

4months, CLOSED

**U.S. District Court  
Northern District of Georgia (Atlanta)  
CIVIL DOCKET FOR CASE #: 1:00-cv-00004-RWS**

Hankins v. Flying J Inc, et al  
Assigned to: Judge Richard W. Story  
Demand: \$0  
Case in other court: St Ct Fulton Co, 99VS160008G  
Cause: 15:1114 Trademark Infringement

Date Filed: 01/03/2000  
Date Terminated: 04/19/2002  
Jury Demand: Defendant  
Nature of Suit: 840 Trademark  
Jurisdiction: Federal Question

**Plaintiff**

**Michael A. Hankins**

represented by **David Eugene Naylor**  
Finch McCranie, LLP  
225 Peachtree Street, N.E.  
1700 South Tower  
Atlanta, GA 30303  
404-658-9070  
Email: [dnaylor@finchmccranie.com](mailto:dnaylor@finchmccranie.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Stephen J. Caswell**  
Lane O'Brien & Caswell  
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P.O. Box 450569  
Atlanta, GA 31145-0569  
404-633-9500  
Email: [loc1@mindspring.com](mailto:loc1@mindspring.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Flying J., Inc.**  
*TERMINATED: 02/08/2000*

represented by **James Errol Singer**  
Bovis Kyle & Burch  
53 Perimeter Center East  
Suite 300  
Atlanta, GA 30346-2298  
770-391-9100  
Email: [jes@boviskyle.com](mailto:jes@boviskyle.com)  
*TERMINATED: 02/08/2000*  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Flying J. Franchise, Inc.**  
*TERMINATED: 02/08/2000*

represented by **James Errol Singer**  
(See above for address)  
*TERMINATED: 02/08/2000*  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Flying J. Transportation, Inc.**  
*TERMINATED: 02/08/2000*

represented by **James Errol Singer**  
(See above for address)  
*TERMINATED: 02/08/2000*  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Carl Goolsby**

represented by **James Errol Singer**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jana K. Bishop Tabor**  
Bovis Kyle & Burch  
53 Perimeter Center East  
Suite 300  
Atlanta, GA 30346-2298  
770-391-9100  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Sonny Culick**  
*TERMINATED: 03/04/2002*

**Defendant**

**Rubin Cody**

represented by **John Gilman Haubenreich**  
Seacrest Karesh Tate & Bicknese  
56 Perimeter Center East  
Suite 450  
Atlanta, GA 30346  
770-804-1800  
Email: [JGH@sktblaw.com](mailto:JGH@sktblaw.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Counter Claimant**

**Flying J., Inc.**  
*TERMINATED: 02/08/2000*

represented by **James Errol Singer**  
(See above for address)  
*TERMINATED: 02/08/2000*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Counter Defendant**

**Michael A. Hankins**

represented by **Stephen J. Caswell**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Counter Claimant**

**Rubin Cody**

represented by **John Gilman Haubenreich**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Counter Defendant**

**Michael A. Hankins**

represented by **Stephen J. Caswell**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Counter Claimant**

**Carl Goolsby**

represented by **James Errol Singer**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Jana K. Bishop Tabor**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Counter Defendant****Michael A. Hankins**

represented by **Stephen J. Caswell**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
01/03/2000	1	NOTICE OF REMOVAL with COMPLAINT; jury demand (Pretrial instructions attached to service copies and returned to attorney for service.) FILING FEE \$ 150.00 RECEIPT # 448929 (als) (Entered: 01/10/2000)
01/03/2000	2	ANSWER by Flying J Inc to complaint [1-1] and COUNTERCLAIM against Michael A. Hankins Discovery ends 6/1/00 (als) (Entered: 01/10/2000)
01/03/2000	3	ANSWER by Flying J Franchise, Flying J Transport to complaint [1-1]; jury demand (als) (Entered: 01/10/2000)
01/18/2000	4	ANSWERS TO MANDATORY DISCLOSURES by defendant Flying J Inc (pdw) (Entered: 01/19/2000)
01/18/2000	5	ANSWERS TO MANDATORY DISCLOSURES by defendants Flying J Franchise and Flying J Transport (pdw) (Entered: 01/19/2000)
01/18/2000	6	Defendants Flying J, Inc., Flying J Franchise, & Flying J Transportation's Certificate of interested persons. (to judge) (pdw) (Entered: 01/19/2000)
01/24/2000	7	ANSWER by Michael A. Hankins to counterclaim [2-2] . (pdw) (Entered: 01/25/2000)
01/25/2000	8	Plaintiff's Certificate of interested persons. (to judge) (pdw) (Entered: 01/26/2000)
01/26/2000		Summons issued for defendants Carl Goolsby, Sonny Culick, and Rubin Cody (pdw) (Entered: 01/27/2000)
01/31/2000	9	ANSWERS TO MANDATORY DISCLOSURES by plaintiff (pdw) (Entered: 02/01/2000)
02/02/2000	10	Stipulation of dismissal without prejudice of dfts Flying J. Franchise, & Flying J. Transportation by Michael A. Hankins, Flying J Inc, Flying J Franchise, Flying J Transport. All other claims set forth in pla's complaint shall remain pending. (to RWS) (pdw) (Entered: 02/03/2000)
02/08/2000	11	Return of service executed 1/28/00 as to Rubin Cody on original complaint (pdw) (Entered: 02/09/2000)
02/08/2000		ENDORSED ORDER by Judge Richard W. Story APPROVING [10-1] stipulation of dismissal without prejudice of dfts Flying J. Franchise, & Flying J. Transportation (cc) (pdw) (Entered: 02/09/2000)
02/10/2000	12	Preliminary Statement and Scheduling Order. (to judge) (ck) (Entered: 02/14/2000)
02/15/2000	13	Return of service executed 2/7/00 as to Carl Goolsby on original complaint (pdw) (Entered: 02/16/2000)

02/22/2000		ENDORSED ORDER by Judge Richard W. Story APPROVING [12-1] preliminary statement (cc) (pdw) (Entered: 02/23/2000)
02/22/2000	14	MOTION by defendant Rubin Cody to dismiss with brief in support. (pdw) (Entered: 02/23/2000)
02/28/2000	15	MOTION by defendant Carl Goolsby to dismiss with brief in support. (pdw) (Entered: 02/28/2000)
03/08/2000	16	Response by plaintiff to [14-1] motion to dismiss, [15-1] motion to dismiss (pdw) (Entered: 03/10/2000)
03/10/2000		SUBMITTED to Judge Richard W. Story on [14-1] motion to dismiss, [15-1] motion to dismiss (pdw) (Entered: 03/10/2000)
03/24/2000	17	REPLY by defendant Carl Goolsby to response to [15-1] motion to dismiss (pdw) (Entered: 03/24/2000)
03/24/2000	18	REPLY by defendant Rubin Cody to response to [14-1] motion to dismiss (pdw) (Entered: 03/27/2000)
06/01/2000	19	ORDER by Judge Richard W. Story DENYING [14-1] motion to dismiss by Rubin Cody; DENYING [15-1] motion to dismiss by Carl Goolsby. Answers to complaint due 6/11/00 for Carl Goolsby and Rubin Cody (cc) (ck) (Entered: 06/01/2000)
06/01/2000		Terminated submissions. (ck) (Entered: 06/01/2000)
06/02/2000	20	CONSENT ORDER by Judge Richard W. Story, extending time thru 10/01/00 for discovery , Discovery ends 10/1/00 (cc) (ck) (Entered: 06/02/2000)
06/06/2000	21	ANSWER by Rubin Cody to complaint [1-1] and COUNTERCLAIM against Michael A. Hankins. (kt) (Entered: 06/08/2000)
06/09/2000	22	ANSWER by Carl Goolsby to complaint [1-1] and COUNTERCLAIM against Michael A. Hankins (ck) (Entered: 06/12/2000)
06/20/2000	23	ANSWER by Michael A. Hankins to counterclaim [21-2] . (ck) (Entered: 06/20/2000)
06/20/2000	24	ANSWER by Michael A. Hankins to counterclaim [22-2] . (ck) (Entered: 06/20/2000)
10/04/2000	25	CONSENT ORDER by Judge Richard W. Story, extending time for discovery thru 11/30/00 , Discovery ends 11/30/00 (cc) (ck) (Entered: 10/05/2000)
11/30/2000	26	CONSENT ORDER by Judge Richard W. Story, extending time thru 1/12/01 for discovery , Discovery ends 1/12/01 (cc) (ck) (Entered: 12/01/2000)
12/12/2000	27	Notice to take deposition of TOMMIE WALDNER by Rubin Cody (ck) (Entered: 12/14/2000)
01/09/2001	28	MOTION by plaintiff for summary judgment with brief, statement of material facts, & request for filing of original discovery in support. (notice sent to counsel) (ck) (Entered: 01/11/2001)
01/12/2001	29	MOTION by plaintiff to compel discovery from defendant Flying J, Inc. with memorandum in support and Rule 37.1 statement of counsel. (aaq) (Entered: 01/16/2001)
01/26/2001	30	Brief by Flying J Transport in response to [28-1] motion for summary judgment with statement of material facts. (ck) (Entered: 01/29/2001)
01/26/2001	31	Notice of filing original discovery by Flying J Inc with a request for the filing of original discovery. (ck) (Entered: 01/29/2001)
01/26/2001		Deposition of MICHAEL A. HANKINS taken for Flying J Inc (ck) (Entered: 01/29/2001)
01/26/2001	32	Brief by Flying J Inc in opposition to [29-1] motion to compel discovery from defendant Flying J, Inc. (ck) (Entered: 01/29/2001)

01/26/2001	33	Notice of filing original affidavit of Carl Goolsby by Flying J Inc. (ck) (Entered: 01/29/2001)
01/29/2001		SUBMITTED to Judge Richard W. Story on [29-1] motion to compel discovery from defendant Flying J, Inc. (ck) (Entered: 01/29/2001)
02/01/2001	34	MOTION by Carl Goolsby for summary judgment with brief & statement of material facts in support. (Notice sent to counsel) (ck) (Entered: 02/02/2001)
02/07/2001		Proposed consent order extending time to file the proposed pretrial order for 20 days following a ruling on the mtns for summary judgment. (to RWS) (ck) (Entered: 02/09/2001)
02/09/2001		SUBMITTED to Judge Richard W. Story on [28-1] motion for summary judgment (FILE IN CHAMBERS) (ck) (Entered: 02/09/2001)
02/13/2001	35	CONSENT ORDER by Judge Richard W. Story, extending time to file the consolidated pretrial order for 20 days from the Court's final ruling on the pending mtns for summary judgment (cc) (ck) (Entered: 02/14/2001)
02/14/2001	36	Reply brief to [28-1] motion for summary judgment by plaintiff. (ck) (Entered: 02/20/2001)
02/20/2001	37	Response by plaintiff in opposition to [34-1] motion for summary judgment (ck) (Entered: 02/21/2001)
02/20/2001	38	ORDER by Judge Richard W. Story DENYING [29-1] motion to compel discovery from defendant Flying J, Inc. by Michael A. Hankins (cc) (ck) (Entered: 02/21/2001)
02/21/2001		SUBMITTED to Judge Richard W. Story on [34-1] motion for summary judgment (FILE IN CHAMBERS) (ck) (Entered: 02/21/2001)
03/08/2001	39	Reply brief to [37-1] response by defendant Carl Goolsby . (jph) (Entered: 03/09/2001)
03/14/2001	40	Notice of filing original discovery material by Carl Goolsby. (bek) (Entered: 03/16/2001)
03/15/2001	41	Notice of filing original discovery by plaintiff. (ck) (Entered: 07/30/2001)
05/30/2001	42	Notice of of withdrawal of counsel for Flying J Inc, Flying J Franchise, & Flying J Transport. (ck) Modified on 07/30/2001 (Entered: 05/31/2001)
06/07/2001	43	CONSENT ORDER by Judge Richard W. Story, dismissing Counts I & II of Flying J, Inc.'s counterclaim, with prejudice. Counts III & V are not dismissed & are unaffected by this order . (cc) (ck) Modified on 07/30/2001 (Entered: 06/08/2001)
08/09/2001	44	ORDER by Judge Richard W. Story DENYING [28-1] motion for summary judgment by Michael A. Hankins, dft Hankin's motion to bifurcate, which is contained in the [36-1] reply brief, and the [34-1] motion for summary judgment by Carl Goolsby, pre-trial order due on 9/10/01 (cc) (ck) (Entered: 08/10/2001)
08/09/2001		Terminated submissions. (ck) (Entered: 08/10/2001)
09/13/2001	45	CONSENT ORDER by Judge Richard W. Story, directing parties to mediate case by 10/31/01 and to provide an update by 10/31/01 as to settlement [45-1] consent order to be submitted on 11/1/01 , pre-trial order due on 11/9/01 (cc) (lme) (Entered: 09/14/2001)
11/06/2001		SUBMITTED to Judge Richard W. Story on [45-1] consent order (lme) (Entered: 11/06/2001)
11/06/2001	46	CONSENT ORDER by Judge Richard W. Story, extending time thru 12/14/01 to file a pre-trial order , pre-trial order due on 12/14/01 , the parties are ordered to mediate this case by 11/12/01 & to provide an update to the Court as to settlement or submission of pre-trial order [46-1 consent order to be submitted on 11/14/01 (cc) (lme) (Entered: 11/07/2001)

11/06/2001		Terminated submissions. (lme) (Entered: 11/08/2001)
11/19/2001		SUBMITTED to Judge Richard W. Story on [46-1] consent order (lme) (Entered: 11/19/2001)
12/07/2001	47	CONSENT ORDER by Judge Richard W. Story, extending time thru 1/18/02 to file proposed consolidated pretrial order , pre-trial order due on 1/18/02 (cc) (lme) (Entered: 12/10/2001)
12/18/2001		Terminated submissions. (lme) (Entered: 12/18/2001)
01/07/2002	48	Attorney appearance for plaintiff by David Eugene Naylor (fmm) (Entered: 01/08/2002)
01/23/2002	49	CONSENT ORDER by Judge Richard W. Story, extending time thru 2/18/02 for filing proposed pretrial order (cc) (lme) (Entered: 01/24/2002)
02/20/2002		Proposed Pretrial Order. (To RWS) (lme) (Entered: 02/21/2002)
02/27/2002	50	Notice by CRD jury trial set for 3/18/02 at 9:30am (lme) (Entered: 03/01/2002)
03/04/2002	51	Pre-trial order filed by Judge Richard W. Story (cc) (ck) (Entered: 03/05/2002)
03/04/2002	52	PRE-TRIAL CONFERENCE HELD before Judge Richard W. Story; Court GRANTS plaintiff's oral motion to dismiss dft. Sonny Culick. Trial set for 3/18/02 at 9:30 am. (ck) (Entered: 03/05/2002)
03/04/2002	53	ORDER by Judge Richard W. Story granting pla's oral motion to dismiss dft Sonny Culick w/out prejudice. (cc) (lme) (Entered: 03/18/2002)
03/14/2002	54	ORDER by Judge Richard W. Story that Jimmy Singer is allowed to bring audio-visual/recording equipment and a laptop computer to courtroom 2105 for the purpose of the presentation of evidence on 3/15/02 until the completion of the trial. (4 certified copies to USM by CRD) (lme) Modified on 03/18/2002 (Entered: 03/18/2002)
04/15/2002	55	MOTION by plaintiff in limine w/the Court requesting an Order prohibiting dfts herein from using or attempting to use for impeachment purposes certain arrests, charges, and/or convictions of pla with brief in support. (lme) Modified on 04/18/2002 (Entered: 04/17/2002)
04/15/2002	56	JURY TRIAL before Judge Richard W. Story begins. Motion hearing held. Court grants pla's motion in Limine. Court grants in part and deny in part pla's motion in Limine-website. Court grants dft Rubin Cody oral motion in Liminie. Jury panel selected and sworn. Pla and dfts opening agruments. (lme) Modified on 04/18/2002 (Entered: 04/17/2002)
04/15/2002		Voir dire concluded (lme) (Entered: 04/17/2002)
04/15/2002		Jury selection concluded. (lme) (Entered: 04/17/2002)
04/15/2002	57	REQUEST TO CHARGE by plaintiff (lme) Modified on 04/18/2002 (Entered: 04/17/2002)
04/15/2002	58	REQUEST TO CHARGE by defendants Flying J Inc and Carl Goolsby (lme) Modified on 04/18/2002 (Entered: 04/17/2002)
04/15/2002		Deposition of TAMMY DARLENE SMITH taken for defendants (lme) (Entered: 04/17/2002)
04/15/2002	59	Exhibit list by dfts. (lme) Modified on 04/18/2002 (Entered: 04/17/2002)
04/15/2002	60	Witness list by dfts Flying J. and Goolsby. (lme) Modified on 04/18/2002 (Entered: 04/17/2002)
04/15/2002	62	Objections by defendant Flying J Transport and Carl Goolsby to depo testimony of Dr. Kevin R. Kane, M.D. (lme) Modified on 04/18/2002 (Entered: 04/17/2002)
04/15/2002		Oral MOTION by defendant Rubin Cody in limine for prior criminal record . (lme) (Entered: 04/17/2002)

04/15/2002		Oral MOTION by plaintiff Michael A. Hankins in limine re: website . (lme) (Entered: 04/17/2002)
04/15/2002		VERBAL ORDER by Judge Richard W. Story GRANTING [54-1] motion in limine w/the Court requesting an Order prohibiting dfts herein from using or attempting to use for impeachment purposes certain arrests, charges, and/or convictions of pla. (lme) (Entered: 04/17/2002)
04/15/2002		VERBAL ORDER by Judge Richard W. Story GRANTING IN PART AND DENYING IN PART motion in limine re: website by Michael A. Hankins. (lme) (Entered: 04/17/2002)
04/15/2002		VERBAL ORDER by Judge Richard W. Story GRANTING dft's Rubin Cody's oral motion in limine for prior criminal record. (lme) (Entered: 04/17/2002)
04/15/2002	61	Objections by plaintiff to [59-1] exhibits list (lme) (Entered: 04/18/2002)
04/16/2002	63	JURY TRIAL before Judge Richard W. Story continues. Depo of Dr. Kevin filed by pla. Witnesses sworn and testified. Pla and dft admitted exhibits. Court grants pla's motion in limine-family tree webpage. Court denied dft's oral motion for rule 50 jgm as matter of law and punitive damages. Court grants dft's motion for jgm as to lost wages. Directed verdict in favor of dfts as to lost wages claim. (lme) Modified on 04/18/2002 (Entered: 04/17/2002)
04/16/2002		Oral MOTION by plaintiff Michael A. Hankins in limine re: family tree webpage . (lme) (Entered: 04/17/2002)
04/16/2002		Oral MOTION by dfts for judgment as to lost wages . (lme) (Entered: 04/17/2002)
04/16/2002		Oral MOTION by defendants for judgment for rule 50 judgment as matter of law and punitive damages . (lme) (Entered: 04/17/2002)
04/16/2002		VERBAL ORDER by Judge Richard W. Story GRANTING [0-0] motion in limine re: family tree webpage. (lme) (Entered: 04/17/2002)
04/16/2002		VERBAL ORDER by Judge Richard W. Story DENYING motion for judgment for rule 50 judgment as matter of law and punitive damages by dfts. (lme) (Entered: 04/17/2002)
04/16/2002		VERBAL ORDER by Judge Richard W. Story GRANTING motion for judgment as to lost wages. (lme) (Entered: 04/17/2002)
04/16/2002		VERBAL ORDER by Judge Richard W. Story, for directed verdict in favor of dft as to lost wages claim . (lme) (Entered: 04/17/2002)
04/17/2002	<u>64</u>	JURY TRIAL before Judge Richard W. Story continues. Pla rest. Witnesses sworn and testified. Dfts admitted exhibits. Dfts Flying J, Carl Goolsby and Robin cody rest. Court denied renewed dft's motion for judgment. Charge conference held. Parties closing arguments. Court charges the jury. Jury deliberations. (lme) (Entered: 04/18/2002)
04/17/2002		Oral RENEWED MOTION by defendants for judgment . (lme) (Entered: 04/18/2002)
04/17/2002		VERBAL ORDER by Judge Richard W. Story DENYING renewed motion by defendants. (lme) (Entered: 04/18/2002)
04/18/2002	65	JURY TRIAL before Judge Richard W. Story concluded. In favor of pla and aginst dfts Flying J., Inc. in the sum of \$50,000 and in favor of pla as to dfts Goolsby's and Cody's claims. (lme) (Entered: 04/22/2002)
04/18/2002	<u>66</u>	VERDICT of Jury for plaintiff and against dft Flying J. Inc., in the sum of \$50,000. As to dft Goolsby's claim: in favor of pla. As to dft Cody's claim: in favor of pla. As to dft Flying J. Inc's claim: in favor of pla. (lme) (Entered: 04/22/2002)
04/19/2002	<u>67</u>	JUDGMENT ENTERED for plaintiff against defendant Flying J Inc. in the sum of \$50,000. Pla is not entitled to recover punitive damages against dfts. As to dfts claims against the pla, the jury found in favor of the pla. (cc) (lme) (Entered: 04/22/2002)

04/19/2002		Case terminated. (lme) (Entered: 04/22/2002)
04/22/2002		Steno notes of proceedings held on 4/15/02, 4/16/02, 4/17/02 and 4/18/02 before Judge Richard W. Story by Court Reporter Sharon D. Upchurch. (lme) (Entered: 04/22/2002)
04/29/2002		Exhibits and witness list by pla and dfts admitted. Exhibits by pla #1-17, 19-21. Exhibits by dfts #1-3,6,8-10, 14. (lme) (Entered: 05/01/2002)
04/29/2002	<u>68</u>	Bill of costs of plaintiff. (lme) (Entered: 05/02/2002)
05/02/2002	<u>69</u>	COSTS TAXED in the amount of \$ 3,194.60 for plaintiff Michael A. Hankins . (lme) (Entered: 05/02/2002)
05/29/2002		Pla's exhibits were picked up by pla's atty David E. Naylor on 5/29/02. (lme) (Entered: 05/30/2002)
06/05/2002	<u>70</u>	SATISFACTION OF JUDGMENT. (ck) (Entered: 06/06/2002)
07/10/2002		Dft's exhibits have been destroyed per correspondence dated 5/21/02. (lme) (Entered: 07/10/2002)