

CASREF,PAW

U.S. District Court
Southern District of Florida (Ft Lauderdale)
CIVIL DOCKET FOR CASE #: 0:14-cv-61979-WPD

Mathis v. Quigley et al
Assigned to: Judge William P. Dimitrouleas
Cause: 42:1983 State Prisoner Civil Rights

Date Filed: 08/29/2014
Jury Demand: Defendant
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff**Joe Mathis**

represented by **Joe Mathis**
184747
Moore Haven Correctional Facility
Inmate Mail/Parcels
Post Office Box 719001
Moore Haven, FL 33471
PRO SE

V.

Defendant

Detective Erick Quigley
Broward Sheriff, #15564

represented by **Dorsey C. Miller , III**
Luks Santaniello Petrillo & Jones
110 SE Sixth Street
20th FL
Fort Lauderdale, FL 33301
954-761-9900
Fax: 954-761-9940
Email: LUKSFLL-PLEADINGS@ls-law.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Detective Justin Augustus
Broward Sheriff, #16030

represented by **Dorsey C. Miller , III**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/06/2015	52	Statement of: Pre-Trial Statement by Justin Augustus, Erick Quigley (Attachments: # 1 Exhibit Composite "A")(Miller, Dorsey) (Entered: 10/06/2015)
10/06/2015	51	FINAL MEDIATION REPORT by Hugh Chappell. Disposition: Case did not settle.(Chaplin, James) (Entered: 10/06/2015)
10/06/2015	50	ORDER REFERRING CASE to Volunteer Attorney Program. 49 MOTION to Appoint Counsel filed by Joe Mathis is denied. Motions terminated: 49 MOTION to Appoint Counsel filed by Joe Mathis. Signed by Judge William P. Dimitrouleas on 10/6/2015. (tp) (Entered: 10/06/2015)

10/02/2015	49	MOTION to Appoint Counsel at Trial by Joe Mathis. Responses due by 10/19/2015 (mg) (Entered: 10/05/2015)
10/02/2015	48	RESPONSE/REPLY Motion for objections to defendants Notice of Serving Amended Interrogatories by Joe Mathis. (mg) (Entered: 10/05/2015)
10/02/2015	47	RESPONSE/REPLY to 43 MOTION to Strike 39 Notice of Filing Discovery, 18 Response in Opposition to Motion, 1 Complaint 42 USC 1983 or Bivens, 16 Complaint, 28 Notice (Other), 30 Notice (Other), 27 Notice (Other), 29 Notice (Other), 33 Notice (Ot MOTION to Compel <i>Rule 26(a)(1) Initial Disclosures</i> by Joe Mathis. (mg) (Entered: 10/05/2015)
09/25/2015	46	NOTICE of Mediator Selection: Hugh Chappell selected. Filed/Added by Hugh Chappell. Mediation Hearing set for 10/6/15 10:00am. (Chaplin, James) (Entered: 09/25/2015)
09/24/2015	45	NOTICE of serving proposal for settlement from plaintiff to defendants by Joe Mathis (lrz) (Entered: 09/24/2015)
09/22/2015	44	ORDER denying 43 Motion to Strike ; denying 43 Motion to Compel. Signed by Judge William P. Dimitrouleas on 9/22/2015. (ots) (Entered: 09/23/2015)
09/22/2015	43	MOTION to Strike 39 Notice of Filing Discovery, 18 Response in Opposition to Motion, 1 Complaint 42 USC 1983 or Bivens, 16 Complaint, 28 Notice (Other), 30 Notice (Other), 27 Notice (Other), 29 Notice (Other), 33 Notice (Other) , MOTION to Compel <i>Rule 26(a)(1) Initial Disclosures</i> by Justin Augustus, Erick Quigley. Responses due by 10/9/2015 (Miller, Dorsey) (Entered: 09/22/2015)
09/14/2015	42	Writ of Habeas Corpus ad Prosequendum Issued as to Joe Mathis. Calendar Call set for 10/23/2015 10:00 AM in Fort Lauderdale Division before Judge William P. Dimitrouleas. Signed by Judge William P. Dimitrouleas on 9/14/2015. (ots) (Entered: 09/14/2015)
09/14/2015	41	ORDER SETTING TRIAL DATE AND PRETRIAL DEADLINES: (Jury Trial set for 10/26/2015 in Fort Lauderdale Division before Judge William P. Dimitrouleas., Calendar Call set for 10/23/2015 10:00 AM in Fort Lauderdale Division before Judge William P. Dimitrouleas., In Limine Motions due by 10/9/2015.) Motions terminated: 40 REPORT AND RECOMMENDATIONS on 42 USC 1983 case re 1 Complaint 42 USC 1983 or Bivens filed by Joe Mathis Recommending case is at issue; the parties have not consented to trial before a Magistrate Judge pursuant to 28 U.S.C. 636(c); this case should. Signed by Judge William P. Dimitrouleas on 9/14/2015. (ots) (Entered: 09/14/2015)
09/14/2015	40	REPORT AND RECOMMENDATIONS on 42 USC 1983 case re 1 Complaint 42 USC 1983 or Bivens filed by Joe Mathis, recommending that this case should be placed on the District Judge's trial calendar since the case is at issue and the parties have not consented to trial before a Magistrate Judge pursuant to 28 U.S.C. 636(c). The parties are to file any pretrial statements directly with the District Court, if they have not done so already. Objections to R&R due by 10/1/2015 Signed by Magistrate Judge Patrick A. White on 9/14/2015. (lr) (Entered: 09/14/2015)
08/28/2015	39	NOTICE of Filing Discovery: Objection to defendant's amended request to produce to plaintiff by Joe Mathis.(lrz) (Entered: 08/28/2015)
08/24/2015	38	SCHEDULING REPORT - Rule 26(f) by Justin Augustus, Erick Quigley (Miller, Dorsey) (Entered: 08/24/2015)
06/19/2015	37	NOTICE by Justin Augustus of <i>Serving Proposal For Settlement to Plaintiff from Defendant</i> (Miller, Dorsey) (Entered: 06/19/2015)
06/19/2015	36	NOTICE by Erick Quigley of <i>Serving Proposal for Settlement to Plaintiff from Defendant</i> (Miller, Dorsey) (Entered: 06/19/2015)

06/10/2015	35	Certificate of Interested Parties/Corporate Disclosure Statement by Justin Augustus (Miller, Dorsey) (Entered: 06/10/2015)
06/10/2015	34	Initial Disclosure(s) of Rule 26(a)(1) by Justin Augustus (Miller, Dorsey) (Entered: 06/10/2015)
05/04/2015	33	NOTICE/Withdraw Interrogatories and Request for Production of Documents by Joe Mathis (ots) (Entered: 05/04/2015)
05/01/2015	32	PAPERLESS ORDER denying 31 Motion for Default Judgment as moot. Review of the court's on-line docket reveals that, contrary to the plaintiff's representations, the two defendants have previously filed answers. Signed by Magistrate Judge Patrick A. White on 5/1/2015. (nn) (Entered: 05/01/2015)
05/01/2015	31	MOTION for Default by Joe Mathis. (ots) (Entered: 05/01/2015)
04/10/2015	30	NOTICE of Interrogatories by Joe Mathis (ots) (Entered: 04/10/2015)
04/10/2015	29	NOTICE of Settlement Proposal by Joe Mathis (ots) (Entered: 04/10/2015)
04/10/2015	28	NOTICE of Plaintiff's Pretrial Statement by Joe Mathis (ots) (Entered: 04/10/2015)
04/10/2015	27	NOTICE re Letter of Correspondence by Joe Mathis (ots) (Entered: 04/10/2015)
04/02/2015		Set/Reset Deadlines/Hearings as per DE 23 : Motion for default due by 4/30/2015. (lk) (Entered: 04/02/2015)
04/02/2015	26	SCHEDULING ORDER: Amended Pleadings due by 8/25/2015. Discovery due by 8/3/2015. Joinder of Parties due by 8/25/2015. Motions due by 9/8/2015. Signed by Magistrate Judge Patrick A. White on 4/2/2015. (tw) (Entered: 04/02/2015)
04/01/2015	25	<i>Defendant's</i> ANSWER and Affirmative Defenses to Complaint with Jury Demand by Erick Quigley. (Miller, Dorsey) (Entered: 04/01/2015)
04/01/2015	24	<i>Defendant's</i> ANSWER and Affirmative Defenses to Complaint with Jury Demand by Justin Augustus. (Miller, Dorsey) (Entered: 04/01/2015)
04/01/2015	23	ORDER/FINAL NOTICE TO PLAINTIFF REGARDING MOTION FOR DEFAULT WHEN NO ANSWER HAS BEEN FILED AFTER DENIAL OF MOTION TO DISMISS/SUMMARY JUDGMENT. Signed by Magistrate Judge Patrick A. White on 4/1/2015. (tw) (Entered: 04/01/2015)
03/02/2015	22	SECOND NOTICE TO PLAINTIFF REGARDING MOTION FOR DEFAULT WHEN NO ANSWER HAS BEEN FILED AFTER DENIAL OF MOTION TO DISMISS/SUMMARY JUDGEMNT. (tw) (Entered: 03/02/2015)
02/24/2015	21	NOTICE of Change of Address(System Updated) by Joe Mathis (ots) (Entered: 02/24/2015)
02/03/2015	20	ORDER/NOTICE TO PLAINTIFF. 1. If the plaintiff intends to request the entry of a default against the defendant he shall do so by filing such a motion on or before February 27, 2015. 2. The plaintiff is cautioned that failure to move for default or otherwise prosecute this case on or before February 27, 2015 may result in dismissal of the case for lack of prosecution pursuant to local rule 41.1. Signed by Magistrate Judge Patrick A. White on 2/3/2015. (tw) (Entered: 02/03/2015)
01/13/2015	19	ORDER denying 14 Motion to Dismiss; denying 14 Motion for More Definite Statement; adopting Report and Recommendations re 17 Report and Recommendations. Certificate of Appealability: No Ruling(Answers to Complaint/Responses due by 1/27/2015). Signed by Judge William P. Dimitrouleas on 1/13/2015. (ots) (Entered: 01/14/2015)

12/30/2014	18	RESPONSE in Opposition re 14 Defendant's MOTION to Dismiss 1 Complaint 42 USC 1983 or Bivens Defendant's MOTION for More Definite Statement filed by Joe Mathis. Replies due by 1/9/2015. (ots) (Entered: 12/30/2014)
12/09/2014	17	REPORT AND RECOMMENDATIONS on 42 USC 1983 case re 14 Defendant's MOTION to Dismiss 1 Complaint 42 USC 1983 or Bivens Defendant's MOTION for More Definite Statement filed by Erick Quigley, Justin Augustus. Recommending denying and that two named Defendants be ordered to file and Answer to the Complaint. Objections to R&R due by 12/26/2014 Signed by Magistrate Judge Patrick A. White on 12/8/2014. (tw) (Entered: 12/09/2014)
12/08/2014	16	CORRECTED COMPLAINT against All Defendants, filed by Joe Mathis.(vp) (Entered: 12/08/2014)
12/08/2014	15	CLERK'S NOTICE of SCANNING ERROR re 1 Complaint filed by Joe Mathis. The image attached to docket entry 1 is not complete as it missing pages. The Clerk has re-scanned the document. Please see docket entry number 16 for complete image. (vp) Modified on 12/8/2014 (vp). (Entered: 12/08/2014)
12/05/2014	14	Defendant's MOTION to Dismiss 1 Complaint 42 USC 1983 or Bivens , Defendant's MOTION for More Definite Statement by Justin Augustus, Erick Quigley. Attorney Dorsey C. Miller, III added to party Justin Augustus(pty:dft), Attorney Dorsey C. Miller, III added to party Erick Quigley(pty:dft). Responses due by 12/22/2014 (Miller, Dorsey) (Entered: 12/05/2014)
11/19/2014	13	SUMMONS (Affidavit) Returned Executed on 1 Complaint 42 USC 1983 or Bivens with a 21 day response/answer filing deadline Justin Augustus served on 11/14/2014, answer due 12/5/2014. (ots) (Entered: 11/20/2014)
11/19/2014	12	SUMMONS (Affidavit) Returned Executed on 1 Complaint 42 USC 1983 or Bivens with a 21 day response/answer filing deadline by Erick Quigley. Erick Quigley served on 11/14/2014, answer due 12/5/2014. (ots) (Entered: 11/20/2014)
11/07/2014	11	Summons Issued as to Justin Augustus, Erick Quigley. (jas) (Entered: 11/07/2014)
11/06/2014	10	ORDER that the United States Marshal shall serve a copy of the complaint and appropriate summons upon: Detective Erick Quigley, (Badge #15564), epective/SETBroward County Sheriffs Office, Public Safety Building, 2601 West Broward Boulevard, Fort Lauderdale, FL 33311 and Detective Justin Augustus(Badge #16030), Detective/SET, Broward County Sheriffs Office, Public Safety Building, 2601 West Broward Boulevard, Fort Lauderdale, FL 33311. Signed by Magistrate Judge Patrick A. White on 11/6/2014. (tw) (Entered: 11/06/2014)
10/22/2014	9	ORDER ADOPTING REPORT AND RECOMMENDATIONS: Adopting Report and Recommendations re 8 Report and Recommendations. Certificate of Appealability: No Ruling Signed by Judge William P. Dimitrouleas on 10/21/2014. (lk) (Entered: 10/22/2014)
10/02/2014	8	PRELIMINARY REPORT AND RECOMMENDATIONS on 42 USC 1983 case re 1 Complaint 42 USC 1983 or Bivens filed by Joe Mathis. Recommending that the Complaint (DE#1) proceed against the two named defendants in their individual capacities on claims of unlawful use of force and common law battery, and that the official capacity claim be dismissed for failure to state a claim upon which relief can be granted. Objections to R&R due by 10/20/2014 Signed by Magistrate Judge Patrick A. White on 10/2/2014. (tw) (Entered: 10/02/2014)
09/29/2014	7	ORDER granting 6 Motion for Leave to Proceed in forma pauperis. Signed by Magistrate Judge Patrick A. White on 9/29/2014. (tw) (Entered: 09/29/2014)
09/29/2014	6	MOTION for Leave to Proceed in forma pauperis by Joe Mathis. (ls) (Entered: 09/29/2014)
09/16/2014	5	ORDER OF INSTRUCTIONS TO PRO SE LITIGANT. Signed by Magistrate Judge Patrick A. White on 9/16/2014. (tw) (Entered: 09/16/2014)

09/16/2014	4	ORDER REQUIRING PAYMENT OF FILING FEE OR FILING OF MOTION TO PROCEED IFP WITH DETAILED AFFIDAVIT. Filing Fee due by 10/16/2014. Motions due by 10/16/2014. Signed by Magistrate Judge Patrick A. White on 9/16/2014. (Attachments: # 1 Affidavit IFP) (tw) (Entered: 09/16/2014)
08/29/2014	3	Clerks Notice of Magistrate Judge Assignment to Magistrate Judge Patrick A. White. Pursuant to Administrative Order 2003-19 for a ruling on all pre-trial, non-dispositive matters and for a Report and Recommendation on any dispositive matters. (vjk) (Entered: 08/29/2014)
08/29/2014	2	Judge Assignment to Judge William P. Dimitrouleas (vjk) (Entered: 08/29/2014)
08/29/2014	1	Complaint pursuant to 42 USC 1983 against Justin Augustus, Erick Quigley. Filing fee \$ 350.00 NOT PAID/NO IFP, filed by Joe Mathis.(vjk) (Entered: 08/29/2014)