. At the hearing, the following rulings were made as stated on the record. Telephone conference held on Defendants request for a pre-motion conference. (Dkt <u>6</u> . Defendants 12(b) motion is due Wednesday, July 11, 2018, at 5:00 PM.Plaintiffs response is due 21 days after the motion is filed. Defendants reply, if necessary, is due 7 days after response is filed. Appearances: Michael Jude Lowenberg, Eric Halperin, Charles Lewis Gerstein.(Digital # 12:28 pm - 12:42 pm)(ERO:Lorraine Trevino), filed.(ltrevino, 3) (Entered: 06/26/2018)
07/11/2018	<u>14</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , MOTION to Dismiss ( Motion Docket Date 8/1/2018.) by Jack Ewing, filed. (Attachments: # <u>1</u> Exhibit Galveston County Indigent Defense Plan)(Lowenberg, Michael) (Entered: 07/11/2018)
07/11/2018	<u>15</u>	PROPOSED ORDER of Dismissal Pursuant to Rule 12 (b), filed.(Lowenberg, Michael) (Entered: 07/11/2018)
07/20/2018	<u>16</u>	MOTION for Extension of Time Initial Pretrial Conference by Jack Ewing, filed. Motion Docket Date 8/10/2018. (Attachments: # <u>1</u> Proposed Order Proposed Order - Adjourn Initial Pretrial Conference)(Lowenberg, Michael) (Entered: 07/20/2018)
07/20/2018	<u>17</u>	JOINT DISCOVERY/CASE MANAGEMENT PLAN by Jack Ewing, filed.(Lowenberg, Michael) (Entered: 07/20/2018)
07/20/2018	<u>18</u>	CERTIFICATE OF INTERESTED PARTIES by Jack Ewing, filed.(Lowenberg, Michael) (Entered: 07/20/2018)
07/26/2018	<u>19</u>	ORDER denying <u>16</u> Motion for Extension of Time.(Signed by Judge George C Hanks, Jr) Parties notified.(agould, 3) (Entered: 07/26/2018)

07/31/2018		Minute entry for proceedings before Magistrate Judge Andrew M. Edison. Initial conference held on July 31, 2018. The court and parties conferred and the court set out a schedule for the case. The scheduling order will be entered separately. Appearances: Michael Jude Lowenberg, Eric Halperin and Charles Lewis Gerstein. (ERO:Yes), filed. (wbostic, 4) (Entered: 07/31/2018)
07/31/2018	<u>20</u>	SCHEDULING ORDER entered. ETT: 5 Days. Bench Trial. Amended Pleadings due by 10/11/2018. Joinder of Parties due by 8/17/2018. Pltf Expert Report due by 2/15/2019. Deft Expert Report due by 3/15/2019. Discovery due by 5/10/2019. Dispositive Motion Filing due by 5/24/2019. Non-Dispositive Motion Filing due by 6/21/2019. Joint Pretrial Order due by 8/26/2019. Docket Call set for 9/6/2019 at 09:30 AM in Sixth Floor Courtroom before Judge George C Hanks Jr. (Signed by Magistrate Judge Andrew M Edison) Parties notified. (wbostic, 4) (Entered: 07/31/2018)
07/31/2018	<u>21</u>	RESPONSE in Opposition to <u>14</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM MOTION to Dismiss , filed by Andrew Willey. (Gerstein, Charles) (Entered: 07/31/2018)
08/07/2018	<u>22</u>	REPLY to Response to <u>14</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM MOTION to Dismiss , filed by Jack Ewing. (Lowenberg, Michael) (Entered: 08/07/2018)
10/31/2018	<u>23</u>	NOTICE of Referral of Motion to Magistrate Judge Andrew Edison re <u>14</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM MOTION to Dismiss , filed. (jegonzalez, 3) (Entered: 10/31/2018)
11/01/2018	<u>24</u>	NOTICE of Setting as to <u>14</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM MOTION to Dismiss . Parties notified. Motion Hearing set for 11/29/2018 at 10:00 AM in 7th Floor Courtroom before Magistrate Judge Andrew M Edison, filed. (wbostic, 4) (Entered: 11/01/2018)
11/29/2018		Minute entry for proceedings before Magistrate Judge Andrew M. Edison. Motion hearing held on November 29, 2018. The Court heard arguments on the Motion to Dismiss [Dkt. 14] and the motion is taken under advisement. Appearances: Eric Halperin and Charles Gerstein for the plaintiff Andrew Willey and Michael Lowenberg for the defendant Hon. Jack Ewing. (ERO:Yes), filed. (wbostic, 4) (Entered: 11/29/2018)
11/30/2018	<u>25</u>	AO 435 TRANSCRIPT REQUEST by Charles Gerstein for Transcript of Motion Hearing on 11/29/2018 Before Judge Edison. Ordinary (30 days) turnaround requested. Court Reporter/Transcriber: Trinity Transcription Services, filed. (Gerstein, Charles) ELECTRONICALLY FORWARDED TO TRINITY TRANSCRIPTION SERVICES 12/3/2018 (agould, 3). (Entered: 11/30/2018)
12/17/2018	<u>26</u>	MEMORANDUM AND RECOMMENDATION entered. The Court RECOMMENDS that Defendant's Motion to Dismiss [Dkt. 14] be GRANTED in part and DENIED in part. Specifically, Willey's claims for injunctive relief and attorney's fees under 42 U.S.C. § 1988 should be DISMISSED. The motion should be denied in all other respects. Objections to M&R due by 12/31/2018. (Signed by Magistrate Judge Andrew M Edison) Parties notified. (wbostic, 4) (Entered: 12/17/2018)
12/31/2018	<u>27</u>	OBJECTIONS to <u>26</u> Memorandum and Recommendations, filed by Jack Ewing. (Lowenberg, Michael) (Entered: 12/31/2018)
01/02/2019	<u>28</u>	TRANSCRIPT re: Motion Hearing held on November 29, 2018 before Magistrate Judge Andrew M Edison. Court Reporter/Transcriber Trinity Transcription Services. Ordering Party Charles L. Gerstein, Esq. Release of Transcript Restriction set for 4/2/2019., filed. (cbattaglia, ) (Entered: 01/02/2019)
01/14/2019	<u>29</u>	RESPONSE to <u>27</u> Objections to Memorandum and Recommendations , filed by Andrew Willey. (Gerstein, Charles) (Entered: 01/14/2019)
01/22/2019	<u>30</u>	REPLY to <u>26</u> Memorandum and Recommendations, <i>Reply in Support of Objections</i> , filed by Jack Ewing. (Lowenberg, Michael) (Entered: 01/22/2019)
01/24/2019	<u>31</u>	ORDER ADOPTING MEMORANDUM AND RECOMMENDATIONS re: <u>26</u> Memorandum and Recommendations GRANTING IN PART AND DENYING IN PART <u>14</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM MOTION

		to Dismiss (Signed by Judge George C Hanks, Jr) Parties notified.(dperez, 3) (Entered: 01/24/2019)
04/04/2019	<u>32</u>	LETTER OF AGREEMENT re: Mediation with Magistrate by Jack Ewing, filed.(Lowenberg, Michael) (Entered: 04/04/2019)
04/04/2019	<u>33</u>	ORDER granting <u>32</u> Letter of Agreement (Signed by Judge George C Hanks, Jr) Parties notified.(agould, 3) (Entered: 04/05/2019)
04/05/2019	<u>34</u>	NOTICE of Setting. Parties notified. Mediation set for 4/9/2019 at 08:30 AM in 7th Floor Courtroom before Magistrate Judge Andrew M Edison, filed. (wbostic, 4) (Entered: 04/05/2019)
04/09/2019		Minute Entry for proceedings held before Magistrate Judge Andrew M Edison. MEDIATION held on 4/9/2019, filed. (wbostic, 4) (Entered: 04/09/2019)
04/22/2019	<u>35</u>	Agreed MOTION for <i>Entry of Judgment</i> by Andrew Willey, filed. Motion Docket Date 5/13/2019. (Attachments: # <u>1</u> Exhibit 1 Settlement Agreement)(Gerstein, Charles) (Entered: 04/22/2019)
04/22/2019	<u>36</u>	AGREED FINAL JUDGMENT. Case terminated on April 22, 2019(Signed by Judge George C Hanks, Jr) Parties notified.(ltrevino, 3) (Entered: 04/22/2019)