

CLOSED, CONSOL, IFP, reassigned

**U.S. District Court
Eastern District of Michigan (Detroit)
CIVIL DOCKET FOR CASE #: 2:05-cv-71318-MOB-VMM**

Foster et al v. Rubitschun et al
Assigned to: District Judge Marianne O Battani
Referred to: Magistrate Judge Virginia M Morgan
Member case: [\(View Member Case\)](#)
Case in other court: U.S. Court of Appeals – Sixth Circuit,
08–01371, 08–01372, 08
U.S. Court of Appeals – Sixth Circuit,
08–01478
U.S. Court of Appeals – Sixth Circuit,
08–01371/08–01372/08–00001

Date Filed: 04/05/2005
Date Terminated: 02/07/2008
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Cause: No cause code entered

Plaintiff

Kenneth Foster

represented by **Paul D. Reingold**
University of Michigan
801 Monroe Street
363 Legal Research Bldg
Ann Arbor, MI 48109
734–763–4319
Email: mclp@umich.edu
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

John Alexander

represented by **Paul D. Reingold**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Waymon Kincaid

represented by **Paul D. Reingold**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

William Sleeper

represented by **Paul D. Reingold**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Robert Weisenauer

represented by **Paul D. Reingold**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Eric McCullum

represented by **Paul D. Reingold**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Gerald Hessel

represented by **Paul D. Reingold**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Consol Plaintiff

Anthony Lynch

TERMINATED: 02/06/2006

represented by **Anthony Lynch**
146972
Macomb Correctional Facility
34625 26 Mile Road
New Haven, MI 48048
PRO SE

Consol Plaintiff

James Clark

TERMINATED: 02/06/2006

represented by **James Clark**
146972
Saginaw Correctional Facility
9625 Pierce Road
Saginaw, MI 48623
PRO SE

Consol Plaintiff

Holley Davis

TERMINATED: 02/06/2006

represented by **Holley Davis**
116440
Mound Correctional Facility
17601 Mound Road
Detroit, MI 48212
PRO SE

Consol Plaintiff

Johnathan Martin

TERMINATED: 02/06/2006

represented by **Johnathan Martin**
173004
Saginaw Correctional Facility
9625 Pierce Road
Freeland, MI 48623
PRO SE

Consol Plaintiff

Billy Ray Abernathy

TERMINATED: 02/06/2006

represented by **Billy Ray Abernathy**
150693
Saginaw Correctional Facility
9625 Pierce Road
Saginaw, MI 48623
PRO SE

Consol Plaintiff

Brian Hagood

TERMINATED: 02/06/2006

represented by **Brian Hagood**
183904
Saginaw Correctional Facility
9625 Pierce Road
Saginaw, MI 48623
PRO SE

Consol Plaintiff

Brian Luckett

TERMINATED: 02/06/2006

represented by **Brian Luckett**
217822
Saginaw Correctional Facility
9625 Pierce Road

Saginaw, MI 48623
PRO SE

Consol Plaintiff

Timothy Ganderson
TERMINATED: 02/06/2006

represented by **Timothy Ganderson**
225169
Saginaw Correctional Facility
9625 Pierce Road
Saginaw, MI 48623
PRO SE

V.

Intervenor Plaintiff

Giovanni Cipriano
TERMINATED: 02/06/2006

represented by **Giovanni Cipriano**
139222
Saginaw Correctional Facility
9625 Pierce Road
Freeland, MI 48623
PRO SE

Intervenor Plaintiff

Ralph Cobb
TERMINATED: 02/06/2006

represented by **Ralph Cobb**
144283
Saginaw Correctional Facility
9625 Pierce Road
Freeland, MI 48623
PRO SE

Intervenor Plaintiff

Melvin Gunn
TERMINATED: 02/06/2006

represented by **Melvin Gunn**
111525
Saginaw Correctional Facility
9625 Pierce Road
Freeland, MI 48623
PRO SE

Intervenor Plaintiff

Henry Hill
TERMINATED: 02/06/2006

represented by **Henry Hill**
169371
THUMB CORRECTIONAL FACILITY
3225 JOHN CONLEY DRIVE
LAPEER, MI 48446
PRO SE

Intervenor Plaintiff

William Jenkins
TERMINATED: 02/06/2006

represented by **William Jenkins**
149992
Saginaw Correctional Facility
9625 Pierce Road
Freeland, MI 48623
PRO SE

Intervenor Plaintiff

Maurice Jones
TERMINATED: 02/06/2006

represented by **Maurice Jones**
160361
Ojibway Correctional Facility
North 5705 Ojibway Road
Marensico, MI 49947-9771
PRO SE

Intervenor Plaintiff

Gilberto Osequeda
TERMINATED: 02/06/2006

represented by **Gilberto Osequeda**
144441
Saginaw Correctional Facility
9625 Pierce Road
Freeland, MI 48623
PRO SE

Intervenor Plaintiff

Roderick Walker
TERMINATED: 02/06/2006

represented by **Roderick Walker**
123268
Brooks Correctional Facility
2500 S. Sheridan Road
Muskegon, MI 49444
PRO SE

V.

Defendant

John S. Rubitschun
*in his/her official capacity as member of
the Michigan Parole Board
TERMINATED: 10/25/2007*

represented by **Frank J. Monticello**
Michigan Department of Attorney General
P.O. Box 30217
Lansing, MI 48909
517-335-7021
Fax: 527-335-7157
Email: monticellof@michigan.gov
*TERMINATED: 07/15/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

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525 West Ottawa Street
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Building
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517-335-7021
Email: govorchinp@michigan.gov
ATTORNEY TO BE NOTICED

Kevin R. Himebaugh
Michigan Department of Attorney General
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ATTORNEY TO BE NOTICED

Leo H. Friedman
MI Dept of Atty Gen
Corrections Division
P. O. Box 30217
Lansing, MI 48909
517-335-7021
Email: friedmanl@michigan.gov
*TERMINATED: 11/19/2007
ATTORNEY TO BE NOTICED*

Defendant

represented by

James Atterberry

*in his/her official capacity as member of
the Michigan Parole Board*

Frank J. Monticello

(See above for address)
TERMINATED: 07/15/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

A. Peter Govorchin

(See above for address)
ATTORNEY TO BE NOTICED

Kevin R. Himebaugh

(See above for address)
ATTORNEY TO BE NOTICED

Leo H. Friedman

(See above for address)
TERMINATED: 11/19/2007
ATTORNEY TO BE NOTICED

Defendant**Miguel Berrios**

*in his/her official capacity as member of
the Michigan Parole Board*

represented by **Frank J. Monticello**

(See above for address)
TERMINATED: 07/15/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

A. Peter Govorchin

(See above for address)
ATTORNEY TO BE NOTICED

Kevin R. Himebaugh

(See above for address)
ATTORNEY TO BE NOTICED

Leo H. Friedman

(See above for address)
TERMINATED: 11/19/2007
ATTORNEY TO BE NOTICED

Defendant**Charles Braddock**

*in his/her official capacity as member of
the Michigan Parole Board*
TERMINATED: 10/25/2007

represented by **Frank J. Monticello**

(See above for address)
TERMINATED: 07/15/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

A. Peter Govorchin

(See above for address)
ATTORNEY TO BE NOTICED

Kevin R. Himebaugh

(See above for address)
ATTORNEY TO BE NOTICED

Leo H. Friedman

(See above for address)
TERMINATED: 11/19/2007
ATTORNEY TO BE NOTICED

Defendant**Stephen DeBoer**

*in his/her official capacity as member of
the Michigan Parole Board*

represented by **Frank J. Monticello**

(See above for address)
TERMINATED: 07/15/2005

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

A. Peter Govorchin
(See above for address)
ATTORNEY TO BE NOTICED

Kevin R. Himebaugh
(See above for address)
ATTORNEY TO BE NOTICED

Leo H. Friedman
(See above for address)
*TERMINATED: 11/19/2007
ATTORNEY TO BE NOTICED*

Defendant

Enid Livingston
*in his/her official capacity as member of
the Michigan Parole Board
TERMINATED: 03/19/2009*

represented by **Frank J. Monticello**
(See above for address)
*TERMINATED: 07/15/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

A. Peter Govorchin
(See above for address)
ATTORNEY TO BE NOTICED

Kevin R. Himebaugh
(See above for address)
ATTORNEY TO BE NOTICED

Leo H. Friedman
(See above for address)
*TERMINATED: 11/19/2007
ATTORNEY TO BE NOTICED*

Defendant

James Quinlan
*in his/her official capacity as member of
the Michigan Parole Board
TERMINATED: 03/19/2009*

represented by **Frank J. Monticello**
(See above for address)
*TERMINATED: 07/15/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

A. Peter Govorchin
(See above for address)
ATTORNEY TO BE NOTICED

Kevin R. Himebaugh
(See above for address)
ATTORNEY TO BE NOTICED

Leo H. Friedman
(See above for address)
*TERMINATED: 11/19/2007
ATTORNEY TO BE NOTICED*

Defendant

Marianne Samper
*in his/her official capacity as member of
the Michigan Parole Board
TERMINATED: 10/25/2007*

represented by **Frank J. Monticello**
(See above for address)
*TERMINATED: 07/15/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

A. Peter Govorchin
(See above for address)
ATTORNEY TO BE NOTICED

Kevin R. Himebaugh
(See above for address)
ATTORNEY TO BE NOTICED

Leo H. Friedman
(See above for address)
TERMINATED: 11/19/2007
ATTORNEY TO BE NOTICED

Defendant

Barbara Sampson
*in his/her official capacity as member of
the Michigan Parole Board*

represented by **Frank J. Monticello**
(See above for address)
TERMINATED: 07/15/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

A. Peter Govorchin
(See above for address)
ATTORNEY TO BE NOTICED

Kevin R. Himebaugh
(See above for address)
ATTORNEY TO BE NOTICED

Leo H. Friedman
(See above for address)
TERMINATED: 11/19/2007
ATTORNEY TO BE NOTICED

Defendant

Artina Hartman
*in his/her official capacity as member of
the Michigan Parole Board*

represented by **Frank J. Monticello**
(See above for address)
TERMINATED: 07/15/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

A. Peter Govorchin
(See above for address)
ATTORNEY TO BE NOTICED

Kevin R. Himebaugh
(See above for address)
ATTORNEY TO BE NOTICED

Leo H. Friedman
(See above for address)
TERMINATED: 11/19/2007
ATTORNEY TO BE NOTICED

Defendant

Patricia L. Caruso
*in her official capacity as director of the
Michigan Department of Corrections*

represented by **Frank J. Monticello**
(See above for address)
TERMINATED: 07/15/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

A. Peter Govorchin
(See above for address)
ATTORNEY TO BE NOTICED

Kevin R. Himebaugh
(See above for address)
ATTORNEY TO BE NOTICED

Leo H. Friedman
(See above for address)
TERMINATED: 11/19/2007
ATTORNEY TO BE NOTICED

Defendant

Sharee Booker
Parole Board Member
TERMINATED: 03/19/2009

represented by **A. Peter Govorchin**
(See above for address)
ATTORNEY TO BE NOTICED

Kevin R. Himebaugh
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

John Schlinker
Parole Board Member
TERMINATED: 03/19/2009

represented by **A. Peter Govorchin**
(See above for address)
ATTORNEY TO BE NOTICED

Kevin R. Himebaugh
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Laurin' Thomas
Parole Board Member

represented by **A. Peter Govorchin**
(See above for address)
ATTORNEY TO BE NOTICED

Kevin R. Himebaugh
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Barbara Sampson
Parole Board Chairperson
TERMINATED: 03/19/2009

V.

Movant

Wilmot Moore
Consolidated
TERMINATED: 02/06/2006

Movant

Mario Wilson
Consolidated
TERMINATED: 02/06/2006

Movant

Larissa Barclay
TERMINATED: 02/06/2006

Movant

Cassandra Barlow
 TERMINATED: 02/06/2006

Movant

Onie C. Bradford
 TERMINATED: 02/06/2006

Movant

Loretta Bradley
 TERMINATED: 02/06/2006

Movant

Annie Jackson
 TERMINATED: 02/06/2006

Movant

Kyle Jackson
 TERMINATED: 02/06/2006

Movant

Lutricia Long
 TERMINATED: 02/06/2006

Movant

Ernestine Lynch
 TERMINATED: 02/06/2006

Movant

Vicki Davis Mack
 TERMINATED: 02/06/2006

Movant

Melvin Gunn
 TERMINATED: 02/06/2006

Movant

Kenneth Wojnicz

represented by **Kenneth Wojnicz**
 108691
 KINROSS CORRECTIONAL FACILITY
 16770 S. WATERTOWER DRIVE
 KINCHELOE, MI 49785
 PRO SE

Date Filed	#	Docket Text
04/05/2005	<u>1</u>	CLASS ACTION COMPLAINT with exhibits 1-7, Receipt No. IFP. (Attachments: # <u>1</u> Document Continuation)(JPur,) (Entered: 04/06/2005)
04/05/2005	<u>2</u>	MOTIONS to proceed in forma pauperis by plaintiffs. (Attachments: # <u>1</u> Document Continuation)(JPur,) (Entered: 04/06/2005)
04/05/2005	<u>3</u>	MOTION for Class Certification by plaintiffs. (JPur,) (Entered: 04/06/2005)
04/11/2005	<u>4</u>	Prisoner Trust Fund Account Statement by Gerald Hessell.(JPur2,) (Entered: 04/12/2005)
04/19/2005	<u>5</u>	ORDER granting in part and denying in part <u>2</u> Application to Proceed Without Prepayment of Fees filed by Kenneth Foster,, John Alexander,, Gerald Hessell,, Waymon Kincaid,, Robert Weisenauer,, William Sleeper,, Eric McCullum,. Signed by Honorable Nancy G Edmunds. (CHem,) (Entered: 04/19/2005)

04/27/2005	<u>6</u>	CERTIFICATE OF SERVICE by plaintiffs of <u>1</u> Complaint. (DPer,) (Entered: 04/29/2005)
04/27/2005	<u>7</u>	CERTIFICATE OF SERVICE by plaintiffs of <u>1</u> Complaint. (DPer,) (Entered: 04/29/2005)
05/10/2005	<u>13</u>	NOTICE of filing fee paid in full. (DPer,) (Entered: 05/13/2005)
05/12/2005	<u>8</u>	ATTORNEY APPEARANCE: Frank J. Monticello appearing on behalf of all defendants.(Monticello, Frank) (Entered: 05/12/2005)
05/12/2005	<u>9</u>	MOTION to Dismiss <i>with Brief in Support</i> by all defendants. (Attachments: # <u>1</u> Exhibit Opinion)(Monticello, Frank) (Entered: 05/12/2005)
05/12/2005	<u>10</u>	ATTORNEY APPEARANCE: Kevin R. Himebaugh appearing on behalf of all defendants.(Himebaugh, Kevin) (Entered: 05/12/2005)
05/12/2005	<u>11</u>	MOTION Hold Motion for Class Certification in Abeyance re <u>3</u> MOTION to Certify Class <i>with Brief in Support</i> by all defendants. (Monticello, Frank) (Entered: 05/12/2005)
05/12/2005	<u>12</u>	MOTION to Stay <i>Discovery with Brief in Support</i> by all defendants. (Attachments: # <u>1</u> Exhibit Discovery)(Monticello, Frank) (Entered: 05/12/2005)
05/12/2005	<u>14</u>	LETTER from Robert Weisenauer. (DPer,) (Entered: 05/16/2005)
05/17/2005	<u>15</u>	FEE Received in the amount of \$35.71 for Partial Payment of Filing Fee by John Alexander – Receipt No. 5591-AA (JPur,) (Entered: 05/17/2005)
05/18/2005	<u>16</u>	NOTICE of hearing on <u>9</u> MOTION to Dismiss <i>with Brief in Support</i> , <u>11</u> MOTION Hold Motion for Class Certification in Abeyance re <u>3</u> MOTION to Certify Class <i>with Brief in Support</i> , <u>12</u> MOTION to Stay <i>Discovery with Brief in Support</i> . Motion Hearing set for 6/29/2005 02:00 PM before Honorable Nancy G Edmunds. (CHem,) (Entered: 05/18/2005)
05/19/2005	<u>17</u>	NOTICE of filing fee paid in full by Robert Weisenauer (NHoll,) (Entered: 05/19/2005)
05/19/2005	<u>18</u>	NOTICE of Filing Fee paid in full by John Alexander. (NHoll,) (Entered: 05/20/2005)
06/01/2005	<u>19</u>	RESPONSE to <u>12</u> MOTION to Stay <i>Discovery with Brief in Support</i> filed by Kenneth Foster. (Attachments: # <u>1</u> Exhibit First Interrogatories)(Reingold, Paul) (Entered: 06/01/2005)
06/01/2005	<u>20</u>	RESPONSE to <u>11</u> MOTION Hold Motion for Class Certification in Abeyance re <u>3</u> MOTION to Certify Class <i>with Brief in Support</i> filed by Kenneth Foster. (Reingold, Paul) (Entered: 06/01/2005)
06/01/2005	<u>21</u>	Ex Parte MOTION for Leave to File Excess Pages by Kenneth Foster. (Reingold, Paul) (Entered: 06/01/2005)
06/01/2005	<u>22</u>	RESPONSE to <u>9</u> MOTION to Dismiss <i>with Brief in Support</i> filed by Kenneth Foster. (Attachments: # <u>1</u> Exhibit Johnson# <u>2</u> Exhibit Curtis)(Reingold, Paul) (Entered: 06/01/2005)
06/06/2005	<u>23</u>	ORDER granting <u>21</u> Motion for Leave to File Excess Pages– Signed by Honorable Nancy G Edmunds. (CHem,) (Entered: 06/06/2005)
06/06/2005	<u>24</u>	ORDER granting <u>11</u> Motion to hold plaintiffs' motion for class certification in abeyance and granting <u>12</u> Motion to Stay discovery, and cancelling hearing.– Signed by Honorable Nancy G Edmunds. (CHem,) (Entered: 06/06/2005)
06/08/2005	<u>31</u>	NOTICE of filing fee paid in full by William Sleeper. (DPer,) (Entered: 07/07/2005)
06/09/2005	<u>25</u>	REPLY to Response re <u>9</u> MOTION to Dismiss <i>with Brief in Support</i> filed by John S. Rubitschun, James Atterberry, Miguel Berrios, Charles Braddock, Stephen DeBoer, Enid Livingston, James Quinlan, Marianne Samper, Barbara Sampson, Artina Hartman, Patricia L. Caruso. (Attachments: # <u>1</u> Exhibit

		Attachment)(Himebaugh, Kevin) (Entered: 06/09/2005)
06/09/2005	<u>26</u>	CERTIFICATE OF SERVICE by John S. Rubitschun, James Atterberry, Miguel Berrios, Charles Braddock, Stephen DeBoer, Enid Livingston, James Quinlan, Marianne Samper, Barbara Sampson, Artina Hartman, Patricia L. Caruso re <u>25</u> Reply to Response to Motion,. (Himebaugh, Kevin) (Entered: 06/09/2005)
06/15/2005	<u>27</u>	REPLY to Response re <u>9</u> MOTION to Dismiss <i>with Brief in Support CORRECTED REPLY with Proof of Service</i> filed by John S. Rubitschun, James Atterberry, Miguel Berrios, Charles Braddock, Stephen DeBoer, Enid Livingston, James Quinlan, Marianne Samper, Barbara Sampson, Artina Hartman, Patricia L. Caruso. (Himebaugh, Kevin) (Entered: 06/15/2005)
06/24/2005	<u>28</u>	NOTICE of hearing on <u>9</u> MOTION to Dismiss <i>with Brief in Support</i> , <u>3</u> MOTION to Certify Class. Motion Hearing re-set for 7/13/2005 02:00 PM before Honorable Nancy G Edmunds. (CHem,) (Entered: 06/24/2005)
07/06/2005	<u>29</u>	MOTION to Reassign Case <i>and/ or consolidation</i> by Kenneth Foster. (Reingold, Paul) (Entered: 07/06/2005)
07/06/2005	<u>30</u>	CERTIFICATE OF SERVICE by Kenneth Foster. (Reingold, Paul) (Entered: 07/06/2005)
07/13/2005		Minute Entry -Motion Hearing held on 7/13/2005 re <u>9</u> MOTION to Dismiss <i>with Brief in Support</i> filed by Patricia L. Caruso,, John S. Rubitschun,, James Quinlan,, Charles Braddock,, Marianne Samper,, Miguel Berrios,, James Atterberry,, Barbara Sampson,, Stephen DeBoer,, Enid Livingston,, Artina Hartman, before Honorable Nancy G Edmunds. (Court Reporter Suzanne Jacques) (CHem,) (Entered: 07/19/2005)
07/14/2005	<u>32</u>	SUPPLEMENTAL BRIEF re <u>9</u> MOTION to Dismiss <i>with Brief in Support together with Certificate of Service</i> filed by John S. Rubitschun, James Atterberry, Miguel Berrios, Charles Braddock, Stephen DeBoer, Enid Livingston, James Quinlan, Marianne Samper, Barbara Sampson, Artina Hartman, Patricia L. Caruso. (Attachments: # <u>1</u> Exhibit 1)(Himebaugh, Kevin) (Entered: 07/14/2005)
07/15/2005	<u>33</u>	SUPPLEMENTAL BRIEF re <u>32</u> Supplemental Brief, <i>Response</i> filed by Kenneth Foster. (Attachments: # <u>1</u> Exhibit Motion and Brief for Rehearing# <u>2</u> Exhibit Hill Opinion)(Reingold, Paul) (Entered: 07/15/2005)
07/15/2005	<u>34</u>	ATTORNEY SUBSTITUTION for John S. Rubitschun, James Atterberry, Miguel Berrios, Charles Braddock, Stephen DeBoer, Enid Livingston, James Quinlan, Marianne Samper, Barbara Sampson, Artina Hartman, Patricia L. Caruso: Leo H. Friedman added. Attorney Frank J. Monticello terminated. <i>Substituted Appearance of Counsel.</i> (Friedman, Leo) (Entered: 07/15/2005)
07/15/2005	<u>35</u>	CERTIFICATE OF SERVICE by John S. Rubitschun, James Atterberry, Miguel Berrios, Charles Braddock, Stephen DeBoer, Enid Livingston, James Quinlan, Marianne Samper, Barbara Sampson, Artina Hartman, Patricia L. Caruso re <u>34</u> Attorney Substitution, <i>Substituted Appearance of Counsel.</i> (Friedman, Leo) (Entered: 07/15/2005)
07/21/2005	<u>36</u>	ORDER Requiring Supplemental Briefing to <u>9</u> Motion to Dismiss. Response due: 8/1/2005. Signed by Honorable Nancy G Edmunds. (CHem,) (Entered: 07/21/2005)
07/25/2005	<u>37</u>	STIPULATION <i>for Extension of Time for Filing Supplemental Briefs</i> by Kenneth Foster.(Reingold, Paul) (Entered: 07/25/2005)
08/01/2005	<u>38</u>	MOTION for enlargement of time to file objections to order of consolidation by Anthony Lynch. (DPer,) (Entered: 08/02/2005)
08/10/2005	<u>39</u>	SUPPLEMENTAL BRIEF re <u>32</u> Supplemental Brief, <i>motion to dismiss</i> filed by Kenneth Foster. (Attachments: # <u>1</u> Exhibit A - No Way Out)(Reingold, Paul) (Entered: 08/10/2005)
08/15/2005	<u>40</u>	RESPONSE to <u>36</u> Order Requiring Responsive Pleading <i>with Certificate of Service</i> by John S. Rubitschun, James Atterberry, Miguel Berrios, Charles Braddock, Stephen DeBoer, Enid Livingston, James Quinlan, Marianne Samper, Barbara

		Sampson, Artina Hartman, Patricia L. Caruso. (Attachments: # <u>1</u> Exhibit 1 – Hill Opinion)(Himebaugh, Kevin) (Entered: 08/15/2005)
08/16/2005	<u>41</u>	[STRICKEN AS OF 8/17/2005] REPLY to Response re <u>12</u> MOTION to Stay <i>Discovery with Brief in Support</i> , <u>9</u> MOTION to Dismiss <i>with Brief in Support</i> filed by Kenneth Foster. (Reingold, Paul) Modified on 8/18/2005 (NHoll,). Additional attachment(s) added on 8/23/2005 (NHoll,). (Entered: 08/16/2005)
08/17/2005	<u>42</u>	SUPPLEMENTAL BRIEF re <u>32</u> Supplemental Brief,, <u>39</u> Supplemental Brief <i>Corrected Version</i> filed by Kenneth Foster. (Attachments: # <u>1</u> Exhibit No Way Out)(Reingold, Paul) (Entered: 08/17/2005)
08/17/2005	<u>43</u>	ORDER Striking <u>41</u> Reply to Response to Motion filed by Kenneth Foster. Signed by Honorable Nancy G Edmunds. (NHoll,) (Entered: 08/18/2005)
08/18/2005	<u>44</u>	ORDER granting in part and denying in part <u>9</u> Motion to Dismiss– Signed by Honorable Nancy G Edmunds. (CHem,) (Entered: 08/18/2005)
08/18/2005	<u>45</u>	ORDER granting <u>38</u> Motion to Extend time to file objections to consolidation to 9/2/2005. – Signed by Honorable Nancy G Edmunds. (CHem,) (Entered: 08/18/2005)
08/19/2005	<u>46</u>	MOTION for Reconsideration re <u>44</u> Order on Motion to Dismiss – <i>Motion for Partial Reconsideration with Brief in Support and Certificate of Service</i> by all defendants. (Himebaugh, Kevin) (Entered: 08/19/2005)
08/22/2005	<u>47</u>	ORDER denying <u>46</u> Motion for Reconsideration – Signed by Honorable Nancy G Edmunds. (CHem,) (Entered: 08/22/2005)
08/26/2005	<u>48</u>	Mail Returned as Undeliverable. Mail sent to James Clark re <u>47</u> Order on Motion for Reconsideration. (NHoll,) (Entered: 08/29/2005)
08/26/2005	<u>51</u>	Sealed Matter (B).(DTyle,) (Entered: 08/30/2005)
08/29/2005	<u>49</u>	CERTIFICATE OF SERVICE by plaintiffs re <u>1</u> Complaint upon Patricia Caruso. (DTyle,) (Entered: 08/30/2005)
08/29/2005	<u>50</u>	CERTIFICATE OF SERVICE by plaintiffs Anthony Lynch, James Clark, Holley Davis, Johnathan Martin, Billy Ray Abernathy, Brian Hagood, Brian Luckett, Timothy Ganderson of complaint served upon John Rubitschun. (DTyle,) (Entered: 08/30/2005)
08/29/2005	<u>52</u>	SUMMONS Returned Executed. James Atterberry served on 8/12/2005, answer due 9/1/2005 (DTyle,) (Entered: 08/30/2005)
08/29/2005	<u>54</u>	SUMMONS Returned Executed. Charles Braddock served on 8/12/2005, answer due 9/1/2005 (DTyle,) (Entered: 08/30/2005)
08/29/2005	<u>55</u>	SUMMONS Returned Executed. Stephen DeBoer served on 8/12/2005, answer due 9/1/2005 (DTyle,) (Entered: 08/30/2005)
08/29/2005	<u>56</u>	SUMMONS Returned Executed. Artina Hartman served on 8/12/2005, answer due 9/1/2005 (DTyle,) (Entered: 08/30/2005)
08/29/2005	<u>57</u>	SUMMONS Returned Executed. Marianne Samper served on 8/12/2005, answer due 9/1/2005 (DTyle,) (Entered: 08/30/2005)
08/29/2005	<u>58</u>	SUMMONS Returned Executed. Barbara Sampson served on 8/12/2005, answer due 9/1/2005 (DTyle,) (Entered: 08/30/2005)
08/29/2005	<u>59</u>	SUMMONS Returned Executed. Enid Livingston served on 8/12/2005, answer due 9/1/2005 (DTyle,) (Entered: 08/30/2005)
08/29/2005	<u>60</u>	SUMMONS Returned Executed. James Quinlan served on 8/12/2005, answer due 9/1/2005 (DTyle,) (Entered: 08/30/2005)
08/30/2005	<u>53</u>	SUMMONS Returned Executed. Miguel Berrios served on 8/12/2005, answer due 9/1/2005 (DTyle,) (Entered: 08/30/2005)

08/31/2005	<u>61</u>	RESPONSE to <u>38</u> MOTION TO EXTEND <i>for Severance of Claims</i> filed by Kenneth Foster. (Reingold, Paul) (Entered: 08/31/2005)
09/01/2005	<u>62</u>	NOTICE of Appearance by Kevin R. Himebaugh on behalf of John S. Rubitschun, James Atterberry, Miguel Berrios, Charles Braddock, Stephen DeBoer, Enid Livingston, James Quinlan, Marianne Samper, Barbara Sampson, Artina Hartman, Patricia L. Caruso. (Himebaugh, Kevin) (Entered: 09/01/2005)
09/06/2005	<u>63</u>	RESPONSE to <u>38</u> MOTION TO EXTEND <i>and to Lynch–Bey Plaintiffs' Motion for Severance of Claims</i> filed by John S. Rubitschun, James Atterberry, Miguel Berrios, Charles Braddock, Stephen DeBoer, Enid Livingston, James Quinlan, Marianne Samper, Barbara Sampson, Artina Hartman, Patricia L. Caruso. (Himebaugh, Kevin) (Entered: 09/06/2005)
09/06/2005	<u>64</u>	MOTION for Severance of Claims by Anthony Lynch. (NHoll,) (Entered: 09/07/2005)
09/12/2005	<u>65</u>	RESPONSE to <u>3</u> MOTION to Certify Class <i>with Certificate of Service</i> filed by John S. Rubitschun, James Atterberry, Miguel Berrios, Charles Braddock, Stephen DeBoer, Enid Livingston, James Quinlan, Marianne Samper, Barbara Sampson, Artina Hartman, Patricia L. Caruso. (Himebaugh, Kevin) (Entered: 09/12/2005)
09/12/2005	<u>96</u>	MOTION to Intervene as Plaintiff's by Larissa Barclay, Cassandra Barlow, Onie C. Bradford, Loretta Bradley, Annie Jackson, Kyle Jackson, Lutricia Long, Ernestine Lynch, Vicki Davis Mack. (NHoll,) (Entered: 09/19/2005)
09/13/2005	<u>66</u>	NOTICE of Filing Rule 5 Materials by Anthony Lynch. (NHoll,) (Entered: 09/15/2005)
09/13/2005	<u>67</u>	STATE Court Record – Supreme Court Case No. 04–00031–AA–C30.(NHoll,) (Main Document 67 replaced on 8/27/2010) (SSch). (Entered: 09/15/2005)
09/13/2005	<u>68</u>	STATE Court Record – State of Michigan, Department of Corrections.(NHoll,) (Main Document 68 replaced on 8/27/2010) (SSch). (Entered: 09/15/2005)
09/13/2005	<u>69</u>	STATE Court Record – Copy of Letter from State of Michigan, Dept. of Corrections.(NHoll,) (Entered: 09/15/2005)
09/13/2005	<u>70</u>	STATE Court Record – Petition for Judicial Review; Ingham County Circuit Court.(NHoll,) (Main Document 70 replaced on 8/27/2010) (SSch). (Entered: 09/15/2005)
09/13/2005	<u>71</u>	STATE Court Record – State of Michigan, Case No. 04–31–AA.(NHoll,) (Main Document 71 replaced on 8/27/2010) (SSch). (Entered: 09/15/2005)
09/13/2005	<u>72</u>	STATE Court Record – Ingham County Circuit Court, Case No. 04–31–AA.(NHoll,) (Main Document 72 replaced on 8/27/2010) (SSch). (Entered: 09/15/2005)
09/13/2005	<u>73</u>	STATE Court Record – State of Michigan, Case No. 04–31–AA.(NHoll,) (Main Document 73 replaced on 8/27/2010) (SSch). (Entered: 09/15/2005)
09/13/2005	<u>74</u>	STATE Court Record – Ingham County Circuit Court, Case No. 04–31–AA.(NHoll,) (Main Document 74 replaced on 8/27/2010) (SSch). (Entered: 09/15/2005)
09/13/2005	<u>75</u>	STATE Court Record – Ingham County Circuit Court, Case No. 04–31–AA.(NHoll,) (Entered: 09/15/2005)
09/13/2005	<u>76</u>	STATE Court Record – State of Michigan, Case No. 04–31–AA.(NHoll,) (Main Document 76 replaced on 8/27/2010) (SSch). (Entered: 09/15/2005)
09/13/2005	<u>77</u>	STATE Court Record – Ingham County Circuit Court, Case No. 04–31–AA.(NHoll,) (Main Document 77 replaced on 8/27/2010) (SSch). (Entered: 09/15/2005)
09/13/2005	<u>78</u>	STATE Court Record – Ingham County Circuit Court, Case No. 04–31–AA.(NHoll,) (Main Document 78 replaced on 8/27/2010) (SSch). (Entered: 09/15/2005)

09/13/2005	<u>79</u>	STATE Court Record – Ingham County Circuit Court, Case No. 04–31–AA.(NHoll,) (Main Document 79 replaced on 8/27/2010) (SSch). (Entered: 09/15/2005)
09/13/2005	<u>80</u>	STATE Court Record – State of Michigan, Case No. 04–31–AA.(NHoll,) (Main Document 80 replaced on 8/27/2010) (SSch). (Entered: 09/15/2005)
09/13/2005	<u>81</u>	STATE Court Record – Ingham County Circuit Court, Case No. 04–31–AA.(NHoll,) (Main Document 81 replaced on 8/27/2010) (SSch). (Entered: 09/15/2005)
09/13/2005	<u>82</u>	STATE Court Record – State of Michigan, Case No. 04–31–AA.(NHoll,) (Main Document 82 replaced on 8/27/2010) (SSch). (Entered: 09/15/2005)
09/13/2005	<u>83</u>	STATE Court Record – Ingham Coounty Circuit Court, Case No. 04–31–AA.(NHoll,) (Main Document 83 replaced on 8/27/2010) (SSch). (Entered: 09/15/2005)
09/13/2005	<u>84</u>	STATE Court Record – Ingham County Circuit Court, Case No. 04–31–AA.(NHoll,) (Main Document 84 replaced on 8/27/2010) (SSch). (Entered: 09/15/2005)
09/13/2005	<u>85</u>	STATE Court Record – Ingham County Circuit Court, Case No. 04–31–AA.(NHoll,) (Main Document 85 replaced on 8/27/2010) (SSch). (Entered: 09/15/2005)
09/13/2005	<u>86</u>	STATE Court Record – Thirtieth Judicial Circuit Court, Case No. 04–31–AA.(NHoll,) (Entered: 09/15/2005)
09/13/2005	<u>87</u>	STATE Court Record – Michigan Court of Appeals, Case No. 04–31–AA.(NHoll,) (Entered: 09/15/2005)
09/13/2005	<u>88</u>	STATE Court Record – Michigan Court of Appeals, Case No. 257290.(NHoll,) (Main Document 88 replaced on 8/27/2010) (SSch). (Entered: 09/15/2005)
09/13/2005	<u>89</u>	STATE Court Record – Michigan Court of Appeals, Case No. 257290.(NHoll,) (Main Document 89 replaced on 8/27/2010) (SSch). (Entered: 09/15/2005)
09/13/2005	<u>90</u>	STATE Court Record – Michigan Court of Appeals Case No. 257290.(NHoll,) (Main Document 90 replaced on 8/27/2010) (SSch). (Entered: 09/15/2005)
09/13/2005	<u>91</u>	STATE Court Record – Ingham County Circuit Court Case No. 257290.(NHoll,) (Main Document 91 replaced on 8/27/2010) (SSch). (Entered: 09/15/2005)
09/13/2005	<u>92</u>	STATE Court Record – Michigan Court of Appeals, Case No. 257290.(NHoll,) (Entered: 09/15/2005)
09/13/2005	<u>93</u>	STATE Court Record – Letter to Michigan Supreme Court by Lynch.(NHoll,) (Main Document 93 replaced on 8/27/2010) (SSch). (Entered: 09/15/2005)
09/13/2005	<u>94</u>	STATE Court Record – Michigan Supreme Court Case No. 257290.(NHoll,) (Entered: 09/15/2005)
09/13/2005	<u>95</u>	EX PARTE REQUEST for leave to file brief exceeding 20 page limitation by all plaintiffs. (NHoll,) (Entered: 09/15/2005)
09/22/2005	<u>97</u>	AMENDED CERTIFICATE OF SERVICE by Anthony Lynch. (DPer,) (Entered: 09/23/2005)
09/23/2005	<u>98</u>	EX PARTE NOTICE of intent to file motion to intervene as plaintiff's by Melvin Gunn. (NHoll,) (Entered: 09/26/2005)
09/23/2005	<u>99</u>	MOTION to Strike Responses and/or MOTION for More Definite Statement by all plaintiffs. (NHoll,) (Entered: 09/26/2005)
09/23/2005	<u>100</u>	REPLY to Response re <u>64</u> MOTION to Sever filed by all plaintiffs. (NHoll,) (Entered: 09/26/2005)
09/27/2005	<u>101</u>	[FILING ERROR: SIGNATURE BLOCKS INCOMPLETE] STIPULATION <i>dismissing claims against the defendants in their individual capacities and amending the case caption</i> by Kenneth Foster.(Reingold, Paul) Modified on

		9/28/2005 (NHoll,). (Entered: 09/27/2005)
09/28/2005	<u>102</u>	ORDER dismissing claims against the defendants in their individual capacities and amending the case caption. Signed by Honorable Nancy G Edmunds. (NHoll,) (Entered: 09/28/2005)
09/29/2005	<u>103</u>	NOTICE TO APPEAR: Scheduling Conference set for 10/25/2005 10:00 AM before Honorable Nancy G Edmunds. (CHem,) (Entered: 09/29/2005)
10/13/2005	<u>104</u>	MOTION to Intervene as plaintiffs by Giovanni Cipriano, Ralph Cobb, Melvin Gunn, Henry Hill, William Jenkins, Maurice Jones, Gilberto Osequeda, Roderick Walker. (Attachments: # <u>1</u> Document Continuation)(DTyle,) (Entered: 10/17/2005)
10/25/2005		Minute Entry –Scheduling Conference held on 10/25/2005 before Honorable Nancy G Edmunds. (CHem,) (Entered: 10/25/2005)
10/25/2005	<u>105</u>	SCHEDULING ORDER: Dispositive Motion Cut–off set for 8/1/2006 Discovery due by 6/15/2006. Signed by Honorable Nancy G Edmunds. (Refer to image for additional dates)(CHem,) (Entered: 10/25/2005)
10/26/2005	<u>106</u>	ORDER granting <u>3</u> MOTION to Certify Class filed by Kenneth Foster,, John Alexander,, Gerald Hessell,, Waymon Kincaid,, Robert Weisenauer,, William Sleeper,, Eric McCullum,. Signed by Honorable Nancy G Edmunds. (CHem,) (Entered: 10/26/2005)
11/23/2005	<u>107</u>	NOTICE of Change of Address by Anthony Lynch. (NHoll,) (Entered: 11/28/2005)
11/28/2005		Reset Telephonic Conference: Status Conference re–set for 12/12/2005 10:30 AM before Honorable Nancy G Edmunds. (CHem,) (Entered: 11/28/2005)
12/06/2005	<u>108</u>	[STRICKEN – DISCOVERY MATERIAL LR 26.2]CERTIFICATE OF SERVICE by John S. Rubitschun, James Atterberry, Miguel Berrios, Charles Braddock, Stephen DeBoer, Enid Livingston, James Quinlan, Marianne Samper, Barbara Sampson, Artina Hartman, Patricia L. Caruso. (Himebaugh, Kevin) Modified on 12/6/2005 (SMar,). (Entered: 12/06/2005)
12/12/2005		Minute Entry –Telephone Conference held on 12/12/2005 before Honorable Nancy G Edmunds. (CHem,) (Entered: 12/12/2005)
02/06/2006	<u>109</u>	ORDER granting <u>64</u> Motion to Sever, denying <u>96</u> Motion to Intervene, granting in part and denying in part <u>99</u> Motion to Strike, granting in part and denying in part <u>99</u> Motion for More Definite Statement, denying <u>104</u> Motion to Intervene– Signed by Honorable Nancy G Edmunds. (CHem,) (Entered: 02/06/2006)
02/08/2006	<u>110</u>	NOTICE to Prisoners of Class Certification from Counsel. (NHoll,) (Entered: 02/13/2006)
06/12/2006	<u>111</u>	STIPULATED AMENDED SCHEDULING ORDER: Dispositive Motion Cut–off set for 10/2/2006 Discovery due by 3/15/2006. Signed by Honorable Nancy G Edmunds. (Refer to image for additional dates)(CHem,) (Entered: 06/12/2006)
10/03/2006	<u>112</u>	STIPULATION AND ORDER Extending: Dispositive Motion Cut–off set for 11/1/2006 Signed by Honorable Nancy G Edmunds. (CHem,) (Entered: 10/03/2006)
11/01/2006	<u>113</u>	Cross MOTION for Summary Judgment by all plaintiffs. (Reingold, Paul) (Entered: 11/01/2006)
11/01/2006	<u>114</u>	SUPPLEMENTAL BRIEF re <u>113</u> Cross MOTION for Summary Judgment filed by all plaintiffs. (Reingold, Paul) (Entered: 11/01/2006)
11/01/2006	<u>115</u>	Ex Parte MOTION for Leave to File <i>page limit</i> by all plaintiffs. (Reingold, Paul) (Entered: 11/01/2006)
11/01/2006	<u>116</u>	MOTION for Leave to File <i>non electronic filing</i> by all plaintiffs. (Reingold, Paul) (Entered: 11/01/2006)

11/01/2006	<u>117</u>	Ex Parte MOTION for Leave to File Excess Pages by all plaintiffs. (Reingold, Paul) (Entered: 11/01/2006)
11/01/2006	<u>118</u>	MOTION for Summary Judgment <i>with Brief in Support and Proof of Servicer thereon</i> by John S. Rubitschun, James Atterberry, Miguel Berrios, Charles Braddock, Stephen DeBoer, Enid Livingston, James Quinlan, Marianne Samper, Barbara Sampson, Artina Hartman, Patricia L. Caruso. (Attachments: # <u>1</u> Index of Exhibits List of Exhibits# <u>2</u> Exhibit 1 List of Plaintiffs' Crimes and Sentences# <u>3</u> Exhibit 2 Pamphlet of Parole Process# <u>4</u> Exhibit 3 Michigan Lifers Paroled between 010170 to present# <u>5</u> Exhibit 4 Deposition of Kenneth Foster# <u>6</u> Exhibit 5 Deposition of Gerald Lee Hessell# <u>7</u> Exhibit 6 Report of Investigation to Court# <u>8</u> Exhibit 7 Presentence Investigation Report# <u>9</u> Exhibit 8 Article Selepak Report Spurs Litigation# <u>10</u> Exhibit 9 OTIS printout of Leslie Allen Williams# <u>11</u> Exhibit 10 Deposition of Kenneth McGinnis# <u>12</u> Exhibit 11 Deposition of Robert Steinman# <u>13</u> Exhibit 12 Deposition of Barbara Sampson)(Himebaugh, Kevin) (Entered: 11/01/2006)
11/01/2006	<u>119</u>	NOTICE of Change of Attorney Information by Paul D. Reingold on behalf of Kenneth Foster. (Reingold, Paul) (Entered: 11/01/2006)
11/02/2006	<u>120</u>	ORDER REASSIGNING CASE from Judge Nancy G Edmunds to Judge Marianne O Battani. (Teets, A.) (Entered: 11/02/2006)
11/02/2006	<u>121</u>	ORDER denying <u>116</u> Motion for Leave to File Non-Electronic Filing – Signed by Honorable Marianne O Battani. (BThe,) (Entered: 11/02/2006)
11/02/2006	<u>122</u>	ORDER granting <u>117</u> Motion for Leave to File Excess Pages– Signed by Honorable Marianne O Battani. (CMot,) (Entered: 11/02/2006)
11/09/2006	<u>123</u>	NOTICE of hearing on <u>118</u> MOTION for Summary Judgment <i>with Brief in Support and Proof of Servicer thereon</i> , <u>113</u> Cross MOTION for Summary Judgment. Responses due by 12/1/2006. Replies due by 12/18/2006. Motion Hearing set for 2/7/2007 02:00 PM before Honorable Marianne O Battani. (CMot,) (Entered: 11/09/2006)
11/13/2006	<u>124</u>	[FILING ERROR – INDEX OF EXHIBITS AND EXHIBITS ARE ONLY IN SUPPORT OF <u>113</u> AND <u>114</u>]INDEX of Exhibits re <u>118</u> MOTION for Summary Judgment <i>with Brief in Support and Proof of Servicer thereon</i> by all plaintiffs. (Attachments: # <u>1</u> Exhibit 1– When life did not mean life# <u>2</u> Exhibit 2 Declaration of perry johnson# <u>3</u> Exhibit 3 Declaration robert brown# <u>4</u> Exhibit 4 declaration of william hudson# <u>5</u> Exhibit 5 declaration of william kime# <u>6</u> Exhibit 6 declaration of gary gabry# <u>7</u> Exhibit 7 declaration of ron gach# <u>8</u> Exhibit 8 declaration of marvin may# <u>9</u> Exhibit 9 declaration of sandra reese (johnson)# <u>10</u> Exhibit 10 declaration of frank buchko# <u>11</u> Exhibit declaration of jessie rivers# <u>12</u> Exhibit 12 declaration of michael steely# <u>13</u> Exhibit 13 declaration of john alexander# <u>14</u> Exhibit 14 declaration of kenneth foster–bey# <u>15</u> Exhibit declaration of gerald lee hessell# <u>16</u> Exhibit 16 declaration of waymon kincaid# <u>17</u> Exhibit 17 declaration of eric mccullum# <u>18</u> Exhibit 18 declaration of william sleeper# <u>19</u> Exhibit 19 declaration of robert weisenauer# <u>20</u> Exhibit declaration of barbara levine)(Reingold, Paul) Modified on 11/14/2006 (PMil,) (Entered: 11/13/2006)
11/13/2006	<u>125</u>	NOTICE of hearing on (233 in 2:05–cv–71318–MOB–VMM, 130 in 2:05–cv–72378–MOB–VMM) MOTION for Order to Show Cause <i>and objections to def's first progress report</i> . Responses due by 10/27/2008 Replies due by 10/31/2008 Motion Hearing set for 11/19/2008 02:00 PM before District Judge Marianne O Battani. Associated Cases: 2:05–cv–71318–MOB–VMM, 2:05–cv–72378–MOB–VMM (CMot) (Entered: 11/13/2006)
11/13/2006	<u>126</u>	[FILING ERROR – EXHIBITS ARE IN SUPPORT OF <u>113</u> and <u>114</u>]EXHIBIT <i>21 part 2</i> re <u>125</u> Exhibit by all plaintiffs.(Reingold, Paul) Modified on 11/14/2006 (PMil,). (Entered: 11/13/2006)
11/13/2006	<u>127</u>	[FILING ERROR – EXHIBITS ARE IN SUPPORT OF <u>113</u> and <u>114</u>]EXHIBIT <i>21 part 3</i> re <u>125</u> Exhibit by all plaintiffs.(Reingold, Paul) Modified on 11/14/2006 (PMil,). (Entered: 11/13/2006)
11/13/2006	<u>128</u>	[FILING ERROR – EXHIBITS ARE IN SUPPORT OF <u>113</u> and <u>114</u>]EXHIBIT <i>22–35</i> re <u>124</u> Exhibit Index,,,,, by all plaintiffs. (Attachments: # <u>1</u> Exhibit 22

		excerpts from media round table# <u>2</u> Exhibit 23 declaration of robert gillett# <u>3</u> Exhibit 24 corrections in war time# <u>4</u> Exhibit 25 mdoc annual report# <u>5</u> Exhibit 26 five years after# <u>6</u> Exhibit 27 testimony of new board chair# <u>7</u> Exhibit 28 statements of mdoc# <u>8</u> Exhibit 29 parole board training materials# <u>9</u> Exhibit 30 mdoc web page# <u>10</u> Exhibit 31 report transcript of prisons# <u>11</u> Exhibit 32 audit report# <u>12</u> Exhibit 33 michigan judges# <u>13</u> Exhibit 34 criminal defense affidavits# <u>14</u> Exhibit 35 examples of letters from sentencing)(Reingold, Paul) Modified on 11/14/2006 (PMil,). (Entered: 11/13/2006)
11/13/2006	<u>129</u>	[FILING ERROR – EXHIBITS ARE IN SUPPORT OF <u>113</u> and <u>114</u> EXHIBIT 36–38 re <u>124</u> Exhibit Index,,, by all plaintiffs. (Attachments: # <u>1</u> Document Continuation 36 31.50 state bar prisons# <u>2</u> Exhibit 37 examples of sentencing# <u>3</u> Exhibit 38 examples of lifer cases)(Reingold, Paul) Modified on 11/14/2006 (PMil,). (Entered: 11/13/2006)
11/13/2006	<u>130</u>	[FILING ERROR – EXHIBITS ARE IN SUPPORT OF <u>113</u> and <u>114</u> EXHIBIT 39–71 re <u>124</u> Exhibit Index,,, by all plaintiffs. (Attachments: # <u>1</u> Exhibit 39 dep stephen marschke 10.20# <u>2</u> Exhibit 30 dep stephen marschke 21.33# <u>3</u> Index of Exhibits 39 dep of stephen marschke (28 end)# <u>4</u> Exhibit 40 dep of kenneth mcginnis (1)# <u>5</u> Document Continuation 40 dep of kenneth mcginnis (2)# <u>6</u> Exhibit 41 dep robert steinman (1)# <u>7</u> Document Continuation 41 dep of robert steinman (part 2)# <u>8</u> Exhibit 42 dep excerpts john rubitschun# <u>9</u> Exhibit 43 dep excerpts of barbara sampson# <u>10</u> Exhibit 44 dep excerpts of enid livingston# <u>11</u> Exhibit 45 examples of parole board corresp# <u>12</u> Exhibit 47 mdoc good time# <u>13</u> Exhibit 48 mdoc time computation# <u>14</u> Exhibit 49 parolable lifers# <u>15</u> Exhibit 50 parole status# <u>16</u> Exhibit 51 list of lifers paroled# <u>17</u> Exhibit 52 mdoc estimate of pool of parole# <u>18</u> Exhibit 53 mdoc chart of parole# <u>19</u> Exhibit 54 parolable lifer commitments# <u>20</u> Exhibit 55 johnson v million# <u>21</u> Exhibit 57 dyer v bowlen# <u>22</u> Exhibit 70 declaration of paul reingold# <u>23</u> Exhibit 71 random sample of drug lifer parole# <u>24</u> Document Continuation 71 random sample drug lifer parole files)(Reingold, Paul) Modified on 11/14/2006 (PMil,). (Entered: 11/13/2006)
11/13/2006	<u>131</u>	[FILING ERROR – EXHIBITS ARE IN SUPPORT OF <u>113</u> AND <u>114</u> EXHIBIT 72 re <u>125</u> Exhibit by all plaintiffs. (Attachments: # <u>1</u> Document Continuation 72a sample of lifer parole files# <u>2</u> Document Continuation 72a random sample lifer john gaddie(2)# <u>3</u> Document Continuation 72b lifer parole ronald wondero# <u>4</u> Document Continuation 72c random sample lifer glenn peters# <u>5</u> Document Continuation 72e random sample lifer carl anderson# <u>6</u> Document Continuation 72d random sample martin vargas(1A)# <u>7</u> Document Continuation 72d random sample of lifer martin vargas (1)# <u>8</u> Document Continuation 72d random sample lifer martin vargas (2)# <u>9</u> Exhibit 72 f random sample lifer marian beach# <u>10</u> Document Continuation 72g random sample lifer emanual rivera# <u>11</u> Document Continuation 72h random sample lifer reynoldo rodriguez# <u>12</u> Document Continuation 72i random sample lifer curtis smith# <u>13</u> Document Continuation 72k random sample lifer nick lazín (1)# <u>14</u> Document Continuation 72k random sample lifer nick lazín (2)# <u>15</u> Document Continuation 72k random sample lifer nick lazín (3)# <u>16</u> Document Continuation 72k random sample lifer nick lazín(4)# <u>17</u> Document Continuation 72j random sample lifer willian lutzke (1)# <u>18</u> Document Continuation 72j. random sample lifer william lutzke.(2)# <u>19</u> Document Continuation 72j. random sample lifer william lutzke.(3))(Reingold, Paul) Modified on 11/14/2006 (PMil,). (Entered: 11/13/2006)
11/14/2006	<u>132</u>	[FILING ERROR – EXHIBITS ARE IN SUPPORT OF <u>113</u> and <u>114</u> EXHIBIT 46 re <u>124</u> Exhibit Index,,, by all plaintiffs. (Attachments: # <u>1</u> Document Continuation Ex 46 policy directive (2)# <u>2</u> Document Continuation Ex 46 policy directive (3)# <u>3</u> Document Continuation Ex 46. policy directive (4)# <u>4</u> Document Continuation Ex 46. policy directive (5)# <u>5</u> Document Continuation Ex 46 policy directive (6)# <u>6</u> Document Continuation Ex 46 policy directive (7))(Reingold, Paul) Modified on 11/14/2006 (PMil,). (Entered: 11/14/2006)
11/14/2006	<u>133</u>	EXHIBIT 56 re <u>114</u> Supplemental Brief by all plaintiffs.(Reingold, Paul) (Entered: 11/14/2006)
12/01/2006	<u>134</u>	RESPONSE to <u>113</u> Cross MOTION for Summary Judgment (<i>Response Brief</i>) filed by all plaintiffs. (Reingold, Paul) (Entered: 12/01/2006)

12/01/2006	<u>135</u>	[FILING ERROR: WRONG EVENT USED – THIS DOCUMENT IS TITLED "DEFENDANTS' RESPONSE TO PLAINTIFF'S CROSS MOTION FOR SUMMARY JUDGMENT]. REPLY to Response re <u>113</u> Cross MOTION for Summary Judgment <i>with Proof of Servicer thereon</i> filed by John S. Rubitschun, James Atterberry, Miguel Berrios, Charles Braddock, Stephen DeBoer, James Quinlan, Marianne Samper, Barbara Sampson, Artina Hartman, Patricia L. Caruso. (Attachments: # <u>1</u> Index of Exhibits List of Exhibits# <u>2</u> Exhibit 1 deposition of Barbara Sampson# <u>3</u> Exhibit 2 deposition of Robert Steinman# <u>4</u> Exhibit 3 deposition of Kenneth McGinnis)(Himebaugh, Kevin) Modified on 12/4/2006 (THal,). (Entered: 12/01/2006)
12/18/2006	<u>136</u>	REPLY to Response re <u>118</u> MOTION for Summary Judgment <i>with Brief in Support and Proof of Servicer thereon</i> filed by John S. Rubitschun, James Atterberry, Miguel Berrios, Charles Braddock, Stephen DeBoer, Enid Livingston, James Quinlan, Marianne Samper, Barbara Sampson, Artina Hartman, Patricia L. Caruso. (Attachments: # <u>1</u> Index of Exhibits List of Exhibits# <u>2</u> Exhibit 1–Dep of Marschke# <u>3</u> Exhibit 2–Levine, Local Comment# <u>4</u> Exhibit 3–Dep of Foster–Bey# <u>5</u> Exhibit 4–Dep of Alexander)(Himebaugh, Kevin) (Entered: 12/18/2006)
12/18/2006	<u>137</u>	[INDEX OF EXHIBITS IS LAST PAGE OF REPLY]REPLY to Response re <u>113</u> Cross MOTION for Summary Judgment <i>reply brief on cross–motions</i> filed by all plaintiffs. (Attachments: # <u>1</u> Exhibit A Judge's Order# <u>2</u> Exhibit B Levine Letter)(Reingold, Paul) Modified on 12/19/2006 (PMil,). (Entered: 12/18/2006)
02/07/2007		Minute Entry –Motion Hearing held on 2/7/2007 re <u>113</u> Cross MOTION for Summary Judgment filed by Kenneth Foster., John Alexander., Gerald Hessell., Waymon Kincaid., Robert Weisenauer., William Sleeper., Eric McCullum., <u>118</u> MOTION for Summary Judgment <i>with Brief in Support and Proof of Servicer thereon</i> filed by Patricia L. Caruso., John S. Rubitschun., James Quinlan., Charles Braddock., Marianne Samper., Miguel Berrios., James Atterberry., Barbara Sampson., Stephen DeBoer., Enid Livingston., Artina Hartman, before Honorable Marianne O Battani. (Court Reporter Allen Burnham) (CMot,) (Entered: 02/07/2007)
02/28/2007	<u>138</u>	Letter from Billy Paige (PMil) (Entered: 03/01/2007)
06/04/2007	<u>139</u>	NOTICE TO APPEAR: Status Conference set for 6/28/2007 03:30 PM before Honorable Marianne O Battani (BThe) (Entered: 06/04/2007)
06/28/2007		Minute Entry –Status Conference held on 6/28/2007 before Honorable Marianne O Battani. (CMot) (Entered: 06/29/2007)
07/02/2007	<u>140</u>	[FILING ERROR – RULE 11 VIOLATION]STIPULATION <i>to amend order of class certification</i> by Kenneth Foster (Reingold, Paul) Modified on 7/2/2007 (Miller, P.). (Entered: 07/02/2007)
07/02/2007	<u>141</u>	CERTIFICATE OF SERVICE by Kenneth Foster re <u>140</u> Stipulation (Reingold, Paul) (Entered: 07/02/2007)
07/03/2007	<u>142</u>	STIPULATION AND ORDER of Class Certification. Signed by Honorable Marianne O Battani. (BThe) (Entered: 07/03/2007)
10/23/2007	<u>143</u>	OPINION AND ORDER granting <u>113</u> Plaintiffs' Motion for Summary Judgment; denying <u>118</u> Defendants' Motion for Summary Judgment. Signed by Honorable Marianne O Battani. (BThe) (Entered: 10/23/2007)
10/25/2007	<u>144</u>	STIPULATION AND ORDER FOR SUBSTITUTION OF DEFENDANTS Sharee Booker, and John Schlinker, and Laurin' Thomas, and Barbara Sampson added. Marianne Samper; Charles Braddock and John S. Rubitschun terminated. Signed by Honorable Marianne O Battani. (PMil) (Entered: 10/26/2007)
10/31/2007	<u>145</u>	Letter from Charles Hurst. (PMil) (Entered: 11/01/2007)
11/05/2007	<u>146</u>	Letter from Dalron Harris (PMil) (Entered: 11/06/2007)
11/19/2007	<u>147</u>	ATTORNEY SUBSTITUTION for John S. Rubitschun, James Atterberry, Miguel Berrios, Charles Braddock, Stephen DeBoer, Enid Livingston, James Quinlan, Marianne Samper, Barbara Sampson(in his/her official capacity as member of the Michigan Parole Board), Artina Hartman, Patricia L. Caruso, Sharee Booker, John

		Schlinker, Laurin' Thomas: A. Peter Govorchin added. Attorney Leo H. Friedman terminated. (Govorchin, A.) (Entered: 11/19/2007)
11/19/2007	<u>148</u>	ORDER Establishing Briefing Schedule: Proposed Judgments due by 12/18/2007, Responses due by 1/11/2008, Proposals Hearing set for 1/23/2008 02:00 PM before Honorable Marianne O Battani Signed by Honorable Marianne O Battani. (BThe) (Entered: 11/19/2007)
11/19/2007		Minute Entry –Telephone/Status Conference held on 11/19/2007 before Honorable Marianne O Battani. (CMot) (Entered: 11/19/2007)
11/19/2007	<u>149</u>	Letter from Robert L. Walker (THal) (Entered: 11/21/2007)
11/20/2007	<u>150</u>	Letter from Charmel Allen. (PMil) (Entered: 11/26/2007)
12/07/2007	<u>151</u>	Letter from Tonya Carson (PMil) (Entered: 12/10/2007)
12/18/2007	<u>152</u>	SUPPLEMENTAL BRIEF re <u>143</u> Order on Motion for Summary Judgment, <i>Brief in support of porposed remedial order</i> filed by Kenneth Foster. (Attachments: # <u>1</u> Index of Exhibits Index# <u>2</u> Exhibit 1–Pls' proposed remedial order# <u>3</u> Exhibit 2 chart of class size# <u>4</u> Exhibit 3 MDOC parole approval rates# <u>5</u> Exhibit 5 Lippitt letter# <u>6</u> Exhibit 4 Capps chart) (Reingold, Paul) (Entered: 12/18/2007)
12/18/2007	<u>153</u>	MEMORANDUM re <u>143</u> Order on Motion for Summary Judgment, <i>named as Brief in Support of Defendants' Proposed Remedial Order</i> by James Atterberry, Miguel Berrios, Stephen DeBoer, Enid Livingston, James Quinlan, Barbara Sampson(in his/her official capacity as member of the Michigan Parole Board), Artina Hartman, Patricia L. Caruso, Sharee Booker, John Schlinker, Laurin' Thomas (Attachments: # <u>1</u> Index of Exhibits # <u>2</u> Exhibit 1 – Remedial Order# <u>3</u> Exhibit 2 – Rubitschun Affidavit# <u>4</u> Exhibit 3 – List of Paroled Lifers 1992–Nov 2007) (Himebaugh, Kevin) (Entered: 12/18/2007)
12/20/2007	<u>154</u>	Letter from Flenoid Greer. (PMil) (Entered: 12/27/2007)
12/26/2007	<u>155</u>	Letter from Michael Ruskiewicz (Attachments: # <u>1</u> Document Continuation) (PMil) (Entered: 12/27/2007)
01/02/2008	<u>156</u>	Letter from Carlton Mixon. (PMil) (Entered: 01/07/2008)
01/11/2008	<u>157</u>	RESPONSE to <u>153</u> Memorandum,, <i>On Remedies</i> by all plaintiffs. (Attachments: # <u>1</u> Index of Exhibits # <u>2</u> Exhibit Sample security classification screen# <u>3</u> Exhibit Declaration of Karen Kantzler# <u>4</u> Exhibit Jackson Citizen Patriot article# <u>5</u> Exhibit Chart of Lifer Commitments) (Reingold, Paul) (Entered: 01/11/2008)
01/11/2008	<u>158</u>	RESPONSE to <u>153</u> Memorandum,, by James Atterberry, Miguel Berrios, Stephen DeBoer, Enid Livingston, James Quinlan, Barbara Sampson(in his/her official capacity as member of the Michigan Parole Board), Artina Hartman, Patricia L. Caruso, Sharee Booker, John Schlinker, Laurin' Thomas. (Attachments: # <u>1</u> Exhibit List of Exhibits# <u>2</u> Exhibit 1 – Irvin v Michigan Parole Board# <u>3</u> Exhibit 2 – Affidavit of Jeff Anderson# <u>4</u> Exhibit 3 – List Parolable Life Population by Year# <u>5</u> Exhibit 4 – Graph – % of Parolable Lifers Paroled by Year# <u>6</u> Exhibit 5 – Graph – Parolable Life Population By Year# <u>7</u> Exhibit 6 – List – Life Offender New Commitments# <u>8</u> Exhibit 7 – List – Parolable Life Population by Year# <u>9</u> Exhibit 8 – Graph ALO By Age at Commit Date# <u>10</u> Exhibit 9 – Graph ALO by Recent Commit Date# <u>11</u> Exhibit 10 – Graph ALO by Current Age# <u>12</u> Exhibit 11 – List – ALO – Years Served# <u>13</u> Exhibit 12 – Chart ALO Active Sentence Combinations# <u>14</u> Exhibit 13 – Graph – ALO Serving Multiple Life Sentences# <u>15</u> Exhibit # <u>16</u> Exhibit # <u>17</u> Exhibit 16 – Chart – ALO Statistics# <u>18</u> Exhibit 17 – Chart – ALO Having Served 20 or more years# <u>19</u> Exhibit 18 – Chart – Statistics of ALO Having Single Life Sentence and No other Sentence# <u>20</u> Exhibit 19 – Chart – Active Sentences of ALO Having Single Life Sentence and no other sentence# <u>21</u> Exhibit 20 – Chart – Active Sentences of ALO Having Single Life Sentence with no other sentence# <u>22</u> Exhibit 21 – Chart – All Life Sentence for ALO# <u>23</u> Exhibit 22 – Chart – All Active Life Sentences of ALO having served 20 years or more# <u>24</u> Exhibit 23 – Chart – All Active Sentence (regardless of length sentence) of ALO having served 20 or more years.# <u>25</u> Exhibit 24 – Graph – ALO months since parole board lifer interview# <u>26</u> Exhibit 25 – Affidavit of Patricia Caruso# <u>27</u> Exhibit 25 – Affidavit of Patricia Caruso# <u>28</u> Exhibit 27 – Affidavit of

		Barbara Sampson# <u>29</u> Exhibit 28 – Affidavit of Barry Wickman# <u>30</u> Exhibit 29 – Credit Guide for Judges# <u>31</u> Exhibit 30 – Judgment of Sentence) (Himebaugh, Kevin) (Entered: 01/11/2008)
01/16/2008	<u>159</u>	Letter from Eduardo Guerrero (PMil) (Entered: 01/17/2008)
01/17/2008	<u>160</u>	Letter from Norman Mohead. (PMil) (Entered: 01/17/2008)
01/17/2008	<u>161</u>	Letter from Erica Blackwell (PMil) (Entered: 01/17/2008)
01/21/2008	<u>162</u>	Ex Parte MOTION for Leave to File Excess Pages <i>and time limits on reply brief on remedies</i> by all plaintiffs. (Reingold, Paul) (Entered: 01/21/2008)
01/21/2008	<u>163</u>	REPLY to <u>158</u> Response (Free) <i>Defendants' Response on Remedies</i> by all plaintiffs. (Attachments: # <u>1</u> Index of Exhibits Index of Exhibits# <u>2</u> Exhibit A – Comparison Chart of Lifer Commitments# <u>3</u> Exhibit B – Chart of Lifer Parole Rates# <u>4</u> Exhibit C – Chart of Average Years Served for Plaintiff Class) (Reingold, Paul) Modified on 1/22/2008 (Miller, P.). (Entered: 01/21/2008)
01/22/2008	<u>164</u>	ORDER granting <u>162</u> Motion for Leave to File Excess Pages. Signed by Honorable Marianne O Battani. (CMot) (Entered: 01/22/2008)
01/23/2008		Minute Entry –Miscellaneous Hearing held on 1/23/2008 Re: <u>148</u> Order., Set Motion and RRDeadlines/Hearings., Set Deadlines/Hearings: before Honorable Marianne O Battani. Evidentiary/Proposal Hearing set for 2/6/2008 10:00 AM before Honorable Marianne O Battani Disposition: continued(Court Reporter Allen Burnham) (CMot) (Entered: 01/24/2008)
01/23/2008	<u>165</u>	Letter from Carlo Vartinelli. (PMil) (Entered: 01/29/2008)
02/04/2008	<u>166</u>	Letter from Eduardo M. Guerrero (DTyl) (Entered: 02/07/2008)
02/04/2008	<u>170</u>	Letter from Walter Kinard (PMil) (Entered: 02/11/2008)
02/04/2008	<u>171</u>	Letter from Robert Mitchell (PMil) (Entered: 02/12/2008)
02/06/2008		Minute Entry –Miscellaneous Hearing/Proposal Hearing held on 2/6/2008 before Honorable Marianne O Battani. (Court Reporter Allen Burnham) (CMot) (Entered: 02/06/2008)
02/06/2008	<u>167</u>	Letter from Ms. Erica Blackwell (DTyl) (Entered: 02/07/2008)
02/06/2008		Set/Reset Deadlines as to Miscellaneous Hearing/Review Parole Board set for 9/4/2008 10:00 AM before Honorable Marianne O Battani (BThe) (Entered: 02/08/2008)
02/07/2008	<u>168</u>	DECLARATORY JUDGMENT and first remedial injunctive order and final order for purposes of appeal. Signed by Honorable Marianne O Battani. (DHAm) (Entered: 02/07/2008)
02/08/2008	<u>169</u>	EXHIBIT <i>List and Exhibts to Declaratory Judgment re <u>168</u> Judgment</i> by all plaintiffs (Attachments: # <u>1</u> Exhibit A– Parole Statue MCL 791.233# <u>2</u> Exhibit B – Parole Regulations MAC 791.7715–16# <u>3</u> Exhibit C – Policy directive PD–DWA–45.05 (criteria)# <u>4</u> Exhibit D – Policy directive PD–DWA–45.12 (grid scores)) (Reingold, Paul) (Entered: 02/08/2008)
02/25/2008	<u>172</u>	TRANSCRIPT of Civil/Motion Hearing held on 1/23/08. (Court Reporter: Allen T. Burnham) (Number of Pages: 26) (Burnham, A) (Entered: 02/25/2008)
02/25/2008	<u>173</u>	TRANSCRIPT of Civil/Motion Hearing held on 2/06/08. (Court Reporter: Allen T. Burnham) (Number of Pages: 29) (Burnham, A) (Entered: 02/25/2008)
02/28/2008	<u>176</u>	Letter from Al Cannon regarding Edward Hill. Associated Cases: 2:05–cv–71318–MOB–VMM, 2:05–cv–72378–MOB (PMil) (Entered: 03/03/2008)
02/29/2008	<u>174</u>	Letter from Kenneth Wojnicz. Associated Cases: 2:05–cv–71318–MOB–VMM, 2:05–cv–72378–MOB (PMil) (Entered: 03/03/2008)

02/29/2008	<u>175</u>	CERTIFICATE OF SERVICE re (71 in 2:05-cv-72378-MOB) Letter Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (PMil) (Entered: 03/03/2008)
03/05/2008	<u>177</u>	NOTICE OF APPEAL by James Atterberry, Miguel Berrios, Stephen DeBoer, Enid Livingston, James Quinlan, Artina Hartman, Patricia L. Caruso, Sharee Booker, John Schlinker, Laurin' Thomas, Patricia Caruso, John Rubitschun, Charles Braddock, Miguel Berrios, Marianne Samper, James Atterberry, James Quinlan, Artina Tinsley Hardman, Enid Livingston, Stephen DeBoer re (168 in 2:05-cv-71318-MOB-VMM) Judgment, (143 in 2:05-cv-71318-MOB-VMM), 143 in 2:05-cv-71318-MOB-VMM) Order on Motion for Summary Judgment,. Fee Status: No Fee Paid. (Himebaugh, Kevin) (Entered: 03/05/2008)
03/06/2008	<u>178</u>	Certificate of Service re (74 in 2:05-cv-72378-MOB, 177 in 2:05-cv-71318-MOB-VMM) Notice of Appeal. (PMil) (Entered: 03/06/2008)
03/10/2008	<u>179</u>	Appeal Fee received for (74 in 2:05-cv-72378-MOB, 177 in 2:05-cv-71318-MOB-VMM) Notice of Appeal,, filed by Enid Livingston, Patricia Caruso, Sharee Booker, Miguel Berrios, James Quinlan, Artina Tinsley Hardman, Artina Hartman, Marianne Samper, Laurin' Thomas, Charles Braddock, Patricia L. Caruso, John Rubitschun, Stephen DeBoer, John Schlinker, James Atterberry in the amount of \$ 455.00 – Receipt No. 568441. (PMil) (Entered: 03/11/2008)
03/10/2008	<u>184</u>	Letter from Arthur D. Thomas Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (PMil) (Entered: 03/17/2008)
03/11/2008	<u>180</u>	MOTION for Attorney Fees <i>and brief in support</i> by Kenneth Foster. (Attachments: # <u>1</u> Index of Exhibits Exhibit List on Fees, # <u>2</u> Exhibit Ex. 1 – PDR declaration on fees, # <u>3</u> Exhibit Ex. 2 PDR resume 2008, # <u>4</u> Exhibit Ex. 3 PDR Time Sheets, # <u>5</u> Exhibit Ex. 4 Student Time Sheets, # <u>6</u> Exhibit Ex. 5 Niehoff Affidavit, # <u>7</u> Exhibit Ex. 6 McGuinness Affidavit, # <u>8</u> Exhibit Ex. 7 Soble Affidavit, # <u>9</u> Exhibit Ex. 8 List of Prisoner Letters, # <u>10</u> Exhibit Ex. 9 E-mail List)Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (Reingold, Paul) (Entered: 03/11/2008)
03/11/2008	<u>181</u>	MOTION for Attorney Fees <i>and brief for costs</i> by Kenneth Foster. (Attachments: # <u>1</u> Index of Exhibits Exhibit List, # <u>2</u> Exhibit Ex. 1 PI's Itemizational of costs, # <u>3</u> Exhibit Ex. 2 Receipts, # <u>4</u> Exhibit Ex. 3 PDR's affidavit on costs)Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (Reingold, Paul) (Entered: 03/11/2008)
03/13/2008	<u>182</u>	NOTICE of hearing on (180 in 2:05-cv-71318-MOB-VMM, 77 in 2:05-cv-72378-MOB) MOTION for Attorney Fees <i>and brief in support</i> , (181 in 2:05-cv-71318-MOB-VMM, 78 in 2:05-cv-72378-MOB) MOTION for Attorney Fees <i>and brief for costs</i> . Motion Hearing set for 4/25/2008 02:00 PM before Honorable Marianne O Battani . Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (CMot) (Entered: 03/13/2008)
03/14/2008	<u>183</u>	ORDER Denying Emergency Motion to Intervene re (174 in 2:05-cv-71318-MOB-VMM) Letter. Signed by Honorable Marianne O Battani. Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (BThe) (Entered: 03/14/2008)
03/18/2008	<u>185</u>	NOTICE OF CROSS APPEAL by Kenneth Foster re (44 in 2:05-cv-71318-MOB-VMM) Order on Motion to Dismiss. Fee Status: No Fee Paid. (Reingold, Paul) (Entered: 03/18/2008)
03/19/2008	<u>186</u>	Certificate of Service re (185 in 2:05-cv-71318-MOB-VMM) Notice of Cross Appeal. (LHac) (Entered: 03/19/2008)
03/19/2008	<u>187</u>	NOTICE OF APPEAL by Anthony Lynch. Fee Status: No Fee Paid. (LHac) (Entered: 03/20/2008)
03/19/2008	<u>189</u>	REQUEST for Service of Defendant's Appeal by Anthony Lynch. Associated Cases: 2:05-cv-72378-MOB, 2:05-cv-71318-MOB-VMM (LHac) (Entered: 03/20/2008)

03/19/2008	<u>190</u>	Letter from Herman J Wilson to Judge Battani. Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (THal) (Entered: 03/24/2008)
03/20/2008	<u>188</u>	Certificate of Service re (187 in 2:05-cv-71318-MOB-VMM) Notice of Appeal. (LHac) (Entered: 03/20/2008)
04/01/2008	<u>191</u>	Letter from Lloyd Travis. Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (PMil) (Entered: 04/03/2008)
04/01/2008	<u>197</u>	Letter from James McCorkle. Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (PMil) (Entered: 04/07/2008)
04/03/2008	<u>192</u>	ORDER With Stipulation to Extend Time to File Response re (180 in 2:05-cv-71318-MOB-VMM, 77 in 2:05-cv-72378-MOB) MOTION for Attorney Fees <i>and brief in support</i> filed by Kenneth Foster, (181 in 2:05-cv-71318-MOB-VMM, 78 in 2:05-cv-72378-MOB) MOTION for Attorney Fees <i>and brief for costs</i> filed by Kenneth Foster. Responses due by 4/4/2008 Signed by District Judge Marianne O Battani. Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (BThe) (PMil). (Entered: 04/03/2008)
04/03/2008	<u>194</u>	NOTICE OF APPEAL by Kenneth Wojnicz re (80 in 2:05-cv-72378-MOB) Order. Fee Status: No Fee Paid. (PMil) (Entered: 04/04/2008)
04/03/2008	<u>195</u>	REQUEST for exclusion by Kenneth Wojnicz. Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (PMil) (Entered: 04/04/2008)
04/03/2008	<u>198</u>	NOTICE of Correction re (89 in 2:05-cv-72378-MOB, 192 in 2:05-cv-71318-MOB-VMM) Order to Extend Time to (Free), Order to Extend Time to (Free). Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (PMil) (Entered: 04/08/2008)
04/04/2008	<u>193</u>	RESPONSE to (78 in 2:05-cv-72378-MOB) MOTION for Attorney Fees <i>with Certificate of Service</i> filed by Gerald Hessell, James Atterberry, Miguel Berrios, Stephen DeBoer, Enid Livingston, James Quinlan, Barbara Sampson(in his/her official capacity as member of the Michigan Parole Board), Artina Hartman, Patricia L. Caruso, Sharee Booker, John Schlinker, Laurin' Thomas, Barbara Sampson(Parole Board Chairperson), Patricia Caruso, Charles Braddock, Miguel Berrios, Marianne Samper, Barbara Sampson(Michigan Department of Corrections Parole Board Member), James Atterberry, James Quinlan, Artina Tinsley Hardman, Enid Livingston, Stephen DeBoer. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit 1--Transcript of Proposal Hearing 2/6/08, Pertinent Pages Only, # <u>3</u> Exhibit 2--First Quartile List, # <u>4</u> Exhibit 3--Affidavit of Barbara S. Sampson)Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (Himebaugh, Kevin) (Entered: 04/04/2008)
04/04/2008	<u>196</u>	Certificate of Service re (91 in 2:05-cv-72378-MOB) Notice of Appeal. (PMil) (Entered: 04/04/2008)
04/11/2008	<u>199</u>	REPLY to Response re (78 in 2:05-cv-72378-MOB) MOTION for Attorney Fees, (77 in 2:05-cv-72378-MOB) MOTION for Attorney Fees filed by Kenneth Foster. (Attachments: # <u>1</u> Exhibit A Batchelder v Geary)Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (Reingold, Paul) (Entered: 04/11/2008)
04/11/2008	<u>200</u>	Letter from Felton Woods Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (PMil) (Entered: 04/14/2008)
04/16/2008	<u>201</u>	ORDER Denying re (195 in 2:05-cv-71318-MOB-VMM) Request filed by Kenneth Wojnicz. Signed by District Judge Marianne O Battani. Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (BThe) (Entered: 04/16/2008)
04/17/2008	<u>202</u>	SUPPLEMENTAL BRIEF re (78 in 2:05-cv-72378-MOB) MOTION for Attorney Fees, (77 in 2:05-cv-72378-MOB) MOTION for Attorney Fees <i>for time sheet for plaintiffs' lead counsel and students time</i> filed by Kenneth Foster.

		(Attachments: # <u>1</u> Document Continuation Supplement time sheet (johnson & macey)) Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (Reingold, Paul) (Entered: 04/17/2008)
04/17/2008	<u>203</u>	Letter from Robert Kemp Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (PMil) (Entered: 04/18/2008)
04/25/2008	<u>204</u>	APPLICATION to Proceed without prepayment of fees on Appeal with Certificate of Prisoner Institutional Trust Fund Account Activity by Kenneth Wojnicz. Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (PMil) (Entered: 04/25/2008)
04/25/2008		Minute Entry -Motion Hearing held on 4/25/2008 re (180 in 2:05-cv-71318-MOB-VMM, 77 in 2:05-cv-72378-MOB) MOTION for Attorney Fees <i>and brief in support</i> filed by Kenneth Foster, (181 in 2:05-cv-71318-MOB-VMM, 78 in 2:05-cv-72378-MOB) MOTION for Attorney Fees <i>and brief for costs</i> filed by Kenneth Foster before District Judge Marianne O Battani. Disposition: GRANTED(Court Reporter Allen Burnham) Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (CMot) (Entered: 04/25/2008)
04/28/2008	<u>205</u>	SUPPLEMENTAL BRIEF re (99 in 2:05-cv-72378-MOB, 202 in 2:05-cv-71318-MOB-VMM) Supplemental Brief, <i>corrected time sheet for students</i> filed by Kenneth Foster. Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (Reingold, Paul) (Entered: 04/28/2008)
04/28/2008	<u>206</u>	Letter from Tom Holsinger Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (THal) (Entered: 04/29/2008)
04/29/2008	<u>207</u>	APPLICATION to Proceed In Forma Pauperis on Appeal by Kenneth Foster. (Attachments: # <u>1</u> Index of Exhibits Index of Exhibits, # <u>2</u> Exhibit A Declaration and Certificate of John Alexander, # <u>3</u> Exhibit B Declaration and Certificate of Kenneth Foster-Bey, # <u>4</u> Exhibit C Declaration and Certificate of Waymon Kincaid, # <u>5</u> Exhibit D Declaration and Certificate of Eric McCullum, # <u>6</u> Exhibit E Declaration and Certificate of William Sleeper, # <u>7</u> Exhibit F Declaration and Certificate of Robert Weisenauer) Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (Reingold, Paul) (Entered: 04/29/2008)
04/29/2008	<u>208</u>	ORDER for Costs (SEE IMAGE FOR DETAILS). Signed by District Judge Marianne O Battani. Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (BThe) (Entered: 04/29/2008)
04/29/2008	<u>209</u>	ORDER For Attorney Fees (SEE IMAGE FOR DETAILS). Signed by District Judge Marianne O Battani. Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (BThe) (Entered: 04/29/2008)
04/30/2008	<u>210</u>	AMENDED (74 in 2:05-cv-72378-MOB, 177 in 2:05-cv-71318-MOB-VMM) Notice of Appeal,, (168 in 2:05-cv-71318-MOB-VMM) Judgment, (208 in 2:05-cv-71318-MOB-VMM, 105 in 2:05-cv-72378-MOB) Order, (106 in 2:05-cv-72378-MOB, 209 in 2:05-cv-71318-MOB-VMM) Order, (143 in 2:05-cv-71318-MOB-VMM, 143 in 2:05-cv-71318-MOB-VMM) Order on Motion for Summary Judgment, by James Atterberry, Miguel Berrios, Stephen DeBoer, Enid Livingston, James Quinlan, Artina Hartman, Patricia L. Caruso, Sharee Booker, John Schlinker, Patricia Caruso, John Rubitschun, Charles Braddock, Miguel Berrios, Marianne Samper, James Atterberry, James Quinlan, Artina Tinsley Hardman, Enid Livingston, Stephen DeBoer <i>with Certificate of Service</i> Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (Himebaugh, Kevin) (WRONG EVENT USED - see #211) Modified on 5/1/2008 (LBeh). (Entered: 04/30/2008)
05/01/2008	<u>211</u>	NOTICE OF APPEAL (AMENDED) by James Atterberry, Miguel Berrios, Stephen DeBoer, Enid Livingston, James Quinlan, Artina Hartman, Patricia L. Caruso, Sharee Booker, John Schlinker, Laurin' Thomas, Patricia Caruso, John Rubitschun, Charles Braddock, Miguel Berrios, Marianne Samper, James Atterberry, James Quinlan, Artina Tinsley Hardman, Enid Livingston, Stephen

		DeBoer re (168 in 2:05-cv-71318-MOB-VMM) Judgment, (106 in 2:05-cv-72378-MOB, 209 in 2:05-cv-71318-MOB-VMM) Order, (143 in 2:05-cv-71318-MOB-VMM, 143 in 2:05-cv-71318-MOB-VMM) Order on Motion for Summary Judgment,, Fee Status: No Fee Paid. (Himebaugh, Kevin) Modified on 5/1/2008 (LBeh). (Entered: 05/01/2008)
05/01/2008	<u>212</u>	Certificate of Service re (108 in 2:05-cv-72378-MOB) Notice of Appeal,, (THal) (Entered: 05/01/2008)
05/01/2008	<u>213</u>	MOTION to Proceed in Forma Pauperis in the United States Court of Appeals for the Sixth Circuit by Anthony Lynch. Associated Cases: 2:05-cv-72378-MOB, 2:05-cv-71318-MOB-VMM (NHol) (Entered: 05/01/2008)
05/01/2008	<u>214</u>	Letter from Kerry Browning regarding John Howard Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (PMil) (Entered: 05/02/2008)
05/09/2008	<u>215</u>	Letter from Steve C. Holsinger regarding John Howard Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (PMil) (Entered: 05/13/2008)
05/16/2008	<u>216</u>	Letter from Patricia Schreiner regarding John Howard Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (PMil) (Entered: 05/20/2008)
05/16/2008	<u>217</u>	Letter from Margaret Howard regarding John Howard Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (PMil) (Entered: 05/20/2008)
05/16/2008	<u>218</u>	Letter from Robert Grubbs. Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (PMil) (Entered: 05/20/2008)
05/21/2008	<u>219</u>	ORDER Striking re (207 in 2:05-cv-71318-MOB-VMM) Application to Proceed In Forma Pauperis,, filed by Kenneth Foster. Signed by District Judge Marianne O Battani. Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (BThe) (Entered: 05/21/2008)
05/21/2008	<u>220</u>	ORDER Denying re (204 in 2:05-cv-71318-MOB-VMM) Application to Proceed Without Prepayment of Fees filed by Kenneth Wojnicz. Signed by District Judge Marianne O Battani. Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB (BThe) (Entered: 05/21/2008)
06/12/2008	<u>221</u>	TRANSCRIPT of Civil/Motion Hearing held on 4/25/2008. (Court Reporter: Allen T. Burnham) (Number of Pages: 21) (Burnham, A) (Entered: 06/12/2008)
06/26/2008	<u>223</u>	Appeal Fee received for (211 in 2:05-cv-71318-MOB-VMM) Notice of Appeal filed by Enid Livingston, Patricia Caruso, Sharee Booker, Miguel Berrios, James Quinlan, Artina Tinsley Hardman, Artina Hartman, Marianne Samper, Laurin Thomas, Charles Braddock, Patricia L. Caruso, John Rubitschun, Stephen DeBoer, John Schlinker and James Atterberry in the amount of \$ 455.00 – Receipt No. 572011. (LBeh) (Entered: 07/11/2008)
06/30/2008	<u>222</u>	ORDER from U.S. Court of Appeals – Sixth Circuit re (211 in 2:05-cv-71318-MOB-VMM, 108 in 2:05-cv-72378-MOB-VMM) Notice of Appeal,, filed by Enid Livingston, Patricia Caruso, Sharee Booker, Miguel Berrios, James Quinlan, Artina Tinsley Hardman, Artina Hartman, Marianne Samper, Laurin' Thomas, Charles Braddock, Patricia L. Caruso, John Rubitschun, Stephen DeBoer, John Schlinker, James Atterberry – Disposition: Dismissed for want of prosecution [Appeal Case Number 08-1626] (PMil) (Entered: 07/09/2008)
07/22/2008	<u>224</u>	ORDER from U.S. Court of Appeals – Sixth Circuit re (211 in 2:05-cv-71318-MOB-VMM, 108 in 2:05-cv-72378-MOB-VMM) Notice of Appeal,, filed by Enid Livingston, Patricia Caruso, Sharee Booker, Miguel Berrios, James Quinlan, Artina Tinsley Hardman, Artina Hartman, Marianne Samper, Laurin' Thomas, Charles Braddock, Patricia L. Caruso, John Rubitschun, Stephen DeBoer, John Schlinker, James Atterberry – Disposition: Motion to Reinstate is granted [Appeal Case Number 08-1626] (PMil) (Entered: 07/23/2008)

07/30/2008	<u>225</u>	Letter from Gerald Kelly Platz Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (THal) (Entered: 07/31/2008)
09/02/2008	<u>226</u>	MOTION for Order to Show Cause by Kenneth Foster. (Attachments: # <u>1</u> Index of Exhibits Index of Exhibits, # <u>2</u> Exhibit Ex 1 Defs' Motion for Stay, # <u>3</u> Exhibit Ex 2 Pls response to stay, # <u>4</u> Exhibit Ex 3 CAPPS Chart #1, # <u>5</u> Exhibit Ex 4 CAPPS Chart #2)Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (Reingold, Paul) (Entered: 09/02/2008)
09/03/2008	<u>227</u>	RESPONSE to (123 in 2:05-cv-72378-MOB-VMM) MOTION for Order to Show Cause <i>with Certificate of Service</i> filed by James Atterberry, Miguel Berrios, Stephen DeBoer, Enid Livingston, James Quinlan, Barbara Sampson(in his/her official capacity as member of the Michigan Parole Board), Artina Hartman, Patricia L. Caruso, Sharee Booker, John Schlinker, Laurin' Thomas, Barbara Sampson(Parole Board Chairperson), Patricia Caruso, Miguel Berrios, Barbara Sampson(Michigan Department of Corrections Parole Board Member), James Atterberry, James Quinlan, Artina Tinsley Hardman, Enid Livingston, Stephen DeBoer. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit 1--Proposal Hrg Transcript (pg 27))Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (Himebaugh, Kevin) (Entered: 09/03/2008)
09/04/2008		Minute Entry -Miscellaneous Hearing/Review Parole Board held on 9/4/2008 before District Judge Marianne O Battani. Disposition: Continued(Court Reporter Allen Burnham) Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (CMot) (Entered: 09/04/2008)
09/04/2008		Set Deadlines/Hearings: Miscellaneous Hearing/Review Parole Board continued to 11/19/2008 02:00 PM before District Judge Marianne O Battani Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (CMot) (Entered: 09/04/2008)
09/04/2008	<u>228</u>	SCHEDULING ORDER continuing Review Hearing to 11/19/08 at 2:00. Plaintiffs' brief due 10/2/2008 Response due by 10/27/2008 Replies due by 10/31/2008 Signed by District Judge Marianne O Battani. Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (CMot) (Entered: 09/04/2008)
09/08/2008	<u>229</u>	NOTICE by Kenneth Foster of withdrawal of (226 in 2:05-cv-71318-MOB-VMM) MOTION for Order to Show Cause. Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (Reingold, Paul) (Entered: 09/08/2008)
09/11/2008	<u>230</u>	Letter from D. Dean Hackett Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (THal) (Entered: 09/15/2008)
09/12/2008	<u>231</u>	Letter from Arthur Anderson Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (THal) (Entered: 09/15/2008)
09/18/2008	<u>232</u>	Letter from Walter Lee Travier-EL Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (PMil) (Entered: 09/19/2008)
10/02/2008	<u>233</u>	MOTION for Order to Show Cause <i>and objections to def's first progress report</i> by Kenneth Foster. (Attachments: # <u>1</u> Index of Exhibits Index of Exhibits, # <u>2</u> Exhibit Ex. A Chart: rates 1998-2002, # <u>3</u> Exhibit Ex. B - Foster-Bey parole materials, # <u>4</u> Exhibit Ex. C Gaddie parole materials, # <u>5</u> Exhibit Ex. D Deruyscher parole materials, # <u>6</u> Exhibit Ex. E Fulgham parole materials, # <u>7</u> Exhibit Ex. F Rodriguez parole materials, # <u>8</u> Exhibit Ex. G chart: sample random files, # <u>9</u> Exhibit Ex. H Rohn parole materials, # <u>10</u> Exhibit Ex. I Scola parole materials, # <u>11</u> Exhibit Ex. J Chart sample denial files, # <u>12</u> Exhibit Ex. K Chart denial reasons, # <u>13</u> Exhibit Ex. L chart years to next review, # <u>14</u> Exhibit Ex. M Chart lifer hearings, # <u>15</u> Exhibit Ex. N Chart commutation hearings)Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (Reingold, Paul) (Entered: 10/02/2008)
10/02/2008	<u>234</u>	MOTION for Leave to File Excess Pages by Kenneth Foster. Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (Reingold, Paul) (Entered: 10/02/2008)

10/02/2008	<u>235</u>	SUPPLEMENTAL BRIEF re (168 in 2:05-cv-71318-MOB-VMM) Judgment <i>Plaintiff's brief on minimization/innocence and consecutive sentencing</i> filed by Kenneth Foster. (Attachments: # <u>1</u> Index of Exhibits Index of Exhibits, # <u>2</u> Exhibit Ex A Anderson Parole Materials, # <u>3</u> Exhibit Ex B Turner Parole Materials, # <u>4</u> Exhibit Ex C Valiroso Parole Materials)Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (Reingold, Paul) (Entered: 10/02/2008)
10/02/2008	<u>238</u>	Letter from Nathaniel Turner. Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (PMil) (Entered: 10/07/2008)
10/03/2008	<u>236</u>	ORDER granting (234) Motion for Leave to File Excess Pages in case 2:05-cv-71318-MOB-VMM; granting (131) Motion for Leave to File Excess Pages in case 2:05-cv-72378-MOB-VMM. Signed by District Judge Marianne O Battani. Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (CMot) (Entered: 10/03/2008)
10/03/2008	<u>237</u>	NOTICE of hearing on (233 in 2:05-cv-71318-MOB-VMM, 130 in 2:05-cv-72378-MOB-VMM) MOTION for Order to Show Cause <i>and objections to def's first progress report</i> . Responses due by 10/27/2008 Replies due by 10/31/2008 Motion Hearing set for 11/19/2008 02:00 PM before District Judge Marianne O Battani . Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (CMot) (Entered: 10/03/2008)
10/27/2008	<u>239</u>	RESPONSE to (130 in 2:05-cv-72378-MOB-VMM) MOTION for Order to Show Cause <i>and objections to def's first progress report and def's response to plfs' brf on minimization/innocence and consecutive sentencing</i> filed by James Atterberry, Miguel Berrios, Stephen DeBoer, Enid Livingston, James Quinlan, Barbara Sampson(in his/her official capacity as member of the Michigan Parole Board), Artina Hartman, Patricia L. Caruso, Sharee Booker, John Schlinker, Laurin' Thomas, Barbara Sampson(Parole Board Chairperson). (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit 1 - Lifer Interview Report, # <u>3</u> Exhibit 2 - Affidavit of Barbara Sampson, # <u>4</u> Exhibit 3 - Letter, # <u>5</u> Exhibit 4 - Transcript of 2/6/2008 Proposal Hearing, # <u>6</u> Index of Exhibits 5 - First Quartile Voting Table, # <u>7</u> Exhibit 6 - Depo of Kenneth Foster-Bey, # <u>8</u> Exhibit 7 - Offender profile of Floyd Caldwell, # <u>9</u> Exhibit 8 - Affidavit of Clayton Straseske, # <u>10</u> Exhibit 9 - Affidavit of Anthony King, # <u>11</u> Exhibit 10 - Affidavit of Thomas Combs, # <u>12</u> Exhibit 11 - Affidavit of Ruth Schueller, # <u>13</u> Exhibit 12 - Affidavit of Miguel Berrios, # <u>14</u> Exhibit 13 - Affidavit of Laurin Thomas, # <u>15</u> Exhibit 14 - Affidavit of David R. Kleinhardt, # <u>16</u> Exhibit 15 - Table re public hearings held, # <u>17</u> Exhibit 16 - Table of Lifers Paroled since 1970, # <u>18</u> Exhibit 17 - Commutation granted 1969 to present, # <u>19</u> Exhibit 18 - Transcript of 4/17/2008 Public Hearing of Lippert)Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (Himebaugh, Kevin) (Entered: 10/27/2008)
10/30/2008	<u>240</u>	JUDGMENT in favor of PLAINTIFF (Nunc Pro Tunc) against DEFENDANTS (See Doc. #168 under Case No. 05-71318), ORDER Granting Doc. #110 MOTION to Proceed in Forma Pauperis in the United States Court of Appeals for the Sixth Circuit filed by Anthony Lynch. Signed by District Judge Marianne O Battani. Associated Cases: 2:05-cv-72378-MOB-VMM, 2:05-cv-71318-MOB-VMM (BThe) (Entered: 10/30/2008)
10/30/2008	<u>241</u>	JUDGMENT in favor of PLAINTIFF against DEFENDANTS Signed by District Judge Marianne O Battani. Associated Cases: 2:05-cv-72378-MOB-VMM, 2:05-cv-71318-MOB-VMM (BThe) (Entered: 10/30/2008)
10/30/2008	<u>244</u>	ORDER from U.S. Court of Appeals - Sixth Circuit re (74 in 2:05-cv-72378-MOB-VMM, 177 in 2:05-cv-71318-MOB-VMM) Notice of Appeal,, filed by Enid Livingston, Patricia Caruso, Sharee Booker, Miguel Berrios, James Quinlan, Artina Tinsley Hardman, Artina Hartman, Marianne Samper, Laurin' Thomas, Charles Braddock, Patricia L. Caruso, John Rubitschun, Stephen DeBoer, John Schlinker, James Atterberry, (82 in 2:05-cv-72378-MOB-VMM, 185 in 2:05-cv-71318-MOB-VMM) Notice of Cross Appeal filed by Kenneth Foster, (211 in 2:05-cv-71318-MOB-VMM, 108 in 2:05-cv-72378-MOB-VMM) Notice of Appeal,, filed by Enid Livingston, Patricia Caruso, Sharee Booker, Miguel Berrios, James Quinlan, Artina Tinsley Hardman, Artina Hartman, Marianne Samper, Laurin' Thomas, Charles Braddock,

		Patricia L. Caruso, Stephen DeBoer, John Rubitschun, John Schlinker, James Atterberry – Disposition: Motion for a stay is denied without prejudice [Appeal Case Number 08–1371, 08–1372, 08–1626] (PMil) (Entered: 10/31/2008)
10/31/2008	<u>242</u>	REPLY to Response re (233 in 2:05–cv–71318–MOB–VMM, 130 in 2:05–cv–72378–MOB–VMM) MOTION for Order to Show Cause <i>and objections to def's first progress report and objections to def's first progress report</i> filed by Kenneth Foster. (Attachments: # <u>1</u> Index of Exhibits Index of Exhibits, # <u>2</u> Exhibit Ex 1 Mickens–Thomas v Vaughn, # <u>3</u> Exhibit Ex 2 Sample Denial Forms, # <u>4</u> Exhibit Ex 3 Voting Chart, # <u>5</u> Exhibit Ex 4 Interviewing Chart) Associated Cases: 2:05–cv–71318–MOB–VMM, 2:05–cv–72378–MOB–VMM (Reingold, Paul) (Entered: 10/31/2008)
10/31/2008	<u>243</u>	RESPONSE to (233 in 2:05–cv–71318–MOB–VMM, 130 in 2:05–cv–72378–MOB–VMM) MOTION for Order to Show Cause <i>and objections to def's first progress report Plaintiff's reply brief on minimization/innocenc and consecutive sentencing</i> filed by Kenneth Foster. Associated Cases: 2:05–cv–71318–MOB–VMM, 2:05–cv–72378–MOB–VMM (Reingold, Paul)[REPLY TO SUPPLEMENTAL BRIEF <u>235</u>] Modified on 10/31/2008 (PPau). (Entered: 10/31/2008)
11/03/2008	<u>245</u>	MOTION to Reassign Case filed by Brady Smith in case 08–14002. Associated Cases: 2:05–cv–71318–MOB–VMM, 2:05–cv–72378–MOB–VMM (KMil) (Entered: 11/04/2008)
11/18/2008	<u>246</u>	EXHIBIT <i>Supplemental Exhibit (Affidavit of Anne C. Benion)</i> re (136 in 2:05–cv–72378–MOB–VMM, 239 in 2:05–cv–71318–MOB–VMM) Response to Motion,,,,, by James Atterberry, Miguel Berrios, Stephen DeBoer, Enid Livingston, James Quinlan, Barbara Sampson(in his/her official capacity as member of the Michigan Parole Board), Artina Hartman, Patricia L. Caruso, Sharee Booker, John Schlinker, Laurin' Thomas, Barbara Sampson(Parole Board Chairperson) Associated Cases: 2:05–cv–71318–MOB–VMM, 2:05–cv–72378–MOB–VMM (Himebaugh, Kevin) (Entered: 11/18/2008)
11/18/2008	<u>247</u>	CERTIFICATE OF SERVICE by James Atterberry, Miguel Berrios, Stephen DeBoer, Enid Livingston, James Quinlan, Barbara Sampson(in his/her official capacity as member of the Michigan Parole Board), Artina Hartman, Patricia L. Caruso, Sharee Booker, John Schlinker, Laurin' Thomas, Barbara Sampson(Parole Board Chairperson) re (246 in 2:05–cv–71318–MOB–VMM, 144 in 2:05–cv–72378–MOB–VMM) Exhibit,, <i>Supplemental Exhibit to [R. 239]</i> Associated Cases: 2:05–cv–71318–MOB–VMM, 2:05–cv–72378–MOB–VMM (Himebaugh, Kevin) (Entered: 11/18/2008)
11/19/2008		Minute Entry –Motion Hearing re Parole Hearing Review held on 11/19/2008 re (130 in 2:05–cv–72378–MOB–VMM, 233 in 2:05–cv–71318–MOB–VMM) MOTION for Order to Show Cause filed by Kenneth Foster before District Judge Marianne O Battani. (Court Reporter Allen Burnham) Associated Cases: 2:05–cv–71318–MOB–VMM, 2:05–cv–72378–MOB–VMM (CMot) (Entered: 11/20/2008)
11/26/2008	<u>248</u>	ORDER from U.S. Court of Appeals – Sixth Circuit denying motion to proceed in forma pauperis re (91 in 2:05–cv–72378–MOB–VMM, 194 in 2:05–cv–71318–MOB–VMM) Notice of Appeal filed by Kenneth Wojnicz [Appeal Case Number 08–1478] (THal) (Entered: 12/01/2008)
12/05/2008	<u>249</u>	ORDER Denying re: MOTION for Order to Show Cause <i>and objections to def's first progress report</i> filed by Kenneth Foster., (Progress Report due by 4/30/2009, Miscellaneous Hearing re: Review of Parole Board set for 5/14/2009 02:00 PM before District Judge Marianne O Battani) Signed by District Judge Marianne O Battani. Associated Cases: 2:05–cv–71318–MOB–VMM, 2:05–cv–72378–MOB–VMM (BThe) (Entered: 12/05/2008)
12/15/2008	<u>250</u>	LETTER by Gerald Houghteling. Associated Cases: 2:05–cv–71318–MOB–VMM, 2:05–cv–72378–MOB–VMM (THal) Modified on 12/17/2008 (THal). (Entered: 12/16/2008)

12/15/2008	<u>251</u>	APPLICATION to Proceed In Forma Pauperis by movant Gerald Houghteling. Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (THal) (Entered: 12/16/2008)
12/17/2008	<u>252</u>	NOTICE of Correction re (148 in 2:05-cv-72378-MOB-VMM, 148 in 2:05-cv-72378-MOB-VMM, 250 in 2:05-cv-71318-MOB-VMM, 250 in 2:05-cv-71318-MOB-VMM) MOTION for Order to Show Cause, MOTION for Sanctions. Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (THal) (Entered: 12/17/2008)
12/22/2008	<u>253</u>	TRANSCRIPT of Civil/Motion Hearing held on 2/7/2007. (Court Reporter/Transcriber: Allen T. Burnham) (Number of Pages: 45) Redaction Request due 1/12/2009. Redacted Transcript Deadline set for 1/22/2009. Release of Transcript Restriction set for 3/23/2009. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Burnham, A) (Entered: 12/22/2008)
12/22/2008	<u>254</u>	Notice of Filing Transcript. (Burnham, A) (Entered: 12/22/2008)
12/22/2008	<u>255</u>	TRANSCRIPT of Civil/Motion Hearing held on 11/19/2008. (Court Reporter/Transcriber: Allen T. Burnham) (Number of Pages: 56) Redaction Request due 1/12/2009. Redacted Transcript Deadline set for 1/22/2009. Release of Transcript Restriction set for 3/23/2009. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Burnham, A) (Entered: 12/22/2008)
12/22/2008	<u>256</u>	Notice of Filing Transcript. (Burnham, A) (Entered: 12/22/2008)
12/29/2008	<u>257</u>	ORDER from U.S. Court of Appeals – Sixth Circuit re (91 in 05-72378, 194 in 05-71318) Notice of Appeal filed by Kenneth Wojnicz – Disposition: Dismissed for want of prosecution. [Appeal Case Number 08-1478] (KMil) (Entered: 01/05/2009)
03/09/2009	<u>258</u>	Letter to Chief Judge from Oddis K. Gwinn Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (THal) (Entered: 03/10/2009)
03/19/2009	<u>259</u>	NOTICE by James Atterberry, Miguel Berrios, Stephen DeBoer, Enid Livingston, James Quinlan, Barbara Sampson(in his/her official capacity as member of the Michigan Parole Board), Artina Hartman, Patricia L. Caruso, Sharee Booker, John Schlinker, Laurin' Thomas of <i>Substitution of Defendants, and Certificate of Service</i> (Attachments: # <u>1</u> Exhibit 1 – Table of Appointments)Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (Himebaugh, Kevin) (Entered: 03/19/2009)
04/07/2009	<u>260</u>	ORDER from U.S. Court of Appeals – Sixth Circuit – Disposition: that the appellant's motion to voluntarily dismiss the appeal is granted [Appeal Case Number 08-1374] (LHac) (Entered: 04/07/2009)
04/13/2009	<u>261</u>	Letter to Honorable Marianne Battani from James Earl McCorkle regarding exhibit filing. Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (DWor) (Entered: 04/13/2009)
04/30/2009	<u>262</u>	NOTICE by James Atterberry, Miguel Berrios, Stephen DeBoer, Barbara Sampson(in his/her official capacity as member of the Michigan Parole Board), Artina Hartman, Laurin' Thomas, Patricia Caruso <i>Proof of Service of mailing Defendants' Progress Reports</i> Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (Himebaugh, Kevin) Modified on 4/30/2009 (DHam). [WRONG EVENT USED] (Entered: 04/30/2009)
05/07/2009	<u>263</u>	Supplement to Defts' Progress Report REPORT by James Atterberry, Miguel Berrios, Stephen DeBoer, Barbara Sampson(in his/her official capacity as member of the Michigan Parole Board), Artina Hartman, Patricia L. Caruso, Laurin' Thomas (Attachments: # <u>1</u> Exhibit List of Exhibits, # <u>2</u> Exhibit 1 – Desc of Sections fo the Report &Summaries, # <u>3</u> Exhibit 2 – Section A4 'approved for Public Hearing', # <u>4</u> Exhibit 3 – Public Hearing Activity – Addendum, # <u>5</u> Exhibit

		4 – Case Info Packet – Edward Guerrero, # <u>6</u> Exhibit 5 – Case Info Packet – Martin Vargas) Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (Himebaugh, Kevin) (Entered: 05/07/2009)
05/14/2009		Minute Entry –Miscellaneous Hearing held on 5/14/2009 before District Judge Marianne O Battani. (Court Reporter Allen Burnham) Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (CMot) (Entered: 05/14/2009)
05/15/2009	<u>264</u>	ORDER Establishing Briefing Schedule: (Plaintiffs Report due by 8/31/2009, Defendants Response due by 9/21/2009, Hearing on the matters set for 10/15/2009 02:00 PM before District Judge Marianne O Battani) Signed by District Judge Marianne O Battani. Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (BThe) (Entered: 05/15/2009)
08/31/2009	<u>265</u>	RESPONSE to (263 in 2:05-cv-71318-MOB-VMM, 157 in 2:05-cv-72378-MOB-VMM) Report (Free), Report (Free), Report (Free) <i>Defendants' Second Remedial Report</i> by Kenneth Foster. (Attachments: # <u>1</u> Index of Exhibits Index of Exhibits, # <u>2</u> Exhibit Ex 1 Public hearing data chart, # <u>3</u> Exhibit Ex 2 Board Voting Records, # <u>4</u> Exhibit Ex 3 Interview Tracking Chart, # <u>5</u> Exhibit Ex 4 Interview Tracking Chart May 2009, # <u>6</u> Exhibit Ex 5 Robins Material, # <u>7</u> Exhibit, # <u>8</u> Exhibit Ex 7 Kissane Warden's Recommendation, # <u>9</u> Exhibit Ex 8 Next-Review Date Chart, # <u>10</u> Exhibit Ex 9 Review Date Survey Letter, # <u>11</u> Exhibit Ex 10 Psychological Reports, # <u>12</u> Exhibit Ex 11 Chart of Board Member Changes) Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (Reingold, Paul) (Entered: 08/31/2009)
09/14/2009		ReSet Hearings: Hearing on the reports reset for 10/19/2009 02:30 PM before District Judge Marianne O Battani (Court not available on 10/15/09). Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (CMot) (Entered: 09/14/2009)
09/21/2009	<u>266</u>	REPLY to (159 in 2:05-cv-72378-MOB-VMM) Response (Free), Response (Free), Response (Free), Response (Free) by James Atterberry, Miguel Berrios, Stephen DeBoer, Barbara Sampson(in his/her official capacity as member of the Michigan Parole Board), Artina Hartman, Patricia L. Caruso, Laurin' Thomas, Patricia Caruso, Miguel Berrios, Barbara Sampson(Michigan Department of Corrections Parole Board Member), James Atterberry, Artina Tinsley Hardman, Stephen DeBoer. Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (Himebaugh, Kevin) (Entered: 09/21/2009)
09/21/2009	<u>267</u>	REPLY to (266 in 2:05-cv-71318-MOB-VMM, 160 in 2:05-cv-72378-MOB-VMM) Reply (Free), Reply (Free), Reply (Free) <i>letter re: court hearing</i> by Kenneth Foster. Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (Reingold, Paul) (Entered: 09/21/2009)
10/19/2009		Minute Entry – Miscellaneous Hearing held on 10/19/2009 Re Hearing on the reports before District Judge Marianne O Battani. (Court Reporter Allen Burnham) Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (CMot) (Entered: 10/19/2009)
11/03/2009	<u>268</u>	ORDER on the Defendants' Second Remedial Report with Stipulation of Approval., (Telephone Conference set for 12/3/2009 03:30 PM before District Judge Marianne O Battani) Signed by District Judge Marianne O Battani. Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (BThe) (Entered: 11/03/2009)
11/18/2009	<u>269</u>	ORDER from U.S. Court of Appeals – Sixth Circuit – Disposition: DENIED [Appeal Case Number 08-1371/08-1372/08-1626] (SSch) (Entered: 11/18/2009)
12/02/2009		ReSet Hearings: Telephone Conference reset for 1/11/2010 02:00 PM before District Judge Marianne O Battani Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (CMot) (Entered: 12/02/2009)

01/11/2010		Minute Entry – Status Conference held via telephone conference on 1/11/2010 before District Judge Marianne O Battani. Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (CMot) (Entered: 01/12/2010)
01/13/2010	<u>270</u>	CONSENT ORDER Following Status Conference Signed by District Judge Marianne O Battani. Associated Cases: 2:05-cv-71318-MOB-VMM, 2:05-cv-72378-MOB-VMM (BThe) (Entered: 01/13/2010)
02/18/2010	<u>271</u>	JUDGMENT from U.S. Court of Appeals – Sixth Circuit – Disposition: Ordered that the orders of the District Court are Affirmed in part, Reversed in part, Vacated in part and the case is Remanded for further proceedings. [Appeal Case Number 08-1371; 08-1372; 08-1626] (JCha) (Entered: 02/18/2010)
04/22/2010	<u>272</u>	MANDATE from U.S. Court of Appeals – Sixth Circuit as to (211 in 2:05-cv-71318-MOB-VMM, 108 in 2:05-cv-72378-MOB-VMM) Notice of Appeal,, filed by Enid Livingston, Patricia Caruso, Sharee Booker, Miguel Berrios, James Quinlan, Artina Tinsley Hardman, Artina Hartman, Marianne Samper, Laurin' Thomas, Charles Braddock, Patricia L. Caruso, John Rubitschun, Stephen DeBoer, John Schlinker, James Atterberry. [Appeal Case Number 08-1371/08-1372/08-1626]. (CGre) (Entered: 04/22/2010)