

CLOSED APPEAL

**U.S. District Court  
TXS - Southern District of Texas (Houston)**

**CIVIL DOCKET FOR CASE #: 03-CV-3411**

Staley v. Harris County Texas  
Assigned to: Judge Sim Lake  
Demand: \$0,000  
Lead Docket: None  
Dkt# in other court: None

Filed: 08/25/03

Nature of Suit: 440  
Jurisdiction: Federal Question

Cause: 42:1983 Civil Rights Act

KAY STALEY  
    plaintiff

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KAREN FRIEND  
    intervenor-plaintiff  
[term 01/12/04]

James Nathan Overstreet  
    [term 01/12/04]  
[COR LD NTC]  
Williams and Overstreet PC  
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WILLIAM DROUT  
    intervenor-plaintiff  
[term 01/12/04]

James Nathan Overstreet  
    [term 01/12/04]  
(See above)  
[COR LD NTC]

LISA DROUT  
    intervenor-plaintiff  
[term 01/12/04]

James Nathan Overstreet  
    [term 01/12/04]  
(See above)  
[COR LD NTC]

v.

HARRIS COUNTY TEXAS  
    defendant

Frank Sanders  
713-755-8823 fax  
[COR LD NTC]  
Harris County Attorney's Office

1019 Congress  
15th Fl

**CLOSED APPEAL**

Houston, TX 77002  
713-755-5101

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STAR OF HOPE MISSION  
movant

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8/25/03	1		COMPLAINT by Kay Staley filed; FILING FEE \$ 150.00 RECEIPT # 535165 (bj) [Entry date 08/27/03]
8/25/03	2		Order setting Initial Pretrial and Scheduling Conference on 3:30 2/13/04 before Judge Ewing Werlein, Jr and Order to Disclose Interested Persons, filed. Parties notified. (bj) [Entry date 08/27/03]
9/16/03	3		CERTIFICATE OF INTERESTED PARTIES by Kay Staley , filed. (lj) [Entry date 09/19/03]
9/18/03	4		FIRST AMENDED COMPLAINT by Kay Staley amending [1-1] complaint , filed. (ps) [Entry date 09/22/03]
9/25/03	5		ORDER OF RECUSAL, entered; Parties notified. ( signed by Judge Ewing Werlein, Jr ) Case reassigned to Judge Sim Lake (vh) [Entry date 09/29/03]
9/29/03	6		MOTION for leave to file intervention by Karen Friend, William Drout, Lisa Drout, Motion Docket Date 10/19/03 [6-1] motion , filed. (lj) [Entry date 09/30/03]
10/6/03	7		RESPONSE by Kay Staley to First Baptist Church's [6-1] motion for leave to file intervention , filed. (ps) [Entry date 10/08/03]
10/8/03	8		AMENDED Order setting Initial Pretrial and Scheduling Conference on 3:00 1/16/04 and Order to Disclose Interested Persons, filed. Parties notified. (ps) [Entry date 10/09/03]
10/10/03	9		SUPPLEMENTS and AMENDMENTS to Paragraph 3 of Pltfs [7-1] Response to First Baptist Church Intervenor's Motion, by Kay Staley, filed. (Video Tape as Exhibit A) (ps) [Entry date 10/14/03]
10/10/03	10		ANSWER by Harris County Texas (Added attorney Frank Sanders) to first amended complaint, filed. (hl) [Entry date 10/14/03]
10/31/03	11		CERTIFICATE OF INTERESTED PARTIES by Harris County Texas , filed. (ps) [Entry date 11/03/03]
11/3/03	12		SUPPLEMENT to [6-1] motion for leave to file intervention by Karen Friend, William Drout, Lisa Drout , filed. (ps) [Entry date 11/04/03]
11/3/03	12		REPLY by Karen Friend, William Drout, Lisa Drout to Pltfs Opposition to [6-1] motion for leave to file intervention , filed (ps) [Entry date 11/04/03]
11/5/03	--		SUMMONS issued for Harris County Judge R. Eckels (sj) [Entry date 11/06/03]
12/30/03	13		ADDITIONAL BRIEFING in opposition to First Baptist Church's [6-1] motion for leave to file intervention by Kay Staley , filed. (sj) [Entry date 01/03/04]
1/12/04	14		MEMORANDUM AND ORDER, denying [6-1] motion for leave to file intervention , entered. Parties notified. ( signed by Judge Sim Lake ) (sj)
1/13/04	15		RULE 26 {a}{1} INITIAL DISCLOSURE by Harris County Texas , filed. (sj) [Entry date 01/16/04]

- 1/14/04 16 JOINT DISCOVERY/Case Management Plan by Kay Staley, Harris County Texas, filed. (tw) [Entry date 01/20/04]
- 1/16/04 17  Minute Entry Order: Apps: R.Kallinen f/Pltf; F.Sanders f/Deft; D.Swope f/Deft; Docket Control entered. terminated deadlines Ct Reporter: G.Dye , entered. Parties ntfd. ( Signed by Judge Sim Lake ) (sj) [Entry date 01/20/04]
- 1/16/04 18  DOCKET CONTROL ORDER setting Amending of pleadings 3/5/04 ; Pltf expert witness list submitted by 4/16/04 ; Deft expert witness list submitted by 5/21/04 ; Discovery cutoff 6/25/04 ; Deadline for filing non-dispositive motions 6/18/04 ; Joint Pretrial order to be submitted on or before 7/2/04 ; Docket call deadline 4:00 7/9/04 ; before Judge Sim Lake , entered. Parties notified. ( Signed by Judge Sim Lake ) (sj) [Entry date 01/20/04]
- 4/16/04 19 DESIGNATION OF EXPERT WITNESS LIST by Kay Staley filed. (sf) [Entry date 04/19/04]
- 5/20/04 20 DESIGNATION OF EXPERT WITNESS LIST by Harris County Texas filed. (ps) [Entry date 05/24/04]
- 6/3/04 21 MOTION to quash pltf's notice of intention to take oral deposition, for protective order, for an order postponing Staffords deposition until such time as the court has ruled on the motion to quash & motion for protective order by Harris County Texas, Motion Docket Date 6/23/04 [21-1] motion, 6/23/04 [21-2] motion, 6/23/04 [21-3] motion , filed. (sj) [Entry date 06/04/04]
- 6/3/04 22  ORDER granting [21-3] motion for an order postponing Staffords deposition until such time as the court has ruled on the motion to quash & motion for protective order , entered; The Court will hear the motion 6/4/04 @4pm. Parties notified. ( signed by Judge Sim Lake ) (sj) [Entry date 06/04/04]
- 6/4/04 23  Minute Entry Order: Apps: R.Kallinen f/Pltf;F.Sanders f/Deft; denying [21-1] motion to quash pltf's notice of intention to take oral deposition denying [21-2] motion for protective order Ct Reporter: F.Warner, entered. Stafford's deposition is limited to 1 hr & shall be taken @ the County Atty's Office on Wednesday, 6/9/04 @2pm. Parties ntfd. (Signed by Judge Sim Lake ) (sj) [Entry date 06/07/04]
- 6/4/04 24 ANSWER by Kay Staley to [21-2] motion for protective order , filed. (sj) [Entry date 06/08/04]
- 6/25/04 25 RULE 26{a}{1} SUPPLEMENTAL [15-1] initial disclosures by Harris County Texas , filed. (sj) [Entry date 06/28/04]
- 7/2/04 26 VERIFIED MOTION for relief from Court's Docket Control Order requiring filing of joint pretrial order on 7/2/04 by Harris County Texas, Motion Docket Date 7/22/04 [26-1] motion , filed. (sj) [Entry date 07/07/04]
- 7/2/04 27 MOTION to compel discovery & to deem requests admitted & to rule on objections by Kay Staley, Motion Docket Date 7/22/04 [27-1] motion , filed. (sj) [Entry date 07/07/04]

7/7/04 28 JOINT PRETRIAL ORDER, filed. (ps) [Entry date 07/08/04]

7/7/04 29  ORDER granting [26-1] motion for relief from Court's Docket Control Order requiring filing of joint pretrial order on 7/2/04 joint pretrial order due for 7/7/04 , entered; Parties notified. ( signed by Judge Sim Lake ) (sj) [Entry date 07/08/04]

7/9/04 -- 1 SUMMONS issued for Harris County Texas (lf)

7/9/04 30 RESPONSE by Harris County Texas to [27-1] motion to compel discovery & to deem requests admitted & to rule on objections , filed. (sj)

7/9/04 31  Minute Entry Order: Apps:R.Kallien f/Pltf; F.Sanders/D.Swope f/Deft. Pltf 's motion to compel discovery & request for admissions, docket entry #27 is ruled on point by point as stated on the record. All requests for attys fees are DENIED. terminated deadlines, non jury trial for 1:00 8/2/04 before Judge Sim Lake, proposed findings of fact ans conclusions of law due 7/26/04, trial brief due 7/26/04 Ct Reporter: K.Metzger, entered. Parties ntfd. ( Signed by Judge Sim Lake ) (sj) [Entry date 07/12/04]

7/9/04 32 RETURN OF SERVICE executed as to Harris County Texas c/o Robert A Eckels 7/9/04 filed. Answer due on 7/29/04 for Harris County Texas c/o Robert A Eckels (sj) [Entry date 07/13/04]

7/26/04 33 TRIAL MEMORANDUM by Harris County Texas , filed (ps)  
[Entry date 07/28/04]

7/26/04 34 TRIAL MEMORANDUM, by Kay Staley , filed (ps) [Entry date 07/28/04]

7/27/04 35 Findings of fact and conclusions of law by Kay Staley , filed (sf) [Entry date 07/29/04]

7/28/04 36 OBJECTION to pltf's proposed exhibits by Harris County Texas , filed. (sf) [Entry date 07/30/04]

7/29/04 37 OBJECTION to inclusion of new claim through portions of pltf's statement of claims & contested issues of law contained in the joint pre-trial order by Harris County Texas , filed. (sj) [Entry date 08/03/04]

7/30/04 39 OBJECTIONS to Deft's proposed exhibits by Kay Staley , filed. (sj) [Entry date 08/04/04]

8/2/04 38  Minute entry: Apps: R.Kallinen f/Pltf;F.Sanders f/Deft; D.Swope f/Deft; B.Powers f/Deft.f presented evidence. By Thursday @ noon, both sides will file briefs answering the court's questions posed in open court. Recessed until 9am tomorrow, 8/3/04. terminated deadlines Ct Reporter: Cher Barron (sj) [Entry date 08/04/04]

8/2/04 -- Deadline updated; parties to file brief by 12:00 8/5/04 (sj) [Entry date 08/04/04]

8/3/04 40  Minute entry: Apps: R.Kallinen f/pltf; F.Sanders f/deft. Pltf/Deft presented evidence. Pltf shall file affidavit documenting reasonable & necessary atty's fees incurred. Pltf rested. pltf & Deft presented closing arguments. Court is adjourned. Ct Reporter: Cher Barron. (sj) [Entry date 08/05/04]

8/3/04	41		Exhibit list of Pltf by Kay Staley , filed (sj) [Entry date 08/05/04]
8/3/04	42		Deft's Exhibit list by Harris County Texas , filed (sj) [Entry date 08/05/04]
8/3/04	43		AFFIDAVIT of Randall L Kallinen, filed (sj) [Entry date 08/05/04]
8/5/04	44		POST TRIAL MEMORANDUM to 1}Address questions of the court and 2}Request for additional atty's fees by Kay Staley , filed. (sj) [Entry date 08/06/04] [Edit date 08/06/04]
8/5/04	45		MEMORANDUM in Response to the court's four questions by Harris County Texas , filed. (sj) [Entry date 08/06/04]
8/10/04	46		MEMORANDUM OPINION , entered. Parties notified. ( signed by Judge Sim Lake ) (maly)
8/10/04	47		FINAL JUDGMENT, entered. The Court orders Harris County to remove the Bible from Mosher Monument within 10 days from the entry of this order. Harris County to pay the pltf \$40,586.00 in attorney's fees and expenses within 10 days from entry of this order. Parties ntfed. ( signed by Judge Sim Lake ) (maly)
8/10/04	--		Case closed (maly)
8/19/04	48		EMERGENCY MOTION to stay final judgment by Harris County Texas, Motion Docket Date 9/8/04 [48-1] motion , filed. (sj) [Entry date 08/20/04]
8/19/04	49		MOTION to intervene by Star of Hope Mission by Star of Hope Mission, Motion Docket Date 9/8/04 [49-1] motion , filed. (sj) [Entry date 08/23/04]
8/19/04	50		MEMORANDUM by Star of Hope Mission in support of [49-1] motion to intervene by Star of Hope Mission , filed (sj) [Entry date 08/23/04]
8/19/04	51		MOTION to vacate [47-1] judgment order, for new trial, for stay of judgment by Star of Hope Mission, Motion Docket Date 9/8/04 [51-1] motion, 9/8/04 [51-2] motion, 9/8/04 [51-3] motion , filed. (sj) [Entry date 08/23/04]
8/19/04	52		MEMORANDUM by Star of Hope Mission in support of [51-1] motion to vacate [47-1] judgment order, [51-2] motion for new trial, [51-3] motion for stay of judgment , filed (sj) [Entry date 08/23/04]
8/19/04	53		DECLARATION of Jack I. Tompkins , filed. (sj) [Entry date 08/23/04]
8/19/04	54		RESPONSE by Harris County Texas to [49-1] motion to intervene by Star of Hope Mission , filed. (sj) [Entry date 08/23/04]
8/20/04	55		NOTICE OF APPEAL of [47-1] order, [46-1] order by Harris County Texas , filed. Fee Status: paid (jd) [Entry date 08/23/04]
8/20/04	59		ANSWER to Complaint by Star of Hope Mission , filed. (sj) [Entry date 08/25/04]
8/20/04	--		Rec'd and fwd to CRD: M&O pursuant to LR 1 for admission pro hac vice of Joshua Carden atty for Star of Hope Mission (sj) [Entry date 08/25/04]

8/20/04 -- Rec'd and fwd to CRD: M&O pursuant to LR 1 for admission pro hav vice of Gary S McCaleb atty for Star of Hope Mission (sj) [Entry date 08/25/04]

8/23/04 -- Notice of appeal and Copy of docket transmitted to USCA: [55-1] appeal (jd)

8/23/04 56  ORDER granting in part, denying in part [48-1] motion to stay final judgment, entered; Request re: Affidavit submitted by Staley's atty is GRANTED. Harris County is ORDERED to pay Staley the total sum of \$43,961.00 in atty's fees & expenses. The Court ORDERS that Staley recover interest on damages @ the rate of 2.07% per annum from 8/10/04, on the original award of \$40,586.00 & @ the rate of 1.99% from 8/23/04, on the additional award of \$3,375.00. The injunctive requirement of the Final Judgment is not stayed; but the monetary requirement of the Final Judgment will be stayed if the County timely files a notice of appeal & pursues its appeal. Parties notified. ( signed by Judge Sim Lake ) (sj)

8/23/04 60 ANSWER by Kay Staley to [48-1] motion to stay final judgment , filed. (sj) [Entry date 08/27/04] [Edit date 08/27/04]

8/24/04 57  FAX'ED copy of PER CURIAM by USCA, filed. CCA No. 04-20667 The appellant's motion to stay final judgment is GRANTED until further notice of this Court. Appellee is directed to file a response to appellant's motion to stay final judgment by close of business Wednesday, August 25, 2004. (jd)

8/25/04 58  MEMORANDUM AND ORDER denying [49-1] motion to intervene by Star of Hope Mission, entered. Because the court has no jurisdiction to rule in the Intervenor's Motion to Vacate Judgment, for New Trial, & for Stay of Judgment, { Docket entry No.51 }, & that motion is therefore DISMISSED. Parties notified. ( signed by Judge Sim Lake ) (sj)

8/26/04 61 AMENDED NOTICE OF APPEAL of [56-1] order, [47-1] order, [46-1] order by Harris County Texas , filed. Fee Status: not paid (jd) [Entry date 08/29/04]

8/27/04 62 Transcript request for the [55-1] Notice of appeal. This is to order transcript of hearing held on 8/2/04-08/03/04 before Judge Sim Lake; by Ct Reporter: Cher Barron, filed. (sj) [Entry date 08/31/04]

8/27/04 63 NOTICE OF APPEAL of [58-1] order by Star of Hope Mission , filed. Fee Status: paid Receipt #: 547789 (jd) [Entry date 08/31/04]

8/29/04 -- Notice of appeal and Copy of docket transmitted to USCA: [61-1] appeal (jd)

8/31/04 -- Notice of appeal and Copy of docket transmitted to USCA: [63-1] appeal (jd)

9/1/04 64 Certified copy of PER CURIAM OF USCA of August 24, 2004 Re: [55-1] appeal , filed. CCA No. 04-20667 Appellant's motion to stay final judgment is GRANTED until further notice of this Court. Appellee is directed to file a response to appellant's motion to stay final judgment by close of business Wednesday, August 25, 2004. (jd) [Edit date 09/01/04]