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**U.S. District Court  
Northern District of Georgia (Atlanta)  
CIVIL DOCKET FOR CASE #: 1:20-cv-02387-SCJ**

Shea v. Best Buy Homes, LLC et al  
Assigned to: Judge Steve C. Jones  
Cause: 28:2201 Declaratory Judgment

Date Filed: 06/03/2020  
Jury Demand: Both  
Nature of Suit: 370 Other Fraud  
Jurisdiction: Diversity

**Plaintiff**

**Mary Shea**

represented by **Kamal Ghali**  
Bondurant Mixson & Elmore, LLP  
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*LEAD ATTORNEY*  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Best Buy Homes, LLC**

represented by **Craig H. Kuglar**  
The Law Office of Craig Kuglar, LLC  
Suite A102-353  
931 Monroe Drive NE  
Atlanta, GA 30308  
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*ATTORNEY TO BE NOTICED*

**Defendant**

**Mike Cherwenka**

represented by **Craig H. Kuglar**  
(See above for address)

*ATTORNEY TO BE NOTICED***Counter Claimant****Best Buy Homes, LLC**represented by **Craig H. Kuglar**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Counter Defendant****Mary Shea**represented by **Kamal Ghali**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED***Matthew Sellers**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
06/03/2020	<a href="#">1</a>	COMPLAINT with Jury Demand filed by Mary Shea. (Filing fee \$400.00, receipt number AGANDC-9764043) (Attachments: # <a href="#">1</a> Exhibit -A, # <a href="#">2</a> Exhibit -B, # <a href="#">3</a> Exhibit -C, # <a href="#">4</a> Exhibit -D, # <a href="#">5</a> Exhibit -E, # <a href="#">6</a> Civil Cover Sheet, # <a href="#">7</a> Proposed Incorrect Summons)(eop) Please visit our website at <a href="http://www.gand.uscourts.gov/commonly-used-forms">http://www.gand.uscourts.gov/commonly-used-forms</a> to obtain Pretrial Instructions and Pretrial Associated Forms which includes the Consent To Proceed Before U.S. Magistrate form. (Entered: 06/05/2020)
06/03/2020	<a href="#">2</a>	Electronic Summons Issued as to Mike Cherwenka. (eop) (Entered: 06/05/2020)
06/03/2020		Notification of Docket Correction; Case opened with the wrong District Judge. Deleted District Judge Steven D. Grimberg and added District Judge Steve C. Jones. (eop) (Entered: 06/05/2020)
06/05/2020	<a href="#">3</a>	THIRD AMENDMENT TO GENERAL ORDER 20-01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID-19 AND RELATED CORONA VIRUS. Signed by Judge Thomas W. Thrash, Jr. on 5/26/20. (eop) (Entered: 06/05/2020)
06/08/2020	<a href="#">4</a>	PROPOSED SUMMONS filed by Mary Shea (Sellers, Matthew) (Entered: 06/08/2020)
06/09/2020	<a href="#">5</a>	Electronic Summons Issued as to Best Buy Homes, LLC. (rjs) (Entered: 06/09/2020)
06/23/2020	<a href="#">6</a>	Return of Service Executed by Mary Shea. Mike Cherwenka served on 6/19/2020, answer due 7/10/2020. (Ghali, Kamal) (Entered: 06/23/2020)
06/23/2020	<a href="#">7</a>	Return of Service Executed by Mary Shea. Best Buy Homes, LLC served on 6/19/2020, answer due 7/10/2020. (Ghali, Kamal) (Entered: 06/23/2020)
07/02/2020	<a href="#">8</a>	FOURTH AMENDMENT TO GENERAL ORDER 20-01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID-19 AND RELATED CORONA VIRUS. Signed by Judge Thomas W. Thrash, Jr. on 07/01/2020. (ddm) (ADI) (Entered: 07/02/2020)
07/06/2020	<a href="#">9</a>	COURT'S NOTICE Of Filing INSTRUCTIONS FOR CASES ASSIGNED TO THE

		HONORABLE STEVE C. JONES.(pdw) (Entered: 07/06/2020)
07/08/2020	<a href="#">10</a>	NOTICE of Appearance by Craig H. Kuglar on behalf of Best Buy Homes, LLC, Mike Cherwenka (Kuglar, Craig) (Entered: 07/08/2020)
07/08/2020	<a href="#">11</a>	Consent MOTION for Extension of Time to File Answer re <a href="#">1</a> Complaint, by Best Buy Homes, LLC, Mike Cherwenka. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Kuglar, Craig) (Entered: 07/08/2020)
07/10/2020	<a href="#">12</a>	ORDER granting <a href="#">11</a> Motion for Extension of Time to Answer re <a href="#">1</a> Complaint, Best Buy Homes, LLC Answer due 7/31/2020; Mike Cherwenka Answer due 7/31/2020. Signed by Judge Steve C. Jones on 7/10/2020. (tcc) (Entered: 07/10/2020)
07/13/2020	<a href="#">13</a>	FIFTH AMENDMENT TO GENERAL ORDER 20-01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID-19 AND RELATED CORONAVIRUS. Signed by Judge Thomas W. Thrash, Jr. on 7/10/2020 (mmc) (ADI) (Entered: 07/13/2020)
07/29/2020	<a href="#">14</a>	Consent MOTION for Extension of Time to File Answer re <a href="#">1</a> Complaint, by Best Buy Homes, LLC, Mike Cherwenka. (Attachments: # <a href="#">1</a> Text of Proposed Order Proposed Consent Order)(Kuglar, Craig) (Entered: 07/29/2020)
07/29/2020	<a href="#">15</a>	ORDER granting <a href="#">14</a> Motion for Extension of Time to Answer. Defendants' time to respond to Plaintiff's Complaint is extended through August 14, 2020. Signed by Judge Steve C. Jones on 7/29/2020. (rjs) (Entered: 07/29/2020)
08/04/2020	<a href="#">16</a>	SIXTH AMENDMENT TO GENERAL ORDER 20-01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID-19 AND RELATED CORONAVIRUS. Signed by Judge Thomas W. Thrash, Jr. on 08/03/2020. (dgs) (ADI) (Entered: 08/04/2020)
08/14/2020	<a href="#">17</a>	Corporate Disclosure Statement by Best Buy Homes, LLC, Mike Cherwenka by Best Buy Homes, LLC, Mike Cherwenka.(Kuglar, Craig) (Entered: 08/14/2020)
08/14/2020	<a href="#">18</a>	MOTION to Dismiss <i>Plaintiff's Complaint</i> with Brief In Support by Best Buy Homes, LLC, Mike Cherwenka. (Attachments: # <a href="#">1</a> Brief)(Kuglar, Craig) (Entered: 08/14/2020)
08/28/2020	<a href="#">19</a>	RESPONSE re <a href="#">18</a> MOTION to Dismiss <i>Plaintiff's Complaint</i> filed by Mary Shea. (Ghali, Kamal) (Entered: 08/28/2020)
09/02/2020	<a href="#">20</a>	SEVENTH AMENDMENT TO GENERAL ORDER 20-01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID-19 AND RELATED CORONAVIRUS. Signed by Judge Thomas W. Thrash, Jr. on 9/1/2020. (aaq) (ADI) (Entered: 09/02/2020)
09/09/2020	<a href="#">21</a>	Unopposed MOTION for Extension of Time File Reply in Further Support of Motion to Dismiss re: <a href="#">18</a> MOTION to Dismiss <i>Plaintiff's Complaint</i> by Best Buy Homes, LLC, Mike Cherwenka. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Kuglar, Craig) (Entered: 09/09/2020)
09/10/2020	<a href="#">22</a>	ORDER - Before the Court is Defendants' Unopposed Motion for Extension of Time for Defendants' to File Reply In Further Support of Motion to Dismiss Plaintiff's Complaint (the "Motion"). After considering the Motion, the Court finds that the Motion should be and is hereby GRANTED. IT IS THEREFORE ORDERED that Defendants have until September 21, 2020 to file their reply. Signed by Judge Steve C. Jones on 9/10/2020. (tcc) (Entered: 09/11/2020)
09/21/2020	<a href="#">23</a>	REPLY to Response to Motion re <a href="#">18</a> MOTION to Dismiss <i>Plaintiff's Complaint</i> filed by Best Buy Homes, LLC, Mike Cherwenka. (Kuglar, Craig) (Entered: 09/21/2020)

09/22/2020		Submission of <a href="#">18</a> MOTION to Dismiss to District Judge Steve C. Jones. (rjs) (Entered: 09/22/2020)
09/29/2020	<a href="#">24</a>	EIGHTH AMENDMENT TO GENERAL ORDER 20-01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID19 AND RELATED CORONA VIRUS. Signed by Judge Thomas W. Thrash, Jr. on 09/28/2020. (adg) (ADI) (Entered: 09/29/2020)
12/09/2020	<a href="#">25</a>	NINTH AMENDMENT TO GENERAL ORDER 20-01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID-19 AND RELATED CORONAVIRUS. Signed by Judge Thomas W. Thrash, Jr. on 12/08/2020. (ddm) (ADI) (Entered: 12/09/2020)
01/28/2021	<a href="#">26</a>	TENTH AMENDMENT TO GENERAL ORDER 20-01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID-19 AND RELATED CORONAVIRUS. Signed by Judge Thomas W. Thrash, Jr. on 01/27/2021. (ddm) (ADI) (Entered: 01/28/2021)
02/08/2021	<a href="#">27</a>	NOTICE by Best Buy Homes, LLC, Mike Cherwenka <i>Suggestion of Partial Mootness</i> (Kuglar, Craig) (Entered: 02/08/2021)
02/16/2021	<a href="#">28</a>	RESPONSE re <a href="#">27</a> Notice (Other) <i>Plaintiff's Response to Defendants' Suggestion of Partial Mootness</i> filed by Mary Shea. (Ghali, Kamal) (Entered: 02/16/2021)
03/10/2021	<a href="#">29</a>	ELEVENTH AMENDMENT TO GENERAL ORDER 20-01 RE: COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES CREATED BY COVID-19 AND RELATED CORONAVIRUS. Signed by Judge Thomas W. Thrash, Jr. on 03/09/2021 (mmc) (ADI) (Entered: 03/10/2021)
03/30/2021	<a href="#">30</a>	ORDER: Defendants' <a href="#">18</a> Motion to Dismiss is DENIED as to Counts I, II, V, VII and GRANTED as to Counts III, IV, and VI. Counts III, IV, and VI are DISMISSED without prejudice. Signed by Judge Steve C. Jones on 3/30/2021. (rjs) (Entered: 03/30/2021)
04/02/2021	<a href="#">31</a>	Unopposed MOTION for Extension of Time to File Answer by Best Buy Homes, LLC, Mike Cherwenka. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Kuglar, Craig) (Entered: 04/02/2021)
04/07/2021	<a href="#">32</a>	ORDER granting <a href="#">31</a> Motion for Extension of Time to Answer. Defendants have until April 26, 2021 to file their Answer. Signed by Judge Steve C. Jones on 4/7/2021. (rjc) (Entered: 04/07/2021)
04/23/2021	<a href="#">33</a>	JOINT PRELIMINARY REPORT AND DISCOVERY PLAN filed by Mary Shea. (Sellers, Matthew) (Entered: 04/23/2021)
04/26/2021	<a href="#">34</a>	ANSWER to <a href="#">1</a> COMPLAINT with Jury Demand by Best Buy Homes, LLC, Mike Cherwenka. Discovery ends on 9/23/2021.(Kuglar, Craig) Please visit our website at <a href="http://www.gand.uscourts.gov">http://www.gand.uscourts.gov</a> to obtain Pretrial Instructions. (Entered: 04/26/2021)
04/26/2021	<a href="#">35</a>	COUNTERCLAIM against Mary Shea with Jury Demand filed by Best Buy Homes, LLC. (Kuglar, Craig) Please visit our website at <a href="http://www.gand.uscourts.gov/commonly-used-forms">http://www.gand.uscourts.gov/commonly-used-forms</a> to obtain Pretrial Instructions and Pretrial Associated Forms which includes the Consent To Proceed Before U.S. Magistrate form. (Entered: 04/26/2021)
04/28/2021	<a href="#">36</a>	CERTIFICATE OF SERVICE <i>Of Discovery</i> by Mary Shea.(Sellers, Matthew) (Entered: 04/28/2021)
04/28/2021	<a href="#">37</a>	Joint MOTION For Referral To Mediation by Mary Shea. (Sellers, Matthew) (Entered: 04/28/2021)
05/03/2021	<a href="#">38</a>	ORDER granting <a href="#">37</a> Motion. This case is REFERRED to Chief Magistrate Judge Alan J.

		Baverman for assignment to the next available Magistrate Judge. Mediation will be schedule at the discretion and convenience of the Magistrate Judge assigned. The parties are ORDERED to file notice within five (5) days of the conclusion of mediation advising this Court of the outcome. Signed by Judge Steve C. Jones on 5/3/2021. (rjc) (Entered: 05/03/2021)
05/04/2021		CASE REFERRED to Settlement Judge Magistrate Judge Russell G. Vineyard. (rjc) (Entered: 05/04/2021)
05/17/2021	<a href="#">39</a>	ANSWER to <a href="#">35</a> Counterclaim by Mary Shea.(Sellers, Matthew) Please visit our website at <a href="http://www.gand.uscourts.gov">http://www.gand.uscourts.gov</a> to obtain Pretrial Instructions. (Entered: 05/17/2021)
05/26/2021	<a href="#">40</a>	ORDER directing that the parties and their counsel participate in a settlement conference by telephone on Tuesday, July 13, 2021, at 9:30 a.m. Before the settlement conference, the parties are to negotiate and make a good faith effort to settle the case without the involvement of the Court. Between now and July 8, 2021, the parties shall exchange specific proposals and counter proposals by email or by phone. Each party shall provide the undersigned a confidential ex parte memorandum no later than 2:00 p.m. on Thursday, July 8, 2021. Signed by Magistrate Judge Russell G. Vineyard on 5/26/2021. (ddm) (Entered: 05/26/2021)
06/04/2021	<a href="#">41</a>	SCHEDULING ORDER approving the parties' <a href="#">33</a> Joint Preliminary Report and Discovery Plan. The Court grants the parties' request for a six month discovery period, to commence on April 26, 2021 and conclude on October 26, 2021. Barring extraordinary circumstances, no further extension of discovery will be permitted. Any motions for summary judgment or the proposed consolidated pretrial order must be filed on or before November 24, 2021. If a motion for summary judgment is filed, the proposed consolidated pretrial order must be filed within 30 days after this Court's ruling thereon. If neither motion(s) for summary judgment nor the proposed pretrial order are timely filed, the Clerk is directed to submit this matter for the Court for consideration. Signed by Judge Steve C. Jones on 6/4/2021. (ddm) (Entered: 06/04/2021)
07/13/2021	<a href="#">42</a>	Minute Entry for proceedings held before Magistrate Judge Russell G. Vineyard: Settlement Conference held on 7/13/2021. Settlement was not reached. (Tape #Via Phone) (ddm) (Entered: 07/13/2021)
07/13/2021		Magistrate Judge Russell G. Vineyard terminated. (ddm) (Entered: 07/16/2021)
08/03/2021	<a href="#">43</a>	CERTIFICATE OF SERVICE by Best Buy Homes, LLC, Mike Cherwenka.(Kuglar, Craig) (Entered: 08/03/2021)
09/03/2021	<a href="#">44</a>	CERTIFICATE OF SERVICE <i>Of Discovery</i> by Mary Shea.(Sellers, Matthew) (Entered: 09/03/2021)
09/29/2021	<a href="#">45</a>	CERTIFICATE OF SERVICE <i>of Discovery</i> by Best Buy Homes, LLC, Mike Cherwenka. (Kuglar, Craig) (Entered: 09/29/2021)
10/06/2021	<a href="#">46</a>	CERTIFICATE OF SERVICE <i>of Discovery</i> by Best Buy Homes, LLC, Mike Cherwenka. (Kuglar, Craig) (Entered: 10/06/2021)
10/14/2021	<a href="#">47</a>	CERTIFICATE OF SERVICE <i>Of Discovery</i> by Mary Shea.(Sellers, Matthew) (Entered: 10/14/2021)
10/18/2021	<a href="#">48</a>	Minute Entry for proceedings held before Judge Steve C. Jones: Discovery dispute conference held via Zoom. Order to follow. (Court Reporter David Ritchie)(ddm) (Entered: 10/18/2021)
10/18/2021	<a href="#">49</a>	ORDER granting Plaintiff's request to seek discovery concerning Defendants' financial records and use of Troptions cryptocurrency. The Parties shall inform this Court within ten

		(10) days of the date of this Order whether the Parties will proceed with the narrowed discovery requests or whether objections remain. The Parties shall within ten (10) days of the date of this Order file with the Court a proposed Protective Order concerning discovery. The deposition of Plaintiff Mary Shea, which is scheduled to occur October 20, 2021, shall be postponed to a later date to be determined by the Parties. The Court extends discovery by ninety (90) days from the current discovery deadline. All related deadlines are likewise extended. Signed by Judge Steve C. Jones on 10/18/2021. (ddm) (Entered: 10/18/2021)
10/28/2021	<a href="#">50</a>	MOTION for Protective Order by Mary Shea, Mary Shea. (Attachments: # <a href="#">1</a> Exhibit A - [Proposed] Consent Protective Order)(Sellers, Matthew) (Entered: 10/28/2021)
11/15/2021		Submission of <a href="#">50</a> MOTION for Protective Order, to District Judge Steve C. Jones. (ddm) (Entered: 11/15/2021)
11/15/2021	<a href="#">51</a>	Consent Protective Order. Signed by Judge Steve C. Jones on 11/15/2021. (ddm) (Entered: 11/15/2021)
11/15/2021	<a href="#">52</a>	CERTIFICATE OF SERVICE <i>of Discovery</i> by Best Buy Homes, LLC, Mike Cherwenka. (Kuglar, Craig) (Entered: 11/15/2021)

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