

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Houston)
CIVIL DOCKET FOR CASE #: 4:09-cv-01889**

Kolodziej v. Mason et al
Assigned to: Judge Gray H. Miller
Demand: \$1,000,000
Cause: 28:1332 Diversity-Breach of Contract

Date Filed: 06/17/2009
Date Terminated: 10/23/2009
Jury Demand: Plaintiff
Nature of Suit: 190 Contract: Other
Jurisdiction: Diversity

Plaintiff

Dustin S Kolodziej

represented by **William David George**
Connelly Baker et al
600 Travis
Ste 700
Houston , TX 77002
713-980-1717
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Email: dgeorge@connellybaker.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

James Cheney Mason

represented by **Louis K Bonham**
Osha Liang L.L.P.
919 Congress Avenue
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Austin , TX 78701
512-480-0667
Fax: 713-228-8778
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Email: wunder@oshaliang.com
ATTORNEY TO BE NOTICED

Defendant

J. Cheney Mason PA

represented by **Louis K Bonham**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brian Kent Wunder
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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06/17/2009	<u>1</u>	COMPLAINT against all defendants (Filing fee \$ 350 receipt number 0541000000005167087) filed by Dustin S Kolodziej. (Attachments: # <u>1</u> Civil Cover Sheet)(George, William) (Entered: 06/17/2009)
06/18/2009		Summons Issued as to James Cheney Mason, J. Cheney Mason PA, filed.(bthomas,) (Entered: 06/18/2009)
06/19/2009	<u>2</u>	ORDER for Initial Pretrial and Scheduling Conference and Order to Disclose Interested Persons. Initial Conference set for 10/7/2009 at 09:30 AM in Courtroom 9D before Judge Gray H. Miller.(Signed by Judge Gray H. Miller) Parties notified.(bthomas,) (Entered: 06/19/2009)
06/29/2009	<u>3</u>	First AMENDED Complaint with Jury Demand against all defendants filed by Dustin S Kolodziej.(George, William) (Entered: 06/29/2009)
07/05/2009	<u>4</u>	CERTIFICATE OF INTERESTED PARTIES by Dustin S Kolodziej, filed.(George, William) (Entered: 07/05/2009)
07/09/2009	<u>5</u>	RETURN of Service of SUMMONS Executed as to James Cheney Mason served on 6/30/2009, answer due 7/20/2009, filed.(George, William) (Entered: 07/09/2009)
07/09/2009	<u>6</u>	RETURN of Service of SUMMONS Executed as to J. Cheney Mason PA served on 6/30/2009, answer due 7/20/2009, filed.(George, William) (Entered: 07/09/2009)
07/16/2009	<u>7</u>	MOTION to Dismiss <i>and in the Alternative to Transfer Venue</i> by James Cheney Mason, J. Cheney Mason PA, filed. Motion Docket Date 8/5/2009. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Declaration of J.Cheney Mason)(Bonham, Louis) (Entered: 07/16/2009)
07/16/2009	<u>8</u>	BRIEF in Support re: <u>7</u> MOTION to Dismiss <i>and in the Alternative to Transfer Venue</i> by James Cheney Mason, J. Cheney Mason PA, filed. (Attachments: # <u>1</u> Declaration of J.Cheney Mason)(Bonham, Louis) (Entered: 07/16/2009)
07/16/2009	<u>9</u>	CERTIFICATE OF INTERESTED PARTIES by James Cheney Mason, J. Cheney Mason PA, filed.(Bonham, Louis) (Entered: 07/16/2009)
07/27/2009	<u>10</u>	RESPONSE to <u>7</u> MOTION to Dismiss <i>and in the Alternative to Transfer Venue</i> , filed by Dustin S Kolodziej. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 1-A, # <u>3</u> Exhibit 1-B, # <u>4</u> Exhibit 1-C, # <u>5</u> Exhibit 1-D, # <u>6</u> Exhibit 2, # <u>7</u> Errata 3, # <u>8</u> Proposed Order)(George, William) (Entered: 07/27/2009)
08/03/2009	<u>11</u>	REPLY to Response to <u>7</u> MOTION to Dismiss <i>and in the Alternative to Transfer Venue</i> , filed by James Cheney Mason, J. Cheney Mason PA. (Attachments: # <u>1</u> Exhibits A & B)(Bonham, Louis) (Entered: 08/03/2009)
08/06/2009	<u>12</u>	MOTION to Strike <i>Exhibit B to Defendants' Reply Supporting Their Motion to Dismiss (Doc 11)</i> by Dustin S Kolodziej, filed. Motion Docket Date 8/31/2009. (Attachments: # <u>1</u> Exhibit B to Defendants' Reply – Doc. 11, # <u>2</u> Proposed Order Granting Motion)(George, William) (Entered: 08/06/2009)
08/06/2009	<u>13</u>	MOTION to Amend by Dustin S Kolodziej, filed. Motion Docket Date 8/31/2009. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 1, # <u>3</u> Proposed Order)(George, William) (Entered: 08/06/2009)
08/06/2009	<u>14</u>	WAIVER OF SERVICE Returned Executed as to J. Cheney Mason PA served on 7/17/2009, answer due 9/15/2009, filed.(George, William) (Entered: 08/06/2009)

08/06/2009	<u>15</u>	WAIVER OF SERVICE Returned Executed as to James Cheney Mason served on 7/17/2009, answer due 9/15/2009, filed.(George, William) (Entered: 08/06/2009)
08/11/2009	<u>16</u>	Supplemental EXHIBITS re: <u>11</u> Reply to Response to Motion by James Cheney Mason, J. Cheney Mason PA, filed. (Attachments: # <u>1</u> Exhibit B-1)(Wunder, Brian) (Entered: 08/11/2009)
08/11/2009	<u>17</u>	RESPONSE in Opposition to <u>12</u> MOTION to Strike <i>Exhibit B to Defendants' Reply Supporting Their Motion to Dismiss (Doc 11)</i> MOTION to Strike <i>Exhibit B to Defendants' Reply Supporting Their Motion to Dismiss (Doc 11)</i> , filed by James Cheney Mason, J. Cheney Mason PA. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Proposed Order)(Wunder, Brian) (Entered: 08/11/2009)
08/11/2009	<u>18</u>	NOTICE <i>That His Motion to Strike Exhibit B is Moot</i> re: <u>12</u> MOTION to Strike <i>Exhibit B to Defendants' Reply Supporting Their Motion to Dismiss (Doc 11)</i> MOTION to Strike <i>Exhibit B to Defendants' Reply Supporting Their Motion to Dismiss (Doc 11)</i> by Dustin S Kolodziej, filed. (George, William) (Entered: 08/11/2009)
08/24/2009	<u>19</u>	RESPONSE in Opposition to <u>13</u> MOTION to Amend, filed by James Cheney Mason, J. Cheney Mason PA. (Attachments: # <u>1</u> Proposed Order)(Wunder, Brian) (Entered: 08/24/2009)
09/24/2009	<u>20</u>	JOINT DISCOVERY/CASE MANAGEMENT PLAN by James Cheney Mason, J. Cheney Mason PA, filed. (Attachments: # <u>1</u> Proposed Scheduling Order)(Bonham, Louis) (Entered: 09/24/2009)
09/28/2009	<u>21</u>	SCHEDULING ORDER. ETT: 2 days. Jury trial.(Amended Pleadings due by 11/1/2009, Joinder of Parties due by 11/1/2009, Pltf Expert Witness List due by 1/4/2010, Deft Expert Witness List due by 2/8/2010, Discovery due by 3/15/2010, Mediation due by 5/11/2010, Dispositive Motion Filing due by 4/10/2010, Non-Dispositive Motion Filing due by 4/10/2010, Joint Pretrial Order due by 6/18/2010, Docket Call set for 6/25/2010 at 10:00 AM in Courtroom 9D before Judge Gray H. Miller). The initial conference set 10/7/2009 is CANCELLED.(Signed by Judge Gray H. Miller) Parties notified.(rkonieczny) (Entered: 09/28/2009)
09/28/2009	<u>22</u>	Second AMENDED complaint with Jury Demand against all defendants filed by Dustin S Kolodziej.(George, William) (Entered: 09/28/2009)
09/28/2009	<u>23</u>	MOTION to Strike <u>22</u> Amended Complaint/Counterclaim/Crossclaim etc. by James Cheney Mason, J. Cheney Mason PA, filed. Motion Docket Date 10/19/2009. (Bonham, Louis) (Entered: 09/28/2009)
09/28/2009	<u>24</u>	Supplemental MOTION to Dismiss <u>22</u> Amended Complaint/Counterclaim/Crossclaim etc. <i>and in the Alternative to Transfer Venue</i> by James Cheney Mason, J. Cheney Mason PA, filed. Motion Docket Date 10/19/2009. (Bonham, Louis) (Entered: 09/28/2009)
09/28/2009	<u>25</u>	RESPONSE in Opposition to <u>23</u> MOTION to Strike <u>22</u> Amended Complaint/Counterclaim/Crossclaim etc., filed by Dustin S Kolodziej. (George, William) (Entered: 09/28/2009)
09/28/2009	<u>26</u>	RESPONSE in Opposition to <u>24</u> Supplemental MOTION to Dismiss <u>22</u> Amended Complaint/Counterclaim/Crossclaim etc. <i>and in the Alternative to Transfer Venue</i> , filed by Dustin S Kolodziej. (George, William) (Entered: 09/28/2009)

10/23/2009	<u>27</u>	ORDER GRANTING <u>7</u> MOTION to Dismiss <i>and in the Alternative to Transfer Venue</i> . The case is DISMISSED without prejudice to refiling in a court of appropriate jurisdiction.(Signed by Judge Gray H. Miller) Parties notified.(rkonieczny) (Entered: 10/23/2009)
10/23/2009	<u>28</u>	FINAL JUDGMENT in favor of defendants. Case terminated on 10/23/2009.(Signed by Judge Gray H. Miller) Parties notified.(rkonieczny) (Entered: 10/23/2009)