

CLOSED

**U.S. District Court
Northern District of Georgia (Newnan)
CIVIL DOCKET FOR CASE #: 3:89-cv-00076-GET**

Juctice, et al v. City of Peachtree, et al
Assigned to: Judge G. Ernest Tidwell
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 06/12/1989
Date Terminated: 04/18/1991
Jury Demand: Defendant
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Charles As next friend of James Justice
TERMINATED: 03/06/1991

represented by **James Edward Bischoff**
Bischoff & White
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135 Governor's Square
Fayetteville, GA 30215
770-631-3606
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TERMINATED: 03/06/1991
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Keith As next friend of Lazena Simon

represented by **James Edward Bischoff**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

City of Peachtree City

represented by **Asa Mitchell Powell, Jr.**
Glover & Davis
P.O. Drawer 1038
10 Brown Street
Newnan, GA 30264
770-683-6000
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Police Officer Keith Individually and in
his capacity as a Police Officer.**

represented by **Asa Mitchell Powell, Jr.**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Police Officer Chris Individually and in his capacity as Police Officer.**represented by **Asa Mitchell Powell, Jr.**

(See above for address)

LEAD ATTORNEY**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
09/22/1989	4	Settlement certificate. (to judge) (sg) (Entered: 09/22/1989)
09/28/1989	5	Certificate of service by pla. as to discovery filed. (sg) (Entered: 09/28/1989)
10/13/1989	6	ORDER extending time gor discovery through 10/31/89 by Judge G. E. Tidwell . (sg) (Entered: 10/17/1989)
12/01/1989	7	ORDER granting leave of absence for James E. Bischoff from 12/13/89 through 12/18/89 by Judge G. E. Tidwell . (sg) (Entered: 12/05/1989)
12/21/1989	8	Joint MOTION by Chris Matson, Keith Dryden, City of Peachtree, Keith Simon, Charles Justice for discovery , and for order by Get ext. discovery thru 2/28/89 with brief in support.cc (db) (Entered: 12/27/1989)
01/24/1990	9	Notice to take deposition of Keith Dryden, Chris Matson, Mike Dupree, Sgt. Joyce Warren, Officer Kim Wagner, Ben Thomas, Jetta Bennett, Mike Rogers, Mayor Fred Brown, and Gerald Balas by plaintiff Keith Simon, plaintiff Charles Justice (db) (Entered: 02/05/1990)
02/28/1990	10	Joint MOTION by Charles Justice, Keith Simon, City of Peachtree, Keith Dryden, Chris Matson to extend time to file to discovery through 4/30/90 with brief in support and proposed order. TO GET (db) (Entered: 03/03/1990)
03/16/1990	11	ORDER GRANTING joint motion to extend time to file to discovery through 4/30/90 by Chris Matson, Keith Dryden, City of Peachtree, Keith Simon, Charles Justice [10-1] by Judge G. E. Tidwell. cc (db) (Entered: 03/19/1990)
05/18/1990	12	ORDER upon consent of pty. allowing defts. to file S.J. motion through 5/26/90 and approved Judge G. E. Tidwell.cc (db) (Entered: 05/23/1990)
05/25/1990	13	MOTION by defendant City of Peachtree, defendant Keith Dryden, defendant Chris Matson for summary judgment and statement of material facts with brief in support. (db) (Entered: 05/29/1990)
05/25/1990	14	Notice of filing discovery by defendant City of Peachtree, defendant Keith Dryden, defendant Chris Matson . (db) (Entered: 05/29/1990)
05/31/1990		Deposition of Charles Justice, Keith Simon, James Robert Justice and Lazena Simon taken for plaintiff Keith Simon, defendant City of Peachtree, defendant Keith Dryden (db) (Entered: 05/31/1990)
06/13/1990	15	CONSENT ORDER extending time to file response to defts' mtotion for summary judgment through 6/29/90 .CF (db) (Entered: 06/13/1990)

06/29/1990	16	RESPONSE by plaintiff Keith Simon, plaintiff Charles Juctice to motion for summary judgment and statement of material facts by City of Peachtree, Keith Dryden, Chris Matson [13-1] (db) (Entered: 06/29/1990)
06/29/1990	17	BRIEF by Keith Simon, Charles Juctice in opposition to motion for summary judgment and statement of material facts by City of Peachtree, Keith Dryden, Chris Matson [13-1] . (db) (Entered: 06/29/1990)
06/29/1990	18	Notice of filing discovery with attachments by plaintiff Keith Simon, plaintiff Charles Juctice . (db) (Entered: 06/29/1990)
06/29/1990		Deposition of Mike Loper, Frederick Brown, Jr., Captain Mike Dupree - Vol I & II, Joyce Warren, Ollita Bennett, Officer Chris Matson, Keith Dryden, Sidney Payne, Michael Rogers, Jim Bisinger, and Benjamin Thomas taken for plaintiff Keith Simon, plaintiff Charles Juctice (db) (Entered: 06/29/1990)
07/02/1990		SUBMITTED to Judge G. E. Tidwell on motion for summary judgment and statement of material facts by City of Peachtree, Keith Dryden, Chris Matson [13-1] (db) (Entered: 07/02/1990)
07/09/1990	19	RESPONSE by defendant Chris Matson, defendant Keith Dryden, defendant City of Peachtree to brief opposing motion for summary judgment by plaintiffs. (db) (Entered: 07/09/1990)
07/18/1990	20	MOTION for leave of absence by Dorothy D. Wilcox for the period of 8/6-8/90 with brief in support. (db) (Entered: 07/23/1990)
07/18/1990	21	ORDER GRANTING motion for leave of absence Dorothy D. Wilcox for 8/6 - 8/90 [20-1] by Judge G. E. Tidwell. cc (db) (Entered: 07/23/1990)
10/01/1990	22	ORDER for leave of absence of James Edward Bischoff for the period of 10/7-15/90 appr. by CRD. cc (db) (Entered: 10/02/1990)
10/09/1990	23	ORDER GRANTING in PART and DENYING in part motion for summary judgment and statement of material facts by City of Peachtree, Keith Dryden, Chris Matson [13-1] by Judge G. E. Tidwell. cc (db) (Entered: 10/09/1990)
10/22/1990	24	MOTION by plaintiff Keith Simon, plaintiff Charles Juctice for reconsideration order [23-1] with brief in support (db) (Entered: 10/23/1990)
10/22/1990	25	MOTION by defendant Chris Matson, defendant Keith Dryden, defendant City of Peachtree for reconsideration of court order of 10/9/90 with brief in support. (db) (Entered: 10/23/1990)
11/13/1990		SUBMITTED to Judge G. E. Tidwell on motion for reconsideration by City of Peachtree, Keith Dryden, Chris Matson [25-1], motion for reconsideration order [23-1] by Charles Juctice, Keith Simon [24-1] (db) (Entered: 11/13/1990)
01/07/1991	26	ORDER DENYING motion for reconsideration by Chris Matson, Keith Dryden, City of Peachtree [25-1], DENYING motion for reconsideration order [23-1] by Keith Simon, Charles Juctice [24-1] by Judge G. E. Tidwell (gjd) (Entered: 01/07/1991)
01/31/1991	27	Notice of appeal and certified copy of docket to U.S. Court of Appeals by plaintiffs . FEE PD./appeal info to counsel (db) (Entered: 01/31/1991)

02/19/1991		FORTHWITH LETTER for cert. of readiness from U.S.A., rec'd. NOTE: informed USCA 11, pending case and not properly cert. per 54(b) & 1291(b). (db) Modified on 02/20/1991 (Entered: 02/19/1991)
02/19/1991		Appeal [0-0] acknowledgement. USCA dkt no. 91-8093. (db) (Entered: 02/20/1991)
03/04/1991		Proposed pre-trial order received Note: signed by plft. only . (db) (Entered: 03/04/1991)
03/05/1991	28	MOTION by defendant Chris Matson, defendant Keith Dryden, defendant City of Peachtree to dismiss with brief in support. (db) (Entered: 03/05/1991)
03/06/1991	29	Certified copy of ORDER of the U.S. Court of Appeals DISMISSING Appeal [27-1] as to party Charles Justice upon motion by plft. Justice. (db) (Entered: 03/06/1991)
03/13/1991	30	MOTION by defendant Chris Matson, defendant Keith Dryden to substitute deposition testimony of Abram Winters at trial of case with brief in support. (db) (Entered: 03/13/1991)
03/15/1991	31	MOTION by plaintiff Charles Justice to amend proposed pretrial order [0-0] with brief in support. (db) (Entered: 03/18/1991)
03/15/1991		HEARING HELD: on motion to substitute by Keith Dryden, Chris Matson [30-1] before Judge G. E. Tidwell the court orally allowed the motion . (db) (Entered: 03/19/1991)
03/20/1991		Proposed pre-trial order received from defendant Chris Matson, defendant Keith Dryden, defendant City of Peachtree . (db) (Entered: 03/20/1991)
03/26/1991		Non-jury trial: Pretrial order filed. Plaintiff's proposed findings of fact, filed. Defendants' proposed findings of fact, filed. Deposition of Abram Winters, filed. Court case under advisement. (db) (Entered: 04/18/1991)
04/18/1991	32	ORDER re: Non-Jury trial for judgment for all defendants by Judge G. E. Tidwell. cc (db) (Entered: 04/18/1991)
04/18/1991	33	JUDGMENT ENTERED on complaint [1-1] for defendant Chris Matson, defendant Keith Dryden, defendant City of Peachtree against plaintiff Keith Simon, plaintiff Charles Justice. cc (db) (Entered: 04/18/1991)
05/15/1991	34	NOTICE OF APPEAL from judgment [33-1], order for judgment [32-1] by plaintiff Keith Simon, plaintiff Charles Justice. FEE PAID - c dkt/order, jgm. USCA 11 (db) (Entered: 05/15/1991)
05/22/1991		Court of Appeals appeal by Charles Justice, Keith Simon [34-1] acknowledgement. USCA dkt no. 91-8427 (db) (Entered: 05/22/1991)
07/14/1991		TRANSCRIPT filed for dates of 3/26/91. (db) (Entered: 07/18/1991)
07/16/1991		FORTHWITH LETTER re: certificate of readiness from U.S. Court of Appeals appeal by Charles Justice, Keith Simon [34-1] (db) (Entered: 07/16/1991)
08/05/1991	35	CERTIFICATE OF READINESS OF RECORD ON APPEAL with certified copy of docket mailed to USCA . (jfe) (Entered: 08/05/1991)

09/25/1991		Exhibits Nos. P-2, P-5, rec'd for appeal by Keith Simon, Charles Justice (db) (Entered: 09/25/1991)
11/14/1991		FORTHWITH LETTER from U.S. Court of Appeals regarding transmission of record. Record mailed 11/14/91 (db) (Entered: 11/14/1991)
11/14/1991		Certified and TRANSMITTED RECORD to U.S. Court of Appeals appeal by Keith Simon, Charles Justice [34-1] . (Ack. vols. I,II, III - 11/18/91) (db) (Entered: 11/26/1991)
06/08/1992	36	Certified copy of JUDGMENT OF USCA AFFIRMING judgment of this court. Court of Appeals appeal [34-1] cc (db) (Entered: 06/08/1992)
06/22/1992		Record on appeal returned from USCA 11, 1 Vol. pleadings, 17 vols. depo., 1 transcript, 2 defts. exhs.. (db) (Entered: 06/22/1992)

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