

**U. S. District Court
Eastern District of Louisiana (New Orleans)
CIVIL DOCKET FOR CASE #: 2:99-cv-00663-SSV-JCW**

Cong, et al v. Foti, et al
Assigned to: Chief Judge Sarah S. Vance
Referred to: Magistrate Judge Joseph C. Wilkinson, Jr
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 02/26/1999
Date Terminated: 08/04/2000
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Chau Van Cong

represented by **Salvador G. Longoria**
Salvador G. Longoria, Attorney at Law
1020 N. Carrollton Ave.
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michele Gaudin

Michele Gaudin, LLC, Attorney and
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Plaintiff

Tin Pham

represented by **Salvador G. Longoria**
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Plaintiff

Kikiham Souk

represented by **Salvador G. Longoria**
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Plaintiff

Bun Chande

represented by **Salvador G. Longoria**
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Plaintiff

Loc Phan

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Plaintiff

Tuan Nguyen

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Plaintiff

Anouphong Khamvongsa

represented by **Salvador G. Longoria**
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Plaintiff

Vu Van Nguyen

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Plaintiff

Bounmy Prachak

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Plaintiff

Detphongsone Outta–Aphay

represented by **Salvador G. Longoria**
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Michele Gaudin
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Plaintiff

Min Phin

represented by **Salvador G. Longoria**
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Plaintiff

Nhut Huynh

represented by **Salvador G. Longoria**
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Plaintiff

Vi Giang Nguyen

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V.

Defendant

Charles C Foti, Jr
Sheriff for Orleans Parish

represented by **Freeman Rudolph Matthews**
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Defendant

Mary Baldwin Kennedy
Warden for Orleans Parish Prison

represented by **Freeman Rudolph Matthews**
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John Vito Quaglino
(See above for address)

Defendant

Corporal Verrett

represented by **Freeman Rudolph Matthews**
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LEAD ATTORNEY
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John Vito Quaglino
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Defendant

Deputy Chaney

represented by **Freeman Rudolph Matthews**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John Vito Quaglino
(See above for address)

Defendant**Deputy West**represented by **Freeman Rudolph Matthews**
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LEAD ATTORNEY
*ATTORNEY TO BE NOTICED***John Vito Quaglino**
(See above for address)**Defendant****Orleans Parish Sheriff Department**
*TERMINATED: 04/09/1999*represented by **Freeman Rudolph Matthews**
(See above for address)
TERMINATED: 04/09/1999
LEAD ATTORNEY
*ATTORNEY TO BE NOTICED***Defendant****Deputy Spicuzza**represented by **Freeman Rudolph Matthews**
(See above for address)
LEAD ATTORNEY
*ATTORNEY TO BE NOTICED***John Vito Quaglino**
(See above for address)

Date Filed	#	Docket Text
02/26/1999	1	COMPLAINT (6 summonses issued) (rg) (Entered: 02/26/1999)
02/26/1999		Payment of filing fee by plaintiff Chau Van Cong, plaintiff Tin Pham, plaintiff Kikiham Souk, plaintiff Bun Chande, plaintiff Loc Phan, plaintiff Tuan Nguyen, plaintiff Anouphong Khamvongsa, plaintiff Vu Van Nguyen, plaintiff Bounmy Prachak, plaintiff Detphongsone Outta-Aphay, plaintiff Min Phin, plaintiff Nhut Huynh in amount of \$ 150.00 (rg) (Entered: 02/26/1999)
02/26/1999		Automatic Referral (Utility Event) to Magistrate Joseph C. Wilkinson Jr. (rg) (Entered: 03/02/1999)
03/02/1999	2	MINUTE ENTRY (2/26/99): ORDERED that the case is TRANSFERRED to Judge Sarah S. Vance, Sec R, Mag 2 ; by Judge A. J. McNamara (rg) (Entered: 03/02/1999)
03/05/1999	3	Motion by plaintiffs Chau Van Cong et al and ORDER to issue only the 5 req for prod attached as exhibits; no other disc may be commenced w/o court order until the parties comply w/local rule 26.43 by Magistrate Joseph C. Wilkinson Jr. (bb) (Entered: 03/09/1999)
03/10/1999	4	RETURN OF SERVICE of summons and complaint upon defendant Charles C Foti Jr, defendant Orleans Parish on 3/3/99 (gw) (Entered: 03/10/1999)
03/10/1999	5	RETURN OF SERVICE of summons and complaint upon defendant Mary Baldwin Kennedy, defendant Corporal Verrett, defendant Deputy Chaney, defendant Deputy West on 3/5/99 (gw) (Entered: 03/10/1999)
03/17/1999	6	MOTION by defendant Orleans Parish – to dismiss plas' cmp referred to Magistrate Joseph C. Wilkinson Jr. to be heard before Mag Judge Wilkinson at 11:00 4/7/99. (sek) (Entered: 03/17/1999)
03/17/1999	7	ANSWER by defendants to complaint by plaintiffs [1-1]. (sek) (Entered: 03/17/1999)
03/19/1999	8	MINUTE ENTRY(3/18/99): Preliminary Conference set 10:00 4/5/99 in Chambers by Magistrate Joseph C. Wilkinson Jr. (bb) (Entered: 03/22/1999)

04/05/1999	9	MINUTE ENTRY (4/5/99): Preliminary Conference held; amendments due w/in 30 days ; pretrial conf set 2:00 1/11/00 ; jury trial set 8:30 1/24/00 ; by Magistrate Joseph C. Wilkinson Jr. (bb) (Entered: 04/06/1999)
04/07/1999	10	Consent to trial and Order referring case to Magistrate Joseph C. Wilkinson Jr. pursuant to 28 USC 636(c) by Judge Sarah S. Vance Date signed 4/6/99 (bb) Modified on 05/05/1999 (Entered: 04/08/1999)
04/09/1999	11	MINUTE ENTRY(4/8/99): granting motion of Orleans Parish Criminal Sheriff's Office to dismiss plas' cmp [6-1] by Magistrate Joseph C. Wilkinson Jr. (bb) (Entered: 04/12/1999)
06/29/1999	12	Motion by plaintiffs Chau Van Cong et al and ORDER expediting hrg on their mtn to perpetuate testimony; hrg set 6/29/99 at 2:30 by telephone by Magistrate Joseph C. Wilkinson Jr. (bb) (Entered: 07/01/1999)
06/30/1999	13	MOTION by plaintiffs Chau Van Cong et al to perpetuate testimony referred to Magistrate Joseph C. Wilkinson Jr. at 2:30 6/29/99 by telephone (bb) (Entered: 07/01/1999)
06/30/1999	14	MINUTE ENTRY(6/29/99): granting plas' motion to perpetuate testimony [13-1] by Magistrate Joseph C. Wilkinson Jr. (bb) (Entered: 07/01/1999)
07/13/1999	15	Motion by plaintiffs Chau Van Cong et al for leave to file suppl cmp and ORDER denying same for failure to comply w/local rules by Magistrate Joseph C. Wilkinson Jr. Date Signed: 7/14/99 (bb) (Entered: 07/16/1999)
07/20/1999	16	Motion by plaintiff Chau Van Cong and ORDER for leave to file amended cmp by Magistrate Joseph C. Wilkinson Jr. Date Signed: 7/21/99 (bb) (Entered: 07/23/1999)
07/23/1999	17	PLAINTIFF'S AMENDED complaint [1-1]; adding Vi Giang Nguyen as party plaintiff; Deputy Spicuzza as dft; issd 1 sms (bb) Modified on 08/09/1999 (Entered: 07/27/1999)
08/05/1999	18	MOTION by plaintiffs Chau Van Cong et al to compel req for prod referred to Magistrate Joseph C. Wilkinson Jr. to be heard before Mag Wilkinson at 11:00 8/25/99 (bb) Modified on 08/06/1999 (Entered: 08/06/1999)
08/09/1999	19	Request by plaintiffs Chau Van Cong et al and summons re-issued on amended complaint as to defendant Charles C Foti Jr, defendant Mary Baldwin Kennedy, defendant Corporal Verrett, defendant Deputy Chaney, defendant Deputy West, defendant Deputy Spicuzza; issd 6 sms (bb) (Entered: 08/09/1999)
08/10/1999	20	RETURN OF SERVICE of summons and amended complaint upon defendant Charles C Foti Jr, defendant Mary Baldwin Kennedy, defendant Corporal Verrett, defendant Deputy Chaney, defendant Deputy West, defendant Deputy Spicuzza on 8/10/99 (bb) (Entered: 08/10/1999)
08/20/1999	21	ANSWER by defendant Charles C Foti Jr, defendant Mary Baldwin Kennedy, defendant Corporal Verrett, defendant Deputy Chaney, defendant Deputy West, defendant Deputy Spicuzza to amended complaint by plaintiffs Chau Van Cong et al [17-1] (bb) (Entered: 08/23/1999)
08/25/1999	22	MINUTE ENTRY(8/25/99): dismissing as moot in part & granting in part plas' motion to compel req for prod [18-1]; dfts are to resp w/in 10 days; further ordered that dfts are ordered to pay to plas \$150.00 in attys fees for their failure to resp to disc served on 6/29/99 by Magistrate Joseph C. Wilkinson Jr. (bb) Modified on 09/16/1999 (Entered: 08/26/1999)
08/31/1999	23	MOTION by plaintiffs Chau Van Cong et al to compel req for prod referred to Magistrate Joseph C. Wilkinson Jr. to be heard before Mag Wilkinson at 11:00 9/15/99 (bb) Modified on 09/01/1999 (Entered: 09/01/1999)
09/08/1999	24	Notice of Deposition by plaintiffs Chau Van Cong et al of medical records of Anouphong Khamvongsa, Vu Van Nguyen, Bounmy Prachak, Detphongsone Outtha-Aphay and Vi Giang Nguyen from Charles C. Foti Jr. on 9/23/99 (bb) (Entered: 09/09/1999)

09/08/1999	25	Memo in opposition by defendants Charles C Foti Jr et al to motion to compel req for prod [23-1] filed by plaintiffs Chau Van Cong et al (bb) (Entered: 09/09/1999)
09/08/1999	26	Motion by defendants Charles C Foti Jr et al and ORDER extending time for one day to resp to plas' mtn to compel req for prod by Magistrate Joseph C. Wilkinson Jr. Date Signed: 9/9/99 (bb) (Entered: 09/13/1999)
09/10/1999	27	RETURN OF SERVICE of subp to Charles C. Foti svd 9/10/99 (bb) (Entered: 09/13/1999)
09/16/1999	28	MINUTE ENTRY (9/16/99): granting in part & denying in part plas' motion to compel req for prod [23-1] by Magistrate Joseph C. Wilkinson Jr. (bb) (Entered: 09/16/1999)
10/05/1999	29	Motion by plaintiffs Chau Van Cong et al and ORDER extending time until 11/11/99 to provide dfts w/expert reports by Magistrate Joseph C. Wilkinson Jr. Date Signed: 10/6/99 (bb) (Entered: 10/06/1999)
10/12/1999	30	NOTICE by plaintiffs of change of address of counsel Salvador G. Longoria & Michele Gaudin (pck) (Entered: 10/13/1999)
10/18/1999	31	Affidavit of Salvador G. Longoria (bb) (Entered: 10/19/1999)
10/29/1999	32	Notice of Deposition by plaintiffs Chau Van Cong et al of INS on 11/9/99 (bb) (Entered: 11/01/1999)
11/04/1999	33	Motion by plaintiffs Chau Van Cong et al, defendant Charles C Foti Jr et al and ORDER that jury trial set 8:30 1/24/00 is cont to be reset by separate order by Magistrate Joseph C. Wilkinson Jr. (bb) (Entered: 11/04/1999)
11/05/1999	34	MINUTE ENTRY(11/4/99): A status conf was held this date; amendments due 30 days from prelim conf; Pre-Trial Conf set 2:00 4/27/00; jury trial set 5/15/00 by Magistrate Joseph C. Wilkinson Jr. (ijg) (Entered: 11/05/1999)
12/10/1999	35	MOTION by plaintiff to compel dfts to comply with & produce the items requested in plas' 3rd requests for production of docs referred to Magistrate Joseph C. Wilkinson Jr. to be heard before Mag Judge Wilkinson at 11:00 1/5/00. (sek) (Entered: 12/13/1999)
01/05/2000	<u>36</u>	MINUTE ENTRY (1/5/00): finding the plas' motion to compel dfts to comply with & produce the items requested in plas' 3rd requests for production of docs [35-1] moot. by Magistrate Joseph C. Wilkinson Jr. (bb) (Entered: 01/05/2000)
01/20/2000	<u>37</u>	MINUTE ENTRY (1/19/00): Status conf held; counsel confirmed that they jointly consent to waiver of the jury demand; a decision on the appropriateness of consolidation of two other prisoner petitions will be deferred pending completion of prelim proceedings already set in the other two cases by Magistrate Joseph C. Wilkinson Jr. (bb) (Entered: 01/21/2000)
01/28/2000	38	Waiver of jury demand by plaintiffs & defendants (cca) (Entered: 02/01/2000)
02/07/2000	<u>39</u>	MINUTE ENTRY (1/19/00): Ordered that the trial set 5/15/00 will be conducted w/o a jury; starting time will be 10:00 a.m. by Magistrate Joseph C. Wilkinson Jr. (bb) (Entered: 02/07/2000)
02/22/2000	40	Exhibit list by plas Chau Van Cong et al. (gw) (Entered: 02/23/2000)
02/22/2000	41	Witness list submitted by plas Chau Van Cong et al. (gw) (Entered: 02/23/2000)
03/10/2000	42	MOTION by plaintiffs Chau Van Cong et al for secondary inspection of premises referred to Magistrate Joseph C. Wilkinson Jr. to be heard before Mag Wilkinson at 11:00 3/29/00 (bb) (Entered: 03/13/2000)
03/15/2000	43	MOTION by plaintiffs to compel prod of docs to be heard before Mag Judge Wilkinson at 11:00 4/5/00 (pck) (Entered: 03/16/2000)
03/16/2000	44	Notice of Deposition by plaintiffs Chau Van Cong et al of Gregory Rickson on 3/22/00 (bb) Modified on 03/17/2000 (Entered: 03/17/2000)

03/16/2000	45	Notice of Deposition by plaintiffs Chau Van Cong et al of Tris Lear on 3/22/00 (bb) (Entered: 03/17/2000)
03/23/2000	46	Memo in opposition by defendants Charles C Foti Jr et al to motion to compel prod of docs [43-1] filed by plaintiffs Chau Van Cong et al (bb) (Entered: 03/24/2000)
03/24/2000	47	RETURN OF SERVICE of subp to Gregory Rickson svd 3/17/00 (bb) (Entered: 03/27/2000)
03/29/2000	<u>48</u>	MINUTE ENTRY (3/29/00): granting plas' motion for secondary inspection of premises [42-1] by Magistrate Joseph C. Wilkinson Jr. (bb) (Entered: 03/29/2000)
04/06/2000	<u>49</u>	MINUTE ENTRY (4/5/00): granting in part & denying in part plas' motion to compel prod of docs [43-1] by Magistrate Joseph C. Wilkinson Jr. (bb) (Entered: 04/06/2000)
04/07/2000	<u>50</u>	MINUTE ENTRY (4/6/00): Settlement conference is set 1:30 4/14/00; settlement position letters due 4/13/00 at 12:00 noon by Magistrate Sally Shushan (bb) (Entered: 04/07/2000)
04/12/2000	51	Witness and Exhibit list submitted by defendant Charles C Foti Jr, defendant Mary Baldwin Kennedy, defendant Corporal Verrett, defendant Deputy Chaney, defendant Deputy West (jas) (Entered: 04/13/2000)
04/12/2000	<u>52</u>	Motion by plaintiffs Chau Van Cong et al and ORDER expediting hrg on their mtn to strike and/or bar the use of any witnesses and/or exhibits and/or experts by dfts; hrg set 4/26/00 without oral argument; opp due 4/20/00 by Magistrate Joseph C. Wilkinson Jr. Date Signed: 4/13/00 (bb) Modified on 04/13/2000 (Entered: 04/13/2000)
04/13/2000	53	MOTION by plaintiffs Chau Van Cong et al to strike and/or bar the use of any witnesses and/or exhibits and/or experts by dfts; referred to Magistrate Joseph C. Wilkinson Jr. to be heard before Mag Wilkinson at 4/26/00 without oral argument (bb) (Entered: 04/13/2000)
04/18/2000	54	RETURN OF SERVICE of subp to Manuel Gilbert, Craig Sylvera, Tris Lear, Gregory Rickson, Mary Kennedy, Allan Verret all svd 4/14/00 (bb) (Entered: 04/18/2000)
04/19/2000	55	Memo in opposition by defendants to motion to strike and/or bar the use of any witnesses and/or exhibits and/or experts by dfts; [53-1] filed by plaintiffs. (jas) (Entered: 04/19/2000)
04/25/2000	<u>56</u>	Motion by plaintiffs and ORDER for leave to file reply to dft's opp to plas' mtn to strike bar the use of any wits exhs experts by the dfts by Magistrate Joseph C. Wilkinson Jr. Date Signed: 4/26/00 (pck) Modified on 04/27/2000 (Entered: 04/27/2000)
04/27/2000	57	Reply by plaintiffs to dfts' response to plas' motion to strike and/or bar the use of any witnesses and/or exhibits and/or experts by dfts; [53-1] (pck) (Entered: 04/27/2000)
04/28/2000	<u>58</u>	MINUTE ENTRY (4/27/00): pre-trial conference held; ordered that plas will participate in trial by telephone; further ordered that counsel for plas and dfts send copies of trial exhibits by 5/8/00; further ordered that parties may submit findings of fact & conclusions of law & pretrial memoranda by 4:00 on 5/12/00; further ordered that the Court will conduct an inspection of the Orleans Parish Prison facility where the alleged incidents occurred on 5/16/00 at 9:00 by Magistrate Joseph C. Wilkinson Jr. (bb) (Entered: 04/28/2000)
04/28/2000	<u>59</u>	MINUTE ENTRY (4/27/00): finding the plas' motion to strike and/or bar the use of any witnesses and/or exhibits and/or experts by dfts; [53-1] moot. by Magistrate Joseph C. Wilkinson Jr. (bb) (Entered: 04/28/2000)
04/28/2000	<u>60</u>	PRE-TRIAL ORDER: PTC held; non jury trial set 5/15/00 at 10:00 by Magistrate Joseph C. Wilkinson Jr. Date Signed: 4/27/00 (bb) (Entered: 05/01/2000)
05/09/2000	61	RETURN OF SERVICE of subp to Dr. Brobson Lutz, Dr. David Kline both svd 4/17/00; Bianca Baker svd 5/8/00 (bb) (Entered: 05/10/2000)

05/12/2000	62	Pre-Trial Memorandum by plaintiffs. (sek) (Entered: 05/15/2000)
05/12/2000	63	Pre-Trial Memorandum by defendants. (sek) (Entered: 05/15/2000)
05/15/2000	<u>65</u>	PROCEEDING: Reported/Recorded by Rhonda Hardin; non-jury trial began 10:00 5/15/00; all present & ready; plas' mtn for sequestration of witnesses; so ordered; plas' exhibits admitted; witnesses testified; trial is cont until 5/16/00 at 10:00 by Magistrate Joseph C. Wilkinson (bb) Modified on 06/02/2000 (Entered: 05/17/2000)
05/15/2000	70	Deposition of Anouphong Khamvongsa taken on 7/1/99 (bb) (Entered: 05/18/2000)
05/15/2000	71	Deposition of Loc Phan taken on 7/1/99 (bb) (Entered: 05/18/2000)
05/15/2000	72	Deposition of Bounmy Phrachak taken on 7/1/99 (bb) (Entered: 05/18/2000)
05/15/2000	73	Deposition of Detphongsone Outtha-Aphay taken on 7/7/99 (bb) (Entered: 05/18/2000)
05/15/2000	74	Deposition of Vu Van Nguyen taken on 7/7/99 (bb) (Entered: 05/18/2000)
05/15/2000	75	Deposition of Rodolfo Garcia Diaz taken on 7/7/99 (bb) (Entered: 05/18/2000)
05/15/2000	76	Deposition of Ninh Le taken on 7/8/99 (bb) Modified on 05/30/2000 (Entered: 05/18/2000)
05/15/2000	77	Deposition of Sanh Keo taken on 7/8/99 (bb) (Entered: 05/18/2000)
05/15/2000	78	Deposition of Vithanet Kikhamsouk taken on 7/8/99 (bb) (Entered: 05/18/2000)
05/15/2000	79	Deposition of Dung Nguyen taken on 9/9/99 (bb) (Entered: 05/18/2000)
05/15/2000	80	Deposition of Vi Giang Nguyen taken on 9/9/99 (bb) (Entered: 05/18/2000)
05/15/2000	81	Deposition of Kiem Nguyen taken on 9/9/99 (bb) (Entered: 05/18/2000)
05/15/2000	82	Deposition of Chau Van Cong taken on 9/27/99 (bb) (Entered: 05/18/2000)
05/15/2000	83	Deposition of Bun Chande taken on 9/27/99 (bb) (Entered: 05/18/2000)
05/15/2000	84	Deposition of Ngut Huynh taken on 9/23/99 (bb) (Entered: 05/18/2000)
05/15/2000	85	Deposition of Min Phin taken on 9/23/99 (bb) (Entered: 05/18/2000)
05/15/2000	86	Deposition of Son Nguyen taken on 9/23/99 (bb) (Entered: 05/18/2000)
05/15/2000	87	Deposition of Tuan Nguyen taken on 9/21/99 (bb) (Entered: 05/18/2000)
05/15/2000	88	Deposition of Tin Huu Pham taken on 9/21/99 (bb) (Entered: 05/18/2000)
05/15/2000	89	Deposition of Stanley C. Burkhardt taken on 1/20/00 (bb) (Entered: 05/18/2000)
05/16/2000	<u>64</u>	MINUTE ENTRY (5/16/00): Settlement conference held 1:30 4/14/00; the parties were unable to negotiate a settlement by Magistrate Sally Shushan (bb) (Entered: 05/16/2000)
05/16/2000	<u>68</u>	PROCEEDING: Reported/Recorded by Rhonda Hardin; non jury trial cont from 5/15/00; witnesses sworn; exhibits admitted; pla Robinson moves to have medical records entered into evidene - granted; dft's mtn to dismiss damage claims - deferred; court adjourned until 5/17/00 by Magistrate Joseph C. Wilkinson Jr. (bb) Modified on 06/01/2000 (Entered: 05/18/2000)
05/17/2000	66	Stipulation by plaintiff and defendants (bb) (Entered: 05/17/2000)
05/17/2000	67	Second set of Stipulations filed by plaintiff and defendants (bb) (Entered: 05/17/2000)
05/17/2000	<u>69</u>	PROCEEDING: Reported/Recorded by Rhonda Hardin; all present & ready; non jury trial cont from 5/16/00; witnesses sworn & testified; exhibits admitted; stip entered into the record; dfts re-urge their mtn for dismissal of 1983 and legal access claims agst Sheriff Foti deferred; closing arguments; matter submitted; post trial briefs due 5/31/00; court adjourned by Magistrate Joseph C. Wilkinson Jr. (bb)

		Modified on 06/01/2000 (Entered: 05/18/2000)
06/01/2000	90	Post trial Memorandum by defendants Charles C Foti Jr et al (bb) (Entered: 06/02/2000)
06/23/2000	91	Post Trial Memorandum by plaintiffs Chau Van Cong, et al (sek) (Entered: 06/23/2000)
06/28/2000	92	Reply memorandum by plaintiffs to post trial memo filed by defendants (tbl) (Entered: 06/28/2000)
08/04/2000	<u>93</u>	Sixty day ORDER to dismiss case by Magistrate Judge Joseph C. Wilkinson (CLOSED) (bb) Modified on 08/04/2000 (Entered: 08/04/2000)
10/11/2000	<u>94</u>	MINUTE ENTRY (10/11/00) The clerk is directed to take custody of the depositions submitted during the trial by Magistrate Joseph C. Wilkinson Jr. (bb) (Entered: 10/12/2000)