

**U.S. District Court
Western District of Kentucky (Bowling Green)
CIVIL DOCKET FOR CASE #: 1:11-cv-00189-JHM-HBB**

Cole et al v. Warren County, Kentucky et al
Assigned to: Chief Judge Joseph H. McKinley, Jr
Referred to: Magistrate Judge H. Brent Brennenstuhl
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 12/12/2011
Date Terminated: 05/30/2012
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Stuart Cole
*individually and on behalf of all others
similarly situated*

represented by **Camille A. Bathurst**
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Plaintiff

Loren Patterson
*individually and on behalf of all others
similarly situated*

represented by **Camille A. Bathurst**
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Gary S. Logsdon
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V.

Defendant

Warren County, Kentucky

represented by **Stacey A. Blankenship**
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Defendant

Mike Buchanon
individually

represented by **Stacey A. Blankenship**
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Douglas R. Moore
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jackie T. Strode
individually

represented by **Stacey A. Blankenship**
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*LEAD ATTORNEY
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Douglas R. Moore
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ATTORNEY TO BE NOTICED

Defendant

Jeff Robbins
individually

represented by **Stacey A. Blankenship**
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Douglas R. Moore
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ATTORNEY TO BE NOTICED

Defendant

Pat Watt
individually

represented by **Stacey A. Blankenship**
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Douglas R. Moore
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ATTORNEY TO BE NOTICED

Defendant

Misse Cooper-Edmonds
individually

represented by **Stacey A. Blankenship**
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Douglas R. Moore
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Gayle Eston
individually

represented by **Stacey A. Blankenship**
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LEAD ATTORNEY
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Douglas R. Moore
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ATTORNEY TO BE NOTICED

Defendant

South Central Bank of Bowling Green, Inc.

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Defendant

Ellen Lee Bale
individually

represented by **Benjamin Joel Lewis**
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Mark S. Riddle
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Tommy Ross
individually

represented by **Benjamin Joel Lewis**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark S. Riddle
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/12/2011	<u>1</u>	CLASS ACTION COMPLAINT filed by Stuart Cole and Loren Patterson, individually and on behalf of all others similarly situated against Warren County, Kentucky; Mike Buchanon; Jackie T. Strode; Jeff Robbins; Pat Watt; Misse Cooper-Edmonds; Gayle Eston; South Central Bank of Bowling Green, Inc.; Ellen Lee Bale; and Tommy Ross. Filing fee \$350, receipt number 0644-1339850. (Attachments: # <u>1</u> Cover Sheet, # <u>2</u> Tendered Summonses) (TJD) (Entered: 12/12/2011)

12/12/2011	<u>2</u>	Case Assignment (Random Selection): Case Assigned to Chief Judge Joseph H. McKinley, Jr. (TJD) (Entered: 12/12/2011)
12/12/2011	<u>3</u>	Summonses Issued as to Warren County, Kentucky; Mike Buchanon; Jackie T. Strode; Jeff Robbins; Pat Watt; Misse Cooper-Edmonds; Gayle Eston; South Central Bank of Bowling Green, Inc.; Ellen Lee Bale; and Tommy Ross. Counsel for Plaintiff is responsible for printing and serving the attached issued summonses. (TJD) (Entered: 12/12/2011)
12/12/2011	<u>4</u>	ORDER by Chief Judge Joseph H. McKinley, Jr. (EBOC) on 12/12/2011; Referring Case to Magistrate Judge E. Robert Goebel pursuant to 28:636(b)(1)(A) for disposition of all non-dispositive motions. cc: Counsel, ERG, PH, KL (TJD) (Entered: 12/12/2011)
12/29/2011	<u>5</u>	ANSWER to <u>1</u> Complaint, by Mike Buchanon, Misse Cooper-Edmonds, Gayle Eston, Jeff Robbins, Jackie T. Strode, Warren County, Kentucky, Pat Watt. (Blankenship, Stacey) (Entered: 12/29/2011)
01/20/2012	<u>6</u>	MOTION to Dismiss <i>SOUTH CENTRAL BANK OF BOWLING GREEN, INC., ELLEN BALE AND TOMMY ROSS</i> by Defendants Ellen Lee Bale, Tommy Ross, South Central Bank of Bowling Green, Inc. Responses due by 2/13/2012 (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A – Ordinance Authorizing and Directing Prisoner Fee and Expense Reimbursement, # <u>3</u> Exhibit B – Warren Fiscal Court Minutes, # <u>4</u> Exhibit C – Warren County Jail – Inmate Rights & Rules and Services Offered to Inmates, # <u>5</u> Proposed Order) (Lewis, Benjamin) (Entered: 01/20/2012)
01/20/2012	<u>7</u>	MOTION for Summary Judgment by Defendants Mike Buchanon, Misse Cooper-Edmonds, Gayle Eston, Jeff Robbins, Jackie T. Strode, Warren County, Kentucky, Pat Watt Responses due by 2/13/2012 (Attachments: # <u>1</u> Memorandum in Support of County Motion for Summary Judgment, # <u>2</u> Exhibit A – Ordinance, # <u>3</u> Exhibit B – Inmate Rights & Rules, # <u>4</u> Exhibit C – Cole's Jail account, # <u>5</u> Exhibit D – Cole's account history, # <u>6</u> Exhibit E – Cole's booking sheets, # <u>7</u> Exhibit F – Cole's property receipt, # <u>8</u> Exhibit G – Inmate rights signed by Cole, # <u>9</u> Exhibit H – Patterson's booking sheet, # <u>10</u> Exhibit I – Patterson's account history, # <u>11</u> Exhibit J – bank notice, # <u>12</u> Exhibit K – Inmate rights signed by Patterson, # <u>13</u> Exhibit L – Patterson's property receipt, # <u>14</u> Proposed Order to Motion for Summary Judgment) (Blankenship, Stacey) (Entered: 01/20/2012)
01/23/2012	<u>8</u>	Proposed Agreed Order/Stipulation for Extension of Time for Plaintiffs to Respond to Motions by Ellen Lee Bale, Mike Buchanon, Stuart Cole, Misse Cooper-Edmonds, Gayle Eston, Loren Patterson, Jeff Robbins, Tommy Ross, South Central Bank of Bowling Green, Inc., Jackie T. Strode, Warren County, Kentucky, Pat Watt. (Belzley, Gregory) (Entered: 01/23/2012)
01/30/2012	<u>9</u>	ORDER by Magistrate Judge E. Robert Goebel on 1/27/2012; By agreement of parties, IT IS ORDERED that the plaintiff shall have to and including 2/20/2012 to respond to Defendants' dispositive motion. cc:counsel (PHB) (Entered: 01/30/2012)
02/20/2012	<u>10</u>	RESPONSE to Motion re <u>6</u> MOTION to Dismiss <i>SOUTH CENTRAL BANK OF BOWLING GREEN, INC., ELLEN BALE AND TOMMY ROSS</i> filed by Stuart Cole, Loren Patterson. Replies due by 3/8/2012. (Attachments: # <u>1</u> Exhibit Original SB 332, # <u>2</u> Exhibit SB 332 legislative history, # <u>3</u> Exhibit Floor amendment 1, # <u>4</u> Exhibit Floor amendment 2, # <u>5</u> Exhibit Inmates' rights, # <u>6</u> Exhibit Fiscal Court ordinance, # <u>7</u> Proposed Order) (Belzley, Gregory) (Entered: 02/20/2012)
02/20/2012	<u>11</u>	RESPONSE to Motion re <u>7</u> MOTION for Summary Judgment by County Defendants filed by Stuart Cole, Loren Patterson. Replies due by 3/8/2012. (Attachments: # <u>1</u> Exhibit Original SB 332, # <u>2</u> Exhibit SB 332 legislative history, # <u>3</u> Exhibit Floor amendment 1, # <u>4</u> Exhibit Floor amendment 2, # <u>5</u> Exhibit Inmates' rights, # <u>6</u> Exhibit Fiscal Court ordinance, # <u>7</u> Proposed Order) (Belzley, Gregory) Modified attachment description on 2/21/2012 (CDF). (Entered: 02/20/2012)
03/05/2012	<u>12</u>	MOTION for Leave to File Excess Pages <i>Motion to File Reply to Response to Motion for Summary Judgment that Exceeds 15 Page Limitation</i> by Defendants Mike Buchanon, Misse Cooper-Edmonds, Gayle Eston, Jeff Robbins, Jackie T. Strode, Warren County, Kentucky, Pat Watt Responses due by 3/29/2012 (Attachments: # <u>1</u> Proposed Order Granting Motion to File Reply that Exceeds 15 page limit, # <u>2</u> Reply

		to Response to Motion for Summary Judgment, # <u>3</u> Exhibit A – Affidavit Tammy Davis, # <u>4</u> Exhibit B – Warren County Fiscal Court, # <u>5</u> Exhibit C – Affidavit Pat Watt, # <u>6</u> Exhibit D – Inmate Account Transactions, # <u>7</u> Exhibit E – Plaintiff's Court Net Criminal History) (Blankenship, Stacey) (Entered: 03/05/2012)
03/06/2012	<u>13</u>	Proposed Agreed Order/Stipulation <i>Allowing Until March 19, 2012 for SCB Defendants to File Reply</i> by Stuart Cole, Loren Patterson, South Central Bank of Bowling Green, Inc., Ellen Lee Bale, and Tommy Ross. (Lewis, Benjamin) Modified to add filers on 3/7/2012 (CDF). (Entered: 03/06/2012)
03/07/2012	<u>14</u>	AGREED ORDER by Chief Judge Joseph H. McKinley, Jr. on 3/7/2012. IT IS HEREBY ORDERED that the SCB Defendants shall have to and including 3/19/2012 by which to file a Reply in Support of their Motion to Dismiss <u>6</u> . cc: Counsel (CDF) (Entered: 03/07/2012)
03/08/2012	<u>15</u>	ORDER GRANTING MOTION TO FILE REPLY THAT EXCEEDS THE 15–PAGE LIMIT granting <u>12</u> Motion for Leave to File Excess Pages. Signed by Chief Judge Joseph H. McKinley, Jr on 3/8/2012. cc: Counsel (CDF) (Entered: 03/08/2012)
03/08/2012	<u>16</u>	REPLY to Response to Motion re <u>7</u> MOTION for Summary Judgment filed by Mike Buchanon, Misse Cooper–Edmonds, Gayle Eston, Jeff Robbins, Jackie T. Strode, Warren County, Kentucky, Pat Watt. (Attachments: # <u>1</u> Exhibit A – Affidavit of Tammy Davis, # <u>2</u> Exhibit B – Warren County Fiscal Court, # <u>3</u> Exhibit C – Affidavit of Pat Watt, # <u>4</u> Exhibit D – Inmate Account Transactions, # <u>5</u> Exhibit E – Plaintiff's Court Net Criminal History) (CDF) (Entered: 03/08/2012)
03/19/2012	<u>17</u>	REPLY to Response to Motion re <u>6</u> MOTION to Dismiss <i>SOUTH CENTRAL BANK OF BOWLING GREEN, INC., ELLEN BALE AND TOMMY ROSS</i> filed by Ellen Lee Bale, Tommy Ross, South Central Bank of Bowling Green, Inc.. (Riddle, Mark) Modified event text on 3/20/2012 (CDF). (Entered: 03/19/2012)
03/29/2012	<u>18</u>	MOTION for Leave to <i>File Surreply</i> by Plaintiffs Stuart Cole, Loren Patterson Responses due by 4/22/2012 (Attachments: # <u>1</u> Exhibit Plaintiffs' Surreply, # <u>2</u> Proposed Order) (Belzley, Gregory) (Entered: 03/29/2012)
04/04/2012	<u>19</u>	RESPONSE to Motion re <u>18</u> MOTION for Leave to <i>File Surreply</i> filed by Mike Buchanon, Misse Cooper–Edmonds, Gayle Eston, Jeff Robbins, Jackie T. Strode, Warren County, Kentucky, Pat Watt. Replies due by 4/21/2012. (Attachments: # <u>1</u> Proposed Order to Response to Motion for Leave to File Sur–Reply) (Blankenship, Stacey) (Entered: 04/04/2012)
04/09/2012	<u>20</u>	RESPONSE to Motion <i>Plaintiff's Motion for Leave to File a Surreply and Proposed Order</i> filed by South Central Bank of Bowling Green, Inc.. Replies due by 4/26/2012. (Lewis, Benjamin) (Additional attachment(s) added on 4/10/2012: # <u>1</u> Proposed Order) (JBM). (Entered: 04/09/2012)
04/15/2012	<u>21</u>	MOTION for Leave to <i>File First Amended Class Action Complaint</i> by Plaintiffs Stuart Cole, Loren Patterson Responses due by 5/9/2012 (Attachments: # <u>1</u> Exhibit Amended Complaint, # <u>2</u> Proposed Order) (Belzley, Gregory) (Entered: 04/15/2012)
04/16/2012	<u>22</u>	MOTION for Leave to <i>File Supplemental Response to Motions to Dismiss and for Summary Judgment</i> by Plaintiffs Stuart Cole, Loren Patterson Responses due by 5/10/2012 (Attachments: # <u>1</u> Exhibit Proposed First Amended Class Action Complaint, # <u>2</u> Exhibit Jones case file, # <u>3</u> Proposed Order) (Belzley, Gregory) (Attachment 2 replaced on 5/31/2012) (CDF). (Entered: 04/16/2012)
04/19/2012	<u>23</u>	MOTION to Strike and Substitute <u>22</u> MOTION for Leave to <i>File Supplemental Response to Motions to Dismiss and for Summary Judgment</i> . Document or Part to be Stricken and/or Substituted: Exhibit 2by Plaintiffs Stuart Cole, Loren Patterson Responses due by 5/7/2012 (Attachments: # <u>1</u> Exhibit Redacted Jones file, # <u>2</u> Proposed Order) (Belzley, Gregory) (Entered: 04/19/2012)
04/19/2012	<u>24</u>	RESPONSE to Motion re <u>21</u> MOTION for Leave to <i>File First Amended Class Action Complaint Response and Objection to Plaintiffs' Motion for Leave to File First Amended Class Action Complaint</i> filed by Mike Buchanon, Misse Cooper–Edmonds, Gayle Eston, Jeff Robbins, Jackie T. Strode, Warren County, Kentucky, Pat Watt. Replies due by 5/6/2012. (Attachments: # <u>1</u> Proposed Order Deny Plaintiffs' 1st Amended Class) (Blankenship, Stacey) (Entered: 04/19/2012)

04/19/2012	<u>25</u>	RESPONSE to Motion re <u>7</u> MOTION for Summary Judgment, <u>22</u> MOTION for Leave to <i>File Supplemental Response to Motions to Dismiss and for Summary Judgment Response to Plaintiff's Motion for Leave to Supplement Response to Motion for Summary Judgment</i> filed by Mike Buchanon, Misse Cooper-Edmonds, Gayle Eston, Jeff Robbins, Jackie T. Strode, Warren County, Kentucky, Pat Watt. Replies due by 5/6/2012. (Attachments: # <u>1</u> Proposed Order Deny Plaintiff's Motion for Leave to Supplement Response, # <u>2</u> Proposed Order Grant Plaintiff's Motion to Supplement Response) (Blankenship, Stacey) (Entered: 04/19/2012)
04/20/2012	<u>26</u>	REPLY to Response to Motion re <u>22</u> MOTION for Leave to <i>File Supplemental Response to Motions to Dismiss and for Summary Judgment</i> filed by Stuart Cole, Loren Patterson. (Belzley, Gregory) (Entered: 04/20/2012)
04/20/2012	<u>27</u>	REPLY to Response to Motion re <u>21</u> MOTION for Leave to <i>File First Amended Class Action Complaint</i> filed by Stuart Cole, Loren Patterson. (Belzley, Gregory) (Entered: 04/20/2012)
04/26/2012	<u>28</u>	RESPONSE to Motion re <u>21</u> MOTION for Leave to <i>File First Amended Class Action Complaint</i> filed by Ellen Lee Bale, Tommy Ross, South Central Bank of Bowling Green, Inc.. Replies due by 5/13/2012. (Attachments: # <u>1</u> Proposed Order to Motion for Leave to File An Amended Complaint) (Lewis, Benjamin) (Entered: 04/26/2012)
05/10/2012	<u>29</u>	REPLY to Response to Motion re <u>21</u> MOTION for Leave to <i>File First Amended Class Action Complaint</i> filed by Stuart Cole, Loren Patterson. (Attachments: # <u>1</u> Exhibit Bridge v. Ocwen Federal Bank, # <u>2</u> Exhibit Gamby v. Equifax Information Systems) (Belzley, Gregory) (Entered: 05/10/2012)
05/11/2012		Pursuant to GO 12-04, Magistrate Judge H. Brent Brennenstuhl added. Magistrate Judge E. Robert Goebel no longer assigned to case. (TJD) (Entered: 05/11/2012)
05/30/2012	<u>30</u>	MEMORANDUM OPINION AND ORDER by Chief Judge Joseph H. McKinley, Jr. on 5/29/2012. For the reasons set forth, IT IS HEREBY ORDERED that SCB Defendants' motion to dismiss (DN <u>6</u>) and County Defendants' motion for summary judgment (DN <u>7</u>) are GRANTED as to the 42 U.S.C. 1983 claim. The State law claims are DISMISSED without prejudice. Plaintiffs' motion for leave to file surreply (DN <u>18</u>) is GRANTED and was taken into consideration in the Court's decision. Plaintiffs' motion for leave to file an amended class action complaint (DN <u>21</u>) is DENIED. Plaintiffs' motion for leave to file supplemental response to motions to dismiss and for summary judgment (DN <u>22</u>) is DENIED AS MOOT. cc: Counsel (CDF) (Entered: 05/30/2012)
05/30/2012	<u>31</u>	JUDGMENT by Chief Judge Joseph H. McKinley, Jr. IT IS HEREBY ORDERED that judgment be entered in favor of the Defendants consistent with the Court's Memorandum Opinion and Order (DN <u>30</u>) and the Plaintiffs' 42 U.S.C. 1983 claim be dismissed with prejudice. Plaintiffs' State law claims are DISMISSED without prejudice. cc: Counsel (CDF) (Entered: 05/30/2012)
05/30/2012	<u>32</u>	PLAINTIFFS' SURREPLY re <u>6</u> MOTION to Dismiss, and <u>7</u> MOTION for Summary Judgment, filed by Stuart Cole, Loren Patterson. (CDF) (Entered: 05/30/2012)
05/31/2012	<u>33</u>	ORDER by Magistrate Judge H. Brent Brennenstuhl on 5/30/2012 granting <u>23</u> Motion to Strike and substitute. ORDERED that the original Exhibit 2 to Plaintiffs' motion for leave of Court to supplement response to Defendants' motions to dismiss and for summary judgment is hereby STRICKEN, and the document attached as Exhibit 1 to Plaintiffs' motion to strike shall be substituted in its place. cc: Counsel (CDF) (Entered: 05/31/2012)