

**U.S. District Court
Eastern District of Kentucky (Frankfort)
CIVIL DOCKET FOR CASE #: 3:06-cv-00070-KKC-EBA**

Mumphrey v. Shelby County, Kentucky et al
Assigned to: Judge Karen K. Caldwell
Referred to: Magistrate Judge Edward B Atkins
Cause: 42:1983 Civil Rights Act

Date Filed: 10/12/2006
Date Terminated: 01/07/2011
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Gary Mumphrey
*Individually and on behalf of all others
similarly situated*

represented by **Gary Mumphrey**
222 Alto Drive
Shelbyville, KY 40065
PRO SE

Gregory Allen Belzley
P.O. Box 278
Prospect, KY 40059
502-292-2452
Email: gbelzley@aol.com
TERMINATED: 08/24/2010
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Christopher Bagshaw
TERMINATED: 10/18/2010

represented by **Christopher Bagshaw**
NORTHPOINT TRAINING CENTER
Highway 33
Inmate Mail/Parcels
P.O. Box 479
Burgin, KY 40310
PRO SE

Gregory Allen Belzley
(See above for address)
TERMINATED: 08/24/2010
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Barry Chesser
TERMINATED: 06/09/2010

represented by **Barry Chesser**
116 Berea Street
Apt. D
Shelbyville, KY 40071
PRO SE

Gregory Allen Belzley
(See above for address)
TERMINATED: 05/10/2010
ATTORNEY TO BE NOTICED

Plaintiff

Tony Huff

represented by **Tony Huff**
204 S. Spring Street
Greencastle, IN 46135
PRO SE

Gregory Allen Belzley
(See above for address)

TERMINATED: 08/24/2010
ATTORNEY TO BE NOTICED

Plaintiff

William Farris
TERMINATED: 10/18/2010

represented by **William Farris**
c/o Amanda McLemore
1217 Mary Ross Avenue
Shelbyville, KY 40065
PRO SE

Gregory Allen Belzley
(See above for address)
TERMINATED: 08/24/2010
ATTORNEY TO BE NOTICED

Plaintiff

Troy Ingram
TERMINATED: 10/18/2010

represented by **Troy Ingram**
363 Oakview Drive
Shelbyville, KY 40065
PRO SE

Gregory Allen Belzley
(See above for address)
TERMINATED: 08/24/2010
ATTORNEY TO BE NOTICED

Plaintiff

Kenneth Kipp
TERMINATED: 10/18/2010

represented by **Kenneth Kipp**
OXFORD
Dorm B1, Cell 143-T
FEDERAL CORRECTIONAL
INSTITUTION
Inmate Mail/Parcels
P.O. BOX 1000
OXFORD, WI 53952
PRO SE

Gregory Allen Belzley
(See above for address)
TERMINATED: 08/24/2010
ATTORNEY TO BE NOTICED

Plaintiff

Mark Lefler
TERMINATED: 02/09/2010

represented by **Gregory Allen Belzley**
(See above for address)
TERMINATED: 08/24/2010
ATTORNEY TO BE NOTICED

Plaintiff

Norris Martin
TERMINATED: 10/18/2010

represented by **Norris Martin**
2703 Armsrerer
Louisville, KY 40218
PRO SE

Gregory Allen Belzley
(See above for address)
TERMINATED: 08/24/2010
ATTORNEY TO BE NOTICED

Plaintiff

represented by

Richard Metzger
TERMINATED: 10/18/2010

Richard Metzger
1132 Charles Street
Louisville, KY 40204
PRO SE

Gregory Allen Belzley
(See above for address)
TERMINATED: 08/24/2010
ATTORNEY TO BE NOTICED

Plaintiff

Stafford Mitchell
TERMINATED: 02/09/2010

represented by **Gregory Allen Belzley**
(See above for address)
TERMINATED: 08/24/2010
ATTORNEY TO BE NOTICED

Plaintiff

Elvin Noble

represented by **Elvin Noble**
144 Haven Hill Road
Apartment 401
Shelbyville, KY 40065
PRO SE

Gregory Allen Belzley
(See above for address)
TERMINATED: 08/24/2010
ATTORNEY TO BE NOTICED

Plaintiff

Alfred Perry

represented by **Alfred Perry**
KENTUCKY STATE REFORMATORY
3001 W. Highway 146
Inmate Mail/Parcels
LaGrange, KY 40032
PRO SE

Gregory Allen Belzley
(See above for address)
TERMINATED: 08/24/2010
ATTORNEY TO BE NOTICED

Plaintiff

Debra Probus
TERMINATED: 10/18/2010

represented by **Debra Probus**
#14 Adventure Road
Louisville, KY 40216
PRO SE

Gregory Allen Belzley
(See above for address)
TERMINATED: 08/24/2010
ATTORNEY TO BE NOTICED

Plaintiff

Beata Ray
TERMINATED: 10/18/2010

represented by **Beata Ray**
621 Village Lane
Shelbyville, KY 40065
PRO SE

Gregory Allen Belzley
(See above for address)
TERMINATED: 08/24/2010
ATTORNEY TO BE NOTICED

Plaintiff

Dennis Rogers
TERMINATED: 05/25/2010

represented by **Gregory Allen Belzley**
(See above for address)
TERMINATED: 08/24/2010
ATTORNEY TO BE NOTICED

Plaintiff

David Settles

represented by **David Settles**
105 Gumwood Road
Middlesboro, KY 40965
PRO SE

Gregory Allen Belzley
(See above for address)
TERMINATED: 08/24/2010
ATTORNEY TO BE NOTICED

Plaintiff

Anthony Manning

represented by **Anthony Manning**
MARSHALL COUNTY DETENTION
CENTER
54 Judicial Drive
Inmate Mail/Parcels
BENTON, KY 42025
PRO SE

Gregory Allen Belzley
(See above for address)
TERMINATED: 08/24/2010
LEAD ATTORNEY

Plaintiff

Jeffery Perry

represented by **Jeffery Perry**
c/o Henderson County Jail
380 Borax Drive
Henderson, KY 42420
PRO SE

Gregory Allen Belzley
(See above for address)
TERMINATED: 08/24/2010
LEAD ATTORNEY

Plaintiff

Paulinia Reece
TERMINATED: 10/18/2010

represented by **Paulinia Reece**
105 Spur Road
Vine Grove, KY 40175
PRO SE

Gregory Allen Belzley
(See above for address)
TERMINATED: 08/24/2010
LEAD ATTORNEY

Plaintiff

James Rose
TERMINATED: 10/18/2010

represented by **James Rose**
210 Mike Brown Lane
Taylorsville, KY 40071
PRO SE

Gregory Allen Belzley

(See above for address)
TERMINATED: 05/10/2010
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Shelby County, Kentucky

represented by **Scott Edmund Karem**
Fore, Miller & Schwartz
200 S. Fifth Street
Suite 700 N., First Trust Centre
Louisville, KY 40202
502-589-5250
Fax: 502-589-1637
Email: scott@scottkarem.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Douglas R. Moore
Denton & Keuler
555 Jefferson Street
Suite 301
P.O. Box 929
Paducah, KY 42002-929
270-443-8253
Fax: 270-442-6000
Email: dmoore@dklaw.com

Stacey A. Blankenship
Denton & Keuler
555 Jefferson Street
Suite 301
P.O. Box 929
Paducah, KY 42002-929
270-443-8253
Fax: 270-442-6000
Email: sblankenship@dklaw.com

Defendant

Bobby Waits

*Individually and in his official capacity as
the Shelby County Jailer*

represented by **Scott Edmund Karem**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Douglas R. Moore
(See above for address)

Stacey A. Blankenship
(See above for address)

Defendant

John and Jane Does

*Individually and in their official capacity
as medical professionals, officers and
employees of the Laurel County Detention
Center*

represented by **Scott Edmund Karem**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Douglas R. Moore
(See above for address)
ATTORNEY TO BE NOTICED

Stacey A. Blankenship

(See above for address)
ATTORNEY TO BE NOTICED

Official Defendant

Bobby Waits
in his official capacity as the Shelby
County Jailer

represented by **Scott Edmund Karem**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Douglas R. Moore
(See above for address)
ATTORNEY TO BE NOTICED

Stacey A. Blankenship
(See above for address)

| Date Filed | # | Docket Text |
|------------|----------|---|
| 10/12/2006 | <u>1</u> | CLASS ACTION COMPLAINT (Filing fee \$350; receipt number 828852), filed by Gary Mumphrey. (Attachments: # <u>1</u> Civil Cover Sheet# <u>2</u> Summons–Shelby Co, KY# <u>3</u> Summons–Waits# <u>4</u> Case Assignment Sheet)(AKR) (Entered: 10/13/2006) |
| 10/13/2006 | <u>2</u> | Summons Issued as to Shelby County, Kentucky, Bobby Waits, Individually, Bobby Waits, Official Dft; issued summons returned to counsel via U.S. Mail, per counsel request. (AKR) (Entered: 10/13/2006) |
| 10/16/2006 | | Conflict Check run. (CBD) (Entered: 10/16/2006) |
| 10/19/2006 | <u>3</u> | INCORRECTLY FILED AS CERTIFICATE OF SERVICE by Gary Mumphrey on Shelby County (Belzley, Gregory) Modified text to add "Incorrectly Filed As" on 10/20/2006 (Ratliff, Kay). (For correct entry see DE 5) (Entered: 10/19/2006) |
| 10/19/2006 | <u>4</u> | INCORRECTLY FILED AS CERTIFICATE OF SERVICE by Gary Mumphrey on Bobby Waits (Belzley, Gregory) Modified text to add "Incorrectly Filed As" on 10/20/2006 (Ratliff, Kay). (For correct entry see DE 6) (Entered: 10/19/2006) |
| 10/19/2006 | | Clerk's Note: re <u>4</u> Certificate of Service, <u>3</u> Certificate of Service; atty Gregory Belzley's secretary called & said atty used the event Certificate of Service instead of Summons returned executed as to these 2 entries; I told the secretary the clerk would correct the entries & send the atty a notice & nothing further was required by atty. (KJR) (Entered: 10/19/2006) |
| 10/19/2006 | <u>5</u> | SUMMONS Returned Executed by Gary Mumphrey via Certified Mail, return receipt requested to Rob Rothenberger, Co Judge Executive, Shelby County, Kentucky served on 10/17/2006, answer due 11/6/2006. (AKR) (Entered: 10/20/2006) |
| 10/19/2006 | <u>6</u> | SUMMONS Returned Executed by Gary Mumphrey via Certified Mail, Return Receipt Requested to Bobby Waits served on 10/17/2006, answer due 11/6/2006; Bobby Waits, Official Capacity, served on 10/17/2006, answer due 11/6/2006. (AKR) (Entered: 10/20/2006) |
| 10/20/2006 | | NOTICE OF DOCKET MODIFICATION TO G. Belzley, Sr. re <u>4</u> Certificate of Service, <u>3</u> Certificate of Service ; Error: Attorney incorrectly filed the summons returned executed <u>3</u> & <u>4</u> as "Certificate of Service"; Entry made by attorney; Correction: Clerk has modified the docket text of <u>3</u> & <u>4</u> to state these were incorrectly filed; Clerk has filed the Summons returned executed as <u>5</u> & <u>6</u> respectively; In the future, the attorney is advised to contact the ECF help desk if assistance is needed in choosing the correct event for filing; No further action required by counsel. cc: COR (AKR) (Entered: 10/20/2006) |
| 11/03/2006 | <u>7</u> | ANSWER to Complaint with JURY DEMAND by Shelby County, Kentucky, Bobby Waits, Bobby Waits, John and Jane Does, Nos. 1, 2 and 3.(Karem, Scott) (Entered: 11/03/2006) |

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| 11/06/2006 | | ***FILE SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>7</u> Answer to Complaint (JMW) (Entered: 11/06/2006) |
| 11/09/2006 | <u>8</u> | ORDER FOR MEETING AND REPORT: 1) w/in 21 days parties hold Rule 26 Meeting 2) w/in 10 days thereafter parties file Joint Status Report. Signed by Judge Karen K. Caldwell. (Order for Meeting and Report due by 12/9/2006)(CBD)cc: COR (Entered: 11/09/2006) |
| 12/08/2006 | <u>9</u> | JOINT REPORT of Rule 26(f) Planning Meeting. (Belzley, Gregory) (Entered: 12/08/2006) |
| 12/11/2006 | | ***FILE SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>9</u> Report of Rule 26(f) Planning Meeting (CBD) (Entered: 12/11/2006) |
| 12/14/2006 | <u>10</u> | SCHEDULING ORDER:1) following ddls shall be observed: (a) parties exchange Rule 26(a)(1) info by 1/30/2007 (b) pltf has to 6/1/2007 to Join Additional Parties or amend pldgs (c)Suppl. of disclosures sue 8/15/2007 (d) Rule 26(e) disclosures due from pltf 7/6/2007 and from dfts 9/7/2007 (e) Discovery due by 11/1/2007. (f) Dispositive Motions due by 12/3/2007. 2) no motions to compel or other motions re discovery disputes shall be filed unless all have conferred as directed by FRCP 37(a)(2)(A) 3) Jury Trial set for 5/19/2008 09:00 AM in Frankfort before Karen K. Caldwell. 4) parties shall observe directives re filing of discovery materials 5) no extensions of ddls in this order shall be granted unless appropriate motion filed 6) IT IS FURTHER ORDERED matter referred to Magistrate Judge Edward B. Atkins for (i) telephonic conference re progress of discovery and feasibility of all ddls (ii) settlement conference (iii) preliminary pretrial conference. A sep. order scheduling dates will issue from the Magistrate Judge. (CBD)cc: COR (Entered: 12/15/2006) |
| 12/14/2006 | <u>11</u> | ORDER: No later than 10 days prior to Pretrial Conference, counsel file pretrial filings. (Parties comply w/ Items 1A–G and 2A–E) Signed by Judge Karen K. Caldwell. (CBD)cc: COR (Entered: 12/15/2006) |
| 12/18/2006 | <u>12</u> | ORDER: 1) Telephone Conference set for 5/21/2007 02:00 PM EST. Signed by Judge Edward B Atkins. (CBD)cc: COR (Entered: 12/18/2006) |
| 01/12/2007 | <u>13</u> | INITIAL DISCLOSURES <i>Plaintiff's Rule 26(e)(1) Disclosures</i> by Gary Mumphrey.(Belzley, Gregory) (Entered: 01/12/2007) |
| 01/30/2007 | <u>14</u> | INITIAL DISCLOSURES <i>Rule 26</i> by Shelby County, Kentucky, Bobby Waits, Bobby Waits.(Karem, Scott) (Entered: 01/30/2007) |
| 03/05/2007 | <u>15</u> | MOTION to Compel by Gary Mumphrey <i>for Production of HIPAA–Protected Documents</i> (Attachments: # <u>1</u> Proposed Order)(Belzley, Gregory) (Entered: 03/05/2007) |
| 03/23/2007 | <u>16</u> | RESPONSE in Opposition re <u>15</u> MOTION to Compel by Gary Mumphrey filed by Shelby County, Kentucky, Bobby Waits, Bobby Waits, John and Jane Does, Nos. 1, 2 and 3. (Karem, Scott) (Entered: 03/23/2007) |
| 03/23/2007 | <u>17</u> | Proposed Agreed Order/Stipulation <i>Agreed Order</i> by Gary Mumphrey, Shelby County, Kentucky, Bobby Waits, Bobby Waits, John and Jane Does, Nos. 1, 2 and 3. (Karem, Scott) (Entered: 03/23/2007) |
| 03/23/2007 | <u>18</u> | Proposed Agreed Order/Stipulation <i>granting an extension of time to file a response to a motion to compel</i> by Gary Mumphrey, Shelby County, Kentucky, Bobby Waits, Bobby Waits, John and Jane Does, Nos. 1, 2 and 3. (Karem, Scott) (Entered: 03/23/2007) |
| 03/26/2007 | | ***FILE SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>17</u> Proposed Agreed Protective Order, AND <u>18</u> Proposed Agreed Order extending time to respond. (AKR) (Entered: 03/26/2007) |
| 03/26/2007 | <u>19</u> | REPLY to Response to Motion re <u>15</u> MOTION to Compel by Gary Mumphrey <i>for Production of HIPAA–Protected Inmate Docs</i> filed by Gary Mumphrey. (Belzley, Gregory) Additional attachment: Suppl. Exhibit A added on 5/22/2007 per Order <u>23</u> (Dearborn, Christy). Modified text re attachment on 5/22/2007 (Dearborn, Christy). (Entered: 03/26/2007) |

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| 03/26/2007 | | ***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>15</u> MOTION to Compel by Gary Mumphrey Production of HIPAA-Protected Documents (NOTE: related Pending Proposed Agreed Protective Order #17) (CBD) (Entered: 03/26/2007) |
| 03/28/2007 | <u>20</u> | AGREED PROTECTIVE ORDER: 1) dfts are to produce to pltf's counsel a copy of the floor plan of the Shelby county Detention Center, doc.s setting out present or last known address of all persons employed by the detention center during incarceration of pltf, Gary Mumphrey and photos of and doc.s identifying present or last known address of all persons incarcerated in the detention center at time of incarceration of Gary Mumphrey. These items are to be produced w/ in twenty days of this order 2) doc.s produced pursuant to this order shall be marked "CONFIDENTIAL" (see order for items 3-7). Signed by Judge Karen K. Caldwell. (CBD)cc: COR (Entered: 03/28/2007) |
| 03/28/2007 | <u>21</u> | AGREED ORDER: dfts shall have through 3/23/2007 to file their response to pltf's motion <u>15</u> for production of HIPAA protected inmate documents. Signed by Judge Karen K. Caldwell. (CBD)cc: COR (Entered: 03/28/2007) |
| 04/25/2007 | <u>22</u> | MOTION for Leave by Gary Mumphrey <i>To File Supp. to Reply in Support of Mot. to Compel Production</i> (Attachments: # <u>1</u> Exhibit Judge Russell's Order and Protective Order# <u>2</u> Proposed Order)(Belzley, Gregory) (Entered: 04/25/2007) |
| 05/21/2007 | | ***MOTION SUBMITTED TO CHAMBERS of Caldwell for review: <u>22</u> MOTION for Leave to File Supplement to Reply in support of Motion to Compel by Gary Mumphrey (CBD) (Entered: 05/21/2007) |
| 05/22/2007 | <u>23</u> | ORDER: motion <u>22</u> to file supplemental documents in support of her motion to compel is GRANTED . Signed by Judge Edward B Atkins. (CBD)cc: COR (Entered: 05/22/2007) |
| 05/29/2007 | <u>24</u> | MINUTE ENTRY FOR TELEPHONE CONFERENCE held on 5/29/2007 before Judge Edward B Atkins : 1) Telephone Conference set for 6/29/2007 02:00 PM. Undersigned's ofc shall initiate call. 2) All currently scheduled ddls remain in full force, pending further orders of this Court. (COURT REPORTER: None) (CBD)cc: COR (Entered: 05/29/2007) |
| 06/22/2007 | <u>25</u> | ORDER: Motion for Production (Record No. <u>15</u>) is GRANTED. That on or before July 2, 2007, counsel for parties submit an agreed order to the undersigned for consideration concerning how best to contact the potential class members while simultaneously protecting the privacy of individuals whose info will be disclosed . Signed by Judge Edward B Atkins. (AKR)cc: COR (Entered: 06/22/2007) |
| 06/28/2007 | <u>26</u> | ORDER: telephone conf previously scheduled for 6/30/2007 <u>24</u> is RESCHEDULED for 7/12/2007 @ 10:00 am. Signed by Judge Edward B Atkins. (CBD)cc: COR (Entered: 06/28/2007) |
| 06/28/2007 | | Set/Reset Hearings: Telephone Conference set for 7/12/2007 10:00 AM in Ashland before Edward B Atkins. (CBD) (Entered: 06/28/2007) |
| 07/02/2007 | <u>27</u> | Proposed Agreed Order/Stipulation <i>re production of MRSA documents</i> by Gary Mumphrey. (Belzley, Gregory) (Entered: 07/02/2007) |
| 07/03/2007 | | ***FILE SUBMITTED TO CHAMBERS of Caldwell for review: <u>27</u> Proposed Agreed Order/Stipulation (CBD) (Entered: 07/03/2007) |
| 07/03/2007 | <u>28</u> | AGREED PROTECTIVE ORDER: Dfts are produce certain documents to pltf's counsel w/in 14 days of date of this order. The doc.s shall be marked "CONFIDENTIAL." (Parties shall comply w/ items 1-8) . Signed by Judge Edward B Atkins. (CBD)cc: COR (Entered: 07/03/2007) |
| 07/03/2007 | <u>29</u> | AGREED PROTECTIVE ORDER: Dfts are produce certain documents to pltf's counsel w/in 14 days of date of this order. The doc.s shall be marked "CONFIDENTIAL." (Parties shall comply w/ items 1-8). . Signed by Judge Karen K. Caldwell. (CBD)cc: COR (Entered: 07/03/2007) |
| 07/12/2007 | <u>30</u> | ORDER: mater came for Telephone Status Conf (held on 7/12/2007) to discuss progees of discovery and feasibility of current ddls. As discovery is ongoing, and in light of Court's Order <u>29</u> of 7/3/2007, IT IS ORDERED on or before 7/31/2007 |

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| | | parties meet and report to Court re proposed amendments to current discovery plan. Signed by Judge Edward B Atkins. (COURT REPORTER: None) (CBD)cc: COR (Entered: 07/12/2007) |
| 08/01/2007 | | ***FILE SUBMITTED TO CHAMBERS of Judge Atkins for review: No response to <u>30</u> Order (CBD) (Entered: 08/01/2007) |
| 08/01/2007 | <u>31</u> | MOTION to Stay by Gary Mumphrey <i>pretrial deadlines for 90 days</i> (Attachments: # <u>1</u> Proposed Order)(Belzley, Gregory) Modified text to include text in italics to better describe pleading on 8/2/2007 (Ratliff, Kay). (Entered: 08/01/2007) |
| 08/20/2007 | | ***MOTION SUBMITTED TO CHAMBERS of Magistrate Judge Atkins for review: <u>31</u> MOTION to Stay Pretrial Deadlines by Gary Mumphrey. (AKR) (Entered: 08/20/2007) |
| 08/22/2007 | <u>32</u> | ORDER: that all pre-trial deadlines are abated in this case. The parties are directed to file, on Nov. 1, 2007, a status report w/Court &a discovery plan to govern the litigation of this matter. The parties are encouraged during this abatement to continue discovery in an effort toward moving this case toward resolution. (Motions terminated: <u>31</u> MOTION to Stay). Signed by Judge Edward B Atkins. (AKR)cc: COR (Entered: 08/22/2007) |
| 11/01/2007 | <u>33</u> | JOINT STATUS REPORT by Gary Mumphrey, Shelby County, Kentucky, Bobby Waits, Bobby Waits. (Karem, Scott) (Entered: 11/01/2007) |
| 11/02/2007 | | ***FILE SUBMITTED TO CHAMBERS of Judge Caldwell for review &scheduling: <u>33</u> Joint Status Report. (AKR) (Entered: 11/02/2007) |
| 11/02/2007 | <u>34</u> | ORDER: (1) Plff's Motion re <u>33</u> is GRANTED. (2) A telephone conf call among the undersigned &counsel is scheduled for MONDAY, 12/3/2007 at 10:30 AM, Eastern Time; (3) The undersigned's office shall initiate said teleph conf call, in which lead counsel for each party shall participate &be prepared to report on status of discovery &to discuss any other releveant matters arising in this case. Signed by Judge Edward B Atkins. (AKR)cc: COR, diary (Entered: 11/02/2007) |
| 12/03/2007 | <u>35</u> | MINUTE ENTRY ORDER FOR TELEPHONE CONFERENCE held on 12/3/2007, before Edward B Atkins: (1) Rule 26(a)(2) reports from expert trial witnesses due: (i) plffs by 6/30/08; and (ii) dfts by 8/15/08. (2) Supplementation of discl &responses as required by rule 26(e) by 9/1/08. (3)All discovery, including expert disc, due by 9/30/2008. (4) Trial of matter sched for 5/19/08 is CANCELLED. (5) Matter come on for telephone conf call on Tuesday, 9/30/08 at 10:00 am. The undersigned's ofc shall initiate the call, which shall be attended by lead counsel for each party, to discuss dates for trial. (AKR)cc: COR, diary (Entered: 12/03/2007) |
| 12/05/2007 | <u>36</u> | MOTION to Compel <i>Production of Documents</i> by Gary Mumphrey (Attachments: # <u>1</u> Exhibit 10/3/07 e-mail, # <u>2</u> Exhibit 11/14/07 e-mail, # <u>3</u> Proposed Order)(Belzley, Gregory) Modified text w/ language in italics for better description on 12/6/2007 (CBD). (Entered: 12/05/2007) |
| 12/20/2007 | <u>37</u> | UNOPPOSED MOTION for Extension of Time to File Response/Reply as to <u>36</u> MOTION to Compel by Gary Mumphrey by Shelby County, Kentucky, Bobby Waits, Bobby Waits (Attachments: # <u>1</u> Proposed Order)(Karem, Scott) Modified text to include "Unopposed" to better describe motion on 12/21/2007 (AKR). (Entered: 12/20/2007) |
| 12/21/2007 | | ***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>37</u> UNOPPOSED MOTION for Extension of Time to File Response/Reply as to <u>36</u> MOTION to Compel by Gary Mumphrey by Shelby County, Kentucky, Bobby Waits, Bobby Waits. (AKR) (Entered: 12/21/2007) |
| 12/21/2007 | <u>38</u> | ORDER: 1. Dft shall up through &including 12/28/07 to file their response to Plf's motion to compel. (Motion terminated: <u>37</u> Motion for Extension of Time). Signed by Edward B Atkins on 12/21/2007. (AKR)cc: COR (Entered: 12/21/2007) |
| 12/28/2007 | <u>39</u> | RESPONSE in Opposition re <u>36</u> MOTION to Compel by Gary Mumphrey filed by Shelby County, Kentucky, Bobby Waits, Bobby Waits. (Karem, Scott) (Entered: 12/28/2007) |

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| 01/03/2008 | <u>40</u> | REPLY to Response to Motion re <u>36</u> MOTION to Compel by Gary Mumphrey filed by Gary Mumphrey. (Attachments: # <u>1</u> INCORRECT–Exhibit KDOC MRSA protocol, # <u>2</u> INCORRECT–Exhibit CDC MRSA report)(Belzley, Gregory) (Additional attachment(s) added on 1/4/2008: # <u>3</u> CORRECT– Exhibit KDOC MRSA protocol, # <u>4</u> CORRECT–Exhibit CDC MRSA report) (AKR). Modified text to add "Incorrect" on 1/4/2008 (AKR). (Entered: 01/03/2008) |
| 01/04/2008 | | ***MOTION SUBMITTED TO CHAMBERS of Caldwell for review: <u>36</u> MOTION to Compel Production of Documents by Gary Mumphrey (CBD) (Entered: 01/04/2008) |
| 01/04/2008 | | NOTICE OF DOCKET MODIFICATION TO G. Belzley re <u>40</u> Reply to Response to Motion; ERROR: Page 9 of Exhibit 1 was sideways AND pages 1 through 17 of Exhibit 2 were sideways; Entry by attorney; CORRECTION: Clerk has rotated the pages and entered the documents as separate attachments; At the browse screen within ECF, the Attorney should always open and view each PDF document before proceeding with the filing; No further action required by counsel. cc: COR (AKR) (Entered: 01/04/2008) |
| 01/15/2008 | <u>41</u> | ORDER: all non–dispositive matters including, but not limited to, discovery issues are hereby referred to United States Magistrate Judge Edward B. Atkins. (<u>36</u> MOTION to Compel by Gary Mumphrey referred to Edward B Atkins). Signed by Judge Karen K. Caldwell on 1/15/2007.(CBD)cc: COR (Entered: 01/15/2008) |
| 01/15/2008 | | ***MOTION SUBMITTED TO CHAMBERS of Judge Atkins for review: <u>36</u> MOTION to Compel by Gary Mumphrey (CBD) (Entered: 01/15/2008) |
| 01/16/2008 | <u>42</u> | ORDER: Plaintiffs Motion to Compel Production of Documents [R. 36] is DENIED. Signed by Edward B Atkins on 1/16/2008. (CBD)cc: COR (Entered: 01/16/2008) |
| 05/22/2008 | <u>43</u> | NOTICE of Appearance by Stacey A. Blankenship on behalf of Shelby County, Kentucky, Bobby Waits, Bobby Waits, John and Jane Does, Nos. 1, 2 and 3 (Blankenship, Stacey) (Entered: 05/22/2008) |
| 06/27/2008 | <u>44</u> | MOTION for Extension of Time of <i>pretrial deadlines</i> by Gary Mumphrey Motions referred to Edward B Atkins. (Attachments: # <u>1</u> Proposed Order)(Belzley, Gregory) Modified by adding text in italics to better describe pleading on 6/27/2008 (AKR). (Entered: 06/27/2008) |
| 06/27/2008 | <u>45</u> | NOTICE of Appearance by Douglas R. Moore on behalf of Shelby County, Kentucky, Bobby Waits, Bobby Waits (Moore, Douglas) (Entered: 06/27/2008) |
| 07/18/2008 | <u>46</u> | ORDER: 1. Ddl for Rule 26(a)(2) reports from retained experts is extended, and such reports shall now be due from Plaintiff no later than 9/1/2008, and from Defendants no later than 10/15/2008; and 2. Discovery shall be completed no later than 12/1/2008. Signed by Edward B Atkins on 7/18/2008. (CBD)cc: COR (Entered: 07/18/2008) |
| 09/02/2008 | <u>47</u> | DISCLOSURES of <i>Expert Witnesses</i> by Gary Mumphrey. (Attachments: # <u>1</u> Exhibit Miller Report, # <u>2</u> Exhibit Clark Report)(Belzley, Gregory) (Entered: 09/02/2008) |
| 09/30/2008 | <u>48</u> | ORDER for TELEPHONE CONFERENCE held on 9/30/2008 before Edward B Atkins: plaintiff shall have to and including 12/29/2008, within which to file any motion to certify a class. The defendant shall then have thirty days to respond. (CBD)cc: COR Modified text w. keyword language on 9/30/2008 (CBD). (Entered: 09/30/2008) |
| 10/14/2008 | <u>49</u> | NOTICE of Change of Address by Scott Edmund Karem (Karem, Scott) (Entered: 10/14/2008) |
| 10/14/2008 | <u>50</u> | Proposed Agreed Order/Stipulation by Gary Mumphrey, Shelby County, Kentucky, Bobby Waits, Bobby Waits. (Karem, Scott) (Entered: 10/14/2008) |
| 10/14/2008 | | ***FILE SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>50</u> Proposed Agreed Order. (AKR) (Entered: 10/14/2008) |

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| 10/15/2008 | <u>51</u> | AGREED ORDER: 1. Dfts shall have up through &including Wednesday, October 29, 2008 in which to file their Rule 26 expert disclosure. 2. The December 1st discovery deadline date is vacated &parties are ordered to file a joint scheduling order within 15 days of the date that this Court rules on Pla's motion to certify this litigation as a class action. Signed by Judge Karen K. Caldwell on 10/15/2008.(AKR)cc: COR (Entered: 10/15/2008) |
| 10/29/2008 | <u>52</u> | DISCLOSURES of <i>Expert Witnesses</i> by Shelby County, Kentucky, Bobby Waits, Bobby Waits. (Attachments: # <u>1</u> Exhibit Expert Witness Report, # <u>2</u> Exhibit Expert Witness Report, # <u>3</u> Exhibit Expert CV, # <u>4</u> Exhibit Expert CV, # <u>5</u> Exhibit Raff CV part 1, # <u>6</u> Exhibit Raff CV part 2, # <u>7</u> Exhibit Raff CV part 3)(Karem, Scott) (Entered: 10/29/2008) |
| 12/11/2008 | <u>53</u> | MOTION to Amend <i>Prior Discovery Order</i> <u>42</u> Order on Motion to Compel by Gary Mumphrey and for <i>Extension of Deadline for Motion for Class Certification</i> – Motions referred to Edward B Atkins. (Attachments: # <u>1</u> Proposed Order)(Belzley, Gregory) Modified by adding text in italics and text cleanup on 12/12/2008 (AKR). (Entered: 12/11/2008) |
| 12/12/2008 | <u>54</u> | ORDER: (1) The Plaintiffs Motion to Amend &Motion for Extension <u>53</u> is DENIED. (2) The Courts order of September 30, 2008 remains in full force and effect, and any motion to certify a class shall be filed on or before DECEMBER 29, 2008. Signed by Edward B Atkins on 12/12/2008. (CBD)cc: COR (Entered: 12/12/2008) |
| 12/29/2008 | <u>55</u> | MOTION for Leave by Gary Mumphrey to <i>File First Amended Complaint</i> Motions referred to Edward B Atkins. (Attachments: # <u>1</u> Exhibit First Amended Complaint, # <u>2</u> Proposed Order)(Belzley, Gregory) (Entered: 12/29/2008) |
| 01/16/2009 | <u>56</u> | RESPONSE in Opposition re <u>55</u> MOTION for Leave by Gary Mumphrey to <i>File First Amended Complaint</i> filed by Shelby County, Kentucky, Bobby Waits, Bobby Waits. (Attachments: # <u>1</u> Exhibit A – Copy of cited case, # <u>2</u> Exhibit B – Copy of cited case)(Karem, Scott) (Entered: 01/16/2009) |
| 01/24/2009 | <u>57</u> | REPLY to Response to Motion re <u>55</u> MOTION for Leave by Gary Mumphrey to <i>File First Amended Complaint</i> filed by Gary Mumphrey. (Attachments: # <u>1</u> Exhibit Bourdais opinion, # <u>2</u> Exhibit Monahan opinion)(Belzley, Gregory) (Entered: 01/24/2009) |
| 01/26/2009 | | ***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>55</u> MOTION for Leave by Gary Mumphrey to <i>File First Amended Complaint</i> (CBD) (Entered: 01/26/2009) |
| 03/11/2009 | <u>58</u> | ORDER: Plaintiffs Motion for Leave to File First Amended Complaint <u>55</u> is DENIED WITHOUT PREJUDICE. Signed by Edward B Atkins on 3/11/2009. (CBD)cc: COR (Entered: 03/11/2009) |
| 03/13/2009 | <u>59</u> | MOTION for Reconsideration re <u>58</u> Order on Motion for Leave by Gary MumphreyMotions referred to Edward B Atkins. (Attachments: # <u>1</u> Exhibit 1, Judge Russell's Jan. 14, 2009 Opinion &Order, # <u>2</u> Exhibit 2, Judge Russell's Mar. 6, 2009 Opinion &Order, # <u>3</u> Proposed Order)(Belzley, Gregory) (Entered: 03/13/2009) |
| 03/19/2009 | <u>60</u> | NOTICE by Clerk to attorney Scott Edmund Karem via U.S. Mail re: failure to keep email account information updated (STB) (Additional attachment(s) added on 3/19/2009: # <u>1</u> MAIN DOCUMENT) (STB). (Entered: 03/19/2009) |
| 03/19/2009 | <u>61</u> | NOTICE OF CLERICAL ERROR Re: PDF DOCUMENT: Error: INCORRECT document attached to docket entry by docket clerk; re <u>60</u> Notice by Clerk ; Correct document attached to this entry. cc: COR (STB) (Entered: 03/19/2009) |
| 03/31/2009 | <u>62</u> | Proposed Agreed Order/Stipulation to file Response by Shelby County, Kentucky, Bobby Waits, Gary Mumphrey. (Karem, Scott) Modified text and added filer on 3/31/2009 (CBD). (Entered: 03/31/2009) |
| 03/31/2009 | <u>63</u> | RESPONSE in Opposition re <u>59</u> MOTION for Reconsideration re <u>58</u> Order on Motion for Leave by Gary Mumphrey MOTION for Reconsideration re <u>58</u> Order on Motion for Leave by Gary Mumphrey filed by Shelby County, Kentucky, |

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| | | Bobby Waits, Bobby Waits. (Attachments: # <u>1</u> Proposed Order)(Karem, Scott) (Entered: 03/31/2009) |
| 03/31/2009 | | ***FILE SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>62</u> Proposed Agreed Order/Stipulation (CBD) (Entered: 03/31/2009) |
| 03/31/2009 | | NOTICE OF DOCKET MODIFICATION TO Scott Karem re <u>62</u> Proposed Agreed Order/Stipulation; Error: attorney failed to choose all filers; Clerk has added the plaintiff as a filer to the document. In the future, attorney should hold the ctrl key on the keyboard and click on each party filing the pleading. No further action required by counsel. cc: COR (CBD) (Entered: 03/31/2009) |
| 04/01/2009 | <u>64</u> | ORDER: Defendants shall have up through and including Tuesday, March 31, 2009 in which to file their response to Plaintiffs motion <u>58</u> for reconsideration and/or clarification. Signed by Judge Karen K. Caldwell on 4/1/2009.(CBD)cc: COR (Entered: 04/01/2009) |
| 04/21/2009 | | ***MOTION SUBMITTED TO CHAMBERS of Judge Atkins for review: re <u>59</u> MOTION for Reconsideration re <u>58</u> Order on Motion for Leave by Gary Mumphrey (CBD) (Entered: 04/21/2009) |
| 04/22/2009 | <u>65</u> | ORDER: (1) The Plaintiffs Motion for Reconsideration <u>59</u> is GRANTED.(2) The Plaintiffs Motion for Leave to File First Amended Complaint <u>55</u> is GRANTED. (3) This matter is set for a telephonic status conference on 5/4/2009 @ 1:00 P.M. The undersigneds chambers will initiate said call, during which counsel shall be prepared to discuss the status of discovery, and current deadlines in the case. Signed by Edward B Atkins on 4/22/2009.(CBD)cc: COR (Entered: 04/22/2009) |
| 04/22/2009 | <u>68</u> | FIRST AMENDED COMPLAINT against Shelby County, Kentucky, Bobby Waits, Bobby Waits, John and Jane Does, Nos. 1, 2 and 3, filed by Christopher Bagshaw, Barry Chesser, Tony Huff, William Farris, Troy Ingram, Kenneth Kipp, Mark Lefler, Norris Martin, Richard Metzger, Stafford Mitchell, Gary Mumphrey, Elvin Noble, Alfred Perry, Debra Probus, Beata Ray, Dennis Rogers, David Settles, Gary Mumphrey. (Filed per Order <u>65</u>)(CBD) (Entered: 05/26/2009) |
| 05/04/2009 | <u>66</u> | Proposed Agreed Order/Stipulation <i>Setting Discovery Deadlines</i> by Gary Mumphrey, Shelby County, Kentucky, Bobby Waits, Bobby Waits. (Belzley, Gregory) (Entered: 05/04/2009) |
| 05/04/2009 | | ***FILE SUBMITTED TO CHAMBERS of Judge Atkins for review: <u>66</u> Proposed Agreed Order/Stipulation (CBD) (Entered: 05/04/2009) |
| 05/07/2009 | <u>67</u> | ORDER for TELEPHONE CONFERENCE held on 5/7/2009, before Edward B Atkins: (1) Discovery shall be completed on or before MARCH 1, 2010; (2) Deadline for amendment of the pleadings is AUGUST 31, 2009; (3) Expert reports shall be due: (a) From the Plaintiffs, on or before NOVEMBER 1, 2009; (b) From the Defendants, on or before DECEMBER 31, 2009;(4) On or before OCTOBER 31, 2009, the parties shall attend either mediation or a Court-sponsored settlement conference. If the parties desire a settlement conference, they shall inform the Court as soon as possible, in order to ensure scheduling before the deadline; (5) This matter shall come before the undersigned for a telephonic status conference on NOVEMBER 17, 2009 AT THE HOUR OF 2:00 P.M. Eastern. The undersigneds office will initiate said call, during which counsel for the parties shall be prepared to discuss the status of the case.(Court Reporter None.) Signed by Judge Atkins. (CBD)cc: COR, diary (Entered: 05/07/2009) |
| 05/27/2009 | <u>69</u> | MOTION for Leave to File Second Amended Complaint by Gary Mumphrey, Chistopher Bagshaw, Barry Chesser, Tony Huff, William Farris, Troy Ingram, Kenneth Kipp, Mark Lefler, Norris Martin, Richard Metzger, Stafford Mitchell, Gary Memphrey, Elvin Noble, Alfred Perry, Debra Probus, Beata Ray, Dennis Rogers, David Settles, Anthony Manning, Jeffery Perry, Paulinia Reece, James Rose Motions referred to Edward B Atkins. (Attachments: # <u>1</u> Exhibit Second Amended Complaint, # <u>2</u> Proposed Order)(Belzley, Gregory) Redefines motion relief, added filers on 5/28/2009 (CBD). (Entered: 05/27/2009) |
| 05/28/2009 | | NOTICE OF DOCKET MODIFICATION TO Greg Belzley re <u>69</u> MOTION for leave to file Second Amended Complaint; Error: the incorrect motion relief to |

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| | | Intervene was selected. Entry by Attorney; Clerk re-defined the pleading as a Motion for leave to file Second Amended Complaint. No further action required by counsel. cc: COR (CBD) (Entered: 05/28/2009) |
| 05/29/2009 | <u>70</u> | ORDER: that Plaintiff's motion <u>69</u> for leave of Court to file their Second Amended Complaint is GRANTED. Signed by Edward B Atkins on 5/29/2009. (CBD)cc: COR (Entered: 05/29/2009) |
| 05/29/2009 | <u>71</u> | SECOND AMENDED COMPLAINT against Shelby County, Kentucky, Bobby Waits, Bobby Waits, John and Jane Does, Nos. 1, 2 and 3, filed by Christopher Bagshaw, Barry Chesser, Tony Huff, William Farris, Troy Ingram, Kenneth Kipp, Mark Lefler, Norris Martin, Richard Metzger, Stafford Mitchell, Elvin Noble, Alfred Perry, Gary Mumphrey, Debra Probus, Beata Ray, Dennis Rogers, David Settles, Anthony Manning, Jeffery Perry, Paulinia Reece, James Rose. (<u>Filed per Order 70</u>)(CBD) (Entered: 06/01/2009) |
| 06/16/2009 | <u>72</u> | ANSWER to <u>68</u> Amended Complaint, by Shelby County, Kentucky, Bobby Waits, Bobby Waits, John and Jane Does, Nos. 1, 2 and 3.(Karem, Scott) (Entered: 06/16/2009) |
| 06/19/2009 | <u>73</u> | ANSWER to <u>71</u> Amended Complaint, by Shelby County, Kentucky, Bobby Waits, Bobby Waits, John and Jane Does, Nos. 1, 2 and 3.(Karem, Scott) (Entered: 06/19/2009) |
| 09/14/2009 | <u>74</u> | Proposed Agreed Order/Stipulation by Christopher Bagshaw, Barry Chesser, Tony Huff, William Farris, Troy Ingram, Kenneth Kipp, Mark Lefler, Norris Martin, Richard Metzger, Stafford Mitchell, Elvin Noble, Alfred Perry, Gary Mumphrey, Debra Probus, Beata Ray, Dennis Rogers, David Settles, Anthony Manning, Jeffery Perry, Paulinia Reece, James Rose. (Belzley, Gregory) (Entered: 09/14/2009) |
| 09/15/2009 | | ***FILE SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>74</u> Proposed Agreed Order/Stipulation. (AKR) (Entered: 09/15/2009) |
| 09/15/2009 | <u>75</u> | AGREED ORDER: 1. The Court's order dated March 5, 2009 requiring the parties to file amendments to pleadings on or before August 31, 2009 remains in effect as an order of the Court with the exception that Plaintiff may file amended complaints adding specific additional plaintiffs up through and including October 9, 2009. 2. Plaintiff's ability to amend and add additional plaintiffs is limited to adding the following named individuals: Aver/ Florence, Chastity Franco, Jessie Richardson, Samantha Roberts, Kristy Shuck, Jeffrey Sowards, David Stone, Jason Stone, William Stone, Earl Murray, Charles Wright, Charon Craft and Robert Miller. 3. Pursuant to the Court's order dated March 5, 2009 the parties are prohibited from amending pleadings except as otherwise set forth specifically in this order. Signed by Judge Karen K. Caldwell on 9/15/2009.(AKR)cc: COR (Entered: 09/15/2009) |
| 11/18/2009 | <u>76</u> | NOTICE of Change of Address by Gregory Allen Belzley (Belzley, Gregory) (Entered: 11/18/2009) |
| 11/19/2009 | <u>77</u> | NOTICE of Change of Address by Gregory Allen Belzley (Belzley, Gregory) (Entered: 11/19/2009) |
| 11/20/2009 | <u>78</u> | ORDER for TELEPHONE CONFERENCE held on 11/17/2009 before Edward B Atkins: (1) All current deadlines remain in place; (2) The parties shall file any dispositive motions on or before MAY 1, 2010 with response and reply time per Local Rule 7.1; (3) PRELIMINARY PRETRIAL CONFERENCE set for 8/11/2010 11:30 AM in FRANKFORT before Edward B Atkins. Signed by Edward B. Atkins. (Court Reporter None.) (CBD)cc: COR (Entered: 11/20/2009) |
| 11/20/2009 | | Terminate Hearings: Jury Trial of 5/19/2008 cancelled per Order 12/3/2007 <u>35</u> (CBD) (Entered: 11/20/2009) |
| 11/20/2009 | | Terminate Hearings: Prel. PT Conference of 9/30/2008 termed per Minute Order <u>48</u> entered 9/30/2008 (CBD) (Entered: 11/20/2009) |
| 12/28/2009 | <u>79</u> | SUPPLEMENTAL DISCLOSURES <i>Identification of Expert Witnesses</i> by Shelby County, Kentucky, Bobby Waits, Bobby Waits. (Attachments: # <u>1</u> Supplement Expert Report by Ray Sabbatine)(Blankenship, Stacey) (Entered: 12/28/2009) |

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| 01/08/2010 | <u>80</u> | Proposed Agreed Order/Stipulation <i>giving Martin, Metzger, Ray, and Reece 30 days to contact counsel or obtain new counsel</i> by Christopher Bagshaw, Barry Chesser, Tony Huff, William Farris, Troy Ingram, Kenneth Kipp, Mark Lefler, Norris Martin, Richard Metzger, Stafford Mitchell, Elvin Noble, Alfred Perry, Gary Mumphrey, Debra Probus, Beata Ray, Dennis Rogers, David Settles, Anthony Manning, Jeffery Perry, Paulinia Reece, James Rose, Shelby County, Kentucky, Bobby Waits, Bobby Waits, John and Jane Does, Nos. 1, 2 and 3. (Blankenship, Stacey) (Entered: 01/08/2010) |
| 01/11/2010 | <u>81</u> | AGREED ORDER: Plaintiffs Norris Martin, Richard Metzger, Beata Ray, and Paulinia Reece shall have 30 days from the date of this Agreed Order in which to contact their counsel or obtain new counsel or their claims shall be dismissed with prejudice. Plaintiffs' counsel shall send a copy of this Agreed Order via certified mail, return receipt requested, to the last known address of Martin, Metzger, Ray, and Reece. Signed by Judge Karen K. Caldwell on 1/11/2010.(CBD)cc: COR (Entered: 01/11/2010) |
| 02/03/2010 | <u>82</u> | Proposed Agreed Order/Stipulation <i>Extending Deadlines re: discovery and dispositive motions</i> by Christopher Bagshaw, Barry Chesser, Tony Huff, William Farris, Troy Ingram, Kenneth Kipp, Mark Lefler, Norris Martin, Richard Metzger, Stafford Mitchell, Elvin Noble, Alfred Perry, Gary Mumphrey, Debra Probus, Beata Ray, Dennis Rogers, David Settles, Anthony Manning, Jeffery Perry, Paulinia Reece, James Rose, Shelby County, Kentucky, Bobby Waits, Bobby Waits, John and Jane Does, Nos. 1, 2 and 3. (Blankenship, Stacey) (Entered: 02/03/2010) |
| 02/04/2010 | | ***FILE SUBMITTED TO CHAMBERS of Judge Atkins for review: <u>82</u> Proposed Agreed Order/Stipulation (CBD) (Entered: 02/04/2010) |
| 02/09/2010 | <u>83</u> | Proposed Agreed Order/Stipulation <i>dismissing Stafford Mitchell</i> by Christopher Bagshaw, Barry Chesser, Tony Huff, William Farris, Troy Ingram, Kenneth Kipp, Mark Lefler, Norris Martin, Richard Metzger, Stafford Mitchell, Elvin Noble, Alfred Perry, Gary Mumphrey, Debra Probus, Beata Ray, Dennis Rogers, David Settles, Anthony Manning, Jeffery Perry, Paulinia Reece, James Rose, Shelby County, Kentucky, Bobby Waits, Bobby Waits, John and Jane Does, Nos. 1, 2 and 3. (Blankenship, Stacey) (Entered: 02/09/2010) |
| 02/09/2010 | <u>84</u> | Proposed Agreed Order/Stipulation <i>dismissing Mark Lefler</i> by Christopher Bagshaw, Barry Chesser, Tony Huff, William Farris, Troy Ingram, Kenneth Kipp, Mark Lefler, Norris Martin, Richard Metzger, Stafford Mitchell, Elvin Noble, Alfred Perry, Gary Mumphrey, Debra Probus, Beata Ray, Dennis Rogers, David Settles, Anthony Manning, Jeffery Perry, Paulinia Reece, James Rose, Shelby County, Kentucky, Bobby Waits, Bobby Waits, John and Jane Does, Nos. 1, 2 and 3. (Blankenship, Stacey) (Entered: 02/09/2010) |
| 02/09/2010 | <u>85</u> | AGREED ORDER: With the agreement of the parties, as indicated by the signatures of their counsel below, it is hereby ORDERED that Plaintiff, Mark Lefler shall be dismissed with prejudice pursuant to Plaintiffs request. Signed by Judge Karen K. Caldwell on 2/9/2010.(CBD)cc: COR Modified text w/ agreed on 2/9/2010 (CBD). (Entered: 02/09/2010) |
| 02/09/2010 | <u>86</u> | AGREED ORDER: With the agreement of the parties, as indicated by the signatures of their counsel below, it is hereby ORDERED that Plaintiff, Stafford Mitchell shall be dismissed with prejudice pursuant to Plaintiffs request. Signed by Judge Karen K. Caldwell on 2/9/2010.(CBD)cc: COR (Entered: 02/09/2010) |
| 02/09/2010 | <u>87</u> | AGREED ORDER EXTENDING DEADLINES: the discovery deadline herein is extended through June 1, 2010, and the dispositive motions deadline herein is extended through August 1, 2010. All responses and replies are due in accordance with the FRCP. Signed by Judge Karen K. Caldwell on 2/9/2010.(CBD)cc: COR (Entered: 02/09/2010) |
| 02/16/2010 | | ***FILE SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>81</u> Agreed Order. (AKR) (Entered: 02/16/2010) |
| 03/15/2010 | <u>88</u> | MOTION to Take Deposition from Anthony Manning by John and Jane Does, Nos. 1, 2 and 3, Shelby County, Kentucky, Bobby Waits, Bobby Waits Motions referred to Edward B Atkins. (Attachments: # <u>1</u> Proposed Order)(Moore, Douglas) |

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| | | (Entered: 03/15/2010) |
| 03/15/2010 | <u>89</u> | ORDER: Defendant's motion <u>88</u> is GRANTED. Defendant is hereby granted leave to take the deposition of Anthony Manning, at the Marshall County Detention Center in Benton, Kentucky. Signed by Magistrate Judge Edward B Atkins on 3/15/2010. (CBD)cc: COR (Entered: 03/15/2010) |
| 04/01/2010 | <u>90</u> | Proposed Agreed Order/Stipulation <i>giving Barry Chesser, Dennis Rogers, and James Rose 30 days to contact counsel</i> by Christopher Bagshaw, Barry Chesser, John and Jane Does, Nos. 1, 2 and 3, William Farris, Tony Huff, Troy Ingram, Kenneth Kipp, Anthony Manning, Norris Martin, Richard Metzger, Gary Mumphrey, Elvin Noble, Alfred Perry, Jeffery Perry, Debra Probus, Beata Ray, Paulinia Reece, Dennis Rogers, James Rose, David Settles, Shelby County, Kentucky, Bobby Waits, Bobby Waits. (Blankenship, Stacey) (Entered: 04/01/2010) |
| 04/02/2010 | | ***FILE SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>90</u> Proposed Agreed Order/Stipulation (CBD) (Entered: 04/02/2010) |
| 04/05/2010 | <u>91</u> | AGREED ORDER: that Plfs, Barry Chesser, Dennis Rogers and James Rose shall have 30 days from the date of this Agreed Order in which to contact their counsel or obtain new counsel or their claims shall be dismissed with prejudice. Plfs' counsel shall send a copy of this Agreed Order via cert mail, retn rcpt requested, to the last known address of Chesser, Rogers, and Rose. Signed by Judge Karen K. Caldwell on 4/5/2010.(AKR)cc: COR (Entered: 04/05/2010) |
| 04/20/2010 | <u>92</u> | MOTION to Dismiss by Shelby County, Kentucky, Bobby Waits, Bobby Waits <i>Motion for Entry of Order of Dismissal</i> (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit A – certified mail)(Blankenship, Stacey) (Entered: 04/20/2010) |
| 04/20/2010 | <u>93</u> | Proposed Agreed Order/Stipulation <i>Proposed Agreed Order to Dismiss Christopher Bagshaw</i> by Christopher Bagshaw, Barry Chesser, John and Jane Does, Nos. 1, 2 and 3, William Farris, Tony Huff, Troy Ingram, Kenneth Kipp, Anthony Manning, Norris Martin, Richard Metzger, Gary Mumphrey, Elvin Noble, Alfred Perry, Jeffery Perry, Debra Probus, Beata Ray, Paulinia Reece, Dennis Rogers, James Rose, David Settles, Shelby County, Kentucky, Bobby Waits, Bobby Waits. (Blankenship, Stacey) (Entered: 04/20/2010) |
| 04/21/2010 | | ***FILE SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>93</u> Proposed Agreed Order (CBD) (Entered: 04/21/2010) |
| 04/21/2010 | <u>94</u> | AGREED ORDER: Plaintiff, Christopher Bagshaw shall have 30 days from the date of this Agreed Order in which to contact his counsel or obtain new counsel or his claims shall be dismissed with prejudice. Plaintiffs counsel shall send a copy of this Agreed Order via certified mail, return receipt requested, to the last known address of Bagshaw. Signed by Judge Karen K. Caldwell on 4/21/2010.(CBD)cc: COR (Entered: 04/21/2010) |
| 05/05/2010 | <u>95</u> | MOTION to Take Deposition from Alford Perry by Shelby County, Kentucky, Bobby Waits, Bobby Waits Motions referred to Edward B Atkins. (Attachments: # <u>1</u> Proposed Order)(Blankenship, Stacey) (Entered: 05/05/2010) |
| 05/05/2010 | <u>96</u> | MOTION to Take Deposition from Jeffery Perry by Shelby County, Kentucky, Bobby Waits, Bobby Waits Motions referred to Edward B Atkins. (Attachments: # <u>1</u> Proposed Order)(Blankenship, Stacey) (Entered: 05/05/2010) |
| 05/07/2010 | <u>97</u> | MOTION to Withdraw as Attorney by Gary Mumphrey Motions referred to Edward B Atkins. (Attachments: # <u>1</u> Proposed Order)(Belzley, Gregory) (Entered: 05/07/2010) |
| 05/10/2010 | <u>98</u> | MOTION to Withdraw as Attorney by Gary Mumphrey <i>from Representation of James Gary Rose</i> Motions referred to Edward B Atkins. (Attachments: # <u>1</u> Proposed Order)(Belzley, Gregory) (Entered: 05/10/2010) |
| 05/10/2010 | | ***MOTION SUBMITTED TO CHAMBERS of Magistrate Judge Atkins for review: re <u>98</u> MOTION to Withdraw as Attorney by Gary Mumphrey <i>from Representation of James Gary Rose</i> . (AKR) (Entered: 05/10/2010) |

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| 05/10/2010 | <u>99</u> | ORDER: counsel for Plaintiffs Gregory A. Belzley is hereby permitted to withdraw from the representation of Mr. Rose and Mr. Chesser. It is further ORDERED that Mr. Rose and Mr. Chesser shall have 30 days from the date of this Order either to locate new counsel and have them enter their appearance or to file written notice of his intent to proceed pro se. Failure to comply with this order will result in dismissal of the case without further notice. It is further ORDERED that Mr. Belzley send a copy of this order, certified mail, return receipt requested, to Mr. Rose at his last known address. Signed by Judge Karen K. Caldwell on 5/10/2010. (CBD)cc: COR (Entered: 05/10/2010) |
| 05/11/2010 | <u>100</u> | MOTION for Order by Shelby County, Kentucky, Bobby Waits, Bobby Waits <i>Motion for Entry of Order of Dismissal – Dennis Rogers</i> . (Attachments: # <u>1</u> Exhibit A – certified mail, # <u>2</u> Proposed Order)(Blankenship, Stacey) Modified by removing "Motions referred to Edward B Atkins" on 5/11/2010 (AKR). (Entered: 05/11/2010) |
| 05/11/2010 | <u>101</u> | Proposed Agreed Order/Stipulation <i>Jeffery Perry, Kenneth Kipp, Troy Ingram, and William Farris contact or obtain new counsel in 30 days</i> by Christopher Bagshaw, Barry Chesser, John and Jane Does, Nos. 1, 2 and 3, William Farris, Tony Huff, Troy Ingram, Kenneth Kipp, Anthony Manning, Norris Martin, Richard Metzger, Gary Mumphrey, Elvin Noble, Alfred Perry, Jeffery Perry, Debra Probus, Beata Ray, Paulinia Reece, Dennis Rogers, James Rose, David Settles, Shelby County, Kentucky, Bobby Waits, Bobby Waits. (Blankenship, Stacey) (Entered: 05/11/2010) |
| 05/11/2010 | | ***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: re <u>100</u> MOTION for Order by Shelby County, Kentucky, Bobby Waits, Bobby Waits <i>Motion for Entry of Order of Dismissal – Dennis Rogers</i> . (AKR) (Entered: 05/11/2010) |
| 05/11/2010 | | ***FILE SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>101</u> Proposed Agreed Order for Jeffery Perry, Kenneth Kipp, Troy Ingram & William Farris contact or obtain new ocounsel in 30 days. (AKR) (Entered: 05/11/2010) |
| 05/13/2010 | <u>102</u> | ORDER: (1) The Defendants Motions for Leave [Rs. 95, 96] are GRANTED; (2) Pursuant to Federal Rule of Civil Procedure 30(a)(2)(B), the Defendants are GRANTED LEAVE to depose Plaintiffs ALFORD PERRY and JEFFREY PERRY, who are currently incarcerated; (3) The parties shall cooperate with the Roederer Correctional Complex in scheduling an acceptable time for the depositions. Signed by Magistrate Judge Edward B Atkins on 05/13/2010. (Motions terminated: <u>95</u> Motion to Take Deposition; <u>96</u> Motion to Take Deposition). (AKR)cc: COR (Entered: 05/13/2010) |
| 05/20/2010 | <u>103</u> | Proposed Agreed Order/Stipulation <i>Staying Deadlines</i> by Christopher Bagshaw, Barry Chesser, William Farris, Tony Huff, Troy Ingram, Kenneth Kipp, Anthony Manning, Norris Martin, Richard Metzger, Gary Mumphrey, Elvin Noble, Alfred Perry, Jeffery Perry, Debra Probus, Beata Ray, Paulinia Reece, Dennis Rogers, James Rose, David Settles, Shelby County, Kentucky, Bobby Waits, Bobby Waits. (Attachments: # <u>1</u> Exhibit A – Wooler v. Hickman Co. Sixth Circuit Opinion)(Blankenship, Stacey) (Entered: 05/20/2010) |
| 05/21/2010 | | ***FILE SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>103</u> Proposed Agreed Order/Stipulation (CBD) (Entered: 05/21/2010) |
| 05/24/2010 | | ***FILE SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>94</u> Order. No response as to this order. (AKR) (Entered: 05/24/2010) |
| 05/25/2010 | <u>104</u> | ORDER OF DISMISSAL: that Defendants' motion <u>100</u> is GRANTED , and the claims of Dennis Rogers are hereby DISMISSED with prejudice. Signed by Judge Karen K. Caldwell on 05/25/2010. (AKR)cc: COR (Entered: 05/25/2010) |
| 05/25/2010 | <u>105</u> | AGREED ORDER: Messrs. Perry, Kipp, Ingram and Farris, if they wish to continue to prosecute their claims in this case, either contact Plaintiffs' counsel or retain new counsel in the next 30 days or their claims will be dismissed. Plaintiffs counsel shall send a copy of this Agreed Order via certified mail, return receipt requested, to the last known address of Farris, Ingram, Kipp, and Perry. Signed by Judge Karen K. Caldwell on 5/25/2010.(CBD)cc: COR (Entered: 05/25/2010) |

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| 05/26/2010 | <u>106</u> | ORDER: The Court hereby ORDERS that this matter is set for a telephonic scheduling conference on June 9, 2010 at 1:30 p.m. Chambers will initiate the call. Counsel SHALL CALL Chambers by June 4, 2010 with a phone number where they can be reached for the conference.. Signed by Judge Karen K. Caldwell on 5/26/2010.(CBD)cc: COR, Lex Diary (Entered: 05/26/2010) |
| 06/09/2010 | <u>107</u> | MINUTE ENTRY ORDER FOR TELEPHONE CONFERENCE held on 6/9/2010 before Judge Karen K. Caldwell: 1. All pending deadlines and hearings in this matter are SET ASIDE. 2. Plaintiff Barry Chesser is DISMISSED as a party to this action.3. Clerk to send one further notice to Plaintiff James Rose at his last known address that his claims will be dismissed if no response is received.4. Counsel for Plaintiffs to advise the Court bye-mail to Chambers the names of the remaining Plaintiffs in this matter. Once this list is received, the Court will send a notice to those remaining plaintiffs that their claims will be dismissed unless they have new counsel appear or notify the Court that they intend to proceed pro se within 30 days of said notice. (Court Reporter Rhonda Sansom.) (CBD)cc: COR (Entered: 06/10/2010) |
| 06/16/2010 | | ***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: re <u>92</u> MOTION to Dismiss by Shelby County, Kentucky, Bobby Waits, Bobby Waits <i>Motion for Entry of Order of Dismissal</i> (CBD) (Entered: 06/16/2010) |
| 06/25/2010 | | ***FILE SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>105</u> Order – No response (CBD) (Entered: 06/25/2010) |
| 08/23/2010 | <u>108</u> | MOTION to Withdraw as Attorney by Gary Mumphrey (Attachments: # <u>1</u> Proposed Order)(Belzley, Gregory) Removed referral language on 8/23/2010 (CBD). (Entered: 08/23/2010) |
| 08/24/2010 | <u>109</u> | ORDER: On motion <u>108</u> of counsel for Plaintiffs, and after consideration of same, it is ORDERED that counsel for Plaintiffs is permitted to withdraw as counsel for all Plaintiffs. On or before September 23, 2010, new counsel for Plaintiff Gary Mumphrey shall enter an appearance in the record. Absent a request for an extension of time or a Motion for Plaintiff Gary Mumphrey to appear pro se, the matter will be dismissed and stricken from the record. Signed by Judge Karen K. Caldwell on 8/24/2010. (CBD)cc: COR (NOTE: As no address for Gary Mumphrey was provided Clerk was only able to serve COR) (Entered: 08/24/2010) |
| 08/24/2010 | | Clerk's Note: Clerk contacted Mr. Belzley, former counsel for all plaintiffs, this date for last known addresses for plaintiffs re <u>109</u> Order on Motion to Withdraw as Attorney. Counsel advised that he would be filing a list this date attached to a Notice of Filing. (CBD) (Entered: 08/24/2010) |
| 08/24/2010 | | Attorney Update. Attorney Gregory Allen Belzley terminated. (CBD) (Entered: 08/24/2010) |
| 08/24/2010 | | Clerk's Note: Copy of <u>109</u> Order on Motion to Withdraw as Attorney, was sent via US Mail this date to Gary Mumphrey at 222 Alto Drive, Shelbyville Ky 40065. Address provided by phone from Mr. Belzley. (CBD) (Entered: 08/24/2010) |
| 08/24/2010 | <u>110</u> | NOTICE OF FILING by Gary Mumphrey of <i>List of Plaintiffs' Last Known Addresses</i> (Attachments: # <u>1</u> Exhibit)(Belzley, Gregory) (Entered: 08/24/2010) |
| 08/24/2010 | | Clerk's Note: Addresses provided by counsel at DE <u>110</u> added to docket sheet and copy of <u>109</u> Order mailed this date to remaining plaintiffs. (CBD) (Entered: 08/24/2010) |
| 08/30/2010 | <u>111</u> | Mail Returned as Undeliverable. Mail sent to Anthony Manning re <u>109</u> Order on Motion to Withdraw as Attorney. (CBD) (Entered: 08/30/2010) |
| 08/30/2010 | <u>112</u> | Mail Returned as Undeliverable. Mail sent to Beata Ray re <u>109</u> Order on Motion to Withdraw as Attorney (CBD) (Entered: 08/30/2010) |
| 08/30/2010 | <u>113</u> | Mail Returned as Undeliverable. Mail sent to Norris Martin re <u>109</u> Order on Motion to Withdraw as Attorney. (CBD) (Entered: 08/30/2010) |
| 08/30/2010 | <u>114</u> | Mail Returned as Undeliverable. Mail sent to Richard Metzger re <u>109</u> Order on Motion to Withdraw as Attorney. (CBD) (Entered: 08/30/2010) |

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| 08/30/2010 | <u>115</u> | Mail Returned as Undeliverable. Mail sent to Alfred Perry re <u>109</u> Order on Motion to Withdraw as Attorney. (CBD) (Entered: 08/30/2010) |
| 09/07/2010 | <u>116</u> | Mail Returned as Undeliverable. Mail sent to Kenneth Kipp re <u>109</u> Order. (CBD) (Entered: 09/07/2010) |
| 09/27/2010 | | ***FILE SUBMITTED TO CHAMBERS of Judge Caldwell for review: No response re <u>109</u> Order. (CBD) (Entered: 09/27/2010) |
| 10/18/2010 | <u>117</u> | ORDER: Accordingly, it is hereby ORDERED that the claims of Christopher Bagshaw, William Farris, Troy Ingram, Kenneth Kipp, Norris Martin, Richard Metzger, Beata Ray, Paulinia Reece, and James Rose are DISMISSED with prejudice. This Court was notified by Plaintiffs counsel that Debra Probus wishes to dismiss her claims. Accordingly, pursuant to Federal Rule of Civil Procedure 41(a)(2), the Court hereby ORDERS that the claims of Debra Probus are DISMISSED with prejudice. The only Plaintiffs that will remain following the entry of this Order are Gary Mumphrey, Tony Huff, Anthony Manning, Elvin Noble, Alfred Perry, Jeffery Perry, and David Settles. On motion of counsel for Plaintiffs, this Court ordered that counsel for Plaintiffs be permitted to withdraw as counsel for all Plaintiffs. Accordingly, it is hereby ORDERED that, by November 14, 2010, the Plaintiffs Gary Mumphrey, Tony Huff, Anthony Manning, Elvin Noble, Alfred Perry, Jeffery Perry and David Settles shall either: 1) obtain new counsel who shall enter their appearance in the record; or 2) file a Motion to appear pro se. If any of these remaining Plaintiffs fails to comply with this Order, that Plaintiff's claims will be dismissed without further notice. The Clerk is hereby directed to mail a copy of this Order to the last known addresses of the Plaintiffs. It is further hereby ORDERED that the Defendant's Motion for Entry of Order of Dismissal <u>92</u> is DENIED as moot. Signed by Judge Karen K. Caldwell on 10/18/2010.(CBD)cc: COR (Entered: 10/18/2010) |
| 11/03/2010 | <u>118</u> | Mail Returned as Undeliverable – No longer at this address. Mail sent to Jeffrey Perry re <u>117</u> Order. (CBD) (Entered: 11/03/2010) |
| 11/03/2010 | <u>119</u> | Mail Returned as Undeliverable – Not Here. Mail sent to Anthony Manning re <u>117</u> Order. (CBD) (Entered: 11/03/2010) |
| 11/15/2010 | | ***FILE SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>117</u> Order (CBD) (Entered: 11/15/2010) |
| 12/16/2010 | <u>120</u> | MOTION to Dismiss by Shelby County, Kentucky, Bobby Waits (Attachments: # <u>1</u> Proposed Order Granting Motion for Entry of Order of Dismissal)(Blankenship, Stacey) (Entered: 12/16/2010) |
| 12/17/2010 | | ***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: re <u>120</u> MOTION to Enter Order of Dismissal by Shelby County, Kentucky, Bobby Waits. (AKR) (Entered: 12/17/2010) |
| 01/07/2011 | <u>121</u> | ORDER: that the Defendants motion is GRANTED , and the claims of Gary Mumphrey, Tony Huff, Anthony Manning, Elvin Noble, Alfred Perry, Jeffery Perry and David Settles are hereby DISMISSED with prejudice. Having disposed of all claims, the Complaint in this case is hereby dismissed with prejudice. The Court further ORDERS that this action is STRICKEN from the active docket of this Court. Signed by Judge Karen K. Caldwell on 1/7/2011.(AKR)cc: COR (Entered: 01/07/2011) |
| 01/18/2011 | <u>122</u> | Mail Returned as Undeliverable. Mail sent to Jeffery Perry re <u>121</u> Order Dismissing Case. (CBD) (Entered: 01/18/2011) |
| 01/18/2011 | <u>123</u> | Mail Returned as Undeliverable. Mail sent to Anthony Manning re <u>121</u> Order Dismissing Case. (CBD) (Entered: 01/18/2011) |