

**U.S. District Court  
Northern District of Texas (Dallas)  
CIVIL DOCKET FOR CASE #: 3:07-cv-00945-O**

The Inclusive Communities Project Inc v. The United States  
Department of Housing and Urban Development  
Assigned to: Judge Reed C O'Connor  
Cause: 42:405 Fair Housing Act

Date Filed: 05/29/2007  
Date Terminated: 07/05/2012  
Jury Demand: None  
Nature of Suit: 443 Civil Rights:  
Accommodations  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**The Inclusive Communities Project Inc**

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V.

**Defendant**

**The United States Department of  
Housing and Urban Development**

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Date Filed	#	Docket Text
05/29/2007	<u>1</u>	COMPLAINT against The United States Department of Housing and Urban Development filed by The Inclusive Communities Project Inc. (Filing fee \$350; Receipt number 11733) (axm) (Entered: 05/29/2007)
05/29/2007		***Magistrate Judge Kaplan chosen by random selection to handle matters that may be referred in this case. (axm) (Entered: 05/29/2007)
05/29/2007	<u>2</u>	Summons Issued as to The United States Department of Housing and Urban Development, U.S. Attorney and U.S. Attorney General. (ISS-3) (axm) (Entered: 05/29/2007)
05/29/2007	<u>3</u>	PLAINTIFF'S CERTIFICATE OF INTERESTED PERSONS by The Inclusive Communities Project Inc. (axm) (Entered: 05/29/2007)
05/29/2007	<u>4</u>	Standing Order Designating Case for ECF – see order for specifics. (Signed by Judge Sam A Lindsay on 05/29/2007) (axm) (Entered: 05/29/2007)
07/30/2007	<u>5</u>	Motion for Extension of Time to File Answer by The United States Department of Housing and Urban Development (Sandberg, Justin) (Entered: 07/30/2007)
07/31/2007	<u>6</u>	ORDER granting <u>5</u> Motion for Extension of Time to File Answer re <u>1</u> Complaint. The United States Department of Housing and Urban Development answer due 10/2/2007 by 5:00 p.m. (Signed by Judge Sam A Lindsay on 7/31/07) (skt) (Entered: 08/01/2007)
08/30/2007	<u>7</u>	NOTICE by The United States Department of Housing and Urban Development of <i>Substitution of Counsel</i> (Todd, James) (Entered: 08/30/2007)
10/02/2007	<u>8</u>	MOTION to Dismiss for Lack of Subject Matter Jurisdiction <i>Accompanying Brief; Certificate of Interested Persons</i> by The United States Department of Housing and Urban Development (Attachments: # <u>1</u> Text of Proposed Order) (Todd, James) Modified on 10/4/2007 (skt). (Entered: 10/02/2007)
10/02/2007	<u>9</u>	AFFIDAVIT re <u>8</u> MOTION to Dismiss for Lack of Jurisdiction <i>Accompanying Brief; Certificate of Interested Persons</i> by The United States Department of Housing and Urban Development. (Todd, James) (Entered: 10/02/2007)
10/02/2007	<u>10</u>	ORDER REQUIRING ATTORNEY CONFERENCE AND STATUS REPORT: This conference shall take place no later than October 17, 2007. Status Report due by 11/1/2007. (see order for specifics) (Signed by Judge Sam A Lindsay on 10/2/2007) (tln) (Entered: 10/03/2007)
10/02/2007		CERTIFICATE OF INTERESTED PERSONS by The United States Department of Housing and Urban Development. (See document #8 for image.) (skt) (Entered: 10/04/2007)
10/22/2007	<u>11</u>	Brief in Opposition filed by The Inclusive Communities Project Inc <i>to 8 MOTION to Dismiss for Lack of Subject Matter Jurisdiction. (Daniel, Michael) Modified on 10/23/2007 (jb). (Entered: 10/22/2007)</i>
10/22/2007	<u>12</u>	Appendix in Support filed by The Inclusive Communities Project Inc re <u>11</u> Response in Opposition <i>to Motion to Dismiss</i> (Daniel, Michael) (Entered: 10/22/2007)
11/01/2007	<u>13</u>	NOTICE by The Inclusive Communities Project Inc <i>Confirmation of Informal Leave of Court</i> (Daniel, Michael) (Entered: 11/01/2007)
11/05/2007	<u>14</u>	NOTICE by The United States Department of Housing and Urban Development of <i>Confirmation of Informal Leave of Court to Extend Time to File Defendant's Reply Brief Until November 13, 2007</i> (Todd, James) (Entered: 11/05/2007)

11/06/2007	<u>15</u>	STATUS REPORT by The Inclusive Communities Project Inc. and the United States Department of Housing and Urban Development. (Daniel, Michael) Modified party on 11/7/2007 (klm). (Entered: 11/06/2007)
11/13/2007	<u>16</u>	REPLY filed by The United States Department of Housing and Urban Development re <u>8</u> MOTION to Dismiss for Lack of Jurisdiction <i>Accompanying Brief; Certificate of Interested Persons</i> (Todd, James) (Entered: 11/13/2007)
11/13/2007	<u>17</u>	AFFIDAVIT re <u>16</u> Reply to Response to Motion of <i>Donald L. Darling</i> by The United States Department of Housing and Urban Development. (Todd, James) (Entered: 11/13/2007)
12/04/2007	<u>18</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Reed O'Connor for all further proceedings. Judge Sam A Lindsay no longer assigned to case. (Signed by Judge Sidney A Fitzwater on 12/4/07) (jrb) (Entered: 12/04/2007)
12/13/2007	<u>19</u>	ORDER REGARDING TRANSITION. (Signed by Judge Reed C O'Connor on 12/13/07) (npk) (Entered: 12/14/2007)
10/01/2008	<u>20</u>	ORDER REFERRING CASE to Magistrate Judge Jeff Kaplan for pretrial management. Motion(s) referred to Magistrate Judge Jeff Kaplan. (Signed by Judge Reed C O'Connor on 10/1/08) (jrb) (Entered: 10/01/2008)
10/07/2008	<u>21</u>	NOTICE OF OPTION TO CONSENT TO PROCEED BEFORE THE MAGISTRATE JUDGE: A consent form is attached for your convenience. Please complete this form and return it to the district clerk by October 22, 2008. (Signed by Magistrate Judge Jeff Kaplan on 10/7/08) (skt) . (Entered: 10/07/2008)
07/20/2009	<u>22</u>	FINDINGS AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE re <u>8</u> MOTION to Dismiss for Lack of Jurisdiction filed by The United States Department of Housing and Urban Development. Defendant's motion to dismiss for lack of subject matter jurisdiction [Doc. #8] should be granted in part and denied in part. The motion should be granted on the ground of sovereign immunity with respect to plaintiffs claims for alleged violations of the NHA. (see order) (Ordered by Magistrate Judge Jeff Kaplan on 07/20/09) (Imp) (Entered: 07/21/2009)
07/20/2009	<u>23</u>	ORDER: In a letter to the attorneys dated October 28,2008, the court indicated that defendant would be required to produce the administrative record to opposing counsel within 30 days after the magistrate judge filed his recommendation on the pending motion to dismiss. That recommendation was filed today. Accordingly, defendant shall produce the administrative record to counsel for plaintiff by August 19, 2009. (Ordered by Magistrate Judge Jeff Kaplan on 07/20/09) (Imp) (Entered: 07/21/2009)
07/20/2009	<u>24</u>	Order. In order to assist the court in establishing pretrial deadlines for the prompt and efficient disposition of this case, counsel for plaintiff and defendant are directed to hold another Rule 26(f) conference by August 3, 2009. The parties shall submit a joint status report and proposed scheduling plan by August 17, 2009. (see order) (Ordered by Magistrate Judge Jeff Kaplan on 07/20/09) (Imp) (Entered: 07/21/2009)
08/05/2009	<u>25</u>	Unopposed MOTION for Extension of Time to File Defendant's Objections to Report and Recommendation of Magistrate Judge filed by The United States Department of Housing and Urban Development (Todd, James) (Entered: 08/05/2009)
08/06/2009	<u>26</u>	ORDER: The deadline for defendant to file any objections to the July 30, 2009 recommendation is extended until August 21, 2009. No further extensions will be granted absent exceptional circumstances. (Ordered by Magistrate Judge Jeff Kaplan on 8/6/2009) (jca) (Entered: 08/06/2009)
08/06/2009		Set/Reset Deadlines as to <u>25</u> Motion for Extension of Time to File. Objections to FRdue by 8/6/2009 per <u>26</u> Order. (twd) (Entered: 08/07/2009)
08/07/2009	<u>27</u>	Defendant's Objections and MOTION to Stay 7/20/2009 <u>23</u> Order of Magistrate Judge to Produce the Administrative Record filed by The United States Department of Housing and Urban Development. (Todd, James) Modified on 8/10/2009 (skt).

		(Entered: 08/07/2009)
08/10/2009	<u>28</u>	RESPONSE in Opposition filed by The Inclusive Communities Project Inc re <u>27</u> Defendant's Objections and MOTION to Stay 7/20/2009 <u>23</u> Order of Magistrate Judge to Produce the Administrative Record (Daniel, Michael) (Entered: 08/10/2009)
08/10/2009	<u>30</u>	ORDER denying <u>27</u> Defendant's Objections to, and Motion to Stay. (Ordered by Judge Reed C O'Connor on 8/10/2009) (klm) (Entered: 08/12/2009)
08/11/2009	<u>29</u>	REPLY re: <u>27</u> Defendant's Objections and MOTION to Stay 7/20/2009 <u>23</u> Order of Magistrate Judge to Produce the Administrative Record filed by The United States Department of Housing and Urban Development (Attachments: # <u>1</u> Exhibit 1: Ltr. from Magistrate Judge Kaplan (Oct. 29, 2008)) (Todd, James) (Entered: 08/11/2009)
08/17/2009	<u>31</u>	Joint STATUS REPORT <i>and Proposed Scheduling Plan</i> filed by The Inclusive Communities Project Inc, The United States Department of Housing and Urban Development. (Daniel, Michael) (Entered: 08/17/2009)
08/18/2009	<u>32</u>	SCHEDULING ORDER: Motion for Summary Judgment due by 12/18/2009; Response and Cross-Motion for Summary Judgment due by 1/19/10; Reply Brief and Response due by 2/19/10; Motions for Leave to Amend due by 10/15/2009; Motions for Leave to Conduct Discovery due by 11/13/2009. (See Order) (Ordered by Magistrate Judge Jeff Kaplan on 8/18/2009) (skt) (Entered: 08/19/2009)
08/20/2009	<u>33</u>	OBJECTION to <u>22</u> Findings and Recommendations. (Todd, James) (Entered: 08/20/2009)
08/24/2009	<u>34</u>	RESPONSE in Opposition filed by The Inclusive Communities Project Inc re <u>33</u> Objection to Findings and Recommendations (Daniel, Michael) (Entered: 08/24/2009)
09/29/2009	<u>35</u>	ORDER ADOPTING <u>22</u> FINDINGS AND RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE: <u>8</u> Motion to Dismiss is granted on the ground of sovereign immunity with respect to Plaintiff's claims for alleged violations of the United States Housing Act, but denied on all other grounds argued. (See Order.) (Ordered by Judge Reed C O'Connor on 9/29/2009) (twd) (Entered: 09/29/2009)
10/15/2009	<u>36</u>	MOTION for Leave to File First Amended Complaint filed by The Inclusive Communities Project Inc with Brief/Memorandum in Support. (Attachments: # <u>1</u> Exhibit First Amended Complaint) (Daniel, Michael) (Entered: 10/15/2009)
10/16/2009	<u>37</u>	STANDING ORDER ON NON-DISPOSITIVE MOTIONS: This order governs the filing and disposition of all discovery-related motions, pleading disputes, and other non-dispositive motions in this case. (See order for specifics). (Ordered by Magistrate Judge Jeff Kaplan on 11/15/09) (jca) (Entered: 10/16/2009)
10/16/2009	<u>38</u>	ORDER denying <u>36</u> Motion for Leave to File. Plaintiff may refile its motion, if necessary, after the parties comply with the Standing Order on Non-Dispositive Motions filed today. (Ordered by Magistrate Judge Jeff Kaplan on 10/15/09) (jca) (Entered: 10/16/2009)
10/21/2009	<u>39</u>	NOTICE of Attorney Appearance by Kimberly Lynn Herb on behalf of The United States Department of Housing and Urban Development. (Herb, Kimberly) (Entered: 10/21/2009)
10/23/2009	<u>40</u>	MOTION for Leave to File First Amended Complaint filed by The Inclusive Communities Project Inc with Brief/Memorandum in Support. (Attachments: # <u>1</u> Exhibit First Amended Complaint, # <u>2</u> Exhibit Joint Status Report) (Daniel, Michael) (Entered: 10/23/2009)
10/26/2009	<u>41</u>	Memorandum Order granting <u>40</u> MOTION for Leave to File First Amended Complaint filed by The Inclusive Communities Project Inc. Counsel granted leave to file an amended pleading under LR 15.1 is reminded to electronically file the amended pleading. (see order) (Ordered by Magistrate Judge Jeff Kaplan on 10/26/2009) (mfw) Modified on 10/26/2009 (twd). (Entered: 10/26/2009)

10/26/2009	<u>42</u>	AMENDED COMPLAINT <i>First Amended Complaint</i> against The United States Department of Housing and Urban Development filed by The Inclusive Communities Project Inc. (Daniel, Michael) (Entered: 10/26/2009)
11/03/2009	<u>43</u>	Unopposed Motion for Extension of Time to File Answer filed by The United States Department of Housing and Urban Development with Brief/Memorandum in Support. (Attachments: # <u>1</u> Text of Proposed Order) (Todd, James) (Entered: 11/03/2009)
11/03/2009	<u>44</u>	Unopposed MOTION to Amend/Correct <u>43</u> Unopposed Motion for Extension of Time to File Answer <i>with Corrected Proposed Order</i> filed by The United States Department of Housing and Urban Development (Attachments: # <u>1</u> Text of Proposed Order) (Todd, James) (Entered: 11/03/2009)
11/04/2009	<u>45</u>	ORDER granting <u>43</u> Motion for Extension of Time to File Answer re <u>42</u> Amended Complaint. The United States Department of Housing and Urban Development answer due 11/23/2009. (Ordered by Magistrate Judge Jeff Kaplan on 11/4/2009) (mfw) (Entered: 11/04/2009)
11/23/2009	<u>46</u>	ANSWER to <u>42</u> Amended Complaint filed by The United States Department of Housing and Urban Development (Todd, James) (Entered: 11/23/2009)
11/24/2009	<u>47</u>	Unopposed MOTION to Modify <u>32</u> Scheduling Order filed by The United States Department of Housing and Urban Development with Brief/Memorandum in Support. (Attachments: # <u>1</u> Text of Proposed Order) (Todd, James) (Entered: 11/24/2009)
11/25/2009	<u>48</u>	ORDER granting <u>47</u> Motion to modify scheduling order. Plaintiff will file its motion for summary judgment and supporting brief by January 4, 2010. Defendant will file its cross motion for summary judgment and combined brief in support by February 26, 2010. (See order for specifics). (Ordered by Magistrate Judge Jeff Kaplan on 11/24/09) (jca) (Entered: 11/25/2009)
12/30/2009	<u>49</u>	ORDER: The scheduling order dated 8/18/2009, as modified on 11/25/2009, is further modified. Deadline for plaintiff's motion for summary judgment is 2/5/10; deadline for defendant's opposition and cross-motion for summary judgment is 3/29/10; deadline for plaintiff's reply and opposition to cross-motion is 4/29/10; deadline for defendant's reply is 5/28/10. (See Order for specifics) (Ordered by Magistrate Judge Jeff Kaplan on 12/30/2009) (skt) Modified on 12/31/2009 (caw). (Entered: 12/30/2009)
01/27/2010	<u>50</u>	ORDER: A stipulation of dismissal shall be submitted to the court by 5/3/2010. (see order) (Ordered by Magistrate Judge Jeff Kaplan on 1/27/2010) (axm) (Entered: 01/28/2010)
05/04/2010	<u>51</u>	ORDER: At the request of the parties, the deadline for finalizing a settlement in this case is extended to June 4, 2010. No further extensions will be granted. (See order). (Ordered by Magistrate Judge Jeff Kaplan on 5/4/2010) (chmb) (Entered: 05/04/2010)
06/07/2010	<u>52</u>	Order Directing Administrative Closure. (See Order) (Ordered by Magistrate Judge Jeff Kaplan on 6/7/2010) (dnc) (Entered: 06/08/2010)
07/02/2012	<u>53</u>	Unopposed MOTION to Reopen Case <i>for the Filing of a Stipulation of Dismissal</i> filed by The Inclusive Communities Project Inc (Attachments: # <u>1</u> Proposed Order Proposed Agreed Order) (Daniel, Michael) (Entered: 07/02/2012)
07/02/2012	<u>54</u>	NOTICE <i>Stipulation of Dismissal</i> re: <u>53</u> Unopposed MOTION to Reopen Case <i>for the Filing of a Stipulation of Dismissal</i> filed by The Inclusive Communities Project Inc (Daniel, Michael) (Entered: 07/02/2012)
07/05/2012	<u>55</u>	Order Granting <u>53</u> Unopposed MOTION to Reopen Case <i>for the Filing of a Stipulation of Dismissal</i> filed by The Inclusive Communities Project Inc. (Ordered by Judge Reed C O'Connor on 7/5/2012) (cea) (Entered: 07/05/2012)
07/05/2012		***Civil Case Terminated Per Stipulation at Docket <u>54</u> . (cea) (Entered: 07/05/2012)