

CLOSED

**U.S. District Court
Western District of Kentucky (Louisville)
CIVIL DOCKET FOR CASE #: 3:07-cv-00377-TBR**

Say v. Adams et al
Assigned to: Senior Judge Thomas B. Russell
Cause: 42:1983 Civil Rights Act

Date Filed: 07/18/2007
Date Terminated: 03/25/2009
Jury Demand: None
Nature of Suit: 950 Constitutional – State Statute
Jurisdiction: Federal Question

Plaintiff

Alexander M. Say

represented by **Jack B. Harrison**
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V.

Defendant

John Adams
*in his official capacity as Commissioner
Kentucky State Police Headquarters*

represented by **Roger G. Wright**
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Defendant

John Aubrey
*in his official capacity as Jefferson
County Sheriff*

represented by **N. Scott Lilly**
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Date Filed	#	Docket Text
07/18/2007	<u>1</u>	COMPLAINT against John Adams, John Aubrey Filing fee \$ 350, receipt number 567622, filed by Alexander M. Say. (Attachments: # <u>1</u> Cover Sheet # <u>2</u> Summons John Adams# <u>3</u> Summons John Aubrey)(CSD) Additional attachment(s) added on 7/23/2007 (CSD). (Entered: 07/19/2007)
07/18/2007	<u>2</u>	Case Assignment (Random Selection): Case Assigned to Judge Thomas B. Russell. Magistrate designation: USMJ Dave Whalin. (CSD) (Entered: 07/19/2007)
07/18/2007	<u>3</u>	Summons Issued as to John Adams, John Aubrey. (Attachments: # <u>1</u> Summons Col. John Aubrey)(CSD) (Entered: 07/19/2007)
07/20/2007	<u>4</u>	MOTION for Preliminary Injunction by Alexander M. Say. Responses due by 8/7/2007 (Attachments: # <u>1</u> Memorandum in Support # <u>2</u> Proposed Order)(Harrison, Jack) (Entered: 07/20/2007)
08/01/2007	<u>5</u>	SUMMONS Returned Executed by Alexander M. Say as to John Adams served on 7/23/2007, answer due 8/13/2007. (Attachments: # <u>1</u> Receipt)(Harrison, Jack) (Entered: 08/01/2007)
08/01/2007	<u>6</u>	SUMMONS Returned Executed by Alexander M. Say as to John Aubrey served on 7/23/2007, answer due 8/13/2007. (Attachments: # <u>1</u> Receipt)(Harrison, Jack) (Entered: 08/01/2007)
08/06/2007	<u>7</u>	ANSWER to Complaint by John Adams.(Wright, Roger) (Entered: 08/06/2007)
08/07/2007	<u>8</u>	RESPONSE to Motion re <u>4</u> MOTION for Preliminary Injunction by John Adams. Replies due by 8/21/2007. (Attachments: # <u>1</u> Proposed Order)(Wright, Roger) (Entered: 08/07/2007)
08/21/2007	<u>9</u>	REPLY re <u>8</u> Response to Motion <i>in Support of Motion for Preliminary Injunction</i> by Alexander M. Say. (Harrison, Jack) (Entered: 08/21/2007)
08/21/2007		REPLY to Response to Motion re <u>4</u> MOTION for Preliminary Injunction by Alexander M. Say. (CSD) (SEE DN 9 FOR PDF) (Entered: 08/22/2007)
09/26/2007	<u>10</u>	ORDER by Judge Thomas B. Russell (EBOC) on 09/26/2007; Scheduling Conference set for 10/18/2007 09:15 AM EDT in Teleconference before Judge Thomas B. Russell.cc:Counsel (CSD) (Entered: 09/26/2007)

09/27/2007	<u>11</u>	MOTION for Entry of Default as to <i>Defendant Col. John Aubrey in his Official Capacity as Jefferson County Sheriff</i> by Alexander M. Say. Responses due by 10/15/2007 (Attachments: # <u>1</u> Affidavit of Jack Harrison in Support of Request for Entry of Default by the Clerk) (Harrison, Jack) Modified on 9/28/2007 to correct motion relief(CSD). Additional attachment(s) added on 9/28/2007 (Debow, Carolyn). (Entered: 09/27/2007)
09/28/2007	12	ERROR: DOCUMENT SHOULD HAVE BEEN FILED AS ATTACHMENT; attached to DN <u>11</u> by Clerk (CSD). (Entered: 09/28/2007)
10/08/2007	<u>13</u>	NOTICE by Alexander M. Say re <u>11</u> MOTION for Entry of Default <i>to Withdraw Request for Entry of Default By The Clerk</i> (Harrison, Jack) (Entered: 10/08/2007)
10/09/2007	<u>14</u>	ANSWER to Complaint by John Aubrey. (Lilly, N.) (Entered: 10/09/2007)
10/17/2007	<u>15</u>	NOTICE of Appearance by William E. Sharp on behalf of Alexander M. Say (Sharp, William) (Entered: 10/17/2007)
10/17/2007	<u>16</u>	REPORT of Rule 26(f) Planning Meeting by Alexander M. Say. (Harrison, Jack) (Entered: 10/17/2007)
10/18/2007	<u>17</u>	NOTICE of Appearance by David A. Friedman on behalf of Alexander M. Say (Friedman, David) (Entered: 10/18/2007)
11/06/2007	<u>18</u>	NOTICE by Alexander M. Say <i>Certifying Compliance with Requirements of FRCP 5.1 Regarding Notice to Commonwealth Attorney General of Constitutional Challenge</i> (Attachments: # <u>1</u> Exhibit Proof of Service on Kentucky Attorney General) (Harrison, Jack) (Entered: 11/06/2007)
11/19/2007	<u>19</u>	NOTICE/ORDER by Judge Thomas B. Russell on 11/19/2007 re certification to the Attorney General of Kentucky. cc:Counsel, Attorney General of Kentucky (CSD) (Entered: 11/19/2007)
01/18/2008	<u>20</u>	NOTICE by John Adams <i>of Intent Not to Intervene</i> (Cross, Jeffrey) (Entered: 01/18/2008)
03/14/2008	<u>21</u>	MEMORANDUM AND OPINION by Judge Thomas B. Russell on 03/13/2008; appropriate order shall issue. cc:counsel (CSD) (Entered: 03/14/2008)
03/14/2008	<u>22</u>	ORDER granting <u>4</u> Motion for Preliminary Injunction. Signed by Judge Thomas B. Russell on 03/13/2008. cc:counsel (CSD) (Entered: 03/14/2008)
04/15/2008	<u>23</u>	MOTION to Dismiss <i>Action As Moot</i> by Defendant John Adams Responses due by 5/5/2008 (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit House Bill 639, # <u>3</u> Exhibit House Bill 639 Vote History) (Wright, Roger) (Entered: 04/15/2008)
05/05/2008	<u>24</u>	Proposed Agreed Order <i>extending time to respond</i> re <u>23</u> MOTION to Dismiss <i>Action As Moot</i> by Alexander M. Say, John Adams. (Friedman, David) Modified on 5/6/2008 to add "agreed" to docket text; e-filer advised of correct event (CSD). (Entered: 05/05/2008)
05/13/2008	<u>25</u>	ORDER by Judge Thomas B. Russell on 05/12/2008 extending time for plaintiff to file response re <u>23</u> MOTION to Dismiss <i>Action As Moot</i> to 6/4/2008. cc:counsel (CSD) (Entered: 05/13/2008)
06/02/2008	<u>26</u>	NOTICE by John Adams <i>Offer Of Judgment</i> (Attachments: # <u>1</u> Proposed Order) (Wright, Roger) (Entered: 06/02/2008)
06/04/2008	<u>27</u>	Proposed Agreed Order/Stipulation <i>for supplemental extension</i> by Alexander M. Say, John Adams. (Friedman, David) (Entered: 06/04/2008)
06/09/2008	<u>28</u>	AGREED ORDER by Judge Thomas B. Russell on 06/06/2008 extending deadline for plaintiff to respond re <u>23</u> MOTION to Dismiss to 6/16/2008 cc:counsel (CSD) (Entered: 06/09/2008)
06/16/2008	<u>29</u>	Joint MOTION for Permanent Injunction <i>and to set fees briefing schedule</i> by Plaintiff Alexander M. Say, Defendant John Adams Responses due by 7/7/2008 (Attachments: # <u>1</u> Proposed Order entering partial judgment and setting briefing schedule on fees) (Friedman, David) (Entered: 06/16/2008)

06/25/2008	<u>30</u>	ORDER granting <u>29</u> Motion to convert preliminary injunction into Permanent Injunction; motion for atty fees due within 30 days. Signed by Judge Thomas B. Russell on 06/24/2008. cc:counsel (CSD) (Entered: 06/25/2008)
07/24/2008	<u>31</u>	MOTION for Attorney Fees <i>and costs</i> by Plaintiff Alexander M. Say Responses due by 8/11/2008 (Attachments: # <u>1</u> Memorandum in Support of fees and costs motion, # <u>2</u> Exhibit Ex. 1: Harrison affidavit and time and cost records, # <u>3</u> Exhibit Ex. 2: Foster affidavit and time records, # <u>4</u> Exhibit Ex. 3: Razzaghi affidavit and time records, # <u>5</u> Exhibit Ex. 4: Friedman declaration and time records, # <u>6</u> Exhibit Ex. 5: Sharp declaration and time records, # <u>7</u> Exhibit Ex. 6: Tachau declaration, # <u>8</u> Proposed Order awarding fees and costs) (Friedman, David) (Entered: 07/24/2008)
08/06/2008	<u>32</u>	RESPONSE to Motion re <u>31</u> MOTION for Attorney Fees <i>and costs In Partial Opposition</i> filed by John Adams. Replies due by 8/20/2008. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Appendix Elliot v. Metropolitan Life Ins. Co., 2007 WL 4192001 (E.D.Ky. 2007), # <u>3</u> Appendix In Re Subpoena To Kasten, 2008 WL 1908755 (E.D.Ky. 2008), # <u>4</u> Appendix Texler v. County of Summit Bd. of Mental Retardation and Developmental Disabilities, 25 F.3d 1050 (6th Cir. 1994)(1994 WL 252938)) (Wright, Roger) (Entered: 08/06/2008)
08/20/2008	<u>33</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>31</u> MOTION for Attorney Fees <i>and costs</i> , <u>32</u> Response to Motion,, by Plaintiff Alexander M. Say Responses due by 9/2/2008 (Attachments: # <u>1</u> Proposed Order) (Friedman, David) (Entered: 08/20/2008)
08/22/2008	<u>34</u>	AGREED ORDER by Judge Thomas B. Russell on 8/21/08: Pla is granted an ext of time up to and including 8/25/08 to file reply brief in support of motion for attorneys' fees and costsc:counsel (KJS) (Entered: 08/22/2008)
08/26/2008	<u>35</u>	REPLY to Response to Motion re <u>31</u> MOTION for Attorney Fees <i>and costs</i> filed by Alexander M. Say. (Attachments: # <u>1</u> Exhibit Declaration of David A. Friedman) (Friedman, David) (Entered: 08/26/2008)
03/25/2009	<u>36</u>	MEMORANDUM AND OPINION by Chief Judge Thomas B. Russell on 03/24/2009 re <u>31</u> MOTION for Attorney Fees <i>and costs</i> filed by Alexander M. Say; order to issue this date. cc:counsel (CSD) (Entered: 03/25/2009)
03/25/2009	<u>37</u>	ORDER granting in part and denying in part <u>31</u> Motion for Attorney Fees in the amount of \$44,545.87. Signed by Chief Judge Thomas B. Russell on 03/24/2009. cc:counsel (CSD) (Entered: 03/25/2009)
05/12/2009	<u>38</u>	NOTICE <i>Of Satisfaction Of Judgment</i> by John Adams (Wright, Roger) (Entered: 05/12/2009)