

CASE-CLOSED, CONSENT-TO-MAGISTRATE, PROTECTIVE-ORDER
U.S. District Court
Middle District of Tennessee (Nashville)
CIVIL DOCKET FOR CASE #: 3:07-cv-00799

Lopez v. Metro
Assigned to: Magistrate Judge Juliet E. Griffin
Cause: 42:1983 Civil Rights Act

Date Filed: 08/02/2007
Date Terminated: 11/15/2010
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Kimberly Lopez
*as guardian, next of friend and parent of
Gilbert Lopez a minor, individually and
as a member of a class of similarly
situated individuals*
TERMINATED: 08/27/2009

represented by **John R. Clemmons**
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Plaintiff

**Gilberto Lopez, by and through the
Cumberland Trust & Investment
Company as next friend and trustee of
The Gilberto Kelly Lopez Irrevocable
Trust**

represented by **John R. Clemmons**
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V.

Defendant

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TERMINATED: 09/14/2007

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TERMINATED: 09/14/2007

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TERMINATED: 09/14/2007

Defendant

**Metropolitan Government of Nashville
& Davidson County**
TERMINATED: 02/23/2010

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TERMINATED: 07/07/2009

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TERMINATED: 07/07/2009

Defendant

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V.

Intervenor Plaintiff

**United States Attorn US
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TERMINATED: 02/23/2010

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V.

Intervenor Defendant

**Metropolitan Government of Nashville
& Davidson County**
TERMINATED: 02/23/2010

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kevin C. Klein
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

R. Dale Bay
(See above for address)
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Interested Party

Kolby Harris

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Date Filed	#	Docket Text
08/02/2007	<u>1</u>	NOTICE OF REMOVAL by The Board of Education for the Metropolitan Nashville Public Schools from Circuit Court of Davidson County, Tennessee, case number 07-1687-IV. Filing fee paid \$350. (Attachments: # <u>1</u> Original Complaint)(eh) (Entered: 08/03/2007)
08/02/2007	<u>2</u>	NOTICE from USDC Clerk regarding Corporate Disclosure Statement requirement (eh) (Entered: 08/03/2007)
08/02/2007	<u>3</u>	NOTICE of Initial Case Management Conference set for 10/5/2007 at 11:30 AM in Room 825 before District Judge Aleta A. Trauger. (eh) (Entered: 08/03/2007)
08/03/2007	<u>4</u>	MOTION for Leave to Serve Expedited Discovery by Kimberly Lopez. (w/exhs. 1-4) (Homlar, Robert) Modified Text on 8/3/07 (jb). (Entered: 08/03/2007)
08/03/2007		Note to Filer re DE #4-Each exhibit should be filed as a separate attachment to the main document and the mandatory description field used. The mandatory description field should be used to accurately describe the contents of your attachment (labeling as Exhibit A, B C or Exhibit 1, 2, 3 is not sufficient). This document does not need to be re-filed unless otherwise directed by the Court. (jb) (Entered: 08/03/2007)
08/06/2007	<u>5</u>	RESPONSE to <u>4</u> Motion to Expedite Discovery filed by The Board of Education for the Metropolitan Nashville Public Schools. (Attachment: (1) Exhibit A - Affidavit of Sandra Burton) (Young, Francis) Modified on 8/7/07 (jb). (Entered: 08/06/2007)
08/07/2007		Note to Filer re-DE #5-Signed affidavits should be filed as separate events, not as attachments to other pleadings. This document does not need to be re-filed unless otherwise directed by the Court. (jb) (Entered: 08/07/2007)
08/07/2007	<u>6</u>	ORDER denying <u>4</u> Plaintiff's Motion for Leave to Serve Expedited Discovery. Signed by Judge Aleta A. Trauger on 8/7/07. (jb) (Entered: 08/07/2007)

08/14/2007	<u>7</u>	MOTION for Extension of Time to File Answer by The Board of Education for the Metropolitan Nashville Public Schools. (Young, Francis) (Entered: 08/14/2007)
08/15/2007	<u>8</u>	MOTION to Correct Misjoinder by The Board of Education for the Metropolitan Nashville Public Schools. (Young, Francis) (Entered: 08/15/2007)
08/16/2007	<u>9</u>	ORDER granting <u>7</u> Motion for Extension of Time to Answer; The Board of Education for the Metropolitan Nashville Public Schools answer due 8/24/2007 . Signed by Judge Aleta A. Trauger on 8/16/07. (km,) (Entered: 08/16/2007)
08/24/2007	<u>10</u>	MOTION to Dismiss by The Board of Education for the Metropolitan Nashville Public Schools. (Young, Francis) (Entered: 08/24/2007)
08/24/2007	<u>11</u>	MEMORANDUM in Support of <u>10</u> MOTION to Dismiss filed by The Board of Education for the Metropolitan Nashville Public Schools. (Attachments: # <u>1</u> Appendix McKnight-unpublished case# <u>2</u> Appendix Fairview Titans-unpublished case# <u>3</u> Appendix Clark-unpublished case)(Young, Francis) (Entered: 08/24/2007)
09/10/2007	<u>12</u>	MOTION to Amend Complaint by Kimberly Lopez. (Attachment: (1) Exhibit 1 – Amended Complaint)(Homlar, Robert) Modified Text on 9/10/07 (jb). (Entered: 09/10/2007)
09/10/2007	<u>13</u>	RESPONSE in Opposition re <u>10</u> MOTION to Dismiss filed by Kimberly Lopez. (Attachments: # <u>1</u> Exhibit 1 – Weisbarth v. Geauga Park District, et al.# <u>2</u> Exhibit 2 – Westlaw – Lindsay v. Yates, et al.# <u>3</u> Exhibit 3 – Westlaw – McKnight et al. v. Gates# <u>4</u> Exhibit 4 – Westlaw – Hobson v. City of Memphis, et al.)(Homlar, Robert) (Entered: 09/10/2007)
09/14/2007	<u>14</u>	ORDER granting <u>8</u> Motion to Correct Misjoinder. The Board of Education for the Metropolitan Nashville Public Schools shall be dropped as a deft, and the Metropolitan Government of Nashville and Davidson County shall be substituted as the sole deft; granting <u>12</u> Motion to Amend. Pltf shall file an amended complaint by 9/20/07; denying without prejudice <u>10</u> Motion to Dismiss. Signed by Judge Aleta A. Trauger on 9/14/07. (gi,) (Entered: 09/14/2007)
09/14/2007	<u>15</u>	AMENDED COMPLAINT against Metropolitan Government of Nashville & Davidson County, filed by Kimberly Lopez.(Homlar, Robert) (Entered: 09/14/2007)
09/19/2007	<u>16</u>	MOTION to Dismiss <i>Amended Complaint</i> by Metropolitan Government of Nashville & Davidson County. (Young, Francis) (Entered: 09/19/2007)
09/19/2007	<u>17</u>	MEMORANDUM in Support of <u>16</u> MOTION to Dismiss <i>Amended Complaint</i> filed by Metropolitan Government of Nashville & Davidson County. (Attachments: # <u>1</u> Appendix McKnight v. Gates-unpublished case# <u>2</u> Appendix Fairview Titans v. Anderson-unpublished case# <u>3</u> Appendix Clark v. Banks-unpublished case)(Young, Francis) (Entered: 09/19/2007)
10/02/2007	<u>18</u>	PROPOSED CASE MANAGEMENT ORDER filed by all parties. (Homlar, Robert) (Entered: 10/02/2007)
10/03/2007	<u>19</u>	RESPONSE in Opposition re <u>16</u> MOTION to Dismiss <i>Amended Complaint</i> filed by Kimberly Lopez. (Attachments: # <u>1</u> Exhibit 1 – Carlos B. Hobson v. City of Memphis, et al.)(Homlar, Robert) (Entered: 10/03/2007)
10/05/2007		Minute Entry for proceedings held before Judge Aleta A. Trauger : Case Management Conference held on 10/5/2007. Order to enter (Court Reporter none.) (bb-j) (Entered: 10/05/2007)
10/05/2007	<u>20</u>	ORDER: Discussion at the initial case management conference held on 10/5/07 revealed that this case was a related case to Staehling v. Metropolitan Government of Nashville and Davidson County, Case No. 3:07-0797. Judge Trauger has conferred with Senior Judge Echols, who is assigned to the Staehling case, the earlier-filed case, and the judges are in agreement that, indeed, this case and the Staehling case are related under the factors set out in Administrative Order 176. This case is transferred to Senior Judge Echols for further handling. Signed by Judge Aleta A. Trauger on 10/5/07. (jb) (Entered: 10/05/2007)

10/10/2007	<u>21</u>	REPLY to Response to Motion re <u>16</u> MOTION to Dismiss <i>Amended Complaint</i> filed by Metropolitan Government of Nashville & Davidson County. (Young, Francis) (Entered: 10/10/2007)
10/24/2007	<u>22</u>	ORDER: This case is REFERRED to Magistrate Judge Juliet E. Griffin for case management purposes pursuant to Local Rule 16.01. A proposed Initial Case Management Order has been filed by the parties (DE #18). Magistrate Judge Griffin will advise the parties by separate order concerning the re-setting of the Initial Case Management Conference. Signed by Judge Robert Echols on 10/23/07. (jb) (Entered: 10/24/2007)
11/05/2007	<u>23</u>	MOTION for Consolidation and Argument in Support Thereof by Kimberly Lopez. (Attachment: (1) Exhibit 1 – David L. Carpenter et al. v. GAF Corporation, et al., Nicolet, Inc., et al.)(Homlar, Robert) Modified Text on 11/6/07 (jb). (Entered: 11/05/2007)
11/13/2007	<u>24</u>	MOTION to Class Determination by Kimberly Lopez. (Homlar, Robert) Modified Text on 11/15/07 (jb). (Entered: 11/13/2007)
11/19/2007	<u>25</u>	ORDER: The Initial Case Management Conference is rescheduled for 11/28/07 at 9:00 AM in Courtroom 764 before Magistrate Judge Juliet E. Griffin. Signed by Judge Juliet E. Griffin on 11/19/07. (jb) (Entered: 11/20/2007)
11/27/2007	<u>26</u>	MOTION for Extension of Time to Respond to <u>24</u> MOTION for Class Determination by Metropolitan Government of Nashville & Davidson County. (Young, Francis) Modified Text on 11/27/07 (jb). (Entered: 11/27/2007)
11/28/2007		Minute Entry for proceedings held before Judge Juliet E. Griffin : Initial Case Management Conference held on 11/28/2007; ORDER to enter. (Tape #G2007-126, 127.) (jwc) (Entered: 11/28/2007)
11/30/2007	<u>27</u>	ORDER granting <u>26</u> Motion for Extension of Time to Respond to Motion for Class Determination. The time within which the defts shall respond to the motion is extended through 11/30/07. Signed by Judge Robert Echols on 11/30/07. (jb) (Entered: 11/30/2007)
11/30/2007	<u>28</u>	MOTION to Revise <u>27</u> Order by Metropolitan Government of Nashville & Davidson County. (Young, Francis) Modified Text on 12/3/07 (jb). (Entered: 11/30/2007)
12/03/2007	<u>29</u>	ORDER: The <u>28</u> deft's motion to revise order is granted. As addressed at the initial case management conference held on 11/28/07, the pltf withdrew its <u>24</u> motion for class determination without prejudice. The Clerk is directed to terminate the <u>24</u> motion for class determination as pending. The time for the pltf to file a renewed motion for class certification with an accompanying memorandum is extended to 12/7/07. Any response to such a motion shall be filed 2 weeks of the filing of the motion or by 12/21/07, if the revised motion is filed on 12/7/07. Any reply, if necessary, shall be filed within 2 weeks of the filing of the response or by 1/4/08, if the response is filed on 12/12/07. All other matters addressed at the 11/28/07, initial case management conference will be addressed by separate order. Signed by Judge Juliet E. Griffin on 12/3/07. (jb) (Entered: 12/03/2007)
12/03/2007	<u>30</u>	RESPONSE to Motion re <u>23</u> MOTION for Consolidation and Argument in Support Thereof filed by Metropolitan Government of Nashville & Davidson County. (Young, Francis) (Entered: 12/03/2007)
12/07/2007	<u>31</u>	RENEWED MOTION for Class Determination by Kimberly Lopez. (Homlar, Robert) Modified Text on 12/10/2007 (dt). (Entered: 12/07/2007)
12/07/2007	<u>32</u>	MEMORANDUM in Support of <u>31</u> RENEWED MOTION for Class Determination filed by Kimberly Lopez. (Attachments: # <u>1</u> Exhibit 1 – Genesis Academy – Community Contact Log# <u>2</u> Exhibit 2 – Resp to Pltf First Set Rogs and RFP Docs# <u>3</u> Exhibit 3 – In Re: Aredia and Zometa Products Liability Litigation# <u>4</u> Exhibit 4 – Edward Day v. Check Brokerage Corp. et al.)(Homlar, Robert) Modified Text on 12/10/2007 (dt). (Entered: 12/07/2007)
12/13/2007	<u>33</u>	MOTION for Leave to File Reply to <u>30</u> Defendant's Response to <u>23</u> Plaintiffs' Motion for Consolidation by Kimberly Lopez. (Attachments: (1) Exhibit 1 – Reply

		to Defendant's Response to Plaintiffs' Motion for Consolidation)(Homlar, Robert) Modified Text on 12/13/07 (jb). (Entered: 12/13/2007)
12/21/2007	<u>34</u>	RESPONSE to <u>31</u> Renewed MOTION for Class Determination filed by Metropolitan Government of Nashville & Davidson County. (Attachments: (1) Appendix Reeb 1 (2) Appendix Mason)(Young, Francis) Modified Text on 12/26/07 (jb). (Entered: 12/21/2007)
12/21/2007	<u>35</u>	Second MOTION to Amend Complaint by Kimberly Lopez. (Attachments: (1) Exhibit 1 – Second Amended Complaint (2) Exhibit 2 – Affidavit of W. Gary Blackburn)(Homlar, Robert) Modified Text on 12/26/07 (jb). (Entered: 12/21/2007)
12/26/2007		Note to Filer re DE #35–Signed affidavits should be filed as separate events, not as attachments to other pleadings. This document does not need to be re–filed unless otherwise directed by the Court. (jb) (Entered: 12/26/2007)
12/31/2007	<u>36</u>	MOTION for Order Compelling Disclosure and Discovery and Memorandum of Law in Support Thereof by Kimberly Lopez. (Attachments: (1) Exhibit 1 – Plaintiffs Rogs/RFP Docs (2) Exhibit 2 – Deft Resp to Rogs/RFP Docs (3) Exhibit 3 – Homlar 11.29.07 Ltr to Young & Farrar (4) Exhibit 4 – Young 12.07.07 Ltr to Homlar (5) Exhibit 5 – Young 12.14.07 Ltr to Homlar (6) Exhibit 6 – Shereen Eicholtz v. J.C. Penney Co., et al. (7) Exhibit 7 – Brian Wayne Miner v. Kendall, et al.)(Homlar, Robert) Modified Text on 1/2/08 (jb). (Entered: 12/31/2007)
12/31/2007	<u>37</u>	AFFIDAVIT of Robert T. Homlar in support of <u>36</u> MOTION for Order Compelling Disclosure and Discovery and Memorandum of Law in Support Thereof by Kimberly Lopez. (Homlar, Robert) Modified Text on 1/2/08 (jb). (Entered: 12/31/2007)
12/31/2007	<u>38</u>	CERTIFICATE of Good Faith in Support of <u>36</u> Plaintiff's Motion for Order Compelling Disclosure and Discovery filed by Kimberly Lopez. (Homlar, Robert) Modified Text on 1/2/08 (jb). (Entered: 12/31/2007)
01/04/2008	<u>39</u>	REPLY to Response to Motion re <u>24</u> MOTION to Class Determination filed by Kimberly Lopez. (Homlar, Robert) (Entered: 01/04/2008)
01/04/2008	<u>40</u>	AFFIDAVIT of <i>Kimberly D. Lopez</i> in support of <u>39</u> REPLY to Response to Motion re <u>24</u> MOTION to Class Determination by Kimberly Lopez. (Homlar, Robert) Modified Text on 1/7/08 (jb). (Entered: 01/04/2008)
01/08/2008	<u>41</u>	MOTION for Extension of Time to Respond to <u>35</u> Second MOTION to Amend Complaint and <u>36</u> MOTION for Order Compelling Disclosure and Discovery and Memorandum of Law in Support Thereof by Metropolitan Government of Nashville & Davidson County. (Young, Francis) Modified Text on 1/9/08 (jb). (Entered: 01/08/2008)
01/09/2008	<u>42</u>	MOTION to Quash <i>Deposition Subpoena</i> by Kolby Harris. (Tennent, Richard) (Entered: 01/09/2008)
01/09/2008	<u>43</u>	AFFIDAVIT of Richard Lewis Tennent in support of <u>42</u> MOTION to Quash <i>Deposition Subpoena</i> by Kolby Harris. (Tennent, Richard) Modified Text on 1/9/08 (jb). (Entered: 01/09/2008)
01/09/2008	<u>44</u>	ORDER granting <u>33</u> Motion for Leave to File Reply to Deft's Response to Pltf's Motion for Consolidation. The Clerk is directed to give Pltf's reply a separate docket entry number. Signed by Judge Robert Echols on 1/9/08. (jb) (Entered: 01/09/2008)
01/09/2008	<u>45</u>	REPLY to Deft's Response to <u>23</u> Pltf's Motion for Consolidation filed by Kimberly Lopez. (jb) (Entered: 01/09/2008)
01/10/2008	<u>46</u>	SUBPOENA issued to Kolby R. Harris and returned executed on 01/09/2008 as to Kolby R. Harris by Kimberly Lopez (Homlar, Robert) (Entered: 01/10/2008)
01/10/2008	<u>47</u>	SUBPOENA issued to Terrilynn Annette Harris and returned executed on 01/09/2008 as to Terrilynn Annette Harris by Kimberly Lopez (Homlar, Robert) (Entered: 01/10/2008)

01/15/2008	<u>48</u>	SUBPOENA issued to Custodian of Records of Metro Government of Nashville and Davidson County and returned executed on 01/11/2008 as to Custodian of Records of Metro Government of Nashville and Davidson County by Kimberly Lopez (Homlar, Robert) (Entered: 01/15/2008)
01/17/2008	<u>49</u>	RESPONSE to Motion re <u>35</u> Second MOTION to Amend Complaint filed by Metropolitan Government of Nashville & Davidson County. (Young, Francis) (Entered: 01/17/2008)
01/22/2008	<u>50</u>	MOTION for Protective Order and Limiting Order Re: Subpoena of School Records by Kolby Harris. (Attachment: (1) Exhibit Notice of Subpoena)(Tennent, Richard) Modified Text on 1/22/08 (jb). (Entered: 01/22/2008)
01/22/2008	<u>51</u>	RESPONSE to <u>36</u> MOTION for Order Compelling Disclosure and Discovery and Memorandum of Law in Support Thereof filed by Metropolitan Government of Nashville & Davidson County. (Attachments: (1) Exhibit A–Notice of Deposition and Subpoena# <u>2</u> Exhibit B–Supplemental Response to Interrogatory No.1)(Young, Francis) Modified on 1/23/08 (jb). (Entered: 01/22/2008)
01/30/2008	<u>52</u>	MOTION for Leave to File Reply to <u>51</u> Defendant's Response to Plaintiffs' Motion to Compel by Kimberly Lopez. (Attachments: (1) Exhibit A – Plaintiffs' Reply to Defendant's Response to Plaintiffs' Motion to Compel (2) Exhibit 1 to Exh. A – Referenced Pages of Depo Transcript of Linda DePriest)(Homlar, Robert) Modified Text on 1/31/08 (jb). (Entered: 01/30/2008)
01/30/2008	<u>53</u>	RESPONSE to <u>50</u> MOTION for Protective Order <i>and Limiting Order Re: Subpoena of School Records</i> filed by Kimberly Lopez. (Homlar, Robert) Modified Text on 1/31/08 (jb). (Entered: 01/30/2008)
02/08/2008	<u>54</u>	SECOND MOTION for Protective Order and Limiting Order re: Subpoena of School Records by Kolby Harris. (Tennent, Richard) Modified Text on 2/8/08 (jb). (Entered: 02/08/2008)
02/13/2008	<u>55</u>	RESPONSE to <u>54</u> Second Motion for Protective Order and Limiting Order re: Subpoena of School Records filed by Kimberly Lopez. (Homlar, Robert) Modified Text on 2/13/2008 (jb). (Entered: 02/13/2008)
02/14/2008	<u>56</u>	NOTICE of Appearance by Thomas F. Mink, II on behalf of Metropolitan Government of Nashville & Davidson County (Mink, Thomas) (Entered: 02/14/2008)
02/20/2008	<u>57</u>	(DISREGARD THIS ENTRY–ATTY TO REFILE) Joint MOTION to Set Case Management Conference by Kimberly Lopez, Metropolitan Government of Nashville & Davidson County, The Board of Education for the Metropolitan Nashville Public Schools. (Blackburn, William) Modified Text on 2/20/08 (jb). Modified on 2/21/08 (jb). (Entered: 02/20/2008)
02/21/2008	<u>58</u>	Joint MOTION to Set Case Management Conference by Kimberly Lopez, Metropolitan Government of Nashville & Davidson County, The Board of Education for the Metropolitan Nashville Public Schools. (Blackburn, William) Modified Text on 2/21/08 (jb). (Entered: 02/21/2008)
02/29/2008	<u>59</u>	ORDER: The <u>58</u> Parties' Joint Motion to Set Case Management Conference is granted. A Case Management Conference is set for 3/6/08 at 9:00 AM in Courtroom 764. Signed by Judge Juliet E. Griffin on 2/29/08. (jb) (Entered: 02/29/2008)
03/05/2008	<u>60</u>	NOTICE of Withdrawal of <u>23</u> Motion for Consolidation by Kimberly Lopez. (Blackburn, William) Modified Text on 3/5/08 (jb). (Entered: 03/05/2008)
03/05/2008	<u>61</u>	Third MOTION to Amend <u>15</u> Complaint by Kimberly Lopez. (Attachment: # <u>1</u> Exhibit 1 – Third Amended Complaint by Plaintiffs)(Blackburn, William) Modified Text on 3/5/08 (jb). (Entered: 03/05/2008)
03/06/2008	<u>62</u>	MOTION for Summary Judgment <i>by Plaintiffs</i> by Kimberly Lopez. (Blackburn, William) (Entered: 03/06/2008)
03/06/2008	<u>63</u>	MEMORANDUM in Support of <u>62</u> MOTION for Summary Judgment <i>by Plaintiffs</i> filed by Kimberly Lopez <i>Plaintiffs' Memorandum of Law in Support of Plaintiffs'</i>

		<i>Motion for Summary Judgment. (Attachments: #<u>1</u> Exhibit 1 – Depo. Transcript of Sandra Burton#<u>2</u> Exhibit 2 – Depo. Transcript of Linda DePriest#<u>3</u> Exhibit 3 – Depo. Transcript of Dr. Pedro Garcia#<u>4</u> Exhibit 4 – Defendant Response to Discovery#<u>5</u> Exhibit 5 – Defendant Metropolitan's Response to Discovery#<u>6</u> Exhibit 6 – Depo. Transcript of Gloria Smith#<u>7</u> Exhibit 7 – Depo. Transcript of Christopher Gaines#<u>8</u> Exhibit 8 – Eric Waller v. David Trippett#<u>9</u> Exhibit 9 – Cassia Enright et al. v. J.W. and T.P. et al.)(Blackburn, William) (Entered: 03/06/2008)</i>
03/06/2008	<u>64</u>	STATEMENT of Undisputed Material Facts in Support of <u>62</u> Plaintiffs' Motion for Summary Judgment filed by Kimberly Lopez. (Blackburn, William) Modified Text on 3/7/08 (jb). (Entered: 03/06/2008)
03/06/2008	<u>65</u>	AFFIDAVIT of Kimberly D. Lopez in support of <u>62</u> MOTION for Summary Judgment <i>by Plaintiffs</i> by Kimberly Lopez. (Blackburn, William) Modified Text on 3/7/08 (jb). (Entered: 03/06/2008)
03/06/2008	<u>66</u>	AFFIDAVIT of Terrilyn Harris in support of <u>62</u> MOTION for Summary Judgment <i>by Plaintiffs</i> by Kimberly Lopez. (Blackburn, William) Modified Text on 3/7/08 (jb). (Entered: 03/06/2008)
03/06/2008	<u>67</u>	AFFIDAVIT of Robert T. Homlar in support of <u>62</u> MOTION for Summary Judgment <i>by Plaintiffs</i> by Kimberly Lopez. (Attachment: # <u>1</u> Exhibit A – IEP Regarding Gilbert Lopez)(Blackburn, William) Modified Text on 3/7/08 (jb). (Entered: 03/06/2008)
03/06/2008	<u>68</u>	MOTION for Leave to Physically File Exhibits by Kimberly Lopez. (Blackburn, William) (Entered: 03/06/2008)
03/06/2008		Minute Entry for proceedings held before Judge Juliet E. Griffin : Case Management Conference held on 3/6/2008; ORDER to enter. (Tape #G2008-044, 045.) (jwc) (Entered: 03/06/2008)
03/07/2008	<u>69</u>	*MODIFIED per Order <u>268</u> – See Order for details* AGREED PROTECTIVE ORDER RE: <u>50 54</u> . Deft and Genesis are directed to within 10 days of the entry of this Order, produce the information and documents responsive to the Pltfs' subpoenas. Signed by Judge Juliet E. Griffin on 3/7/08. (jb) Modified text on 3/5/2009 (tmw). (Entered: 03/07/2008)
03/07/2008	<u>70</u>	ORDER: Case Management Conference held 3/6/08. The <u>35</u> pltf's second motion to amend was granted. The <u>61</u> pltf's third motion to amend was granted. The Clerk is directed to file and docket the parties' third amended complaint attached to the motion and to add Genesis Learning Centers as a deft in this case. The <u>68</u> pltf's motion for leave to physically file exhibits is granted. The pltf shall be permitted to manually file CD-R's as exhibits to the third amended complaint. Entry of the Agreed Protective Order grants <u>50 54</u> Motions for Protective Order. The <u>42</u> motion to quash deposition is granted. The <u>23</u> motion for consolidation is denied. By 3/20/08, the parties shall file a joint statement as outlined in this order. The <u>41</u> deft's motion for extension of time is granted nunc pro. The <u>52</u> pltf's motion for leave to file reply is granted. The Clerk is directed to file and docket the plaintiff's reply and attached exhibit. The deft shall have until 3/26/08, to file a response to the motion for summary judgment. The pltf shall have 2 weeks from the filing of the response or until 4/9/08, if the response is filed on 3/26/08, to file a reply, if necessary. The parties shall proceed on the same discovery schedule as provided in the case of Staehling v. Metropolitan Government, 3-07-0797. Further Case Management Conference is set for 4/4/08 at 2:00 PM in Courtroom 764. Prior to April 4, 2008, counsel for the parties, including counsel for Genesis Learning Centers shall confer in an attempt to agree upon scheduling matters. Signed by Judge Juliet E. Griffin on 3/7/08. (jb) Modified on 3/7/08 (jb). (Entered: 03/07/2008)
03/07/2008	<u>71</u>	THIRD AMENDED COMPLAINT against Genesis Learning Centers, Metropolitan Government of Nashville & Davidson County, filed by Kimberly Lopez.(jb) (Entered: 03/07/2008)
03/07/2008	<u>72</u>	REPLY to Def't's Response to <u>36</u> Pltfs' Motion to Compel filed by Kimberly Lopez. (Attachment: # <u>1</u> Exhibit 1–Excerpts of Deposition of Linda Depriest)(jb)

		(Entered: 03/07/2008)
03/12/2008	<u>73</u>	Summons issued as to Genesis Learning Centers. (jb) (Entered: 03/12/2008)
03/13/2008	<u>74</u>	SUMMONS returned executed by Kimberly Lopez. Genesis Learning Centers served on 3/13/2008. (Homlar, Robert) (Entered: 03/13/2008)
03/18/2008	<u>75</u>	MOTION to Strike and/or Continue <u>62</u> MOTION for Summary Judgment by Metropolitan Government of Nashville & Davidson County. (Mink, Thomas) Modified Text on 3/19/08 (jb). (Entered: 03/18/2008)
03/18/2008	<u>76</u>	MEMORANDUM OF LAW in Support of <u>75</u> MOTION to Strike and/or Continue <u>62</u> MOTION for Summary Judgment filed by Metropolitan Government of Nashville & Davidson County. (Mink, Thomas) Modified Text on 3/19/08 (jb). (Entered: 03/18/2008)
03/19/2008	<u>77</u>	NOTICE of Appearance by James K. Simms, IV & Jay N. Chamness on behalf of Genesis Learning Centers. (Simms, James) Modified Text on 3/19/08 (jb). (Entered: 03/19/2008)
03/21/2008	<u>78</u>	Joint STATEMENT Regarding <u>36</u> Plaintiffs' Motion to Compel by Kimberly Lopez, Metropolitan Government of Nashville & Davidson County. (Homlar, Robert) Modified Text on 3/21/08 (jb). (Entered: 03/21/2008)
03/25/2008	<u>79</u>	RESPONSE to <u>75</u> Motion to Strike and/or Continue <u>62</u> MOTION for Summary Judgment filed by Kimberly Lopez. (Attachments: # <u>1</u> Exhibit 1 – Michael Oatman v. John Potter, et al. # <u>2</u> Exhibit 2 – Michael McHugh v. Olympia Entertainment, Inc., et al.)(Homlar, Robert) Modified Text on 3/25/08 (jb). (Entered: 03/25/2008)
03/25/2008	<u>80</u>	MOTION to Set Case for Trial by Kimberly Lopez. (Homlar, Robert) Modified Text on 3/25/08 (jb). (Entered: 03/25/2008)
03/25/2008	<u>81</u>	Joint STATEMENT Regarding <u>36</u> Plaintiffs' Motion to Compel by Kimberly Lopez, Metropolitan Government of Nashville & Davidson County. (Homlar, Robert) Modified Text on 3/26/08 (jb). (Entered: 03/25/2008)
03/26/2008	<u>82</u>	(DISREGARD THIS ENTRY–ATTY TO REFILE) Joint MOTION Extending the Time for Defendant Metropolitan Government of Nashville and Davidson County's Response to <u>62</u> MOTION for Summary Judgment by Kimberly Lopez, Metropolitan Government of Nashville & Davidson County. (Attachment: # <u>1</u> Stipulation)(Mink, Thomas) Modified Text on 3/26/08 (jb). (Entered: 03/26/2008)
03/26/2008	<u>83</u>	Joint MOTION Extending the Time for Defendant Metropolitan Government of Nashville and Davidson County's Response to <u>62</u> MOTION for Summary Judgment by Kimberly Lopez, Metropolitan Government of Nashville & Davidson County. (Attachment: # <u>1</u> Stipulation)(Mink, Thomas) Modified Text on 3/26/08 (jb). (Entered: 03/26/2008)
03/26/2008	<u>84</u>	NOTICE of Physically Filing Exhibit re <u>70</u> Order by Kimberly Lopez. (Homlar, Robert) Modified Text on 3/26/08 (jb). (Entered: 03/26/2008)
03/26/2008		Received Exhibit filed manually, see DE # <u>84</u> Notice. (jb) (Entered: 03/27/2008)
03/31/2008	<u>85</u>	MOTION to Dismiss <i>Third Amended Complaint</i> by Metropolitan Government of Nashville & Davidson County. (Mink, Thomas) (Entered: 03/31/2008)
03/31/2008	<u>86</u>	MEMORANDUM in Support of <u>85</u> MOTION to Dismiss <i>Third Amended Complaint</i> filed by Metropolitan Government of Nashville & Davidson County. (Mink, Thomas) (Entered: 03/31/2008)
04/01/2008	<u>87</u>	ORDER: Defendant Metropolitan Government's <u>16</u> Motion to Dismiss Amended Complaint is denied. Plaintiffs' <u>31</u> Renewed Motion for Class Determination is denied. Plaintiffs' <u>62</u> Motion for Summary Judgment is denied. Defendant Metropolitan Governments' <u>75</u> Motion to Strike and/or Continue Plaintiffs' Motion for Summary Judgment is denied. The <u>83</u> "Joint Motion Extending the Time for Defendant, Metropolitan [sic] Government of Nashville and Davidson County's Response to Plaintiff's Motion for Summary Judgment" is denied as moot. Each party shall be permitted to file one additional dispositive motion which shall include request to dismiss and/or a request for summary judgment as appropriate.

		The deadline for filing of dispositive motions shall be set by Magistrate Judge Griffin at the previously scheduled 4/4/08 further case management conference. Signed by Senior Judge Robert Echols on 4/1/08. (jb) (Entered: 04/01/2008)
04/02/2008	<u>88</u>	RESPONSE to Motion re <u>80</u> MOTION to Set Case for Trial filed by Genesis Learning Centers. (Simms, James) (Entered: 04/02/2008)
04/02/2008	<u>89</u>	SUBPOENA issued to Sergeant Neal M. Cook, Evidence Custodian @ Metro Nashville Police Dept. and returned executed on 04/02/08 as to Sergeant Neal M. Cook, Evidence Custodian @ Metro Nashville Police Dept. by Kimberly Lopez (Homlar, Robert) (Entered: 04/02/2008)
04/04/2008		Minute Entry for proceedings held before Magistrate Judge Juliet E. Griffin: Oral Argument/Discovery Hearing held on 4/4/2008; ORDER to enter. (Tape #G2008-058, 059.) (jwc) (Entered: 04/08/2008)
04/09/2008	<u>90</u>	NOTICE OF PHYSICALLY FILING EXHIBITS re <u>70</u> Order by Kimberly Lopez. (Blackburn, William) Modified Text on 4/9/08 (jb). (Entered: 04/09/2008)
04/09/2008		Received Exhibits re: <u>90</u> Notice of Physically Filing Exhibits. (jb) (Entered: 04/09/2008)
04/15/2008	<u>91</u>	ANSWER to <u>71</u> Amended Complaint <i>Plaintiffs' Third Amended Complaint</i> by Genesis Learning Centers.(Simms, James) (Entered: 04/15/2008)
04/25/2008	<u>92</u>	NOTICE of Appearance by attorneys R. Dale Bay and Jason M. Bergeron on behalf of Metropolitan Government of Nashville & Davidson County (Bay, R. Dale) Modified text on 4/25/2008 (km). (Entered: 04/25/2008)
04/30/2008	<u>93</u>	Fourth MOTION to Amend/Correct by Kimberly Lopez. (Attachments: # <u>1</u> Exhibit 1 – Fourth Amended Complaint)(Homlar, Robert) (Entered: 04/30/2008)
05/01/2008	<u>94</u>	NOTICE of Appearance by John Ray Clemmons on behalf of Kimberly Lopez. (Blackburn, William) Modified on 5/9/2008 (gi). (Entered: 05/01/2008)
06/12/2008	<u>95</u>	ORDER: <u>85</u> Motion to Dismiss Third Amended Complaint is denied, without prejudice to renewal once the pending fourth motion to amend <u>93</u> has been addressed and a final complaint is filed. The case is returned to the Magistrate Judge to address pltf's fourth motion to amend <u>93</u> and motion to set case for trial <u>80</u> . The Magistrate Judge is directed to coordinate the trial date with Judge Echols' courtroom deputy. Signed by Senior Judge Robert Echols on 6/12/08. (km) (Entered: 06/12/2008)
06/27/2008	<u>96</u>	ORDER: Case management conference was held on 4/4/08. Discovery is consolidated with discovery in case 3:07-0797, except for medical proof and expert discovery. Fact discovery to be completed by 8/15/2008; dispositive motions to be filed by 9/16/2008. Final Pretrial Conference set for 1/5/2009, 03:30 PM in Courtroom 874 before Senior Judge Robert Echols. Jury Trial set for 2/2/2009, 09:00 AM in Courtroom 874 before Senior Judge Robert Echols. Telephone Conference set for 6/30/2008, 03:00 PM before Magistrate Judge Juliet E. Griffin. Signed by Magistrate Judge Juliet E. Griffin on 6/27/08. (gi) (Entered: 06/30/2008)
06/27/2008	<u>97</u>	ORDER granting <u>93</u> Motion to Amend Complaint. Signed by Magistrate Judge Juliet E. Griffin on 6/27/08. (gi) (Entered: 06/30/2008)
06/27/2008	<u>98</u>	FOURTH AMENDED COMPLAINT against Genesis Learning Centers, Metropolitan Government of Nashville & Davidson County, filed by Kimberly Lopez.(gi) (Entered: 06/30/2008)
06/30/2008		Minute Entry for proceedings held before Magistrate Judge Juliet E. Griffin: Telephone Conference held on 6/30/2008; ORDER to enter. (jwc) (Entered: 06/30/2008)
07/02/2008	<u>99</u>	ORDER following 06/30/08 telephone call with counsel for the parties. A Telephone Conference Call is set for 7/14/2008 04:00 PM with Magistrate Judge Juliet E. Griffin, call to be initiated by counsel for Deft Genesis. Signed by Magistrate Judge Juliet E. Griffin on 07/02/08. (ab) (Entered: 07/02/2008)

07/14/2008		Minute Entry for proceedings held before Magistrate Judge Juliet E. Griffin: Telephone Conference held on 7/14/2008; ORDER to enter. (jwc) (Entered: 07/15/2008)
07/15/2008	<u>100</u>	ORDER: Pursuant to Order <u>99</u> , counsel for the parties called the court on 7/14/08, and addressed the following: Pltf's counsel shall confirm med recs from the Memphis facility; The continuation of depositions of the pltf, Mrs. Harris, Dr. Depriest, and Marcus Hayes shall be taken August 18, 20, and/or 21, 2008, assuming schedules permit; The Fact Discovery deadline re dispositive motions is extended to 9/12/08; All other fact discovery shall be completed by 12/1/08; The Dispositive Motions deadline is extended to 9/30/08. The following matters were not addressed: Defts have until 7/28/08, to respond to <u>98</u> Fourth Amended Complaint; If the parties want to have the opportunity to provide rebuttal expert disclosures, counsel shall confer and agree upon such a deadline; The deadline for filing any discovery motion related to fact discovery necessary to support or defend any dispositive motion is extended to 9/15/08; If the parties are interested in mediation, they may arrange a conference call with the Court to address the issue. Signed by Magistrate Judge Juliet E. Griffin on 7/15/08. (tmw) Modified text on 7/17/2008 (tmw). (Entered: 07/15/2008)
07/18/2008	<u>101</u>	ORDER: The order entered 6/27/08, DE <u>96</u> , is AMENDED to reflect that the trial is scheduled to begin on Tuesday, 2/3/09, at 9:00 a.m. In all other respects, the 6/27/08, order remains in full force and effect. Jury Trial set for 2/3/09, at 9:00 AM, in Courtroom 874 before Senior Judge Robert Echols. Signed by Magistrate Judge Juliet E. Griffin on 7/18/08. (tmw) (Entered: 07/18/2008)
07/28/2008	<u>102</u>	ANSWER to <u>98</u> Amended Complaint, by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) Modified text on 7/29/2008 (tmw). (Entered: 07/28/2008)
07/30/2008	<u>103</u>	MOTION to Modify <u>100</u> Case Management Order and to Continue TRIAL DATE by Genesis Learning Centers. (Simms, James) Modified text on 7/31/2008 (tmw). Modified text on 8/4/2008 (tmw). (Entered: 07/30/2008)
07/30/2008	<u>104</u>	AFFIDAVIT re <u>103</u> MOTION to Modify <u>100</u> Proposed Case Management Order and to Continue TRIAL DATE by Genesis Learning Centers. (Simms, James) Modified text on 7/31/2008 (tmw). Modified text on 8/5/2008 (tmw). (Entered: 07/30/2008)
08/04/2008	<u>105</u>	ORDER: To the extent that the deft intends to seek a modification of the <u>100</u> Order, the motion is DENIED to the extent that the deft seeks an extension of the deadline for completion of briefing any dispositive motion beyond 11/3/08. The Clerk is directed to forward the file in this case to the Honorable Robert L. Echols for his consideration of the motion of deft Genesis and accompanying affidavit DE #s <u>103</u> – <u>104</u> to continue the trial. Signed by Magistrate Judge Juliet E. Griffin on 8/4/08. (tmw) (Entered: 08/04/2008)
08/05/2008	<u>106</u>	Memorandum in Opposition to Motion for Continuance re <u>103</u> MOTION to Modify <u>100</u> Case Management Order and to Continue TRIAL DATE filed by Kimberly Lopez. (Attachments: # <u>1</u> Exhibit Affidavit)(Clemmons, John) Modified text on 8/7/2008 (tmw). (Entered: 08/05/2008)
08/08/2008	<u>107</u>	RESPONSE to Motion re <u>103</u> MOTION to Amend/Correct <u>18</u> Proposed Case Management Order MOTION to Continue TRIAL DATE filed by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 08/08/2008)
09/10/2008	<u>108</u>	MOTION for Leave to File Document Under Seal by US Attorney/MDTN. (Wildasin, Mark) (Entered: 09/10/2008)
09/10/2008	<u>109</u>	United States' Motion to Intervene, filed by US Attorney/MDTN. (Attachments: # <u>1</u> Complaint In Intervention)(Wildasin, Mark) Modified text on 10/10/2008 (tmw). (Entered: 09/10/2008)
09/10/2008	<u>110</u>	Sealed Document <i>Memorandum of Law in Support of the United States' Motion to Intervene</i> filed by US Attorney/MDTN. (Attachments: # <u>1</u> Case – Lovins, et al. v. Pleasant Hill Public School District, R–III, # <u>2</u> Case – Hoffman, et al. v. South Dakota High School Activities Association, et al.)(Wildasin, Mark) (Entered: 09/10/2008)

		09/10/2008)
09/10/2008	<u>111</u>	Certificate of Service, filed by US Attorney/MDTN. (Wildasin, Mark) Modified text on 10/10/2008 (tmw). (Entered: 09/10/2008)
09/11/2008	<u>112</u>	RESPONSE to Motion re <u>108</u> MOTION for Leave to File Document Under Seal filed by Kimberly Lopez. (Clemmons, John) (Entered: 09/11/2008)
09/16/2008	<u>113</u>	Amended Certificate of Service, filed by US Attorney/MDTN. (Wildasin, Mark) Modified text on 10/10/2008 (tmw). (Entered: 09/16/2008)
09/18/2008	<u>114</u>	ORDER granting <u>103</u> MOTION to Modify Case Management Order and to Continue Trial Date. Accordingly, the final pretrial conference and the trial are hereby CONTINUED. This case is returned to the Magistrate Judge to establish a new trial date to commence no later than 5/26/09, to schedule a new final pretrial conference date, and to extend the discovery and dispositive motion deadlines accordingly. The Magistrate Judge shall ensure all pretrial discovery issues are resolved, any evidentiary issues are decided, and this case is ready for trial on the date scheduled without further intervention by the Court. All such matters should be resolved before the final pretrial conference. There will be no further continuances. Signed by Senior Judge Robert Echols on 9/18/08. (tmw) (Entered: 09/18/2008)
09/24/2008	<u>115</u>	RESPONSE to Motion re <u>108</u> MOTION for Leave to File Document Under Seal filed by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 09/24/2008)
09/30/2008	<u>116</u>	MOTION for Leave to to File Excess Pages for Summary Judgment Brief by Kimberly Lopez. (Clemmons, John) (Entered: 09/30/2008)
09/30/2008	<u>117</u>	*Pltf WITHDREW per Order <u>126</u> * MOTION for Summary Judgment by Kimberly Lopez. (Clemmons, John) Modified text on 10/14/2008 (tmw). (Entered: 09/30/2008)
09/30/2008	<u>118</u>	MEMORANDUM in Support of <u>117</u> MOTION for Summary Judgment filed by Kimberly Lopez. (Clemmons, John) (Entered: 09/30/2008)
09/30/2008	<u>119</u>	AFFIDAVIT of <i>Kimberly Lopez</i> by Kimberly Lopez. (Clemmons, John) (Entered: 09/30/2008)
09/30/2008	<u>120</u>	Sealed per Order <u>292</u> . AFFIDAVIT of <i>Terrilyn Harris</i> by Kimberly Lopez. (Attachments: # <u>1</u> Exhibit 1)(Clemmons, John) Modified text and securities on 5/13/2009 (tmw). (Entered: 09/30/2008)
09/30/2008	<u>121</u>	Additional Attachments to Main Document re: <u>118</u> Memorandum in Support. (Clemmons, John) (Entered: 09/30/2008)
09/30/2008	<u>122</u>	Additional Attachments to Main Document re: <u>118</u> Memorandum in Support. (Clemmons, John) (Entered: 09/30/2008)
09/30/2008	<u>123</u>	Additional Attachments to Main Document re: <u>118</u> Memorandum in Support. (Clemmons, John) (Entered: 09/30/2008)
09/30/2008	<u>124</u>	STATEMENT of facts <i>material to summary judgment</i> . (Attachments: # <u>1</u> Exhibit Harris 2004-2005 IEP, # <u>2</u> Exhibit Harris 2005-2006 IEP, # <u>3</u> Exhibit Harris Functional Behavioral Assessment, # <u>4</u> Exhibit Harris New Student IEP, # <u>5</u> Exhibit Harris Psychoeducational Assessment Report, # <u>6</u> Exhibit Sandra Burton Deposition Excerpts, # <u>7</u> Exhibit Linda DePriest Deposition Excerpts, # <u>8</u> Exhibit Chris Gaines Deposition Excerpts, # <u>9</u> Exhibit Dr. Pedro Garcia Deposition Excerpts, # <u>10</u> Exhibit Gloria Smith Deposition Excerpts, # <u>11</u> Exhibit Marcus Hayes Deposition Excerpts, # <u>12</u> Exhibit Melissa Adams Deposition Excerpts, # <u>13</u> Exhibit Terrence Adams Deposition Excerpts)(Clemmons, John) (Entered: 09/30/2008)
10/03/2008		Minute Entry for proceedings held before Magistrate Judge Juliet E. Griffin: Telephone Conference held on 10/3/2008; ORDER to enter. (jwc) (Entered: 10/10/2008)

10/06/2008	<u>125</u>	MOTION for Leave to File Reply Brief in Support of The United States' Motion to Intervene by US Attorney/MDTN. (Attachments: # <u>1</u> Reply Brief in Support of The United States' Motion to Intervene, # <u>2</u> Exhibit 1 – Doe v. Briley)(Wildasin, Mark) (Entered: 10/06/2008)
10/10/2008	<u>126</u>	ORDER: Pltf withdrew <u>117</u> Motion for Summary Judgment. Motion <u>117</u> terminated. Jury Trial reset for 5/26/2009 09:00 AM in Courtroom 874 before Senior Judge Robert Echols. Pretrial Conference set for 4/27/2009 02:30 PM in Courtroom 874 before Senior Judge Robert Echols. Telephone Conference set for 10/13/2008 02:00 PM before Magistrate Judge Juliet E. Griffin, to be initiated by counsel for deft Genesis. Additional Telephone Conference set for 12/5/2008 02:00 PM before Magistrate Judge Juliet E. Griffin, to be initiated by counsel for deft Genesis. Fact Discovery due by 12/5/2008. Dispositive Motions due by 1/15/2009. Signed by Magistrate Judge Juliet E. Griffin on 10/10/08. (tmw) (Entered: 10/10/2008)
10/10/2008	<u>127</u>	ORDER granting in part and denying in part <u>108</u> Motion for Leave to File Document Under Seal. The Clerk is directed to UNSEAL DE #s <u>111</u> , <u>113</u> and <u>109</u> . The proposed complaint in intervention DE # <u>109</u> –1 and the memorandum in support of the motion to intervene and attachments thereto DE #s <u>110</u> through <u>110</u> –2 shall remain UNDER SEAL. However, by 10/20/08, the US shall file a new proposed complaint in intervention and a new memorandum in support of the motion to intervene, redacting any information relating to K.H. that is not already of public record in this case or of public record in any other lawsuit. No information relating to Gilberto Lopez shall be redacted. Those filings shall not be maintained under seal. Alternatively, the US shall, by 10/20/08, file a notice that there is no information in the proposed complaint in intervention or the memorandum in support of the motion to intervene that contains information not already of public record in this case or of public record in any other lawsuit. In that event, DE #s <u>109</u> –1 and <u>110</u> through <u>110</u> –2 shall be unsealed. Signed by Magistrate Judge Juliet E. Griffin on 10/10/08. (tmw) Modified text on 10/10/2008 (tmw). (Entered: 10/10/2008)
10/10/2008	<u>128</u>	ORDER: Leave is hereby granted for the parties in this action to take the depo of Kolby Harris. The depo shall be taken at the institution or facility where Kolby Harris is currently confined. The depo shall be taken on 11/21/08, or at a date and time convenient to the officials of the institution or facility in which Kolby Harris is currently confined. Signed by Magistrate Judge Juliet E. Griffin on 10/10/08. (tmw) (Entered: 10/10/2008)
10/10/2008	<u>129</u>	ORDER granting <u>125</u> Motion for Leave to file a reply brief. The Clerk is directed to file and docket the reply of the United States, <u>125</u> –1, to the response <u>115</u> to the motion to intervene <u>109</u> . Signed by Magistrate Judge Juliet E. Griffin on 10/10/08. (tmw) (Entered: 10/10/2008)
10/10/2008	<u>130</u>	United States' REPLY brief to the Response <u>115</u> to the Motion to Intervene <u>109</u> , filed by US Attorney/MDTN, per Order <u>129</u> . (tmw) (Entered: 10/10/2008)
10/14/2008	<u>131</u>	NOTICE by Kolby Harris <i>Status of Criminal Case, Incompetency & Objection to Deposition</i> (Tennent, Richard) (Entered: 10/14/2008)
10/14/2008	<u>132</u>	ORDER confirming depositions: The Court strongly urges the parties to schedule these depositions as soon as possible, even if they will not be taken until 2009, to avoid scheduling conflicts among counsel and the doctors. Signed by Magistrate Judge Juliet E. Griffin on 10/14/08. (cc: counsel for Kolby Harris) (tmw) (Entered: 10/14/2008)
10/15/2008	<u>133</u>	ORDER granting Pltf's <u>116</u> Motion for Leave to Exceed Page Limitation for Memorandum in Support of Summary Judgment. Signed by Senior Judge Robert Echols on 10/15/08. (tmw) (Entered: 10/15/2008)
10/17/2008	<u>134</u>	ORDER: Pltf withdrew her Motion for Summary Judgment. Accordingly, the Motion to Exceed Page Limitation <u>116</u> is hereby DENIED as moot. Signed by Senior Judge Robert Echols on 10/17/08. (tmw) (Entered: 10/17/2008)
10/20/2008	<u>135</u>	NOTICE by US Attorney/MDTN (Attachments: # <u>1</u> Exhibit October 17, 2008 Richard Tennent letter)(Wildasin, Mark) (Entered: 10/20/2008)

10/20/2008	<u>136</u>	ORDER: The Clerk is directed to UNSEAL the proposed complaint in intervention (Docket Entry No. 109-1) and the supporting memorandum and attachments thereto (Docket Entry Nos. 110 through 110-2). Signed by Magistrate Judge Juliet E. Griffin on 10/20/08. (tmw) (Entered: 10/20/2008)
10/22/2008	<u>137</u>	Emergency MOTION for Protective Order <i>to amend agreed Protective Order</i> by US Attorney/MDTN. (Attachments: # <u>1</u> Proposed Order Proposed Order Amending Agreed Protective Order)(Wildasin, Mark) (Entered: 10/22/2008)
10/22/2008	<u>138</u>	RESPONSE to Motion re <u>137</u> Emergency MOTION for Protective Order <i>to amend agreed Protective Order</i> filed by Kimberly Lopez. (Clemmons, John) (Entered: 10/22/2008)
10/22/2008	<u>139</u>	ORDER granting expedited <u>137</u> Motion of the United States to amend agreed protective order. With the agreement of counsel for the parties and counsel for Kolby Harris, and solely for the purpose of the agreed protective order <u>69</u> , the United States shall be included within the definition of "party" until a ruling on the pending motion to intervene. Signed by Magistrate Judge Juliet E. Griffin on 10/22/08. (tmw) (Entered: 10/23/2008)
11/04/2008	<u>140</u>	ORDER granting United States' <u>109</u> Motion to Intervene. The Clerk is directed to file and docket the complaint in intervention attached to the motion to intervene. Deft Metro shall have until 11/24/08, to file a response to the complaint in intervention. Signed by Magistrate Judge Juliet E. Griffin on 11/4/08. (tmw) (Entered: 11/04/2008)
11/04/2008	<u>141</u>	COMPLAINT IN INTERVENTION against The Metropolitan Government of Nashville and Davidson County, filed by The United States.(tmw) (Entered: 11/04/2008)
11/04/2008	<u>142</u>	ORDER: Deft Genesis shall have until 11/24/08, to file a response to the pltf's fourth amended complaint. Deft Genesis is not required to file a response to the intervening complaint. Signed by Magistrate Judge Juliet E. Griffin on 11/4/08. (tmw) (Entered: 11/04/2008)
11/17/2008	<u>143</u>	MOTION for Extension of Time to Complete Discovery <i>Motion for Enlargement of Time to Respond to Plaintiff's First Set of Requests for Admissions</i> by Metro Government of Nashville and Davidson County, Tennessee, Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 11/17/2008)
11/18/2008	<u>144</u>	ORDER granting <u>143</u> Motion for Enlargement of Time. The time for deft Metro to serve responses to the pltf's first set of requests for admissions is extended to 11/24/08. Signed by Magistrate Judge Juliet E. Griffin on 11/18/08. (tmw) (Entered: 11/18/2008)
11/24/2008	<u>145</u>	MOTION to Quash <i>and Memorandum</i> by Metropolitan Government of Nashville & Davidson County. (Attachments: # <u>1</u> Exhibit A-Subpoena, # <u>2</u> Exhibit B-1.9.08 letter from Dept. of Justice, # <u>3</u> Exhibit C-Staehling/Lopez Response, # <u>4</u> Exhibit D-3.4.08 Fishbach letter, # <u>5</u> Exhibit E-Evans ltr to Dept. of Justice, # <u>6</u> Exhibit F-9.17.08 ltr from Dept. of Justice, # <u>7</u> Exhibit G-10.1.08 ltr to Fishbach)(Young, Francis) (Entered: 11/24/2008)
11/24/2008	<u>146</u>	ANSWER to Complaint <i>Fourth Amended Complaint</i> by Genesis Learning Centers.(Simms, James) (Entered: 11/24/2008)
11/24/2008	<u>147</u>	ANSWER to <u>141</u> Intervenor Complaint by Metro Government of Nashville and Davidson County, Tennessee, Metropolitan Government of Nashville & Davidson County.(Bay, R. Dale) (Entered: 11/24/2008)
12/01/2008	<u>148</u>	MOTION Motion for Release of Raw Psychological Data by Kimberly Lopez. (Clemmons, John) (Entered: 12/01/2008)
12/01/2008	<u>149</u>	Additional Attachments to Main Document re: <u>148</u> MOTION Motion for Release of Raw Psychological Data. (Clemmons, John) (Entered: 12/01/2008)
12/02/2008	<u>150</u>	ORDER granting Pltf's <u>148</u> Motion for the release of raw psychological data. The parties' agreed order granting the disclosure of confidential mental health records and information under T.C.A. § 33-3-105(d) and HIPAA is contemporaneously

		entered. Signed by Magistrate Judge Juliet E. Griffin on 12/2/08. (tmw) (Entered: 12/02/2008)
12/02/2008	<u>151</u>	*MODIFIED per Order <u>268</u> – See Order for details* AGREED ORDER GRANTING THE DISCLOSURE OF CONFIDENTIAL PROTECTED MENTAL HEALTH RECORDS AND INFORMATION UNDER T.C.A. §33–3–105(3) and pursuant to HIPAA. Signed by Magistrate Judge Juliet E. Griffin on 12/2/08. (tmw) Modified text on 3/5/2009 (tmw). (Entered: 12/02/2008)
12/03/2008	<u>152</u>	NOTICE of Appearance by Atty Jonathan Fischbach on behalf of US Attorney/MDTN (Wildasin, Mark) Modified text on 12/5/2008 (tmw). (Entered: 12/03/2008)
12/05/2008		Bar status for Atty Jonathan Fischbach of PA/DC verified as active this date. (tmw) (Entered: 12/05/2008)
12/05/2008		Minute Entry for proceedings held before Magistrate Judge Juliet E. Griffin: Telephone Conference held on 12/5/2008; ORDER to enter. (jwc) (Entered: 12/08/2008)
12/09/2008	<u>153</u>	RESPONSE in Opposition re <u>145</u> MOTION to Quash <i>and Memorandum</i> filed by US Attorney/MDTN. (Wildasin, Mark) (Entered: 12/09/2008)
12/09/2008	<u>154</u>	ORDER: Telephone Conference set for 1/21/2009, at 5:00 PM, central time, before Magistrate Judge Juliet E. Griffin, to be initiated by counsel for the deft Genesis. The 12/5/08 ddl for completion of fact discovery is extended to 1/15/09. Signed by Magistrate Judge Juliet E. Griffin on 12/9/08. (tmw) (Entered: 12/09/2008)
12/16/2008	<u>155</u>	REPLY to Response to Motion re <u>145</u> MOTION to Quash <i>and Memorandum</i> filed by Metropolitan Government of Nashville & Davidson County. (Attachments: # <u>1</u> Exhibit A–City Paper article)(Young, Francis) (Entered: 12/16/2008)
12/16/2008	<u>156</u>	Additional Attachments to Main Document re: <u>155</u> Reply to Response to Motion. (Young, Francis) (Entered: 12/16/2008)
12/22/2008	<u>157</u>	MOTION for Leave to leave to file sur–reply re motion to quash re <u>155</u> Reply to Response to Motion by US Attorney/MDTN. (Attachments: # <u>1</u> Exhibit [propose] sur–reply brief, # <u>2</u> Exhibit People v. Bachofer)(Wildasin, Mark) (Entered: 12/22/2008)
12/22/2008	<u>158</u>	ORDER granting <u>157</u> Motion for leave to file sur–reply. The Clerk is directed to file and docket the Sur–Reply, attached to the motion. Signed by Magistrate Judge Juliet E. Griffin on 12/22/08. (ab) (Entered: 12/22/2008)
12/22/2008	<u>159</u>	SUR–REPLY filed by the United States In Opposition to <u>145</u> Motion to Quash (Attachments: # <u>1</u> Exhibit The People of the State of CO v. Bachofer)(ab) (Entered: 12/22/2008)
01/05/2009	<u>160</u>	Mail Returned as Undeliverable. <u>154</u> Order Setting Deadlines/Hearings. Mail sent to Jonathan Fischbach, Dept of Justice, Civil Rights Division, 950 Pennsylvania Ave NW, Ste 4300, Washington, DC 20530. (tmw) (Entered: 01/06/2009)
01/15/2009	<u>161</u>	ORDER: As provided herein, the motion of deft Metropolitan Government of Nashville and Davidson County, TN, to quash subpoena <u>145</u> is DENIED. Signed by Magistrate Judge Juliet E. Griffin on 1/15/09. (tmw) (Entered: 01/15/2009)
01/15/2009	<u>162</u>	ORDER: Local counsel for the US shall insure that the correct address is listed for Mr. Fischbach and/or otherwise determine why he did not receive the mailing sent to him so that he will receive copies of the contemporaneously entered order and all other orders entered in this case. Signed by Magistrate Judge Juliet E. Griffin on 1/15/09. (tmw) (Entered: 01/15/2009)
01/15/2009	<u>163</u>	MOTION for Leave to File Excess Pages by US Attorney/MDTN. (Fischbach, Jonathan) (Entered: 01/15/2009)
01/15/2009	<u>164</u>	MOTION for Summary Judgment by US Attorney/MDTN. (Fischbach, Jonathan) (Entered: 01/15/2009)

01/15/2009	<u>165</u>	MOTION for Leave to File Document Under Seal by US Attorney/MDTN. (Attachments: # <u>1</u> Exhibit 1)(Fischbach, Jonathan) (Entered: 01/15/2009)
01/15/2009	<u>166</u>	MOTION for Summary Judgment, filed by US Attorney/MDTN. (Attachments: # <u>1</u> Statement of undisputed Facts, # <u>2</u> Memorandum of Law, # <u>3</u> Appendix, # <u>4</u> Exhibit 1 – Deposition of M. Adams, # <u>5</u> Exhibit 2 – Deposition of McRaine, # <u>6</u> Exhibit 3 – 8/14/06 IEP, # <u>7</u> Exhibit 4 – Lopez Cum Ed File, # <u>8</u> Exhibit 5 – Contract Between Metro and Genesis, # <u>9</u> Exhibit 6 – Deposition of Phillips2, # <u>10</u> Exhibit 7 – Deposition of Hayes2, # <u>11</u> Exhibit 8 – Deposition of Sawyer, # <u>12</u> Exhibit 9 – Deposition of Pyle, # <u>13</u> Exhibit 10 – Deposition of Garcia, # <u>14</u> Exhibit 11 – Deposition of Rackard, # <u>15</u> Exhibit 12 – Deposition of Phillips, # <u>16</u> Exhibit 13 – Deposition of DePriest, # <u>17</u> Exhibit 14 – Deposition of Hayes, # <u>18</u> Exhibit 15 – Deposition of Gaines, # <u>19</u> Exhibit 16 – Deposition of Smith, # <u>20</u> Exhibit 17 – Deposition of T. Adams, # <u>21</u> Exhibit 18 – Deposition of Lopez, # <u>22</u> Exhibit 19 – Genesis Logs 12/9/06 & 2/22/07, # <u>23</u> Exhibit 20 – Bates Docs with No Letter Prefix, # <u>24</u> Exhibit 21 – 4/17/07 IEP, # <u>25</u> Exhibit 22 – Deposition of Burton, # <u>26</u> Errata 23 – Harris Cum Ed File, # <u>27</u> Exhibit 24 – 5/7/07 Bus Incident Report, # <u>28</u> Exhibit 25 – 5/8/07 Download Request, # <u>29</u> Exhibit 26 – Metro Response to Interrog, # <u>30</u> Exhibit 27 – 5/15/07 Genesis Log, # <u>31</u> Exhibit 28 – Principal Bus Report, # <u>32</u> Exhibit 29 – Physical Intervention Report, # <u>33</u> Exhibit 30 – Deposition of Thompson, # <u>34</u> Exhibit 31 – 5/14/07 Genesis Logs, # <u>35</u> Exhibit 32 – 6/7/07 LifeCare Note, # <u>36</u> Exhibit 33 – 5/10/07 Genesis Log, # <u>37</u> Exhibit 34 – Emails Re Youth Villages, # <u>38</u> Exhibit 35 (Sealed) – 9/20/04 Suspension Addendum, # <u>39</u> Exhibit 36 (Sealed) – Deposition of Harris, # <u>40</u> Exhibit 37 – Deposition of DePriest2, # <u>41</u> Exhibit 38 – 12/6/05 Suspension Addendum, # <u>42</u> Exhibit 39 – Genesis Intake Forms, # <u>43</u> Exhibit 40 – Psychoeducational Assessment Rep, # <u>44</u> Exhibit 41 – Deposition of DeMoss, # <u>45</u> Exhibit 42 – Phillips Depo Exhibits, # <u>46</u> Exhibit 43 – 8/6/07 Memo from Phillips to Burton, # <u>47</u> Doe I v. Dallas, # <u>48</u> Kelly v. Yale, # <u>49</u> M v. Stamford, # <u>50</u> Patterson v. Hudson, # <u>51</u> SG v. Rockford, # <u>52</u> Sneath v. Savannah, # <u>53</u> Staehling v. Metro)(Fischbach, Jonathan) Modified text and securities per Order <u>292</u> on 4/13/2009 (tmw). (Entered: 01/15/2009)
01/15/2009	<u>167</u>	MOTION for Leave to File Excess Pages by Genesis Learning Centers. (Simms, James) (Entered: 01/15/2009)
01/15/2009	<u>168</u>	MOTION for Leave to File Document Under Seal by Genesis Learning Centers. (Simms, James) (Entered: 01/15/2009)
01/15/2009	<u>169</u>	MOTION for Summary Judgment by Genesis Learning Centers. (Attachments: # <u>1</u> Exhibit 1 (Sealed) – (Deposition of Melissa Adams), # <u>2</u> Exhibit 2 (Deposition of Terrence Adams), # <u>3</u> Exhibit 3 (Deposition of Susan Sawyer), # <u>4</u> Exhibit 4 (Deposition of Jason Pyle), # <u>5</u> Exhibit 5a (Deposition of Kimberly Lopez Vol. 1a), # <u>6</u> Exhibit 5b (Deposition of Kimberly Lopez Vol. 1b), # <u>7</u> Exhibit 6 (Deposition of Kimberly Lopez Vol. 2), # <u>8</u> Exhibit 7 (Sealed) – (Deposition of Terrilyn Harris), # <u>9</u> Exhibit 8 (Deposition of Lyn McRaine), # <u>10</u> Exhibit 9 (Deposition of Linda DePriest Vol. 2), # <u>11</u> Exhibit 10 (Deposition of Keith Phillips Vol. 2), # <u>12</u> Exhibit 11 (Deposition of Marcus Hayes Vol. 2))(Simms, James) Modified on 1/29/2009 (af). Modified text and securities per Order <u>292</u> on 4/13/2009 (tmw). (Entered: 01/15/2009)
01/15/2009		Per Notification from US Atty's Office, MDTN, mailing address updated for atty Jonathan Fischbach, U.S. Department of Justice, Civil Rights Division, Educational Opportunities Section, 950 Pennsylvania Ave., NW, PHB, Suite 4300, Washington, DC 20530. (af) (Entered: 01/15/2009)
01/15/2009	<u>170</u>	MEMORANDUM in Support of <u>169</u> MOTION for Summary Judgment filed by Genesis Learning Centers. (Simms, James) Modified Text on 1/15/2009 (dt). Modified text and unsealed per Order <u>292</u> on 4/14/2009 (tmw). (Entered: 01/15/2009)
01/15/2009	<u>171</u>	STATEMENT of facts filed by Genesis Learning Centers in support of <u>169</u> Motion for Summary Judgment. (Simms, James) Modified Text on 1/15/2009 (dt). Modified text and unsealed per Order <u>292</u> on 4/14/2009 (tmw). (Entered: 01/15/2009)

01/15/2009	<u>172</u>	MOTION for Leave to File Excess Pages by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 01/15/2009)
01/15/2009	<u>173</u>	MOTION for Leave to File Document Under Seal by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 01/15/2009)
01/15/2009	<u>174</u>	Motion for Summary Judgment, filed by Metropolitan Government of Nashville & Davidson County. (Attachments: # <u>1</u> Exhibit Fourth Amended Complaint, # <u>2</u> Exhibit Excerpts of Deposition of Kimberly Lopez, # <u>3</u> Exhibit Excerpts of Deposition of Marcus Hayes, # <u>4</u> Exhibit Affidavit of Linda DePriest, # <u>5</u> Exhibit IEP of Gilberto Lopez dated 04/17/07, # <u>6</u> Exhibit Excerpts of Deposition of Keith Phillips, # <u>7</u> Exhibit Excerpts of Deposition of Jason Pyle, # <u>8</u> Exhibit Excerpts of Deposition of Susan Sawyer, # <u>9</u> Exhibit Excerpts of Deposition of Linda DePriest)(Bay, R. Dale) Modified on 1/23/2009 (af). Modified text and unsealed per Order <u>292</u> on 4/14/2009 (tmw). (Entered: 01/15/2009)
01/15/2009	<u>175</u>	MEMORANDUM of Law in Support of <u>174</u> Motion for Summary Judgment, filed by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) Modified text on 1/16/2009 (tmw). Modified text and unsealed per Order <u>292</u> on 4/14/2009 (tmw). (Entered: 01/15/2009)
01/15/2009	<u>176</u>	Statement of Undisputed Facts, filed by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) Modified text and unsealed per Order <u>292</u> on 4/14/2009 (tmw). (Entered: 01/15/2009)
01/15/2009	<u>177</u>	MOTION for Leave to File Document Under Seal by Metro Government of Nashville and Davidson County, Tennessee. (Bay, R. Dale) (Entered: 01/15/2009)
01/15/2009	<u>178</u>	Motion for Summary Judgment as to Intervening Complaint, filed by Metro Government of Nashville and Davidson County, Tennessee. (Attachments: # <u>1</u> Exhibit Metropolitan Govt Responses to United States Interrogatories and Production of Documents, # <u>2</u> Exhibit Excerpts of Deposition of Melissa B. Adams, # <u>3</u> Exhibit Unreported case – Peer vs. Porterfield)(Bay, R. Dale) Modified on 1/23/2009 (af). Modified text and unsealed docs per Order <u>292</u> on 4/14/2009 (tmw). (Entered: 01/15/2009)
01/15/2009	<u>179</u>	MEMORANDUM of Law in Support of Motion for Summary Judgment as to Intervening Complaint, filed by Metro Government of Nashville and Davidson County, Tennessee. (Bay, R. Dale) Modified text and unsealed doc per Order <u>292</u> on 4/14/2009 (tmw). (Entered: 01/15/2009)
01/15/2009	<u>180</u>	Statement of Undisputed Facts as to Intervening Complaint, filed by Metro Government of Nashville and Davidson County, Tennessee. (Bay, R. Dale) Modified text and unsealed doc per Order <u>292</u> on 4/14/2009 (tmw). (Entered: 01/15/2009)
01/15/2009	<u>181</u>	First MOTION for Leave to File Document Under Seal by Kimberly Lopez. (Clemmons, John) (Entered: 01/15/2009)
01/15/2009	<u>182</u>	MOTION for Leave to File Excess Pages <i>Plaintiff's Memorandum in Support of Summary Judgment</i> by Kimberly Lopez. (Clemmons, John) (Entered: 01/15/2009)
01/15/2009	<u>183</u>	MOTION for Summary Judgment by Kimberly Lopez. (Clemmons, John) Modified on 1/23/2009 (af). Modified text and unsealed doc per Order <u>292</u> on 4/14/2009 (tmw). (Entered: 01/15/2009)
01/15/2009	<u>184</u>	MEMORANDUM in Support of <u>183</u> MOTION for Summary Judgment filed by Kimberly Lopez. (Clemmons, John) Modified text and unsealed doc per Order <u>292</u> on 4/14/2009 (tmw). (Entered: 01/15/2009)
01/15/2009	<u>185</u>	NOTICE of Filing by Kimberly Lopez re <u>184</u> Memorandum in Support of <i>Plaintiff's Memorandum in Support of Summary Judgment</i> (Attachments: # <u>1</u> Exhibit Affidavit of Kimberly Lopez, # <u>2</u> Errata Excerpts of Kimberly Lopez Deposition (Vol.1,11/4/08), # <u>3</u> Exhibit Excerpts of Melissa Adams Deposition (Sealed), # <u>4</u> Exhibit Excerpts of Sandra Burton Deposition, # <u>5</u> Exhibit Excerpts of Kimberly Lopez Deposition (vol.2.12.1.08), # <u>6</u> Exhibit Excerpts of Linda DePriest Deposition (Vol.1.12.19.07), # <u>7</u> Exhibit 4/17/07 IEP Total Service Plan, # <u>8</u> Exhibit Excerpts of Terrilyn Harris Deposition (Sealed), # <u>9</u> Exhibit 5/16/02 IEP

		Addendum, # <u>10</u> Exhibit 7/17/02 MNPS Letter, # <u>11</u> Exhibit 9/20/04 Suspension Addendum (Sealed), # <u>12</u> Exhibit Excerpts of Linda DePriest Deposition (Vol.II,10/27/08), # <u>13</u> Exhibit 2004–2005 IEP, # <u>14</u> Exhibit 2005 Functional Behavior Assessment, # <u>15</u> Exhibit 2005–2006 IEP, # <u>16</u> Exhibit Psychoeducational Assessment Report, # <u>17</u> Exhibit Excerpts of Lyn McRainey Deposition, # <u>18</u> Exhibit Affidavit of Terrilyn Harris (Sealed), # <u>19</u> Exhibit Excerpts of Jason Pyle Deposition, # <u>20</u> Exhibit 8/18/06 E–mail from Sharon Wright to Keith Phillips, # <u>21</u> Exhibit Terrence Adams Deposition, # <u>22</u> Exhibit Pedro Garcia Deposition, # <u>23</u> Exhibit Christopher Gaines Deposition (Sealed), # <u>24</u> Exhibit Susan Sawyer Deposition, # <u>25</u> Exhibit 1/06/06 New Student IEP Information Form, # <u>26</u> Exhibit 5/15/07 E–mail from Linda DePriest, # <u>27</u> Exhibit Marcus Hayes Deposition, # <u>28</u> Exhibit Gloria Smith Deposition)(Clemmons, John) Modified text and securities per Order <u>292</u> on 4/14/2009 &5/13/2009 (tmw). (Entered: 01/15/2009)
01/15/2009	<u>186</u>	NOTICE by Kimberly Lopez re <u>184</u> Memorandum in Support of <i>summary Judgment</i> (Attachments: # <u>1</u> Appendix Dean v. Weakley County Board of Education, # <u>2</u> Appendix Enright v. Springfield School District)(Clemmons, John) Modified text and unsealed doc per Order <u>292</u> on 4/14/2009 (tmw). (Entered: 01/15/2009)
01/16/2009	<u>187</u>	STATEMENT of facts. (Clemmons, John) Modified text and unsealed doc per Order <u>292</u> on 4/14/2009 (tmw). (Entered: 01/16/2009)
01/20/2009	<u>188</u>	ORDER re Pltf's <u>181</u> Motion for Leave to File Documents Under Seal. Apparently, pltf did not select the "Sealed Document" event option when the filings that the pltf sought to be sealed were filed. However, based on the clear intent of the pltf, the Clerk is directed to place under seal <u>183</u> , <u>184</u> , <u>185</u> , <u>186</u> , and <u>187</u> . Signed by Magistrate Judge Juliet E. Griffin on 1/20/09. (tmw) Modified text on 1/20/2009 (tmw). (Entered: 01/20/2009)
01/20/2009	<u>189</u>	ORDER: The motion of intervening pltf US to exceed page limitation <u>163</u> , the motion of deft Genesis to exceed page limitation <u>167</u> , the motion of deft Metro to exceed <u>172</u> , and the pltf's motion to exceed page limitation <u>182</u> are GRANTED. The Clerk is directed to forward the file in this case to the Honorable Robert L. Echols. Signed by Magistrate Judge Juliet E. Griffin on 1/20/09. (tmw) (Entered: 01/20/2009)
01/21/2009		Minute Entry for proceedings held before Magistrate Judge Juliet E. Griffin: Telephone Conference held on 1/21/2009; ORDER to enter. (jwc) (Entered: 01/22/2009)
01/26/2009	<u>190</u>	ORDER: Pursuant to the order entered 12/9/08, <u>154</u> , counsel for the parties called the Court on 1/21/09. Joint Status Report due by 1/30/2009. After completion of briefing the pending dispositive motions, the Court will schedule another telephone conference call with the parties to address whether it is appropriate to maintain all of the requested filings under seal. Signed by Magistrate Judge Juliet E. Griffin on 1/26/09. (tmw) (Entered: 01/26/2009)
01/27/2009	<u>191</u>	MOTION for Extension of Time to File Objections to January 15, 2009 <u>161</u> Order, by US Attorney/MDTN. (Attachments: # <u>1</u> Supplement United States v. Santana)(Fischbach, Jonathan) Modified text on 1/29/2009 (tmw). (Entered: 01/27/2009)
01/29/2009	<u>192</u>	ORDER: Telephone conference held on 1/21/09. Discovery deadline reset for 3/6/2009. Telephone Conference is set for 3/4/2009 at 9:00 AM, central time, to be initiated by counsel for defendant Metro, to address whether it is necessary to maintain under seal all the filings made related to the pending motions for summary judgment ³ and whether the parties can file redacted versions of the filings. Signed by Magistrate Judge Juliet E. Griffin on 1/29/09. (dt) (Entered: 01/29/2009)
01/29/2009	<u>193</u>	ORDER: The Motion for Extension of Time to File Objections <u>191</u> is Granted. The time for the parties to file a motion to review the order entered 1/15/09 <u>161</u> is extended to 3/2/2009. Signed by Magistrate Judge Juliet E. Griffin on 1/29/09. (dt) (Entered: 01/29/2009)

02/05/2009	<u>194</u>	MOTION for Leave to File Document Under Seal by US Attorney/MDTN. (Fischbach, Jonathan) (Entered: 02/05/2009)
02/05/2009	<u>195</u>	SUBPOENA issued to Narciso Gaboy, MC and returned executed on 01/31/2009 as to Narciso Gaboy, MC by Kimberly Lopez (Clemmons, John) (Entered: 02/05/2009)
02/05/2009	<u>196</u>	NOTICE to Take Deposition of Narciso Gaboy, MD by Kimberly Lopez.(Clemmons, John) (Entered: 02/05/2009)
02/05/2009	<u>197</u>	RESPONSE to Defendant Metro's Statement of Undisputed Facts, filed by US Attorney/MDTN. (Attachments: # <u>1</u> Exhibit 44 – 4/20/07 MHC Progress Note, # <u>2</u> Exhibit 45 – 4/17/07 MHC Progress Note, # <u>3</u> Exhibit 46 – Additional Deposition Testimony of Lopez, # <u>4</u> Exhibit 47 – Additional Deposition Testimony of M. Adams, # <u>5</u> Exhibit 48 – Additional Deposition Testimony of Harris (Sealed), # <u>6</u> Appendix B – Updated Index of United States' Exhibits)(Fischbach, Jonathan) Modified text and securities per Order <u>292</u> on 4/14/2009 (tmw). (Entered: 02/05/2009)
02/05/2009	<u>198</u>	RESPONSE in Opposition to Defendant Metro's Motion for Summary Judgment, filed by US Attorney/MDTN. (Fischbach, Jonathan) Modified text and unsealed doc per Order <u>292</u> on 4/14/2009 (tmw). (Entered: 02/05/2009)
02/05/2009	<u>199</u>	RESPONSE to Defendant Genesis' Statement of Undisputed Facts filed by US Attorney/MDTN. (Fischbach, Jonathan) Modified text and unsealed doc per Order <u>292</u> on 4/14/2009 (tmw). (Entered: 02/05/2009)
02/05/2009	<u>200</u>	MOTION for Leave to File Document Under Seal by Genesis Learning Centers. (Simms, James) (Entered: 02/05/2009)
02/05/2009	<u>201</u>	RESPONSE to Plaintiff's Motion for Summary Judgment, filed by Genesis Learning Centers. (Attachments: # <u>1</u> Exhibit 1 – Affidavit of Terry Adams, # <u>2</u> Exhibit 2 – Letter to all Counsel, # <u>3</u> Exhibit 3 – Plaintiff's Rule 26 Expert Witnesses Disclosure, # <u>4</u> Exhibit 4 – Genesis' Response to Plaintiff's Request for Admission, # <u>5</u> Exhibit 5 – January 18, 2005 Memo)(Simms, James) Modified text and unsealed docs per Order <u>292</u> on 4/14/2009 (tmw). (Entered: 02/05/2009)
02/05/2009	<u>202</u>	RESPONSE To Plaintiff's <u>187</u> Statement of Undisputed Material Facts, filed by Genesis Learning Centers. (Simms, James) Modified text on 2/12/2009 (tmw). Modified text and unsealed doc per Order <u>292</u> on 4/14/2009 (tmw). (Entered: 02/05/2009)
02/05/2009	<u>203</u>	STATEMENT of facts <i>In Response to Plaintiff's Motion For Summary Judgment</i> , filed by Genesis Learning Centers, in support of <u>201</u> Response. (Simms, James) Modified text and unsealed doc per Order <u>292</u> on 4/14/2009 (tmw). (Entered: 02/05/2009)
02/05/2009	<u>204</u>	MOTION for Leave to File Excess Pages by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 02/05/2009)
02/05/2009	<u>205</u>	MOTION for Leave to File Document Under Seal by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 02/05/2009)
02/05/2009	<u>206</u>	RESPONSE to Plaintiff's Motion for Summary Judgment, filed by Metropolitan Government of Nashville & Davidson County. (Attachments: # <u>1</u> Exhibit Affidavit of Judy Felts, # <u>2</u> Exhibit Expert reports of Dr. Thompson and Dr. Begtrup, # <u>3</u> Exhibit Affidavit of Linda DePriest, # <u>4</u> Exhibit Affidavit of Marcus Hayes, # <u>5</u> Exhibit 01/03/2006 IEP of Kolby Harris, # <u>6</u> Exhibit 12/19/2006 IEP of Kolby Harris, # <u>7</u> Exhibit Excerpts of Metro's Responses to Plaintiff's Request for Admissions, # <u>8</u> Exhibit Unreported Case – Staehling vs Metro Govt)(Bay, R. Dale) Modified text and unsealed docs per Order <u>292</u> on 4/14/2009 (tmw). (Entered: 02/05/2009)
02/05/2009	<u>207</u>	RESPONSE to Plaintiffs' <u>187</u> Statement of Undisputed Facts, filed by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) Modified text and unsealed doc per Order <u>292</u> on 4/14/2009 (tmw). (Entered: 02/05/2009)

02/05/2009	<u>208</u>	MOTION for Leave to File Document Under Seal by Metro Government of Nashville and Davidson County, Tennessee. (Bay, R. Dale) (Entered: 02/05/2009)
02/05/2009	<u>209</u>	RESPONSE to Plaintiff-Intervenor United States of America's Motion for Summary Judgment, filed by Metro Government of Nashville and Davidson County, Tennessee. (Bay, R. Dale) Modified text and unsealed doc per Order <u>292</u> on 4/14/2009 (tmw). (Entered: 02/05/2009)
02/05/2009	<u>210</u>	RESPONSE to US' Statement of Undisputed Facts, filed by Metro Government of Nashville and Davidson County, Tennessee. (Bay, R. Dale) Modified text and unsealed doc per Order <u>292</u> on 4/14/2009 (tmw). (Entered: 02/05/2009)
02/05/2009	<u>211</u>	MOTION for Leave to File Excess Pages by Kimberly Lopez. (Clemmons, John) (Entered: 02/05/2009)
02/05/2009	<u>212</u>	MOTION for Leave to File Document Under Seal by Kimberly Lopez. (Clemmons, John) (Entered: 02/05/2009)
02/05/2009	<u>213</u>	RESPONSE in Opposition re <u>169</u> MOTION for Summary Judgment filed by Kimberly Lopez. (Clemmons, John) (Entered: 02/05/2009)
02/05/2009	<u>214</u>	NOTICE of Filing by Kimberly Lopez re <u>213</u> Response in Opposition to Motion <i>Exhibits In Support of Plaintiffs Response to Genesis' Motion</i> (Attachments: # <u>1</u> Exhibit Affidavit Kimberly Lopez, # <u>2</u> Exhibit Kimberly Lopez Deposition, # <u>3</u> Exhibit Melissa Adams Deposition (Sealed), # <u>4</u> Exhibit Sandra Burton deposition, # <u>5</u> Exhibit Kimberly Lopez deposition Vol.2, # <u>6</u> Exhibit Linda DePriest depositions Vol.1, # <u>7</u> Exhibit 4/17/07 IEP Total Service Plan, # <u>8</u> Exhibit Terrilyn Harris deposition (Sealed), # <u>9</u> Exhibit 5/16/02 IEP Addendum, # <u>10</u> Exhibit 7/17/02 MNPS Letter, # <u>11</u> Exhibit 9/20/04 Suspension Addendum (Sealed), # <u>12</u> Exhibit Linda DePriest deposition Vol. 2, # <u>13</u> Exhibit 2004-2005 IEP, # <u>14</u> Exhibit 2005 Functional Behavioral Assessment, # <u>15</u> Exhibit 2005-2006 IEP, # <u>16</u> Exhibit Psychoeducational Assessment Report, # <u>17</u> Exhibit Lyn McRaney Deposition, # <u>18</u> Exhibit Terrilyn Harris Affidavit (Sealed), # <u>19</u> Exhibit Jason Pyle Deposition, # <u>20</u> Exhibit 8/18/06 Email, # <u>21</u> Exhibit Terrence Adams deposition, # <u>22</u> Exhibit Pedro Garcia deposition, # <u>23</u> Exhibit Chris Gaines deposition (Sealed), # <u>24</u> Exhibit Susan Sawyer deposition, # <u>25</u> Exhibit 1/6/06 New Student IEP Info Form, # <u>26</u> Exhibit 5/15/07 Email, # <u>27</u> Exhibit Marcus Hayes Deposition, # <u>28</u> Exhibit Gloria Smith deposition, # <u>29</u> Exhibit 4/26/07, 4/27/07, 5/1/07 Emails (Sealed), # <u>30</u> Exhibit 7/27/07 Email, # <u>31</u> Exhibit 12/19/06 Behavioral Intervention Plan, # <u>32</u> Exhibit 4/1/08 Email, # <u>33</u> Exhibit 5/10/07 Email)(Clemmons, John) Modified text and securities per Order <u>292</u> on 4/14/2009 (tmw). (Entered: 02/05/2009)
02/05/2009	<u>215</u>	MEMORANDUM in Support of <u>213</u> Response in Opposition to Motion filed by Kimberly Lopez. (Clemmons, John) (Entered: 02/05/2009)
02/05/2009	<u>216</u>	RESPONSE to <i>Genesis Learning Centers' Statement of Facts and Statement of Additional Facts</i> . (Clemmons, John) (Entered: 02/05/2009)
02/05/2009	<u>217</u>	APPENDIX filed by Kimberly Lopez re <u>215</u> Memorandum in Support. (Attachments: # <u>1</u> Supplement Enright v. Springfield, # <u>2</u> Supplement Peer v. Porterfield, # <u>3</u> Supplement Staehling v. Metro, # <u>4</u> Supplement Wilson v. Metro)(Clemmons, John) (Entered: 02/05/2009)
02/05/2009	<u>218</u>	MOTION for Hearing re <u>213</u> Response in Opposition to Motion <i>for Oral Argument</i> by Kimberly Lopez. (Clemmons, John) (Entered: 02/05/2009)
02/05/2009	<u>219</u>	MOTION for Leave to File Excess Pages by Kimberly Lopez. (Clemmons, John) (Entered: 02/05/2009)
02/05/2009	<u>220</u>	MOTION for Leave to File Document Under Seal by Kimberly Lopez. (Clemmons, John) (Entered: 02/05/2009)
02/05/2009	<u>221</u>	RESPONSE in Opposition re <u>174</u> SEALED MOTION to <i>Metro's Motion for Summary Judgment</i> filed by Kimberly Lopez. (Clemmons, John) (Entered: 02/05/2009)

02/05/2009	<u>222</u>	NOTICE of Filing by Kimberly Lopez re <u>221</u> Response in Opposition to Motion <i>Exhibits in Support of Plaintiffs Response to Metro's Motion for Summary Judgment</i> (Attachments: # <u>1</u> Exhibit Kimberly Lopez Affidavit, # <u>2</u> Exhibit Kimberly Lopez deposition Vol. 1, # <u>3</u> Exhibit Melissa Adams deposition (Sealed), # <u>4</u> Exhibit Sandra Burton deposition, # <u>5</u> Exhibit Kimberly Lopez deposition Vol. 2, # <u>6</u> Exhibit Linda DePriest deposition Vol.1, # <u>7</u> Exhibit 4/17/07 IEP Total Service Plan, # <u>8</u> Exhibit Terrilyn Harris deposition (Sealed), # <u>9</u> Exhibit 5/16/02 IEP Addendum, # <u>10</u> Exhibit 7/17/02 MNPS letter, # <u>11</u> Exhibit 9/20/04 Suspension Addendum (Sealed), # <u>12</u> Exhibit Linda DePriest Deposition Vol. 2, # <u>13</u> Exhibit 2004–2005 IEP, # <u>14</u> Exhibit 2005 Function Behavioral Assessment, # <u>15</u> Exhibit 2005–2006 IEP, # <u>16</u> Exhibit Psychoeducational Assessment Report, # <u>17</u> Exhibit Lyn McRainey deposition, # <u>18</u> Exhibit Terrilyn Harris Affidavit (Sealed), # <u>19</u> Exhibit Jason Pyle Deposition, # <u>20</u> Exhibit 8/18/06 Email, # <u>21</u> Exhibit Terrence Adams deposition, # <u>22</u> Exhibit Pedro Garcia deposition, # <u>23</u> Exhibit Chris Gaines deposition (Sealed), # <u>24</u> Exhibit Susan Sawyer deposition, # <u>25</u> Exhibit 1/6/06 New Student IEP Info Form, # <u>26</u> Exhibit 5/15/07 email, # <u>27</u> Exhibit Marcus Hayes deposition, # <u>28</u> Exhibit Gloria Smith deposition, # <u>29</u> Exhibit 4/26/07, 4/27/07, 5/1/07 emails (Sealed), # <u>30</u> Exhibit 7/27/07 email, # <u>31</u> Exhibit 12/19/06 Behavior Intervention Plan, # <u>32</u> Exhibit 4/1/08 Email, # <u>33</u> Exhibit 5/10/07 email)(Clemmons, John) Modified text and securities per Order <u>292</u> on 5/13/2009 (tmw). (Entered: 02/05/2009)
02/05/2009	<u>223</u>	MEMORANDUM in Support of <u>221</u> Response in Opposition to Motion filed by Kimberly Lopez. (Attachments: # <u>1</u> Exhibit Dean v. Weakley, # <u>2</u> Exhibit Enright v. Springfield Sch. Dist., # <u>3</u> Exhibit Peer v. Porterfield, # <u>4</u> Exhibit Staehling v. Metro, # <u>5</u> Exhibit Wilson v. Metro)(Clemmons, John) (Entered: 02/05/2009)
02/05/2009	<u>224</u>	RESPONSE filed by Kimberly Lopez re <u>221</u> Response in Opposition to Motion filed by Kimberly Lopez to <i>Metro's Statement of Facts and Statement of Additional Facts</i> . (Clemmons, John) (Entered: 02/05/2009)
02/05/2009	<u>225</u>	MOTION for Hearing re <u>221</u> Response in Opposition to Motion <i>Oral Argument</i> by Kimberly Lopez. (Clemmons, John) (Entered: 02/05/2009)
02/05/2009		Note to filers re <u>201</u> , <u>206</u> , <u>214</u> & <u>222</u> : Signed affidavits/declarations should be filed as separate events, not as attachments to other pleadings. It is not necessary to re-file these documents unless otherwise directed by the Court. (tmw) (Entered: 02/12/2009)
02/09/2009	<u>226</u>	SUBPOENA issued to Roberta Lara and returned executed on 2/9/09 as to Roberta Lara by Kimberly Lopez (Clemmons, John) (Entered: 02/09/2009)
02/11/2009	<u>227</u>	RESPONSE in Opposition re <u>225</u> MOTION for Hearing re <u>221</u> Response in Opposition to Motion <i>Oral Argument</i> filed by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 02/11/2009)
02/11/2009	<u>228</u>	RESPONSE to Motion re <u>225</u> MOTION for Hearing re <u>221</u> Response in Opposition to Motion <i>Oral Argument</i> filed by Genesis Learning Centers. (Simms, James) (Entered: 02/11/2009)
02/19/2009	<u>229</u>	MOTION for Leave to File Document Under Seal by US Attorney/MDTN. (Fischbach, Jonathan) (Entered: 02/19/2009)
02/19/2009	<u>230</u>	Sealed Document <i>Reply Brief in Support of United States' Motion for Summary Judgment</i> filed by US Attorney/MDTN. (Attachments: # <u>1</u> Exhibit 49 – 5/10/07 MHC Progress Note, # <u>2</u> Exhibit 50 – Youth Villages Discharge Plan, # <u>3</u> Exhibit 51 – 6/21/07 LifeCare Family Services Encounter Note, # <u>4</u> Appendix C – Index of United States' Exhibits, # <u>5</u> JK v. Arizona Bd of Regents)(Fischbach, Jonathan) (Entered: 02/19/2009)
02/19/2009	<u>231</u>	Sealed Document (Unsealed per Order <u>292</u>) <i>Reply in Support of United States' Statement of Undisputed Facts</i> filed by US Attorney/MDTN. (Fischbach, Jonathan) Modified text and securities on 5/13/2009 (tmw). (Entered: 02/19/2009)
02/19/2009	<u>232</u>	MOTION for Leave to File Document Under Seal by Genesis Learning Centers. (Simms, James) (Entered: 02/19/2009)

02/19/2009	<u>233</u>	Sealed Document (Unsealed per Order <u>292</u>) <i>Reply in Support of Genesis Learning Centers' Motion for Summary Judgment</i> filed by Genesis Learning Centers. (Simms, James) Modified text and securities on 5/13/2009 (tmw). (Entered: 02/19/2009)
02/19/2009	<u>234</u>	Sealed Document (Unsealed per Order <u>292</u>) <i>Second Affidavit of Terence W. Adams</i> filed by Genesis Learning Centers. (Attachments: # <u>1</u> Exhibit 1– Position Description, # <u>2</u> Exhibit 2 – E–mail re: monitors)(Simms, James) Modified text and securities on 5/13/2009 (tmw). (Entered: 02/19/2009)
02/19/2009	<u>235</u>	MOTION for Leave to File Document Under Seal by Genesis Learning Centers. (Simms, James) (Entered: 02/19/2009)
02/19/2009	<u>236</u>	Sealed Document (Unsealed per Order <u>292</u>) <i>Genesis Learning Center's Response to Plaintiff's Statement of Additional Material Facts</i> filed by Genesis Learning Centers. (Simms, James) Modified text and securities on 5/13/2009 (tmw). (Entered: 02/19/2009)
02/19/2009	<u>237</u>	MOTION for Leave to File Document Under Seal by Kimberly Lopez. (Clemmons, John) (Entered: 02/19/2009)
02/19/2009	<u>238</u>	MOTION for Leave to File Document Under Seal <i>to Plaintiff's Response to Motion for Summary Judgment</i> by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 02/19/2009)
02/19/2009	<u>239</u>	Sealed Document (Unsealed per Order <u>292</u>) <i>Metro's Reply to Plaintiff's Response to Motion for Summary Judgment</i> filed by Metropolitan Government of Nashville & Davidson County. (Attachments: # <u>1</u> Exhibit Ex. A affidavit of Watkins, # <u>2</u> Exhibit B Metro Ltr re: docs responsive to subpoena)(Bay, R. Dale) Modified text and securities on 5/13/2009 (tmw). (Entered: 02/19/2009)
02/19/2009	<u>240</u>	REPLY to Response to Motion re <u>169</u> MOTION for Summary Judgment filed by Kimberly Lopez. (Clemmons, John) Modified text on 2/23 & 3/5, 2009 (tmw). (Entered: 02/19/2009)
02/19/2009	<u>241</u>	MOTION for Leave to File Document Under Seal <i>to US Response to Motion for Summary Judgment</i> by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 02/19/2009)
02/19/2009	<u>242</u>	Sealed Document (Unsealed per Order <u>292</u>) <i>Metro's Reply to US Response to Motion for Summary Judgment</i> filed by Metropolitan Government of Nashville & Davidson County. (Attachments: # <u>1</u> Exhibit A Affidavit of Watkins, # <u>2</u> Exhibit B Ltr from metro re: docs responsive to subpoena)(Bay, R. Dale) Modified text and securities on 5/13/2009 (tmw). (Entered: 02/19/2009)
02/19/2009	<u>243</u>	Sealed Document (Unsealed per Order <u>292</u>). MEMORANDUM in Support of <u>240</u> Reply to Response to Motion filed by Kimberly Lopez. (Clemmons, John) Modified text on 2/23/2009 (tmw). Modified text and securities on 5/13/2009 (tmw). (Entered: 02/19/2009)
02/19/2009	<u>244</u>	Sealed Document (Unsealed per Order <u>292</u>). STATEMENT of facts <i>Response to Statement of Facts</i> filed by Kimberly Lopez in support of <u>171</u> Statement of facts. (Clemmons, John) Modified text on 2/23/2009 (tmw). Modified text and securities on 5/13/2009 (tmw). (Entered: 02/19/2009)
02/19/2009	<u>245</u>	MOTION for Leave to File Document Under Seal by Kimberly Lopez. (Clemmons, John) Modified text on 2/23 & 3/5, 2009 (tmw). (Entered: 02/19/2009)
02/19/2009	<u>246</u>	MOTION for Leave to File Excess Pages by Kimberly Lopez. (Clemmons, John) Modified text on 2/23 & 3/5, 2009 (tmw). (Entered: 02/19/2009)
02/19/2009	<u>247</u>	REPLY filed by Kimberly Lopez re <u>206</u> Sealed Document, filed by Metropolitan Government of Nashville & Davidson County. (Clemmons, John) Modified text on 2/23 & 3/5, 2009 (tmw). (Entered: 02/19/2009)
02/19/2009	<u>248</u>	Sealed Document (Unsealed per Order <u>292</u>). MEMORANDUM in Support of <u>247</u> Reply filed by Kimberly Lopez <i>to Metropolitan Government Response to Plaintiffs' Motion for Summary Judgment</i> . (Clemmons, John) Modified text on 2/23/2009 (tmw). Modified text and securities on 5/13/2009 (tmw). (Entered: 02/19/2009)

02/19/2009	<u>249</u>	Sealed Document (Unsealed per Order <u>292</u>). STATEMENT of facts <i>Plaintiffs' Statement of Additional Facts in Reply to Defendant Metropolitan Government of Nashville and Davidson County's Response to Plaintiffs' Motion for Summary Judgment</i> . (Clemmons, John) Modified text on 2/23/2009 (tmw). Modified text and securities on 5/13/2009 (tmw). (Entered: 02/19/2009)
02/19/2009	<u>250</u>	*DISREGARD – Atty re–filed at <u>251</u> * Sealed Document (Unsealed per Order <u>292</u>). NOTICE of Filing by Kimberly Lopez re <u>240</u> Reply to Response to Motion for <i>Summary Judgment</i> (Clemmons, John) Modified text on 2/20 & 23/2009 (tmw). Modified text and securities on 5/13/2009 (tmw). (Entered: 02/19/2009)
02/19/2009	<u>251</u>	Sealed Document (Unsealed per Order <u>292</u>). NOTICE of Filing by Kimberly Lopez re <u>240</u> Reply to Response to Motion (Attachments: # <u>1</u> Exhibit Affidavit Kimberly Lopez, # <u>2</u> Exhibit Deposition of Kimberly Lopez, # <u>3</u> Exhibit Deposition of Melissa Adams (Sealed), # <u>4</u> Exhibit Deposition of Sandra Burton, # <u>5</u> Exhibit Deposition of Kimberly Lopez, Dec. 1, 08 vol 2, # <u>6</u> Exhibit Deposition of Linda DePriest, # <u>7</u> Exhibit MNPS IEP '06–08, April 17, 2007, # <u>8</u> Exhibit Deposition of Terrilyn Harris, 10/28/08, (Sealed), # <u>9</u> Exhibit MNPS IEP 2002–03, 5/16/2002, # <u>10</u> Exhibit Thompson'Warren Letter 7/17/2002, # <u>11</u> Exhibit MNPS Suspension Addendum, 9/20/04, (Sealed), # <u>12</u> Exhibit Deposition of Linda DePriest, vol II, # <u>13</u> Exhibit MNPS IEP 04–05, 1/14/05, # <u>14</u> Exhibit MNPS Functional Behavioral Assessment, 2/04/05, # <u>15</u> Exhibit MNPS IED 05–06, 11/07/05, # <u>16</u> Exhibit MNPS Psychoeducational Assessment RPT 2/13/07, # <u>17</u> Exhibit Deposition of Lyn McRainey, PhD, # <u>18</u> Exhibit Affidavit of Terrilyn Harris (Sealed), # <u>19</u> Exhibit Deposition of Jason Pyle, 11/19/08, # <u>20</u> Exhibit Email' Keith Phillips 8/18/06, # <u>21</u> Errata Deposition of Terence W Adams, 4/15/08, # <u>22</u> Exhibit Deposition of Dr. Pedro Garcia, 1/23/08, # <u>23</u> Exhibit Deposition of Christopher Gaines (Sealed), # <u>24</u> Exhibit Deposition of Susan Sawyer, # <u>25</u> Exhibit New Student IEP Information 1/6/06, # <u>26</u> Exhibit Email from Linda DePriest, 5/15/07, # <u>27</u> Exhibit Deposition of Marcus Hayes, 8/18/08, # <u>28</u> Exhibit Deposition of Gloria Smith, # <u>29</u> Exhibit Email Melissa Adams, 4/26/07, (Sealed), # <u>30</u> Exhibit Email Melissa Adams, 7/20/07, # <u>31</u> Exhibit Behavior Intervention Plan Genesis Academy, # <u>32</u> Exhibit Memorandum Terry Adams/Pam Byrd, 4/1/08, # <u>33</u> Exhibit Email Melissa Adams 5/10/07, # <u>34</u> Exhibit Deposition of Keith Phillips, # <u>35</u> Exhibit Email Keith Phillips, 8/18/07, # <u>36</u> Exhibit Email Sharon Wright, 3/15/05, # <u>37</u> Exhibit J. Richard Navarre, II, M.D. Summary, 5/07/08, # <u>38</u> Exhibit Lawson Bernstein, M.D. 2/25/08 to Robert Homlar, # <u>39</u> Exhibit Def'Metro Amended Responses to Plaintiff's First Set of Requests for Admissions, # <u>40</u> Exhibit Kolby Harris Genesis Academy Weekly Counseling, 10/31/06, # <u>41</u> Exhibit Genesis Academy Significant Incident Report (Sealed), # <u>42</u> Exhibit Genesis Academy Significant Incident Report 11/10/06, # <u>43</u> Exhibit Fran Purcell letter, # <u>44</u> Exhibit Fran Purcell letter, # <u>45</u> Exhibit Genesis Academy Six Weeks Summary, # <u>46</u> Exhibit Genesis Academy Six Weeks Summary 3/5/07, # <u>47</u> Exhibit KolbyHarris Genesis Academy Significant Incident Report 5/15/07, # <u>48</u> Exhibit MNPS IEP 05–06, 11/7/05, # <u>49</u> Exhibit Background Information, # <u>50</u> Exhibit Genesis Academy Initiation to IEP Meeting 11/17/06)(Clemmons, John) Modified text on 2/23/2009 (tmw). Modified text and securities on 5/13/2009 (tmw). (Entered: 02/19/2009)
02/19/2009	<u>252</u>	Sealed Document (Unsealed per Order <u>292</u>). NOTICE of Filing by Kimberly Lopez re <u>247</u> Reply to Metro Response to Plaintiff's Motion for <i>Summary Judgment</i> (Attachments: # <u>1</u> Errata Affidavit of Kimberly D. Lopez, # <u>2</u> Exhibit Deposition of Kimberly Lopez 11/4/08, # <u>3</u> Exhibit Deposition of Melissa B. Adams, 4/15/08, (Sealed), # <u>4</u> Exhibit Deposition of Sandra Burton, # <u>5</u> Exhibit Deposition of Kimberly Lopez, 12/01/08 vol 2, # <u>6</u> Exhibit Deposition of Linda DePriest, 12/19/07, # <u>7</u> Exhibit MNPS IEP '06–'08 4/17/07, # <u>8</u> Exhibit Deposition of Terrilyn Harrins 10/28/08, (Sealed), # <u>9</u> Exhibit MNPS Plain '02–'03, 5/16/02, # <u>10</u> Exhibit Thompson, Warren letter 7/17/02, # <u>11</u> Exhibit MNPS Suspension Addendum 9/20/04, (Sealed), # <u>12</u> Exhibit Deposition of Dr. Linda DePriest vol II, # <u>13</u> Exhibit MNPS IEP '04–'05, # <u>14</u> Exhibit MNPS Functional Behavioral Assessment 2/04/05, # <u>15</u> Exhibit MNPS IEP '05–'06, 11/07/05, # <u>16</u> Exhibit MNPS Psychoeducational Assessment 2/13/07, # <u>17</u> Exhibit Deposition of Lyn McRainey, PhD, # <u>18</u> Exhibit Affidavit of Terrilyn Harris (Sealed), # <u>19</u> Exhibit Deposition of Jason Pyle, # <u>20</u> Exhibit Email from Keith Phillips 8/18/06, # <u>21</u> Exhibit Deposition of Terence W. Adams, # <u>22</u> Exhibit Deposition of Dr. Pedro

		Garcia, # <u>23</u> Exhibit Deposition of Christopher Gaines (Sealed), # <u>24</u> Exhibit Deposition of Susan Sawyer, # <u>25</u> Exhibit New Student IEP Information 1/6/06, # <u>26</u> Errata Email Linda DePriest 5/15/07, # <u>27</u> Exhibit Deposition of Marcus Hayes 8/18/08, # <u>28</u> Exhibit Deposition of Gloria Smith 2/19/08, # <u>29</u> Exhibit Email Sandy Burton 4/26/07, (Sealed), # <u>30</u> Exhibit Email Terry Adams 7/30/07, # <u>31</u> Exhibit Behavior Intervention Plan Genesis Academy 12/19/06, # <u>32</u> Exhibit Email Terry Adams, Pam Byrd 4/1/08, # <u>33</u> Exhibit Email Sandy Burton 5/10/07, # <u>34</u> Exhibit Deposition of Keith Phillips 10/27/08, # <u>35</u> Exhibit Email KeithPhillips 8/18/06, # <u>36</u> Exhibit Email Sharon Wright 3/15/05, # <u>37</u> Exhibit J. Richard Navarre, II Summary 5/07/08, # <u>38</u> Exhibit Lawson Bernstein Letter 2/25/08 to Robert Homlar, # <u>39</u> Exhibit Defendant Metropolitan Government of Nashville and Davidson County's Amended Responses to Plaintiff's First Set of Requests for Admissions, # <u>40</u> Exhibit Kolby Harris Genesis Academy Weekly Counseling, 10/31/06, # <u>41</u> Exhibit Genesis Academy Significant Incident Report 5/04/06, (Sealed), # <u>42</u> Exhibit Genesis Academy Significant Incident Report 11/10/06, # <u>43</u> Exhibit Fran Purcell Letter, # <u>44</u> Exhibit Fran Purcell Letter, # <u>45</u> Errata Genesis Academy Six Weeks Summary 11/13/06, # <u>46</u> Exhibit Genesis Academy Six Weeks Summary 3/05/07, # <u>47</u> Exhibit Genesis Academy Significant Incident Report 5/15/07, # <u>48</u> Exhibit MNPS IEP 11/7/05, # <u>49</u> Exhibit Kolby Harris Background Information, # <u>50</u> Exhibit Genesis Academy Invitation to IEP Meeting 11/17/06)(Clemmons, John) Modified text on 2/23/2009 (tmw). Modified text and securities on 5/13/2009 (tmw). (Entered: 02/19/2009)
02/19/2009	<u>253</u>	APPENDIX filed by Kimberly Lopez re <u>243</u> Memorandum in Support. (Attachments: # <u>1</u> Appendix Dean v. Weakley, # <u>2</u> Appendix Enright v. Springfield, # <u>3</u> Appendix Peer v. Porterfield, # <u>4</u> Appendix Staehling v. Metro, # <u>5</u> Appendix Wilson v. Metro)(Clemmons, John) Modified text on 2/23 & 3/5, 2009 (tmw). (Entered: 02/19/2009)
02/19/2009	<u>254</u>	APPENDIX filed by Kimberly Lopez re <u>248</u> Memorandum in Support. (Attachments: # <u>1</u> Appendix Dean v. Weakley, # <u>2</u> Appendix Enright v. Springfield, # <u>3</u> Appendix Peer v. Porterfield, # <u>4</u> Appendix Staehling v. Metro, # <u>5</u> Appendix Wilson v. Metro Gov't)(Clemmons, John) (Entered: 02/19/2009)
02/19/2009	<u>255</u>	MOTION for Leave to File Document Under Seal by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 02/19/2009)
02/19/2009	<u>256</u>	Sealed Document (Unsealed per Order <u>292</u>) <i>Response to Plaintiff Kimberly Lopez's Statement of Additional Facts</i> filed by Metropolitan Government of Nashville & Davidson County. (Attachments: # <u>1</u> Exhibit Memo from Landrum to Overstreet dated 01/18/05)(Bay, R. Dale) Modified text and securities on 5/13/2009 (tmw). (Entered: 02/19/2009)
02/25/2009	<u>257</u>	MOTION to Strike <u>249</u> Statement of facts, by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 02/25/2009)
02/25/2009	<u>258</u>	MEMORANDUM in Support of <u>257</u> MOTION to Strike <u>249</u> Statement of facts, filed by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 02/25/2009)
02/25/2009	<u>259</u>	MOTION to Strike <u>231</u> Sealed Document <i>US Reply in Support of Statement of Undisputed Facts</i> by Metro Government of Nashville and Davidson County, Tennessee. (Bay, R. Dale) (Entered: 02/25/2009)
02/25/2009	<u>260</u>	MEMORANDUM in Support of <u>259</u> MOTION to Strike <u>231</u> Sealed Document <i>US Reply in Support of Statement of Undisputed Facts</i> filed by Metro Government of Nashville and Davidson County, Tennessee. (Bay, R. Dale) (Entered: 02/25/2009)
02/27/2009	<u>261</u>	MOTION for Extension of Time to File <i>Motion For Review Of The Court's January 15, 2009 Order</i> by US Attorney/MDTN. (Attachments: # <u>1</u> Exhibit A --- Correspondence)(Wildasin, Mark) (Entered: 02/27/2009)
03/03/2009	<u>262</u>	RESPONSE to Motion re <u>261</u> MOTION for Extension of Time to File <i>Motion For Review Of The Court's January 15, 2009 Order</i> filed by Metropolitan Government of Nashville & Davidson County. (Attachments: # <u>1</u> Exhibit A--February 20, 2009 letter)(Young, Francis) (Entered: 03/03/2009)

03/03/2009	<u>263</u>	ORDER granting <u>261</u> Motion for Extension of Time to Move for Review. The time for the United States to file a motion for review of the order entered 1/15/09, <u>161</u> is further extended to 4/1/09. Since deft Metro has represented that it has produced documents in accord with the 1/15/09, order, the Court urges the United States to file any motion for review as soon as possible so that it can be fully briefed well in advance of the 4/27/09, pretrial conference. Signed by Magistrate Judge Juliet E. Griffin on 3/3/09. (tmw) (Entered: 03/03/2009)
03/03/2009	<u>264</u>	NOTICE of Dismissal of Criminal Case, On-Going Commitment of Kolby Harris, and Criminal Defense Atty "Steps Out of Civil Case." (Tennent, Richard) Modified on 3/4/2009 (tmw). (Entered: 03/03/2009)
03/03/2009	<u>265</u>	US RESPONSE to Deft Metro's <u>259</u> MOTION to Strike <u>231</u> Sealed Document <i>US Reply in Support of Statement of Undisputed Facts</i> filed by US Attorney/MDTN. (Fischbach, Jonathan) Modified text on 3/4/2009 (tmw). (Entered: 03/03/2009)
03/03/2009	<u>266</u>	MOTION to Strike Pltf's <u>244</u> Additional Statement of facts, or, in the Alternative, For Additional Time to Respond, by Genesis Learning Centers. (Simms, James) Modified text on 3/4/2009 (tmw). (Entered: 03/03/2009)
03/03/2009	<u>267</u>	MEMORANDUM in Support of <u>266</u> MOTION to Strike <u>244</u> Statement of facts filed by Genesis Learning Centers. (Simms, James) (Entered: 03/03/2009)
03/04/2009		Minute Entry for proceedings held before Magistrate Judge Juliet E. Griffin: Telephone Conference held on 3/4/2009; ORDER to enter. (jwc) (Entered: 03/04/2009)
03/04/2009	<u>268</u>	ORDER: Pursuant to the order entered 1/29/09, <u>192</u> , counsel for the parties and Ray Throckmorton, who has recently entered an appearance as counsel for Terrilyn Harris in Harris v. Metro, 3-08-0859, called the Court on 3/4/09. To the extent that any sealed filings contain information covered under the protective order entered 3/7/08, <u>69</u> , or the order entered 12/2/08, <u>151</u> , such orders are hereby expressly MODIFIED to allow Mr. Throckmorton to be provided with copies of such filings and for the parties to be able to provide copies of such filings and documents to Jim Kay, who will be conducting the mediation in this case on 3/11/09. Mr. Throckmorton and Mr. Kay shall comply with the non-disclosure provisions of the 3/7/08, and 12/2/08, orders. Telephone Conference set for 4/1/2009, at 9:00 AM before Magistrate Judge Juliet E. Griffin, to be initiated by counsel for deft Genesis. Signed by Magistrate Judge Juliet E. Griffin on 3/4/09. (tmw) (Entered: 03/05/2009)
03/05/2009	<u>269</u>	ORDER granting <u>211</u> Motion for Leave to File Excess Pages; granting <u>219</u> Motion for Leave to File Excess Pages. The Magistrate Judge declines to address the motion of deft Metro to exceed <u>204</u> and pltf's motion to exceed <u>246</u> , in deference to the Honorable Robert L. Echols because the parties seek to file a memorandum slightly more than 40 pages and a 26-page reply, respectively. As housekeeping matters, the Clerk is directed to remove from seal the following docket entries: (1) <u>240</u> ; (2) <u>245</u> ; (3) <u>246</u> ; (4) <u>247</u> ; and (5) <u>253</u> , which is a duplicate of <u>254</u> , which is not under seal. There is no reason for these filings to remain under seal. Signed by Magistrate Judge Juliet E. Griffin on 3/5/09. (tmw) (Entered: 03/05/2009)
03/06/2009	<u>270</u>	RESPONSE in Opposition re <u>257</u> MOTION to Strike <u>249</u> Statement of facts, <i>to Defendant Metropolitan Government of Nashville and Davidson County's Motion to Strike Plaintiff's Additional Statement of Facts</i> filed by Kimberly Lopez. (Clemmons, John) (Entered: 03/06/2009)
03/06/2009	<u>271</u>	RESPONSE in Opposition re <u>266</u> MOTION to Strike <u>244</u> Statement of facts <i>to Defendant Genesis Learning Centers' Motion to Strike Plaintiff's Additional Statement of Facts</i> filed by Kimberly Lopez. (Clemmons, John) (Entered: 03/06/2009)
03/09/2009	<u>272</u>	NOTICE of Filing re <u>270</u> RESPONSE, by Kimberly Lopez, <i>Pltf's Amended Response in Opposition to Deft Metro's Motion to Strike Pltf's Additional Statement of Facts</i> (Attachments: # <u>1</u> Supplement - Pltfs' Amended Response In Opposition to Deft Metro's Motion to Strike Pltf's Additional Statement of Facts)(Clemmons, John) Modified text on 3/13/2009 (tmw). (Entered: 03/09/2009)

03/09/2009	<u>273</u>	MOTION for Leave to file the Reply Memorandum by Metro Government of Nashville and Davidson County, Tennessee. (Bay, R. Dale) Modified text on 3/13/2009 (tmw). (Entered: 03/09/2009)
03/09/2009	<u>274</u>	REPLY to Response to Motion re <u>259</u> MOTION to Strike <u>231</u> Sealed Document <i>US Reply in Support of Statement of Undisputed Facts</i> filed by Metro Government of Nashville and Davidson County, Tennessee. (Bay, R. Dale) (Entered: 03/09/2009)
03/10/2009	<u>275</u>	MOTION for attorney Luke McLaurin to Appear Pro Hac Vice by US Attorney/MDTN. (Attachments: # <u>1</u> Exhibit Sixth Circuit Certificate of Good Standing, # <u>2</u> Exhibit Proposed Entry of Appearance)(Wildasin, Mark) (Entered: 03/10/2009)
03/10/2009	<u>276</u>	MOTION for Leave to file Reply Memorandum re <u>270</u> Response in Opposition to Motion, <i>to Strike</i> by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) Modified text on 3/13/2009 (tmw). (Entered: 03/10/2009)
03/10/2009	<u>277</u>	REPLY filed by Metropolitan Government of Nashville & Davidson County re <u>270</u> Response in Opposition to Motion, filed by Kimberly Lopez. (Bay, R. Dale) (Entered: 03/10/2009)
03/10/2009		Note to filer re <u>275</u> : Certificates of Good Standing should be filed as separate events, not as attachments to other pleadings. It is not necessary to re-file this document unless otherwise directed by the Court. (tmw) (Entered: 03/13/2009)
03/12/2009	<u>278</u>	ORDER: By previous Order, this case was set for a jury trial on Tuesday, 5/26/09, beginning at 9:00 a.m., and for a Final Pretrial Conference in this Court on Thursday, 4/30/09,* at 2:00 p.m. Witness Lists and Exhibit Lists due by 4/22/2009. Joint Proposed Pretrial Order due by 4/22/2009. Signed by Senior Judge Robert Echols on 3/12/09. (tmw) (Entered: 03/13/2009)
03/19/2009	<u>279</u>	MOTION for Review re <u>161</u> Order, Terminate Motions by US Attorney/MDTN. (Attachments: # <u>1</u> Exhibit A – Correspondence between the United States and Metro)(Fischbach, Jonathan) (Entered: 03/19/2009)
04/01/2009	<u>280</u>	MOTION to Remand to State Court <i>Plaintiff's claims arising under the Tennessee Governmental Torts Liability Act</i> by Kimberly Lopez. (Clemmons, John) (Entered: 04/01/2009)
04/01/2009	<u>281</u>	MEMORANDUM in Support of <u>280</u> MOTION to Remand to State Court <i>Plaintiff's claims arising under the Tennessee Governmental Torts Liability Act</i> filed by Kimberly Lopez. (Clemmons, John) (Entered: 04/01/2009)
04/01/2009	<u>282</u>	APPENDIX filed by Kimberly Lopez re <u>281</u> Memorandum in Support. (Attachments: # <u>1</u> Maxwell v. Conn, # <u>2</u> Turner v. Blount County, Tenn.)(Clemmons, John) (Entered: 04/01/2009)
04/01/2009		Minute Entry for proceedings held before Magistrate Judge Juliet E. Griffin: Telephone Conference held on 4/1/2009; ORDER to enter. (jwc) (Entered: 04/01/2009)
04/02/2009	<u>283</u>	RESPONSE to <u>279</u> MOTION for Review re <u>161</u> Order, filed by Metropolitan Government of Nashville & Davidson County. (Young, Francis) Modified text on 4/3/2009 (tmw). (Entered: 04/02/2009)
04/03/2009	<u>284</u>	NOTICE of Filing of Notice of Withdrawal re <u>275</u> MOTION for attorney Luke McLaurin to Appear Pro Hac Vice, by US Attorney/MDTN . (Wildasin, Mark) Modified text on 4/3/2009 (tmw). (Entered: 04/03/2009)
04/03/2009	<u>285</u>	MOTION for Leave to Appear of United States Government attorney <i>and to Waive In Part Local Rule 83.01(d)(2)</i> by US Attorney/MDTN. (Attachments: # <u>1</u> Exhibit Certificate of Good Standing, # <u>2</u> Exhibit Entry of Appearance)(Wildasin, Mark) Modified text on 4/3/2009 (tmw). (Entered: 04/03/2009)
04/03/2009		Note to filer re <u>285</u> : Certificates of Good Standing should be filed as separate events, not as attachments to other pleadings. It is not necessary to re-file this document unless otherwise directed by the Court. (tmw) (Entered: 04/03/2009)

04/03/2009		Bar status of Atty Luke A. McLaurin of NY verified as active this date. (tmw) (Entered: 04/03/2009)
04/06/2009	<u>286</u>	ORDER terminating as withdrawn <u>275</u> MOTION for atty Luke McLaurin to Appear Pro Hac Vice; granting <u>285</u> MOTION for Leave to Appear of US Govt atty. Pursuant to the order entered 3/4/09, <u>269</u> , counsel for the parties called the Court on 4/1/09. Parties shall, by 4/10/09, provide the Court with a joint statement of the filings that should be maintained under seal. Counsel were directed to confer with their experts and jointly notify the Court by 4/3/09, of the dates scheduled for the expert depositions. Signed by Magistrate Judge Juliet E. Griffin on 4/6/09. (cc: Atty Ray Throckmorton via email) (tmw) (Entered: 04/06/2009)
04/06/2009	<u>287</u>	NOTICE of Appearance by Luke A. McLaurin on behalf of United States of America. (tmw) (Entered: 04/06/2009)
04/07/2009	<u>288</u>	REPLY to Response to Motion re <u>279</u> MOTION for Review re <u>161</u> Order, Terminate Motions filed by US Attorney/MDTN. (McLaurin, Luke) (Entered: 04/07/2009)
04/07/2009	<u>289</u>	Joint MOTION for Extension of Time to File <i>Motions in Limine and Motions Objecting to Expert Testimony</i> by Genesis Learning Centers. (Simms, James) (Entered: 04/07/2009)
04/08/2009	<u>290</u>	ORDER: During the telephone conference call with counsel for the parties on April 1, 2009, and as memorialized in the order entered April 6, 2009 (Docket Entry No. <u>286</u>), the parties were directed to notify the Court by April 3, 2009, of the dates scheduled for expert depositions. The Court has not heard from the parties about the schedule for expert depositions. By no later than April 10, 2009, the parties shall file a joint notice of the schedule of expert depositions, including the date, deponent, and location of each deposition. Signed by Magistrate Judge Juliet E. Griffin on 4/8/09. (km) (Entered: 04/08/2009)
04/09/2009	<u>291</u>	NOTICE by Genesis Learning Centers of <i>Scheduling of Expert Depositions</i> (Simms, James) (Entered: 04/09/2009)
04/13/2009	<u>292</u>	ORDER: In accord with the order entered 4/6/09, <u>286</u> , the parties have provided the Court by facsimile a joint listing of the documents that should remain under seal to protect confidential information related to third parties. Thus the pending motions to place documents under seal are resolved as follows: Granting in part and denying in part <u>165</u> Motion to Seal; granting in part and denying in part <u>168</u> Motion to Seal; denying <u>173</u> Motion to Seal; denying <u>177</u> Motion to Seal; granting in part and denying in part <u>181</u> Motion to Seal; granting in part and denying in part <u>194</u> Motion to Seal; denying <u>200</u> Motion to Seal; denying <u>205</u> Motion to Seal; denying <u>208</u> Motion to Seal; granting in part and denying in part <u>212</u> Motion to Seal; granting in part and denying in part <u>220</u> Motion to Seal; granting in part and denying in part <u>229</u> Motion to Seal; denying <u>232</u> Motion to Seal; denying <u>235</u> Motion to Seal; denying <u>237</u> Motion to Seal; denying <u>238</u> Motion to Seal; denying <u>241</u> Motion to Seal; granting in part and denying in part <u>245</u> Motion to Seal; denying <u>255</u> Motion to Seal. Signed by Magistrate Judge Juliet E. Griffin on 4/13/09. (tmw) (Entered: 04/13/2009)
04/15/2009	<u>293</u>	REPLY to Response to Motion re <u>164</u> MOTION for Summary Judgment (<i>Redacted</i>) filed by US Attorney/MDTN. (McLaurin, Luke) (Entered: 04/15/2009)
04/15/2009	<u>294</u>	RESPONSE to Motion re <u>280</u> MOTION to Remand to State Court <i>Plaintiff's claims arising under the Tennessee Governmental Torts Liability Act</i> filed by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/15/2009)
04/17/2009	<u>295</u>	ORDER: Final Pretrial Conference reset for 5/1/2009, at 2:00 PM in Courtroom 874 before Senior Judge Robert Echols. In all other respects, the Order entered 3/13/09, shall remain in full force and effect <u>278</u> . Signed by Senior Judge Robert Echols on 4/17/09. (tmw) (Entered: 04/17/2009)
04/20/2009	<u>296</u>	ORDER granting <u>289</u> Joint Motion to Extend Ddl for Filing Motions In Limine and Motions Objecting to Expert Testimony. The time within which to file said motions is hereby extended to Monday, 4/20/09. Responses are due Monday, 4/27/09. Signed by Senior Judge Robert Echols on 4/20/09. (tmw) (Entered: 04/20/2009)

		04/20/2009)
04/20/2009	<u>297</u>	CORPORATE DISCLOSURE STATEMENT filed by Genesis Learning Centers. (Simms, James) (Entered: 04/20/2009)
04/20/2009	<u>298</u>	MOTION in Limine to Exclude Certain Testimony of Plaintiff's Expert Dr. Lawson Bernstein by Genesis Learning Centers. (Attachments: # <u>1</u> Exhibit 1 – Affidavit of James K. Simms, IV, # <u>2</u> Exhibit 2 – Plaintiffs' Rule 26 Expert Witness Disclosure, # <u>3</u> Exhibit 3 – February 25, 2008 Letter from Dr. Bernstein, # <u>4</u> Exhibit 4 – March 23, 2008 Letter from Dr. Bernstein, # <u>5</u> Exhibit 5 – Videotape Deposition Transcript of Dr. Bernstein)(Simms, James) (Entered: 04/20/2009)
04/20/2009	<u>299</u>	MEMORANDUM in Support of <u>298</u> MOTION in Limine to Exclude Certain Testimony of Plaintiff's Expert Dr. Lawson Bernstein filed by Genesis Learning Centers. (Simms, James) (Entered: 04/20/2009)
04/20/2009	<u>300</u>	MOTION in Limine to Exclude Any Video or Photographic Evidence Produced by Plaintiff for Use at Trial by Genesis Learning Centers. (Simms, James) (Entered: 04/20/2009)
04/20/2009	<u>301</u>	MEMORANDUM in Support of <u>300</u> MOTION in Limine to Exclude Any Video or Photographic Evidence Produced by Plaintiff for Use at Trial filed by Genesis Learning Centers. (Simms, James) (Entered: 04/20/2009)
04/20/2009	<u>302</u>	MOTION in Limine Regarding Charaterization of School Bus Incident by Genesis Learning Centers. (Rose, Benjamin) (Entered: 04/20/2009)
04/20/2009	<u>303</u>	MEMORANDUM in Support of <u>302</u> MOTION in Limine Regarding Charaterization of School Bus Incident filed by Genesis Learning Centers. (Rose, Benjamin) (Entered: 04/20/2009)
04/20/2009	<u>304</u>	MOTION in Limine Regarding Use of the Term "Predator" by Genesis Learning Centers. (Rose, Benjamin) (Entered: 04/20/2009)
04/20/2009	<u>305</u>	MEMORANDUM in Support of <u>304</u> MOTION in Limine Regarding Use of the Term "Predator" filed by Genesis Learning Centers. (Rose, Benjamin) (Entered: 04/20/2009)
04/20/2009	<u>306</u>	NOTICE of Filing in further support of <u>304</u> MOTION in Limine Regarding Use of the Term "Predator", by Genesis Learning Centers. (Attachments: # <u>1</u> Exhibit Case from Foreign Jurisdiction (Part I), # <u>2</u> Exhibit Case from Foreign Jurisdiction (Part II), # <u>3</u> Exhibit Case from Foreign Jurisdiction, # <u>4</u> Exhibit Case from Foreign Jurisdiction)(Rose, Benjamin) Modified text on 4/22/2009 (tmw). (Entered: 04/20/2009)
04/20/2009	<u>307</u>	(Identical to DE 309) MEMORANDUM in Support of 308 MOTION in Limine # 1 re: Exclusion of any reference to G.L.'s Chicago IEP containing a Bus Aide filed by Metropolitan Government of Nashville & Davidson County)(Bay, R. Dale) Modified on 9/21/2009 (af). (Entered: 04/20/2009)
04/20/2009	<u>308</u>	MOTION in Limine # 1 re: Exclusion of any reference to G.L.'s Chicago IEP containing a Bus Aide by Metropolitan Government of Nashville & Davidson County. (Attachments: # <u>1</u> Exhibit Caselaw – PD vs. Franklin Township Board of Education)(Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>309</u>	MEMORANDUM in Support of <u>308</u> MOTION in Limine # 1 re: Exclusion of any reference to G.L.'s Chicago IEP containing a Bus Aide filed by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>310</u>	MOTION in Limine # 2 re: Exclusion of all References to Dr. Lyn McRainey's Psychoeducational Assessment as a "Psychological Evaluation" or "Psychological Assessment" or "Psychological Report" by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>311</u>	MEMORANDUM in Support of <u>310</u> MOTION in Limine # 2 re: Exclusion of all References to Dr. Lyn McRainey's Psychoeducational Assessment as a "Psychological Evaluation" or "Psychological Assessment" or "Psychological Report" filed by Metropolitan Government of Nashville & Davidson County. (Bay,

		R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>312</u>	MOTION in Limine # 3 re: <i>Exclusion of Testimony which identifies Third Party Students</i> by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>313</u>	MEMORANDUM in Support of <u>312</u> MOTION in Limine # 3 re: <i>Exclusion of Testimony which identifies Third Party Students</i> filed by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>314</u>	MOTION in Limine # 4 re: <i>Exclusion all Testimony regarding the Placement of Bus Monitors Outside of IEP Process</i> by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>315</u>	MEMORANDUM in Support of <u>314</u> MOTION in Limine # 4 re: <i>Exclusion all Testimony regarding the Placement of Bus Monitors Outside of IEP Process</i> filed by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>316</u>	MOTION in Limine # 5 to exclude <i>References to the May 7, 2007 Incident as "Rape," "Assault," or the Result of "Force"</i> by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>317</u>	MEMORANDUM in Support of <u>316</u> MOTION in Limine # 5 to exclude <i>References to the May 7, 2007 Incident as "Rape," "Assault," or the Result of "Force"</i> filed by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>318</u>	MOTION in Limine # 6 to exclude <i>of any Testimony of Dr. Warren Thompson referencing requirements as they existed under previous IDEA Regulations within his employment and experience with the Metropolitan Government of Nashville and Davidson County</i> by Metropolitan Government of Nashville & Davidson County. (Attachments: # <u>1</u> Exhibit A – Dr. Warren Thompson deposition, # <u>2</u> Exhibit B – Dr. Warren Thompson report)(Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>319</u>	MEMORANDUM in Support of <u>318</u> MOTION in Limine # 6 to exclude <i>of any Testimony of Dr. Warren Thompson referencing requirements as they existed under previous IDEA Regulations within his employment and experience with the Metropolitan Government of Nashville and Davidson Co</i> filed by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>320</u>	MOTION in Limine # 7 to exclude <i>all Media reports and Information contained therein</i> by Metropolitan Government of Nashville & Davidson County. (Attachments: # <u>1</u> Exhibit A – News story from Newschannel 5)(Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>321</u>	MEMORANDUM in Support of <u>320</u> MOTION in Limine # 7 to exclude <i>all Media reports and Information contained therein</i> filed by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>322</u>	MOTION in Limine # 8 to exclude <i>all video or photographic evidence produced and created by Plaintiff for use at trial</i> by Metropolitan Government of Nashville & Davidson County. (Attachments: # <u>1</u> Exhibit Youth Villages Report)(Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>323</u>	MEMORANDUM in Support of <u>322</u> MOTION in Limine # 8 to exclude <i>all video or photographic evidence produced and created by Plaintiff for use at trial</i> filed by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>324</u>	MOTION in Limine # 9 to exclude <i>references to K.H. as a "Predator"</i> by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>325</u>	MEMORANDUM in Support of <u>324</u> MOTION in Limine # 9 to exclude <i>references to K.H. as a "Predator"</i> filed by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/20/2009)

04/20/2009	<u>326</u>	MOTION in Limine <i>to Admit Out-of-Court Statements of Gilberto Lopez</i> by US Attorney/MDTN. (McLaurin, Luke) (Entered: 04/20/2009)
04/20/2009	<u>327</u>	MEMORANDUM in Support of <u>326</u> MOTION in Limine <i>to Admit Out-of-Court Statements of Gilberto Lopez</i> filed by US Attorney/MDTN. (Attachments: # <u>1</u> Exhibit A – 2/21/09 Youth Villages Individual Session Note)(McLaurin, Luke) (Entered: 04/20/2009)
04/20/2009	<u>328</u>	MOTION in Limine # <i>10 re: Exclusion of Photographs taken by Kimberly Lopez of G.L.</i> by Metropolitan Government of Nashville & Davidson County. (Attachments: # <u>1</u> Exhibit Photographs of G.L.)(Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>329</u>	MEMORANDUM in Support of <u>328</u> MOTION in Limine # <i>10 re: Exclusion of Photographs taken by Kimberly Lopez of G.L.</i> filed by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>330</u>	MOTION in Limine # <i>11 re: Exclusion of certain Electronic Mail Correspondence between Metro Officials</i> by Metropolitan Government of Nashville & Davidson County. (Attachments: # <u>1</u> Exhibit A – Email correspondence)(Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>331</u>	MEMORANDUM in Support of <u>330</u> MOTION in Limine # <i>11 re: Exclusion of certain Electronic Mail Correspondence between Metro Officials</i> filed by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>332</u>	MOTION in Limine # <i>12 re: Exclusion of Office of Civil Rights Complaint and Consent Decree</i> by Metropolitan Government of Nashville & Davidson County. (Attachments: # <u>1</u> Exhibit A – Correspondence, # <u>2</u> Exhibit B – Consent Decree)(Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>333</u>	MEMORANDUM in Support of <u>332</u> MOTION in Limine # <i>12 re: Exclusion of Office of Civil Rights Complaint and Consent Decree</i> filed by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>334</u>	MOTION in Limine # <i>13 to exclude certain testimony of Plaintiff's expert Dr. Lawson Bernstein</i> by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>335</u>	MEMORANDUM in Support of <u>334</u> MOTION in Limine # <i>13 to exclude certain testimony of Plaintiff's expert Dr. Lawson Bernstein</i> filed by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>336</u>	MOTION in Limine # <i>14 to exclude all evidence pertaining to Recovery of Expenses for Placement of G.L. at Youth Villages</i> by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>337</u>	MEMORANDUM in Support of <u>336</u> MOTION in Limine # <i>14 to exclude all evidence pertaining to Recovery of Expenses for Placement of G.L. at Youth Villages</i> filed by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>338</u>	MOTION in Limine <i>to Exclude Opinions of Begtrup and Thompson</i> by Kimberly Lopez. (Clemmons, John) (Entered: 04/20/2009)
04/20/2009	<u>339</u>	NOTICE of Filing in support of <u>338</u> MOTION in Limine <i>to Exclude Opinions of Begtrup and Thompson</i> , by Kimberly Lopez. (Attachments: # <u>1</u> Exhibit Begtrup, MD Report, # <u>2</u> Exhibit Thompson PhD report, # <u>3</u> Exhibit Youth Villages records, # <u>4</u> Exhibit Indiana Family & Social Services Admin. records, # <u>5</u> Exhibit Lifespring Discharge Summary, # <u>6</u> Exhibit Vanderbilt Discharge Summary, # <u>7</u> Exhibit Vanderbilt records, # <u>8</u> Exhibit Dr. Navarre's May 7, 2008 letter)(Clemmons, John) Modified text on 4/22/2009 (tmw). (Entered: 04/20/2009)
04/20/2009	<u>340</u>	MEMORANDUM in Support of <u>338</u> MOTION in Limine <i>to Exclude Opinions of Begtrup and Thompson</i> filed by Kimberly Lopez. (Clemmons, John) (Entered: 04/20/2009)

04/20/2009	<u>341</u>	MOTION in Limine # 15 to exclude all testimony regarding all alleged discussions which occurred during certain IEP meetings for G.L. and K.H. by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>342</u>	MEMORANDUM in Support of <u>341</u> MOTION in Limine # 15 to exclude all testimony regarding all alleged discussions which occurred during certain IEP meetings for G.L. and K.H. filed by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>343</u>	MOTION in Limine # 16 re: Exclusion of any evidence regarding certain Disciplinary Incidents involving K.H. by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>344</u>	MEMORANDUM in Support of <u>343</u> MOTION in Limine # 16 re: Exclusion of any evidence regarding certain Disciplinary Incidents involving K.H. filed by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>345</u>	MOTION in Limine # 17 re: Exclusion of certain documents produced by Defendant in response to Subpoena by Intervening Plaintiff by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>346</u>	MEMORANDUM in Support of <u>345</u> MOTION in Limine # 17 re: Exclusion of certain documents produced by Defendant in response to Subpoena by Intervening Plaintiff filed by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>347</u>	MOTION in Limine # 18 re: Exclusion of Factual Allegations and Video of Incident in Staehling matter by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>348</u>	MEMORANDUM in Support of <u>347</u> MOTION in Limine # 18 re: Exclusion of Factual Allegations and Video of Incident in Staehling matter filed by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/20/2009)
04/20/2009	<u>349</u>	MOTION in Limine Omnibus by Kimberly Lopez. (Clemmons, John) (Entered: 04/20/2009)
04/20/2009	<u>350</u>	APPENDIX A filed by Kimberly Lopez re <u>349</u> Motion in Limine. (Attachments: # <u>1</u> Exhibit Medical Records)(Clemmons, John) Modified text on 4/22/2009 (tmw). (Entered: 04/20/2009)
04/20/2009	<u>351</u>	APPENDIX B filed by Kimberly Lopez re <u>349</u> Motion in Limine. (Attachments: # <u>1</u> Exhibit Medical records part one, # <u>2</u> Supplement to Exh. 2, # <u>3</u> Supplement to Exh. 2, # <u>4</u> Supplement to Exh.2, # <u>5</u> Supplement to Exh. 2, # <u>6</u> Supplement to Exh. 2, # <u>7</u> Supplement to Exh.2, # <u>8</u> Supplement to Exh.2, # <u>9</u> Supplement to Exh.2, # <u>10</u> Supplement to Exh.2)(Clemmons, John) Modified text on 4/22/2009 (tmw). (Entered: 04/20/2009)
04/20/2009	<u>352</u>	APPENDIX C filed by Kimberly Lopez re <u>349</u> Motion in Limine. (Attachments: # <u>1</u> Exhibit Exhibit 3 – Medical records, # <u>2</u> Supplement to Exh. 3, # <u>3</u> Supplement to Exh.3, # <u>4</u> Supplement to Exh.3, # <u>5</u> Supplement to Exh.3)(Clemmons, John) Modified text on 4/22/2009 (tmw). (Entered: 04/20/2009)
04/20/2009	<u>353</u>	MEMORANDUM in Support of <u>349</u> MOTION in Limine Omnibus filed by Kimberly Lopez and Appendix of Unreported and Out of State Cases with complete cases exhibits. (Attachments: # <u>1</u> Appendix Unreported and Out-of-state Cases, # <u>2</u> Exhibit Rogers v. Wal-Mart, # <u>3</u> Exhibit Robenhorst, # <u>4</u> Exhibit Dunlap, # <u>5</u> Exhibit Vaught, # <u>6</u> Exhibit In re JDH, # <u>7</u> Exhibit In re Misty)(Clemmons, John) (Entered: 04/20/2009)
04/20/2009	<u>354</u>	APPENDIX D filed by Kimberly Lopez re <u>349</u> Motion in Limine. (Attachments: # <u>1</u> Exhibit Medical records, # <u>2</u> Supplement to Exh.4, # <u>3</u> Supplement to Exh.4, # <u>4</u> Supplement to Exh.4, # <u>5</u> Supplement to Exh.4, # <u>6</u> Supplement to Exh.4, # <u>7</u> Supplement to Exh.4, # <u>8</u> Supplement to Exh.4, # <u>9</u> Supplement to

		Exh.4)(Clemmons, John) Modified text on 4/22/2009 (tmw). (Entered: 04/20/2009)
04/20/2009	<u>355</u>	APPENDIX E filed by Kimberly Lopez re <u>349</u> Motion in Limine. (Attachments: # <u>1</u> Exhibit Medical Records)(Clemmons, John) Modified text on 4/22/2009 (tmw). (Entered: 04/21/2009)
04/20/2009		Note to filer re <u>298</u> : Signed affidavits/declarations should be filed as separate events, not as attachments to other pleadings. It is not necessary to re-file this document unless otherwise directed by the Court. (tmw) (Entered: 04/22/2009)
04/21/2009	<u>356</u>	APPENDIX F filed by Kimberly Lopez re <u>349</u> Motion in Limine. (Attachments: # <u>1</u> Exhibit Medical records, # <u>2</u> Supplement to Exh.6, # <u>3</u> Supplement to Exh.6, # <u>4</u> Supplement to Exh.6, # <u>5</u> Supplement to Exh.6, # <u>6</u> Supplement to Exh.6)(Clemmons, John) Modified text on 4/22/2009 (tmw). (Entered: 04/21/2009)
04/21/2009	<u>357</u>	APPENDIX G filed by Kimberly Lopez re <u>349</u> Motion in Limine. (Attachments: # <u>1</u> Exhibit Medical Records)(Clemmons, John) Modified text on 4/22/2009 (tmw). (Entered: 04/21/2009)
04/21/2009	<u>358</u>	APPENDIX H filed by Kimberly Lopez re <u>349</u> Motion in Limine. (Attachments: # <u>1</u> Exhibit Exhibit 8 – Medical records)(Clemmons, John) Modified text on 4/22/2009 (tmw). (Entered: 04/21/2009)
04/21/2009	<u>359</u>	APPENDIX I filed by Kimberly Lopez re <u>349</u> Motion in Limine. (Attachments: # <u>1</u> Exhibit Exhibit 9 – Medical records, # <u>2</u> Supplement to Exh.9)(Clemmons, John) Modified text on 4/22/2009 (tmw). (Entered: 04/21/2009)
04/21/2009	<u>360</u>	APPENDIX J filed by Kimberly Lopez re <u>349</u> Motion in Limine. (Attachments: # <u>1</u> Exhibit Exhibit Ten – Medical records, # <u>2</u> Supplement to Exh10, # <u>3</u> Supplement to Exh10, # <u>4</u> Supplement to Exh.10, # <u>5</u> Supplement to Exh.10, # <u>6</u> Supplement to Exh.10, # <u>7</u> Supplement to Exh.10, # <u>8</u> Supplement to Exh.10)(Clemmons, John) Modified text on 4/22/2009 (tmw). (Entered: 04/21/2009)
04/22/2009	<u>361</u>	Witness List <i>and Exhibit List</i> by Genesis Learning Centers. (Simms, James) (Entered: 04/22/2009)
04/22/2009	<u>362</u>	TRIAL BRIEF <i>on Recoverable Damages</i> by Genesis Learning Centers. (Simms, James) (Entered: 04/22/2009)
04/22/2009	<u>363</u>	MOTION to Bifurcate <i>Trial</i> by Genesis Learning Centers. (Simms, James) (Entered: 04/22/2009)
04/22/2009	<u>364</u>	MEMORANDUM in Support of <u>363</u> MOTION to Bifurcate <i>Trial</i> filed by Genesis Learning Centers. (Simms, James) (Entered: 04/22/2009)
04/22/2009	<u>365</u>	Proposed Jury Instructions by Genesis Learning Centers, Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/22/2009)
04/22/2009	<u>366</u>	Proposed Jury Instructions by Genesis Learning Centers, Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/22/2009)
04/22/2009	<u>367</u>	Proposed Jury Instructions by Genesis Learning Centers, Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/22/2009)
04/22/2009	<u>368</u>	Proposed Jury Instructions by Genesis Learning Centers, Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/22/2009)
04/22/2009	<u>369</u>	Proposed Jury Instructions by Genesis Learning Centers, Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/22/2009)
04/22/2009	<u>370</u>	Proposed Jury Instructions by Genesis Learning Centers, Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/22/2009)
04/22/2009	<u>371</u>	Proposed Jury Instructions by Genesis Learning Centers, Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/22/2009)
04/22/2009	<u>372</u>	Proposed Jury Instructions by Genesis Learning Centers, Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/22/2009)

04/22/2009	<u>373</u>	Proposed Jury Instructions by Genesis Learning Centers, Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/22/2009)
04/22/2009	<u>374</u>	Proposed Jury Instructions by Genesis Learning Centers, Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/22/2009)
04/22/2009	<u>375</u>	Proposed Jury Instructions by Genesis Learning Centers, Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/22/2009)
04/22/2009	<u>376</u>	Proposed Jury Instructions by Genesis Learning Centers, Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/22/2009)
04/22/2009	<u>377</u>	Proposed Jury Instructions by Genesis Learning Centers, Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/22/2009)
04/22/2009	<u>378</u>	Proposed Jury Instructions by Genesis Learning Centers, Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/22/2009)
04/22/2009	<u>379</u>	Proposed Jury Instructions by Genesis Learning Centers, Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/22/2009)
04/22/2009	<u>380</u>	Proposed Jury Instructions by Genesis Learning Centers, Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/22/2009)
04/22/2009	<u>381</u>	Proposed Jury Instructions by Genesis Learning Centers, Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/22/2009)
04/22/2009	<u>382</u>	Proposed Jury Instructions by Genesis Learning Centers, Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/22/2009)
04/22/2009	<u>383</u>	Proposed Jury Instructions by Genesis Learning Centers, Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/22/2009)
04/22/2009	<u>384</u>	Exhibit List by Metropolitan Government of Nashville & Davidson County.. (Bay, R. Dale) (Entered: 04/22/2009)
04/22/2009	<u>385</u>	Witness List by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/22/2009)
04/22/2009	<u>386</u>	Proposed Jury Verdict Form by Genesis Learning Centers, Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/22/2009)
04/22/2009	<u>387</u>	TRIAL BRIEF <i>on damages</i> by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/22/2009)
04/22/2009	<u>388</u>	Proposed Jury Verdict Form by Kimberly Lopez. (Clemmons, John) (Entered: 04/22/2009)
04/22/2009	<u>389</u>	Exhibit List by Kimberly Lopez.. (Clemmons, John) (Entered: 04/22/2009)
04/22/2009	<u>390</u>	Witness List by Kimberly Lopez. (Clemmons, John) (Entered: 04/22/2009)
04/22/2009	<u>391</u>	TRIAL BRIEF <i>on Recoverable Damages</i> by Kimberly Lopez. (Clemmons, John) (Entered: 04/22/2009)
04/22/2009	<u>392</u>	Proposed Pretrial Order by all parties. (McLaurin, Luke) (Entered: 04/22/2009)
04/22/2009	<u>393</u>	TRIAL BRIEF <i>on Damages Recoverable</i> by US Attorney/MDTN. (McLaurin, Luke) (Entered: 04/22/2009)
04/22/2009	<u>394</u>	Proposed Jury Instructions by US Attorney/MDTN. (McLaurin, Luke) (Entered: 04/22/2009)
04/22/2009	<u>395</u>	Witness List by US Attorney/MDTN. (McLaurin, Luke) (Entered: 04/22/2009)
04/22/2009	<u>396</u>	Exhibit List by US Attorney/MDTN.. (McLaurin, Luke) (Entered: 04/22/2009)
04/22/2009	<u>397</u>	Proposed Jury Instructions by Kimberly Lopez. (Clemmons, John) (Entered: 04/22/2009)

04/22/2009	<u>398</u>	Proposed Jury Instructions by Kimberly Lopez. (Clemmons, John) (Entered: 04/22/2009)
04/22/2009	<u>399</u>	Proposed Jury Instructions by Kimberly Lopez. (Clemmons, John) (Entered: 04/22/2009)
04/22/2009	<u>400</u>	Proposed Jury Instructions by Kimberly Lopez. (Clemmons, John) (Entered: 04/22/2009)
04/22/2009	<u>401</u>	Proposed Jury Instructions by Kimberly Lopez. (Clemmons, John) (Entered: 04/22/2009)
04/22/2009	<u>402</u>	Proposed Jury Instructions by Kimberly Lopez. (Clemmons, John) (Entered: 04/22/2009)
04/22/2009	<u>403</u>	Proposed Jury Instructions by Kimberly Lopez. (Clemmons, John) (Entered: 04/22/2009)
04/22/2009	<u>404</u>	Proposed Jury Instructions by Kimberly Lopez. (Clemmons, John) (Entered: 04/22/2009)
04/22/2009	<u>405</u>	Proposed Jury Instructions by Kimberly Lopez. (Clemmons, John) (Entered: 04/22/2009)
04/22/2009	<u>406</u>	Proposed Jury Instructions by Kimberly Lopez. (Clemmons, John) (Entered: 04/22/2009)
04/22/2009	<u>407</u>	Proposed Jury Instructions by Kimberly Lopez. (Clemmons, John) (Entered: 04/22/2009)
04/22/2009	<u>408</u>	Proposed Jury Instructions by Kimberly Lopez. (Clemmons, John) (Entered: 04/22/2009)
04/22/2009	<u>409</u>	Proposed Jury Instructions by Kimberly Lopez. (Clemmons, John) (Entered: 04/22/2009)
04/22/2009	<u>410</u>	Proposed Jury Instructions by Kimberly Lopez. (Clemmons, John) (Entered: 04/22/2009)
04/22/2009	<u>411</u>	Proposed Jury Instructions by Kimberly Lopez. (Clemmons, John) (Entered: 04/22/2009)
04/22/2009	<u>412</u>	Proposed Jury Instructions by Kimberly Lopez. (Clemmons, John) (Entered: 04/22/2009)
04/22/2009	<u>413</u>	Proposed Jury Instructions by Kimberly Lopez. (Clemmons, John) (Entered: 04/22/2009)
04/22/2009	<u>414</u>	Proposed Jury Instructions by Kimberly Lopez. (Clemmons, John) (Entered: 04/22/2009)
04/22/2009	<u>415</u>	Proposed Jury Instructions by Kimberly Lopez. (Clemmons, John) (Entered: 04/22/2009)
04/22/2009	<u>416</u>	Proposed Jury Instructions by Kimberly Lopez. (Clemmons, John) (Entered: 04/22/2009)
04/22/2009	<u>417</u>	Proposed Jury Instructions by Kimberly Lopez. (Clemmons, John) (Entered: 04/22/2009)
04/22/2009	<u>418</u>	Proposed Jury Instructions by Kimberly Lopez. (Clemmons, John) (Entered: 04/22/2009)
04/22/2009	<u>419</u>	Proposed Jury Instructions by Kimberly Lopez. (Clemmons, John) (Entered: 04/22/2009)
04/22/2009	<u>420</u>	Proposed Jury Instructions by Kimberly Lopez. (Clemmons, John) (Entered: 04/22/2009)
04/27/2009	<u>421</u>	RESPONSE in Opposition re <u>338</u> MOTION in Limine to Exclude Opinions of Begtrup and Thompson filed by Genesis Learning Centers. (Attachments: # <u>1</u>

		Exhibit 1 – Dr. Begtrup's Report, # <u>2</u> Exhibit 2 – Kimberly Lopez Depo Excerpts, # <u>3</u> Exhibit 3 – Dr. Navarre Depo, # <u>4</u> Exhibit 4 – Dr. Begtrup Depo, # <u>5</u> Exhibit 5 – Mount Sinai Medical Records, # <u>6</u> Exhibit 6 – Dr. Thompson's Report, # <u>7</u> Exhibit 7 – Youth Villages Records)(Simms, James) (Entered: 04/27/2009)
04/27/2009	<u>422</u>	RESPONSE in Opposition re <u>326</u> MOTION in Limine <i>to Admit Out-of-Court Statements of Gilberto Lopez</i> filed by Genesis Learning Centers. (Simms, James) (Entered: 04/27/2009)
04/27/2009	<u>423</u>	RESPONSE in Opposition re <u>326</u> MOTION in Limine <i>to Admit Out-of-Court Statements of Gilberto Lopez describing May 7, 2007 incident</i> filed by Metropolitan Government of Nashville & Davidson County. (Attachments: # <u>1</u> Exhibit Ex. A Youth Villages Med Records, # <u>2</u> Exhibit Ex. B Kieft Depo, # <u>3</u> Exhibit Ex. C Navarre Depo, # <u>4</u> Exhibit Ex. D Gaboy Depo)(Bay, R. Dale) (Entered: 04/27/2009)
04/27/2009	<u>424</u>	RESPONSE to Motion re <u>328</u> MOTION in Limine # <i>10 re: Exclusion of Photographs taken by Kimberly Lopez of G.L.</i> , <u>322</u> MOTION in Limine # <i>8 to exclude all video or photographic evidence produced and created by Plaintiff for use at trial</i> , <u>320</u> MOTION in Limine # <i>7 to exclude all Media reports and Information contained therein</i> , <u>300</u> MOTION in Limine <i>to Exclude Any Video or Photographic Evidence Produced by Plaintiff for Use at Trial</i> , <u>310</u> MOTION in Limine # <i>2 re: Exclusion of all References to Dr. Lyn McRainey's Psychoeducational Assessment as a "Psychological Evaluation" or "Psychological Assessment" or "Psychological Report"</i> , <u>312</u> MOTION in Limine # <i>3 re: Exclusion of Testimony which identifies Third Party Students</i> filed by Kimberly Lopez. (Clemmons, John) (Entered: 04/27/2009)
04/27/2009	<u>425</u>	RESPONSE to Motion re <u>304</u> MOTION in Limine <i>Regarding Use of the Term "Predator"</i> filed by Kimberly Lopez. (Attachments: # <u>1</u> Exhibit State v. Olson, # <u>2</u> Exhibit Indictment)(Clemmons, John) (Entered: 04/27/2009)
04/27/2009	<u>426</u>	RESPONSE in Opposition re <u>349</u> MOTION in Limine <i>Omnibus</i> filed by Genesis Learning Centers. (Attachments: # <u>1</u> Exhibit 1A – Catherine Kieft Depo, # <u>2</u> Exhibit 1B – Catherine Kieft Depo, # <u>3</u> Exhibit 1C – Catherine Kieft Depo, # <u>4</u> Exhibit 2 – Dr. Thompson's Report, # <u>5</u> Exhibit 3 – Dr. Begtrup's Report)(Simms, James) (Entered: 04/27/2009)
04/27/2009	<u>427</u>	RESPONSE in Opposition re <u>338</u> MOTION in Limine <i>to Exclude Opinions of Begtrup and Thompson</i> filed by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 04/27/2009)
04/27/2009	<u>428</u>	RESPONSE to Motion re <u>307</u> MOTION in Limine # <i>1 re: Exclusion of any Reference to G.L.'s Chicago IEP containing a Bus Aide</i> filed by Kimberly Lopez. (Clemmons, John) (Entered: 04/27/2009)
04/27/2009	<u>429</u>	RESPONSE to Motion re <u>314</u> MOTION in Limine # <i>4 re: Exclusion all Testimony regarding the Placement of Bus Monitors Outside of IEP Process</i> filed by Kimberly Lopez. (Clemmons, John) (Entered: 04/27/2009)
04/27/2009	<u>430</u>	RESPONSE to Motion re <u>318</u> MOTION in Limine # <i>6 to exclude of any Testimony of Dr. Warren Thompson referencing requirements as they existed under previous IDEA Regulations within his employment and experience with the Metropolitan Government of Nashville and Davidson Co</i> filed by Kimberly Lopez. (Clemmons, John) (Entered: 04/27/2009)
04/27/2009	<u>431</u>	RESPONSE to Motion re <u>330</u> MOTION in Limine # <i>11 re: Exclusion of certain Electronic Mail Correspondence between Metro Officials</i> filed by Kimberly Lopez. (Clemmons, John) (Entered: 04/27/2009)
04/27/2009	<u>432</u>	RESPONSE to Motion re <u>336</u> MOTION in Limine # <i>14 to exclude all evidence pertaining to Recovery of Expenses for Placement of G.L. at Youth Villages</i> filed by Kimberly Lopez. (Clemmons, John) (Entered: 04/27/2009)
04/27/2009	<u>433</u>	RESPONSE to Motion re <u>341</u> MOTION in Limine # <i>15 to exclude all testimony regarding all alleged discussions which occurred during certain IEP meetings for G.L. and K.H.</i> filed by Kimberly Lopez. (Clemmons, John) (Entered: 04/27/2009)

04/27/2009	<u>434</u>	RESPONSE to Motion re <u>343</u> MOTION in Limine # 16 re: <i>Exclusion of any evidence regarding certain Disciplinary Incidents involving K.H.</i> filed by Kimberly Lopez. (Attachments: # <u>1</u> Exhibit Overstreet/Landrum Letter, # <u>2</u> Exhibit FunctionalBehavioralAssessment, # <u>3</u> Exhibit Harris'Affidavit, # <u>4</u> Exhibit Harris'Deposition)(Clemmons, John) (Entered: 04/27/2009)
04/27/2009	<u>435</u>	RESPONSE in Opposition re <u>332</u> MOTION in Limine # 12 re: <i>Exclusion of Office of Civil Rights Complaint and Consent Decree</i> , <u>345</u> MOTION in Limine # 17 re: <i>Exclusion of certain documents produced by Defendant in response to Subpoena by Intervening Plaintiff</i> , <u>347</u> MOTION in Limine # 18 re: <i>Exclusion of Factual Allegations and Video of Incident in Staehling matter</i> filed by Kimberly Lopez. (Clemmons, John) (Entered: 04/27/2009)
04/27/2009	<u>436</u>	RESPONSE to Motion re <u>334</u> MOTION in Limine # 13 to exclude certain testimony of Plaintiff's expert Dr. Lawson Bernstein filed by Kimberly Lopez. (Clemmons, John) (Entered: 04/27/2009)
04/27/2009	<u>437</u>	RESPONSE in Opposition re <u>349</u> MOTION in Limine <i>Omnibus</i> filed by Metropolitan Government of Nashville & Davidson County. (Attachments: # <u>1</u> Exhibit Ex. A letter to Robert Homlar from Dr. Bernstein, # <u>2</u> Exhibit Ex. B Family Support and Preservation Progress Note)(Bay, R. Dale) (Entered: 04/27/2009)
04/27/2009	<u>438</u>	RESPONSE to Motions in Limine <u>302</u> , <u>304</u> , <u>307</u> , <u>308</u> , <u>310</u> , <u>312</u> , <u>314</u> , <u>316</u> , <u>318</u> , <u>320</u> , <u>324</u> , <u>330</u> , <u>332</u> , <u>341</u> , <u>343</u> , <u>345</u> & <u>347</u> , filed by US Attorney/MDTN. (Attachments: # <u>1</u> Exhibit 52 – Indictment and Judgment of Kolby Harris, # <u>2</u> Appendix D – Index of the United States' Exhibits)(McLaurin, Luke) Modified text on 3/1/2010 (tmw). (Entered: 04/27/2009)
04/28/2009	<u>439</u>	SUBPOENA issued to Cheryl J. Woodard and returned executed on 4/28/09 as to Cheryl J. Woodard by Kimberly Lopez (McCune, Malcolm) (Entered: 04/28/2009)
04/30/2009	<u>440</u>	ORDER: The Final Pretrial Conference scheduled for Friday, 5/1/09, at 2:00 p.m., is hereby continued, to be rescheduled by subsequent Order. Signed by Senior Judge Robert Echols on 4/30/09. (tmw) (Entered: 04/30/2009)
05/07/2009	<u>441</u>	NOTICE by US Attorney/MDTN of <i>Appearance By Amy Berman</i> (Wildasin, Mark) (Entered: 05/07/2009)
05/12/2009	<u>442</u>	Proposed Jury Instructions by Kimberly Lopez. (Clemmons, John) (Entered: 05/12/2009)
05/14/2009	<u>443</u>	TRIAL BRIEF by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 05/14/2009)
05/14/2009	<u>444</u>	TRIAL BRIEF by US Attorney/MDTN. (McLaurin, Luke) (Entered: 05/14/2009)
05/15/2009	<u>445</u>	TRIAL BRIEF by Kimberly Lopez. (Attachments: # <u>1</u> Exhibit Enright)(Clemmons, John) (Entered: 05/15/2009)
05/15/2009	<u>446</u>	TRIAL BRIEF by Genesis Learning Centers. (Simms, James) (Entered: 05/15/2009)
05/18/2009	<u>447</u>	SUBPOENA issued to Lyn McRainey, Ph.D. and returned executed on 5/12/2009 as to Lyn McRainey, Ph.D. by Kimberly Lopez (Clemmons, John) (Entered: 05/18/2009)
05/18/2009	<u>448</u>	SUBPOENA issued to Detective Joshua Mayo and returned executed on 5/12/2009 as to Detective Joshua Mayo by Kimberly Lopez (Clemmons, John) (Entered: 05/18/2009)
05/18/2009	<u>449</u>	SUBPOENA issued to Cheryl Woodard and returned executed on 5/12/2009 as to Cheryl Woodard by Kimberly Lopez (Clemmons, John) (Entered: 05/18/2009)
05/18/2009	<u>450</u>	SUBPOENA issued to Keith Phillips and returned executed on 5/12/2009 as to Keith Phillips by Kimberly Lopez (Clemmons, John) (Entered: 05/18/2009)
05/18/2009	<u>451</u>	SUBPOENA issued to Marcus Hayes and returned executed on 5/12/2009 as to Marcus Hayes by Kimberly Lopez (Clemmons, John) (Entered: 05/18/2009)

05/18/2009	<u>452</u>	SUBPOENA issued to Linda DePriest and returned executed on 5/12/2009 as to Linda DePriest by Kimberly Lopez (Clemmons, John) (Entered: 05/18/2009)
05/18/2009	<u>453</u>	SUBPOENA issued to Sandra Burton and returned executed on 5/12/2009 as to Sandra Burton by Kimberly Lopez (Clemmons, John) (Entered: 05/18/2009)
05/18/2009	<u>454</u>	SUBPOENA issued to Gloria Smith and returned executed on 5/12/2009 as to Gloria Smith by Kimberly Lopez (Clemmons, John) (Entered: 05/18/2009)
05/18/2009	<u>455</u>	SUBPOENA issued to Susan Sawyer and returned executed on 5/12/2009 as to Susan Sawyer by Kimberly Lopez (Clemmons, John) (Entered: 05/18/2009)
05/21/2009	<u>456</u>	ORDER: The jury trial scheduled in this case for 5/26/09, is hereby continued, to be rescheduled by subsequent Order. The Court is inundated with numerous motions. The parties are directed to refrain from filing any further pleadings without prior leave of Court. It is so ORDERED. Signed by Senior Judge Robert Echols on 5/21/09. (tmw) (Entered: 05/21/2009)
06/15/2009	<u>457</u>	MOTION for Leave to File Motion for Substitution of Parties by Kimberly Lopez. (Attachments: # <u>1</u> Proposed Order)(Clemmons, John) (Entered: 06/15/2009)
06/15/2009	<u>458</u>	MOTION to Substitute Party by Kimberly Lopez. (Attachments: # <u>1</u> Exhibit Trust, # <u>2</u> Exhibit Affidavit of Kimberly Lopez, # <u>3</u> Exhibit Affidavit of John Barringer, # <u>4</u> Proposed Order)(Clemmons, John) (Entered: 06/15/2009)
07/07/2009	<u>459</u>	MEMORANDUM. Signed by Senior Judge Robert Echols on 7/7/09. (dt) (Entered: 07/07/2009)
07/07/2009	<u>460</u>	ORDER: For the reasons set forth in the accompanying Memorandum, the Court hereby enters the following rulings: The Motion for Summary Judgment filed by Plaintiff-Intervenor United States of America <u>164</u> is hereby DENIED. The Motion for Summary Judgment filed by Defendant Genesis Learning Centers <u>169</u> is hereby GRANTED IN PART and DENIED IN PART. The Motions for Summary Judgment filed by Metropolitan Government of Nashville and Davidson County <u>174</u> and <u>178</u> are hereby GRANTED IN PART and DENIED IN PART. Plaintiff Kimberly Lopez's Motion for Summary Judgment <u>183</u> is hereby DENIED. The Motions for Oral Argument on the pending Motions for Summary Judgment <u>218</u> and <u>225</u> are hereby DENIED. The Motions for Leave to File Excess Pages <u>204</u> and <u>246</u> are hereby GRANTED. The Motions to Strike <u>257</u> , <u>259</u> and <u>266</u> are hereby DENIED. The Motions for Leave to File Reply Memorandums <u>273</u> and <u>276</u> are hereby GRANTED. The Motion for Review <u>279</u> filed by Plaintiff-Intervenor is hereby DENIED. The Motion to Remand to State Court Plaintiff's Claims Under the Tennessee Governmental Tort Liability Act <u>280</u> is hereby DENIED. Signed by Senior Judge Robert Echols on 7/7/09. (dt) (Entered: 07/07/2009)
07/07/2009	<u>461</u>	NOTICE of Appearance by Kevin C. Klein and Allison L. Bussell on behalf of Metropolitan Government of Nashville & Davidson County (Klein, Kevin) Modified text on 7/9/2009 (tmw). (Entered: 07/07/2009)
08/11/2009	<u>462</u>	NOTICE by Kimberly Lopez of <i>Case Management Conference</i> (Clemmons, John) (Entered: 08/11/2009)
08/26/2009		Minute Entry for proceedings held before Magistrate Judge Juliet E. Griffin: Telephone Conference held on 8/26/2009; ORDER to enter. (jwc) (Entered: 08/27/2009)
08/27/2009	<u>463</u>	MOTION for Protective Order (<i>Agreed Protective Order</i>) by Genesis Learning Centers. (Simms, James) (Entered: 08/27/2009)
08/27/2009	<u>464</u>	ORDER: Counsel for the parties called the Court on 8/26/09. Pltf's <u>457</u> MOTION for Leave to File Motion is GRANTED. Pltf's <u>458</u> MOTION to Substitute Party is GRANTED. Kimberly Lopez, as guardian, next friend and parent of Gilberto Lopez, a minor, terminated. Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust added. The parties subsequently filed a proposed protective order, which the Court deems to be a joint motion for entry of the protective order, and, as such, is GRANTED, and the proposed protective order <u>463</u> is contemporaneously entered. Signed by Magistrate Judge Juliet E. Griffin on 8/27/09. (tmw) (Entered: 08/27/2009)

08/27/2009	<u>465</u>	AGREED PROTECTIVE ORDER. Signed by Magistrate Judge Juliet E. Griffin on 8/27/09. (tmw) (Entered: 08/27/2009)
10/01/2009	<u>466</u>	ORDER: Telephone Conference set for 10/8/2009, at 3:00 PM, for the purpose of scheduling a new trial date and a final pretrial conference date. Counsel are directed to call 615-695-2891 at the scheduled time to participate in the telephone conference. It is so ORDERED. Signed by Senior Judge Robert Echols on 10/1/09. (tmw) (Entered: 10/02/2009)
10/09/2009	<u>467</u>	Minute Entry for proceedings held before Senior Judge Robert Echols: Telephone Conference on Status of Case and to Set Trial Date and Pretrial Conference Date held on 10/8/2009. Order to enter. (Court Reporter Dorothy Stiles.) (tmw) (Entered: 10/09/2009)
10/09/2009	<u>468</u>	ORDER: Telephone Conference was held on 10/8/09, for the purpose of setting a trial date. During the conference, the Court established the following deadlines: Plaintiff's counsel shall provide Defendants' counsel with copies of Dr. Freeman's records from Vanderbilt Hospital relating to Plaintiff by 10/15/2009. Deadline for taking the deposition of Dr. Freeman is 10/25/2009. Deadline for identifying the individuals from Youth Villages to be deposed is 10/25/2009. Deadline for Plaintiff's counsel to determine whether to use Dr. Elkins as an expert and to submit his expert report is 10/15/2009. Counsel for Plaintiff is directed to check the availability of Dr. Elkins for deposition, which shall be taken by 10/23/2009. Defendants' expert report is due 11/20/2009. The deadline for taking the deposition of Defendants' expert is 12/2/2009. Pretrial motions and motions in limine are due 12/7/2009. Deadline for Plaintiff's settlement demand is 10/16/2009. Defendant shall respond by 10/23/2009. Afterwards, the parties may notify the Court if they wish to participate in a judicial settlement conference. Final Pretrial Conference is scheduled for 2/1/2010, at 1:00 p.m. A Jury Trial is scheduled for 3/2/2010, at 9:00 a.m. Signed by Senior Judge Robert Echols on 10/9/09. (dt) ***AMENDED on 12/22/09 - See DE #482*** (km). (Entered: 10/09/2009)
10/19/2009	<u>469</u>	ORDER: Telephone Conference set for 10/30/2009, at 1:00 PM, central time, to be initiated by counsel for deft Genesis. Signed by Magistrate Judge Juliet E. Griffin on 10/19/09. (tmw) (Entered: 10/19/2009)
10/30/2009		Minute Entry for proceedings held before Magistrate Judge Juliet E. Griffin: Telephone Conference held on 10/30/2009; ORDER to enter. (jwc) (Entered: 11/02/2009)
11/02/2009	<u>470</u>	ORDER: Pursuant to the order entered October 19, 2009 <u>469</u> , counsel for the parties called the Court on October 30, 2009. A further telephone conference will be scheduled with counsel for the parties and the Magistrate Judge after any scheduled settlement conference/mediation. Signed by Magistrate Judge Juliet E. Griffin on 11/2/09. (tmw) (Entered: 11/02/2009)
11/13/2009	<u>471</u>	ORDER: Telephone Conference set for 11/23/2009, at 11:30 AM before Magistrate Judge Juliet E. Griffin, to be initiated by counsel for Deft Genesis. Signed by Magistrate Judge Juliet E. Griffin on 11/13/09. (tmw) (Entered: 11/13/2009)
11/23/2009		Minute Entry for proceedings held before Magistrate Judge Juliet E. Griffin: Telephone Conference held on 11/23/2009; ORDER to enter. (jwc) (Entered: 11/23/2009)
11/23/2009	<u>472</u>	ORDER: Pursuant to the order entered November 13, 2009 (Docket Entry No. 471), counsel for the parties called the Court on November 23, 2009. The parties have scheduled private mediation with Howard Vogel on December 2, 2009. The plaintiff is now in Laurel Heights, a residential program in Atlanta, and, if the parties are not able to reach a settlement, the plaintiff will need to take a deposition or depositions of employees at Laurel Heights. Counsel agreed that they will be able to schedule those depositions. All depositions (three in number) at Youth Village in Memphis were taken on November 16, 2009. As a result of the Youth Village depositions, counsel for Metro advised that he intends to move to amend his answer to allege the comparative fault of Youth Villages. Although plaintiff's counsel represented that he will not seek to add Youth Villages as a defendant, the plaintiff will oppose the motion to amend. Plaintiff's counsel advised that there is

		one additional expert for whom expert disclosures have not yet been made, after which his deposition will be scheduled if requested by the defendants. Plaintiff's counsel have not yet determined if the deposition of the MTMHI psychiatrist will be taken for proof or whether he will testify in person at trial. Counsel for the intervening plaintiff represented that the issue of supplementation, raised during the October 30, 2009, conference call and addressed in the order entered November 2, 2009 (Docket Entry No. 470), has been resolved. Counsel did not believe that it was necessary to schedule any future conference calls, but, if any discovery or scheduling issues arise, they shall schedule a telephone conference call with the undersigned. It is so ORDERED. Signed by Magistrate Judge Juliet E. Griffin on 11/23/09. (af) (Entered: 11/24/2009)
12/01/2009	<u>473</u>	MOTION in Limine to <i>Exclude Testimony of Karl Kirkland, Ph.D.</i> by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust. (Attachments: # <u>1</u> Exhibit A. Elkins Report, # <u>2</u> Exhibit Pl.'s Disclosure Correspondence, # <u>3</u> Exhibit Dr. Elkins Dep. excerpts, # <u>4</u> Exhibit Def.'s Disclosure and Kirkland Report)(Clemmons, John) (Entered: 12/01/2009)
12/01/2009	<u>474</u>	MEMORANDUM in Support of <u>473</u> MOTION in Limine to <i>Exclude Testimony of Karl Kirkland, Ph.D.</i> filed by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust. (Clemmons, John) (Entered: 12/01/2009)
12/02/2009	<u>475</u>	Joint MOTION to Amend <u>468</u> Scheduling Order, by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) Modified text on 12/8/2009 (tmw). (Entered: 12/02/2009)
12/11/2009	<u>476</u>	MOTION for Leave to File Document Under Seal by Genesis Learning Centers. (Simms, James) (Entered: 12/11/2009)
12/11/2009	<u>477</u>	Sealed Document <i>Response in Opposition to Plaintiff's Motion in Limine to Exclude Testimony of Karl Kirkland, Ph.D.</i> filed by Genesis Learning Centers. (Attachments: # <u>1</u> Exhibit 1 – Dr. Elkins' Rule 26 Report, # <u>2</u> Exhibit 2 – Dr. Elkins Deposition, # <u>3</u> Exhibit 3 – Dr. Kirkland's Rule 26 Disclosure)(Simms, James) (Entered: 12/11/2009)
12/11/2009	<u>478</u>	MOTION for Leave to File Document Under Seal by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 12/11/2009)
12/11/2009	<u>479</u>	Sealed Document (<i>Response in Opposition to Motion in Limine to Exclude Expert Testimony of Karl Kirkland, Ph.D.</i>) filed by Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 12/11/2009)
12/18/2009	<u>480</u>	MOTION for Leave to File Document Under Seal by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust. (Clemmons, John) (Entered: 12/18/2009)
12/18/2009	<u>481</u>	Sealed Document <i>Reply to Defendants' Response to Plaintiff's Motion to Exclude Expert Testimony of Karl Kirkland, Ph.D.</i> filed by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust. (Attachments: # <u>1</u> Supplement AZ Holding v. Frederick)(Clemmons, John) (Entered: 12/18/2009)
12/22/2009	<u>482</u>	ORDER: <u>475</u> Motion to Amend Scheduling Order is granted. Deadline for filing motions in limine is extended to January 11, 2010. Responses are due on January 19, 2010. The deadline for completing mediation is December 31, 2009. 3. The deadline for Plaintiff's deposition of Dr. Kirkland is December 31, 2009, without waiver of any objection to his testimony. Signed by Senior Judge Robert Echols on 12/22/09. (km) (Entered: 12/22/2009)
01/06/2010	<u>483</u>	ORDER granting <u>476</u> and <u>478</u> Motions for Leave to File Documents Under Seal. The Clerk is directed to seal Docket Entry Nos. <u>477</u> and <u>479</u> . It is so ORDERED. Signed by Senior Judge Robert Echols on 1/6/10. (tmw) (Entered: 01/06/2010)
01/12/2010	<u>484</u>	ORDER granting <u>480</u> Motion to File Documents Under Seal. The Clerk is directed to seal DE No. <u>481</u> . Signed by Senior Judge Robert Echols on 1/12/10. (tmw)

		(Entered: 01/12/2010)
01/15/2010	<u>485</u>	ORDER: Jury Trial set for 3/2/2010 09:00 AM before Senior Judge Robert Echols. Final Pretrial Conference set for 2/1/2010 01:00 PM before Senior Judge Robert Echols. Joint Proposed Pretrial Order due by 1/27/2010. Signed by Senior Judge Robert Echols on 1/15/10. (km) (Entered: 01/15/2010)
01/20/2010	<u>486</u>	NOTICE by Metropolitan Government of Nashville & Davidson County <i>Of Tentative Compromise and Settlement</i> (Mink, Thomas) (Entered: 01/20/2010)
01/26/2010	<u>487</u>	MOTION To Adopt and Incorporate by Reference Motions in Limine (DE Nos. <u>308</u> , <u>310</u> , <u>312</u> , <u>320</u> , <u>322</u> , <u>328</u> , <u>336</u> , <u>341</u> , and <u>343</u>) Filed by Co-Defendant Metropolitan Government of Nashville and Davidson County, by Genesis Learning Centers. (Simms, James) Modified text on 2/8/2010 (tmw). (Entered: 01/26/2010)
01/27/2010	<u>488</u>	NOTICE of Filing of Consent Decree, by Kolby Harris, Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust, Genesis Learning Centers, US Attorney/MDTN, Metropolitan Government of Nashville & Davidson County, (Charles, James) Modified text on 2/8/2010 (tmw). (Entered: 01/27/2010)
01/27/2010	<u>489</u>	Witness List by Genesis Learning Centers. (Simms, James) (Entered: 01/27/2010)
01/27/2010	<u>490</u>	Exhibit List by Genesis Learning Centers.. (Simms, James) (Entered: 01/27/2010)
01/27/2010	<u>491</u>	Witness List by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust. (Clemmons, John) (Entered: 01/27/2010)
01/27/2010	<u>492</u>	Exhibit List by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust.. (Clemmons, John) (Entered: 01/27/2010)
01/27/2010	<u>493</u>	STIPULATION by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust. (Attachments: # <u>1</u> Supplement BCBS Billing Amounts, # <u>2</u> Supplement Psychiatric Care Amounts)(Clemmons, John) (Entered: 01/27/2010)
01/27/2010	<u>494</u>	Proposed Pretrial Order by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust, Genesis Learning Centers. (Clemmons, John) (Entered: 01/27/2010)
01/27/2010	<u>495</u>	Proposed Jury Verdict Form by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust, Genesis Learning Centers. (Clemmons, John) (Entered: 01/27/2010)
01/27/2010	<u>496</u>	Proposed Jury Instructions by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust, Genesis Learning Centers. (Simms, James) (Entered: 01/27/2010)
01/28/2010	<u>497</u>	Joint MOTION for Hearing <i>on Settlement Between Plaintiff and Defendant Metropolitan Gov't</i> by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust. (Clemmons, John) (Entered: 01/28/2010)
01/28/2010	<u>498</u>	ORDER granting <u>487</u> Motion to Adopt and Incorporate by Reference Motions In Limine (Nos. 308, 310, 312, 320, 322, 328, 336, 341, 343). Signed by Senior Judge Robert Echols on 1/28/2010. (dt) (Entered: 01/29/2010)
01/29/2010	<u>499</u>	MOTION Petition for An Order Approving Minor Settlement by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust. (Blackburn, William) (Entered: 01/29/2010)
01/29/2010	<u>500</u>	Proposed Pretrial Order re <u>499</u> Motion/Petition for An Order Approving Minor Settlement, by Gilberto Lopez, by and through the Cumberland Trust & Investment

		Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust. (Blackburn, William) Modified text on 2/9(tmw). (Entered: 01/29/2010)
01/29/2010	<u>501</u>	ORDER granting <u>497</u> Joint Motion for Hearing. A hearing on the minor settlement is hereby scheduled for Monday, 2/1/10, at 1:00 p.m. in conjunction with the final pretrial conference. It is so ORDERED. Signed by Senior Judge Robert Echols on 1/29/10. (tmw) (Entered: 02/01/2010)
02/01/2010	<u>502</u>	MOTION by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust, Metropolitan Government of Nashville & Davidson County. (Attachments: # <u>1</u> Exhibit Turst Instrument and Description of Cumberland Trust, # <u>2</u> Exhibit Release and Settlement Agreement, # <u>3</u> Exhibit Affidavit, # <u>4</u> Exhibit Petition)(Bay, R. Dale) (Additional attachment(s) added on 2/9/2010: # <u>1</u> Exhibit A–The Gilberto Kelly Lopez Irrevocable Trust, # <u>2</u> Exhibit B–Release and Settlement Agreement, # <u>3</u> Exhibit A–Qualified Affidavit of Transferor of Investment Services Trust, # <u>4</u> Exhibit B–Petition for an Order Approving Minor Settlement) (af). (Entered: 02/01/2010)
02/01/2010	<u>503</u>	Proposed Pretrial Order by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust, Metropolitan Government of Nashville & Davidson County. (Bay, R. Dale) (Entered: 02/01/2010)
02/01/2010	<u>504</u>	Proposed Pretrial Order by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust, Metropolitan Government of Nashville & Davidson County. (Attachments: # <u>1</u> Exhibit A –Expenses)(Bay, R. Dale) (Entered: 02/01/2010)
02/02/2010	<u>505</u>	NOTICE of Filing by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust <i>Document containing Plaintiff Trust's expenses for purposes of pending settlement</i> (Attachments: # <u>1</u> Exhibit List of Pl.'s expenses)(Clemmons, John) (Entered: 02/02/2010)
02/02/2010	<u>506</u>	Minute Entry for proceedings held before Senior Judge Robert Echols: Final Pretrial Conference held on 2/1/2010. (Court Reporter Dorothy Stiles.) (tmw) (Entered: 02/02/2010)
02/02/2010	<u>507</u>	WITNESS/EXHIBIT LIST prepared by Deputy Clerk re: <u>506</u> Final Pretrial Conference.(tmw) (Entered: 02/02/2010)
02/03/2010	<u>508</u>	NOTICE of Appearance by Malcolm L. McCune on behalf of Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust (McCune, Malcolm) (Entered: 02/03/2010)
02/04/2010	<u>509</u>	ORDER: The Final Pretrial Conference was held in this case on 2/1/10. In accordance with the discussions at the Pretrial Conference, the Court hereby confirms the following rulings: (1) By the close of business on 2/5/10, both parties shall file Amended Proposed Exhibit Lists; (2) By the close of business on 2/10/10, the parties shall file any obj to their opponent's proposed Witness and Exhibit Lists; (3) To the extent possible, the parties shall seek to stipulate as to the authenticity and admissibility of exhibits; (4) At least 5 business days prior to trial, the parties shall file a short brief (not to exceed 8 pages) on the issue of recoverable damages; (5) Genesis Motion for Bifurcation of Trial <u>363</u> is hereby GRANTED; (6) Without objection, the following Motions in Limine which were filed by the Metropolitan Government and adopted by Genesis are hereby GRANTED: <u>300</u> , <u>310</u> , <u>312</u> , <u>320</u> , <u>322</u> and <u>328</u> ; (7) Pltf's Motion in Limine <u>338</u> is hereby DENIED; (8) Pltf's Omnibus Motion in Limine <u>349</u> is hereby GRANTED IN PART and DENIED IN PART; (9) Pltf's Motion in Limine <u>473</u> is hereby DENIED; (10) Genesis' Motion in Limine <u>298</u> is hereby DENIED; (11) Genesis' Motion in Limine <u>302</u> is hereby GRANTED IN PART and DENIED IN PART; (12) The Court hereby RESERVES RULING on Genesis' Motion in Limine <u>304</u> ; (13) The Court also hereby RESERVES RULING on Genesis' Motion in Limine <u>308</u> ; (14) Genesis' Motion in Limine <u>336</u> is hereby DENIED AS MOOT; (15) The Court hereby RESERVES RULING on Genesis' Motion in Limine <u>341</u> ; (16) Genesis' Motion in Limine <u>343</u>

		is hereby DENIED; and (17) The jury trial in this case will commence at 9:00 a.m. on 3/2/10, as previously scheduled, and is expected to last 6 days. It is so ORDERED. Signed by Senior Judge Robert Echols on 2/4/10. (tmw) (Entered: 02/04/2010)
02/05/2010	<u>510</u>	Witness List <i>Plaintiff's Amended</i> by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust. (Clemmons, John) (Entered: 02/05/2010)
02/05/2010	<u>511</u>	Exhibit List <i>Plaintiff's Amended</i> by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust, US Attorney/MDTN.. (Clemmons, John) (Entered: 02/05/2010)
02/05/2010	<u>512</u>	Exhibit List <i>Revised</i> by Genesis Learning Centers.. (Simms, James) (Entered: 02/05/2010)
02/08/2010	<u>513</u>	Proposed Pretrial Order <i>Amended Order Approving Proposed Settlement</i> by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust. (Clemmons, John) (Entered: 02/08/2010)
02/08/2010	<u>514</u>	NOTICE by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust <i>Deposition Designations</i> (Clemmons, John) (Entered: 02/08/2010)
02/08/2010	<u>515</u>	NOTICE of Filing by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust <i>Plaintiff's Supplemental Deposition Designations</i> (Clemmons, John) (Entered: 02/08/2010)
02/09/2010	<u>516</u>	CONSENT DECREE. Signed by Senior Judge Robert Echols on 2/9/10. (tmw) (Entered: 02/09/2010)
02/09/2010	<u>517</u>	ORDER Approving Minor Settlement. This matter having been approved by the Court, this case is dismissed with prejudice as between Cumberland Trust and Investment Company as next friend and Trustee of Gilberto Kelley Lopez as against the Metropolitan Government of Nashville and Davidson County, Tennessee. Signed by Senior Judge Robert Echols on 2/9/10. (Attachments: # <u>1</u> Exhibit 1 – The Gilberto Kelly Lopez Irrevocable Trust, # <u>2</u> Exhibit 2 – Cumberland Trust and Investment Company Fee Schedule) (tmw) (Entered: 02/09/2010)
02/10/2010	<u>518</u>	OBJECTIONS to <i>Defendant Genesis' Revised Exhibit List (Doc. 512)</i> . (Clemmons, John) (Entered: 02/10/2010)
02/10/2010	<u>519</u>	NOTICE by Genesis Learning Centers of <i>Objection to Plaintiff's Exhibit List</i> (Simms, James) (Entered: 02/10/2010)
02/11/2010	<u>520</u>	MOTION to Amend/Correct <u>511</u> Exhibit List by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust. (McCune, Malcolm) (Entered: 02/11/2010)
02/12/2010	<u>521</u>	Exhibit List <i>Second Amended Exhibit List</i> by Genesis Learning Centers.. (Simms, James) (Entered: 02/12/2010)
02/15/2010	<u>522</u>	NOTICE by Genesis Learning Centers <i>Deposition Designations</i> (Simms, James) (Entered: 02/15/2010)
02/15/2010	<u>523</u>	MOTION to Amend/Correct <u>521</u> Exhibit List by Genesis Learning Centers. (Simms, James) (Entered: 02/15/2010)
02/23/2010	<u>524</u>	TRIAL BRIEF on <i>Damages</i> by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust. (Clemmons, John) (Entered: 02/23/2010)
02/23/2010	<u>525</u>	ORDER granting Plt's <u>520</u> Motion to Amend Exhibit List; granting Deft Genesis Learning Centers' <u>523</u> Motion to Amend Exhibit List. Signed by Senior Judge

		Robert Echols on 2/23/10. (tmw) (Entered: 02/23/2010)
02/23/2010	<u>526</u>	ORDER: By Consent Decree entered 2/9/10, the Title IX claim raised by the United States against the Metropolitan Government of Nashville and Davidson County ("Metro") <u>516</u> has been resolved and settled. By Order entered 2/9/10, the minor settlement resolving the matters in controversy between Plaintiff and Metro was approved <u>517</u> . The only remaining parties are Plaintiff Cumberland Trust and Investment Company as next friend and Trustee of Gilberto Kelley Lopez and Defendant Genesis Learning Centers. Accordingly, the following motions in limine filed by Metro are hereby DENIED as moot: Docket Entry Nos. <u>314</u> , <u>316</u> , <u>318</u> , <u>324</u> , <u>330</u> , <u>332</u> , <u>334</u> , <u>345</u> , and <u>347</u> . The Motion in Limine <u>326</u> filed by the United States is likewise DENIED as moot. It is so ORDERED. Signed by Senior Judge Robert Echols on 2/23/10. (tmw) (Entered: 02/23/2010)
02/23/2010	<u>527</u>	TRIAL BRIEF <i>on Damages</i> by Genesis Learning Centers. (Simms, James) (Entered: 02/23/2010)
02/23/2010	<u>528</u>	OBJECTIONS <i>to Plaintiff's Deposition Designations</i> filed by Genesis Learning Centers re <u>515</u> Notice (Other), <u>514</u> Notice (Other). (Simms, James) (Entered: 02/23/2010)
02/23/2010	<u>529</u>	OBJECTIONS <i>to Defendant's Deposition Designations and Plaintiff's Counter Designations</i> filed by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust re <u>522</u> Notice (Other). (Clemmons, John) (Entered: 02/23/2010)
02/23/2010	<u>530</u>	MOTION to Amend/Correct <i>Witness List and Exhibit List</i> by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust. (Attachments: # <u>1</u> Supplement Plaintiff's Third Amended Witness List, # <u>2</u> Supplement Plaintiff's Third Amended Exhibit List)(Clemmons, John) (Entered: 02/23/2010)
02/24/2010	<u>531</u>	OBJECTIONS <i>To Defendant's Exhibit and Witness Lists</i> filed by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust re <u>521</u> Exhibit List, <u>489</u> Witness List, <u>523</u> Motion to Amend/Correct. (Clemmons, John) (Entered: 02/24/2010)
02/24/2010	<u>532</u>	NOTICE of Filing by Genesis Learning Centers re <u>528</u> Objections (Attachments: # <u>1</u> Exhibit A – Portions of Depositions)(Simms, James) (Entered: 02/24/2010)
02/24/2010	<u>533</u>	OBJECTIONS <i>to Defendant's Deposition Designations and Plaintiff's Counter Designations Amended</i> filed by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust re <u>522</u> Notice (Other). (Attachments: # <u>1</u> Exhibit Roberta Lara Deposition Excerpts, # <u>2</u> Exhibit Catherine Kieft Deposition Excerpts, # <u>3</u> Exhibit Veronica Liggins (VOL. I) Deposition Excerpts, # <u>4</u> Exhibit Veronica Liggins (VOL. II) Deposition Excerpts, # <u>5</u> Exhibit Narcisco Gaboy (VOL. I) Deposition Excerpts, # <u>6</u> Exhibit Narcisco Gaboy (VOL. II) Deposition Excerpts)(Clemmons, John) (Entered: 02/24/2010)
02/24/2010	<u>534</u>	NOTICE of Proposed Order re <u>509</u> Order, <i>Order to Bifurcate Trial</i> . (Simms, James) Modified text on 2/26/2010 (tmw). (Entered: 02/24/2010)
02/25/2010	<u>535</u>	Exhibit List <i>Third Amended</i> by Genesis Learning Centers.. (Rose, Benjamin) (Entered: 02/25/2010)
02/26/2010	<u>536</u>	BRIEF filed by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust re <u>530</u> Motion to Amend/Correct. (Clemmons, John) Modified text on 3/3/2010 (tmw). (Entered: 02/26/2010)
02/26/2010	<u>537</u>	NOTICE by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust <i>of Physically Filing Documents</i> (Attachments: # <u>1</u> Supplement Plaintiff's Amended Objections to Defendant's Exhibit and Witness Lists)(Clemmons, John) (Entered: 02/26/2010)

02/26/2010	<u>538</u>	OBJECTIONS to Plaintiff's Third Amended Exhibit List filed by Genesis Learning Centers re <u>530</u> Motion to Amend/Correct. (Attachments: # <u>1</u> Exhibits)(Simms, James) Modified text on 3/3/2010 (tmw). (Entered: 02/26/2010)
02/26/2010	<u>539</u>	ORDER: Accordingly, the Court hereby orders that the trial of this cause shall be bifurcated and held in two phases with the second phase, if necessary, consisting of a separate hearing to determine the amount of punitive damages, if any. Only at the second phase, shall the parties be permitted to present proof to the jury to determine the amount of punitive damages, if any, consistent with the relevant factors in Hodges v. S.C. Toof, 833 S.W.2d 896 (Tenn. 1992). It is so ORDERED. Signed by Senior Judge Robert Echols on 2/26/10. (tmw) (Entered: 02/26/2010)
02/26/2010	<u>540</u>	RESPONSE filed by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust re <u>538</u> Objections filed by Genesis Learning Centers. (Clemmons, John) (Entered: 02/26/2010)
02/27/2010	<u>550</u>	JOINT PRETRIAL ORDER. Signed by Senior Judge Robert Echols on 2/27/10. (tmw) (Entered: 03/16/2010)
03/01/2010	<u>541</u>	ORDER granting Plaintiff's <u>530</u> Motion to Amend Witness List and Exhibit List. The Clerk is directed to give "Plaintiff's Third Amended Witness List" and "Plaintiff's Third Amended Exhibit List" separate docket entry numbers. It is so ORDERED. Signed by Senior Judge Robert Echols on 3/1/10. (tmw) (Entered: 03/01/2010)
03/01/2010	<u>542</u>	Plaintiff's Third Amended Witness List, per Order <u>541</u> . (tmw) (Entered: 03/01/2010)
03/01/2010	<u>543</u>	Plaintiff's Third Amended Exhibit List, per Order <u>541</u> . (tmw) (Entered: 03/01/2010)
03/02/2010	<u>544</u>	STIPULATION by Genesis Learning Centers. (Simms, James) (Entered: 03/02/2010)
03/03/2010	<u>545</u>	Sealed Document. Clerk's Resume for Jury Trial, Day 1, containing jurors names. (tmw) (Entered: 03/03/2010)
03/03/2010	<u>546</u>	Minute Entry for proceedings held before Senior Judge Robert Echols: Jury Trial, Day 1, held on 3/2/2010 (redacted version – names of jurors removed). (Court Reporter Dorothy Stiles.) (tmw) (Entered: 03/03/2010)
03/03/2010	<u>547</u>	Minute Entry for proceedings held before Senior Judge Robert Echols: Jury Trial, Day 2, held on 3/3/2010. (Court Reporter Dorothy Stiles.) (tmw) (Entered: 03/04/2010)
03/05/2010	<u>548</u>	Minute Entry for proceedings held before Senior Judge Robert Echols: Jury Trial, Day 3, held on 3/4/2010. (Court Reporter Dorothy Stiles.) (tmw) (Entered: 03/05/2010)
03/07/2010	<u>549</u>	STIPULATION re: <i>David Elkins, PhD</i> by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust, Genesis Learning Centers. (Clemmons, John) (Entered: 03/07/2010)
03/11/2010		Minute Entry for proceedings held before Senior Judge Robert Echols: Jury Trial (Day 4) held on 3/05/2010. (Court Reporter Dorothy Stiles.) (vk) (Entered: 03/11/2010)
03/11/2010		Minute Entry for proceedings held before Senior Judge Robert Echols: Jury Trial (Day 5) held on 3/08/2010. (Court Reporter Dorothy Stiles.) (vk) (Entered: 03/11/2010)
03/11/2010		Minute Entry for proceedings held before Senior Judge Robert Echols: Jury Trial (Day 6) held on 3/09/2010. (Court Reporter Dorothy Stiles.) (vk) (Entered: 03/11/2010)
03/11/2010		Minute Entry for proceedings held before Senior Judge Robert Echols: Jury Trial (Day 7) held on 3/10/2010. (Court Reporter Dorothy Stiles.) (vk) (Entered: 03/11/2010)

		03/11/2010)
03/11/2010		Minute Entry for proceedings held before Senior Judge Robert Echols: Jury Trial (Day 8) held on 3/11/2010. (Court Reporter Dorothy Stiles.) (vk) (Entered: 03/11/2010)
03/16/2010		Minute Entry for proceedings held before Senior Judge Robert Echols: Jury Trial completed on 3/12/2010. Jury returned a verdict in favor of Defendant. Judgment to enter. (Court Reporter Dorothy Stiles and Charlotte Sloan.) (vk) (Entered: 03/16/2010)
03/17/2010	<u>551</u>	WITNESS/EXHIBIT LIST prepared by Deputy Clerk re: Jury Trial held 3/2/10 – 3/12/10.(tmw) (Entered: 03/17/2010)
03/17/2010	<u>552</u>	Sealed Document. Jury Verdict Form reflecting Jury Foreperson's name. (tmw) (Entered: 03/17/2010)
03/17/2010	<u>553</u>	JURY VERDICT FORM (redacted). (tmw) (Entered: 03/17/2010)
03/17/2010	<u>554</u>	JUDGMENT IN A CIVIL CASE: IN ACCORDANCE WITH THE VERDICT OF THE JURY, JUDGMENT IS HEREBY ENTERED IN FAVOR OF DEFENDANT GENESIS LEARNING CENTERS. (tmw) (Entered: 03/18/2010)
03/23/2010	<u>555</u>	Transcript filed for date of 3/2/10, before Judge Robert L. Echols (Volume 1). Court Reporter/Transcriber: Dorothy Stiles, Telephone number: (615) 330-1764, E-Mail Address: dorothea_stiles@tnmd.uscourts.gov. 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 it may be obtained through PACER. Intent to Request Transcript Redaction due 4/2/2010. Redaction Request due 4/16/2010. Redacted Transcript Deadline set for 4/26/2010. Release of Transcript Restriction set for 6/24/2010. (tmw) Modified text on 3/29/2010 (tmw). (Entered: 03/23/2010)
03/25/2010	<u>556</u>	MOTION of Defendant Genesis Learning Centers for Costs by Genesis Learning Centers. (Simms, James) Modified text on 4/8/2010 (tmw). (Entered: 03/25/2010)
03/25/2010	<u>557</u>	MEMORANDUM in Support of <u>556</u> MOTION of Defendant Genesis Learning Centers for Costs filed by Genesis Learning Centers. (Simms, James) Modified text on 4/8/2010 (tmw). (Entered: 03/25/2010)
03/25/2010	<u>558</u>	AFFIDAVIT re <u>557</u> Memorandum in Support by Genesis Learning Centers. (Attachments: # <u>1</u> Exhibit A- Expenses)(Simms, James) (Entered: 03/25/2010)
03/26/2010	<u>559</u>	MOTION for Attorney Fees by Genesis Learning Centers. (Simms, James) (Entered: 03/26/2010)
03/26/2010	<u>560</u>	MEMORANDUM in Support of <u>559</u> MOTION for Attorney Fees filed by Genesis Learning Centers. (Simms, James) (Entered: 03/26/2010)
03/26/2010	<u>561</u>	AFFIDAVIT re <u>560</u> Memorandum in Support by Genesis Learning Centers. (Attachments: # <u>1</u> Exhibit A-Attorneys' Fees Report)(Simms, James) (Entered: 03/26/2010)
03/29/2010	<u>562</u>	Transcript filed for date of 3/3/10, before Judge Robert L. Echols (Volume 2). Court Reporter/Transcriber: Dorothy Stiles, 615-330-1764, dorothea_stiles@tnmd.uscourts.gov. 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 it may be obtained through PACER. Intent to Request Transcript Redaction due 4/5/2010. Redaction Request due 4/19/2010. Redacted Transcript Deadline set for 4/29/2010. Release of Transcript Restriction set for 6/28/2010. (tmw) (Entered: 03/29/2010)
03/31/2010	<u>563</u>	Transcript filed for date of 3/4/10, before Judge Robert L. Echols (Volume 3). Court Reporter/Transcriber: Dorothy Stiles, 615-330-1764, dorothea_stiles@tnmd.uscourts.gov. 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 it may be obtained through PACER. Intent to Request Transcript Redaction due 4/7/2010. Redaction Request due 4/21/2010. Redacted Transcript Deadline set for 5/3/2010. Release of

		Transcript Restriction set for 6/29/2010. (tmw) (Entered: 03/31/2010)
04/06/2010	<u>564</u>	Transcript filed for date of 3/5/10, before Judge Robert L. Echols (Volume 4). Court Reporter/Transcriber: Dorothy Stiles, 615-330-1764, dorothe_y_stiles@tnmd.uscourts.gov. 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 it may be obtained through PACER. Intent to Request Transcript Redaction due 4/13/2010. Redaction Request due 4/27/2010. Redacted Transcript Deadline set for 5/7/2010. Release of Transcript Restriction set for 7/6/2010. (tmw) (Entered: 04/06/2010)
04/06/2010	<u>565</u>	Transcript filed for date of 3/8/10, before Judge Robert L. Echols (Volume 5). Court Reporter/Transcriber: Dorothy Stiles, 615-330-1764, dorothe_y_stiles@tnmd.uscourts.gov. 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 it may be obtained through PACER. Intent to Request Transcript Redaction due 4/13/2010. Redaction Request due 4/27/2010. Redacted Transcript Deadline set for 5/7/2010. Release of Transcript Restriction set for 7/6/2010. (tmw) (Entered: 04/06/2010)
04/07/2010	<u>566</u>	RESPONSE in Opposition re <u>559</u> MOTION for Attorney Fees filed by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust. (Clemmons, John) (Entered: 04/07/2010)
04/07/2010	<u>567</u>	MEMORANDUM in Support of <u>566</u> Response in Opposition to Motion filed by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust. (Clemmons, John) (Entered: 04/07/2010)
04/07/2010	<u>568</u>	RESPONSE in Opposition re <u>556</u> MOTION of <i>Defendant Genesis Learning Centers for Costs</i> filed by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust. (Clemmons, John) Modified text on 4/8/2010 (tmw). (Entered: 04/07/2010)
04/07/2010	<u>569</u>	MEMORANDUM in Support of <u>568</u> Response in Opposition to Motion, filed by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust. (Clemmons, John) (Entered: 04/07/2010)
04/08/2010	<u>570</u>	Transcript filed for date of 3/9/10, before Judge Robert L. Echols (Volume 6). Court Reporter/Transcriber: Dorothy Stiles, 615-330-1764, dorothe_y_stiles@tnmd.uscourts.gov. 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 it may be obtained through PACER. Intent to Request Transcript Redaction due 4/15/2010. Redaction Request due 4/29/2010. Redacted Transcript Deadline set for 5/10/2010. Release of Transcript Restriction set for 7/7/2010. (tmw) (Entered: 04/08/2010)
04/09/2010	<u>571</u>	MOTION for Leave to to Exceed Page Limitation in Brief <i>filed in Support of Plaintiff's Motion for New Trial</i> by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust. (Clemmons, John) (Entered: 04/09/2010)
04/09/2010	<u>572</u>	MOTION for New Trial by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust. (Clemmons, John) (Entered: 04/09/2010)
04/09/2010	<u>573</u>	MEMORANDUM in Support of <u>572</u> MOTION for New Trial filed by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust. (Attachments: # <u>1</u> Attachment Cecil Corley v. GM, # <u>2</u> Attachment Central on Line Date v. Filenet, # <u>3</u> Attachment Hawthorne v. Friedman, # <u>4</u> Attachment Minor v. Ford Glass & Metal, # <u>5</u> Attachment Peer v. Porterfield, # <u>6</u> Attachment S.G. v. Rockford Bd. of Educ., # <u>7</u> Attachment Snethen v. Bd. of Pub. Educ., # <u>8</u> Attachment Staehling v. Metro, # <u>9</u> Attachment Timmons v. Metro, # <u>10</u> Attachment Veazey v.

		Elmwood)(Clemmons, John) (Entered: 04/09/2010)
04/09/2010	<u>574</u>	MOTION for Hearing re <u>572</u> MOTION for New Trial <i>by Oral Argument</i> by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust. (Clemmons, John) (Entered: 04/09/2010)
04/13/2010	<u>575</u>	Transcript filed for date of 3/10/10, before Judge Robert L. Echols (Volume 7). Court Reporter/Transcriber: Dorothy Stiles, 615-330-1764, dorothea_stiles@tnmd.uscourts.gov. 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 it may be obtained through PACER. Intent to Request Transcript Redaction due 4/20/2010. Redaction Request due 5/4/2010. Redacted Transcript Deadline set for 5/14/2010. Release of Transcript Restriction set for 7/12/2010. (tmw) (Entered: 04/13/2010)
04/13/2010	<u>576</u>	Transcript filed for date of 3/11/10, before Judge Robert L. Echols (Volume 8). Court Reporter/Transcriber: Dorothy Stiles, 615-330-1764, dorothea_stiles@tnmd.uscourts.gov. 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 it may be obtained through PACER. Intent to Request Transcript Redaction due 4/20/2010. Redaction Request due 5/4/2010. Redacted Transcript Deadline set for 5/14/2010. Release of Transcript Restriction set for 7/12/2010. (tmw) (Entered: 04/14/2010)
04/14/2010	<u>577</u>	Transcript filed for date of 3/12/10, before Judge Robert L. Echols (Volume 9). Court Reporter/Transcriber: Dorothy Stiles, 615-330-1764, dorothea_stiles@tnmd.uscourts.gov. 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 it may be obtained through PACER. Intent to Request Transcript Redaction due 4/21/2010. Redaction Request due 5/5/2010. Redacted Transcript Deadline set for 5/17/2010. Release of Transcript Restriction set for 7/13/2010. (tmw) (Entered: 04/14/2010)
04/14/2010	<u>578</u>	MOTION for Leave to to File Reply in Support of Motion for Costs re <u>556</u> MOTION Costs <i>Motion of Defendant Genesis Learning Centers for Costs</i> by Genesis Learning Centers. (Simms, James) (Entered: 04/14/2010)
04/14/2010	<u>579</u>	REPLY to Response to Motion re <u>556</u> MOTION Costs <i>Motion of Defendant Genesis Learning Centers for Costs</i> filed by Genesis Learning Centers. (Simms, James) (Entered: 04/14/2010)
04/14/2010	<u>580</u>	MOTION for Leave to to File Reply in Support of Motion for Attorneys' Fees re <u>559</u> MOTION for Attorney Fees by Genesis Learning Centers. (Simms, James) (Entered: 04/14/2010)
04/14/2010	<u>581</u>	REPLY to Response to Motion re <u>559</u> MOTION for Attorney Fees filed by Genesis Learning Centers. (Simms, James) (Entered: 04/14/2010)
04/19/2010	<u>582</u>	ORDER granting Pltf's <u>571</u> Motion for Leave to Exceed Page Limitation for Memorandum in Support of Motion for New Trial. Pltf's Memorandum <u>573</u> will be considered. It is so ORDERED. Signed by Senior Judge Robert Echols on 4/19/10. (tmw) (Entered: 04/19/2010)
04/20/2010	<u>583</u>	ORDER: Pending before the Court are Defendant's (1) Motion for Leave to File Reply in Support of Motion for Costs <u>578</u> and (2) Motion for Leave to File Reply in Support of Motion for Attorneys' Fees <u>580</u> . Defendant's Replies are filed as Docket Entry Nos. <u>579</u> and <u>581</u> , respectively, and each are within the five page limit. The Motions are hereby GRANTED. Defendant's Replies will be considered. It is so ORDERED. Signed by Senior Judge Robert Echols on 4/20/10. (tmw) (Entered: 04/20/2010)
04/23/2010	<u>584</u>	RESPONSE in Opposition re <u>574</u> MOTION for Hearing re <u>572</u> MOTION for New Trial <i>by Oral Argument</i> filed by Genesis Learning Centers. (Simms, James) (Entered: 04/23/2010)
04/23/2010	<u>585</u>	MOTION for Leave to File Excess Pages <i>Response in Opposition to Plaintiff's Motion for New Trial</i> by Genesis Learning Centers. (Simms, James) (Entered: 04/23/2010)

		04/23/2010)
04/23/2010	<u>586</u>	RESPONSE in Opposition re <u>572</u> MOTION for New Trial filed by Genesis Learning Centers. (Attachments: # <u>1</u> Attachment Polmatier v. Russ, # <u>2</u> Attachment Re: Mental Deficiency, # <u>3</u> Attachment Battery)(Simms, James) (Entered: 04/23/2010)
06/03/2010	<u>587</u>	MEMORANDUM. An appropriate Order will be entered. Signed by Senior Judge Robert Echols on 6/3/10. (tmw) (Entered: 06/03/2010)
06/03/2010	<u>588</u>	ORDER: For the reasons set forth in the Memorandum issued contemporaneously herewith, the Court hereby enters the following rulings: (1) Genesis' Motion for Costs <u>556</u> is hereby DENIED, but said denial is WITHOUT PREJUDICE to Genesis filing a bill of costs which complies with Local Rule 54.01 within twenty days of entry of this Order; (2) Genesis' Motion for Attorneys' Fees <u>559</u> is hereby DENIED; (3) Plaintiff's Motion for New Trial <u>573</u> is hereby DENIED; and (4) Plaintiff's Motion for Oral Argument <u>574</u> is hereby DENIED. It is so ORDERED. Signed by Senior Judge Robert Echols on 6/3/10. (tmw) (Entered: 06/03/2010)
06/09/2010	<u>589</u>	BILL OF COSTS by Genesis Learning Centers. (Simms, James) (Entered: 06/09/2010)
06/09/2010	<u>590</u>	AFFIDAVIT re <u>589</u> Bill of Costs <i>Affidavit of Counsel in Support of Itemized Bill of Costs</i> by Genesis Learning Centers. (Attachments: # <u>1</u> Attachment Printout of expenses)(Simms, James) (Entered: 06/09/2010)
06/16/2010	<u>591</u>	NOTICE OF APPEAL as to <u>460</u> Order on Motion for Summary Judgment, <u>588</u> Order on Motion for Miscellaneous Relief, Order on Motion for Attorney Fees, Order on Motion for New Trial, Order on Motion for Hearing by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust. (Clemmons, John) Modified text on 6/24/2010 (ab). (Entered: 06/16/2010)
06/18/2010	<u>592</u>	USCA Appeal Fees received \$ 455 receipt number 34675-12621 re <u>591</u> Notice of Appeal,, filed by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust. (ab) (Entered: 06/21/2010)
06/21/2010	<u>593</u>	RESPONSE <i>in Opposition to Defendant's Bill of Costs</i> . (Clemmons, John) (Entered: 06/21/2010)
06/21/2010	<u>594</u>	MEMORANDUM in Support of <u>593</u> Response (Non-Motion or 2255 Petition) filed by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust. (Clemmons, John) (Entered: 06/21/2010)
06/24/2010	<u>595</u>	NOTICE of Taxation of Costs: Pending are Genesis Learning Centers' Bill of Costs and supporting Affidavit (Docket Entries <u>589</u> & <u>590</u>). Plaintiff has filed a Response in Opposition and Memorandum in Support (Docket Entries <u>593</u> & <u>594</u>). The Clerk has reviewed the Bill of Costs and related filings and finds Plaintiff has raised meritorious objections to the \$29,342.08 in costs sought by Defendant and the costs will be reduced as stated below. Pursuant to Local Rule 54.01(a), the Clerk, through the entry of this Notice of Taxation of Costs, provides notice that the taxation of costs against Plaintiff in favor of Defendant Genesis Learning Centers will be entered on Friday, July 2, 2010, in the amount of \$10,263.06 as described in this Notice. The parties shall have seven days from that date to file exceptions with the Clerk. The Clerk will thereafter consider any exceptions filed and issue a Final Taxation of Costs. The parties may then accept the Clerk's determination or within seven days following the Final Taxation file a motion for review of the Clerk's decision before the Court. Keith Throckmorton, Clerk of Court. (tmw) (Entered: 06/24/2010)
06/30/2010	<u>596</u>	NOTICE OF CROSS APPEAL as to <u>588</u> Order on Motion for Miscellaneous Relief, Order on Motion for Attorney Fees, Order on Motion for New Trial, Order on Motion for Hearing by Genesis Learning Centers. (Simms, James) Modified text on 7/1/2010 (ab). (Entered: 06/30/2010)

07/02/2010	<u>597</u>	Taxation of Costs: For the reasons stated in the Notice of Taxation of Costs <u>595</u> , the Clerk hereby taxes costs in favor of Defendant Genesis Learning Centers in the amount of \$10,263.06 against Plaintiff. The parties have seven days from the date of this taxation to file exceptions to the Clerk's determination for consideration by the Clerk. The Clerk will consider all such exceptions prior to issuing a Final Taxation of Costs. Following the Final Taxation of Costs, the parties may accept the Clerk's determination or within seven days file a motion before the Court seeking to review the Clerk's determination. Keith Throckmorton, Clerk of Court. (tmw) (Entered: 07/02/2010)
07/02/2010	<u>598</u>	USCA Appeal Fees received \$ 455 receipt number 34675-12827 re <u>596</u> Notice of Cross Appeal filed by Genesis Learning Centers (ab) (Entered: 07/02/2010)
07/12/2010	<u>599</u>	Final Taxation of Costs: The Clerk entered a Taxation of Costs in this case on July 2, 2010. The parties had seven days from that date to file exceptions. No exceptions were filed. Accordingly, for the reasons stated in the Notice of Taxation of Costs <u>595</u> , the Clerk hereby taxes costs against Plaintiff in favor of Defendant Genesis Learning Centers in the amount of \$10,263.06. The parties may accept the Clerk's decision or within seven days file a motion before the Court seeking to review the Clerk's determination. Keith Throckmorton, Clerk of Court. (tmw) (Entered: 07/12/2010)
08/30/2010	<u>600</u>	NOTICE of Consent of the Parties to proceed before the Magistrate Judge. (Rose, Benjamin) (Entered: 08/30/2010)
08/30/2010	<u>601</u>	Joint MOTION for Settlement <i>Petition for an Order Approving Minor Settlement</i> by Genesis Learning Centers. (Rose, Benjamin) (Entered: 08/30/2010)
08/30/2010	<u>602</u>	Joint MOTION for Settlement by Genesis Learning Centers. (Attachments: # <u>1</u> Attachment Order)(Rose, Benjamin) (Entered: 08/30/2010)
08/31/2010		Case Reassigned to District Judge William J. Haynes, Jr. Senior Judge Robert Echols no longer assigned to the case. (af) (Entered: 08/31/2010)
08/31/2010	<u>603</u>	ORDER on Consent of the Parties to Jurisdiction by US Magistrate Judge: Case reassigned to Magistrate Juliet E. Griffin. Signed by District Judge William J. Haynes, Jr on 08/31/2010. (ab) (Entered: 08/31/2010)
08/31/2010	<u>604</u>	ORDER granting <u>602</u> Motion for Settlement. Signed by Magistrate Judge Juliet E. Griffin on 08/31/2010. (ab) (Entered: 08/31/2010)
08/31/2010	<u>605</u>	ORDER: It is ORDERED that if this case is remanded to the District Court by the Court of Appeals, this Court will grant the parties' Joint Motion and Joint Petition. Signed by Magistrate Judge Juliet E. Griffin on 08/31/2010. (ab) (Entered: 08/31/2010)
09/07/2010	<u>606</u>	ORDER of USCA: The appeals are remanded to the District Court for further proceedings. (No mandate to issue) (ab) (Entered: 09/07/2010)
09/08/2010	<u>607</u>	ORDER: The parties' joint petition for approval of the minor settlement <u>601</u> is GRANTED. In sum, the Court finds that the settlement is fair and reasonable and in the best interests of the minor child and is APPROVED. The plaintiff and defendant Genesis shall file an agreed order or stipulation of dismissal of all claims brought by the plaintiff against defendant Genesis. It is so ORDERED. Signed by Magistrate Judge Juliet E. Griffin on 9/8/10. (tmw) (Entered: 09/08/2010)
09/30/2010	<u>608</u>	ORDER: Def't's <u>585</u> motion to exceed page limitation is GRANTED nunc pro tunc. By 10/15/10, the parties shall file an agreed order or stipulation of dismissal of all pltf's claims against def't Genesis. Signed by Magistrate Judge Juliet E. Griffin on 9/30/10. (rd) (Entered: 09/30/2010)
11/03/2010	<u>609</u>	ORDER: Counsel for the parties shall convene a telephone conference call with the Court on Wednesday, November 10, 2010, at 2:00 p.m., to be initiated by counsel for defendant Genesis Learning Centers, to address whether and when the parties will file an agreed order or stipulation of dismissal and/or whether the court can dismiss this action. It is so ORDERED. Signed by Magistrate Judge Juliet E. Griffin on 11/3/10. (tmw) (Entered: 11/03/2010)

11/10/2010	<u>610</u>	STIPULATION of Dismissal by Gilberto Lopez, by and through the Cumberland Trust & Investment Company as next friend and trustee of The Gilberto Kelly Lopez Irrevocable Trust. (Blackburn, William) (Entered: 11/10/2010)
11/15/2010	<u>611</u>	ORDER: On November 10, 2010, the parties filed a stipulation of dismissal <u>601</u> . As a result, the telephone conference call with the Court, scheduled by order entered November 3, 2010 <u>609</u> was CANCELLED. Inasmuch as a consent decree between intervening United States of America and defendant Metropolitan Government of Nashville and Davidson County ("Metro") was entered on February 9, 2010 <u>516</u> , and the plaintiff's claims against defendant Metro were dismissed by order entered February 9, 2010 <u>517</u> , all claims in this case have now been resolved. Therefore, this case is DISMISSED with prejudice. This order shall constitute the final judgment in this case. It is so ORDERED. Signed by Magistrate Judge Juliet E. Griffin on 11/15/10. (tmw) (Entered: 11/15/2010)