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**U.S. District Court
Eastern District of Arkansas (Little Rock)
CIVIL DOCKET FOR CASE #: 4:01-cv-00458-WRW**

Terry, et al v. Hill, et al
Assigned to: Judge William R. Wilson, Jr
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 07/16/2001
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff**James M Terry**

*by and through his mother and next
friend, Arbunes Terry
unknown
Arbunes Terry*

represented by **Bettina E. Brownstein**
Wright, Lindsey & Jennings
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Plaintiff**Howard Erler**

*by and through his mother and next
friend, Diana Hughes
unknown
Diana Hughes*

represented by **Bettina E. Brownstein**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

V.

Defendant**Richard Hill**

*Deputy Director, Division of Mental
Health Services, Arkansas Department
of Human Services, in his official
capacities*

represented by **Frank J. Wills, III**
Arkansas Judicial Discipline &
Disability Commission
Tower Building
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TERMINATED: 09/10/2004
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Defendant

Frank Atkinson
*Sheriff of Sebastian County, in his
 individual and official capacities*
TERMINATED: 11/21/2001

represented by **Michael R. Rainwater**
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TERMINATED: 11/21/2001
LEAD ATTORNEY
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Defendant

Buck Byford
*Sheriff of Scott County, in his individual
 and official capacities*
TERMINATED: 11/21/2001

Date Filed	#	Docket Text

07/16/2001	1	CLASS ACTION AND INDIVIDUAL COMPLAINT, summons issued and returned to attorney, filing fee of \$150.00 pd, receipt #96734 (tjj) Modified on 07/17/2001 (Entered: 07/16/2001)
07/16/2001	2	MOTION by plaintiffs for temporary restraining order , and for preliminary injunction (tjj) Modified on 07/17/2001 (Entered: 07/16/2001)
07/16/2001	3	BRIEF by plaintiffs in support of motion for temporary restraining order [2-1], and motion for preliminary injunction [2-2] (tjj) (Entered: 07/16/2001)
07/20/2001	4	RETURN OF SERVICE executed upon defendant Richard Hill on 7/17/01 (bsm) (Entered: 07/23/2001)
07/30/2001	5	ANSWER by deft Frank Atkinson (tjj) (Entered: 07/31/2001)
07/30/2001	6	RESPONSE by deft Frank Atkinson to motion for temporary restraining order [2-1] and motion for preliminary injunction [2-2] (tjj) (Entered: 07/31/2001)
08/01/2001	7	NOTICE (DOC) setting motion for temporary restraining order [2-1]/preliminary injunction [2-2] at 9:30 on 8/23/01 (tjj) (Entered: 08/01/2001)
08/06/2001	8	ANSWER by deft Richard Hill (tjj) (Entered: 08/07/2001)
08/06/2001	9	REVISED NOTICE/ORDER of hearing (DOC) setting motion for temporary restraining order [2-1] and for preliminary injunction [2-2] at 9:30 8/30/01 (cc: all counsel) (tjj) (Entered: 08/07/2001)
08/21/2001	10	MOTION by plaintiff for class certification (bmt) (Entered: 08/21/2001)
08/21/2001	11	BRIEF by plaintiff in support of motion for class certification [10-1] (bmt) (Entered: 08/21/2001)
08/27/2001	12	SUPPLEMENTAL RESPONSE by deft Frank Atkinson to pltf's motion for temporary restraining order [2-1] (tjj) (Entered: 08/27/2001)
08/29/2001	13	AFFIDAVIT of Randy Morgan by plaintiff as a supplement to motion for class certification [10-1] (bmt) (Entered: 08/29/2001)
08/30/2001	14	RESPONSE by deft Frank Atkinson to motion for class certification [10-1] (tjj) (Entered: 08/30/2001)
08/30/2001	15	CLERK'S MINUTES: Scheduling conference was held. Order will be entered setting out deadline dates. (Ct. Reporter: Genie Power) (former empl) Modified on 09/06/2001 (Entered: 09/04/2001)
08/30/2001	16	MOTION by plaintiff to amend class action complt and to supplement motion for class certification (bmt) Modified on 11/06/2001 (Entered: 09/06/2001)
09/04/2001	17	SCHEDULING ORDER (DOC) purs to the hearing held 8/30/01, trial is set for 9:30 am on 12/10/01 in Little Rock; discovery is due by 10/5/01;

		objections to class certification are to be filed by 10/17/01; pltf's reply to any objections to class certification shall be filed by 10/24/01; class action hearing is set for 9:30 am on 11/8/01 in Little Rock; simultaneous briefs shall be filed 11/19/01 with simultaneous reply briefs being filed 11/30/01 (cc: all counsel) (tjj) Modified on 09/05/2001 (Entered: 09/05/2001)
09/19/2001	18	ORDER by Judge Stephen M. Reasoner granting motion to amend class action complt [16-1]; pltf is directed to file the proposed amended complaint within 5 days of the entry of this order (cc: all counsel) (tjj) (Entered: 09/19/2001)
09/24/2001	19	SUPPLEMENTAL CLASS action and individual complaint [1-1] by plaintiff James M Terry adding addl pltf Howard Erler and deft Buck Byford (bmt) (Entered: 09/25/2001)
10/01/2001	20	ANSWER to amended complaint by deft Frank Atkinson (tjj) (Entered: 10/01/2001)
10/25/2001	21	SUPPLEMENT by pltf James M Terry to motion for class certification by filing affidavit of Rodney Bailey [10-1] (bmt) (Entered: 10/25/2001)
11/07/2001	22	RESPONSE by defendant Richard Hill to motion for class certification [10-1] (bmt) (Entered: 11/07/2001)
11/08/2001	23	CLERK'S MINUTES: Hearing was held on plaintiffs' motion for class certification and at the conclusion of the hearing, the motion was granted. Order to be entered. (Ct. Reporter: Genie Power) Granting motion for class certification [10-1]; finding the motion for temporary restraining order [2-1] moot; finding the motion for preliminary injunction [2-2] moot. (former empl) (Entered: 11/09/2001)
11/09/2001	24	ORDER by Judge Stephen M. Reasoner granting motion for class certification [10-1]; Scheduling Order entered 9/5/01 is modified to eliminate the requirement of simultaneous briefs and reply briefs; parties are directed to file findings and fact and conclusions of law on or before 11/30/01; trial briefs should be submitted to the Court on or before 12/6/01 along with any stipulations (cc: all counsel) (former empl) Modified on 11/14/2001 (Entered: 11/13/2001)
11/21/2001	25	STIPULATION OF DISMISSAL w/o prej by pltf as to defts Frank Atkinson and Buck Byford (bmt) (Entered: 11/23/2001)
12/06/2001	26	SUPPLEMENT by pltf to motion for class certification by filing affidavits of Phil Mask, Ronnie Baldwin, Leroy Meadows, Jack McCann, Bill Jason, Carl McBee, Phillip Morgan, Larry Kirk, Ray Byrd, Jim Easom, Buck Byford, J R Ashlock, Mike Oglesby, Pat Garrett, Charlie Martin, Dan Johnson, Ben Garner, Dudley Lemon, Richard E Busby & James Robinson [10-1] (bmt) (Entered: 12/07/2001)
12/10/2001		CLERK'S MINUTES: Day 1 - Court trial began. After brief opening statement, testimony began. Court recessed at 5:50 p.m., to resume at 9:30 on 12/11/01. (Ct. Reporter: Genie Power) (former empl) (Entered: 12/10/2001)

		12/11/2001)
12/11/2001		CLERK'S MINUTES: Day 2 of Court trial. Plaintiff's proof continues. Court recessed at 1:15 p.m., to resume on 12/12/01. (Ct. Reporter: Genie Power) (former empl) (Entered: 12/11/2001)
12/12/2001	27	CLERK'S MINUTES: Testimony in court trial ended. An order will be entered setting oral arguments and a briefing schedule if needed. Exhibits were returned to the attorneys. Receipts attached to minutes. (Ct. Reporter: Genie Power) (former empl) Modified on 01/25/2002 (Entered: 12/13/2001)
12/20/2001	28	SCHEDULING ORDER by Judge Stephen M. Reasoner oral arguments scheduled for 9:30 on 1/24/02 in Little Rock (cc: all counsel) (bmt) (Entered: 12/21/2001)
01/16/2002	29	ORDER by Judge Stephen M. Reasoner parties are directed to file additional briefs by 1/22/02 (cc: all counsel) (bmt) (Entered: 01/17/2002)
01/22/2002	30	RESPONSE by plaintiffs to court's order of 1/15/02 [29-2] (bmt) (Entered: 01/22/2002)
01/22/2002	31	SUPPLEMENTAL BRIEF filed by defendant Richard Hill: evidentiary considerations [29-2] (former empl) (Entered: 01/23/2002)
01/24/2002	32	CLERK'S MINUTES: A hearing was held for oral arguments on post trial briefs. At the conclusion of the hearing, the Court took the case decision under advisement. (Ct. Reporter: Genie Power) (former empl) Modified on 01/25/2002 (Entered: 01/25/2002)
01/25/2002	33	MOTION by plaintiffs to dismiss complt against Richard Hill in his individual capacity (bmt) (Entered: 01/28/2002)
01/29/2002	34	ORDER by Judge Stephen M. Reasoner granting motion to dismiss complt against Richard Hill in his individual capacity [33-1] (cc: all counsel) (bmt) (Entered: 01/29/2002)
01/29/2002	35	SUPPLEMENTAL BRIEF filed by pltf on Speer v. City of Wynne, AR [30-1] (bsm) (Entered: 01/30/2002)
05/06/2002	36	COURT REPORTER'S EXCERPTED TRANSCRIPT of trial - volume 1 before Judge Stephen M. Reasoner on 12/10/01 (from direct examination of pltf witness Dr. Larry Miller) (bmt) (Entered: 05/06/2002)
05/06/2002	37	COURT REPORTER'S EXCERPTED TRANSCRIPT of trial - volume 2 before Judge Stephen M. Reasoner on 12/11/01 (from direct examination of pltf's witnesses Skipper Polk and Dr. Robin Ross) (bmt) (Entered: 05/06/2002)
05/06/2002	38	MEMORANDUM OPINION by Judge Stephen M. Reasoner the court finds in favor of pltf's on the issue of liability, finding specifically that pltf's Constitutional Rights to due process have been violated by the State of Arkansas; the Court will conduct a hearing to address the appropriate remedy at 10:00 a.m. on 6/10/02 in Little Rock; if parties desire to file

		briefs regarding the remedy, said briefs are to be filed simultaneous on 6/3/02; parties are directed to exchange witness and exhibit list by 6/3/02 (cc: all counsel) (bmt) Modified on 05/08/2002 (Entered: 05/07/2002)
06/14/2002	39	ORDER RESETTING HEARING (DOC) hearing is set for 9:30 9/19/02 to address the appropriate remedy in this matter (cc: all counsel) (bmt) (Entered: 06/14/2002)
08/19/2002	40	MOTION by movant Randy Johnson to intervene purs to Rule 24(b) (bmt) (Entered: 08/20/2002)
08/19/2002	41	BRIEF by movant Randy Johnson in support of motion to intervene purs to Rule 24(b) [40-1] (bmt) (Entered: 08/20/2002)
08/21/2002	42	SCHEDULING ORDER (DOC) hearing reset for 1:30 9/17/02 in Little Rock (cc: all counsel) (bmt) (Entered: 08/23/2002)
09/03/2002	43	RESPONSE by defendant Richard Hill to motion to intervene purs to Rule 24(b) [40-1] (bmt) (Entered: 09/04/2002)
09/10/2002	44	BRIEF in support of pltf's' proposed remedy for constitutional violations (bmt) (Entered: 09/10/2002)
09/17/2002	45	NOTICE by plaintiffs and defendants of filing settlement agreement (bmt) (Entered: 09/17/2002)
10/04/2002	46	ORDER by Judge Stephen M. Reasoner the Court approves the Order for Notice to all class members informing them of the terms of the settlement & notifying them of an opportunity to file any objection to the terms of the settlement (cc: all counsel) (bmt) Modified on 10/08/2002 (Entered: 10/07/2002)
10/04/2002	47	ORDER by Judge Stephen M. Reasoner on 9/27/02 the court tentatively approved the terms of the settlement agreement; the Court orders that the notice of the settlement be given to the members of the class in the form and manner as set forth in this order; notice to each class member is to be mailed by deflt w/in 10 days of the entry of this order and state that the members has 30 days from the entry of the order to voice any objection to the court in writing; clerk is directed to sign and date the notice; following the expiration of the 30 days, the court will determine if any further action by the court is needed (cc: all counsel) (bmt) (Entered: 10/07/2002)
11/18/2002	48	OBJECTIONS by Ronald D O'Neal to the proposed settlement agreement [45-1] (bmt) (Entered: 11/19/2002)
11/19/2002	49	MOTION by movant Ronald McJames to extend time to resp to the notice of the proposed settlement agreement (bmt) (Entered: 11/19/2002)
11/25/2002	50	ORDER by Judge Stephen M. Reasoner granting motion to extend time to resp to the notice of the proposed settlement agreement until 12/16/02 [49-1] (cc: all counsel) (bmt) (Entered: 11/26/2002)
11/27/2002	51	MOTION by movant Charles Robinson Jr to extend time to file objection

		to settlement agreement (bmt) (Entered: 12/02/2002)
12/05/2002	52	MOTION by movant Michael Tyrone Cornice to intervene as a party pltf (bmt) (Entered: 12/06/2002)
12/10/2002	53	RESPONSE by movant Ronald McJames to notice of proposed settlement agreement [45-1] (bmt) (Entered: 12/11/2002)
12/17/2002	54	OBJECTIONS by Ronald D O'Neal to the settlement agreement [45-1] (bmt) (Entered: 12/18/2002)
12/19/2002	55	MOTION by movant Michael Tyrone Cornice to compel discovery (bmt) (Entered: 12/20/2002)
12/19/2002	56	OBJECTIONS by movant Michael Tyrone Cornice to notice of proposed settlement of class action [45-1] (bmt) (Entered: 12/20/2002)
01/13/2003	57	RESPONSE by plaintiffs to motion to intervene as a party pltf of Michael Tyrone Cornice [52-1] (bmt) (Entered: 01/13/2003)
01/13/2003	58	RESPONSE by plaintiffs to motion to compel discovery [55-1] (bmt) (Entered: 01/13/2003)
01/13/2003	59	JOINT RESPONSE by pltf's James M Terry and Howard Erler to objections of Ronald D O'Neal, Ronald D McJames and Michael Tyrone Cornice [48-1] [53-1] [54-1] [56-1] (bmt) (Entered: 01/13/2003)
01/14/2003	60	ORDER by Judge Stephen M. Reasoner the parties advised the court that they have reached an agreement concerning the payment by deft of pltf's atty fees and costs in the total amount of \$52,595.52 to the firm of James & Carter and \$82,437.90 to the firm of Wright, Lindsey & Jennings LLP; Deft shall also pay expert witness fees in the amount of \$16,200.00 to Robin Ross, MD; the request for expert fees submitted by Richard Smith, MD is still pending; the Court also approves the parties' agreement for the payment of these attys' fees, costs, and Dr. Ross' expert witness fees; the Court finds no further action is required and the settlement agreement is approved in all respects and shall be filed of record with the Court; this Court retains jurisdiction to enforce its orders (cc: all counsel) (bmt) Modified on 01/15/2003 (Entered: 01/14/2003)
01/15/2003	61	NOTICE by defendant of filing Report to Court (bmt) (Entered: 01/16/2003)
01/16/2003	62	ORDER by Judge Stephen M. Reasoner denying motions to compel discovery [55-1] and to intervene as a party pltf by Michael T Cornice [52-1] (cc: all counsel) (bmt) (Entered: 01/16/2003)
01/23/2003	63	RESPONSE by plaintiffs to 1/15/03 report to Court of Division of Mental Health Services [61-1] (bmt) (Entered: 01/24/2003)
01/27/2003	64	OBJECTIONS by movant Ronald McJames to response to 1/15/03 report [63-1] (bmt) (Entered: 01/27/2003)
02/06/2003	65	MEMO TO FILE: finding the motion to intervene purs to Rule 24(b) [40-1] and to extend time to file objection to settlement agreement moot [51-

		1] due to the settlement of case (bmt) (Entered: 02/07/2003)
02/18/2003	66	SUPPLEMENTAL OBJECTION by movant Michael Tyrone Cornice to separate party pltfs' atty response to motion to intervene (bmt) (Entered: 02/19/2003)
02/18/2003	67	MOTION by movant Michael Tyrone Cornice to amend complt with supplemental pleadings (bmt) (Entered: 02/19/2003)
04/15/2003	68	NOTICE by defendant Richard Hill of filing report to court (bmt) (Entered: 04/16/2003)
06/16/2003	69	NOTICE by defendant Richard Hill of filing report to court (bmt) (Entered: 06/17/2003)
09/09/2003	70	ORDER by Judge Stephen M. Reasoner denying motion to amend complt with supplemental pleadings [67-1] (cc: all counsel) (bmt) (Entered: 09/10/2003)
09/15/2003	71	NOTICE by defendant Richard Hill of filing report to Court (bmt) (Entered: 09/16/2003)
09/23/2003	72	MAIL Returned addressed to movant Charles Robinson Jr [70-1] (marked - refused) (bmt) (Entered: 09/23/2003)
09/23/2003	73	MAIL Returned addressed to movant Michael Tyrone Cornice [70-1] (marked - refused) (bmt) (Entered: 09/23/2003)
11/24/2003	74	LETTER to court from movant Michael Tyrone Cornice (bmt) (Entered: 12/02/2003)
11/24/2003	74	MOTION by movant Michael Tyrone Cornice for jury trial (bmt) (Entered: 12/02/2003)
12/12/2003	75	MOTION by movant Michael Tyrone Cornice to amend complt (bmt) (Entered: 12/15/2003)
12/16/2003	76	REQUEST by movant Michael Tyrone Cornice for production of documents (bmt) (Entered: 12/16/2003)
12/30/2003	77	ORDER by Judge Stephen M. Reasoner denying motions for jury trial [74-1] and to amend complt [75-1] (cc: all counsel) (bmt) (Entered: 12/31/2003)
01/05/2004	78	MAIL Returned addressed to movant Charles Robinson Jr [76-1] (marked - attempted, not known) (bmt) (Entered: 01/07/2004)
01/14/2004	79	NOTICE by defendant Richard Hill of filing report to Court (bmt) (Entered: 01/14/2004)
01/23/2004	80	MAIL Returned addressed to movant Charles Robinson Jr [77-1] (marked - refused) (bmt) (Entered: 01/23/2004)
01/23/2004	81	MAIL Returned addressed to objector Ronald D O'Neal [77-1] (marked - refused) (bmt) (Entered: 01/23/2004)

01/23/2004	82	MAIL Returned addressed to movant Ronald McJames [77-1] (Marked - refused) (bmt) (Entered: 01/23/2004)
04/21/2004	83	NOTICE by defendant Richard Hill of filing report to Court (bmt) (Entered: 04/21/2004)
07/15/2004	84	NOTICE by defendant Richard Hill of filing report to Court (bmt) (Entered: 07/16/2004)
08/24/2004	85	ORDER OF REASSIGNMENT (DOC) Case reassigned to Judge William R. Wilson (cc: all counsel) (rjh) Modified on 08/24/2004 (Entered: 08/24/2004)
09/07/2004	86	MAIL returned addressed to movant Ronald McJames [85-1] [85-2] marked "Refused, Return to Sender" (rjh) (Entered: 09/08/2004)
09/08/2004	87	MOTION by defendant to substitute attorney Lee Thalheimer in place of Frank J. Wills III (bsm) (Entered: 09/09/2004)
09/08/2004	88	MAIL Returned addressed to Michael Tyrone Cornice, Pulaski Cty Detention Facility, marked "refused- return to sender" [85-1] [85-2] (Order of 8/24/04) (bsm) Modified on 09/09/2004 (Entered: 09/09/2004)
09/08/2004	89	MAIL Returned addressed to Ronald D O'Neal, Pulaski Cty Detention Facility, marked "refused - return to sender" [85-1] [85-2] (Order of 8/24/04) (bsm) (Entered: 09/09/2004)
09/09/2004		CLERK'S MINUTES: Telephone conference w/parties; order to be entered administratively terminating case (C. Newburg) (maj) (Entered: 09/10/2004)
09/10/2004	90	ORDER by Judge William R. Wilson granting motion to substitute attorney Lee Thalheimer in place of Frank J. Wills III for deft Richard Hill [87-1] (cc: all counsel) (bsm) (Entered: 09/13/2004)
09/13/2004	91	ORDER by Judge J. L. Holmes that the final report has been filed and parties agree that no further reports are required under the settlement agreement and therefore Court finds that the case should be administratively terminated; Clerk is directed to administratively terminate the action w/out prej to the right of the parties to re-open the proceedings for good cause shown; terminating case (cc: all counsel) (bsm) Modified on 09/16/2004 (Entered: 09/14/2004)
09/28/2004	92	MAIL Returned addressed to Ronald D O'Neal, Michael Tyrone Cornice, Ronald McJames and Charles Robinson Jr., Pulaski Cty Detention Facility marked "refused" [91-1] [91-2] (Order of 9/13/04) (bsm) (Entered: 09/29/2004)
09/30/2004	93	MAIL Returned addressed to Ronald McJames, Ronald D O'Neal, Charles Robinson Jr and Michael Tyrone Cornice [90-1] marked "refused" (copy of 9/10/04 Order) (bsm) Modified on 10/05/2004 (Entered: 10/01/2004)

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