

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Houston)
CIVIL DOCKET FOR CASE #: 4:17-cv-03875**

Latham, et al v. Wood, et al
Assigned to: Judge Vanessa D Gilmore
Demand: \$100,000,000,000
Related Case: [4:16-cv-01910](#)
Cause: 28:1331 Federal Question: Bivens Act

Date Filed: 12/25/2017
Jury Demand: Both
Nature of Suit: 446 Civil Rights:
Americans with Disabilities - Other
Jurisdiction: Federal Question

Plaintiff

Barbara A Latham

represented by **Candice Lee Schwager**
Schwager Law Firm
2210 Village Dale Ave
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United Sta
832-315-8489
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ATTORNEY TO BE NOTICED

Plaintiff

Estelle Nelson

represented by **Candice Lee Schwager**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Muriel Luba Mintz

represented by **Candice Lee Schwager**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Judge Mike Wood

represented by **Mary E Baker**
Office of Harris County Attorney
1019 Congress
15th Fl
Houston, TX 77002
713-274-5133
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Michele Goldberg**

represented by **Michele Quattlebaum**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Stacy Kelly**

represented by **Jason B Ostrom**
Attorney at Law
6363 Woodway
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Houston, TX 77057
713-863-8891
Email: jason@ostrommorris.com
ATTORNEY TO BE NOTICED

Defendant**Teresa Pitre****Defendant****Donald Mintz**

represented by **Jason B Ostrom**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Houston Hospice**

represented by **James T. Barnish**
Vorys, Sater, Seymour & Pease, LLP
700 Louisiana
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ATTORNEY TO BE NOTICED

Defendant**Harris County**

represented by **Mary E Baker**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**St. Luke's Episcopal Hospital****Defendant****Thuy Trin****Defendant****Does 1-100**

Date Filed	#	Docket Text
12/25/2017	1	COMPLAINT against All Plaintiffs (Filing fee \$ 400 receipt number 0541-19378211) filed by BARBARA A LATHAM. (Attachments: # 1 Affidavit Affidavit of Barbara Latham insupportable of injunctive relief, # 2 Affidavit Sworn perjured app for guardianship of Donald Mintz, # 3 Exhibit March 3 return Muriel not served, # 4 Exhibit Return of service unserved, # 5 Exhibit Service on attorney ad litem appointed for ward (null), # 6 Exhibit Fraud stating Muriel served in court, # 7 Exhibit Return unserved from Clarewood House, # 8 Exhibit Durable POA to Latham, # 9 Exhibit Medical POA and Designation as guardian, # 10 Exhibit 7.18 Return unserved, # 11 Exhibit Appt of Latham for remains, # 12 Affidavit Latham affidavit in guardianship, # 13 Exhibit bill of rights for wards, # 14 Exhibit Oct 31 2017 transcript, # 15 Exhibit Nov 28 2017 Transcript Show Cause Continuance, # 16 Exhibit Dec 12 2017 transcript injunction hearing trust action, # 17 Exhibit December 21 letter to hospice, # 18 Exhibit Dr Edward Poa IME, # 19 Exhibit Texas Legislation less restrictive alternatives mandated, # 20 Exhibit Tricks and Traps article by Judge Woods and Keith Morris, # 21 Exhibit Stealth Euthanasia, # 22 Exhibit Plea to the Jurisdiction and Vacate, # 23 Exhibit Verified Motion to transfer, # 24 Exhibit verification to support MTV, # 25 Exhibit Goldberg bill, # 26 Exhibit Millionaire dies fleeing probate court, # 27 Exhibit Grave problems looting the dead in probate, # 28 Exhibit Calkins pleading showing pattern practice, # 29 Exhibit In re Alpert opinion on Wood abuses, # 30 Exhibit Muriel Mintz Family Trust, # 31 Exhibit App for guardianship 3rd party, # 32 Affidavit Latham Affidavit for federal TRO, # 33 Exhibit Continuance for ambush, # 34 Exhibit Void TG Order which also says Permanent, # 35 Exhibit Cruzan case, # 36 Exhibit Wealth transfer in probate greater than wall st, # 37 Exhibit Ch 13 new elderly woman Doris Davis held hostage, # 38 Exhibit Judge Wood slapped again Chronicle, # 39 Exhibit void order show cause no standing, # 40 Exhibit Judge Wood found in error, # 41 Exhibit Order Judge Rosenthal Johnston v Dixel, # 42 Proposed Order Temporary Restraining order proposed)(Schwager, Candice) (Entered: 12/25/2017)
12/26/2017	2	ORDER for Initial Pretrial and Scheduling Conference and Order to Disclose Interested Persons. Initial Conference set for 4/6/2018 at 01:30 PM in Courtroom 9A before Judge Vanessa D Gilmore. (Signed by Judge Vanessa D Gilmore) Parties notified.(hcarradi, 4) (Entered: 12/26/2017)
12/27/2017	3	SUPPLEMENTAL COMPLAINT with Jury Demand against All Plaintiffs filed by Muriel Luba Mintz. Related document: 1 Complaint filed by Barbara A Latham. (Attachments: # 1 Exhibit AFFIDAVIT FOR TRO, # 2 Exhibit Appt of Latham

		remains, # 3 Exhibit bond no immunity, # 4 Exhibit perjured statement contradicted by IMEorder, # 5 Exhibit IME order MM not there 5.23, # 6 Proposed Order Proposed TRO)(Schwager, Candice) Modified on 1/2/2018 (bthomas, 4). (Entered: 12/27/2017)
12/29/2017	4	NOTICE of Setting. Parties notified. Motion Hearing set for 1/2/2018 at 10:00 AM in Courtroom 9A before Judge Vanessa D Gilmore, filed. (bthomas, 4) (Entered: 12/29/2017)
01/02/2018	5	Minute Entry for proceedings held before Judge Vanessa D Gilmore. MOTION HEARING held on 1/2/2018 regarding Temporary Restraining Order. The Court findings as stated on the record. The Motion for a Temporary Restraining Order is denied. Plaintiffs Motion to Amend the Complaint is granted. Plaintiff has until 1/9/2018 to file the Amended Complaint. Appearances: Candice Schwager, Jason Ostrom, Stacy Kelly, Teresa Pitre, Michele Goldberg. Alexa Vitucci. (Court Reporter: Laura Wells), filed. (bthomas, 4) (Entered: 01/02/2018)
01/08/2018	6	Mail Returned Undeliverable as to Muriel Luba Mintz re: 2 Order for Initial Conference - FORM,, filed. (sgonzalez, 5) (Entered: 01/09/2018)
01/10/2018	7	Unopposed AMENDED COMPLAINT with Jury demand against All Plaintiffs filed by Muriel Luba Mintz, Estelle Nelson, Barbara A Latham. (Attachments: # 1 Affidavit B Latham for extension, # 2 Exhibit 5th circuit decision 14th amendment, # 3 Exhibit death certificate, # 4 Exhibit no objection extension, # 5 Exhibit will and codicil Latham PR, # 6 Exhibit email to Goldberg re harassment, # 7 Exhibit 5.23.17 transcript no service on Muriel, # 8 Exhibit 11.28.17 Judge unfamiliar ADA had no jurisdiction or venue, # 9 Exhibit 12.12.17 Judge denies HIPAA or TRO and due process, # 10 Exhibit request for records, # 11 Exhibit request records 2, # 12 Exhibit Latham is agent for remains, # 13 Exhibit Questions for Goldberg ignored, # 14 Exhibit ex parte email Goldberg, # 15 Exhibit request for client file, # 16 Exhibit Mother assisted living no 24 hour care, # 17 Exhibit Mintz at St Lukes, # 18 Exhibit Mintz emergency email to all, # 19 Exhibit No visits or calls, # 20 Exhibit Visit restrictions, # 21 Exhibit Suggestion of death, # 22 Exhibit email Wood and Goldberg, # 23 Exhibit Goldberg re death at hospice, # 24 Exhibit Emergency, # 25 Exhibit Latham talked to mom, # 26 Exhibit Death hospice, # 27 Exhibit 2nd opinion hospice, # 28 Exhibit 3rd records request, # 29 Exhibit Email stop retaliation)(Schwager, Candice) (Entered: 01/10/2018)
01/10/2018	8	Unopposed MOTION for Extension of Time 1st Amended Complaint, Unopposed MOTION for Leave to File 1st Amended Complaint, Opposed MOTION Perpetuate testimony(Motion Docket Date 1/31/2018.) by Barbara A Latham, filed. (Attachments: # 1 Proposed Order Proposed Order Extend time Amend Complaint etc)(Schwager, Candice) (Entered: 01/10/2018)
01/10/2018	9	Request for Issuance of Summons as to All Defendants, filed. (Attachments: # 1 Goldberg Summons, # 2 Kelly Summons, # 3 Pitre Summons, # 4 Houston Hospice Summons, # 5 Donald Mintz summons)(Schwager, Candice) (Entered: 01/10/2018)
01/11/2018		** THIS ENTRET WAS MADE IN ERROR. SUMMONS NOT ISSUES. CORRECTIVE ENTRY TO FOLLOW, **Summons Issued as to Michele Goldberg, Houston Hospice, Stacy Kelly, Donald Mintz, Teresa Pitre, Mike Wood. Issued summons delivered to plaintiff by First-class mail, filed.(ckrus, 4) Modified on

		1/11/2018 (ckrus, 4). (Entered: 01/11/2018)
01/11/2018		Summons Not Issued as to Michele Goldberg, Houston Hospice, Stacy Kelly, Donald Mintz, Teresa Pitre, Mike Wood due to these deficiencies: Name/Address of Plaintiff Attorney or Plaintiff not present., filed.(ckrus, 4) (Entered: 01/11/2018)
01/11/2018	10	ORDER granting 8 Motion to Extend Time to Amend Plaintiff's Complaint. (First Amended Complaint due by 2/20/2018). Plaintiff may proceed with discovery at this time, including depositions or document requests. (Signed by Judge Vanessa D Gilmore) Parties notified.(bthomas, 4) (Entered: 01/11/2018)
01/18/2018	11	RETURN of Service Executed as to Houston Hospice on 1.8.18 re: Subpoena for records, filed.(Schwager, Candice) (Entered: 01/18/2018)
01/18/2018	12	RETURN of Service Executed as to Michele Goldberg on 1.8.18 re: Subpoena for records, filed.(Schwager, Candice) (Entered: 01/18/2018)
01/18/2018	13	RETURN of Service Executed as to Houston Jewish Funerals on 1.8.18 re: subpoena for records, filed.(Schwager, Candice) (Entered: 01/18/2018)
01/18/2018	14	RETURN of Service Executed as to St. Luke's Episcopal Hospital on 1.8.18 re: Medical Records subpoena, filed.(Schwager, Candice) (Entered: 01/18/2018)
01/18/2018	15	Request for Issuance of Summons as to All Defendants, filed. (Attachments: # 1 Unredacted attachment Michele Goldberg Summons, # 2 Unredacted attachment Donald Mintz summons, # 3 Unredacted attachment Stacy Kelly Summons, # 4 Unredacted attachment Houston Hospice Summons, # 5 Unredacted attachment Teresa Pitre Summons, # 6 Unredacted attachment Harris Co. Summons)(Schwager, Candice) (Entered: 01/18/2018)
01/22/2018		Summons Issued as to All Defendants. Issued summons delivered to plaintiff by First-class mail, filed.(hler, 4) (Entered: 01/22/2018)
01/28/2018	16	AO 435 TRANSCRIPT REQUEST by Stacy L. Kelly for Transcript of TRO on 1/02/18 before Judge Gilmore. Expedited (7 days) turnaround requested. Court Reporter/Transcriber: Laura Wells, filed. (Ostrom, Jason) (Entered: 01/28/2018)
01/30/2018	17	RETURN of Service Executed as to Bellaire Garden on 1.18.17 re: subpoena for documents, filed.(Schwager, Candice) (Entered: 01/30/2018)
02/03/2018	18	TRANSCRIPT re: Hearing on Motions held on 1-2-18 before Judge Vanessa D Gilmore. Court Reporter/Transcriber Laura Wells. Ordering Party Ms. Stacy Kelly Release of Transcript Restriction set for 5/4/2018., filed. (lwells,) (Entered: 02/03/2018)
02/05/2018	19	Notice of Filing of Official Transcript as to 18 Transcript. Party notified, filed. (hcarr, 4) (Entered: 02/05/2018)
02/06/2018	20	RETURN of Service of SUMMONS Executed as to Michele Goldberg served on 1/26/2018, answer due 2/16/2018, filed. (Attachments: # 1 Continuation kelly returnrrn, # 2 Continuation Harris county, # 3 Continuation Donald mints, # 4 Continuation Harris Co, # 5 Continuation HonMike Wood)(Schwager, Candice) (Entered: 02/06/2018)

02/06/2018	21	RETURN of Service of SUMMONS Executed as to Harris County served on 1/26/2018, answer due 2/16/2018; Houston Hospice served on 1/30/2018, answer due 2/20/2018; Stacy Kelly served on 1/26/2018, answer due 2/16/2018, filed. (Attachments: # 1 Appendix summons, # 2 Appendix summons, # 3 Appendix summons)(Schwager, Candice) (Entered: 02/06/2018)
02/06/2018	22	RETURN of Service of SUMMONS Executed as to Mike Wood served on 1/26/2018, answer due 2/16/2018, filed.(Schwager, Candice) (Entered: 02/06/2018)
02/06/2018	23	RETURN of Service of SUMMONS Executed as to Donald Mintz served on 1/26/2018, answer due 2/16/2018, filed.(Schwager, Candice) (Entered: 02/06/2018)
02/14/2018	24	MOTION for Extension of Time to File Responsive Pleadings and Answer by Michele Goldberg, filed. Motion Docket Date 3/7/2018. (Attachments: # 1 Proposed Order) (Quattlebaum, Michele) (Entered: 02/14/2018)
02/14/2018	25	Opposed MOTION for Extension of Time To File Responsive Pleading by Stacy Kelly, filed. Motion Docket Date 3/7/2018. (Attachments: # 1 Proposed Order)(Ostrom, Jason) (Entered: 02/14/2018)
02/14/2018	26	Opposed MOTION for Extension of Time To File Responsive Pleading by Donald Mintz, filed. Motion Docket Date 3/7/2018. (Attachments: # 1 Proposed Order) (Ostrom, Jason) (Entered: 02/14/2018)
02/15/2018	27	Unopposed MOTION for Extension of Time To File Responsive Pleading by Houston Hospice, filed. Motion Docket Date 3/8/2018. (Attachments: # 1 Proposed Order) (Barnish, James) (Entered: 02/15/2018)
02/15/2018	33	ORDER granting 27 Motion for Extension of Time to File Responsive Pleading. (Response due by 3/20/2018). (Signed by Judge Vanessa D Gilmore) Parties notified. (bthomas, 4) (Entered: 02/20/2018)
02/16/2018	28	MOTION to Dismiss Pursuant to Rule 12(b)(6), Fed. R. Civ. P. by Mike Wood, filed. Motion Docket Date 3/9/2018. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Proposed Order)(Baker, Mary) (Entered: 02/16/2018)
02/16/2018	29	MOTION to Dismiss Pursuant to Rule 12(b)(6), Fed. R. Civ. P. by Harris County, filed. Motion Docket Date 3/9/2018. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Proposed Order)(Baker, Mary) (Entered: 02/16/2018)
02/16/2018	30	Opposed MOTION to Take Judicial Notice by Harris County, Mike Wood, filed. Motion Docket Date 3/9/2018. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Proposed Order)(Baker, Mary) (Entered: 02/16/2018)
02/16/2018	31	MOTION to Dismiss All Claims in Plaintiffs' Amended Complaint by Michele Goldberg, filed. Motion Docket Date 3/9/2018. (Attachments: # 1 Exhibit A)(Quattlebaum, Michele) (Entered: 02/16/2018)
02/16/2018	32	ANSWER to 7 Amended Complaint/Counterclaim/Crossclaim etc.,,,,,, with Jury Demand by Michele Goldberg, filed.(Quattlebaum, Michele) (Entered: 02/16/2018)
02/21/2018	34	Second AMENDED COMPLAINT with Jury Demand against Estelle Nelson filed by Barbara A Latham.(Schwager, Candice) (Entered: 02/21/2018)

02/22/2018	35	Third AMENDED COMPLAINT with Jury Demand against All Plaintiffs filed by Barbara A Latham. (Attachments: # 1 Complaint 3rd amended complaint, # 2 Exhibit Order appt Dawn King, # 3 Exhibit Order Pitre, # 4 Exhibit posting, # 5 Exhibit Clarewood unserved, # 6 Exhibit app hayes revocable trust, # 7 Exhibit IME Order Poa, # 8 Exhibit returned unserved, # 9 Exhibit citation returned unserved, # 10 Exhibit Motion to appoint GAL, # 11 Exhibit investigator report, # 12 Exhibit June 28 hearing, # 13 Exhibit returned unserved, # 14 Exhibit Order for Poa Fees, # 15 Exhibit sept 19 2017 hearing, # 16 Exhibit TG Order, # 17 Exhibit notification of appointment, # 18 Exhibit M Lewis Email, # 19 Exhibit stop retaliating, # 20 Exhibit app for atty fees, # 21 Exhibit expand authority, # 22 Exhibit alleged fall, # 23 Exhibit notes of st Lukes, # 24 Exhibit coleman hicks notes, # 25 Exhibit deny daughters info, # 26 Exhibit woods and Goldberg, # 27 Exhibit DNR status, # 28 Exhibit St Lukes, # 29 Exhibit wants out of hospice, # 30 Exhibit hospice consent, # 31 Exhibit hospice2, # 32 Exhibit altered mental status, # 33 Exhibit St Luke's facts, # 34 Exhibit no altered mental, # 35 Exhibit 12-19 HH, # 36 Exhibit chart notes, # 37 Exhibit death, # 38 Exhibit delegation to Donald, # 39 Exhibit fell at son's house, # 40 Exhibit st luke hospice, # 41 Exhibit st Luke's 132, # 42 Exhibit 140, # 43 Exhibit 161, # 44 Exhibit judge wood 2006, # 45 Exhibit 38, # 46 Exhibit ADA violations pattern Harris co, # 47 Exhibit unserved 7.18, # 48 Exhibit coverup, # 49 Exhibit garden oaks, # 50 Exhibit SB11)(Schwager, Candice) (Entered: 02/22/2018)
02/22/2018	36	Opposed MOTION to Compel Depositions , Opposed MOTION to Amend, Opposed MOTION for Discovery(Motion Docket Date 3/15/2018.) by Barbara A Latham, filed. (Attachments: # 1 Exhibit 5th req deposition, # 2 Exhibit recusal order refused, # 3 Exhibit Goldberg bill, # 4 Exhibit deposition discovery, # 5 Exhibit discovery, # 6 Exhibit deposition, # 7 Exhibit quattlebaum 2.21, # 8 Exhibit bond claim, # 9 Exhibit Wood order no disqualification, # 10 Exhibit no dnr, # 11 Exhibit probate case, # 12 Exhibit Hospice missing recs)(Schwager, Candice) (Entered: 02/22/2018)
02/26/2018	37	Defendant Teresa Pitre's ORIGINAL ANSWER, Specific Denial, Affirmative Defenses and Jury Demand Subject to Motion to Dismiss, filed. (vcantu, 5) (Entered: 02/27/2018)
02/28/2018	38	MOTION to Dismiss <i>Complaint Pursuant to Fed.R.Civ.P.12(b)(6)</i> by Stacy Kelly, filed. Motion Docket Date 3/21/2018. (Attachments: # 1 Proposed Order)(Ostrom, Jason) (Entered: 02/28/2018)
02/28/2018	39	MOTION to Dismiss <i>Complaint Pursuant to Fed.R.Civ.P.12(b)(6)</i> by Donald Mintz, filed. Motion Docket Date 3/21/2018. (Attachments: # 1 Proposed Order)(Ostrom, Jason) (Entered: 02/28/2018)

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