

**U.S. District Court  
Eastern District of Kentucky (Frankfort)  
CIVIL DOCKET FOR CASE #: 3:06-cv-00022-KKC**

Moore v. Rees et al  
Assigned to: Judge Karen K. Caldwell  
Referred to: PSO  
Cause: 28:2201 Constitutionality of State Statute(s)

Date Filed: 04/19/2006  
Date Terminated: 10/13/2015  
Jury Demand: None  
Nature of Suit: 950 Constitutional – State Statute  
Jurisdiction: Federal Question

**Plaintiff**

**Brian Keith Moore**

represented by **David M. Barron**  
Department of Public Advocacy – Capital  
Post Conviction Unit  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Marguerite Neill Thomas**  
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**TERMINATED: 08/25/2006**  
**LEAD ATTORNEY**  
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V.

**Intervenor Plaintiff**

**Jeffrey Leonard**  
**TERMINATED: 03/17/2008**

represented by **David M. Barron**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Marguerite Neill Thomas**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Intervenor Plaintiff**

represented by

**Thomas Clyde Bowling**  
*TERMINATED: 09/26/2007*

**David M. Barron**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John Anthony Palombi**  
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**Intervenor Plaintiff**

**Ralph Baze**  
*TERMINATED: 09/25/2007*

represented by **David M. Barron**  
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*LEAD ATTORNEY*  
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**John Anthony Palombi**  
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*ATTORNEY TO BE NOTICED*

**Intervenor Plaintiff**

**Roger Dale Epperson**

represented by **David M. Barron**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**John D. Rees**  
*Commissioner, Kentucky Department of  
Corrections Frankfort, Kentucky*

represented by **Brenn Oliver Combs**  
Office of Legal Services – Dept of  
Corrections  
275 E. Main Street  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jeffrey T. Middendorf**  
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*TERMINATED: 11/26/2007*  
*LEAD ATTORNEY*  
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**Thomas L. Self**  
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*ATTORNEY TO BE NOTICED*

**Defendant**

**Thomas Simpson**  
Warden, Kentucky State Penitentiary,  
Eddyville, Kentucky

represented by **Brenn Oliver Combs**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jeffrey T. Middendorf**  
(See above for address)  
*TERMINATED: 11/26/2007*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Thomas L. Self**  
(See above for address)  
*TERMINATED: 03/17/2008*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Holly Harris-Ray**  
(See above for address)  
*TERMINATED: 09/13/2007*  
*ATTORNEY TO BE NOTICED*

**John C. Cummings**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Scott Haas**  
Medical Director for the Kentucky  
Department of Corrections

represented by **Brenn Oliver Combs**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jeffrey T. Middendorf**  
(See above for address)  
*TERMINATED: 11/26/2007*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Thomas L. Self**  
(See above for address)  
*TERMINATED: 03/17/2008*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Holly Harris-Ray**  
(See above for address)  
*TERMINATED: 09/13/2007*  
*ATTORNEY TO BE NOTICED*

**John C. Cummings**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Ernie Fletcher**  
*Governor of the Commonwealth of  
Kentucky*

represented by **Brenn Oliver Combs**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jeffrey T. Middendorf**  
(See above for address)  
*TERMINATED: 11/26/2007*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Thomas L. Self**  
(See above for address)  
*TERMINATED: 03/17/2008*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Holly Harris-Ray**  
(See above for address)  
*TERMINATED: 09/13/2007*  
*ATTORNEY TO BE NOTICED*

**John C. Cummings**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Unknown Executioners**

represented by **Brenn Oliver Combs**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Holly Harris-Ray**  
(See above for address)  
*TERMINATED: 09/13/2007*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jeffrey T. Middendorf**  
(See above for address)  
*TERMINATED: 11/26/2007*  
*LEAD ATTORNEY*

ATTORNEY TO BE NOTICED

**John C. Cummings**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

**Thomas L. Self**

(See above for address)

TERMINATED: 03/17/2008

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/19/2006	<u>1</u>	COMPLAINT 4 summons(es) issued with copy, filed by Brian Keith Moore. (Attachments: # <u>1</u> Remaining Pages of Complaint 59–63# <u>2</u> Exhibit to Complaint – Grievance Rejection Notice & Inmate Grievance Form# <u>3</u> Memorandum in Support of Complaint re Lethal Injunctions – Part 1 ( <b>Exhibits to Memo not Scanned</b> on file in Fkt Clerk's Ofc)# <u>4</u> Memorandum in Support of Complaint re Lethal Injections Part 2( <b>Exhibits to Memo not Scanned</b> on file in Clerk's Ofc)# <u>5</u> Memorandum in Support of Complaint re Execution ( <b>Exhibits to Memo not Scanned</b> on file in Clerk's Ofc)# <u>6</u> Cover Sheet, Case Assignment & Summons)(CBD) (Entered: 04/19/2006)
04/19/2006	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by Brian Keith Moore (Attachments: # <u>1</u> Certification of Funds# <u>2</u> Proposed Order)(CBD) (Entered: 04/19/2006)
04/19/2006	<u>3</u>	NOTICE of Appearance of David Barron, counsel for by Brian Keith Moore (CBD) (Entered: 04/19/2006)
04/19/2006	<u>4</u>	NOTICE of Appearance by Susan Jackson Balliet on behalf of Brian Keith Moore (CBD) (Entered: 04/19/2006)
04/19/2006	<u>5</u>	MOTION for Temporary Restraining Order and MOTION for Preliminary Injunction Barring Defendants from Scheduling and Carrying Out Plaintiffs' Execution During the pendency of this Litigation and Consolidated Memorandum in Support by Brian Keith Moore (Attachments: # <u>1</u> Proposed Order)(CBD) (Entered: 04/19/2006)
04/19/2006	<u>6</u>	MOTION for Immediate Scheduling Conference Under Rule 16 pf FRCP (for Hearing) by Brian Keith Moore (Attachments: # <u>1</u> Proposed Order)(CBD) (Entered: 04/19/2006)
04/19/2006	<u>7</u>	MOTION for Order to Prohibit Defendants from conducting any physical examination of plaintiff for discovery purposes or in furtherance of the Kentucky Department of Corrections' Execution Procedures and Consolidated Supporting Memo by Brian Keith Moore (Attachments: # <u>1</u> USDC SC Order dated 3/5/2004# <u>2</u> Proposed Order)(CBD) (Entered: 04/19/2006)
04/19/2006	<u>8</u>	MOTION for Order to dispense with FRCP 26(f) Conference by Brian Keith Moore (Attachments: # <u>1</u> Proposed Order)(CBD) (Entered: 04/19/2006)
04/19/2006	<u>9</u>	MOTION to Permit Discovery prior to FRCP 26(f) Conference and for Expedited Discovery by Brian Keith Moore (Attachments: # <u>1</u> Interrogatories# <u>2</u> Request for Entry Upon Land for Inspection# <u>3</u> First Request for Production of Documents# <u>4</u> Notice of Individuals Plaintiff Intends to Depose and Intended Scope of Depositions# <u>5</u> Proposed Order)(CBD) (Entered: 04/19/2006)
04/19/2006		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>6</u> MOTION for Hearing by Brian Keith Moore, <u>2</u> MOTION for Leave to Proceed in forma pauperis by Brian Keith Moore, <u>5</u> MOTION for Temporary Restraining Order by Brian Keith Moore MOTION for Preliminary Injunction by Brian Keith Moore MOTION for Temporary Restraining Order by Brian Keith Moore MOTION for Preliminary Injunction by Brian Keith Moore (CBD) (Entered: 04/19/2006)

		04/19/2006)
04/19/2006		***FILE SUBMITTED TO CHAMBERS of Judge Caldwell for initial review. (CBD) (Entered: 04/19/2006)
04/19/2006		Clerk's Note: Court Copy sent to Chambers and SKV notified re Capital Case. (CBD) (Entered: 04/19/2006)
04/20/2006	<u>10</u>	MOTION (for Order) to Disqualify Hon. Jeffrey Middendorf from representing any present or future defendants in this action by Brian Keith Moore (Attachments: # <u>1</u> Document outlining Duration of Effect of the Lethal Injection Chemicals# <u>2</u> Proposed Order)(CBD) (Entered: 04/20/2006)
04/20/2006	<u>11</u>	SUMMONS Returned Executed by Brian Keith Moore via service on Hon David Smith, Asst. Attorney General as to Ernie Fletcher served on 4/19/2006, answer due 5/9/2006. (CBD) (Entered: 04/20/2006)
04/20/2006	<u>12</u>	SUMMONS Returned Executed by Brian Keith Moore via service upon David Smith, Asst. Attorney General, as to Scott Haas served on 4/19/2006, answer due 5/9/2006. (CBD) (Entered: 04/20/2006)
04/20/2006	<u>13</u>	SUMMONS Returned Executed by Brian Keith Moore via service upon Hon. David Smith, Asst. Attorney General, as to Thomas Simpson served on 4/19/2006, answer due 5/9/2006. (CBD) (Entered: 04/20/2006)
04/20/2006	<u>14</u>	SUMMONS Returned Executed by Brian Keith Moore via service upon Hon. David Smith, Asst. Attorney General, as to John D. Rees served on 4/19/2006, answer due 5/9/2006. (CBD) (Entered: 04/20/2006)
04/21/2006	<u>15</u>	NOTICE of Appearance by Marguerite Neill Thomas on behalf of Brian Keith Moore (CBD) (Entered: 04/21/2006)
04/21/2006	<u>16</u>	EMERGENCY MOTION for Argument on 5] MOTION for Temporary Restraining Order by Brian Keith Moore MOTION for Preliminary Injunction by Brian Keith Moore, <u>6</u> MOTION for Hearing by Brian Keith Moore, <u>8</u> MOTION for Order by Brian Keith Moore, <u>9</u> MOTION to Expedite by Brian Keith Moore, <u>7</u> MOTION for Order by Brian Keith Moore, <u>10</u> MOTION for Order by Brian Keith Moore, [MOTION for Temporary Restraining Order by Brian Keith Moore MOTION for Preliminary Injunction by Brian Keith Moore by Brian Keith Moore (Attachments: # <u>1</u> Proposed Order)(CBD) (Entered: 04/21/2006)
04/21/2006	<u>17</u>	EMERGENCY MOTION for Order to allow discovery to begin immediately and to shorten the amount of time defendants have to respond to discovery requests by Brian Keith Moore (Attachments: # <u>1</u> Proposed Order)(CBD) (Entered: 04/21/2006)
04/21/2006	<u>18</u>	MOTION for Order to shorten time for defendants to file a responsive pleading to the complaint by Brian Keith Moore (Attachments: # <u>1</u> Proposed Order)(CBD) (Entered: 04/21/2006)
04/21/2006	<u>19</u>	MOTION for Disclosure of the Kentucky Department of Corrections' Execution Protocol by Brian Keith Moore (Attachments: # <u>1</u> Proposed Order # <u>2</u> Exhibit 1 – Dfts' Response to Open Records Request# <u>3</u> Exhibit 2 – Breakdown of States w/ Public or Private Lethal Injection Protocols# <u>4</u> Exhibit 3 – California State Prison – San Quentin Operational Procedure# <u>5</u> Exhibit 4 – Georgia Dept of Corrections – Lethal Injection Procedure# <u>6</u> Exhibit 5 – Maryland Execution Operations Manual# <u>7</u> Exhibit 6 – South Carolina Execution Procedures)(CBD) (Entered: 04/21/2006)
04/21/2006		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>18</u> MOTION for Order to shorten time dfts have to answer by Brian Keith Moore, <u>17</u> MOTION for Order by Brian Keith Moore, <u>16</u> Emergency MOTION for Hearing (CBD) (Entered: 04/21/2006)
04/25/2006	<u>20</u>	DEFICIENCY ORDER: 1. Current application to proceed ifp <u>2</u> denied without prejudice 2) Clerk mark assigned forms w/ case number and send to counsel for plaintiff 3. pltf required to pay filing fee 4. pla on notice that failure to submit forms or pay fee w/in 30 days district court must a. presume prisoner not pauper

		&b. order case dismissed for want of prosecution; &not reinstated; 5. upon payment of filing fee or filing of affidavit or expiration of 40 days return record to PSLC.. Signed by Judge Karen K. Caldwell. (Attachments: # <u>1</u> Form 122 Affidavit of Assets/IFP)(CBD)cc: COR w/ Form 122 (Entered: 04/25/2006)
04/26/2006	<u>21</u>	NOTICE OF FILING OF COURT SUPPLIED AFFIDAVIT OF ASSETS FOR APPLICATION TO PROCEED IN FORMA PAUPERIS by Brian Keith Moore (Afidavit filed seperately as DE 22) (CBD) (Entered: 04/27/2006)
04/26/2006	<u>22</u>	AFFIDAVIT/MOTION OF ASSETS FOR APPLICATION TO PROCEED IN FORMA PAUPERIS by Brian Keith Moore (CBD) (Entered: 04/27/2006)
04/26/2006		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>22</u> MOTION for Leave to Proceed in forma pauperis by Brian Keith Moore (CBD) (Entered: 04/27/2006)
04/26/2006	<u>23</u>	AMENDED MOTION to Disqualify Counsel, Hon. Jeffrey Middendorf, by Brian Keith Moore (Attachments: # <u>1</u> Exhibit – Duration of Effect of Lethal Injection Chemicals and Reversal Chemicals# <u>2</u> Proposed Order)(CBD) (Entered: 04/27/2006)
05/01/2006	<u>24</u>	NOTICE OF FILING OF SUPPLEMENTAL AUTHORITY by Brian Keith Moore re <u>5</u> MOTION for Temporary Restraining Order by Brian Keith Moore MOTION for Preliminary Injunction by Brian Keith Moore MOTION for Temporary Restraining Order by Brian Keith Moore MOTION for Preliminary Injunction by Brian Keith Moore, <u>1</u> Complaint (Attachments: # <u>1</u> 2:04-cv-1156 GLF Cooney and Hill v. Taft (S.D. Ohio 4/28/2006))(CBD) (Entered: 05/01/2006)
05/03/2006	<u>25</u>	SECOND NOTICE OF SUPPLEMENTAL INFORMATION by Brian Keith Moore re <u>1</u> Complaint. (Attachments: # <u>1</u> Newspaper Articles describing Joseph Lewis Clark's execution)(CBD) (Entered: 05/03/2006)
05/08/2006		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>7</u> MOTION for Order by Brian Keith Moore, <u>8</u> MOTION for Order by Brian Keith Moore, <u>9</u> MOTION to Expedite by Brian Keith Moore, <u>10</u> MOTION for Order by Brian Keith Moore (AKR) (Entered: 05/08/2006)
05/11/2006	<u>26</u>	MOTION for Default Judgment by Brian Keith Moore (Attachments: # <u>1</u> Memorandum in Support # <u>2</u> Exhibit 1 – Letter requesting an execution warrant# <u>3</u> Exhibit 2 – Summonses including return of service portion on 4/19/2006# <u>4</u> Exhibit 3 – Ddls/hearings entry from electronic filing system for this case# <u>5</u> Proposed Order)(CBD) (Entered: 05/12/2006)
05/15/2006	<u>27</u>	ORDER: 1) Moore's ifp motion <u>22</u> GRANTED 2–6) Directing Monthly Payments be made from Prison Account of Brian Keith Moore 7) Clerk serve copy upon Jailer/Warden of Institution in which prisoner confined and Office of General Counsel, Dept. of Corrections, Fkt KY. Signed by Judge Karen K. Caldwell. (CBD)cc: COR, Finance, Ofc of Gen Counsel Dept of Corrections, Warden KSP (Entered: 05/15/2006)
05/17/2006		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>19</u> MOTION for Disclosure by Brian Keith Moore, <u>23</u> MOTION to Disqualify Counsel by Brian Keith Moore (CBD) (Entered: 05/17/2006)
05/26/2006	<u>28</u>	NOTICE OF APPEARANCEof Attorneys by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher.(Harris–Ray, Holly) (Entered: 05/26/2006)
05/26/2006	<u>29</u>	RESPONSE in Opposition re <u>26</u> MOTION for Default Judgment by Brian Keith Mooreand Motion for Briefing Schedule filed by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher. (Attachments: # <u>1</u> Proposed Order Denying motion for default judgment and establishing scheduling order)(Harris–Ray, Holly) (Entered: 05/26/2006)
05/26/2006	<u>30</u>	MOTION For Briefing Schedule by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher (Attachments: # <u>1</u> Proposed Order)(AKR) (Entered: 05/30/2006)
05/30/2006		NOTICE OF DOCKET MODIFICATION TO H. Harris–Ray re <u>29</u> Response in Opposition to Motion ; Error: This is a Response to Motion for Default Judgment

		AND a Motion for Briefing Schedule. The attorney has only filed the pleading as a Response. Document should have been filed as two separate pleadings; Entry made by attorney; Correction: Clerk has re-filed the pleading as a Motion for Briefing Schedule <u>30</u> . In the future when filing multiple pleadings within one filing, please refer to the ECF Manual "Filing Other Types of Documents" for the correct procedure; No further steps required by counsel. cc: COR (AKR) (Entered: 05/30/2006)
05/31/2006	<u>31</u>	NOTICE OF WITHDRAWAL OF MOTION FOR DEFAULT JUDGMENT <u>26</u> by Brian Keith Moore (AKR) (Entered: 05/31/2006)
05/31/2006		***FILE SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>31</u> Notice of Withdrawal of Motion for Default Judgment by Plaintiff (AKR) (Entered: 05/31/2006)
05/31/2006	<u>32</u>	RESPONSE in Opposition re <u>30</u> MOTION For Briefing Schedule by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher filed by Brian Keith Moore. (Balliet, Susan) Additional attachment(s) added on 6/1/2006 (Ratliff, Kay). (Entered: 05/31/2006)
06/01/2006		NOTICE OF DOCKET MODIFICATION TO S. Balliet re <u>32</u> Response in Opposition to Motion ; Error: Proposed Order was filed together with the response in opposition instead of as separate attachment; Entry made by attorney; Correction: Clerk has added the proposed order as a separate attachment. In future e-filings, the attorney shall file proposed order or each exhibit separately from one another and separate from the main document; No further action required by counsel. cc: COR (AKR) (Entered: 06/01/2006)
06/06/2006	<u>33</u>	THIRD NOTICE OF SUPPLEMENTAL INFORMATION by Brian Keith Moore (Attachments: # <u>1</u> Exhibit – 6/2/2006 Sortnews.com article)(CBD) (Entered: 06/06/2006)
06/12/2006	<u>35</u>	Prisoner Receipt For ORIGINAL Filing Fee; Receipt Number 125427; Balance \$ 350.00; Amt Pd 4.50; Into Acct: 5100PL; Balance Due \$345.5 (CBD) (Entered: 06/14/2006)
06/13/2006	<u>34</u>	<b>ORDER: Moore's Motion <u>26</u> for default jgm is DENIED. Dfts directed to file answer to complaint, or responsive pldg w/in 5 business days of entry of this order, Moore's emergency Motion <u>18</u> to shorten time dfts are allowed to file resp. to complaint DENIED as MOOT. Court will treat the motion for TRO <u>5</u> as Motion for Preliminary Injunction, dfts file Response to relief w/in 10 business days of entry of this Order; Moore file Reply w/in 5 business days of dfts' response filed. Moore filed Motion <u>7</u> for TRO preventing dfts from conducting physical exam. This motion will be DENIED. Court ORDERS 1) partie sto hold conf. required by Rule 26(f) w/in 10 business days after entry of this Order. 2) parties fiel report req. by Rule 26(f) w/in 5 business days after Rule26(f) conf. held. Moore's discovery motions <u>6 8 9 17</u> DENIED as MOOT. Moore has moved <u>19</u> to compel dfts to disclose Ky Dept of Corrections' execution protocol. Parties confer at Rule 26(f) conf. to determine if they can resolve this issue. If they cannot, dfts ORDERED to file response to this motion w/in 25 days of entry of this order. Moore has moved <u>10 &amp; 23</u> to disqualify Jeffrey Middendorf as counsel for dfts. Dfts ORDERED to file response to this motion w/in 25 business days of entry os this Order. Moore's emergency motion <u>16</u> for oral argument on pending motions and dfts' motion <u>30</u> for briefings schedule are DENIED as MOOT. Signed by Judge Karen K. Caldwell. (CBD)cc: COR (Entered: 06/14/2006)</b>
06/14/2006		Set/Reset Deadlines as to <u>5</u> –2 MOTION for Preliminary Injunction by Brian Keith Moore MOTION for Temporary Restraining Order by Brian Keith Moore MOTION for Preliminary Injunction by Brian Keith Moore. Responses due by 6/28/2006 Replies due by 7/5/2006. (CBD) (Entered: 06/14/2006)
06/14/2006		Set Deadlines/Hearings: Rule 26(f) Meeting Report due by 7/5/2006. (CBD) (Entered: 06/14/2006)
06/14/2006		Set/Reset Deadlines as to <u>23</u> MOTION to Disqualify Counsel by Brian Keith Moore, <u>19</u> MOTION for Disclosure by Brian Keith Moore. Responses due by



		7/5/2006 (CBD) (Entered: 06/14/2006)
06/14/2006		Set/Reset Deadlines as to <u>10</u> MOTION for Order by Brian Keith Moore. Responses due by 7/5/2006 (CBD) (Entered: 06/14/2006)
06/16/2006	<u>36</u>	MOTION to Intervene as Plaintiff-Intervenor by Jeffrey Leonard (Attachments: # <u>1</u> Exhibit 1 – Order from USDC-EDAR 5:06-cv-110SWW/JFF# <u>2</u> Exhibit 2 – Order from USDC-EDOH 2:04-cv-1156# <u>3</u> Exhibit 3 – Proposed Intervenor Complaint USDC-EDKY# <u>4</u> Proposed Order)(AKR) (Entered: 06/16/2006)
06/16/2006	<u>37</u>	RESPONSE to Motion re <u>36</u> to Intervene by Jeffrey Leonard filed by Brian Keith Moore. (AKR) (Entered: 06/16/2006)
06/20/2006	<u>38</u>	ANSWER to Complaint by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher. (Attachments: # <u>1</u> Findings of Fact and Conclusions of Law – Franklin Circuit 04-CI-1094)(CBD) (Entered: 06/20/2006)
06/20/2006		***FILE SUBMITTED TO CHAMBERS of Judge Caldwell/Pro Se for review of <u>38</u> Answer to Complaint. (CBD) (Entered: 06/20/2006)
06/28/2006	<u>39</u>	MOTION to Strike portions of <u>38</u> Answer to Complaint by Brian Keith Moore Responses due by 7/16/2006 (Attachments: # <u>1</u> Proposed Order)(CBD) (Entered: 06/28/2006)
06/29/2006	<u>40</u>	MOTION for Leave to File Reply to Answer by Brian Keith Moore (Attachments: # <u>1</u> Proposed Order # <u>2</u> Tendered Reply to Answer)(CBD) (Entered: 06/30/2006)
06/30/2006	<u>41</u>	MOTION for Leave by John D. Rees <i>Motion for Leave to File Response by Defendants John D. Rees, et al.</i> (Middendorf, Jeffrey) Additional attachment: Proposed Order added on 7/5/2006 (Dearborn, Christy). (Entered: 06/30/2006)
06/30/2006	<u>42</u>	TENDERED – RESPONSE to Motion re <u>5</u> MOTION for Temporary Restraining Order by Brian Keith Moore MOTION for Preliminary Injunction by Brian Keith Moore MOTION for Temporary Restraining Order by Brian Keith Moore MOTION for Preliminary Injunction by Brian Keith Moore <i>filed by Defendants John D. Rees, et al.</i> filed by John D. Rees. (Middendorf, Jeffrey) Modified text to reflect "Tendered" on 7/3/2006 (Dearborn, Christy). (Entered: 06/30/2006)
06/30/2006	<u>43</u>	REPORT of Rule 26(f) Planning Meeting. (CBD) (Entered: 07/03/2006)
06/30/2006	<u>44</u>	MOTION for Order Granting Preliminary Injunction due to defendants' failure to respond by Brian Keith Moore (Attachments: # <u>1</u> Proposed Order)(CBD) (Entered: 07/03/2006)
07/03/2006		***FILE SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>43</u> Report of Rule 26(f) Planning Meeting (CBD) (Entered: 07/03/2006)
07/03/2006		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>44</u> MOTION for Order granting Preliminary Injunction for failure to respond by Brian Keith Moore (CBD) (Entered: 07/03/2006)
07/03/2006		NOTICE OF DEFICIENCY TO J. Middendorf re <u>41</u> MOTION for Leave by John D. Rees, <u>42</u> Response to Motion, ; attorney has failed to submit a proposed order as an electronic attachment to the motion; <b>attorney shall file the proposed order as an attachment to a "Notice of Filing" within 3 business days</b> – NOTICE OF DOCKET MODIFICATION to <u>41</u> Motion for Leave to File Response & <u>42</u> Response to Motion for TRO and Preliminary Injunction; <b>Errors:</b> (1) main documents were scanned instead of converted into PDF format from the native word application (2) attorney filed Response <u>42</u> without leave of the Court; Error made by attorney; <b>Corrections:</b> (1) All pleadings created with a word application shall be converted into PDF format using PDF conversion software rather than being scanned (2) Clerk has modified text of Response <u>42</u> to reflect "Tendered" <b>Attorney advised that until leave is given by the Court the response should not be filed as such, but rather attached electronically to Motion seeking leave to which it relates.</b> (cc: COR) (CBD) (Entered: 07/03/2006)
07/03/2006		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>41</u> MOTION for Leave to file Response to Motion for TRO and Preliminary Injunction by John D. Rees (CBD) (Entered: 07/03/2006)

07/03/2006	<u>45</u>	NOTICE OF FILING by John D. Rees of Proposed Order re <u>41</u> Motion for Leave to File Response <i>et al.</i> (Attachments: # <u>1</u> Proposed Order Proposed Order Granting Motion for Leave)(Middendorf, Jeffrey) Modified text to state "of Proposed Order re <u>41</u> Motion for Leave" and adding link to event which it relates on 7/5/2006 (Dearborn, Christy). (Entered: 07/03/2006)
07/03/2006	<u>46</u>	MOTION for Leave to file Response to plaintiff's Motion for Preliminary Injunction by John D. Rees <i>et al.</i> (Attachments: # <u>1</u> Tendered Response)(Middendorf, Jeffrey) Modified text by adding "to file Response to pltf's Motion for Preliminary Injunction" and description of attachment on 7/5/2006 (Dearborn, Christy). Additional attachment(s) added on 7/6/2006 (Ratliff, Kay). (Entered: 07/03/2006)
07/03/2006	<u>47</u>	RESPONSE in Opposition to <u>41</u> MOTION for Leave to file out-of-time Response to pltf's Motion for Preliminary Injunction by John D. Rees filed by Brian Keith Moore. (Attachments: # <u>1</u> Proposed Order)(CBD) (Entered: 07/05/2006)
07/05/2006		<b>NOTICE OF DEFICIENCY TO J. Middendorf, <u>46</u> MOTION for Leave by John D. Rees ; attorney has failed to submit a proposed order as an electronic attachment to the motion; attorney shall file the proposed order as an attachment to a "Notice of Filing" within 3 business days – NOTICE OF DOCKET MODIFICATION TO J. Middendorf re <u>45</u> Notice of Filing and <u>46</u> Motion for Leave; ERRORS: (1) attorney failed to create link to the event to which DE 45 relates; Error by attorney (2) attorney failed to state what he was filing in DE 45 (3) attachment to DE 46 was insufficiently described "no description given"; CORRECTIONS: (1) Clerk has modified text and added relationship to create link. In the future attorney advised to create link with the existing event to which the pleading relates. (2) Clerk has modified text to state "Notice of Filing of Proposed Order" Attorney advised to enter additional text into the optional text box to reflect what is being filed when filing a Notice of Filing. (3) Clerk has named attachment. It is necessary that all attachments are adequately described. ex: "no description" (incorrect); Tendered Response (correct.) No further action required by counsel. (cc: COR) (CBD) (Entered: 07/05/2006)</b>
07/05/2006	<u>48</u>	NOTICE OF FILING by John D. Rees re <u>46</u> MOTION for Leave by John D. Rees <i>NOTICE OF FILING OF PROPOSED ORDER</i> (Attachments: # <u>1</u> Proposed Order Granting Motion for Leave)(Middendorf, Jeffrey) (Entered: 07/05/2006)
07/05/2006	<u>49</u>	MOTION for Leave under LR 7.1 to file Reply to defendants' response to Moore's Motion for Preliminary Injunction in Excess of 15 pages by Brian Keith Moore (Attachments: # <u>1</u> Tendered Reply# <u>2</u> Exhibit 1 to Tendered Reply# <u>3</u> Exhibit 2 to Tendered Reply# <u>4</u> Exhibit 3 to Tendered Reply# <u>5</u> Exhibit 4 to Tendered Reply# <u>6</u> Exhibit 5 to Tendered Reply# <u>7</u> Exhibit 6 to Tendered Reply# <u>8</u> Exhibit 7 to Tendered Reply# <u>9</u> Exhibit 8 to Tendered Reply# <u>10</u> Exhibit 9 to Tendered Reply# <u>11</u> Exhibit 10 to Tendered Reply# <u>12</u> Exhibit 11 to Tendered Reply# <u>13</u> Proposed Order)(CBD) (Entered: 07/06/2006)
07/10/2006		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>36</u> MOTION to Intervene by Jeffrey Leonard (AKR) (Entered: 07/10/2006)
07/10/2006	<u>50</u>	MOTION for Protective Order by Ernie Fletcher <i>Emergency Motion for Protective Order</i> , MOTION to Quash by Ernie Fletcher <i>Emergency Motion to Quash Subpoena</i> (Attachments: # <u>1</u> Proposed Order Emergency Protective Order)(Harris-Ray, Holly) (Entered: 07/10/2006)
07/10/2006	<u>51</u>	RESPONSE to Motion re <u>36</u> MOTION to Intervene by Jeffrey Leonard filed by John D. Rees. (Harris-Ray, Holly) (Entered: 07/10/2006)
07/11/2006		NOTICE OF DEFICIENCY TO H. Harris-Ray re <u>51</u> Response to Motion to Intervene; attorney has failed to type name on the signature line; The name of the Filing User under whose login and password the document is submitted must be preceded by an "s/" and typed in the space where the signature would otherwise appear. No further action required. cc: COR (AKR) (Entered: 07/11/2006)
07/11/2006	<u>52</u>	EMERGENCY PROTECTIVE ORDER: 1) subpoena issued on behalf of pltf to secure attendance of Governor Ernie Fletcher for a depo. scheduled 6/13/2006 is quashed 2) pltf prohibited from going forward with the depo. of Governor Fletcher until further order of the Court. Signed by Judge Karen K. Caldwell. (Motions

		terminated: <u>50</u> MOTION for Protective Order & MOTION to Quash) (CBD)cc: COR (Entered: 07/11/2006)
07/11/2006	<u>53</u>	MOTION for Protective Order by John D. Rees , <i>et al. re: Deposition of Jeffrey Middendorf</i> , MOTION to Quash by John D. Rees , <i>et al. re: Deposition of Jeffrey Middendorf</i> (Attachments: # <u>1</u> Proposed Order Emergency Protective Order)(Harris-Ray, Holly) (Entered: 07/11/2006)
07/11/2006	<u>54</u>	MOTION for Reconsideration of Order Prohibiting Deposition of Dft, Fletcher re <u>52</u> Protective Order by Brian Keith Moore (Attachments: # <u>1</u> Proposed Order)(AKR) (Entered: 07/11/2006)
07/11/2006	<u>55</u>	MOTION for Protective Order by John D. Rees <i>et al., Emergency Motion for Protective Order re: Deposition of George Million</i> , MOTION to Quash by John D. Rees <i>et al., Emergency Motion to Quash Subpoena re: Depo of George Million</i> (Attachments: # <u>1</u> Proposed Order Emergency Protective Order)(Harris-Ray, Holly) (Entered: 07/11/2006)
07/11/2006	<u>56</u>	EMERGENCY PROTECTIVE ORDER: 1. The subpoena issued on beh of plaintiff to secure attendance of Jeffrey Middendorf for depo sched for 7/13/06 <u>53</u> is <b>quashed</b> . 2. Plaintiff is prohibited from going forward with the depo of Jeffrey Middendorf until further order of the Court. Signed by Judge Karen K. Caldwell. (AKR)cc: COR (Entered: 07/11/2006)
07/11/2006	<u>57</u>	MOTION for Protective Order by John D. Rees <i>et al., Emergency Motion for Protective Order re: Deposition of John Rees</i> , MOTION to Quash by John D. Rees <i>et al., Emergency Motion to Quash Subpoena re: Depo of John Rees</i> (Attachments: # <u>1</u> Proposed Order Emergency Protective Order)(Self, Thomas) (Entered: 07/11/2006)
07/11/2006	<u>58</u>	MOTION for Protective Order by John D. Rees <i>et al., Emergency Motion for Protective Order re: Deposition of Dr. Scott Haas</i> , MOTION to Quash by John D. Rees <i>et al., Emergency Motion to Quash Subpoena re: Depo of Dr. Haas</i> (Attachments: # <u>1</u> Proposed Order Emergency Protective Order)(Self, Thomas) (Entered: 07/11/2006)
07/11/2006	<u>59</u>	MOTION for Protective Order by John D. Rees <i>et al., Emergency Motion for Protective Order re: Deposition of James Schomig</i> , MOTION to Quash by John D. Rees <i>et al., Emergency Motion to Quash Subpoena re: Depo of James Schomig</i> (Attachments: # <u>1</u> Proposed Order Emergency Protective Order)(Self, Thomas) (Entered: 07/11/2006)
07/12/2006		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>55</u> MOTION for Protective Order by John D. Rees MOTION to Quash by John D. Rees MOTION for Protective Order by John D. Rees MOTION to Quash by John D. Rees (AKR) (Entered: 07/12/2006)
07/12/2006		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>59</u> MOTION for Protective Order by John D. Rees MOTION to Quash by John D. Rees MOTION for Protective Order by John D. Rees MOTION to Quash by John D. Rees, <u>58</u> MOTION for Protective Order by John D. Rees MOTION to Quash by John D. Rees MOTION for Protective Order by John D. Rees MOTION to Quash by John D. Rees, <u>57</u> MOTION for Protective Order by John D. Rees MOTION to Quash by John D. Rees MOTION for Protective Order by John D. Rees MOTION to Quash by John D. Rees (AKR) (Entered: 07/12/2006)
07/12/2006	<u>60</u>	RESPONSE in Opposition to Motion re <u>57</u> MOTION for Emergency Protective Order by John D. Rees MOTION to Quash Subpoena of John D. Rees filed by Brian Keith Moore. (Attachments: # <u>1</u> Affidavit of Claire Ruckert# <u>2</u> Proposed Order)(CBD) (Entered: 07/12/2006)
07/12/2006		NOTICE OF DOCKET MODIFICATION TO H. Harris-Ray & T. Self re <u>59</u> MOTION for Protective Order MOTION to Quash, <u>58</u> MOTION for Protective Order MOTION to Quash, <u>55</u> MOTION for Protective Order MOTION to Quash, <u>57</u> MOTION for Protective Order MOTION to Quash, <u>53</u> MOTION for Protective Order MOTION to Quash; <b>Error:</b> main documents scanned instead of converted into PDF format directly from native word format; Entry made by attorneys;

		<b>Correction: All pleadings created with a word application shall be converted to PDF format using PDF format conversion software rather than being scanned.;</b> No further action required by counsel. (cc: COR) (CBD) (Entered: 07/12/2006)
07/12/2006	<u>61</u>	RESPONSE in Opposition re <u>58</u> MOTION for Protective Order by John D. Rees MOTION to Quash as to dft Haas by John D. Rees filed by Brian Keith Moore. (Attachments: # <u>1</u> Affidavit of Claire Ruckert# <u>2</u> Proposed Order)(CBD) (Entered: 07/12/2006)
07/12/2006	<u>62</u>	ORDER: 1) subpoena issued to secure attendance of John Rees for depo. scheduled 6/13/2006 is quashed 2) pltf prohibited from going forward with depo. of John Rees until further order of the Court. Signed by Judge Karen K. Caldwell. (terminating <u>57</u> Motion for Protective Order, <u>57</u> Motion to Quash) (CBD)cc: COR (Entered: 07/12/2006)
07/12/2006	<u>63</u>	ORDER: 1) subpoena issued to secure attendance of Dr. Scott Hass for depo. scheduled 6/13/2006 is quashed 2) pltf prohibited from going forward with depo. of Dr. Scott Haas until further order of the Court. Signed by Judge Karen K. Caldwell. (terminating <u>58</u> Motion for Protective Order, <u>58</u> Motion to Quash) (CBD)cc: COR (Entered: 07/12/2006)
07/12/2006	<u>64</u>	ORDER: 1) subpoena issued to secure attendance of James M. Schomig for depo. scheduled 6/13/2006 is quashed 2) pltf prohibited from going forward with depo. of James M. Schomig until further order of the Court. Signed by Judge Karen K. Caldwell. (terminating <u>59</u> Motion for Protective Order, <u>59</u> Motion to Quash) (CBD)cc: COR (Entered: 07/12/2006)
07/12/2006	<u>65</u>	ORDER: 1) subpoena issued to secure attendance of George Million for depo. scheduled for 6/13/2006 is quashed 2) pltf prohibited from going forward with depo of George Million until further order of the Court. Signed by Judge Karen K. Caldwell. (terminating <u>55</u> Motion for Protective Order, <u>55</u> Motion to Quash) (CBD)cc: COR (Entered: 07/12/2006)
07/12/2006	<u>66</u>	RESPONSE in Opposition re <u>59</u> MOTION for Protective Order & MOTION to Quash subpoena issued to James M. Schomig by John D. Rees filed by Brian Keith Moore. (Attachments: # <u>1</u> Affidavit of Claire Ruckert# <u>2</u> Proposed Order)(CBD) (Entered: 07/12/2006)
07/12/2006	<u>67</u>	RESPONSE in Opposition re <u>55</u> MOTION for Protective Order & MOTION to Quash subpoena issued to George Million by John D. Rees filed by Brian Keith Moore. (Attachments: # <u>1</u> Affidavit of Claire Ruckert# <u>2</u> Proposed Order)(CBD) (Entered: 07/12/2006)
07/17/2006	<u>68</u>	REPLY to Response to Motion re <u>41</u> MOTION for Leave by John D. Rees <i>et al.</i> , filed by John D. Rees. (Self, Thomas) (Entered: 07/17/2006)
07/17/2006	<u>69</u>	RESPONSE to Motion re <u>39</u> MOTION to Strike <u>38</u> Answer to Complaint by Brian Keith Moore filed by John D. Rees. (Attachments: # <u>1</u> Proposed Order Order denying Plaintiff's Motion to Strike Parts of Defendant's Answer)(Self, Thomas) (Entered: 07/17/2006)
07/17/2006	<u>70</u>	RESPONSE to Motion re <u>40</u> MOTION for Leave to File by Brian Keith Moore filed by John D. Rees. (Attachments: # <u>1</u> Proposed Order Denying Plaintiff's Motion for Leave to Reply to Defendants' Answer)(Self, Thomas) (Entered: 07/17/2006)
07/18/2006		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>41</u> MOTION for Leave by John D. Rees (AKR) (Entered: 07/18/2006)
07/18/2006	<u>71</u>	RESPONSE in Opposition re <u>23</u> MOTION to Disqualify Counsel by Brian Keith Moore, <u>10</u> MOTION for Order by Brian Keith Moore filed by John D. Rees. (Attachments: # <u>1</u> Proposed Order Proposed Order Denying Plaintiff's Motion to Disqualify# <u>2</u> Affidavit Affidavit of Jeffrey T. Middendorf)(Harris-Ray, Holly) (Entered: 07/18/2006)
07/18/2006	<u>72</u>	RESPONSE to Motion re <u>44</u> MOTION for Order by Brian Keith Moore filed by John D. Rees. (Attachments: # <u>1</u> Proposed Order Denying Plaintiff's Motion to

		Grant Preliminary Injunction)(Harris–Ray, Holly) (Entered: 07/18/2006)
07/19/2006	<u>73</u>	MOTION to Withdraw as Attorney of Record by Susan J. Balliet on behalf of Brian Keith Moore (Attachments: # <u>1</u> Proposed Order)(AKR) (Entered: 07/19/2006)
07/19/2006		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>73</u> MOTION to Withdraw as Attorney of Record by Brian Keith Moore (AKR) (Entered: 07/19/2006)
07/20/2006	<u>74</u>	<b>STRICKEN per Order <u>86</u></b> – REPLY to Response to Motion re <u>46</u> MOTION for Leave by John D. Rees filed by Brian Keith Moore. (Barron, David) Modified text and linked to Order <u>86</u> on 8/25/2006 (Dearborn, Christy). (Entered: 07/20/2006)
07/21/2006		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>46</u> MOTION for Leave to File Response out of time by John D. Rees (AKR) (Entered: 07/21/2006)
07/21/2006	<u>75</u>	REPLY to Response to Motion re <u>39</u> MOTION to Strike <u>38</u> Answer to Complaint by Brian Keith Moore filed by Brian Keith Moore. (Barron, David) (Entered: 07/21/2006)
07/21/2006	<u>76</u>	MOTION to Strike <u>74</u> Reply to Response to Motion by John D. Rees <i>et al.</i> , <i>Motion to Strike Plaintiff's Surreply</i> Responses due by 8/8/2006 (Attachments: # <u>1</u> Proposed Order Proposed Order Granting Defendant's Motion to Strike)(Self, Thomas) (Entered: 07/21/2006)
07/21/2006	<u>77</u>	REPLY to Response to Motion re <u>44</u> MOTION for Order by Brian Keith Moore filed by Brian Keith Moore. (Barron, David) (Entered: 07/21/2006)
07/24/2006		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>39</u> MOTION to Strike <u>38</u> Answer to Complaint by Brian Keith Moore (AKR) (Entered: 07/24/2006)
07/24/2006		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>44</u> MOTION for Order by Brian Keith Moore (AKR) (Entered: 07/24/2006)
07/24/2006	<u>78</u>	RESPONSE to Motion re <u>49</u> MOTION for Leave by Brian Keith Moore filed by John D. Rees. (Attachments: # <u>1</u> Proposed Order re: Plaintiff's Motion To Exceed Page Limit)(Self, Thomas) (Entered: 07/24/2006)
07/25/2006		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>49</u> MOTION for Leave by Brian Keith Moore (AKR) (Entered: 07/25/2006)
07/31/2006	<u>79</u>	RESPONSE in Opposition re <u>54</u> MOTION for Reconsideration re <u>52</u> Protective Order, Terminate Motions,, by Brian Keith Moore filed by John D. Rees. (Attachments: # <u>1</u> Proposed Order Denying Plaintiff's Motion for Reconsideration)(Self, Thomas) (Entered: 07/31/2006)
08/03/2006		***MOTION SUBMITTED TO CHAMBERS of Pro Se/Judge Caldwell for review: <u>40</u> MOTION for Leave to File Reply to Answer by Brian Keith Moore (CBD) (Entered: 08/03/2006)
08/04/2006	<u>80</u>	MOTION for Discovery by Brian Keith Moore (Attachments: # <u>1</u> certification# <u>2</u> Proposed Order)(Barron, David) (Entered: 08/04/2006)
08/08/2006	<u>81</u>	MOTION to Take Deposition from Jones, Bauer, Hiland, nurses, Simpson, Schomig, execution team, I.V. team, executioner by Brian Keith Moore (Attachments: # <u>1</u> Proposed Order)(Barron, David) (Entered: 08/08/2006)
08/08/2006	<u>82</u>	MOTION to Compel by Brian Keith Moore <i>documenting of all attempts to draw blood of Moore &amp; have a representative of Moore present at drawing of blood</i> (Attachments: # <u>1</u> Proposed Order)(Barron, David) Modified text to include language in italics on 8/9/2006 (Ratliff, Kay). (Entered: 08/08/2006)
08/08/2006	<u>83</u>	MOTION to Compel Discovery Under Rule 37 of FRCP by Brian Keith Moore (Attachments: # <u>1</u> Exhibit 1 – Certification of Attempt to Resolve Discovery Dispute# <u>2</u> Exhibit 2 – Request for Admission# <u>3</u> Exhibit 3 – Defendant's

		Response to Request for Admissions# <u>4</u> Exhibit 4 – Interrogatories# <u>5</u> Exhibit 5 – Defendant's Response to Interrogatories# <u>6</u> Exhibit 6 – Answers to Request for Production of Documents & Interrogatories# <u>7</u> Exhibit 7 – Pltfs' First Request for Production of Documents# <u>8</u> Exhibit 8 – Dfts Responses to Pltf's Requests for Production of Documents# <u>9</u> Exhibit 9 – Rule 26(a)(1) Disclosures# <u>10</u> Proposed Order) <b>NOTE: Pg 4 of Exhibit 7 &amp; Pg 2 of Exhibit 8 were not filed in Original or Court Copy</b> (CBD) (Entered: 08/08/2006)
08/09/2006		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>76</u> MOTION to Strike <u>74</u> Reply to Response to Motion by John D. Rees (AKR) (Entered: 08/09/2006)
08/16/2006	<u>84</u>	NOTICE OF APPEARANCE of <i>John C. Cummings as Co-Counsel</i> by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher.(Cummings, John) (Entered: 08/16/2006)
08/18/2006		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>54</u> MOTION for Reconsideration re <u>52</u> Protective Order, Terminate Motions, by Brian Keith Moore (AKR) (Entered: 08/18/2006)
08/23/2006		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>80</u> MOTION for Discovery by Brian Keith Moore (CBD) (Entered: 08/23/2006)
08/23/2006	<u>85</u>	MOTION for Extension of Time to File Response/Reply as to <u>80</u> MOTION for Discovery by Brian Keith Moore by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher <i>with Response tendered as exhibit</i> (Attachments: # <u>1</u> Proposed Order Granting Motion for Enlargement of Time# <u>2</u> Exhibit Response to Plaintiff's Motion to Disclose Electrocution Protocol# <u>3</u> Exhibit Proposed Order Denying Plaintiff's Motion to Disclose Electrocution Protocol)(Cummings, John) (Entered: 08/23/2006)
08/25/2006	<u>86</u>	ORDER: 1) Moore's MOTION <u>19</u> for disclosure of Ky Dept of Corrections' execution protocol DENIED 2) Moore's motions – MOTION <u>10</u> and AMENDED MOTION <u>23</u> to disqualify Hon. Jeffrey Middendorf from representing defendants are DENIED. 3) Leonard's MOTION <u>36</u> to intervene as plaintiff-intervenor GRANTED and Clerk is directed to file his tendered complaint in record 4) Moore's MOTION <u>39</u> to strike parts of dfts' answer is DENIED 5) Moore's MOTION <u>40</u> to reply to dfts' answer is DENIED 6) dfts' MOTION(s) <u>41</u> and <u>46</u> for leave to file response to pltf's Motion for Preliminary Injunction are GRANTED and Clerk directed to file tendered response <u>42</u> into the record 7) Moore's MOTION <u>44</u> to grant preliminary injunction due to dfts' failure to respond is DENIED 8) Moore's MOTION <u>49</u> for leave to reply to dfts' response to Moore's Motion for preliminary injunction in excess of 15 pages is GRANTED 9) Susan Balliet's MOTION <u>73</u> to withdraw as attorney for Brian Keith Moore is GRANTED 10) dfts' MOTION <u>76</u> to strike pltf's sur-reply to dfts' reply to pltf's response in opposition to dfts' Motion to file out-of-time response is GRANTED. Signed by Judge Karen K. Caldwell. (NOTE: Order – pg 9 directs Clerk to strike sur-reply <u>74</u> from the record re: Motion <u>76</u> ) (CBD)cc: COR (Entered: 08/25/2006)
08/25/2006	<u>87</u>	INTERVENOR COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF, filed by Jeffrey Leonard against Rees, Simpson, Haas, Fletcher and Unknown Executioners.(CBD) <b>DISMISSED per Order [208</b> Modified text w/ language in bold on 3/20/2008 (CBD). (Entered: 08/25/2006)
08/25/2006	<u>88</u>	RESPONSE to Motion re <u>5</u> MOTION for Preliminary Injunction by Brian Keith Moore filed by Unknown Executioners, John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher. (CBD) (Entered: 08/25/2006)
08/25/2006	<u>89</u>	REPLY to Response to Motion re <u>5</u> MOTION for Preliminary Injunction by Brian Keith Moore filed by Brian Keith Moore. (Attachments: # <u>1</u> Exhibit 1 – USDC SDOH Order adted 4/28/2006# <u>2</u> Exhibit 2 – Franklin Cir. Ct KY Order dated 11/23/2004# <u>3</u> Exhibit 3 – USDC EDAR Order dated 6/26/2006 (Note – duplicate pg 1 of Order)# <u>4</u> Exhibit 4 – Morales v. Hickman, 415 F.Supp.2d 1037 (N.D.Cal. 2006)# <u>5</u> Exhibit 5 – 12/23/2003 response to open records request by Theodore Shouse# <u>6</u> Exhibit 6 – 8/3/2004 response to open records request by David M. Barron# <u>7</u> Exhibit 7 – USDC EDNC Order dated 4/7/2006# <u>8</u> Exhibit 8 – newspaper articles concerning execution of Joseph Clark# <u>9</u> Exhibit 9 – USDC

		WDMO docket sheet for civil action 05-4173# <u>10</u> Exhibit 10 – USDC WDMO Order dated 6/26/2006# <u>11</u> Exhibit 11 – USDC Maryland Declaration of Thomas M. Scalea in 06-cv-149)(CBD) (Entered: 08/25/2006)
08/25/2006		Clerk's Note: Docket Entries – <u>89</u> Reply to Response to Motion, <u>88</u> Response to Motion, <u>87</u> Intervenor Complaint filed pursuant to Order <u>86</u> . (CBD) (Entered: 08/25/2006)
08/28/2006	<u>90</u>	RESPONSE to Motion re <u>82</u> MOTION to Compel by Brian Keith Moore filed by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher. (Attachments: # <u>1</u> Proposed Order Plaintiff's Motion is Denied)(Cummings, John) (Entered: 08/28/2006)
08/28/2006	<u>91</u>	RESPONSE to Motion re <u>81</u> MOTION to Take Deposition from Jones, Bauer, Hiland, nurses, Simpson, Schomig, execution team, I.V. team, executioner by Brian Keith Moore filed by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher. (Attachments: # <u>1</u> Proposed Order Denying Plaintiff's Motion for Leave to Conduct Depositions)(Cummings, John) (Entered: 08/28/2006)
08/28/2006	<u>92</u>	MOTION for Extension of Time to File Response/Reply as to <u>83</u> MOTION to Compel by Brian Keith Moore by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher <i>To respond to Plaintiff's Motion to Compel Discovery under Rule 37</i> (Attachments: # <u>1</u> Proposed Order Granting Defendants' Motion for Extension of Time)(Cummings, John) (Entered: 08/28/2006)
08/29/2006	<u>93</u>	RESPONSE in Opposition re <u>85</u> MOTION for Extension of Time to File Response to <u>80</u> MOTION for Discovery (to disclose portions of KY's electrocution protocol) by Brian Keith Moore by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher filed by Jeffrey Leonard, Brian Keith Moore. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Exhibit – Tendered Reply to Response in Opposition to Motion to Disclose portions of Kentucky Department of Corrections' Electrocution Protocol)(CBD) (Entered: 08/29/2006)
08/29/2006		***MOTION SUBMITTED TO CHAMBERS of Caldwell for review: <u>85</u> MOTION for Extension of Time to File Response as to <u>80</u> MOTION for Discovery (to disclose portions of Ky's electrocution protocol) by Brian Keith Moore by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher (CBD) (Entered: 08/29/2006)
09/05/2006		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>92</u> MOTION for Extension of Time to File Response/Reply as to <u>83</u> MOTION to Compel by Brian Keith Moore by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher (AKR) (Entered: 09/05/2006)
09/08/2006	<u>94</u>	REPLY to Response to Motion re <u>82</u> MOTION to Compel by Brian Keith Moore filed by Brian Keith Moore. (Barron, David) (Entered: 09/08/2006)
09/08/2006	<u>95</u>	REPLY to Response to Motion re <u>81</u> MOTION to Take Deposition from Jones, Bauer, Hiland, nurses, Simpson, Schomig, execution team, I.V. team, executioner by Brian Keith Moore filed by Jeffrey Leonard, Brian Keith Moore. (Barron, David) (Entered: 09/08/2006)
09/11/2006		***MOTION SUBMITTED TO CHAMBERS of Pro Se/Judge Caldwell for review: <u>82</u> MOTION to Compel by Brian Keith Moore (CBD) (Entered: 09/11/2006)
09/11/2006		***MOTION SUBMITTED TO CHAMBERS of Pro Se/Judge Caldwell for review: <u>81</u> MOTION to Take Deposition from Jones, Bauer, Hiland, nurses, Simpson, Schomig, execution team, I.V. team, executioner by Brian Keith Moore (CBD) (Entered: 09/11/2006)
09/11/2006	<u>96</u>	REPLY to <u>93</u> <i>Plaintiff's Response in Opposition to Defendants' Motion</i> filed by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher. (Cummings, John) (Entered: 09/11/2006)
09/12/2006		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>85</u> MOTION for Extension of Time to File Response/Reply as to <u>80</u> MOTION for Discovery by Brian Keith Moore by John D. Rees, Thomas Simpson, Scott Haas,

		Ernie Fletcher (AKR) (Entered: 09/12/2006)
09/12/2006	<u>97</u>	RESPONSE to Motion re <u>83</u> MOTION to Compel by Brian Keith Moore filed by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher. (Attachments: # <u>1</u> Exhibit Deposition of Dr. Steve Hiland# <u>2</u> INCORRECT Proposed Order Denying Plaintiff's Motion to Compel Discovery)(Cummings, John) Modified text by adding INCORRECT in front of attachment proposed order on 9/13/2006 (Ratliff, Kay). Additional attachment(s) added on 9/14/2006 (Ratliff, Kay). (Entered: 09/12/2006)
09/13/2006	<u>98</u>	NOTICE OF FILING by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher re <u>97</u> Response to Motion, <i>Corrected Proposed Order</i> (Attachments: # <u>1</u> Proposed Order Denying Plaintiff's Motion to Compel Discovery Under Rule 37)(Cummings, John) (Entered: 09/13/2006)
09/13/2006		***FILE SUBMITTED TO CHAMBERS of Pro Se for review pursuant to Judge Caldwell's chambers. (AKR) (Entered: 09/13/2006)
09/13/2006		Clerk's Note: KKC chambers advises that Pro Se Clerk will be handling this case and matters should be submitted to Pro Se. (AKR) (Entered: 09/13/2006)
09/13/2006		Clerk's Note: Counsel advised Clerk that the proposed order attached to <u>97</u> Response to Motion was the incorrect PDF document. Counsel advised to file the correct PDF Proposed Order to a Notice of Filing. (AKR) (Entered: 09/13/2006)
09/13/2006		NOTICE OF DEFICIENCY TO J. Cummings re <u>97</u> Response to Motion ; the attached proposed order was the wrong PDF image; Error by Attorney; Attorney shall file the correct proposed order as an attachment to a Notice of Filing within 3 business days. cc: COR (AKR) (Entered: 09/13/2006)
09/18/2006	<u>99</u>	ANSWER to Intervenor Complaint by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher.(Cummings, John) (Entered: 09/18/2006)
10/03/2006		***MOTION SUBMITTED TO CHAMBERS of Pro Se/ KKC for review: <u>83</u> MOTION to Compel by Brian Keith Moore by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher, AND REALTED MOTION <u>92</u> MOTION for Extension of Time to File Reply as to <u>83</u> MOTION to Compel by Brian Keith Moore (CBD) (Entered: 10/03/2006)
11/27/2006	<u>100</u>	<i>EMERGENCY</i> MOTION to Intervene by Thomas Clyde Bowling (Attachments: # <u>1</u> Exhibit Federal dist. ct. opinion in Taylor v. Crawford# <u>2</u> Exhibit intervenor complaint# <u>3</u> Proposed Order proposed order granting motion to intervene)(Barron, David) Modified text to state "Emergency" on 11/28/2006 (Dearborn, Christy). (Entered: 11/27/2006)
11/27/2006	<u>101</u>	<i>EMERGENCY</i> MOTION to Intervene by Ralph Baze (Attachments: # <u>1</u> Exhibit Fed dist. ct. opinion in Taylor v. Crawford# <u>2</u> Exhibit Intervenor Complaint# <u>3</u> Proposed Order granting motion to intervene)(Barron, David) Modified text to state "Emergency" on 11/28/2006 (Dearborn, Christy). (Entered: 11/27/2006)
11/27/2006	<u>102</u>	RESPONSE to Motion re <u>100</u> MOTION to Intervene by Thomas Clyde Bowling filed by Brian Keith Moore. (Barron, David) (Entered: 11/27/2006)
11/27/2006	<u>103</u>	RESPONSE to Motion re <u>101</u> MOTION to Intervene by Ralph Baze filed by Brian Keith Moore. (Barron, David) (Entered: 11/27/2006)
11/27/2006	<u>104</u>	NOTICE OF APPEARANCEof <i>John Palombi on behalf of Thomas Clyde Bowling, Intervenor Plaintiff</i> by Thomas Clyde Bowling.(Palombi, John) (Entered: 11/27/2006)
11/27/2006	<u>105</u>	RESPONSE to Motion re <u>100</u> MOTION to Intervene by Thomas Clyde Bowling filed by Jeffrey Leonard. (Barron, David) (Entered: 11/27/2006)
11/27/2006	<u>106</u>	NOTICE OF APPEARANCEof <i>John Palombi on behalf of Ralph Baze, Intervenor Plaintiff</i> by Ralph Baze.(Palombi, John) (Entered: 11/27/2006)
11/27/2006	<u>107</u>	RESPONSE to Motion re <u>101</u> MOTION to Intervene by Ralph Baze filed by Jeffrey Leonard. (Barron, David) (Entered: 11/27/2006)



11/28/2006		NOTICE OF DEFICIENCY TO J. Palombi re <u>106</u> NOTICE OF APPEARANCE, <u>104</u> NOTICE OF APPEARANCE ; attorney failed to provide certificate of service with both pleadings <b>and</b> page two of both pleadings is blank. Attorney advised that each pleading must have a certificate of service.; <b><u>Attorney shall file the certificate of service and missing page two filed as attachments to a pleading styled "Notice of Filing" within 3 business days.</u></b> (cc: COR) (CBD) (Entered: 11/28/2006)
11/28/2006		NOTICE OF DOCKET MODIFICATION TO D. Barron re <u>101</u> MOTION to Intervene by Ralph Baze, <u>100</u> MOTION to Intervene by Thomas Clyde Bowling ; <b>Error:</b> the pleadings were not accurately described; Entry made by attorney; <b>Correction:</b> Clerk has modified the docket text to state "EMERGENCY." In future filings, attorney is advised to enter additional text into the optional text box to reflect the caption of the pleading; No further action required by counsel. (cc: COR) (CBD) (Entered: 11/28/2006)
11/28/2006		***FILE SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>101</u> EMERGENCY MOTION to Intervene by Ralph Baze, <u>100</u> EMERGENCY MOTION to Intervene by Thomas Clyde Bowling (CBD) (Entered: 11/28/2006)
12/01/2006	<u>108</u>	NOTICE OF FILING by Ralph Baze re <u>106</u> NOTICE OF APPEARANCE (Attachments: # <u>1</u> Exhibit Certificate of Service)(Palombi, John) (Entered: 12/01/2006)
12/01/2006	<u>109</u>	NOTICE OF FILING by Thomas Clyde Bowling re <u>104</u> NOTICE OF APPEARANCE (Attachments: # <u>1</u> Exhibit Certificate of Service)(Palombi, John) (Entered: 12/01/2006)
12/01/2006	<u>110</u>	MOTION for Discovery by Brian Keith Moore <i>Second Motion for leave to conduct depositions</i> (Attachments: # <u>1</u> Proposed Order granting second motion for leave to conduct depositions)(Barron, David) (Entered: 12/01/2006)
12/01/2006	<u>111</u>	RESPONSE in Opposition re <u>101</u> MOTION to Intervene by Ralph Baze, <u>100</u> MOTION to Intervene by Thomas Clyde Bowling filed by Unknown Executioners, John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher. (Attachments: # <u>1</u> Exhibit 1 – Complaint in Case No. 04–CI–1094# <u>2</u> Exhibit 2 – Opinion and Order in Case No. 2005–SC–000162–OA# <u>3</u> Exhibit 3 – Opinion of the Court in Appeal No. 2005–SC–0543–MR# <u>4</u> Proposed Order Denying Motions to Intervene of Baze and Bowling)(Cummings, John) (Entered: 12/01/2006)
12/04/2006	<u>112</u>	REPLY to Response to Motion re <u>101</u> MOTION to Intervene by Ralph Baze filed by Ralph Baze. (Attachments: # <u>1</u> Exhibit Exhibit 1: Defendants' Motion to Dismiss in Baze v. Rees# <u>2</u> Exhibit Exhibit 2: Franklin Circuit Court Order in Baze v. Rees Denying Defendants' Motion to Dismiss# <u>3</u> Exhibit Exhibit 3: Franklin Circuit Court Order in Baze v. Rees granting motion to stay Bowling's Nov. 30, 2004 execution)(Barron, David) (Entered: 12/04/2006)
12/04/2006	<u>113</u>	REPLY to Response to Motion re <u>100</u> MOTION to Intervene by Thomas Clyde Bowling filed by Thomas Clyde Bowling. (Attachments: # <u>1</u> Exhibit 1: Defendants' Motion to Dismiss in Baze v. Rees# <u>2</u> Exhibit 2: Franklin Circuit Court Order in Baze v. Rees Denying Defendants' Motion to Dismiss# <u>3</u> Exhibit 3: Franklin Circuit Court Staying Bowling's November 30, 2004 Execution)(Barron, David) (Entered: 12/04/2006)
12/05/2006		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>101</u> Emergency MOTION to Intervene by Ralph Baze (AKR) (Entered: 12/05/2006)
12/05/2006		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>100</u> Emergency MOTION to Intervene by Thomas Clyde Bowling (AKR) (Entered: 12/05/2006)
12/05/2006	<u>114</u>	EMERGENCY MOTION for Leave by Ralph Baze <i>to supplement reply to response to motion to intervene</i> (Attachments: # <u>1</u> Exhibit 1: Henderson's reply on motion to stay execution in Sixth Circuit# <u>2</u> Exhibit 2: Dec. 4, 2006 en banc order of Sixth Circuit in Henderson v. Taft# <u>3</u> Exhibit 3: Ohio's motion in SCOTUS to vacate stay of execution# <u>4</u> Exhibit 4: Henderson's response in SCOTUS opposing motion to vacate stay of execution# <u>5</u> Exhibit 5: Dec. 4, 2006 SCOTUS order in Taft v. Henderson# <u>6</u> Proposed Order Exhibit 6: proposed order granting Baze's

		motion to supplement reply)(Barron, David) (Entered: 12/05/2006)
12/05/2006	<u>115</u>	EMERGENCY MOTION for Leave by Thomas Clyde Bowling <i>to supplement reply to response opposing motion to intervene</i> (Attachments: # <u>1</u> Exhibit 1: Henderson's reply to motion for stay of execution in Sixth Circuit# <u>2</u> Exhibit 2: Dec. 4, 2006 en banc order of Sixth Circuit in Henderson v. Taft# <u>3</u> Exhibit 3: Ohio's motion in SCOTUS to vacate Henderson's stay of execution# <u>4</u> Exhibit 4: Henderson's response in SCOTUS opposing motion to vacate stay of execution# <u>5</u> Exhibit 5: Dec. 4, 2006 United States Supreme Court order in Taft v. Henderson refusing to vacate stay of execution# <u>6</u> Proposed Order Exhibit 6: proposed order granting Bowling's motion to supplement reply)(Barron, David) (Entered: 12/05/2006)
12/06/2006		Clerk's Note: Called counsel's ofc and confirmed that Motions <u>115</u> EMERGENCY MOTION for Leave by Thomas Clyde Bowling, and <u>114</u> EMERGENCY MOTION for Leave by Ralph Baze are "Emergency" motions as this was not stated in caption of either pleading. (CBD) (Entered: 12/06/2006)
12/06/2006		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>115</u> EMERGENCY MOTION for Leave to Supplement Reply by Thomas Clyde Bowling, <u>114</u> EMERGENCY MOTION for Leave by Ralph Baze to Supplement Reply (CBD) (Entered: 12/06/2006)
12/06/2006	<u>116</u>	RESPONSE in Opposition re <u>114</u> EMERGENCY MOTION for Leave by Ralph Baze, <u>115</u> EMERGENCY MOTION for Leave by Thomas Clyde Bowling <i>to Supplement Replies of Ralph Baze and Thomas C. Bowling</i> filed by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher. (Attachments: # <u>1</u> Exhibit A – Slip Copy, 2006 WL 3043116 (S.D.Ohio)# <u>2</u> Proposed Order Denying Motions for Leave to Supplement Reply of Ralph Baze and Thomas Bowling)(Cummings, John) Modified text by adding description of exhibit A on 12/7/2006 (Ratliff, Kay). (Entered: 12/06/2006)
12/06/2006	<u>117</u>	REPLY to Response to Motion re <u>114</u> EMERGENCY MOTION for Leave by Ralph Baze <i>to supplement reply to response opposing Baze's motion to intervene</i> filed by Ralph Baze. (Barron, David) (Entered: 12/06/2006)
12/06/2006	<u>118</u>	REPLY to Response to Motion re <u>115</u> EMERGENCY MOTION for Leave by Thomas Clyde Bowling <i>to supplement reply to response opposing Bowling's intervention</i> filed by Thomas Clyde Bowling. (Barron, David) (Entered: 12/06/2006)
12/07/2006		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>115</u> EMERGENCY MOTION for Leave by Thomas Clyde Bowling, <u>114</u> EMERGENCY MOTION for Leave by Ralph Baze (AKR) (Entered: 12/07/2006)
12/07/2006		NOTICE OF DOCKET MODIFICATION TO J. Cummings re <u>116</u> Response in Opposition to Motion ; Error: attachment was insufficiently described as "Exhibit A"; Entry made by attorney; Correction: the Clerk has renamed the attachment. <b>It is necessary that all attachments are adequately described. ex: Exhibit A (incorrect); Exhibit A – Affidavit of John Doe (correct); No further action required by counsel.</b> cc: COR (AKR) (Entered: 12/07/2006)
12/08/2006	<u>119</u>	ORDER: 1) Proposed intervenors Baze and Bowling shall file, on or before 1/5/2007, a single, combined supplemental memo., not to exceed 20 pgs, addressing solely any potential application of the Rooker–Feldman doctrine 2) dfts shall file, on or before 1/22/2007, a supplemental memo in response, not to exceed 20 pgs, addressing solely this issue 3) No other or further briefing shall be permitted unless directed by Order of the Court. The matter shall stand submitted for decision upon filing of the dfts' response. Signed by Judge Karen K. Caldwell. (CBD)cc: COR (Entered: 12/08/2006)
12/08/2006	<u>120</u>	NOTICE OF MANDATORY ECF DIRECTED TO Marguerite Neill Thomas, a non–registered attorney re <u>119</u> Order – had to be MAILED TO a non–registered attorney, which is in direct violation of this court's General Orders re: Mandatory ECF. <b>Failure to comply will result in this matter being submitted to the Chief Judge.</b> (cc: COR) (CBD) (Entered: 12/08/2006)

12/08/2006		Clerk's Note: ECF Registration form mailed to Marguerite Neill Thomas w/ <u>120</u> ECF Mandatory Notice this date. (CBD) (Entered: 12/08/2006)
12/13/2006	<u>121</u>	Prisoner Receipt For ORIGINAL Filing Fee; Receipt Number 127559; Balance \$ 345.50; Amt Pd 10.00; Into Acct: 5100PL; Balance Due \$335.50 (CBD) (Entered: 12/15/2006)
12/18/2006	<u>122</u>	RESPONSE in Opposition re <u>110</u> MOTION for Discovery by Brian Keith Moore <i>Second Motion for Leave to Conduct Depositions</i> filed by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher. (Attachments: # <u>1</u> Proposed Order Denying Plaintiff's Second Motion for Leave to Conduct Depositions)(Cummings, John) (Entered: 12/18/2006)
12/20/2006	<u>123</u>	REPLY to Response to Motion re <u>110</u> MOTION for Discovery by Brian Keith Moore <i>Moore's Second Motion to Take Depositions</i> filed by Brian Keith Moore. (Barron, David) (Entered: 12/20/2006)
12/21/2006		***MOTION SUBMITTED TO CHAMBERS of Pro Se Law Clerk/Judge Caldwell for review: <u>110</u> MOTION for Discovery ( <i>Second Motion for leave to conduct depositions</i> ) by Brian Keith Moore (CBD) (Entered: 12/21/2006)
12/28/2006	<u>124</u>	NOTICE OF FILING by Jeffrey Leonard <i>Prison Grievance Rejection Notice</i> (Attachments: # <u>1</u> Exhibit Leonard's Grievance Rejection Notice)(Barron, David) (Entered: 12/28/2006)
12/28/2006	<u>125</u>	NOTICE OF FILING by Thomas Clyde Bowling re <u>100</u> MOTION to Intervene by Thomas Clyde Bowling <i>Bowling's Notice of Filing of Prison Grievance Rejection Notice</i> (Attachments: # <u>1</u> Exhibit Bowling's Grievance Rejection Notice)(Barron, David) (Entered: 12/28/2006)
12/28/2006	<u>126</u>	RALPH BAZE AND THOMAS CLYDE BOWLING'S BRIEF ON THE APPLICATION OF THE <i>ROOKER-FELDMAN DOCTRINE</i> TO THEIR MOTIONS TO INTERVENE – NOTICE OF FILING by Thomas Clyde Bowling, Ralph Baze re <u>119</u> Order,,, <u>101</u> MOTION to Intervene by Ralph Baze, <u>100</u> MOTION to Intervene by Thomas Clyde Bowling <i>Baze and Bowling Supp. Memo App. Rooker/Feldman to intervene, ordered 12/8</i> (Attachments: # <u>1</u> Exhibit Complaint under 42 U.S.C. 1983 filed in Hill v. Crosby)(Barron, David) Modified text to better describe caption of document on 12/29/2006 (Dearborn, Christy). (Entered: 12/28/2006)
01/22/2007	<u>127</u>	RESPONSE BRIEF to <u>119</u> <i>Rooker–Feldman Doctrine</i> filed by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher. (Attachments: # <u>1</u> Proposed Order dismissing action with prejudice)(Harris–Ray, Holly) Additional attachment(s) added on 1/23/2007 (Ratliff, Kay). (Entered: 01/22/2007)
01/22/2007	<u>128</u>	NOTICE OF FILING by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher re <u>127</u> RESPONSE BRIEF (Attachments: # <u>1</u> Exhibit 1 Findings of Fact, Conclusions of Law Civil Action No. 04–CI–01094# <u>2</u> Exhibit 2 Supreme Court Opinion Case No. 2005–SC–0543–MR)(Harris–Ray, Holly) (Entered: 01/22/2007)
01/23/2007	<u>129</u>	MOTION to Strike <u>128</u> Notice of Filing,, <u>127</u> RESPONSE BRIEF, by Jeffrey Leonard, Brian Keith Moore (Attachments: # <u>1</u> Proposed Order Granting Moore and Leonard's motion to strike part of Defendants' Rooker–Feldman Memorandum)(Barron, David) (Entered: 01/23/2007)
01/25/2007	<u>130</u>	MOTION for Leave by Jeffrey Leonard, Brian Keith Moore <i>Moore &amp; Leonard Motion to File Response Defendants' RookerFeldman Memo</i> (Attachments: # <u>1</u> Proposed Order granting Moore and Leonard motion to file response to Defendants' Rooker–Feldman memorandum# <u>2</u> Exhibit Tendered Response by Moore and Leonard to Defendants' Rooker–Feldman Memorandum# <u>3</u> Proposed Order denying Defendants' Request to Apply Rooker–Feldman Doctrine to Moore and Leonard)(Barron, David) (Entered: 01/25/2007)
02/12/2007	<u>131</u>	RESPONSE in Opposition re <u>129</u> MOTION to Strike <u>128</u> Notice of Filing,, <u>127</u> RESPONSE BRIEF, by Jeffrey Leonard, Brian Keith Moore filed by Unknown Executioners, John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher. (Attachments: # <u>1</u> Proposed Order Denying Plaintiffs Moore's and Leonard's Motion to Strike Portions of Defendants' Rooker–Feldman

		Memorandum)(Cummings, John) (Entered: 02/12/2007)
02/12/2007	<u>132</u>	RESPONSE in Opposition re <u>130</u> MOTION for Leave by Jeffrey Leonard, Brian Keith Moore to <i>File Response Defendants' RookerFeldman Memo</i> filed by Unknown Executioners, John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher. (Attachments: # <u>1</u> Proposed Order Denying Plaintiffs Moore's and Leonard's Joint Motion for Leave to File a Response to Defendants' Rooker–Feldman Memorandum)(Cummings, John) Modified text w/ language italics to better describe doc. on 2/13/2007 (Dearborn, Christy). (Entered: 02/12/2007)
02/14/2007	<u>133</u>	REPLY to Response to Motion re <u>129</u> MOTION to Strike <u>128</u> Notice of Filing,, <u>127</u> RESPONSE BRIEF, by Jeffrey Leonard, Brian Keith Moore <i>Reply to Response opposing Plaintiff motion strike Def. Rooker–Feldman brief</i> filed by Jeffrey Leonard, Brian Keith Moore. (Barron, David) (Entered: 02/14/2007)
02/14/2007	<u>134</u>	REPLY to Response to Motion re <u>130</u> MOTION for Leave by Jeffrey Leonard, Brian Keith Moore <i>Reply to Response opposing Plaintiffs motion file resp. Def. Rooker brief</i> filed by Jeffrey Leonard, Brian Keith Moore. (Barron, David) (Entered: 02/14/2007)
02/15/2007		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>129</u> MOTION to Strike <u>128</u> Notice of Filing,, <u>127</u> RESPONSE BRIEF, by Jeffrey Leonard, Brian Keith Moore (AKR) (Entered: 02/15/2007)
02/15/2007		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>130</u> MOTION for Leave to File Response by Jeffrey Leonard, Brian Keith Moore (AKR) (Entered: 02/15/2007)
03/05/2007	<u>135</u>	MOTION for Leave to File by Jeffrey Leonard, Brian Keith Moore <i>brief on application of Cooley case to statute of limitation defense</i> (Attachments: # <u>1</u> Exhibit United States v. Swan (D. Neb. 2004)# <u>2</u> Proposed Order granting leave to brief application of Cooley v. Strickland to S/L)(Barron, David) (Entered: 03/05/2007)
03/14/2007	<u>136</u>	Prisoner Receipt For ORIGINAL Filing Fee; Receipt Number 128684; Balance \$ 335.50; Amt Pd 24.00; Into Acct: 5100PL; Balance Due \$311.50 (CBD) (Entered: 03/15/2007)
03/19/2007	<u>137</u>	MOTION to Intervene by Roger Dale Epperson <i>Epperson motion to intervene in Moore v.</i> (Attachments: # <u>1</u> Exhibit Epperson tendered intervenor complaint# <u>2</u> Proposed Order granting Epperson's motion to intervene in Moore v. Rees)(Barron, David) (Entered: 03/19/2007)
03/23/2007	<u>138</u>	RESPONSE in Opposition re <u>135</u> MOTION for Leave to File by Jeffrey Leonard, Brian Keith Moore to <i>file brief on application of Cooley case to statute of limitation defense</i> filed by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher. (Attachments: # <u>1</u> Proposed Order denying Plaintiffs' Joint Motion for Leave to File Brief)(Cummings, John) (Entered: 03/23/2007)
03/30/2007	<u>139</u>	MEMORANDUM OPINION & ORDER: 1. Moore's Motion for a preliminary injunction <u>5</u> barring Dfts from carrying out his execution is <b>DENIED</b> . 2. Moore's motion for the Court to reconsider it prior order quashing deposition subpoena for KY Gov Ernie Fletcher <u>54</u> is <b>DENIED</b> . 3. Dfts' motion for an extension of time to file their response to Moore's mtn to compel them to disclose electrocution protocol <u>85</u> is <b>GRANTED</b> . The Clerk of Court is directed to file the tendered response into the record. 4. Moore's motion to compel Dfts to disclose KY's electrocution protocol <u>80</u> is <b>DENIED</b> . 5. Moore's motions for permission to dispose Dft execution team members <u>81 110</u> are <b>GRANTED</b> . 6. Dfts' motion for an extension of time to file their response to Moore's motion to compel discovery <u>92</u> is <b>GRANTED</b> . The Clerk of Court is directed to file the tendered response into the record. 7. Moore's motion to compel the Dfts to gather data during their attempts to draw blood from Moore <u>82</u> is <b>DENIED</b> . 8. Moore's motion to compel the Dfts to provide answers to his discovery requests <u>83</u> is <b>GRANTED in PART and DENIED in PART</b> . 9. The parties shall file briefs addressing solely those issues identified in Section VII of this Memorandum as follows: Plf, Moore's brief is due on or before 4/18/07; Dfts' brief is due on or before 5/16/07; Plf, Moore's reply is due on or before 5/30/07. No other or further briefing shall be permitted

		unless directed by Order of Court. The matter will stand submitted for decision upon filing of Moore's reply. 10. All forms of discovery in this action shall be stayed pending further orders of the Court. Signed by Judge Karen K. Caldwell. (AKR)cc: COR (Entered: 03/30/2007)
04/02/2007	<u>140</u>	RESPONSE to <u>80</u> MOTION for Discovery to <i>Disclose Electrocution Protocol</i> filed by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher. <b>FILED oer Order <u>139</u></b> (Attachments: # <u>1</u> Proposed Order)(CBD) (Entered: 04/02/2007)
04/02/2007		Clerk's Note re item #6 of <u>139</u> Memorandum Opinion & Order directing Clerk "to file the tendered response into the record" : Response was not tendered w/ Motion <u>92</u> . Said response was filed on record at DE <u>97</u> . (CBD) (Entered: 04/02/2007)
04/05/2007	<u>141</u>	RESPONSE in Opposition re <u>137</u> MOTION to Intervene by Roger Dale Epperson filed by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher. (Attachments: # <u>1</u> Proposed Order Denying Roger Dale Epperson's Motion to Intervene)(Cummings, John) Additional attachment(s) added on 4/9/2007 (Ratliff, Kay). (Entered: 04/05/2007)
04/05/2007	<u>142</u>	REPLY to Response to Motion re <u>137</u> MOTION to Intervene by Roger Dale Epperson <i>Epperson's reply to Def. Response Opposing Epperson's Motion Intervene</i> filed by Roger Dale Epperson. (Attachments: # <u>1</u> Exhibit KY Supreme Ct. docket sheet in Epperson v. Commonwealth)(Barron, David) Additional attachment(s) added on 4/17/2007 (Ratliff, Kay). (Entered: 04/05/2007)
04/06/2007		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>137</u> MOTION to Intervene by Roger Dale Epperson (CBD) (Entered: 04/06/2007)
04/06/2007	<u>143</u>	NOTICE OF FILING by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher re <u>141</u> Response in Opposition to Motion, (Attachments: # <u>1</u> Affidavit of Sharon Brassfield)(Cummings, John) (Entered: 04/06/2007)
04/06/2007		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>135</u> MOTION for Leave to File by Jeffrey Leonard, Brian Keith Moore (AKR) (Entered: 04/06/2007)
04/16/2007	<u>144</u>	MOTION for Leave by Roger Dale Epperson <i>to file supplemental reply to Def. response opposing Epperson intervening</i> (Attachments: # <u>1</u> Exhibit supplemental reply to Def. response opposing Epperson intervention# <u>2</u> Exhibit Epperson Grievance rejection notice# <u>3</u> Proposed Order proposed order granting Epperson leave supplemental reply on intervention)(Barron, David) (Entered: 04/16/2007)
04/16/2007	<u>145</u>	NOTICE OF FILING by Roger Dale Epperson re <u>142</u> Reply to Response to Motion,, <u>141</u> Response in Opposition to Motion,, <u>143</u> Notice of Filing <i>Prison Grievance Rejection Notice</i> (Attachments: # <u>1</u> Exhibit Epperson's Grievance Rejection Notice)(Barron, David) (Entered: 04/16/2007)
04/18/2007	<u>146</u>	BRIAN KEITH MOORE'S MEMORANDUM OF LAW ON WHETHER HIS "BAD VEINS" PREVENT HIS EXECUTION AND WHETHER THE STATUTE OF LIMITATIONS BARS HIS CLAIMS (BRIEF) by Brian Keith Moore re <u>139</u> Memorandum Opinion & Order <i>Moore's Memo of Law on Whether Bad Veins Prevent his Execution and on S/L</i> (Attachments: # <u>1</u> Exhibit Declaration of Dr. Mark Heath# <u>2</u> Exhibit Curriculum vitae of Dr. Mark Heath# <u>3</u> Exhibit Complaint in Coeey v. Taft# <u>4</u> Exhibit Notice that exhibit 4 -- 1999 execution protocol being filed under seal# <u>5</u> Exhibit Defendants' Response to Production of Documents and Interrogatories in Baze v. Rees# <u>6</u> Exhibit In re Harding/Dept. Corrections# <u>7</u> Exhibit Dec. 23, 2003 Response to Open Records Request by Ted Shouse# <u>8</u> Exhibit Aug 3, 2004 Response to Open Records Request by David M. Barron# <u>9</u> Exhibit April 7, 2006 Response to Open Records Request by David M. Barron# <u>10</u> Exhibit Notice that exhibit 10 -- 2004 execution protocol is being filed under seal# <u>11</u> Exhibit Notice that exhibit 11 -- 2004 revised execution protocol is being filed under seal# <u>12</u> Exhibit Oct. 24, 2004 Order in Baze v. Rees# <u>13</u> Exhibit Defendants' Notice of Filing of Unredacted Execution protocol under seal in Baze v. Rees# <u>14</u> Exhibit Order and Opinion in Baze v. Rees, dated Feb. 11, 2005# <u>15</u> Exhibit notice that exhibit 15 -- 2006 execution protocol is being filed under seal# <u>16</u> Exhibit Notice of Agreed Substitution of Counsel in Moore v. Simpson# <u>17</u> Exhibit Order in Harbison v. Little# <u>18</u> Exhibit List of chemicals and equipment on

		Banyan Stat Kit 700 crash cart# <u>19</u> Exhibit Lethal injection IV Site Placement form for execution of Edward Harper# <u>20</u> Exhibit Excerpts from Deposition of Haerberlin in Baze v. Rees)(Barron, David) Modified text to include "RESPONSE BRIEF" on 4/19/2007 (Ratliff, Kay). Modified text to better describe document on 5/18/2007 (Dearborn, Christy). (SEALED Exhibits 4, 10, 11 & 15 SEP VOL – filed per Order <u>206</u> ) Modified text on 3/17/2008 (CBD). (Entered: 04/18/2007)
04/18/2007	<u>147</u>	MOTION for leave to file under Seal Kentucky Execution Protocols (Exhibits 4, 10, 11 & 15 to DE <u>146</u> ) re <u>139</u> Memorandum Opinion & Order, <u>146</u> Response Brief, by Brian Keith Moore <i>Motion to File Kentucky Execution Protocols Under Seal (Exhibits 4, 10, 11 &amp; 15 to DE 146)</i> (Attachments: # <u>1</u> Proposed Order granting motion to file execution protocols under seal)(Barron, David) Modified text to better describe document on 4/20/2007 (Dearborn, Christy). (Entered: 04/18/2007)
04/18/2007	<u>148</u>	MOTION for Leave by Jeffrey Leonard <i>Leonard's Motion to Allow Case to Proceed Moore's Complaint is Dismissed</i> (Attachments: # <u>1</u> Proposed Order denying as moot Leonard's motion to allow case to proceed if Moore's Complaint is Dismissed# <u>2</u> Proposed Order granting Leonard's motion to allow case to proceed if Moore's Complaint is Dismissed)(Barron, David) (Entered: 04/18/2007)
04/19/2007		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>147</u> MOTION to Seal Document <u>139</u> Memorandum Opinion & Order, Terminate Motions, Set Motion and RRDeadlines/Hearings,,,,,, <u>146</u> Notice of Filing,,,,, by Brian Keith Moore (AKR) (Entered: 04/19/2007)
04/19/2007		NOTICE OF DOCKET MODIFICATION TO D. Barron re <u>146</u> Notice of Filing; Error: Attorney incorrectly filed this pleading as a Notice of Filing; Entry made by attorney; Correction: Clerk has modified the docket text of <u>146</u> to state "RESPONSE BRIEF". <b>In the future, the attorney is advised to contact the ECF help desk if assistance is needed in choosing the correct event for filing;</b> No further action required by counsel. cc: COR (AKR) (Entered: 04/19/2007)
04/20/2007		Clerk's Note: 4/18/2007 Clerk rec'd Tendered Sealed Exhibits (Exhibit 4, 10, 11, 15 to <u>146</u> Response Brief) re <u>147</u> MOTION for leave to file under Seal Kentucky Execution Protocols. Tendered documents will be maintained under seal in Clerk ofc.(CBD) (Entered: 04/20/2007)
05/04/2007	<u>149</u>	RESPONSE to Motion re <u>144</u> MOTION for Leave by Roger Dale Epperson filed by Unknown Executioners, John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher. (Attachments: # <u>1</u> Proposed Order denying Epperson's Motion to file supplemental reply to Def's Response to motion to intervene.)(Cummings, John) (Entered: 05/04/2007)
05/07/2007	<u>150</u>	RESPONSE in Opposition re <u>148</u> MOTION for Leave by Jeffrey Leonard <i>to allow case to proceed on his behalf if Moore's complaint is dismissed</i> filed by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher. (Attachments: # <u>1</u> Proposed Order)(Cummings, John) Modified text to include description of attachment on 5/8/2007 (Ratliff, Kay). (Entered: 05/07/2007)
05/08/2007		NOTICE OF DOCKET MODIFICATION TO J. Cummings re <u>150</u> Response in Opposition to Motion ; Error: attachment was not described; Entry by attorney; Correction: the Clerk has renamed the attachment. <b>It is necessary that all attachments are adequately described. ex: Exhibit A (incorrect); Exhibit A – Affidavit of John Doe (correct);</b> No further action required by attorney. cc: COR (AKR) (Entered: 05/08/2007)
05/08/2007	<u>151</u>	REPLY to Response to Motion re <u>148</u> MOTION for Leave by Jeffrey Leonard <i>case proceeding on behalf of Leonard if Moore's Complaint dismissed</i> filed by Jeffrey Leonard. (Barron, David) (Entered: 05/08/2007)
05/08/2007	<u>152</u>	NOTICE by Jeffrey Leonard <i>Leonard's Notice of Withdrawal of Allegation in his Complaint</i> (Barron, David) (Entered: 05/08/2007)
05/09/2007		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>148</u> MOTION for Leave to allow case to proceed if Court dismisses Moore's Complaint by Jeffrey Leonard (AKR) (Entered: 05/09/2007)

05/16/2007	<u>153</u>	MOTION for Extension of Time by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher <i>TO FILE DEFENDANTS' BRIEF PURSUANT TO COURTS MARCH 30, 2007 ORDER</i> (Attachments: # <u>1</u> Proposed Order GRANTING Defendants' Motion for Extension of Time# <u>2</u> Memorandum in Support of Defendants' Motion for Extension of Time)(Cummings, John) (Entered: 05/16/2007)
05/17/2007	<u>154</u>	BRIEF ADDRESSING ISSUES IDENTIFIED IN THE COURT'S MEMORANDUM OPINION AND ORDER ENTERED MARCH 30, 2007 (Response to <u>139</u> ) <i>Brief Addressing Issues Identified in March 30, 2007 Order</i> filed by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher. (Attachments: # <u>1</u> Exhibit 1 – Findings of Fact# <u>2</u> Exhibit 2 – Opinion of the Court# <u>3</u> Exhibit 3 – ODRC policy 001–09 effective 11–21–01# <u>4</u> Exhibit 4 – ODRC policy effective 7–17–03# <u>5</u> Exhibit 5 – ODRC policy effective 10–11–06# <u>6</u> Exhibit 6 – CPP 9.5 effective 12–17–98# <u>7</u> Exhibit 7 – ODRC letter dated 11–19–02# <u>8</u> Exhibit 8 – ODRC letter date 5–30–02# <u>9</u> Exhibit 9 – DOC letter dated 5–14–02# <u>10</u> Exhibit 10 – Open Records letter 8–03–04)(Cummings, John) <b>SEE DE <u>155</u> for Exhibits <u>11–5</u></b> Modified text to better describe document and add link to Cont Exh.s at DE 155 on 5/18/2007 (Dearborn, Christy). (Entered: 05/17/2007)
05/17/2007	<u>155</u>	CONTINUED EXHIBITS to <u>154</u> (Response to <u>154</u> ) <i>CONTINUED EXHIBITS 11 – 15 TO DOCUMENT NUMBER 154, DEFENDANTS' BRIEF</i> filed by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher. (Attachments: # <u>1</u> Exhibit 11 – Cleveland Plain Dealer article# <u>2</u> Exhibit 12 – Lexington Herald Leader Article# <u>3</u> Exhibit 13 – Response in Baze and Bowling v. Rees# <u>4</u> Exhibit 14 – Deposition of Richard Pershing# <u>5</u> Exhibit 15 – Deposition of Warden Glenn Haeberlin)(Cummings, John) Modified text to better describe document on 5/18/2007 (Dearborn, Christy). Additional attachment(s) added on 5/18/2007 (Dearborn, Christy). (Entered: 05/17/2007)
05/18/2007	<u>156</u>	ORDER: Motion <u>153</u> is granted. Dfts are granted an ext of time to &including 5/17/2007, to file their Brief addressing the issues identified in Court's Memorandum Opnion and Order <u>139</u> of 3/30/2007. Signed by Judge Karen K. Caldwell. (CBD)cc: COR (Entered: 05/18/2007)
05/18/2007		NOTICE OF DOCKET MODIFICATION TO John Cummings re <u>155</u> Continued Exhibits 10 DE 154; <b>Error 1:</b> Exhibit 15 exceeds the 2MB size limit; Entry by attorney; Correction: Clerk has separated the PDF image into two segments, each less than 2MB and entered the corrected exhibit as separate attachments identified as Exhibits 15–1 and 15–2. Counsel is reminded that large documents may not upload properly into ECF or download within a reasonable amount of time, therefore, documents over 2MB must be broken down into 2MB or less segments. <b>Error 2:</b> All pages of Exhibit 12 and pages 7–9 of Exhibit 13 were sideways; Entry by attorney; Correction: Clerk has rotated the pages and entered the corrected documents as separate attachments. At the browse screen within ECF, the attorney should always open and view each PDF document before proceeding with the filing. <u>No further action required by counsel.</u> cc: COR (CBD) (Entered: 05/18/2007)
05/21/2007		***MOTION SUBMITTED TO CHAMBERS of Pro Se for review: <u>144</u> MOTION for Leave to file supplemental reply to Def. response opposing Epperson intervening by Roger Dale Epperson (CBD) (Entered: 05/21/2007)
05/30/2007	<u>157</u>	REPLY BRIEF to <u>155</u> , <u>139</u> , <u>154</u> , <u>146</u> <i>Def. Brief on if Moore's Bad Veins Prevents LI and appl. of S/L</i> filed by Brian Keith Moore. (Attachments: # <u>1</u> Exhibit Second Declaration of Dr. Heath# <u>2</u> Exhibit Florida Lethal Injection Protocol as of May 9, 2007# <u>3</u> Exhibit California Execution Protocol as of May 2007# <u>4</u> Exhibit 1997 Bard Port Implanted Port Catheters Manufactuer Instructions# <u>5</u> Exhibit 2004 Bard Port and X–Port Manufacturer Instructions# <u>6</u> Exhibit Bard Systems Hohn Central Venous Catheters Instructions for Use# <u>7</u> Exhibit News Article – – After States' Longest Delay, Man Executed for Cellmate Murder# <u>8</u> Exhibit News Article – – Ohio Executes Man for Killing Cellmate# <u>9</u> Exhibit Testimony of Dr. Haas in Baze v. Rees# <u>10</u> Exhibit Deposition of Dr. Rafi in Baze v. Rees# <u>11</u> Exhibit Testimony of Dr. Hiland in Baze v. Rees# <u>12</u> Exhibit Testimony of Nurse Service Administrator Wood in Baze v. Rees# <u>13</u> Exhibit Fraknlin Cir. Ct. Findings of Fact and Conclusions of Law in Baze v. Rees# <u>14</u> Exhibit Franklin Cir.

		Ct. Order denying Motion to Dismiss in Baze v. Rees# <u>15</u> Exhibit page 246 of Denno law review article# <u>16</u> Exhibit page 146 of Denno law review article# <u>17</u> Exhibit page 222 of Denno law review article# <u>18</u> Exhibit Plaintiffs' First Set of Interrogatories in Baze v. Rees# <u>19</u> Exhibit Plaintiffs' First Request for Production of Documents in Baze v. Rees# <u>20</u> Exhibit page of 181 of Denno law review article# <u>21</u> Exhibit Defendants' Response to Discovery Motions in Baze v. Rees# <u>22</u> Exhibit Plaintiffs' Second Set of Interrogatories in Baze v. Rees# <u>23</u> Exhibit Defendants' Answer to Second Set of Interrogatories in Baze v. Rees# <u>24</u> Exhibit Excerpts from testimony of Dr. Dershwitz in Baze v. Rees# <u>25</u> Exhibit Excerpts from testimony of Dr. Heath in Baze v. Rees# <u>26</u> Exhibit Deposition of Dr. Haas in Baze v. Rees# <u>27</u> Exhibit Deposition of Nurse Chanin Hiland in Baze v. Rees# <u>28</u> Exhibit Email communication between Daniel Auld and the Kentucky Department of Corrections# <u>29</u> Exhibit Declaration of Daniel Auld# <u>30</u> Exhibit Defendants' July 11, 2005 Response to Auld Open Records Request# <u>31</u> Exhibit Attachment to Defendants' July 11, 2005 Response to Auld Open Records Request)(Barron, David) Additional attachment(s) added on 5/31/2007 (Ratliff, Kay). (Entered: 05/30/2007)
05/30/2007	<u>158</u>	NOTICE OF FILING by Brian Keith Moore re <u>157</u> REPLY BRIEF,,,,,,,,, <i>Correct exhibit #3 to docket entry #157 – – Moore's Reply Brief</i> (Attachments: # <u>1</u> Exhibit May 2007 California Execution Protocol)(Barron, David) (Entered: 05/30/2007)
05/31/2007		***FILE SUBMITTED TO CHAMBERS of Judge Caldwell for review: re: <u>139</u> Memorandum Opinion & Order, <u>154</u> RESPONSE, <u>146</u> Notice of Filing, <u>155</u> RESPONSE, and <u>157</u> REPLY BRIEF – schedule as set out in <u>139</u> complete. (AKR) (Entered: 05/31/2007)
08/14/2007	<u>159</u>	FIRST MOTION to Expedite by Ralph Baze <i>Motion to Expedite Ruling on Baze's Motion to Intervene</i> (Attachments: # <u>1</u> Proposed Order granting Baze's motion to expedite ruling on his motion to intervene)(Barron, David) (Entered: 08/14/2007)
08/23/2007	<u>160</u>	NOTICE by Ralph Baze <i>Ralph Baze's execution has been set for September 25, 2007</i> (Attachments: # <u>1</u> Exhibit Execution warrant on Ralph Baze)(Barron, David) (Entered: 08/23/2007)
08/23/2007	<u>161</u>	EMERGENCY MOTION to Expedite by Ralph Baze <i>Amended Motion to Expedite Ruling on Ralph Baze's Motion to Intervene</i> (Attachments: # <u>1</u> Proposed Order granting Baze's motion to expedite ruling on his motion to intervene)(Barron, David) (Entered: 08/23/2007)
08/24/2007		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>161</u> EMERGENCY MOTION to Expedite Ruling on Motion to Intervene by Ralph Baze (Execution date set for 9/25/07). (AKR) (Entered: 08/24/2007)
08/25/2007	<u>162</u>	EMERGENCY MOTION to Compel by Ralph Baze <i>Motion to Compel Defendants to Conduct Background Checks on Execution Team</i> (Attachments: # <u>1</u> Proposed Order granting motion to compel Defendants to conduct background checks on execution team)(Barron, David) (Entered: 08/25/2007)
08/25/2007	<u>163</u>	EMERGENCY MOTION lift order staying discovery re <u>139</u> Memorandum Opinion & Order, Terminate Motions, Set Motion and RRDeadlines/Hearings,,,,,,,,,,,,,,,,,,,,, by Ralph Baze <i>Baze's Motion to Lift Order Staying Discovery</i> (Attachments: # <u>1</u> Proposed Order granting Baze's motion to lift order staying discovery)(Barron, David) (Entered: 08/25/2007)
08/25/2007	<u>164</u>	EMERGENCY MOTION FOR SCHEDULING STATUS ORDER by Ralph Baze <i>Baze's emergency motion for status conference and scheduling order</i> (Attachments: # <u>1</u> Proposed Order granting motion for a status conference and scheduling order)(Barron, David) (Entered: 08/25/2007)
08/26/2007	<u>165</u>	EMERGENCY MOTION for Preliminary Injunction by Ralph Baze <i>motion for preliminary injunction pending Supreme Court decision in Coeey</i> (Attachments: # <u>1</u> Memorandum in Support of motion for preliminary injunction for Baze pending Coeey cert.# <u>2</u> Exhibit 1 – 6CCA order denying motion to vacate Biros injunction# <u>3</u> Exhibit 2 – SCOTUS order denying motion to vacate Biros injunction# <u>4</u> Exhibit 3 – SDOH order granting Carter preliminary injunction# <u>5</u> Exhibit 4 – Jackson v. Taylor# <u>6</u> Exhibit 5 – 6CCA Docket sheet <i>Coeey v. Strickland</i> # <u>7</u> Exhibit 6 –



		6CCA order staying mandate in Cooley pending cert.# <u>8</u> Exhibit 7 – United States v. Swan# <u>9</u> Exhibit 8 – Wing Shing Prods. v. Simatelex# <u>10</u> Exhibit 9 – In re Literary Works# <u>11</u> Exhibit 10 – Marbury v. Colonial Mortgage# <u>12</u> Exhibit 11 – KK Motors v. Brunswick)(Barron, David) Additional attachment, <u>PO</u> added on 8/27/2007 (Dearborn, Christy). Modified text to better describe pleading on 8/27/2007 (Dearborn, Christy). Additional attachment(s) added on 8/28/2007 (Ratliff, Kay). (Entered: 08/26/2007)
08/26/2007	<u>166</u>	NOTICE OF FILING by Ralph Baze re <u>165</u> EMERGENCY MOTION for Preliminary Injunction by Ralph Baze <i>proposed order granting preliminary injunction pending Cooley cert</i> (Attachments: # <u>1</u> Proposed Order granting Baze a preliminary injunction barring his execution pending cert. in Cooley)(Barron, David) (Entered: 08/26/2007)
08/26/2007	<u>167</u>	EMERGENCY MOTION to Compel by Ralph Baze <i>motion to compel Defendants to disclose current execution protocol</i> (Attachments: # <u>1</u> Proposed Order granting motion to compel disclosure of current execution protocol)(Barron, David) (Entered: 08/26/2007)
08/27/2007	<u>168</u>	NOTICE OF FILING by Ralph Baze re <u>165</u> EMERGENCY MOTION for Preliminary Injunction by Ralph Baze <i>additional exhibits to motion for preliminary injunction pending Cooley</i> (Attachments: # <u>1</u> Exhibit Motion to reset execution date in Cooley# <u>2</u> Exhibit Ohio Supreme Court order refusing to schedule Cooley's execution during LI litigation)(Barron, David) (Entered: 08/27/2007)
08/27/2007		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell and PSLC for review: <u>165</u> EMERGENCY MOTION for Preliminary Injunction by Ralph Baze, <u>167</u> EMERGENCY MOTION to Compel by Ralph Baze, <u>164</u> EMERGENCY MOTION FOR SCHEDULING STATUS ORDER by Ralph Baze, <u>163</u> EMERGENCY MOTION lift order staying discovery re <u>139</u> Memorandum Opinion & Order by Ralph Baze, <u>162</u> EMERGENCY MOTION to Compel by Ralph Baze (CBD) (Entered: 08/27/2007)
08/29/2007	<u>169</u>	<b>STRICKEN per Order <u>208</u></b> – RESPONSE in Opposition re <u>159</u> FIRST MOTION to Expedite by Ralph Baze, <u>161</u> EMERGENCY MOTION to Expedite by Ralph Baze filed by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher. (Attachments: # <u>1</u> Proposed Order Denying Motion to Expedite [DN 159] and Emergency Motion to Expedite [DN 161])(Cummings, John) Additional attachment(s) added on 8/30/2007 (Ratliff, Kay). Modified on 3/17/2008 (CBD). (Entered: 08/29/2007)
08/29/2007	<u>170</u>	NOTICE OF FILING by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher re <u>169</u> Response in Opposition to Motion, (Attachments: # <u>1</u> Exhibit 1 – Petition for Writ of Certiorari)(Cummings, John) Additional attachment(s) added on 8/31/2007 (Ratliff, Kay). (Entered: 08/29/2007)
08/30/2007	<u>171</u>	REPLY to Response to Motion re <u>159</u> FIRST MOTION to Expedite by Ralph Baze, <u>161</u> EMERGENCY MOTION to Expedite by Ralph Baze filed by Ralph Baze. (Attachments: # <u>1</u> Exhibit Docket Sheet in Cooley v. Taft et al.)(Palombi, John) (Entered: 08/30/2007)
08/30/2007	<u>172</u>	EMERGENCY MOTION for Preliminary Injunction by Ralph Baze <i>motion for injunction until court can decide Baze's motion to intervene</i> (Attachments: # <u>1</u> Proposed Order granting motion for injunction until court can decide motion to intervene)(Barron, David) (Entered: 08/30/2007)
08/30/2007	<u>173</u>	NOTICE OF FILING by John D. Rees re <u>170</u> Notice of Filing (Attachments: # <u>1</u> Exhibit Certificate of Service)(Cummings, John) (Entered: 08/30/2007)
08/31/2007		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>172</u> EMERGENCY MOTION for Preliminary Injunction by Ralph Baze, <u>159</u> FIRST MOTION to Expedite by Ralph Baze. (AKR) (Entered: 08/31/2007)
08/31/2007	<u>174</u>	ORDER: Baze's original and amended motions to expedite <u>159</u> (Motion to Expedite Court's ruling on Baze's Motion to Intervene) <u>161</u> (Emergency Amended Motion to Expedite Court's ruling on Baze's Motion to Intervene) are GRANTED. It is anticipated Court will enter order addressing Baze's Motion to Intervene <u>101</u>

		and related motion for additional briefing <u>114</u> and <u>130</u> in the near future. Signed by Judge Karen K. Caldwell. (CBD)cc: COR Modified text on 9/4/2007 (Dearborn, Christy). (Entered: 08/31/2007)
08/31/2007	<u>175</u>	MOTION to Strike <u>169</u> Response in Opposition to Motion, by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher (Attachments: # <u>1</u> Memorandum in Support of Motion to Strike# <u>2</u> Proposed Order Granting Motion to Strike# <u>3</u> Amended Response In Opposition)(Cummings, John) (Entered: 08/31/2007)
08/31/2007	<u>176</u>	NOTICE OF FILING by Ralph Baze re <u>165</u> EMERGENCY MOTION for Preliminary Injunction by Ralph Baze, <u>174</u> Order on Motion to Expedite., <u>168</u> Notice of Filing., <u>101</u> MOTION to Intervene by Ralph Baze, <u>166</u> Notice of Filing, <i>cert. petition filed in Coeey v. Strickland</i> (Attachments: # <u>1</u> Exhibit certiorari petition in Coeey v. Strickland)(Barron, David) (Entered: 08/31/2007)
09/01/2007	<u>177</u>	EMERGENCY MOTION for Preliminary Injunction by Ralph Baze <i>motion for injunction based on underlying merits of lethal injection claim</i> (Attachments: # <u>1</u> Proposed Order granting injunction pursuant to All Writs Act# <u>2</u> Proposed Order granting injunction based on four factor test for injunctions)(Barron, David) (Entered: 09/01/2007)
09/01/2007	<u>178</u>	EMERGENCY MOTION for Leave to File Excess Pages by Ralph Baze <i>motion to file excess pages memo of law on injunction LI claim on merits</i> (Attachments: # <u>1</u> Proposed Order granting leave to file motion for injunction on merits of LI claim in excess of page limits# <u>2</u> Exhibit memo of law in support emergency motion for injunctio pending resolution LI claim on merits# <u>3</u> Exhibit List of exhibits to memo of law in support of injunction pending merits ruling on LI claim# <u>4</u> Exhibit # 1 – Lex. Herald Leader article on Gov. stmt on signing Baze death warrant# <u>5</u> Exhibit #2 – – CNN article –– lethal injection creator suggests changing the chemicals# <u>6</u> Exhibit #3 – – news article on Newton execution# <u>7</u> Exhibit #4 – – second news article on Newton execution# <u>8</u> Exhibit #5 – – Testimony of Dorian Hall in Evans v. Saar# <u>9</u> Exhibit #6 – – Liptak article on Clark execution# <u>10</u> Exhibit #7 – – CNN article on Clark execution# <u>11</u> Exhibit #8 – – Toledo Blade article on Clark execution# <u>12</u> Exhibit #9 – – Plain Dealer article on Clark execution# <u>13</u> Exhibit #10 – – Florida Commission Report on Diaz execution# <u>14</u> Exhibit #11 – – Dupree Declaration# <u>15</u> Exhibit news article on Diaz execution# <u>16</u> Exhibit #13 – – second news article on Diaz execution# <u>17</u> Exhibit Middendorf national television interview# <u>18</u> Exhibit notice that exhibits 15–36, 37–51, and 52–66 are filed separately as notice of filings)(Barron, David) (Entered: 09/01/2007)
09/01/2007	<u>179</u>	NOTICE OF FILING by Ralph Baze re <u>178</u> EMERGENCY MOTION for Leave to File Excess Pages by Ralph Baze, <u>177</u> EMERGENCY MOTION for Preliminary Injunction by Ralph Baze <i>emergency –– exhibits 15–36 to memo of law support injunction on LI merits</i> (Attachments: # <u>1</u> Exhibit #15 – – Dr. Concannon Aff. in Brown v. Beck# <u>2</u> Exhibit #16 – – Dr. Concannon curriculum vitae# <u>3</u> Exhibit #17 – – Third Declaration of Dr. Heath# <u>4</u> Exhibit Dr. Heath curriculum vitae# <u>5</u> Exhibit #19 – – Furnish v. Commonwealth# <u>6</u> Exhibit #20 – – sodium thiopental manufacturer's package insert# <u>7</u> Exhibit #21 – – Dr. Concannon Declaration in Morales# <u>8</u> Exhibit #22 – – Dr. Geiser Affidavit# <u>9</u> Exhibit #23 – – Dr. Geiser curriculum vitae# <u>10</u> Exhibit #24 – – Report of the AVMA Panel on Euthanasia# <u>11</u> Exhibit #25 – – 8th Annual Report on the Oregon Death With Dignity Act# <u>12</u> Exhibit #26 – – ASA Practice Advisory for Intraoperative Awareness and Brain Function Monitoring# <u>13</u> Exhibit #27 part I – – book chapter on monitoring depths of anesthesia# <u>14</u> Exhibit #27 part II – – Book chapter on monitoring depths of anesthesia# <u>15</u> Exhibit #28 – – May 2007 California execution protocol# <u>16</u> Exhibit #29 – – List of items on Banyon Stat Kit 700 crash cart# <u>17</u> Exhibit #30 – – Lethal injection I.V. site placement form on Eddie Harper# <u>18</u> Exhibit #31 – – toxicology results on Harper's right axilla# <u>19</u> Exhibit #32 – – Harper toxicology results –vena cava# <u>20</u> Exhibit #33 – – Harper toxicology results – – heart# <u>21</u> Exhibit #34 – – excerpt from Disposition of Toxic Drugs and Chemicals in Man# <u>22</u> Exhibit Defendant Fletcher stmt. on intent to sign Baze death warrant# <u>23</u> Exhibit #36 – – Defendants' Rule 26 disclosures)(Barron, David) (Entered: 09/01/2007)

09/01/2007	<u>180</u>	NOTICE OF FILING by Ralph Baze re <u>178</u> EMERGENCY MOTION for Leave to File Excess Pages by Ralph Baze, <u>179</u> Notice of Filing,,,,,, <u>177</u> EMERGENCY MOTION for Preliminary Injunction by Ralph Baze <i>emergency -- exhibits 37-51 to memo of law support of injunction LI merits</i> (Attachments: # <u>1</u> Exhibit #37 -- Testimony of executioner in Evans v. Saar# <u>2</u> Exhibit #38 -- Morales v. Tilton# <u>3</u> Exhibit #39 -- Cooley v. Taft (Hill injunction)# <u>4</u> Exhibit #40 -- Taylor v. Crawford# <u>5</u> Exhibit #41 -- Cooley v. Taft (Biros injunction)# <u>6</u> Exhibit #42 -- Cooley v. Taft (Carter injunction)# <u>7</u> Exhibit #43 -- Docket sheet in Cooley in district ct.# <u>8</u> Exhibit #44 -- Morales v. Hickman# <u>9</u> Exhibit #45 -- order granting Bowling injunction in 2004 in Baze and Bowling v. Rees# <u>10</u> Exhibit #46 -- Technical Report: effect of pancuronium on solubility of sodium thiopental# <u>11</u> Exhibit #47 -- Rocconi Declaration# <u>12</u> Exhibit #48 -- execution log for Anderson execution# <u>13</u> Exhibit #49 -- exhibit log for Babbit execution# <u>14</u> Exhibit #50 -- execution log for Siripongs execution# <u>15</u> Exhibit #51 -- execution log for Rich execution)(Barron, David) (Entered: 09/01/2007)
09/01/2007	<u>181</u>	NOTICE OF FILING by Ralph Baze re <u>180</u> Notice of Filing,,,,, <u>178</u> EMERGENCY MOTION for Leave to File Excess Pages by Ralph Baze, <u>179</u> Notice of Filing,,,,,, <u>177</u> EMERGENCY MOTION for Preliminary Injunction by Ralph Baze <i>emergency -- exhibit 52-66 of memo of law support injunction on LI merits</i> (Attachments: # <u>1</u> Exhibit #52 -- Brown v. Beck# <u>2</u> Exhibit #53 -- Adcock Affidavit# <u>3</u> Exhibit #54 -- Stevens Affidavit# <u>4</u> Exhibit #55 -- Wells Affidavit# <u>5</u> Exhibit #56 -- McHone toxicology results# <u>6</u> Exhibit #57 -- Syriani toxicology results# <u>7</u> Exhibit #58 -- Boyd toxicology results# <u>8</u> Exhibit #59 -- Simpson toxicology results# <u>9</u> Exhibit #60 -- Dr. Lubarsky's curriculum vitae# <u>10</u> Exhibit #61 -- Inadequate Anesthesia in Lethal Injection by Execution -- Lancet medical journal article# <u>11</u> Exhibit #62 -- Lubarsky Affidavit in Harbison# <u>12</u> Exhibit #63 -- news article on Steckel execution in Delaware# <u>13</u> Exhibit #64 -- Jackson v. Taylor# <u>14</u> Exhibit #65 -- Patterson Declaration on Babbit execution# <u>15</u> Exhibit #66 -- Dorian Hall Affidavit on Clark execution)(Barron, David) (Entered: 09/01/2007)
09/04/2007		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell/Pro Se Law Clerk for review: <u>175</u> MOTION to Strike <u>169</u> Response in Opposition to Motion, by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher. (AKR) (Entered: 09/04/2007)
09/04/2007		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell / Pro Se Law Clerk for review: <u>178</u> EMERGENCY MOTION for Leave to File Excess Pages by Ralph Baze, <u>177</u> EMERGENCY MOTION for Preliminary Injunction by Ralph Baze. (AKR) (Entered: 09/04/2007)
09/06/2007	<u>182</u>	NOTICE by Ralph Baze re <u>165</u> EMERGENCY MOTION for Preliminary Injunction by Ralph Baze, <u>174</u> Order on Motion to Expedite,,,,, <u>177</u> EMERGENCY MOTION for Preliminary Injunction by Ralph Baze, <u>172</u> EMERGENCY MOTION for Preliminary Injunction by Ralph Baze, <u>178</u> EMERGENCY MOTION for Leave to File Excess Pages by Ralph Baze, <u>160</u> Notice <i>NOTICE THAT BAZE'S EXECUTION IS AT 7 P.M. CENTRAL TIME ON SEPT. 25TH</i> (Barron, David) (Entered: 09/06/2007)
09/07/2007	<u>183</u>	NOTICE OF FILING by Ralph Baze re <u>165</u> EMERGENCY MOTION for Preliminary Injunction by Ralph Baze, <u>174</u> Order on Motion to Expedite,,,,, <u>101</u> MOTION to Intervene by Ralph Baze <i>supplemental exh. to motion for injunction pending Cooley--Biros' cert. pet.</i> (Attachments: # <u>1</u> Exhibit petition for writ of certiorari in Biros v. Strickland (S/L issue))(Barron, David) (Entered: 09/07/2007)
09/10/2007		***FILE SUBMITTED TO CHAMBERS of PRO SE LAW CLERK for review: <u>183</u> Notice of Filing supplemental exhibit to emergency motion for prel inj <u>165</u> , motion to expedite <u>174</u> & motion to intervene <u>101</u> . (AKR) (Entered: 09/10/2007)
09/10/2007	<u>184</u>	EMERGENCY MOTION for Preliminary Injunction by Ralph Baze <i>Baze's motion for preliminary injunction pending Biros v. Strickland</i> (Attachments: # <u>1</u> Exhibit 6th cir. docket sheet in Biros v. Strickland# <u>2</u> Exhibit Ohio's merits brief in Biros v. Strickland# <u>3</u> Exhibit Biros' merits brief in Biros v. Strickland# <u>4</u> Exhibit proposed order granting Baze a preliminary injunction pending outcome of Biros v. Strickland)(Barron, David) (Entered: 09/10/2007)

09/11/2007		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell/Pro Se Law Clerk for review: <u>184</u> EMERGENCY MOTION for Preliminary Injunction pending <i>Biros v. Strickland</i> by Ralph Baze. (AKR) (Entered: 09/11/2007)
09/11/2007	<u>185</u>	MOTION to Withdraw as Attorney by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher (Attachments: # <u>1</u> Proposed Order Granting Defendants' Motion to Withdraw)(Cummings, John) (Entered: 09/11/2007)
09/12/2007		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>185</u> MOTION to Withdraw as Attorney (Holly Harris-Ray) by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher. (AKR) (Entered: 09/12/2007)
09/13/2007	<u>186</u>	ORDER: that Defendant's Motion <u>185</u> to withdraw as atty of record is granted. ( Attorney Holly Harris-Ray terminated) . Signed by Judge Karen K. Caldwell. (AKR)cc: COR, Holly Harris-Ray. Modified text to include "to withdraw as atty of record" for better description of pleading on 9/13/2007 (Ratliff, Kay). (Entered: 09/13/2007)
09/13/2007	<u>187</u>	NOTICE by Ralph Baze re <u>165</u> EMERGENCY MOTION for Preliminary Injunction by Ralph Baze, <u>174</u> Order on Motion to Expedite,,,,, Motions Submitted, <u>101</u> MOTION to Intervene by Ralph Baze, <u>177</u> EMERGENCY MOTION for Preliminary Injunction by Ralph Baze, <u>172</u> EMERGENCY MOTION for Preliminary Injunction by Ralph Baze, <u>178</u> EMERGENCY MOTION for Leave to File Excess Pages by Ralph Baze, <u>184</u> EMERGENCY MOTION for Preliminary Injunction by Ralph Baze <i>Commonwealth has sought reconsideration of Baze's stay of execution</i> (Barron, David) (Entered: 09/13/2007)
09/14/2007		***FILE SUBMITTED TO CHAMBERS of Judge Caldwell/Pro Se Law Clerk for review: <u>187</u> Notice of Commonwealth seeking reconsideration of Supreme Court stay. (AKR) (Entered: 09/14/2007)
09/25/2007	<u>188</u>	MEMORANDUM OPINION & ORDER: 1. Baze's Mtn for leave to supplement Baze's Reply to Response in Opposition to Emergency Mtn to Intervene (dkt <u>114</u> ) is <b>GRANTED</b> . 2. Plfs, Moore & Leonard's Joint Mtn to Strike Portions of Dfts' <i>Rooker-Feldman</i> Memorandum that argue Moore & Leonard's suit should be dismissed (dkt <u>129</u> ) is <b>DENIED</b> ; their "Joint Mtn for leave to file a response to Dfts' <i>Rooker-Feldman</i> Memorandum" (dkt <u>130</u> ) is <b>GRANTED</b> . 3. Baze's "Emergency Mtn to Intervene as Plf-Intervenor" (Dkt <u>101</u> ) is <b>DENIED</b> . 4. Following mtns by prop intervenor Ralph Baze: a. "Emergency Mtn to Compel Dfts to conduct approp background checks on all present members of execution team & to disclose to counsel for Baze all non-identifying results of those checks" (Dkt <u>162</u> ) ; b. "Emergency Mtn to partially lift order staying discovery" (Dkt <u>163</u> ) ; c. "Emergency Mtn for a status conference on litigation concerning Ralph Baze & for a scheduling order setting dealines to respond to motions & to comply with any discovery" (Dkt <u>164</u> ) ; d. "Emergency Mtn for a preliminary injunction barring Ralph Baze's execution pending the Supreme Court of the US's disposition of the petition for certiorari in <i>Cooley v. Strickland</i> " (Dkt <u>165</u> ) ; e. "Emergency Mtn to compel dft to disclose a copy of execution protocol it intends to use to execute Ralph Baze" (Dkt <u>167</u> ) ; f. "Emergency Mtn for a preliminary injunction barring Ralph Baze's execution pending a ruling on his motion to intervene" (Dkt <u>172</u> ) ; g. "Emergency Mtn for a preliminary injunction barring Ralph Baze's execution pending resolution of the merits of his challenge to dfts' lethal injection chemicals & procedures" (Dkt <u>177</u> ) ; and h. "Emergency Mtn for leave under Local Rule 7.1 to file a memorandum of law in excess of 40 pages in support of Ralph Baze's emergency mtn for preliminary injunction pending resolution of the merits of his challenge to dfts' lethal injection chemicals & procedures" (Dkt <u>178</u> ) are <b>DENIED AS MOOT</b> . 5. This is a final and appealable order and there is no just cause for delay. Signed by Judge Karen K. Caldwell. (AKR)cc: COR, fax to KY Supreme Court (Entered: 09/25/2007)
09/25/2007	<u>189</u>	RESPONSE to Defendants' <i>Rooker-Feldman</i> Memorandum <u>127</u> filed by Jeffrey Leonard, Brian Keith Moore. <b>filed pursuant to order of Court re: <u>188</u></b> . (AKR) (Entered: 09/26/2007)
09/26/2007	<u>190</u>	MEMORANDUM OPINION & ORDER: 1. Bowling's "Motion for Leave to Supplement Thomas Clyde Bowling's Reply to Response in Opposition to Emergency Mtn to Intervene as Plf-Intervenor" (Dkt <u>115</u> ) is <b>GRANTED</b> . 2.

		Bowling's "Emergency Motion to Intervene as Plf-Intervenor" (Dkt <u>100</u> ) is <b>DENIED</b> . 3. This is a final and appealable order and there is no just cause for delay.. Signed by Judge Karen K. Caldwell. (AKR)cc: COR (Entered: 09/26/2007)
09/26/2007	<u>191</u>	ORDER: Plfs' "Joint Motion for Leave to File a Brief on the Application of the Affirmative Defense of Statute of Limitations in Light of <i>Cooley v. Strickland</i> , Decided by the Sixth Circuit on March 2, 2007" (Dkt <u>135</u> ) is <b>DENIED AS MOOT</b> . Signed by Judge Karen K. Caldwell. (AKR)cc: COR (Entered: 09/26/2007)
10/01/2007	<u>192</u>	MEMORANDUM OPINION AND ORDER: IT IS ORDERED AS FOLLOWS: 1. Epperson's <u>144</u> "MOTION for Leave to File Supplemental Reply to Defendants' Response in Opposition to Roger Dale Epperson's Motion to Intervene as Plaintiff-Intervenor" is GRANTED; 2. Roger Dale Epperson's <u>137</u> "MOTION to Intervene as Plaintiff-Intervenor is GRANTED & the Clerk is directed to file his tendered Intervenor Complaint into the record. Signed by Judge Karen K. Caldwell. (MWZ)cc: COR (Entered: 10/01/2007)
10/01/2007	<u>193</u>	SUPPLEMENTAL REPLY To <u>141</u> Response In Opposition To Roger Dale Epperson's <u>137</u> Motion To Intervene As Plaintiff-Intervenor filed by Roger Dale Epperson. (Ordered filed per <u>192</u> Memorandum Opinion & Order.) (Attachments: # <u>1</u> Exhibit Epperson Grievance rejection notice)(MWZ) (Entered: 10/02/2007)
10/01/2007	<u>194</u>	Intervenor COMPLAINT For Declaratory Judgment And Injunctive Relief, filed by Roger Dale Epperson. (Ordered filed per <u>192</u> Memorandum Opinion & Order.)(MWZ) (Entered: 10/02/2007)
10/22/2007	<u>195</u>	ANSWER to Intervenor Complaint by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher.(Cummings, John) (Entered: 10/22/2007)
10/24/2007	<u>196</u>	NOTICE OF APPEAL as to <u>190</u> Memorandum Opinion & Order, Terminate Motions,,, <u>188</u> Memorandum Opinion & Order, Terminate Motions,,,,,, by Thomas Clyde Bowling, Ralph Baze. (Palombi, John) (Entered: 10/24/2007)
10/24/2007	<u>197</u>	MOTION for Leave to Appeal in forma pauperis by Thomas Clyde Bowling, Ralph Baze (Attachments: # <u>1</u> Affidavit Baze Affidavit of Indigency# <u>2</u> Affidavit Bowling Affidavit of Indigency# <u>3</u> Proposed Order Order Granting IFP Status)(Palombi, John) (Entered: 10/24/2007)
10/25/2007		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell/Pro Se Law Clerk for review: <u>197</u> MOTION for Leave to Appeal in forma pauperis by Thomas Clyde Bowling, Ralph Baze. (AKR) (Entered: 10/25/2007)
10/29/2007	<u>198</u>	ORDER: 1) Ralph Baze and Thomas Bowling's Motion to Proceed In Forma Pauperis on Appeal [Dkt. 197] is DENIED, without prejudice 2) Ralph Baze and Thomas Bowling may file a renewed application to proceed in forma pauperis on appeal that complies with the requirements of 28 U.S.C. 1915 and Fed. R. App. P. 24 within 15 days of the entry of this Order. Signed by Judge Karen K. Caldwell. (CBD)cc: COR, 6CCA, SKV (Entered: 10/29/2007)
11/13/2007	<u>199</u>	MOTION for Leave to Appeal in forma pauperis by Thomas Clyde Bowling, Ralph Baze (Attachments: # <u>1</u> Proposed Order # <u>2</u> Exhibit Baze Inmate Account Statement# <u>3</u> Exhibit Bowling Inmate Account Statement# <u>4</u> Exhibit Baze Affidavit of Indigency# <u>5</u> Exhibit Bowling Affidavit of Indigency)(Palombi, John) (Entered: 11/13/2007)
11/14/2007		***MOTION SUBMITTED TO CHAMBERS of Pro Se Law Clerk for review: <u>199</u> MOTION for Leave to Appeal in forma pauperis by Thomas Clyde Bowling, Ralph Baze (CBD) (Entered: 11/14/2007)
11/15/2007	<u>200</u>	ORDER: Appellant's (Ralph Baze) Motion <u>199</u> for Leave to Appeal in forma pauperis is GRANTED 2) appellant required to pay full appellate filing fee of \$455.00 3) appellant assessed an initial partial filing fee of \$37.89; amt shall be pd to Clerk of this Court 4) prisoner's cutodian shall submit 20% of prisoner's income for the preceding month, but only when the amt exceeds \$10.00, until full appellate filing fee has been paid 5) Clerk serve copy of this order upon Jialer/Warden of the institution in which the appellant is currently confined and upon the Clerk of the United States Court of Appeals for the Sixth Circuit. Signed by Judge Karen K.

		Caldwell. (CBD)cc: COR, 6CCA, Finance, SKV, Warden of KY State Penitentiary (Entered: 11/15/2007)
11/15/2007	<u>201</u>	ORDER: Appellant's (Thomas Clyde Bowling) Motion <u>199</u> for Leave to Appeal in forma pauperis is GRANTED 2) appellant required to pay full appellate filing fee of \$455.00 3) appellant assessed an initial partial filing fee of \$33.25; amt shall be pd to Clerk of this Court 4) prisoner's cutodian shall submit 20% of prisoner's income for the preceding month, but only when the amt exceeds \$10.00, until full appellate filing fee has been paid 5) Clerk serve copy of this order upon Jialer/Warden of the institution in which the appellant is currently confined and upon the Clerk of the United States Court of Appeals for the Sixth Circuit. Signed by Judge Karen K. Caldwell. (CBD)cc: COR, 6CCA, Finance, SKV, Warden of Ky State Penitentiary (Entered: 11/15/2007)
11/16/2007	<u>202</u>	MOTION for Reconsideration re <u>201</u> Order Directing Prisoner Payment,,,,, <u>200</u> Order Directing Prisoner Payment, Terminate Motions,,,,, by Thomas Clyde Bowling, Ralph Baze (Attachments: # <u>1</u> Proposed Order)(Palombi, John) (Entered: 11/16/2007)
11/19/2007	<u>203</u>	ORDER: (1) Ralph Baze & Thomas Bowling's Motion to Reconsider <u>202</u> is <b>DENIED</b> . Signed by Judge Karen K. Caldwell. (AKR)cc: COR, 6CCA, Vrolijk (Entered: 11/19/2007)
11/21/2007	<u>204</u>	MOTION to Withdraw as Attorney by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher (Attachments: # <u>1</u> Proposed Order Granting Motion)(Cummings, John) (Entered: 11/21/2007)
11/26/2007		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell/Pro Se for review: <u>204</u> MOTION to Withdraw as Attorney by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher. (AKR) (Entered: 11/26/2007)
11/26/2007	<u>205</u>	ORDER: 1. Jeffrey T. Middendorf's Motion to Withdraw [Dkt 204] is <b>GRANTED</b> Motion to Withdraw as Attorney. (Attorney Jeffrey T. Middendorf terminated). Signed by Judge Karen K. Caldwell on 11/26/2007. (AKR)cc: COR (Entered: 11/26/2007)
12/11/2007	<u>206</u>	MOTION to Withdraw by Jeffrey Leonard <i>motion to withdraw as intervenor plaintiff due to commutation of death sentence</i> Motions referred to Pro Se. (Attachments: # <u>1</u> Exhibit Governor's order commuting Leonard's death sentence, # <u>2</u> Proposed Order granting Leonard's motion to withdraw from case)(Barron, David) (Entered: 12/11/2007)
12/12/2007		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>206</u> MOTION to Withdraw by Jeffrey Leonard <i>motion to withdraw as intervenor plaintiff due to commutation of death sentence</i> . (AKR) (Entered: 12/12/2007)
01/29/2008	<u>207</u>	MOTION to Withdraw as Attorney by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher Motions referred to Pro Se. (Attachments: # <u>1</u> Proposed Order Granting Motion to Withdraw as Counsel)(Self, Thomas) (Entered: 01/29/2008)
01/30/2008		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell/Pro Se for review: <u>207</u> MOTION to Withdraw as Attorney by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher. (AKR) (Entered: 01/30/2008)
03/17/2008	<u>208</u>	ORDER: 1) Brian Keith Moore's Motion <u>147</u> to File Kentucky Execution Protocol Under Seal is GRANTED 2) Jeoffrey Leonard's Motion <u>206</u> to Withdraw as Intervenor Plaintiff is GRANTED. Intervenor Complaint filed by Jeffrey Leonard is DISMISSED WITH PREJUDICE. Jgm shall be ent contemporaneously herewith. 3) Jeffrey Leonard's Motion <u>148</u> to Allow Case to Proceed on his Behalfif this Court Dismisses Brian Keith Moore's Complaint is DENIED AS MOOT. 4) Defendants' Motion to Strike Defendants' Response in Opposition to MovantRalph Baze's Motions to Expedite Ruling on Baze's Emergency Motion to Intervene as Plaintiff–Intervenor, and to File Amended Response in Opposition to the Motion <u>175</u> is GRANTED. Clerk of the Court shall STRIKE from the Record the Defendants' original Response <u>169</u> and shall FILE the Defendants' tenderedAmended Response <u>175</u> (pt.4) into the record. 5) Proposed Intervenor Ralph Bazes Emergency Motion for a Preliminary Injunction Barring Ralph Baze's

		Execution Pending Disposition of <i>Biros v. Strickland</i> , which the Sixth Circuit has Set for Oral Argument on November 1, 2007 <u>184</u> is DENIED AS MOOT 6) Thomas L. Self's Motion to Withdraw as Counsel [Record No. 207] is GRANTED. Signed by Judge Karen K. Caldwell on 3/17/2008.(CBD)cc: COR, 6CCA, SKV (Entered: 03/17/2008)
03/17/2008		Attorney Update. Attorney Thomas L. Self terminated. (CBD) (Entered: 03/17/2008)
03/17/2008	<u>209</u>	AMENDED RESPONSE IN OPPOSITION TO MOVANT RALPH BAZES MOTION <u>159</u> TO EXPEDITE RULING ON BAZES EMERGENCY MOTION <u>161</u> TO INTERVENE AS PLAINTIFF-INTERVENOR filed by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher. (CBD) (Entered: 03/17/2008)
03/17/2008	<u>210</u>	JUDGMENT: 1) Pltf Jeffrey Leonard filed a civil rights action pursuant to 42 U.S.C. § 1983 against John Rees; Thomas Simpson; Scott Haas; Governor Ernie Fletcher; and Unknown Executioners 2) Cmp is DISMISSED WITH PREJUDICE 3) Jgm ent in favor of dfts 4) Court certifies any appeal would not be taken in good faith. 5) This is a FINAL AND APPEALABLE Jgm and there is no just cause for delay 6) matter is DISMISSED and STRICKEN. Signed by Judge Karen K. Caldwell on 3/17/2008.(CBD)cc: COR, 6CCA, SKV (Entered: 03/17/2008)
04/21/2008	<u>211</u>	MOTION Allow case to proceed despite Baze v. Rees by Brian Keith Moore, Roger Dale Epperson Motions referred to Pro Se. (Attachments: # <u>1</u> Proposed Order granting motion to allow case to proceed)(Barron, David) (Entered: 04/21/2008)
05/09/2008	<u>212</u>	RESPONSE in Opposition re <u>211</u> MOTION Allow case to proceed despite Baze v. Rees by Brian Keith Moore, Roger Dale Epperson filed by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher. (Attachments: # <u>1</u> Exhibit 1 – Brief for Petitioners, Page 14, No. 07–5439, # <u>2</u> Exhibit 2 – U.S. Supreme Court's September 25, 2007 Order, # <u>3</u> Exhibit 3 – U.S. Supreme Court's October 3, 2007 Order, # <u>4</u> Proposed Order Denying Petitioners Motion to Allow Case to Proceed On a Limited Basis)(Cummings, John) (Entered: 05/09/2008)
05/20/2008	<u>213</u>	REPLY to Response to Motion re <u>211</u> MOTION Allow case to proceed despite Baze v. Rees by Brian Keith Moore, Roger Dale Epperson <i>Plaintiffs Moore and Epperson's Joint Reply to Defendants' Response in Opposition to Plaintiffs' Motion to Allow Case to Proceed on a Limited Basis in Light of Baze v. Rees</i> filed by Brian Keith Moore, Roger Dale Epperson. (Barron, David) (Entered: 05/20/2008)
05/21/2008		***MOTION SUBMITTED TO CHAMBERS of Pro Se Law Clerk for review: <u>211</u> MOTION Allow case to proceed despite Baze v. Rees by Brian Keith Moore, Roger Dale Epperson. (AKR) (Entered: 05/21/2008)
08/07/2008	<u>214</u>	MOTION to Stay by Brian Keith Moore, Roger Dale Epperson <i>Motion to stay proceedings and hold case in abeyance pending outcome of administrative procedures lethal injection appeal</i> Motions referred to Pro Se. (Attachments: # <u>1</u> Exhibit #1 – – Order in Morales v. Cate, # <u>2</u> Exhibit #2 – – Order in Evans v. Saar, # <u>3</u> Exhibit #3 – – joint motion in Evans v. Saar, # <u>4</u> Proposed Order granting motion to hold proceedings in abeyance)(Barron, David) (Entered: 08/07/2008)
08/25/2008	<u>215</u>	RESPONSE in Opposition re <u>214</u> MOTION to Stay by Brian Keith Moore, Roger Dale Epperson <i>Motion to stay proceedings and hold case in abeyance pending outcome of administrative procedures lethal injection appeal</i> filed by John D. Rees, Thomas Simpson, Scott Haas, Ernie Fletcher. (Attachments: # <u>1</u> Proposed Order Denying Plaintiffs' Joint Motion to Hold Proceedings in Abeyance Pending Outcome of Administrative Procedures Lethal Injection Appeal)(Cummings, John) (Entered: 08/25/2008)
09/03/2008	216	EX PARTE MOTION for Order by Thomas Clyde Bowling (Motions referred to Pro Se). (AKR) (Entered: 09/03/2008)
09/03/2008		***MOTION SUBMITTED TO CHAMBERS of Pro Se Law Clerk for review: 216 EX PARTE MOTION for Order by Thomas Clyde Bowling (motion w/proposed order mailed to Pro Se Law Clerk). (AKR) (Entered: 09/03/2008)

09/04/2008	<u>217</u>	REPLY to Response to Motion re <u>214</u> MOTION to Stay by Brian Keith Moore, Roger Dale Epperson <i>Motion to stay proceedings and hold case in abeyance pending outcome of administrative procedures lethal injection appeal</i> filed by Brian Keith Moore, Roger Dale Epperson. (Barron, David) (Entered: 09/04/2008)
09/05/2008		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>214</u> MOTION to Stay by Brian Keith Moore, Roger Dale Epperson <i>Motion to stay proceedings and hold case in abeyance pending outcome of administrative procedures lethal injection appeal</i> (CBD) (Entered: 09/05/2008)
03/19/2009	<u>218</u>	ORDER of USCA as to <u>196</u> Notice of Appeal filed by Thomas Clyde Bowling, Ralph Baze: Upon consideration of the appellants motion to voluntarily dismiss the appeal herein pursuant to Rule 42(b), Federal Rules of Appellate Procedure, It is ORDERED that the motion is GRANTED and the appeal is dismissed. (Attachments: # <u>1</u> Cover Letter)(CBD) (Entered: 03/19/2009)
03/25/2009	<u>219</u>	ORDER: Bowlings ex parte Motion 216 is DENIED AS MOOT. Signed by Judge Karen K. Caldwell on 3/25/2009. (CBD)cc: COR (Entered: 03/25/2009)
03/26/2009	<u>220</u>	ORDER: 1. Plaintiffs Joint Motion to Allow Case to Proceed on a Limited Basis in Light of Baze v. Rees, 2008 WL 17733259 <u>211</u> is DENIED. 2. Plaintiffs Joint Motion to Hold Proceedings in Abeyance Pending Outcome of Administrative Procedures Lethal Injection Appeal <u>214</u> is DENIED. Signed by Judge Karen K. Caldwell on 3/26/2009. (CBD)cc: COR Modified text (cleanup) on 3/26/2009 (CBD). (Entered: 03/26/2009)
03/01/2010	<u>221</u>	EMERGENCY MOTION for Leave by Roger Dale Epperson, Brian Keith Moore <i>motion for leave to file sealed motion to unseal portions of the 2006 execution protocol</i> Motions referred to Pro Se. (Attachments: # <u>1</u> Proposed Order granting leave to file a sealed motion to unseal portions of the 2006 execution protocol)(Barron, David) (Entered: 03/01/2010)
03/01/2010	222	SEALED MOTION <i>to unseal portions of the Execution Protocol</i> filed on behalf of Brian Keith Moore re <u>221</u> EMERGENCY MOTION for Leave by Roger Dale Epperson, Brian Keith Moore <i>to file sealed motion to unseal portions of the 2006 execution protocol</i> . (MAINTAINED IN PAPER as a SEALED DOCUMENT IN THE CLERK'S OFFICE) (CBD) Modified event to Motion on 3/1/2010 (CBD). (Entered: 03/01/2010)
03/01/2010		NOTICE OF DOCKET MODIFICATION TO ALL COUNSEL OF RECORD re 222 MOTION to Unseal Portions of the Execution Protocol; Error: Incorrect event "Tendered Sealed Document" was used for docketing of this pleading; Entry by clerk; Correction: Clerk has re-defined the entry as a Motion, assigned DE No. 222 and modified text to reflect "SEALED Motion" filed as of 3/1/2010; No further action required by counsel cc: COR (CBD) (Entered: 03/01/2010)
03/01/2010	<u>223</u>	RESPONSE to <u>221</u> <i>Plaintiff's Emergency Motion for Leave to File Sealed Motion to Unseal Portions of Execution Protocols</i> filed by Ernie Fletcher, Scott Haas, John D. Rees, Thomas Simpson, Unknown Executioners. (Cummings, John) (Entered: 03/01/2010)
03/02/2010		***MOTION SUBMITTED TO CHAMBERS of Pro Se Law Clerk for review: re <u>221</u> EMERGENCY MOTION for Leave by Roger Dale Epperson, Brian Keith Moore <i>motion for leave to file sealed motion to unseal portions of the 2006 execution protocol</i> (CBD) (Entered: 03/02/2010)
03/05/2010	<u>224</u>	NOTICE by Roger Dale Epperson, Brian Keith Moore re <u>223</u> RESPONSE, 222 MOTION to Unseal Portions of the Execution Protocol <i>Supplement to emergency motion to unseal portions of Defendants' execution protocol</i> (Attachments: # <u>1</u> Exhibit Defendants' response in state court entitled "response in opposition" but saying Defendants do not object to unsealing portions of the execution protocol Plaintiffs request be unsealed)(Barron, David) (Entered: 03/05/2010)
03/05/2010	<u>225</u>	EMERGENCY MOTION to Expedite by Roger Dale Epperson, Brian Keith Moore <i>motion to expedite ruling on Plaintiffs' emergency motion to unseal portions of Defendants' execution protocol</i> , EMERGENCY MOTION for Order by Roger Dale Epperson, Brian Keith Moore <i>motion for order on Plaintiffs' motion to unseal portions of Defendants' execution protocol</i> Motions referred to Pro Se.



		(Attachments: # <u>1</u> Proposed Order granting Plaintiffs' motion to expedite ruling on unsealing portions of execution protocols)(Barron, David) (Entered: 03/05/2010)
03/05/2010	<u>226</u>	SUPPLEMENTAL MOTION to Unseal Document by Roger Dale Epperson, Brian Keith Moore <i>supplement to emergency motion to unseal portions of Defendants' execution protocol [Docket No. 222]</i> Motions referred to Pro Se. (Attachments: # <u>1</u> Exhibit Defendants' response in state court entitled "response in opposition" but saying Defendants do not object to unsealing portions of the execution protocol Plaintiffs request be unsealed)(Barron, David) (Entered: 03/05/2010)
03/05/2010	<u>227</u>	ORDER: 1. Plaintiffs Emergency Motion for Leave to File a Sealed Motion to Unseal Portions of the Execution Protocols <u>221</u> is GRANTED. 2. Plaintiffs Emergency Motion for Ruling and to Expedite Ruling on Plaintiffs Motion to Unseal Portions of the Execution Protocol <u>225</u> is GRANTED. 3. Plaintiffs Emergency Motion to Unseal Portions of the Execution Protocols 222 and Emergency Supplement to Emergency Motion to Unseal Portions of the Execution Protocol <u>226</u> are DENIED. Signed by Judge Karen K. Caldwell on 3/5/2010. (CBD)cc: COR (Entered: 03/05/2010)
08/02/2010		***FILE SUBMITTED TO CHAMBERS of Judge Caldwell for review and possible scheduling: <u>1</u> Complaint, <u>194</u> Intervenor Complaint (CBD) (Entered: 08/02/2010)
09/19/2012	<u>228</u>	ORDER: 1. Within 21 days, plaintiffs Moore and Epperson may file a single memorandum not to exceed fifteen pages in length addressing the matters described herein. 2. Within 21 days thereafter, defendants Rees, Simpson, Haas, and Fletcher may file a single response not to exceed fifteen pages in length. 3. Within 14 days thereafter, plaintiffs Moore and Epperson may file a single reply not to exceed ten pages in length. 4. No further briefing will be permitted without prior order of the Court. 5. The Court will dismiss this case, without prejudice, if no response is timely filed. Signed by Judge Karen K. Caldwell on 9/19/2012.(AKR)cc: COR (Entered: 09/19/2012)
10/10/2012	<u>229</u>	INCORRECT – RESPONSE TO ORDER TO SHOW CAUSE by Roger Dale Epperson, Brian Keith Moore <u>228</u> filed by Roger Dale Epperson, Brian Keith Moore. (Barron, David) Modified by adding text Incorrect on 10/11/2012 (AKR). <b>SEE DE <u>230</u> for correct entry.</b> (Entered: 10/10/2012)
10/10/2012	<u>230</u>	RESPONSE TO ORDER TO SHOW CAUSE by Roger Dale Epperson, Brian Keith Moore <u>228</u> <i>corrected response to order to show cause</i> filed by Roger Dale Epperson, Brian Keith Moore. (Barron, David) (Entered: 10/10/2012)
10/29/2012	<u>231</u>	RESPONSE TO ORDER TO SHOW CAUSE by Ernie Fletcher, Scott Haas, John D. Rees, Thomas Simpson, Unknown Executioners <u>228</u> filed by Ernie Fletcher, Scott Haas, John D. Rees, Thomas Simpson, Unknown Executioners. (Attachments: # <u>1</u> Proposed Order Dismissing Complaint)(Combs, Brenn) (Entered: 10/29/2012)
10/29/2012		Attorney Update. Attorney Brenn Oliver Combs for Ernie Fletcher,Brenn Oliver Combs for Scott Haas,Brenn Oliver Combs for John D. Rees,Brenn Oliver Combs for Thomas Simpson,Brenn Oliver Combs for Unknown Executioners added. (CBD) (Entered: 10/29/2012)
10/30/2012	<u>232</u>	REPLY to <u>231</u> <i>Reply to Defendants' Response to Show Cause Order</i> filed by Roger Dale Epperson, Brian Keith Moore. (Attachments: # <u>1</u> Exhibit Epperson trial docket sheet excerpt)(Barron, David) (Entered: 10/30/2012)
10/31/2012		***FILE SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>230</u> Response to Order to Show Cause, <u>231</u> Response to Response re Order to Show Cause, <u>232</u> REPLY re Order <u>228</u> to Show Cause (CBD) (Entered: 10/31/2012)
10/13/2015	<u>233</u>	MEMORANDUM OPINION & ORDER: 1. The complaints of plaintiffs Brian Keith Moore [R. 1] and Roger Dale Epperson [R. 194] are DISMISSED WITH PREJUDICE. 2. The Court will enter a Judgment contemporaneously with this Order. 3. This action is DISMISSED and STRICKEN from the Court's docket. 4. This is a final and appealable Order and there is no just cause for delay. Signed by Judge Karen K. Caldwell on 10/13/2015.(AKR)cc: COR (Entered: 10/13/2015)

10/13/2015	<u>234</u>	JUDGMENT: 1. Judgment is entered in favor of the defendants with respect to all issues raised in this proceeding. 2. This action is DISMISSED and STRICKEN from the Court's docket. 3. This is a FINAL and APPEALABLE Judgment and there is no just cause for delay. Signed by Judge Karen K. Caldwell on 10/13/2015.(AKR)cc: COR (Entered: 10/13/2015)
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