

CLOSED

**U.S. District Court
District of New Hampshire (Concord)
CIVIL DOCKET FOR CASE #: 1:90-cv-00482-SD**

Kidd, et al v. Gowan, et al
Assigned to: Senior Judge Shane Devine
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 10/25/1990
Date Terminated: 02/24/1994
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Rexford Kidd

represented by **James P. Loring**
Meade & Loring, PC
96 Chestnut Street
Portsmouth, NH 03802-4785
430-9322
Email: meadeloringjpl@conversent.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Barbra Burg Kidd

also known as
Barbra Burg

represented by **James P. Loring**
(See above for address)
LEAD ATTORNEY

Richard N. Foley

Foley Law Office
414 State St, Ste 2
Portsmouth, NH 03801
603 433-1303
Email:
rfoley@lawofficesofrichardfoley.com
TERMINATED: 09/29/1992
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Joseph Morganela

*Individually & in his official capacity in the
Durham Police Department*

represented by **George W. Lindh**
Canal Insurance Company
PO Box 7
Greenville, SC 29602-0007
864 242-5365
TERMINATED: 10/23/1992
LEAD ATTORNEY

James G. Walker

Walker & Buchholz PA
50 Bridge St., Suite 205
Manchester, NH 03101-1699
634-5090
Email: knies@walkerbuchholz.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Thomas Stinglen**

*Individually & in his official capacity in the
Durham Police Department*

represented by **George W. Lindh**

(See above for address)
TERMINATED: 10/23/1992
LEAD ATTORNEY

James G. Walker

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas C. Dunnington, Jr.

Dunnington Law Office
PO Box 842
Dover, NH 03820
742-1450
TERMINATED: 08/03/1992
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Strafford County Jail, Superintendent**represented by **Theodore Wadleigh**

Wadleigh Starr & Peters
95 Market St
Manchester, NH 03101
603 669-4140
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Jane Roe**

TERMINATED: 04/07/1993

represented by **Theodore Wadleigh**

(See above for address)
TERMINATED: 04/07/1993
LEAD ATTORNEY

Defendant**Richard Doe**

TERMINATED: 04/07/1993

represented by **Theodore Wadleigh**

(See above for address)
TERMINATED: 04/07/1993

*LEAD ATTORNEY***Defendant**

Paul W. Gowen
*Individually & as Chief of Durham Police
 Department*

represented by **James G. Walker**
 (See above for address)
*LEAD ATTORNEY
 ATTORNEY TO BE NOTICED*

Defendant

Kevin Walsh

Defendant

Warren F. Dowaliby

represented by **Theodore Wadleigh**
 (See above for address)
*LEAD ATTORNEY
 ATTORNEY TO BE NOTICED*

Defendant

Ann Gagne

represented by **Theodore Wadleigh**
 (See above for address)
*LEAD ATTORNEY
 ATTORNEY TO BE NOTICED*

Defendant

Fredric Fogarty

represented by **Theodore Wadleigh**
 (See above for address)
*LEAD ATTORNEY
 ATTORNEY TO BE NOTICED*

Defendant

Strafford County, NH

represented by **Theodore Wadleigh**
 (See above for address)
*LEAD ATTORNEY
 ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
10/25/1990	1	COMPLAINT; jury demand FILING FEE \$ 120 RECEIPT # 0272 (bsr) (Entered: 01/05/1991)
10/26/1990		SUMMONS(ES) issued for Paul Gowan, Morganella, Ind, Morganella, Sgt, Stinglen, Ind, Stinglen, Sgt (bsr) (Entered: 01/05/1991)
11/16/1990	2	NOTICE of attorney appearance for Paul Gowan, Morganella, Ind, Morganella, Sgt, Stinglen, Ind, Stinglen, Sgt by George W. Lindh (cmd) (Entered: 01/05/1991)

11/16/1990	3	ANSWER to Complaint by Paul Gowan, Morganella, Ind, Morganella, Sgt, Stinglen, Ind, Stinglen, Sgt (cmd) (Entered: 01/05/1991)
11/16/1990	4	RETURN OF SERVICE executed as to Paul Gowan, Morganella, Ind, Morganella, Sgt 11/6/90 (cmd) (Entered: 01/05/1991)
12/20/1990	5	NOTICE of attorney appearance for Stinglen, Ind ONLY by Thomas C. Dunnington Jr. (cmd) (Entered: 01/05/1991)
01/15/1991	6	ORDER: Unless counsel advise to the contrary by February 14, 1991, cases C.90-482-D and C.90-483-D will be consolidated (signed by Clerk James R. Starr) (cmd) (Entered: 02/25/1991)
02/06/1991		Pre-trial conference set at 10:00 3/21/91 (dae) (Entered: 02/06/1991)
02/21/1991	7	MOTION, for Richard N. Foley to Appear Pro Hac Vice (cmd) (Entered: 02/25/1991)
02/21/1991	8	AFFIDAVIT by Richard N. Foley, Esq. Re: [7-1] motion for Richard N. Foley to Appear Pro Hac Vice (cmd) (Entered: 02/25/1991)
02/25/1991	9	ORDER OF CONSOLIDATION: Cases C.90-482-D and C.90-483 are herewith consolidated. All parties and related counsel have been transferred to this file for future action. All future pleadings shall be filed in this case ONLY (signed by Clerk James R. Starr) (cmd) (Entered: 02/25/1991)
02/25/1991		Consolidated Lead Case - member case C.90-483-D (cmd) Modified on 04/12/1991 (Entered: 02/25/1991)
02/26/1991		RULE 11 ORDER granting [7-1] motion for Richard N. Foley to Appear Pro Hac Vice (cmd) (Entered: 02/26/1991)
02/26/1991		Deadline updated; set Miscellaneous deadline for 5/22/91 for extension of service time on Strafford County Jail Superintendent, Jane Roe, Richard Doe (cmd) (Entered: 02/26/1991)
02/26/1991		SUMMONS(ES) issued for Strafford Jail Sup (cmd) (Entered: 02/26/1991)
03/12/1991	10	MOTION by Rexford Kidd, to Continue preliminary pretrial (cmd) (Entered: 03/12/1991)
03/14/1991	11	RETURN OF SERVICE executed as to Strafford Jail Sup 3/11/91 Answer due on 4/10/91 for Strafford Jail Sup (cmd) (Entered: 03/15/1991)
03/15/1991		RULE 11 ORDER granting [10-1] motion to Continue preliminary pretrial reset Pretrial Conference for 11:00 5/29/91 (cmd) (Entered: 03/15/1991)
03/29/1991	12	NOTICE of attorney appearance for Strafford Jail Sup, Roe, Ind, Doe, Ind by Theodore Wadleigh (cmd) (Entered: 04/01/1991)
03/29/1991	13	ANSWER to Complaint by Strafford Jail Sup, Roe, Ind, Doe, Ind (cmd) (Entered: 04/01/1991)
05/29/1991		Pre-trial conference held (cmd) (Entered: 05/31/1991)
05/31/1991	14	PRETRIAL order filed, set Pretrial material deadline for 5/1/92 , set Pretrial material deadline for 5/15/92 (signed by Magistrate Judge William H. Barry Jr.)

		(cmd) (Entered: 05/31/1991)
11/19/1991	15	MOTION by Rexford Kidd, Barbra Burg, to Extend Time for experts, discovery and pretrial materials with assent, discovery 7/1/92, pretrial 7/15/92 (cmd) (Entered: 11/20/1991)
11/20/1991		RULE 11 ORDER granting [15-1] motion to Extend Time for experts, discovery and pretrial materials reset Discovery deadline to 7/1/92 reset Pretrial material deadline for 7/15/92 (cmd) (Entered: 11/21/1991)
01/29/1992	16	MOTION by Rexford Kidd, Barbra Burg, to Extend Time for discovery/pretrial to 9/1/92, 9/15/92 with assent (cmd) (Entered: 01/30/1992)
01/31/1992		RULE 11 ORDER granting [16-1] motion to Extend Time for discovery/pretrial to 9/1/92, 9/15/92 reset Discovery deadline to 9/1/92 reset Pretrial material deadline for 9/15/92 (cmd) (Entered: 02/03/1992)
05/27/1992	17	MOTION by defendants to Extend Time for expert reports to 8/1/92 ; Objection to Motion Deadline 6/16/92 (cmd) (Entered: 05/28/1992)
06/26/1992		RULE 11 ORDER granting [17-1] motion to Extend Time for expert reports to 8/1/92 (Entered: 06/26/1992)
07/20/1992	18	Disclosure of experts by defendants (cmd) (Entered: 07/20/1992)
07/31/1992	19	NOTICE of withdrawal of Atty Dunnington by Stinglen, Ind (cmd) (Entered: 08/03/1992)
08/26/1992	20	MOTION by Rexford Kidd, Barbra Burg to Extend Time for completion of discovery with assent (prk) (Entered: 08/26/1992)
08/26/1992		RULE 11 ORDER granting [20-1] motion to Extend Time for completion of discovery, reset Discovery deadline to 11/2/92 , reset Pretrial material deadline for 11/16/92 (prk) (Entered: 08/26/1992)
09/22/1992	21	Order Pleading Refused: Notice of Withdrawal of Atty R. Foley - no original signature of atty of record, i.e. R. Foley (signed by Senior Judge Shane Devine) (prk) (Entered: 09/22/1992)
09/29/1992	22	NOTICE of WITHDRAWAL by Richard N. Foley, Esq. (jar) (Entered: 09/30/1992)
10/14/1992	23	ORDER that member case will be closed unless counsel object by 10/26/92. set Miscellaneous deadline for 10/26/92 (signed by Clerk James R. Starr) (prk) (Entered: 10/14/1992)
10/21/1992	24	NOTICE of (substitute) attorney appearance for Stinglen, Sgt, Stinglen, Ind, Morganella, Sgt, Morganella, Ind, Paul Gowan by James G. Walker (jar) Modified on 10/23/1992 (Entered: 10/23/1992)
10/30/1992	25	COMPLAINT, jury demand (COPY) from former member case, 90-483-SD. (prk) (Entered: 10/30/1992)
10/30/1992	26	ANSWER (COPY) to Complaint by Stinglen, Morganella, Paul Gowan from former member case, 90-483-SD. (prk) (Entered: 10/30/1992)

11/16/1992	27	PRETRIAL MATERIAL filed by Doe, Ind, Roe, Ind, Strafford Jail Sup (jar) (Entered: 11/17/1992)
11/17/1992	28	PRETRIAL MATERIAL filed by Stinglen, Sgt, Stinglen, Ind, Morganella, Sgt, Morganella, Ind, Paul Gowan (jar) (Entered: 11/18/1992)
11/23/1992	29	MOTION by Barbra Burg, Rexford Kidd for Leave to File Pre-trial Statement late Objection to Motion Deadline 12/14/92 (cm) (Entered: 11/30/1992)
12/22/1992		RULE 11 ORDER granting [29-1] motion for Leave to File Pre-trial Statement late (Entered: 01/05/1993)
12/22/1992	30	PRETRIAL MATERIAL filed by Rexford Kidd, Barbra Burg . (Entered: 01/05/1993)
01/11/1993		Returned Defts' Response to Plaintiff's Request for Production of Documents as ct does not file discovery material (dcap) (Entered: 01/11/1993)
01/26/1993		TRIAL NOTICE -- Discovery Completion Date: completed; Pretrial Material Due: on file. Final Pretrial Conference set for 4:15 on 4/6/93. Jury Trial set for 2-week period beginning 4/27/93 before Senior Judge Shane Devine (Entered: 01/26/1993)
03/30/1993	31	MOTION by Rexford Kidd, Barbra Burg to Amend [25-1] complaint, [1-1] complaint with memorandum; Objection to Motion Deadline 4/19/93 (cm) (Entered: 04/01/1993)
04/06/1993		Final pretrial conference held before Senior Judge Shane Devine (jab) (Entered: 04/08/1993)
04/06/1993	32	OBJECTION by defts to [31-1] motion to Amend [25-1] complaint, [1-1] complaint w/memorandum (jab) (Entered: 04/08/1993)
04/07/1993	33	Final PRETRIAL order filed granting [31-1] motion to Amend [25-1] complaint to add 5 defts, [1-1] complaint, defts objections noted set Motion Filing deadline 5/7/93 to file all responsive pleadings (signed by Senior Judge Shane Devine) (jab) (Entered: 04/08/1993)
04/07/1993		**Remove Trial set Flag: See Court Order of 4/7/93 amending Complaint causing the necessary postponement of trial (jab) (Entered: 04/08/1993)
04/07/1993	34	AMENDED COMPLAINT by Barbra Burg, amending [25-1] complaint (cm) (Entered: 04/14/1993)
04/09/1993	35	OBJECTION by Doe, Ind, Roe, Ind, Strafford Jail Sup to [31-1] motion to Amend [25-1] complaint, [1-1] complaint (cm) (Entered: 04/14/1993)
04/26/1993	36	MOTION by Barbra Burg for Partial Summary Judgment Pursuant to FRCP 56(c) with memorandum and exhibits; Objection to Motion Deadline 5/17/93 (cm) (Entered: 04/27/1993)
05/06/1993	37	ANSWER by Strafford Jail Sup, Warren F. Dowaliby, Ann Gagne, Fredric Fogarty, Strafford County (Attorney Theodore Wadleigh) to: [34-1] amended complaint ; (cm) (Entered: 05/07/1993)

05/11/1993	38	MOTION by Strafford Jail Sup, Warren F. Dowaliby, Ann Gagne, Fredric Fogarty, Strafford County to Extend Time to respond to mot for sj to 6/2/93 (cm) (Entered: 05/12/1993)
05/12/1993		RULE 11 ORDER granting [38-1] motion to Extend Time to respond to mot for sj to 6/2/93, Objection to Motion reset to 6/2/93 for [36-1] motion for Partial Summary Judgment Pursuant to FRCP 56(c) (cm) (Entered: 05/12/1993)
06/03/1993	39	OBJECTION by Strafford Jail Sup, Warren F. Dowaliby, Ann Gagne, Fredric Fogarty, Strafford County to [36-1] motion for Partial Summary Judgment Pursuant to FRCP 56(c) (cm) (Entered: 06/04/1993)
06/16/1993	40	MOTION by Stinglen, Sgt, Stinglen, Ind, Morganella, Sgt, Morganella, Ind, Gowen, Ind, Gowen, Chief to Amend [28-1] material pre-trial with assent (cm) (Entered: 06/16/1993)
06/17/1993	41	REPLY by Barbra Burg to objection to [36-1] motion for Partial Summary Judgment Pursuant to FRCP 56(c) (cm) (Entered: 06/18/1993)
06/18/1993		RULE 11 ORDER granting [40-1] motion to Amend [28-1] material pre-trial (cm) (Entered: 06/18/1993)
07/16/1993	42	MOTION by Stinglen, Sgt, Stinglen, Ind, Morganella, Sgt, Morganella, Ind, Gowen, Ind, Gowen, Chief to Amend [28-1] material pre-trial with memorandum; Objection to Motion Deadline 8/5/93 (cm) (Entered: 07/16/1993)
08/13/1993		RULE 11 ORDER granting [42-1] motion to Amend [28-1] material pre-trial (cm) (Entered: 08/13/1993)
08/24/1993	43	///ORDER granting [36-1] motion for Partial Summary Judgment Pursuant to FRCP 56(c) as to pltfs section 1983 claim against defendant Strafford County. (signed by Senior Judge Shane Devine) (cm) (Entered: 08/24/1993)
09/20/1993	44	MOTION by Barbra Burg Kidd to schedule deadlines for completion of discovery, final pretrial and date of trial with assent (cm) (Entered: 09/21/1993)
09/20/1993	45	MOTION by Barbra Burg Kidd to Amend [30-1] material pre-trial with assent (cm) (Entered: 09/21/1993)
09/21/1993	46	MOTION by Stinglen, Sgt, Stinglen, Ind, Morganella, Sgt, Morganella, Ind, Gowen, Ind, Gowen, Chief to Sever/Non-Joinder Objection to Motion Deadline 10/11/93 (cm) (Entered: 09/21/1993)
09/23/1993	47	ORDER denying [46-1] motion to Sever/Non-Joinder // granting [45-1] motion to Amend [30-1] material pre-trial // granting [44-1] motion to schedule deadlines for completion of discovery, final pretrial and date of trial set discovery deadline to 1/31/94 set Pretrial material deadline for 2/15/94 (signed by Senior Judge Shane Devine) (cm) (Entered: 09/23/1993)
01/25/1994		TRIAL NOTICE -- Discovery Completion Date 1/31/94, Pretrial Material Due 2/15/94. Final Pretrial Conference set for 9:15 3/30/94 Jury Trial set for 2-week period beginning 9:30 4/12/94 before Senior Judge Shane Devine (cm) (Entered: 01/25/1994)
02/02/1994	48	MOTION by Stinglen, Morganella, Gowen to Continue Trial and Final Pretrial Objection to Motion Deadline 2/22/94 (cm) (Entered: 02/03/1994)

02/04/1994	49	MOTION by Strafford Jail Sup, Warren F. Dowaliby, Ann Gagne, Fredric Fogarty, Strafford County to Continue Trial and Final Pretrial Objection to Motion Deadline 2/24/94 (cm) (Entered: 02/04/1994)
02/14/1994	50	MOTION by Stinglen, Morganella, Gowen, in Limine re testimony of Raymond Helgemoe with memorandum and separate appendix; Objection to Motion Deadline 3/7/94 (cm) (Entered: 02/15/1994)
02/15/1994	51	(Second) MOTION by Stinglen, Morganella, Gowen, in Limine re Subsequent Incidents of Alleged Misconduct with memorandum; Objection to Motion Deadline 3/7/94 (cm) (Entered: 02/16/1994)
02/15/1994	52	(Third) MOTION by Stinglen, Morganella, Gowen, in Limine re pltfs Claim for Lost Wages or Loss of Earning Capacity Objection to Motion Deadline 3/7/94 (cm) (Entered: 02/16/1994)
02/15/1994	53	MOTION by Stinglen, Morganella, Gowen, to Sever/Non-Joinder with memorandum; Objection to Motion Deadline 3/7/94 (cm) (Entered: 02/16/1994)
02/15/1994	54	MOTION by Rexford Kidd, Barbra Burg Kidd to Amend [30-1] material pre-trial Objection to Motion Deadline 3/7/94 (cm) (Entered: 02/23/1994)
02/23/1994	55	OBJECTION by Stinglen, Sgt, Stinglen, Ind, Morganella, Sgt, Morganella, Ind, Gowen, Ind, Gowen, Chief to [54-1] motion to Amend [30-1] material pre-trial (cm) (Entered: 02/23/1994)
02/24/1994	56	ORDER granting in part, denying in part [54-1] motion to Amend [30-1] material pre-trial // granting [49-1] motion and [48-1] motion Continue Trial and Final Pretrial; trial to be rescheduled at the convenience of the court's calendar (signed by Senior Judge Shane Devine) (cm) (Entered: 02/24/1994)
02/24/1994		Received a telephone call for Attorney Loring stating that the case has settled. (cm) (Entered: 02/24/1994)
02/24/1994	57	JUDGMENT is hereby entered in accordance with Senior Judge Shane Devine's order dated August 24, 1993 granting motion for partial summary judgment, and notification that the remainder of the case settled on February 24, 1994. (Signed by Clerk James R. Starr) (cm) (Entered: 02/24/1994)
02/24/1994		Case closed (cm) (Entered: 02/25/1994)
02/25/1994		**Remove Trial set Flag (cm) (Entered: 02/25/1994)
02/25/1994		Attachments to defendants Motion in Limine re: Testimony of Helgemoe [50-1] returned to Attorney Walker. Attachments to plaintiffs Motion for Summary Judgment [36-1] returned to Attorney Loring. (cm) (Entered: 02/25/1994)
03/29/1994	58	AGREEMENT/STIPULATION of docket markings filed by Stinglen, Sgt, Stinglen, Ind, Morganella, Sgt, Morganella, Ind, Rexford Kidd, Strafford Jail Sup, Barbra Burg Kidd, Gowen, Ind, Gowen, Chief, Kevin Walsh, Warren F. Dowaliby, Ann Gagne, Fredric Fogarty, Strafford County (cm) (Entered: 03/29/1994)
07/10/1995		Effective this date, as part of database cleanup, any party sued "individually and as" and previously entered as 2 parties has been consolidated and will hereafter show as 1 party. (dcap) (Entered: 07/10/1995)

07/12/1999	FILE located at National Archives and Records Administration Waltham, MA. Accession No: 021-950083, Location No: B429650, Box No: 2, (cm) (Entered: 07/12/1999)
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