

APPEAL, CLOSED, PROTO, R16, TRCK3

U.S. District Court
Eastern District of Missouri (LIVE) (St. Louis)
CIVIL DOCKET FOR CASE #: 4:04-cv-01075-CAS

Johnston v. Crawford et al.,
Assigned to: Honorable Charles A. Shaw
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 08/16/2004
Jury Demand: Defendant
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff**Timothy Johnston**

represented by **Christopher E. McGraugh**
LERITZ AND PLUNKERT
One City Centre
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St. Louis, MO 63101
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael J. Gorla
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Gary B. Kemper
Director, Missouri Department of
Corrections
TERMINATED: 06/13/2005

represented by **Denise Garrison McElvein**
ATTORNEY GENERAL OF MISSOURI
P.O. Box 861
St. Louis, MO 63188
314-340-7861
Fax: 314-340-7029
Email: denise.mcelvein@ago.mo.gov
ATTORNEY TO BE NOTICED

Defendant

Donald P. Roper

*Superintendent, Potosi Correctional
Center*

represented by **Stephen D. Hawke**
ATTORNEY GENERAL OF MISSOURI
Assistant Attorney General
221 W. High Street
P.O. Box 899
Jefferson City, MO 65102-0899
573-751-3321
Fax: 573-751-3825
Email: stephen.hawke@ago.mo.gov
ATTORNEY TO BE NOTICED

Denise Garrison McElvein

(See above for address)
ATTORNEY TO BE NOTICED

Defendant**James Purkett**

*Superintendent, Eastern Reception,
Diagnostic and Correctional Center*

represented by **Stephen D. Hawke**
(See above for address)
ATTORNEY TO BE NOTICED

Denise Garrison McElvein

(See above for address)
ATTORNEY TO BE NOTICED

Defendant**Unknown Executioners**

represented by **Stephen D. Hawke**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant**Larry Crawford**

represented by **Denise Garrison McElvein**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen D. Hawke

(See above for address)
ATTORNEY TO BE NOTICED

Movant**Donald J. Hall**

TERMINATED: 06/22/2005

represented by **Donald J. Hall**
990113
PCC
Potosi Correctional Center
11593 State Highway O
Mineral Point, MO 63660
PRO SE

Date Filed	#	Docket Text
08/16/2004	1	COMPLAINT against defendant Eastern Reception, Diagnostic & Correctional Center, Missouri Department of Corrections, Potosi Correctional Center Waivers issued 3, Fee paid in the amount of \$150, , filed by Timothy Johnston. (Attachments: # 1 Civil Cover Sheet # 2 Original Filing Form)(CDD,) (Entered: 08/16/2004)
08/16/2004		WAIVER of Service issued defendant Eastern Reception, Diagnostic & Correctional Center, Missouri Department of Corrections, Potosi Correctional Center. filed by Timothy Johnston. (CDD,) (Entered: 08/16/2004)
08/16/2004		Receipt # S2004-009604 in the amount of \$150.00 for CIVIL FILING FEE, CIVIL FILING FEE-2ND 1/2 on behalf of GORLA, MICHAEL J.. (CSW,) (Entered: 08/16/2004)
09/15/2004	2	WAIVER OF SERVICE Returned Executed filed by Gary B. Kemper, James Purkett, Donald P. Roper Gary B. Kemper waiver signed on 9/15/2004, answer due 11/15/2004; James Purkett waiver signed on 9/15/2004, answer due 11/15/2004; Donald P. Roper waiver signed on 9/15/2004, answer due 11/15/2004. (McElvein, Denise) (Entered: 09/15/2004)
10/04/2004	3	ORDER - IT IS THEREFORE HEREBY ORDERED that Senior Judge Stephen N. Limbaugh recuses himself from this action. Signed by Judge Stephen N. Limbaugh on 10/4/04. (ARL) (Entered: 10/04/2004)
10/05/2004	4	ORDER (JGW) IT IS HEREBY ORDERED that this case has been reassigned to the Honorable Donald J. Stohr, United States District Judge. In all future documents filed with the court, please use the following case number: 4:04CV1075 DJS. (ARL) (Entered: 10/05/2004)
10/06/2004	5	ORDER OF INITIAL DISCOVERY; ORDERED plaintiff(s) shall forthwith serve process or mail waiver of service. ORDERED notwithstanding FRCP 26(d) and (f), any party who has entered an appearance may serve interrogatories and request for production or inspection upon plaintiff at any time and upon any other party after that party's entry of appearance. Parties shall respond to discovery requests w/in 30 days of service of discovery requests. No party may take oral depositions or serve requests for admissions prior to the Court's issuance of a CMO. As permitted by this Order, discovery shall commence immediately. FURTHER ORDERED plaintiff(s) shall serve a copy of this order along w/discovery requests to a party who has not entered an appearance as of the date of this order. Signed by Judge Donald J. Stohr on 10/6/04. (LGK,) (Entered: 10/06/2004)
10/14/2004	6	ENTRY of Appearance by Denise Garrison McElvein Defendants Gary B. Kemper, James Purkett, Donald P. Roper. (McElvein, Denise) (Entered: 10/14/2004)
10/14/2004	7	MOTION for Extension of Time to File Answer re 1 Complaint, by Defendants Gary B. Kemper, James Purkett, Donald P. Roper. (McElvein, Denise) (Entered: 10/14/2004)

10/18/2004		Docket Text ORDER re 7 : Defendants' MOTION for Extension of Time to File Answer re 1 Complaint, GRANTED. Signed by Judge Donald J. Stohr on 10/18/04. (LCL) (Entered: 10/18/2004)
11/15/2004	8	MOTION to Dismiss Case by Defendants Gary B. Kemper, James Purkett, Donald P. Roper. (McElvein, Denise) (Entered: 11/15/2004)
11/15/2004	9	MEMORANDUM in Support of Motion re 8 MOTION to Dismiss Case filed by Defendants Gary B. Kemper, James Purkett, Donald P. Roper. (McElvein, Denise) (Entered: 11/15/2004)
11/16/2004	10	MOTION for Extension of Time to File Response/Reply as to 8 MOTION to Dismiss Case by Plaintiff Timothy Johnston. (Gorla, Michael) (Entered: 11/16/2004)
11/17/2004		Docket Text ORDER re 10 : Plaintiff's MOTION for Extension of Time to File Response/Reply as to 8 MOTION to Dismiss Case, GRANTED. Signed by Judge Donald J. Stohr on 11/17/04. (LCL) (Entered: 11/17/2004)
12/06/2004	11	RESPONSE in Opposition re 8 MOTION to Dismiss Case filed by Plaintiff Timothy Johnston. (Attachments: # 1 Exhibit Plaintiff's Exhibit A)(Gorla, Michael) (Entered: 12/06/2004)
12/14/2004	12	MOTION for Extension of Time to File Response/Reply as to 11 Response in Opposition to Motion by Defendants Gary B. Kemper, James Purkett, Donald P. Roper. (McElvein, Denise) (Entered: 12/14/2004)
12/15/2004		Docket Text ORDER: Defendants' Motion for Extension of Time [Doc. #12] is GRANTED, and defendants may reply in support of their motion to dismiss no later than December 20, 2004. Signed by Judge Donald J. Stohr on 12/15/2004. (DKW) (Entered: 12/15/2004)
12/20/2004	13	REPLY (to termed motion) re 8 MOTION to Dismiss Case filed by Defendants Gary B. Kemper, James Purkett, Donald P. Roper. (Attachments: # 1)(McElvein, Denise) (Entered: 12/20/2004)
03/03/2005	14	MOTION to Compel <i>Defendant Kempker's Answers to Interrogatories</i> by Plaintiff Timothy Johnston. (Attachments: # 1 Exhibit Exh. 1-McElvein Letter Feb. 4, 2005# 2 Exhibit Exh. 2-Gorla Letter Feb. 10, 2005# 3 Exhibit Exh. 3-Gorla Letter Feb. 18, 2005)(Gorla, Michael) (Entered: 03/03/2005)
03/03/2005	15	MOTION to Compel <i>Defendant Roper's Answers to Interrogatories</i> by Plaintiff Timothy Johnston. (Attachments: # 1 Exhibit Exh. 1-McElvein Letter Feb. 4, 2005# 2 Exhibit Exh. 2-Gorla Letter Feb. 10, 2005# 3 Exhibit Exh. 3-Gorla Letter Feb. 18, 2005)(Gorla, Michael) (Entered: 03/03/2005)
03/03/2005	16	MOTION to Compel <i>Defendant Purkett's Answers to Interrogatories</i> by Plaintiff Timothy Johnston. (Attachments: # 1 Exhibit Exh. 1-McElvein Letter Feb. 4, 2005# 2 Exhibit Exh. 2-Gorla Letter Feb. 10, 2005# 3 Exhibit Exh. 3-Gorla Letter Feb. 18, 2005)(Gorla, Michael) (Entered: 03/03/2005)
03/09/2005	17	MOTION for Extension of Time to File Response/Reply as to 14 MOTION to Compel <i>Defendant Kempker's Answers to Interrogatories</i> , 15 MOTION to Compel <i>Defendant Roper's Answers to Interrogatories</i> , 16 MOTION to Compel

		<i>Defendant Purkett's Answers to Interrogatories</i> by Defendants Gary B. Kemper, Donald P. Roper, James Purkett. (McElvein, Denise) (Entered: 03/09/2005)
03/10/2005		Docket Text ORDER re 17 : Defendants' MOTION for Extension of Time to File Response/Reply as to [14, 15 and 16] MOTIONS to Compel, GRANTED. Signed by Judge Donald J. Stohr on 3/10/05. (LCL) (Entered: 03/10/2005)
03/22/2005	18	RESPONSE in Opposition re 14 MOTION to Compel <i>Defendant Kempker's Answers to Interrogatories</i> filed by Defendant Gary B. Kemper. (Attachments: # 1 Exhibit A# 2 Exhibit B)(McElvein, Denise) (Entered: 03/22/2005)
03/22/2005	19	RESPONSE in Opposition re 15 MOTION to Compel <i>Defendant Roper's Answers to Interrogatories</i> filed by Defendant Donald P. Roper. (Attachments: # 1 Exhibit A)(McElvein, Denise) (Entered: 03/22/2005)
03/22/2005	20	RESPONSE in Opposition re 16 MOTION to Compel <i>Defendant Purkett's Answers to Interrogatories</i> filed by Defendant James Purkett. (Attachments: # 1 Exhibit A)(McElvein, Denise) (Entered: 03/22/2005)
03/25/2005	21	MOTION for Leave to File Additional Authority by Plaintiff Timothy Johnston. (Gorla, Michael) (Entered: 03/25/2005)
03/28/2005		Docket Text ORDER: Plaintiff's Motion for Leave of Court to File Additional Authority [Doc. #21] is granted. Signed by Judge Donald J. Stohr on 3/28/2005. (DKW) (Entered: 03/28/2005)
03/31/2005	22	MEMORANDUM in Support of Motion re 14 MOTION to Compel <i>Defendant Kempker's Answers to Interrogatories</i> , 15 MOTION to Compel <i>Defendant Roper's Answers to Interrogatories</i> , 16 MOTION to Compel <i>Defendant Purkett's Answers to Interrogatories</i> filed by Plaintiff Timothy Johnston. (Gorla, Michael) (Entered: 03/31/2005)
04/14/2005	23	MOTION to Supplement 8 MOTION to Dismiss Case by Defendants Gary B. Kemper, Donald P. Roper, James Purkett. (McElvein, Denise) (Entered: 04/14/2005)
04/14/2005	24	Supplemental Memorandum in Support of Motion to dismiss (#8) (McElvein, Denise) Modified on 4/18/2005 (JWJ,). (Entered: 04/14/2005)
04/18/2005	25	ORDER granting 23 Motion to Supplement IT IS HEREBY ORDERED that defendants Supplemental Motion To Dismiss is construed as a motion for leave to supplement their earlier filed motion to dismiss, and so construed is granted. IT IS FURTHER ORDERED that the Clerk shall correct the docket entry of doc #24 from motion to supplement, ect to Supplemental Memorandum in support of motion to dmiss. IT IS FURTHER ORDERED that plaintiff may file a memorandum in response to defendants supplemental memorandum no later than 4/28/05 and defendants may file a reply no later than 5/10/05 Signed by Judge Donald J. Stohr on 4/18/05. (JWJ,) (Entered: 04/18/2005)
04/28/2005	26	MOTION to Substitute Party by Plaintiff Timothy Johnston. (Gorla, Michael) (Entered: 04/28/2005)
04/28/2005	27	RESPONSE in Opposition re 8 MOTION to Dismiss Case - <i>Supplemental Memorandum in Support</i> filed by Plaintiff Timothy Johnston. (Gorla, Michael) (Entered: 04/28/2005)

05/09/2005	29	MOTION to Intervene and MOTION to Appoint Counsel by Movant Donald J. Hall. (MRC,) (Entered: 05/10/2005)
05/10/2005	28	REPLY to Response to Motion re 8 MOTION to Dismiss Case filed by Defendants Gary B. Kemper, Donald P. Roper, James Purkett. (Attachments: # 1 Exhibit A)(McElvein, Denise) (Entered: 05/10/2005)
05/16/2005	30	MOTION for Extension of Time to File Response/Reply as to 29 MOTION to Appoint Counsel MOTION to Intervene by Defendants Gary B. Kemper, Donald P. Roper, James Purkett. (McElvein, Denise) (Entered: 05/16/2005)
05/17/2005		Docket Text ORDER re 30 : Defendants' MOTION for Extension of Time to May 27, 2005, to File Response/Reply as to 29 MOTION to Intervene, GRANTED. Signed by Judge Donald J. Stohr on 5/17/05. (LCL) (Entered: 05/17/2005)
05/18/2005		ORDER RECEIPT: (see receipt) Wed May 18 10:10:19 CDT 2005 (LGK,) (Entered: 05/18/2005)
05/18/2005		***REMARK - coy of order dated 5/17/04 mailed to Donald Hall at Potosi Correctional Center. (LGK,) (Entered: 05/18/2005)
05/27/2005	31	RESPONSE in Opposition re 29 MOTION to Appoint Counsel MOTION to Intervene <i>opposition applies only to 29 Motion to Intervene</i> filed by Defendants Gary B. Kemper, Donald P. Roper, James Purkett. (McElvein, Denise) (Entered: 05/27/2005)
06/08/2005	32	REPLY to Response to Motion re 29 MOTION to Intervene filed by Movant Donald J. Hall. (KXS,) (Entered: 06/08/2005)
06/13/2005	33	IT IS HEREBY ORDERED that the motion to dismiss of defendants Kempker, Roper and Purkett [Doc. #8] is denied.IT IS FURTHER ORDERED that plaintiff's unopposed motion for substitution of party under Fed.R.Civ.P. 25(d) [Doc. #26] is granted.IT IS FURTHER ORDERED that, as the current Director of the Missouri Department of Corrections, Larry Crawford is substituted in place of Gary B. Kempker as party-defendant. The Clerk shall reflect the substitution on the docket, and the parties shall henceforth reflect the substitution in the caption of the case. Larry Crawford rep by Denise Garrison McElvein added. Gary B. Kemper terminated, denying 8 Motion to Dismiss Case. Signed by Judge Donald J. Stohr on 6/13/05. (JWJ) (Entered: 06/13/2005)
06/13/2005		ORDER RECEIPT: (see receipt) Mon Jun 13 15:36:21 CDT 2005 (JWJ,) (Entered: 06/13/2005)
06/22/2005	34	ORDER IT IS HEREBY ORDERED that the motion of Donald J. Hall tointervene and for appointment of counsel [Doc. #29] is denied. Signed by Judge Donald J. Stohr on 6/22/05. (JWJ,) (Entered: 06/22/2005)
06/22/2005		ORDER RECEIPT: (see receipt) Wed Jun 22 11:32:16 CDT 2005 (JWJ,) (Entered: 06/22/2005)
06/22/2005	35	ORDER REQUIRING JOINT PROPOSED SCHEDULING PLAN This case is assigned to Track: Complex Joint Scheduling Plan due by 7/11/2005.. Signed by Judge Donald J. Stohr on 6/22/05. (JWJ,) (Entered: 06/22/2005)

06/22/2005		ORDER RECEIPT: (see receipt) Wed Jun 22 11:35:22 CDT 2005 (JWJ,) (Entered: 06/22/2005)
06/22/2005	36	MOTION for Extension of Time to File Answer re 1 Complaint, by Defendants Larry Crawford, Donald P. Roper, James Purkett. (McElvein, Denise) (Entered: 06/22/2005)
06/22/2005		Docket Text ORDER re 36 : Defendants' MOTION for Extension of Time to File Answer re 1 Complaint, GRANTED. Signed by Judge Donald J. Stohr on 6/22/05. (LCL) (Entered: 06/22/2005)
06/23/2005	37	ORDER IT IS HEREBY ORDERED that plaintiff's motions to compel defendant Kempker's (now Crawford's), defendant Roper's and defendant Purkett's answers to interrogatories [Docs. #14, #15, and #16] are granted in part as follows, and denied in part. IT IS FURTHER ORDERED that the parties shall confer forthwith and employ their best efforts to formulate a mutually acceptable proposed protective order appropriately limiting the use and disclosure of the identities of corrections personnel involved in executions. Within fourteen (14) days of the date of this order, the parties shall file a joint motion for the entry of a protective order, accompanied by their agreed-upon proposed order. In the event that the parties fail to reach complete agreement, their joint motion should be accompanied by a proposed order including all the terms to which the parties agree, and the motions should set forth, for each disputed issue, each party's proposed language. IT IS FURTHER ORDERED that, within twenty (20) days of the Court's entry of a protective order as contemplated above, defendants shall serve on plaintiff their full and complete responses to : Interrogatory 1; Interrogatory 2, except as to subpart (k); Interrogatory 3, limited to the last four Missouri executions; Interrogatory 4, except as to subpart (h) and limited to the last ten Missouri executions; 5 Interrogatory 5, limited to the time period from 2000 to present; and Interrogatory 6, limited to the last four Missouri executions. Signed by Judge Donald J. Stohr on 6/2/05. (JWJ,) (Entered: 06/23/2005)
06/28/2005	38	Joint MOTION for Extension of: Time to File Joint Proposed Scheduling Plan by Defendants Larry Crawford, Donald P. Roper, James Purkett, Plaintiff Timothy Johnston. (McElvein, Denise) (Entered: 06/28/2005)
06/29/2005		Docket Text ORDER re 38 : Joint MOTION for Extension of Time to August 1, 2005 to File Joint Proposed Scheduling Plan, GRANTED. Signed by Judge Donald J. Stohr on 6/29/05. (LCL) (Entered: 06/29/2005)
06/30/2005	39	ANSWER to Complaint with Jury Demand by Larry Crawford, Donald P. Roper, James Purkett. (McElvein, Denise) (Entered: 06/30/2005)
07/07/2005	40	MOTION for Extension of Time to File ;Extension to file the following: Joint Motion for Entry of a Protective Order ;Proposed extension date July 25, 2005 by Plaintiff Timothy Johnston. (Gorla, Michael) (Entered: 07/07/2005)
07/08/2005		Docket Text ORDER re 40 : MOTION for Extension of Time to July 25, 2005, to File a Joint Motion for Entry of a Protective Order, GRANTED. Signed by Judge Donald J. Stohr on 7/8/05. (LCL) (Entered: 07/08/2005)
07/25/2005	41	Joint MOTION for Extension of: Time to File Joint Motion For Protective Order and Draft of Agreed Protective Order by Defendants Larry Crawford, Donald P.

		Roper, James Purkett, Plaintiff Timothy Johnston. (McElvein, Denise) (Entered: 07/25/2005)
07/26/2005	42	ORDER IT IS HEREBY ORDERED that the parties' joint motion for extension of time [Doc. #41] is granted. The parties shall file their Joint Motion for Protective Order and Agreed Protective Order no later than August 1, 2005. Signed by Judge Stephen N. Limbaugh on 7/26/05. (KXS,) (Entered: 07/26/2005)
08/01/2005	43	JOINT SCHEDULING PLAN by Plaintiff Timothy Johnston.. (Gorla, Michael) (Entered: 08/01/2005)
08/01/2005	44	Joint MOTION for Protective Order by Defendants Unknown Executioners, Larry Crawford, Donald P. Roper, James Purkett. (Attachments: # 1)(McElvein, Denise) (Entered: 08/01/2005)
08/03/2005	45	PROTECTIVE ORDER IT IS HEREBY ORDERED that the parties' joint motion for the entry of a protective order [Doc. #44] is granted and the parties' agreed protective order is approved by the Court subject to the following limitations. By its approval of the stipulated protective order, the Court in no way limits its authority and discretion to determine the following: (1) in each instance in which a party desires to file any material with the Court under seal, whether or not to permit the material to be filed under seal; (2) the extent to which any confidentiality considerations shall in any way govern the use of any material in any proceedings before the Court; and (3) the disposition of sealed Court filings before or after termination of these proceedings. Any and all provisions of the stipulated protective order which conflict with these limitations are disapproved to the extent that they so conflict. IT IS FURTHER ORDERED that any motion relating to the protective order shall be subject to the requirements of E.D.Mo.L.R. 3.04(A). Signed by Judge Stephen N. Limbaugh on 8/3/05. (KXS,) (Entered: 08/03/2005)
08/05/2005	46	MOTION to Expedite <i>Defendants' Answers to Plaintiff's Interrogatories</i> by Plaintiff Timothy Johnston. (Attachments: # 1)(Gorla, Michael) (Entered: 08/05/2005)
08/08/2005	47	MOTION to Expedite <i>a Hearing on the Merits</i> by Defendants Larry Crawford, Donald P. Roper, James Purkett. (McElvein, Denise) (Entered: 08/08/2005)
08/08/2005	48	MEMORANDUM in Support of Motion re 47 MOTION to Expedite <i>a Hearing on the Merits</i> filed by Defendants Larry Crawford, Donald P. Roper, James Purkett. (McElvein, Denise) (Entered: 08/08/2005)
08/08/2005	49	ORDER - IT IS HEREBY ORDERED that plaintiff's motion for order expediting defendants' answers to plaintiff's interrogatories is Granted . Defendant shall no later than August 13, 2005 shall serve on plaintiff their full and complete responses to: [See Order For Complete Details] IT IS FURTHER ORDERED that defendants' motion to expedite a hearing on the merits is Denied . re 47 MOTION to Expedite a Hearing on the Merits filed by James Purkett., Donald P. Roper., Larry Crawford., 46 MOTION to Expedite Defendants' Answers to Plaintiff's Interrogatories filed by Timothy Johnston, . Signed by Judge E. Richard Webber on 8/8/2005. (MRC,) (Entered: 08/08/2005)

08/08/2005	50	AFFIDAVIT re 48 Memorandum in Support of Motion by Defendants Larry Crawford, Donald P. Roper, James Purkett. (McElvein, Denise) (Entered: 08/08/2005)
08/09/2005	51	DECLARATION filed by Defendants Larry Crawford, Donald P. Roper, James Purkett re 48 Memorandum in Support of Motion. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D)(McElvein, Denise) (Entered: 08/09/2005)
08/09/2005	52	AFFIDAVIT re 48 Memorandum in Support of Motion by Defendants Larry Crawford, Donald P. Roper, James Purkett. (Attachments: # 1 Affidavit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D)(McElvein, Denise) (Entered: 08/09/2005)
08/12/2005	53	MOTION for Reconsideration re 49 Order., <i>the Part of the Order Requiring Disclosures of the Names of Those who will Carry Out Plaintiff's Lethal Injection</i> by Defendants Larry Crawford, Donald P. Roper, James Purkett. (Attachments: # 1 Affidavit)(McElvein, Denise) (Entered: 08/12/2005)
08/12/2005	54	ORDER IT IS HEREBY ORDERED that defendant's motion to reconsider[Doc. #53] is denied. Signed by Judge E. Richard Webber on 8/12/05. (JWJ,) (Entered: 08/12/2005)
08/15/2005	55	MOTION for Leave to Proceed in forma pauperis under 42:1983 (prisoner) by Plaintiff Timothy Johnston. (Attachments: # 1)(Gorla, Michael) (Entered: 08/15/2005)
08/15/2005	56	Letter to Judge Stohr from defendant's counsel (KXS,) (Entered: 08/15/2005)
08/15/2005	57	Copy of petition for writ of prohibition filed in the Eighth Circuit Court of Appeals (Attachments: # 1 Exhibits) (KXS,) (Entered: 08/15/2005)
08/16/2005	58	MOTION for Summary Judgment by Defendants Larry Crawford, Donald P. Roper, James Purkett. (McElvein, Denise) (Entered: 08/16/2005)
08/16/2005	59	MEMORANDUM in Support of Motion re 58 MOTION for Summary Judgment <i>and for a Hearing on the Merits</i> filed by Defendants Larry Crawford, Donald P. Roper, James Purkett. (Attachments: # 1 Affidavit Crawford# 2 Affidavit Dershwitz# 3 Exhibit A# 4 Exhibit B# 5 Exhibit C# 6 Exhibit D# 7 Statement of Uncontroverted Material Facts)(McElvein, Denise) (Entered: 08/16/2005)
08/16/2005	60	MOTION to Expedite <i>Plaintiff's Responses to Defendants' Motion for Summary Judgment</i> by Defendants Larry Crawford, Donald P. Roper, James Purkett. (McElvein, Denise) (Entered: 08/16/2005)
08/16/2005	62	LETTER from USCA Appeal #: 05-3228 regarding petition for writ of prohibition being filed.(JWJ,) (Entered: 08/17/2005)
08/17/2005	61	RESPONSE in Opposition re 60 MOTION to Expedite <i>Plaintiff's Responses to Defendants' Motion for Summary Judgment</i> filed by Plaintiff Timothy Johnston. (Gorla, Michael) (Entered: 08/17/2005)
08/17/2005	63	REPLY to Response to Motion re 60 MOTION to Expedite <i>Plaintiff's Responses to Defendants' Motion for Summary Judgment</i> filed by Defendants Larry Crawford, Donald P. Roper, James Purkett. (McElvein, Denise) (Entered: 08/17/2005)

08/17/2005	64	Copy of Answer to petition for immediate writ of prohibition filed with the USCA. (KXS,) (Entered: 08/18/2005)
08/18/2005	65	MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> by Plaintiff Timothy Johnston. (Gorla, Michael) (Entered: 08/18/2005)
08/18/2005	66	MEMORANDUM in Support of Motion re 65 MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> filed by Plaintiff Timothy Johnston. (Attachments: # 1 # 2 # 3 # 4)(Gorla, Michael) (Entered: 08/18/2005)
08/19/2005	67	Appeal Remark USCA Appeal #: 05-3228 (copy of petitioners reply in support of their petition for immediate writ of prohibition) filed in the district court record. (JWJ,) (Entered: 08/22/2005)
08/19/2005	69	REASSIGNMENT ORDER (jgw). - IT IS HEREBY ORDERED that the case is transferred to United States District Judge Charles A. Shaw. Judge Donald J. Stohr termed. Case reassigned to Judge Charles A. Shaw for all further proceedings (MRC,) (Entered: 08/22/2005)
08/22/2005	68	ORDER IT IS HEREBY ORDERED that an evidentiary hearing on defendants' motion for summary judgment and plaintiff's motion for temporary restraining order and preliminary injunction is set before the undersigned in Courtroom 12 North at 11:00 a.m. on Friday, August 26, 2005. IT IS FURTHER ORDERED that defendants' motion to expedite plaintiff's responses to defendants' motion for summary judgment [Doc. #60] is granted as follows. IT IS FURTHER ORDERED that plaintiff shall electronically file his memorandum in opposition to the motion for summary judgment no later than 3:00 p.m. on Wednesday, August 24, 2005, and defendants shall electronically file their reply no later than noon on Thursday, August 25, 2005. IT IS FURTHER ORDERED that defendants shall electronically file their memorandum in opposition to the motion for temporary restraining order and preliminary injunction no later than 3:00 p.m. on Wednesday, August 24, 2005, and plaintiff shall electronically file his reply no later than noon on Thursday, August 25, 2005. Signed by Judge Charles A. Shaw on 8/22/05. (JWJ,) (Entered: 08/22/2005)
08/23/2005	70	RESPONSE in Opposition re 65 MOTION for Temporary Restraining Order <i>and Preliminary Injunction and Further Support of Motion for Summary Judgment</i> filed by Defendants Larry Crawford, Donald P. Roper, James Purkett. (Attachments: # 1 Affidavit Crawford # 2 Affidavit Dershwitz # 3 Exhibit A. Affidavit of Dershwitz # 4 Exhibit B. Affidavit of Dershwitz # 5 Exhibit C. Affidavit of Dershwitz # 6 Exhibit D. Affidavit of Dershwitz # 7 2nd Declaration of Dershwitz)(McElvein, Denise) (Entered: 08/23/2005)
08/23/2005	71	MOTION to Seal Document by Defendants Larry Crawford, Donald P. Roper, James Purkett. (McElvein, Denise) (Entered: 08/23/2005)
08/23/2005	72	MOTION to Continue <i>and Postpone</i> Summary Judgment Decision to Permit Adequate Discovery by Plaintiff Timothy Johnston. (Attachments: # 1)(Gorla, Michael) (Entered: 08/23/2005)
08/23/2005	73	ORDER IT IS HEREBY ORDERED that plaintiff's motion for continuance and postponement of summary judgment decision to permit adequate discovery [Doc. #72] is denied. IT IS FURTHER ORDERED that defendants' motion to file under

		seal [Doc. #71] is granted, and defendants are granted leave to submit defendant Crawford's original and supplemental interrogatory answers under seal. Signed by Judge Charles A. Shaw on 8/23/05. (KXS,) (Entered: 08/23/2005)
08/23/2005	74	SUPPLEMENTAL EXHIBIT: Defendant Crawford's Answers to Plaintiff's First Set of Interrogatories. re 70 Response in Opposition to Motion, by Defendant Larry Crawford. FILED UNDER SEAL (MRC,) (Entered: 08/24/2005)
08/23/2005	75	SUPPLEMENTAL EXHIBIT: First Supplemental Answers to Plaintiff's First Set of Interrogatories. re 70 Response in Opposition to Motion, by Defendant Larry Crawford. FILED UNDER SEAL (MRC,) (Entered: 08/24/2005)
08/24/2005	76	Appeal Remark USCA Appeal #: 05-3228 (copy of Motion for rehearing or rehearing en banc) filed in the district court record(JWJ,) (Entered: 08/24/2005)
08/24/2005	77	MEMORANDUM in Opposition re 58 MOTION for Summary Judgment filed by Plaintiff Timothy Johnston. (Attachments: # 1 # 2)(Gorla, Michael) (Entered: 08/24/2005)
08/24/2005	83	ORDER of USCA USCA Appeal #: 05-3228 Petition for writ of prohibition has been considered by the Court and is denied.(KXS,) (Entered: 08/26/2005)
08/25/2005	78	MOTION for Leave to Attach Affidavits Which Have Been Previously Filed to Plaintiff's Memorandum in Opposition to Defendants' Motion for Summary Judgment by Plaintiff Timothy Johnston. (Attachments: # 1 # 2 # 3 # 4)(Gorla, Michael) (Entered: 08/25/2005)
08/25/2005	79	REPLY to Response to Motion re 58 MOTION for Summary Judgment filed by Defendants Larry Crawford, Donald P. Roper, James Purkett. (Attachments: # 1 Affidavit Dershwitz# 2 Exhibit A. Affidavit Dershwitz# 3 Exhibit B. Affidavit Dershwitz# 4 Exhibit C. Affidavit Dershwitz# 5 Exhibit D. Affidavit Dershwitz# 6 Declaration of Dershwitz)(McElvein, Denise) (Entered: 08/25/2005)
08/25/2005	80	MOTION to Seal Document by Defendants Larry Crawford, Donald P. Roper, James Purkett. (McElvein, Denise) (Entered: 08/25/2005)
08/25/2005	81	REPLY to Response to Motion re 65 MOTION for Temporary Restraining Order <i>and Preliminary Injunction Memorandum in Opposition</i> filed by Plaintiff Timothy Johnston. (Attachments: # 1)(Gorla, Michael) (Entered: 08/25/2005)
08/25/2005	82	ORDER IT IS HEREBY ORDERED that plaintiff's motion for leave to attach affidavits which have been previously filed to plaintiff's memorandum in opposition to defendants' motion for summary judgment [Doc. #78] is granted, and the affidavits attached to the motion [Docs. #78.1 through#78.4] will be construed as submitted in support of plaintiff's memorandum in opposition [Doc. #77]. IT IS FURTHER ORDERED that defendants' motion to file under seal [Doc. #80] is granted, and defendants are granted leave to submit defendant Crawford's original and supplemental interrogatory answers under seal. Signed by Judge Charles A. Shaw on 8/25/05. (JWJ,) (Entered: 08/25/2005)
08/25/2005	84	SUPPLEMENTAL EXHIBIT: Defendant Crawford's Answers To Plaintiff's First Set of Interrogatories re 79 Reply to Response to Motion, by Defendant Larry Crawford. FILED UNDER SEAL (MRC,) (Entered: 08/26/2005)

08/25/2005	85	SUPPLEMENTAL EXHIBIT: Defendant Crawford's First Supplemental Answers To Plaintiff's First Set Of Interrogatories re 79 Reply to Response to Motion, by Defendant Larry Crawford. FILED UNDER SEAL (MRC,) (Entered: 08/26/2005)
08/25/2005	92	ORDER of USCA USCA Appeal #: 05-3228 Petition for rehearing en banc is denied. Petition for rehearing by the panel also denied. (KXS,) (Entered: 08/29/2005)
08/26/2005	86	MEMORANDUM AND ORDER...IT IS HEREBY ORDERED that plaintiff's motion for temporary restraining order and preliminary injunction is DENIED . IT IS FURTHER ORDERED that defendants' motion for summary judgment is GRANTED . An appropriate judgment will accompany this memorandum and order. re: 58 MOTION for Summary Judgment filed by James Purkett,, Donald P. Roper,, Larry Crawford,, 65 MOTION for Temporary Restraining Order and Preliminary Injunction filed by Timothy Johnston, . Signed by Judge Charles A. Shaw on 8/26/2005. (MRC,) (Entered: 08/26/2005)
08/26/2005		PUBLISHED Fri Aug 26 15:06:21 CDT 2005 Document # 86 - Memorandum and Order by (MRC,) (Entered: 08/26/2005)
08/26/2005	87	JUDGMENT - Pursuant to the memorandum and order entered herein this day, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that summary judgment is entered in favor of defendants and against plaintiff on all claims asserted in plaintiff's complaint. . Signed by Judge Charles A. Shaw on 8/26/2005. (MRC,) (Entered: 08/26/2005)
08/26/2005		PUBLISHED Fri Aug 26 15:16:34 CDT 2005 Document # 87 - Judgment by (MRC,) (Entered: 08/26/2005)
08/26/2005	88	ORDER - IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis is GRANTED and plaintiff is granted leave to appeal in forma pauperis. re 55 MOTION for Leave to Proceed in forma pauperis under 42:1983 (prisoner) filed by Timothy Johnston, . Signed by Judge Charles A. Shaw on 8/26/2005. (MRC,) (Entered: 08/26/2005)
08/26/2005	91	Minute Entry for proceedings held before Judge Charles A. Shaw : Motion Hearing held on 8/26/2005 re 58 MOTION for Summary Judgment filed by James Purkett,, Donald P. Roper,, Larry Crawford,, 65 MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> filed by Timothy Johnston,. The court will issue an order (Court Reporter or FTR Gold Operator initials:sue moran.) (FTR Gold yes or no: no.) (proceedings started: 10:00.) (proceedings ended: 12:00.) (JWJ,) (Entered: 08/29/2005)
08/29/2005	89	ORIGINAL TRANSCRIPT (Pilot) proceedings of Hearing on Motion for Temporary Restraining Order held on 8/26/05 before Judge Charles A. Shaw. Court Reporter: S. Moran. The transcript filed with the court will not be remotely available until such time as the period for redaction has expired or a request for redaction has been received and the redacted transcript filed. For additional information see the Notice/Instructions to the Bar regarding Electronic Availability of Civil Transcripts on the Court's website at www.moed.uscourts.gov (KCM,) (Entered: 08/29/2005)

08/29/2005	90	NOTICE OF APPEAL by Plaintiff Timothy Johnston. Filing fee \$ 255. (Attachments: # 1)(Gorla, Michael) (Entered: 08/29/2005)
08/30/2005	93	NOTIFICATION OF APPEAL AND NOA SUPPLEMENT by clerk to USCA regarding 86 Memorandum & Order, 89 Original Transcript was hand delivered to USCA, 87 Judgment, and 88 Order. Notice of Appeal filed on 08/29/05 by Plaintiff Timothy Johnston. NOTIFICATION TO COUNSEL AND PRO SE PARTY: FILE REQUEST FOR TRANSCRIPT WITH DISTRICT COURT CLERKS OFFICE. SUBMIT FORM A & B TO EIGHTH CIRCUIT CLERKS OFFICE.(CDF). (Entered: 08/30/2005)
08/30/2005		***Appeal Receipt of Notice of Appeal and supporting documents received by USCA on: Tue Aug 30 09:13:28 CDT 2005 (CDF,) (Entered: 08/30/2005)
08/30/2005	94	ENTRY of Appearance by Stephen D. Hawke Defendants Unknown Executioners, Larry Crawford, Donald P. Roper, James Purkett. (Hawke, Stephen) (Entered: 08/30/2005)
08/30/2005	96	LETTER from USCA USCA Appeal #: 05-3353 reLf iling of emergency mtn for stay of execution(KXS,) (Entered: 09/01/2005)
08/31/2005	95	Appeal Transmittal: USCA Appeal #: 05-3353. The following has been forwarded to USCA: Five (5) volumes of the Electronic Case File. 90 Notice of Appeal was forwarded to USCA on 08/30/05.(CDF) (Entered: 08/31/2005)
08/31/2005	97	LETTER from USCA USCA Appeal #: 05-3353(KXS,) (Entered: 09/01/2005)
09/06/2005	98	SECOND AMENDED ORDER of USCA USCA Appeal #: 05-3353 (see order for details)(KXS,) (Entered: 09/08/2005)

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