

CLOSED

**U.S. District Court
Northern District of Alabama (Southern)
CIVIL DOCKET FOR CASE #: 2:98-cv-02295-WMA**

Skurstenis v. Jones, et al
Assigned to: Judge William M Acker, Jr
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 09/09/1998
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Sandy Skurstenis

represented by **Jeffrey W Bennitt**
JEFF BENNITT & ASSOCIATES LLC
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ATTORNEY TO BE NOTICED

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V.

Defendant

Shelby County
TERMINATED: 10/13/1998

represented by **Frank C Ellis, Jr**
WALLACE ELLIS FOWLER & HEAD
PO Box 587
Columbiana, AL 35051
669-6783
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ATTORNEY TO BE NOTICED

Defendant

James Jones
Sheriff

represented by **Claire White Foley**
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ATTORNEY TO BE NOTICED

Frank C Ellis, Jr
(See above for address)
ATTORNEY TO BE NOTICED

John W Dodson
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Wayne Watts
Captain, individually
TERMINATED: 12/20/1999

represented by **Claire White Foley**
(See above for address)
TERMINATED: 12/20/1999
ATTORNEY TO BE NOTICED

Frank C Ellis, Jr
(See above for address)
TERMINATED: 12/20/1999
ATTORNEY TO BE NOTICED

John W Dodson
(See above for address)
TERMINATED: 12/20/1999
ATTORNEY TO BE NOTICED

Defendant

Jason Smitherman
Deputy, individually
TERMINATED: 12/20/1999

represented by **Claire White Foley**
(See above for address)
TERMINATED: 12/20/1999
ATTORNEY TO BE NOTICED

Frank C Ellis, Jr
(See above for address)
TERMINATED: 12/20/1999
ATTORNEY TO BE NOTICED

John W Dodson

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TERMINATED: 12/20/1999
ATTORNEY TO BE NOTICED

Defendant

Stacy Blankenship
Deputy, individually
TERMINATED: 12/20/1999

represented by **Claire White Foley**
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TERMINATED: 12/20/1999
ATTORNEY TO BE NOTICED

Frank C Ellis, Jr
 (See above for address)
TERMINATED: 12/20/1999
ATTORNEY TO BE NOTICED

John W Dodson
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TERMINATED: 12/20/1999
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Defendant

Shelby County Baptist Hospital

represented by **Mark W Lee**
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Defendant

T O Richey
individually

represented by **Dorothy A Powell**
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Mark W Lee
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/09/1998	1	COMPLAINT filed, amount paid \$ 150, receipt # 200 130092 (Former Employee) (Entered: 09/10/1998)

09/09/1998	2	REQUEST of plaintiff for service by certified mail filed (Former Employee) (Entered: 09/10/1998)
09/10/1998		SUMMONS and complaint issued mailed certified mail (Former Employee) (Entered: 09/10/1998)
09/14/1998	3	SUMMONS and complaint returned executed: upon defendants Shelby County, James Jones, Wayne Watts, Jason Smitherman, Stacy Blankenship on 9/11/98 filed (Former Employee) (Entered: 09/14/1998)
09/15/1998	4	SUMMONS and complaint returned executed: upon defendant Shelby Cty Baptist on 9/14/98 filed (Former Employee) (Entered: 09/16/1998)
09/17/1998	5	Summons and Complaint returned unexecuted: upon defendant Jason Smitherman filed (Former Employee) (Entered: 09/17/1998)
09/29/1998	6	MOTION by Shelby County to dismiss filed cs (Former Employee) (Entered: 09/29/1998)
09/29/1998	7	ANSWER by dfts James Jones, Wayne Watts, Jason Smitherman, Stacy Blankenship w/appear by atty(s) John W Dodson, and Frank C Ellis Jr filed cs (Former Employee) (Entered: 09/29/1998)
09/30/1998	8	ORDER that parties are reminded of obligation under Rules 26 and 16 of FRCP; if parties settle a jury case and fail to notify court in time to call off venirepersons jury costs will be taxed equally (Former Employee) (Entered: 09/30/1998)
09/30/1998	9	MOTION by Shelby Cty Baptist to dismiss , alternatively for more definite statement filed cs (Former Employee) (Entered: 10/01/1998)
10/09/1998	10	MOTION by plaintiff to amend complaint filed cs (TLM) (Entered: 10/12/1998)
10/09/1998	11	REQUEST of plaintiff for alias service by certified mail on Jason Smitherman filed (Former Employee) (Entered: 10/13/1998)
10/13/1998	12	10 - ORDER granting plff's motion to amend complaint [10-1] (by Judge William M. Acker Jr) entered cm (Former Employee) (Entered: 10/13/1998)
10/13/1998	13	AMENDED complaint with jury demand filed by Sandy Skurstenis [1-1] filed cs (Former Employee) (Entered: 10/13/1998)
10/13/1998	14	ORDER granting Shelby County's motion to dismiss [6-1]; action as against dft Shelby County, Alabama is DISMISSED WITH PREJUDICE filed (by Judge William M. Acker Jr) cm (Former Employee) (Entered: 10/13/1998)
10/13/1998		DOCKET modification (utility event) to dismiss party Shelby County see docs # 6 and #14 (Former Employee) (Entered: 10/13/1998)
10/15/1998	16	SUMMONS and complaint returned executed: upon defendant Jason Smitherman on 10/14/98 filed (Former Employee) (Entered: 10/20/1998)
10/19/1998	15	ORDER granting Shelby Baptist's motion to dismiss [9-1], as to 1983 and is DISMISSED WITH PREJUDICE; Shelby Baptist's motion under the state tort theory of asault and battery as contained in Count II is DISMISSED WITHOUT PREJUDICE for lack of federal claim upon which to apend it filed (by Judge William M. Acker Jr) cm (Former Employee) (Entered: 10/19/1998)

10/19/1998		DOCKET modification (utility event) to dismiss party Shelby Cty Baptist see doc #15 (Former Employee) (Entered: 10/19/1998)
11/02/1998	17	Report of Parties (form 35) of compliance with FRCP 26 filed (Former Employee) (Entered: 11/03/1998)
11/03/1998	18	ORDER (scheduling) setting discovery deadline of 8/2/99 by Judge William M. Acker Jr entered cm (Former Employee) Modified on 01/21/1999 (Entered: 11/03/1998)
11/03/1998		DOCKET modification (utility event) modifying case management deadlines; setting Discovery cutoff 8/2/99 (SNH) (Entered: 01/21/1999)
02/01/1999	19	MOTION by dft's James Jones, Wayne Watts, Jason Smitherman and Stacy Blankenship to extend time to name expert filed cs (Former Employee) (Entered: 02/02/1999)
02/03/1999	20	19 - ORDER granting motion to extend time to name expert [19-1] (by Judge William M. Acker Jr) entered cm (Former Employee) (Entered: 02/03/1999)
02/17/1999	21	MOTION by pla Sandy Skurstenis to amend filed cs (Former Employee) (Entered: 02/19/1999)
03/09/1999	22	OPPOSITION by dft's James Jones, Wayne Watts, Jason Smitherman, Stacy Blankenship to motion to amend [21-1] filed cs (Former Employee) (Entered: 03/10/1999)
03/12/1999	23	ORDER that pla if she so desires has by 4:30 p.m. on 3/19/99 to submit her memo brief re this court's jurisdiction over the proposed dft; dfts if they so desire may file any brief(s) in response by 4:30 p.m. on 3/26/99 filed (by Judge William M. Acker Jr) cm (CTS) (Entered: 03/12/1999)
04/19/1999	24	Supplemental Memorandum BRIEF by pla Sandy Skurstenis (deemed filed 3/18/99), filed at the direction of the court cs (Former Employee) (Entered: 04/19/1999)
04/19/1999	25	21 - ORDER granting motion to amend [21-1] (by Judge William M. Acker Jr) entered cm (Former Employee) (Entered: 04/19/1999)
04/20/1999	26	AMENDED complaint filed by pla Sandy Skurstenis; jury demand; adding T O Richey and reinstating Shelby County Baptist Hospital, filed cs (Former Employee) (Entered: 04/20/1999)
04/20/1999	27	REQUEST of pla for service by certified mail for dft T.O. Richey, filed (Former Employee) (Entered: 04/20/1999)
04/20/1999		SUMMONS and complaint issued mailed certified mail (Former Employee) (Entered: 04/20/1999)
04/22/1999	28	SUMMONS and complaint returned executed: upon defendant T O Richey on 4/21/99 filed (BST) (Entered: 04/22/1999)
04/28/1999	29	Summons and Complaint returned unexecuted: upon defendant T O Richey filed (Former Employee) (Entered: 04/28/1999)

04/28/1999	30	ANSWER by dft's James Jones, Wayne Watts, Jason Smitherman, and Stacy Blankenship w/appear by atty(s) Katherine C White filed cs (Former Employee) (Entered: 04/29/1999)
04/29/1999	31	ORDER reciting this courts Rule 12(b) position, filed (by Judge William M. Acker Jr) cm (Former Employee) (Entered: 04/29/1999)
07/22/1999		ALIAS summons issued as to dft T O Richey del pla (Former Employee) (Entered: 07/23/1999)
08/02/1999	32	SUMMONS and complaint returned executed: upon dft T O Richey on 7/30/99 filed (Former Employee) (Entered: 08/04/1999)
08/27/1999	33	MOTION by dft's James Jones, Wayne Watts, Jason Smitherman and Stacy Blankenship for summary judgment with brief attached thereon, filed cs (Former Employee) (Entered: 08/31/1999)
08/31/1999	34	ORDER (Submission) that the motion for summary judgment [33-1] is submitted 9/23/99 ; affidavits and briefs to be filed by 9/7/99, Responsive Brfs Due by 9/21/99, Reply Brfs Due by 9/23/99 , filed (Judge William M. Acker Jr) motion docket 9/23/99 @ 4:30 cm (Former Employee) (Entered: 08/31/1999)
09/21/1999	35	BRIEF by pla Sandy Skurstenis in response to dft's motion for summary judgment filed cs (Former Employee) (Entered: 09/22/1999)
09/21/1999	36	SUBMISSION of discovery by pla Sandy Skurstenis filed cs (Former Employee) (Entered: 09/22/1999)
09/23/1999	37	Reply BRIEF by dft's James Jones, Wayne Watts, Jason Smitherman, Stacy Blankenship, Shelby Cty Baptist, T O Richey filed cs (Former Employee) (Entered: 09/24/1999)
10/20/1999	38	RESPONSE by pla Sandy Skurstenis to dft's reply brief [37-1] filed cs (Former Employee) (Entered: 10/21/1999)
12/20/1999	39	MEMORANDUM opinion filed (by Judge William M. Acker Jr) cm (Former Employee) (Entered: 12/20/1999)
12/20/1999	40	ORDER adopting memorandum opinion [39-1], granting motion for summary judgment [33-1] to dismiss party Stacy Blankenship, party Jason Smitherman, party Wayne Watts , and ; Pretrial Conf set for 1:30 1/21/00 filed (by Judge William M. Acker Jr) cm (Former Employee) (Entered: 12/20/1999)
12/20/1999	41	ANSWER by dft T O Richey w/appear by atty(s) Mark W Lee, Dorothy A Powell filed cs (Former Employee) (Entered: 12/21/1999)
12/21/1999	42	ORDER ; Pretrial Conf scheduled for 1/21/00 is CANCELLED filed (by Judge William M. Acker Jr) cm (Former Employee) (Entered: 12/21/1999)
12/28/1999	43	ORDER that the Order entered 12/20/99 is hereby AMENDED w/corrected memorandum opinion attached to be substituted for memorandum opinion entered 12/20/99, filed (by Judge William M. Acker Jr) cm (SRJ) (Entered: 12/28/1999)
12/28/1999	44	Amendment to ANSWER by dft T O Richey filed cs (Former Employee) (Entered: 12/29/1999)

12/30/1999	45	MOTION by dft T O Richey to stay , and/or to vacate its orders of 12/20/99 and 12/28/99 filed cs (Former Employee) (Entered: 12/30/1999)
12/30/1999	46	ORDER terminating motion to stay [45-1], granting motion to vacate its orders of 12/20/99 and 12/28/99 [45-2], vacating orders [43-1],[40-1] filed (by Judge William M. Acker Jr) cm (Former Employee) (Entered: 12/30/1999)
01/03/2000	47	NOTICE of appeal by plaintiff Sandy Skurstenis from District Court decision [43-1] ; notice of appeal, order appealed from and court copy of docket entries w/transmittal letter mailed cm (Former Employee) (Entered: 01/04/2000)
01/10/2000	48	MOTION by dft T O Richey to extend time for filing motion for summary judgment until 1/14/00 filed cs (Former Employee) (Entered: 01/10/2000)
01/11/2000	49	ORDER granting motion to extend time for filing motion for summary judgment until 1/14/00 [48-1] ; stating order that is subject of interlocutory appeal has been vacated, filed (by Judge William M. Acker Jr) cm (Former Employee) (Entered: 01/11/2000)
01/14/2000	50	MOTION by dft T O Richey for summary judgment filed cs (Former Employee) (Entered: 01/14/2000)
01/14/2000	51	BRIEF by dft T O Richey in support of motion for summary judgment, filed cs (Former Employee) (Entered: 01/14/2000)
01/18/2000		NOTIFICATION by Circuit Court of Appellate docket number 00-10122D (Former Employee) (Entered: 01/20/2000)
01/19/2000	52	MEMORANDUM opinion filed (by Judge William M. Acker Jr) cm (Former Employee) (Entered: 01/19/2000)
01/19/2000	53	ORDER adopting memorandum opinion [52-1], Denying Motion for summary judgment by T.O. Richey; reinstating order entered on 12/28/99 as amended [43-1] pretrial conference tentatively scheduled for 1/21/00 is CANCELLED filed (by Judge William M. Acker Jr) cm (Former Employee) Modified on 02/03/2000 (Entered: 01/19/2000)
01/19/2000		DOCKET modification (utility event) denying motion for summary judgment [50-1] pursuant to doc#53 (Former Employee) (Entered: 01/19/2000)
01/27/2000	54	MOTION by pla Sandy Skurstenis for order for district court certification filed cs (Former Employee) (Entered: 01/27/2000)
01/27/2000	55	54 - ORDER finding the motion for order for district court certification [54-1] moot - already done (by Judge William M. Acker Jr) entered cm (Former Employee) (Entered: 01/27/2000)
02/01/2000	57	NOTICE of appeal by defendant T O Richey from District Court decision [53-1] ; notice of appeal, order appealed from and court copy of docket entries w/transmittal letter mailed cm (Former Employee) (Entered: 02/03/2000)
02/01/2000	58	Appeal Information Sheet filed [57-1] (Former Employee) (Entered: 02/03/2000)
02/02/2000	56	Appeal Information Sheet filed [47-1] (Former Employee) (Entered: 02/03/2000)

02/03/2000		APPEAL fee received in amount of \$ 105.00 receipt #200 147492 (Former Employee) (Entered: 02/03/2000)
02/10/2000		NOTIFICATION by Circuit Court of Appellate docket number 00-10603DD (Former Employee) (Entered: 02/10/2000)
02/10/2000	59	NOTICE of appeal by defendant James Jones from District Court decision [53-1] ; notice of appeal, order appealed from and court copy of docket entries w/transmittal letter mailed cm (Former Employee) (Entered: 02/11/2000)
02/11/2000		APPEAL fee received in amount of \$ 105.00 receipt #200 147859 (Former Employee) (Entered: 02/11/2000)
02/14/2000		APPEAL fee received in amount of \$ 105.00 receipt #200 147890 (Former Employee) (Entered: 02/14/2000)
02/22/2000	60	Appeal Information Sheet filed [59-1] (Former Employee) (Entered: 02/23/2000)
03/29/2000	61	CERTIFIED copy of Appellate Court order: Granting petition for permission to appeal pursuant to 29 USC 1292(B), Before: Anderson, Tjoflat and Dubina, filed (Former Employee) (Entered: 03/31/2000)
04/24/2000		APPEAL fee received in amount of \$ 105.00 receipt #200 150001 for appeal under Rule 1292(b) (Former Employee) (Entered: 04/24/2000)
05/18/2000		CERTIFICATE of readiness issued, cm (Former Employee) (Entered: 05/18/2000)
05/18/2000		CERTIFIED record on appeal with certified copy of docket, entries and transmittal mailed USCA cm (Former Employee) (Entered: 05/18/2000)
03/28/2001	62	CERTIFIED copy of Appellate Court order: affirming in part; reversing in part and remanding in part the decision of the District Court [Appeal [57-1], [Appeal [47-1] before: TJOFLAT, BIRCH, AND VINING [issued as mandate] filed (Former Employee) (Entered: 03/29/2001)
04/05/2001	63	MEMORANDUM opinion filed (by Judge William M. Acker Jr) cm (Former Employee) (Entered: 04/05/2001)
04/05/2001	64	ORDER in accordance with the madate of the 11th circuit [62-1] and in accordance with the memorandum [63-1] to dismiss case with prejudice insofar as it relies upon 42:1983 and insofar as it had not previously been dismissed and without prejudice insofar as pla presents claims against dft T.O. Richey, under state-law, costs are taxed against pla, filed (by Judge William M. Acker Jr) cm (Former Employee) (Entered: 04/05/2001)

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