

**U.S. District Court
Eastern District of Arkansas (Little Rock)
CIVIL DOCKET FOR CASE #: 4:96-cv-01004-JMM**

Bradley, et al v. Arkansas Education, et al
Assigned to: Judge James M. Moody
Demand: \$0

Case in other court: 01-03367
E/D Arkansas, 4:00-cv-00747
1, 4:96-mc-00194
98-01010/98-01011
USCA8, :00-00001-03367
USCA8, :00-00001-08014
USCA8, :00-00098-01010
USCA8, :00-00098-01011
USDC E/D AR, LR-C-96-00257

Date Filed: 12/13/1996
Date Terminated: 09/10/2004
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Cause: 42:1983 Civil Rights Act

Plaintiff

Thomas Bradley
*as Natural Guardians of, and on behalf of
David Bradley, a minor, individually and
on behalf of themselves and all others
similarly situated
unknown
David Bradley*

represented by **Luther Oneal Sutter**
Sutter & Gillham, PLLC
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Plaintiff

Dianna Bradley
as Natural Guardians of, and on behalf of

represented by **Luther Oneal Sutter**
(See above for address)

David Bradley, a minor, individually and on behalf of themselves and all others similarly situated

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Max Lapertosa
(See above for address)
*LEAD ATTORNEY
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Michael Churchill
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Thomas K. Gilhool
(See above for address)
*LEAD ATTORNEY
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V.

Defendant

Arkansas Department of Education

represented by **Sherri L. Robinson**
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Tim C. Humphries
Arkansas State Board of Election
Commissioners
501 Woodlane
Suite 401 N
Little Rock, AR 72201
(501) 682-1447
*TERMINATED: 03/17/2000
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

Mike Crowley
individually and in his capacity as an employee of the Arkansas Department of Education

represented by **Sherri L. Robinson**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Tim C. Humphries
(See above for address)
*TERMINATED: 03/17/2000
LEAD ATTORNEY
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Defendant

Williford School District 39

represented by **W. Paul Blume**
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Post Office Box 3065
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Defendant**John Doe**

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| Date Filed | # | Docket Text |
|------------|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/13/1996 | 1 | ORDER by Judge James M. Moody granting motion to proceed in forma pauperis in misc case LR-M-96-194 (cc: all counsel) lej) (Entered: 12/19/1996) |
| 12/13/1996 | 2 | COMPLAINT, summonses issued and returned to Atty lej) (Entered: 12/19/1996) |
| 12/13/1996 | 3 | MEMO TO FILE regarding service of complaint lej) (Entered: 12/19/1996) |
| 01/10/1997 | 4 | RETURN OF SERVICE executed upon defendant Arkansas Education on 12/27/96 (bkp) (Entered: 01/14/1997) |
| 01/10/1997 | 5 | RETURN OF SERVICE executed upon defendant Mike Crowley on 12/24/96 (bkp) (Entered: 01/14/1997) |
| 01/10/1997 | 6 | RETURN OF SERVICE executed upon defendant Williford School on 12/23/96 (bkp) (Entered: 01/14/1997) |
| 01/13/1997 | 7 | ANSWER by defendant Williford School (bkp) Modified on 03/26/1997 (Entered: 01/14/1997) |
| 01/15/1997 | 8 | ANSWER by Arkansas Education and Mike Crowley (bkp) (Entered: 01/16/1997) |
| 02/19/1997 | 9 | SCHEDULING ORDER: court trial set for 9:15 10/6/97; discovery due 8/11/97; status report due 8/11/97; pretrial info sheet due 9/15/97 (cc: all counsel) (bmt) (Entered: 02/20/1997) |
| 02/27/1997 | 10 | MOTION by plaintiffs to continue (bkp) (Entered: 02/28/1997) |
| 03/03/1997 | <u>11</u> | AMENDED SCHEDULING ORDER (DOC): court trial set for 9:15 on 11/10/97 ; discovery due 9/15/97 ; status report due 9/15/97 ; pretrial info sheet due 10/20/97 (cc: all counsel) (bkp) (Entered: 03/04/1997) |
| 03/06/1997 | 12 | MEMO TO FILE finding the motion to continue moot by amended scheduling order filed on 3/3/97 [10-1] (bkp) (Entered: 03/06/1997) |
| 03/27/1997 | 13 | MEMO TO FILE removing this cause from the class action docket (bkp) (Entered: 03/28/1997) |
| 08/01/1997 | 14 | MOTION by plaintiff to substitute attorney L. Oneal Sutter P.L.L.C. (bkp) (Entered: 08/01/1997) |
| 08/01/1997 | 15 | ORDER by Judge James M. Moody granting motion to substitute attorney L. Oneal Sutter P.L.L.C. for pltfs [14-1] (cc: all counsel) (bkp) (Entered: 08/04/1997) |
| 09/15/1997 | 16 | WRITTEN STATUS REPORT by plaintiffs (bmt) (Entered: 09/15/1997) |
| 09/15/1997 | 17 | WRITTEN STATUS REPORT by State defts (2 days) (bkp) (Entered: 09/16/1997) |
| 09/29/1997 | 18 | MOTION by pltf for partial summary judgment (bkp) (Entered: 09/30/1997) |
| 09/29/1997 | 19 | BRIEF by pltfs in support of motion for partial summary judgment [18-1] (bkp) (Entered: 09/30/1997) |
| 09/29/1997 | 20 | STATEMENT OF FACTS (Rule 29) by pltfs in support of motion for partial summary judgment [18-1] (bkp) (Entered: 09/30/1997) |
| 09/29/1997 | 21 | MOTION by defts Mike Crowley and Arkansas Education to dismiss or for for summary judgment ; and to stay (bkp) (Entered: 09/30/1997) |

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| 09/29/1997 | 22 | BRIEF by defts Mike Crowley and Arkansas Education in support of motion to dismiss [21-1] or for summary judgment [21-2]; motion to stay [21-3] (bkp) (Entered: 09/30/1997) |
| 09/29/1997 | 23 | STATEMENT OF FACTS (Rule 29) by defts Mike Crowley and Arkansas Education in support of motion for summary judgment [21-2] (bkp) (Entered: 09/30/1997) |
| 09/30/1997 | 24 | NOTICE by defts of filing signed affidavit of Mike Crowley to be substituted for the unsigned copy attached to motion to dismiss or for summary judgment filed on 9/29/97 (bkp) (Entered: 10/01/1997) |
| 10/14/1997 | 25 | MOTION by pltfs to extend time within which to file response to defts' motion to dismiss or for summary judgment and motion to stay (bkp) (Entered: 10/15/1997) |
| 10/14/1997 | 26 | RESPONSE by defts Mike Crowley and Arkansas Education to motion for partial summary judgment [18-1] (bkp) (Entered: 10/15/1997) |
| 10/14/1997 | 26 | COUNTER-MOTION by defts Mike Crowley and Arkansas Education for summary judgment and to stay (bkp) (Entered: 10/15/1997) |
| 10/14/1997 | 27 | STATEMENT OF FACTS (Rule 29) by defts Mike Crowley and Arkansas Education in issue on pltfs' motion for partial summary judgment [18-1]; statement of material facts not in issue on defts' Arkansas Education and Crowley's counter-motion for summary judgment [26-1] (bkp) (Entered: 10/15/1997) |
| 10/14/1997 | 28 | BRIEF by defts Mike Crowley and Arkansas Education in support of response to motion for partial summary judgment and in support of defts' counter-motion for summary judgment [26-1] (bkp) (Entered: 10/15/1997) |
| 10/16/1997 | 29 | ORDER by Judge James M. Moody granting motion to extend time within which to file response to defts' motion to dismiss or for summary judgment and motion to stay to and including 10/16/97 [25-1] [21-1] [21-1] [21-2] [21-3] (cc: all counsel) EOD 10/16/97 (bkp) (Entered: 10/16/1997) |
| 10/16/1997 | 30 | RESPONSE by pltfs to motion to dismiss [21-1], or for summary judgment [21-2], motion to stay [21-3] (bkp) (Entered: 10/17/1997) |
| 10/16/1997 | 31 | BRIEF by pltfs in support of response to motion to dismiss or for summary judgment and to motion for stay [30-1] (bkp) (Entered: 10/17/1997) |
| 10/16/1997 | 32 | RESPONSE by pltfs to statements of material facts not at issue [27-1] (bkp) (Entered: 10/17/1997) |
| 10/20/1997 | 33 | PRETRIAL INFORMATION SHEET by plaintiffs (4 days) (bkp) (Entered: 10/21/1997) |
| 10/20/1997 | 34 | PRETRIAL INFORMATION SHEET by defts Mike Crowley and Arkansas Education (2 days) (bkp) (Entered: 10/21/1997) |
| 10/22/1997 | 35 | RESPONSE by pltfs to defts' counter-motion for summary judgment [26-1] (bkp) (Entered: 10/22/1997) |
| 10/27/1997 | 36 | MOTION by pltfs to extend time in which to file trial brief (bkp) (Entered: 10/28/1997) |
| 10/27/1997 | 37 | RESPONSE by deft Williford School to pltfs' motion for partial summary judgment [18-1] (bkp) (Entered: 10/28/1997) |
| 10/27/1997 | 38 | BRIEF by deft Williford School in support of response to motion for partial summary judgment [37-1] (bkp) (Entered: 10/28/1997) |
| 11/07/1997 | 39 | STATEMENT OF FACTS (Rule 29) by deft Williford School in support of response to motion for partial summary judgment [37-1] (bkp) (Entered: 11/07/1997) |
| 11/10/1997 | 40 | CLERK'S MINUTES: HEARING on motions for summary judgment before Judge James M. Moody. Court will issue order upon review and decision. Ctrptr. Fant. (former empl) (Entered: 11/10/1997) |

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| 11/21/1997 | 41 | ORDER by Judge James M. Moody denying pltf's motion for partial summary judgment [18-1]; granting deft ADE and Crowley's motion to dismiss and rendering moot the alternative motion for summary judgment and motion to stay [21-1] [21-2] [21-3] and denying ADE and Crowley's motion for summary judgment [26-1] and granting motion to stay [26-2] (cc: all counsel) EOD 11/21/97 (bkp) (Entered: 11/21/1997) |
| 12/05/1997 | 42 | MEMO TO FILE finding the motion to extend time in which to file trial brief moot because the trial date has been continued [36-1] (bkp) (Entered: 12/08/1997) |
| 12/18/1997 | 43 | NOTICE of appeal by Arkansas Education, Mike Crowley from District Court decision [41-1] (appeal fees not paid) (2 certified copies to Clerk 8USCA), (cc: counsel) (dac) (Entered: 12/18/1997) |
| 12/19/1997 | | RECEIVED FILING FEE by defendants Mike Crowley, Arkansas Education in amount of \$ 105.00 (Receipt # 400 75457) (dac) (Entered: 12/19/1997) |
| 12/23/1997 | 44 | NOTICE of cross- appeal by plaintiffs from District Court decision [41-1] (2 certified copies to Clerk 8USCA), (appeal fees not paid) (cc: counsel) (dac) (Entered: 12/29/1997) |
| 01/08/1998 | | DOCKETING LETTER: 8 USCA Number, 98-1010 as to appeal of Ark Dept of Ed et al and 98-1011 as to cross appeal of Thomas Bradley, et al; transcript due 2/24/98 (dac) (Entered: 01/08/1998) |
| 09/21/1998 | <u>45</u> | MANDATE from 8 USCA dismissing the appeal of Thomas Bradley, et al on appellant's motion [44-1] (dac) (Entered: 09/22/1998) |
| 09/25/1998 | <u>46</u> | AMENDED JUDGMENT (8 USCA) cross-appeal is dismissed on cross-appellant's motion (dac) (Entered: 09/25/1998) |
| 10/13/1999 | <u>47</u> | Opinion (8USCA) (dac) (Entered: 10/13/1999) |
| 10/13/1999 | <u>48</u> | MANDATE from 8 USCA affirming in part, reversing in part, the decision of the District Court and remanded for proceedings consistent with the opinion of this Court (10/7/99USCA8 Order, plaintiffs-appellees shall recover from defendants-appellants \$237.80 as costs on appeal; order filed 10/13/99 (dac) (Entered: 10/13/1999) |
| 10/13/1999 | <u>49</u> | ORDER (8 USCA), plaintiff's-appellees shall recover from defendants-appellants \$237.80 as costs on appeal (dac) (Entered: 10/13/1999) |
| 10/19/1999 | 50 | ORDER (8 USCA), On the Court's own motion, the mandate issued 10/6/99 is recalled for the reason that it was entered prematurely (dac) (Entered: 11/01/1999) |
| 10/29/1999 | 51 | Opinion (8USCA) (dac) Modified on 11/01/1999 (Entered: 11/01/1999) |
| 10/29/1999 | 52 | MANDATE from 8 USCA judgment of the district court is affirmed in part, reversed in part, and remanded to the district court for proceedings consistent with the opinion of this court (dac) (Entered: 11/01/1999) |
| 01/03/2000 | <u>53</u> | ATTORNEY APPEARANCE by Thomas K Gilhool for Dianna Bradley and Thomas Bradley (former empl) (Entered: 01/04/2000) |
| 03/10/2000 | <u>54</u> | SCHEDULING ORDER (DOC); trial is scheduled for 9:15 a.m. on 5/22/00 in Little Rock; discovery due 3/23/00; status report due 3/23/00; pretrial info sheet due 5/2/00 (cc: all counsel) (former empl) (Entered: 03/13/2000) |
| 03/14/2000 | <u>55</u> | MOTION by defts Mike Crowley and Arkansas Education to substitute attorney Sherri L Robinson in place of Tim C. Humphries (former empl) (Entered: 03/15/2000) |
| 03/17/2000 | <u>56</u> | ORDER by Judge James M. Moody granting motion to substitute attorney Sherri L Robinson in place of Tim C. Humphries for Arkansas Department of Education and Mike Crowley [55-1] (cc: all counsel) (former empl) (Entered: 03/20/2000) |
| 03/20/2000 | <u>57</u> | MOTION by plaintiffs to continue (former empl) (Entered: 03/21/2000) |
| 03/23/2000 | <u>58</u> | WRITTEN STATUS REPORT by defendants (former empl) (Entered: 03/24/2000) |

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| 03/24/2000 | <u>59</u> | AMENDED SCHEDULING ORDER (DOC); trial is rescheduled for 9:15 a.m. on 12/4/00 in Little Rock, AR; discovery due 10/5/00; status report due 10/5/00; pretrial info sheet due 11/14/00 (cc: all counsel) (former empl) (Entered: 03/24/2000) |
| 03/24/2000 | | Docket Modification (Utility Event) finding the motion to continue [57-1] moot due to entry of amended scheduling order. (mah) (Entered: 03/24/2000) |
| 10/05/2000 | <u>60</u> | WRITTEN STATUS REPORT by Mike Crowley, Arkansas Education (former empl) (Entered: 10/06/2000) |
| 10/13/2000 | <u>61</u> | MOTION by defendant Arkansas Education and defendant Mike Crowley for summary judgment (former empl) (Entered: 10/16/2000) |
| 10/13/2000 | <u>62</u> | BRIEF by defendant Arkansas Education and defendant Mike Crowley in support of motion for summary judgment [61-1] (former empl) (Entered: 10/16/2000) |
| 10/13/2000 | <u>63</u> | STATEMENT OF FACTS (Local Rule 56.1) by defendant Arkansas Education and defendant Mike Crowley in support of motion for summary judgment [61-1] (former empl) (Entered: 10/16/2000) |
| 10/17/2000 | <u>64</u> | MOTION by Mike Crowley, Arkansas Education to withdraw consent to amend (former empl) (Entered: 10/18/2000) |
| 10/25/2000 | <u>65</u> | OBJECTION by defendants Arkansas Department of Education and Mike Crowley to pltf's jury demand (former empl) (Entered: 10/26/2000) |
| 10/30/2000 | <u>66</u> | MOTION by plaintiffs to consolidate cases 4:96CV01004 and 4:00CV00747 (former empl) (Entered: 11/01/2000) |
| 10/30/2000 | <u>67</u> | MEMORANDUM by plaintiffs in support of motion to consolidate cases 4:96CV01004 and 4:00CV00747 [66-1] (former empl) (Entered: 11/01/2000) |
| 10/30/2000 | 68 | MOTION by plaintiff for change of schedule (former empl) (Entered: 11/01/2000) |
| 10/30/2000 | <u>68</u> | RESPONSE by plaintiffs to motion to withdraw consent to amend [64-1] (former empl) (Entered: 11/01/2000) |
| 10/30/2000 | <u>69</u> | MOTION by plaintiffs to extend time to respond to defts' mot for summary judgment and for possible cross-mot (former empl) (Entered: 11/01/2000) |
| 10/31/2000 | <u>70</u> | ORDER by Judge James M. Moody granting motion to extend time on or before 11/13/00 to respond to defts' mot for summary judgment and for possible cross-mot [69-1] [61-1] (cc: all counsel) (former empl) (Entered: 11/01/2000) |
| 11/08/2000 | <u>71</u> | ORDER by Judge G. T. Eisele granting motion to consolidate cases 4:96CV01004 and 4:00CV00747 [66-1]; 4:96CV01004 shall be designated as the lead case and all further pleadings should show both case numbers but will be docketed in the lead case only; cases will be handled by Judge James M. Moody (cc: all counsel) (bsm) Modified on 11/13/2000 (Entered: 11/09/2000) |
| 11/14/2000 | <u>72</u> | MOTION by Ray Simon, Marcia Harding, Arkansas Education, Mike Crowley to extend time to file a responsive pleading (former empl) (Entered: 11/14/2000) |
| 11/20/2000 | <u>73</u> | AMENDED SCHEDULING ORDER (DOC); trial is scheduled for 9:15 a.m. on 7/16/01 in Little Rock; discovery due 5/17/01; status report due 5/17/01; pretrial info sheet due 6/26/01; mtn filing ddl 5/27/01 (cc: all counsel) (former empl) (Entered: 11/20/2000) |
| 11/21/2000 | <u>74</u> | ORDER by Judge James M. Moody granting motion to extend time up to and including 11/27/00 to file a responsive pleading [72-1] (cc: all counsel) (former empl) (Entered: 11/22/2000) |
| 11/21/2000 | <u>75</u> | MOTION by plaintiffs to extend time to respond to State Defts' mot for summary judgment and to file cross-mot (former empl) (Entered: 11/22/2000) |
| 11/22/2000 | <u>76</u> | ORDER by Judge James M. Moody granting motion to extend time to on or before 11/29/00 to respond to State Defts' mot for summary judgment and to file cross-mot [75-1] [61-1] (cc: all counsel) (former empl) Modified on 12/12/2000 (Entered: 11/22/2000) |

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| 11/26/2000 | | Docket Modification (Utility Event) finding the motion for change of schedule [68-1] moot due to entry of amended scheduling order. (mah) (Entered: 11/26/2000) |
| 11/27/2000 | <u>77</u> | MOTION by Ray Simon, Marcia Harding, Mike Crowley and Arkansas Education to dismiss (former empl) (Entered: 11/28/2000) |
| 11/27/2000 | <u>78</u> | BRIEF by Ray Simon, Marcia Harding, Mike Crowley and Arkansas Education in support of motion to dismiss [77-1] (former empl) (Entered: 11/28/2000) |
| 11/28/2000 | <u>79</u> | ORDER by Judge James M. Moody denying motion to withdraw consent to amend [64-1] (cc: all counsel) (former empl) (Entered: 11/29/2000) |
| 11/29/2000 | <u>80</u> | MOTION by plaintiffs for partial summary judgment (former empl) (Entered: 11/30/2000) |
| 11/29/2000 | 81 | BRIEF by plaintiffs in opposition to motion for summary judgment [61-1] (former empl) (Entered: 11/30/2000) |
| 11/29/2000 | <u>81</u> | BRIEF by plaintiffs in support of motion for partial summary judgment [80-1] (former empl) (Entered: 11/30/2000) |
| 11/29/2000 | 82 | STATEMENT OF FACTS (Local Rule 56.1) by plaintiffs in support of motion for partial summary judgment [80-1] (former empl) (Entered: 11/30/2000) |
| 11/29/2000 | <u>82</u> | RESPONSE by plaintiffs to defts' statement of material facts [63-1] (former empl) (Entered: 11/30/2000) |
| 11/29/2000 | <u>83</u> | REQUEST by plaintiffs for oral argument (former empl) (Entered: 11/30/2000) |
| 11/29/2000 | <u>84</u> | CERTIFICATE OF SERVICE by pltfs to motion for partial summary judgment [80-1], motion response [81-1], brief [81-1], statement [82-1], response [82-1], request [83-1] (former empl) (Entered: 11/30/2000) |
| 12/07/2000 | <u>85</u> | RESPONSE by Arkansas Education, Mike Crowley to motion for partial summary judgment [80-1] (former empl) (Entered: 12/08/2000) |
| 12/07/2000 | <u>85</u> | REPLY by Arkansas Education, Mike Crowley to response to motion for summary judgment [61-1] (former empl) (Entered: 12/08/2000) |
| 12/07/2000 | <u>86</u> | BRIEF by Arkansas Education, Mike Crowley in support of motion reply [85-1], motion response [85-1] (former empl) (Entered: 12/08/2000) |
| 12/07/2000 | <u>87</u> | RESPONSE by Arkansas Education and Mike Crowley to request oral argument [83-1] (former empl) (Entered: 12/08/2000) |
| 01/16/2001 | <u>88</u> | BRIEF IN OPPOSITION by plaintiffs to motion to dismiss civil action 4:00CV00747 [77-1] (former empl) (Entered: 01/17/2001) |
| 01/16/2001 | <u>89</u> | REPLY and REPLY BRIEF by plaintiffs to response to motion for partial summary judgment [80-1] (former empl) (Entered: 01/17/2001) |
| 01/17/2001 | <u>90</u> | MOTION by plaintiffs to extend time to file answer and brief to deft's mot to dismiss, reply brief to defts' answer to pltfs' mot for partial summary judgment and pltfs' mot for determination of class and in support thereof (former empl) Modified on 01/19/2001 (Entered: 01/18/2001) |
| 01/19/2001 | <u>93</u> | ORDER by Judge James M. Moody granting motion to extend time to file answer and brief to deft's mot to dismiss, reply brief to defts' answer to pltfs' mot for partial summary judgment and pltfs' mot for determination of class and in support thereof [90-1] (cc: all counsel) (former empl) (Entered: 01/22/2001) |
| 01/19/2001 | 91 | MOTION by plaintiffs for class determination (former empl) (Entered: 02/01/2001) |
| 01/19/2001 | 92 | MEMORANDUM by plaintiff in support of motion for class determination [91-1] (former empl) (Entered: 02/02/2001) |
| 01/25/2001 | 94 | OBJECTION by defts Ray Simon, Marcia Harding, Mike Crowley and Arkansas Education to motion for class determination (former empl) (Entered: 02/02/2001) |

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| 01/25/2001 | <u>95</u> | BRIEF by defts Ray Simon, Marcia Harding, Mike Crowley, Arkansas Education in support of motion response [94-1] (former empl) (Entered: 02/02/2001) |
| 02/07/2001 | <u>96</u> | ORDER (DOC) scheduling oral arguments on the pending mots before the Honorable James M Moody, at 1:30 p.m. on Friday, February 23, 2001, Rm. 389, US Courthouse, 600 W Capitol, Little Rock [91-1] [80-1] [77-1] [61-1] (cc: all counsel) (former empl) Modified on 02/08/2001 (Entered: 02/07/2001) |
| 02/09/2001 | <u>97</u> | MOTION by plaintiff for leave to file reply to objection to class determination by state defts (former empl) (Entered: 02/09/2001) |
| 02/14/2001 | <u>98</u> | ORDER by Judge James M. Moody granting motion for leave to file reply to objection to class determination by state defts [97-1] (cc: all counsel) (former empl) (Entered: 02/14/2001) |
| 02/14/2001 | <u>99</u> | REPLY by plaintiffs to response to motion for class determination [91-1] (former empl) (Entered: 02/14/2001) |
| 02/23/2001 | 100 | CLERK'S MINUTES: HEARING on motions held before Judge James M. Moody. Rulings stated on the record and/or taken under advisement. (Ct. Rep. -- Carolyn Fant) (mah) (Entered: 02/23/2001) |
| 04/12/2001 | <u>101</u> | ORDER by Judge James M. Moody granting in part and denying in part motion to dismiss [77-1]; granting in part and denying in part motion for summary judgment [61-1]; denying motion for partial summary judgment [80-1] (cc: counsel) (former empl) (Entered: 04/13/2001) |
| 04/24/2001 | <u>102</u> | ANSWER by defts Ray Simon, Marcia Harding, Arkansas Education and Mike Crowley to complt (former empl) (Entered: 04/25/2001) |
| 05/17/2001 | <u>103</u> | WRITTEN STATUS REPORT by Ray Simon, Marcia Harding, Arkansas Education, Mike Crowley (former empl) (Entered: 05/18/2001) |
| 05/18/2001 | <u>104</u> | WRITTEN STATUS REPORT by plaintiffs (former empl) (Entered: 05/18/2001) |
| 05/25/2001 | <u>105</u> | MOTION by defts Ray Simon, Marcia Harding, Mike Crowley and Arkansas Education for summary judgment (former empl) (Entered: 05/29/2001) |
| 05/25/2001 | <u>106</u> | STATEMENT OF FACTS (Local Rule 56.1) by defts Ray Simon, Marcia Harding, Mike Crowley and Arkansas Education in support of motion for summary judgment [105-1] (former empl) (Entered: 05/29/2001) |
| 05/25/2001 | <u>107</u> | BRIEF by defts Ray Simon, Marcia Harding, Mike Crowley, Arkansas Education in support of motion for summary judgment (former empl) (Entered: 05/29/2001) |
| 06/08/2001 | <u>108</u> | ORDER by Judge James M. Moody that pltf's motion for class certification is denied as to the substantive class and is held in abeyance as to the procedural class, pending a hearing [91-1] (cc: all counsel) (vjt) (Entered: 06/11/2001) |
| 06/11/2001 | <u>109</u> | MOTION by plaintiffs to enlarge time to respond to defts' mot for summary judgment (former empl) (Entered: 06/12/2001) |
| 06/14/2001 | <u>110</u> | ORDER by Judge James M. Moody granting motion to enlarge time until 6/21/01 to respond to defts' mot for summary judgment [109-1] [105-1] (cc: all counsel) (former empl) (Entered: 06/15/2001) |
| 06/15/2001 | 111 | MOTION by plaintiffs to enlarge time to file a mot for reconsideration of the Court's June 8, 2001 Order (former empl) (Entered: 06/15/2001) |
| 06/18/2001 | <u>112</u> | ORDER by Judge James M. Moody granting motion to enlarge time until 6/22/01 to file a mot for reconsideration of the Court's June 8, 2001 Order [111-1] (cc: all counsel) (former empl) (Entered: 06/18/2001) |
| 06/21/2001 | <u>113</u> | RESPONSE by plaintiff to motion for summary judgment [105-1] (former empl) (Entered: 06/21/2001) |
| 06/22/2001 | <u>114</u> | SECOND MOTION by plaintiffs to enlarge time to file a mot for reconsideration of the Court's June 8, 2001 Order (former empl) Modified on 06/28/2001 (Entered: 06/22/2001) |

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| 06/27/2001 | <u>115</u> | PRETRIAL DISCLOSURE SHEET by plaintiffs; estimated length of trial 12 days (former empl) (Entered: 06/28/2001) |
| 06/27/2001 | <u>116</u> | ORDER by Judge James M. Moody granting motion to enlarge time until 6/29/01 to file a mot for reconsideration of the Court's June 8, 2001 Order [114-1] (cc: all counsel) (former empl) (Entered: 06/28/2001) |
| 07/03/2001 | <u>117</u> | MOTION by plaintiff for reconsideration of the Court's June 8, 2001 Order denying certification of the substantive class (former empl) (Entered: 07/03/2001) |
| 07/03/2001 | <u>118</u> | MEMORANDUM by plaintiffs in support of motion for reconsideration of the Court's June 8, 2001 Order denying certification of the substantive class [117-1] (former empl) (Entered: 07/03/2001) |
| 07/03/2001 | <u>119</u> | REPLY by state defts Ray Simon, Marcia Harding, Arkansas Education, Mike Crowley to pltfs' response to motion for summary judgment [105-1] (vjt) (Entered: 07/05/2001) |
| 07/13/2001 | <u>120</u> | MOTION by state defts Ray Simon, Marcia Harding, Arkansas Education and Mike Crowley for continuance of July 18, 2001 hearing (vjt) (Entered: 07/16/2001) |
| 07/13/2001 | <u>121</u> | RESPONSE by state defts Ray Simon, Marcia Harding, Arkansas Education and Mike Crowley to pltfs' motion for reconsideration of the Court's June 8, 2001 Order denying certification of the substantive class [117-1] (vjt) (Entered: 07/16/2001) |
| 07/19/2001 | <u>122</u> | WITNESS LIST submitted by plaintiffs (former empl) (Entered: 07/20/2001) |
| 07/23/2001 | <u>123</u> | WITNESS LIST submitted by defendant Arkansas Education (former empl) (Entered: 07/24/2001) |
| 07/23/2001 | <u>124</u> | ORDER granting motion for continuance of July 18, 2001 hearing [120-1]; motion for reconsideration of the Court's June 8, 2001 Order denying certification of the substantive class and motion for class determination are rescheduled for 9/19/01, at 9:00, Rm. 389 in Little Rock [117-1] [91-1] (cc: all counsel) (former empl) (Entered: 07/24/2001) |
| 07/24/2001 | <u>125</u> | AMENDED SCHEDULING ORDER (DOC); trial is rescheduled for 9:15 a.m. on 10/22/01; discovery due 8/23/01; status report due 8/23/01; pretrial info sheet due 10/2/01; mtn filing ddl 9/2/01 (cc: all counsel) (former empl) (Entered: 07/24/2001) |
| 08/22/2001 | <u>126</u> | WRITTEN STATUS REPORT by defts Ray Simon, Marcia Harding, Arkansas Education and Mike Crowley (former empl) (Entered: 08/23/2001) |
| 09/14/2001 | <u>127</u> | MOTION by plaintiffs in limine to preclude testimony of defts' experts for refusal to produce expert reports purs to FRCP 26(a)(2) (former empl) (Entered: 09/17/2001) |
| 09/14/2001 | <u>128</u> | MEMORANDUM by plaintiffs in support of motion in limine to preclude testimony of defts' experts for refusal to produce expert reports purs to FRCP 26(a)(2) [127-1] (former empl) (Entered: 09/17/2001) |
| 09/18/2001 | <u>129</u> | ORDER by Judge James M. Moody denying defts' motion for summary judgment [105-1] (cc: all counsel) (former empl) (Entered: 09/18/2001) |
| 09/19/2001 | 130 | CLERK'S MINUTES: HEARING on motions for class certification and to reconsider held before Judge James M. Moody. Court takes motions under advisement. (Ct. Rep. -- Carolyn Fant) (mah) (Entered: 09/19/2001) |
| 09/21/2001 | <u>131</u> | ORDER by Judge James M. Moody granting oral motion for attorneys Michael Churchill and Max Lapertosa to appear pro hac vice for pltfs (cc: all counsel) (former empl) (Entered: 09/24/2001) |
| 09/21/2001 | <u>132</u> | PRETRIAL DISCLOSURE SHEET by defendant Williford School; estimated length of trial 2 to 3 weeks (former empl) (Entered: 09/24/2001) |
| 09/24/2001 | | UTILITY EVENT: Add attorney(s) Michael Churchill, Max Lapertosa for plaintiffs (former empl) (Entered: 09/24/2001) |

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| 09/26/2001 | <u>133</u> | RESPONSE by defts Ray Simon, Marcia Harding, Arkansas Education and Mike Crowley to motion in limine to preclude testimony of defts' experts for refusal to produce expert reports purs FRCP 26(a)(2) [127-1] (former empl) (Entered: 09/27/2001) |
| 09/27/2001 | <u>134</u> | ORDER by Judge James M. Moody granting in part and denying in part motion for reconsideration of the Court's June 8, 2001 Order denying certification of the substantive class [117-1] and motion for class determination [91-1]; Court hereby certifies the following classes of individuals; (1) all school-age children with disabilities and their parents, guardians and next friends who have been, are being or will be denied (a) their right to a decision of their due process complt within 45 days (2) all high school, junior high school, middle school, or late primary school-age children, as well their parents, guardians and next friends who have been identified as having autism, Asperger's Syndrome, or Pervasive Developmental Disorder (PDD), or a disability with characteristics similar to autism, and who have strong cognitive abilities, but who have been, are being or will be denied an education which (a) is both appropriate and integrated, as to both academic and extracurricular activities; (b) provides for participation and progress in the general curriculum; and (c) utilizes promising and proven educational practices; pltf's motion to certify the procedural class of all school-age children with disabilities and their parents, guardians and next friends who have been, are being or will be denied the opportunity to confront, cross examine and compel the attendance of witnesses at the due process hearing or their right to an impartial hearing is denied (cc: all counsel) (former empl) (Entered: 09/28/2001) |
| 09/27/2001 | <u>135</u> | NOTICE of appeal by defendants Arkansas Education, Mike Crowley from District Court decision [129-1] (fees paid) (2 certified copies to Clerk 8USCA), (cc: counsel) (dac) Modified on 10/01/2001 (Entered: 09/28/2001) |
| 09/28/2001 | <u>136</u> | ORDER by Judge James M. Moody denying motion in limine to preclude testimony of defts' experts for refusal to produce expert reports purs to FRCP 26(a)(2) [127-1] (cc: all counsel) (former empl) Modified on 10/01/2001 (Entered: 09/28/2001) |
| 10/02/2001 | <u>137</u> | MOTION by defendant Arkansas Education for leave to appeal (dac) (Entered: 10/03/2001) |
| 10/17/2001 | <u>138</u> | ORDER by Judge James M. Moody denying as moot motion for leave to appeal [137-1] (cc: all counsel) (dac) (Entered: 10/18/2001) |
| 11/05/2001 | | DOCKETING LETTER: 8 USCA Number 01-3367 (dac) (Entered: 11/05/2001) |
| 11/05/2001 | | DOCKETING LETTER: 8 USCA Number 01-8014; petition for permission to appeal pursuant to FRCvP23(F) has been submitted to the court (dac) (Entered: 11/05/2001) |
| 12/13/2001 | 139 | TRANSCRIPT (1 volume) of proceedings for the following date: 9/19/01 hearing ([135-1]) (dac) (Entered: 12/13/2001) |
| 12/17/2001 | <u>140</u> | MANDATE from 8 USCA the petition for permission to take an interlocutory appeal on the class-certification question is denied (dac) (Entered: 12/18/2001) |
| 03/21/2002 | 141 | TRANSCRIPT (1 volume) of proceedings for the following date: 9/19/01 motions hearing ([135-1]) (dac) (Entered: 03/22/2002) |
| 06/24/2002 | | DOCKET NOTE: four volumes of original files and 1 vol transcript of 9/19/01 hearing forwarded to Clerk USCA8, per telephone request of Scott, Records Manager (dac) (Entered: 06/24/2002) |
| 11/04/2002 | <u>142</u> | Opinion (8USCA) we hold that the district court erred in denying the school officials' motion for summary judgment on the basis of qualified immunity. We reverse the district court and remand the case for further proceedings consistent with this opinion (dac) (Entered: 11/04/2002) |
| 11/04/2002 | <u>143</u> | MANDATE from 8 USCA reversing and remanding the Decision of the District Court [Appeal [135-1] (dac) (Entered: 11/06/2002) |

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| 12/04/2002 | | DOCKET NOTE: 4 volumes of original files returned from USCA8 (dac) (Entered: 12/04/2002) |
| 12/04/2002 | <u>144</u> | MOTION by defts Mike Crowley and Arkansas Education to dismiss (tjj) (Entered: 12/05/2002) |
| 12/04/2002 | <u>145</u> | BRIEF by defts Mike Crowley and Arkansas Education in support of motion to dismiss [144-1] (tjj) (Entered: 12/05/2002) |
| 12/24/2002 | <u>146</u> | MEMORANDUM by plaintiffs in opposition to motion to dismiss on behalf of state defts [144-1] (tjj) (Entered: 12/26/2002) |
| 12/31/2002 | <u>147</u> | MOTION by defts Arkansas Department of Education, Ray Simon, Marcia Harding and Mike Crowley to strike pltf's Memorandum in Opposition to Motion to Dismiss on Behalf of state defts (tjj) Modified on 01/13/2003 (Entered: 01/02/2003) |
| 12/31/2002 | <u>147</u> | REPLY by defts Arkansas Education, Ray Simon, Marcia Harding, and Mike Crowley to pltf's memorandum [146-1] (tjj) Modified on 01/13/2003 (Entered: 01/02/2003) |
| 01/07/2003 | <u>148</u> | NOTICE by defendants Arkansas Education, Ray Simon, Marcia Harding and Mike Crowley of filing the high school transcript of David Bradley (tjj) Modified on 01/13/2003 (Entered: 01/08/2003) |
| 01/13/2003 | <u>149</u> | RESPONSE by plaintiffs to motion to strike pltf's Memorandum in Opposition to Motion to Dismiss on Behalf of state defts [147-1] (bmt) (Entered: 01/13/2003) |
| 05/12/2003 | <u>150</u> | ORDER by Judge James M. Moody granting in part and denying in part defts' motion to dismiss; granted in that all claims for money damages are dismissed against the individual State defts', otherwise motion to dismiss is denied; [144-1]; defts' motion to strike pltf's Memorandum in Opposition to Motion to Dismiss on Behalf of state defts [147-1] is denied (cc: all counsel) (tjj) Modified on 05/23/2003 (Entered: 05/13/2003) |
| 07/29/2003 | <u>151</u> | FINAL SCHEDULING ORDER (DOC); court trial set for 9:15 am the week of 2/23/04 in Little Rock; discovery due 12/25/03; status report due 12/25/03; pretrial info sheet due 2/3/04 (cc: all counsel) (tjj) (Entered: 07/30/2003) |
| 12/16/2003 | <u>152</u> | MOTION by defts Mike Crowley, Arkansas Education, Marcia Harding and Raymond Simon (Tom Courtway is the Interim Director since R. Simon is no longer with ADE) to narrow issues for trial , and to bifurcate trial on behalf of state defts (bsm) Modified on 12/18/2003 (Entered: 12/17/2003) |
| 12/16/2003 | <u>153</u> | BRIEF by defts Mike Crowley, Arkansas Education, Marcia Harding and Raymond Simon in support of motion to narrow issues for trial [152-1] and to bifurcate trial on behalf of state defts [152-2] (bsm) (Entered: 12/17/2003) |
| 12/24/2003 | <u>154</u> | MOTION by plaintiff to extend time to respond to motion of state defts to narrow issues for trial and to bifurcate trial (tjj) (Entered: 12/24/2003) |
| 12/29/2003 | <u>155</u> | STATUS REPORT by state defendants (2 to 3 week trial) (tjj) Modified on 12/30/2003 (Entered: 12/30/2003) |
| 12/31/2003 | <u>156</u> | ORDER by Judge James M. Moody granting motion to extend time to respond to motion of state defts to narrow issues for trial and to bifurcate trial [154-1] [152-1] [152-1] until 1/7/04 (cc: all counsel) (tjj) (Entered: 12/31/2003) |
| 01/06/2004 | <u>157</u> | STATUS REPORT by plaintiffs (2 week trial) (tjj) (Entered: 01/07/2004) |
| 01/07/2004 | <u>158</u> | RESPONSE by plaintiff to motion to narrow issues for trial [152-1] and motion to bifurcate trial on behalf of state defts [152-2] (tjj) (Entered: 01/07/2004) |
| 01/12/2004 | <u>159</u> | REPLY by Mike Crowley, Arkansas Education to response to motion to narrow issues for trial [152-1] and motion to bifurcate trial on behalf of state defts [152-2] (tjj) (Entered: 01/13/2004) |
| 01/26/2004 | <u>160</u> | ORDER by Judge James M. Moody denying motion to narrow issues for trial [152-1] and denying motion to bifurcate trial on behalf of state defts [152-2] (cc: all counsel) (tjj) (Entered: 01/26/2004) |

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| 02/03/2004 | <u>161</u> | PRETRIAL DISCLOSURE SHEET by defts Mike Crowley and Arkansas Education; estimated length of trial 10 to 14 days (tjj) (Entered: 02/04/2004) |
| 02/06/2004 | <u>162</u> | MOTION by plaintiffs in limine to preclude the testimony of deft ADE's proposed expert Dr. Howard Knoff (bmt) (Entered: 02/06/2004) |
| 02/11/2004 | <u>163</u> | RESPONSE by defts Arkansas Education, Mike Crowley, Marcia Harding and Tom Courtway to motion in limine to preclude the testimony of deft ADE's proposed expert Dr. Howard Knoff [162-1] (bsm) (Entered: 02/12/2004) |
| 02/11/2004 | <u>164</u> | BRIEF by defts Arkansas Education, Mike Crowley, Marcia Harding and Tom Courtway in support of response to motion in limine [163-1] (bsm) (Entered: 02/12/2004) |
| 02/13/2004 | <u>165</u> | PRETRIAL DISCLOSURE SHEET by plaintiffs; estimated length of trial, 6 days (bsm) (Entered: 02/17/2004) |
| 02/18/2004 | 166 | CLERK'S MINUTES: HEARING held before Judge James M. Moody on issues to be presented at trial. (Ct. Rep. -- Carolyn Fant) (mah) (Entered: 02/18/2004) |
| 02/19/2004 | <u>167</u> | ORDER by Judge James M. Moody denying pltf's motion in limine to preclude the testimony of deft ADE's proposed expert Dr. Howard Knoff [162-1] (cc: all counsel) (bsm) (Entered: 02/20/2004) |
| 02/23/2004 | | CLERK'S MINUTES: COURT TRIAL begun before Judge James M. Moody. Day 1. Plaintiff's proof begun. (AM Ct. Rep. -- Carolyn Fant) (PM Ct. Rep. -- Elaine Hinson) (mah) (Entered: 02/23/2004) |
| 02/24/2004 | | CLERK'S MINUTES: COURT TRIAL resumed before Judge James M. Moody, Day 2. Plaintiffs' proof resumed. (Ct. Rep. -- Elaine Hinson) (mah) (Entered: 02/24/2004) |
| 02/25/2004 | | CLERK'S MINUTES: COURT TRIAL resumed before Judge James M. Moody. Day 3. Plaintiff's proof resumed. (AM Ct. Rep. -- Elaine Hinson)(PM Ct. Rep. -- Carolyn Fant) (mah) (Entered: 02/25/2004) |
| 02/26/2004 | | CLERK'S MINUTES: COURT TRIAL resumed before Judge James M. Moody. Day 4. Plaintiff's proof continuing. (Ct. Rep. -- Elaine Hinson) (mah) Modified on 03/05/2004 (Entered: 02/26/2004) |
| 02/27/2004 | | CLERK'S MINUTES: COURT TRIAL resumed before Judge James M. Moody. Day 5. Plaintiff's proof concluded except for one issue. Defendants' proof begun. (Ct. Rep. -- Elaine Hinson) (mah) (Entered: 02/27/2004) |
| 03/01/2004 | | CLERK'S MINUTES: COURT TRIAL resumed before Judge James M. Moody. Day 6. Defendant's proof continuing. (Ct. Rep. -- Elaine Hinson) (mah) (Entered: 03/01/2004) |
| 03/02/2004 | | CLERK'S MINUTES: COURT TRIAL resumed before Judge James M. Moody. Day 7. Defendant's proof continuing. (AM Ct. Rep. -- Elaine Hinson)(PM Ct. Rep. -- Genie Power) (mah) (Entered: 03/02/2004) |
| 03/03/2004 | | CLERK'S MINUTES: COURT TRIAL resumed before Judge James M. Moody. Day 8. Defendant's proof continuing. (AM Ct. Rep.- Genie Power)(PM Ct. Rep. -- Elaine Hinson) (mah) (Entered: 03/03/2004) |
| 03/04/2004 | 168 | CLERK'S MINUTES: COURT TRIAL resumed before Judge James M. Moody. Day 9. Defendants' proof concluded. Plaintiffs' rebuttal concluded. Court takes case under advisement. (Ct. Rep. -- Elaine Hinson) (mah) (Entered: 03/04/2004) |
| 04/09/2004 | <u>169</u> | POST-TRIAL BRIEF filed by defendants (tjj) (Entered: 04/12/2004) |
| 04/20/2004 | <u>170</u> | REPLY by plaintiff to post-trial brief [169-1] of state defts (tjj) (Entered: 04/20/2004) |
| 04/26/2004 | <u>171</u> | REPLY by plaintiff to Williford's post-trial brief (tjj) (Entered: 04/27/2004) |
| 09/10/2004 | <u>172</u> | FINDINGS OF FACT and Conclusions of Law by Judge James M. Moody state defts did not violate the IDEA; state defts did not violate 42 USC 1983; Williford School District did not violate the IDEA by failing to provide a free appropriate |

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| | | education in the least restrictive environment for David; Williford School District did not discriminate against David on account of his disability; Williford School District Did not violate 504 of the Rehabilitation Act or the Americans with Disabilities Act; Judgment will be entered in favor of defts; pltf's complaint is dismissed with prejudice (cc: all counsel) (tjj) (Entered: 09/13/2004) |
| 09/10/2004 | <u>173</u> | JUDGMENT by Judge James M. Moody pursuant to the Order entered on this date containing the Court's Findings of Fact and Conclusions of Law, Judgment is entered for defts and pltf's complaint is dismissed with prejudice (cc: all counsel) (tjj) (Entered: 09/13/2004) |
| 10/12/2004 | 174 | NOTICE of appeal by plaintiffs from District Court decision [172-1], [173-2] (fees paid) (2 certified copies to Clerk 8USCA), (cc: counsel) (dac) (Entered: 10/13/2004) |
| 10/20/2004 | <u>175</u> | MOTION by plaintiff Thomas Bradley for leave to appeal in forma pauperis (dac) (Entered: 11/19/2004) |
| 12/08/2004 | <u>176</u> | ORDER by Judge James M. Moody denying motion for leave to appeal in forma pauperis [175-1] (cc: all counsel) (dac) (Entered: 12/08/2004) |
| 01/14/2005 | 177 | TRANSCRIPTS (9 volumes) of proceedings for the following dates: 2/23-27/04 & 3/1-4/04 trial ([174-1]) (dac) (Entered: 01/14/2005) |
| 01/14/2005 | | DOCKET NOTE: transcripts (9vols) forwarded to 8USCA (dac) (Entered: 01/14/2005) |
| 02/22/2005 | 178 | TRANSCRIPT (1 volume) of proceedings for the following date: 2/18/04 pretrial hearing ([174-1]) (dac) (Entered: 02/22/2005) |
| 02/22/2005 | | DOCKET NOTE: transcript of 2/18/04 pretrial hearing forwarded to 8USCA (dac) (Entered: 02/22/2005) |
| 05/03/2006 | <u>179</u> | MANDATE of USCA as to 174 Notice of Appeal filed by Thomas Bradley, Dianna Bradley. Judgment of the district court is affirmed in accordance with the opinion of this court. (Attachment: # <u>1</u> Opinion)(dac,) (Entered: 05/04/2006) |
| 08/11/2006 | <u>180</u> | Appeal Record Returned: 10 volumes of transcripts 174 Notice of Appeal (dac,) (Entered: 08/11/2006) |