

CLOSED, SuppressAnsRpt

**U.S. District Court
Southern District of Ohio (Cincinnati)
CIVIL DOCKET FOR CASE #: 1:76-cv-00569-CBR**

Heath v. DeCourcy
Assigned to: Honorable Carl B. Rubin
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 12/15/1976
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

James Heath
First Named Class Representative

represented by **Jennifer Lynn Branch**
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V.

Defendant

Joseph M DeCourcy

represented by **James Warren Harper, A**
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Date Filed	#	Docket Text
12/15/1976	2	COMPLAINT (Summonses issued) () (dm) Modified on 07/26/1991 (Entered: 10/16/1990)
04/05/1991	350	ORDER by Honorable Carl B. Rubin ; In-court hearing set for 9:00 a.m. on 4/12/91 9:00 4/12/91. (cc: all counsel) (no pgs: 1) (wy) Modified on 07/26/1991 (Entered: 04/05/1991)
05/20/1991		Deposition of Richard Seomin taken by deft on 10/9/90 3:15pm. (ks) (Entered: 05/20/1991)
05/20/1991		Deposition of Ruth Walters taken by Deft on 10/10/90 @ 9:30am. (ks) (Entered: 05/20/1991)
07/26/1991	357	ORDER by Honorable Carl B. Rubin that the Court maintain supervision over the maximum population; that supervision of Paragraph A and B(1) subparagraphs b,c,d,e,f,g,h and i in document #301 and paragraphs c thru o in document #169 be terminated. The services of Mr. W. Raymond Nelson are terminated effective 8/1/91 with the exception of payment of appropriate fees and costs, the Court does hereby terminate its supervision. (cc: all counsel) (no pgs: 6) (ph) (Entered: 07/26/1991)
07/26/1991	358	JUDGMENT: by Clerk pursuant to document #357. (cc: all counsel) (no pgs: 1) (ph) (Entered: 07/26/1991)
08/13/1991	359	NOTICE OF APPEAL by plaintiffs from Dist. Court decision, [357-1] of 7/26/91 (no pgs: 2) (ph) (Entered: 08/15/1991)
08/23/1991		APPEAL NOTIFICATION issued CA. Packet issued to COFA with copies of document numbers 169,309,357,358 & 359. (ph) (Entered: 08/26/1991)
08/26/1991	360	MOTION by plaintiff for attorney fees (no pgs: 71) (ph) (Entered: 08/27/1991)
09/06/1991	361	ORDER by Honorable Carl B. Rubin denying motion for attorney fees [360-1] without prejudice to refile after appeal. (cc: all counsel) (no pgs: 1) (ss) (Entered: 09/06/1991)
09/10/1991		TRANSCRIPT ORDER FORM by plaintiffs (ph) (Entered: 09/11/1991)
09/11/1991	362	RECEIPT OF USCA APPEAL NUMBER - Number Assigned: 91-3778 (ph) (Entered: 09/11/1991)
10/28/1991	363	Court Reporter's TRANSCRIPT of proceedings before Judge Rubin filed for the following date(s): 11/15/90 (Re: [359-1]) (ph) (Entered: 10/29/1991)
10/28/1991	364	Court Reporter's TRANSCRIPT of proceedings before Judge Rubin filed

		for the following date(s): 4/12/91 (Re: [359-1]) (ph) (Entered: 10/29/1991)
01/17/1992		Deposition of SIMON L. LEIS. (wy) (Entered: 01/21/1992)
01/21/1992	365	RECORD CERTIFIED to USCA 6th: consisting of 1 volume of pleadings, 5 depositions and 5 transcripts. (ph) (Entered: 01/22/1992)
02/07/1992		SUPPLEMENTAL RECORD TO USCA 6th: with 1 deposition (ph) (Entered: 02/07/1992)
02/25/1992	366	MOTION by defendants that Board of County Commissioners of Hamilton County and Sheriff of Hamilton County for order modifying consent decree (no pgs: 25) (ph) (Entered: 02/25/1992)
02/27/1992	367	ORDER by Honorable Carl B. Rubin setting a hearing on defendants motion for order modifying consent decree [366-1] at 2:30 p.m. on 3/6/92 (cc: all counsel) (no pgs: 1) (ph) (Entered: 02/27/1992)
03/06/1992	368	STATEMENT/HEARING MEMORANDUM by defendants (no pgs: 7+) (ph) (Entered: 03/06/1992)
03/09/1992	369	CIVIL MINUTES: Proceeding before Honorable Carl B. Rubin. Hearing on pending motion; taken under advisement. (cc: all counsel) (no pgs: 1) (ls) (Entered: 03/09/1992)
03/11/1992	370	ORDER by Honorable Carl B. Rubin granting motion for order modifying consent decree [366-1] Court finds that cells at Ham. Co. Justice Center are adequate size for double occupancy; that double celling is not a violation of Constitution; that double occupancy in this institution has been previously judicially approved. Ordered that defts' mot to increase number of inmates fm 1,016 to 1,422 is granted. (cc: all counsel) (no pgs: 5) (ls) (Entered: 03/11/1992)
03/19/1992	371	Court Reporter's TRANSCRIPT of proceedings before Judge Rubin filed for the following date(s): 3/6/92 (Re: [359-1]) (ph) (Entered: 03/19/1992)
03/19/1992	372	NOTICE OF APPEAL by plaintiff from Dist. Court decision [370-1] of 3/11/92 (no pgs: 2) (ph) (Entered: 03/19/1992)
03/19/1992		APPEAL FEE unpaid () (ph) (Entered: 03/19/1992)
03/19/1992	373	MOTION by plaintiffs to stay pending appeal (no pgs: 5) (ph) (Entered: 03/19/1992)
03/25/1992	374	MEMORANDUM by defendant in opposition to [373-1] (no pgs: 2) (ph) (Entered: 03/25/1992)
03/31/1992		NOTATION ORDER by Honorable Carl B. Rubin denying motion to stay pending appeal [373-1] (cc: all counsel) (ks) (Entered: 03/31/1992)
04/06/1992	375	RECEIPT OF USCA APPEAL NUMBER - Number Assigned: 92-3317 (ph) (Entered: 04/14/1992)

04/16/1992		TRANSCRIPT ORDER FORM by plaintiffs. (ph) (Entered: 04/17/1992)
05/12/1992	376	ORDER OF USCA 6th: that motion for a stay is denied. It is further ordered that this case be expedited. (no pgs: 2) (ph) (Entered: 05/13/1992)
08/11/1992	377	RECORD CERTIFIED to USCA 6th: consisting of 1 volume of pleadings, 1 transcript and 1 deposition, (ph) (Entered: 08/12/1992)
04/02/1993	380	RENEWED MOTION by plaintiffs for stay pending appeal (no pgs: 9) (ls) (Entered: 04/16/1993)
04/12/1993	378	AFFIDAVIT of Judith K. Wise regarding motion to stay pending appeal [373-1] () (ph) (Entered: 04/12/1993)
04/15/1993	379	MEMORANDUM by plaintiff in opposition to [373-1] (with affidavits of David D. Beran, Joseph Schmitz and Robert E. Taylor attached) (ph) (Entered: 04/16/1993)
04/28/1993	381	AFFIDAVIT of Stephen H. Olden (no pgs: 2) (ph) (Entered: 04/29/1993)
04/30/1993	382	INFORMATION COPY of USCA 6th: in re: appeal [372-1], appeal [359-1] that the district court's modification of the consent decree is vacated and this case is remanded for further consideration. (ph) (Entered: 05/03/1993)
05/03/1993		NOTATION ORDER by Honorable Carl B. Rubin denying motion for stay pending appeal [380-1] (cc: all counsel) (ph) (Entered: 05/03/1993)
05/07/1993	383	ORDER by Honorable Carl B. Rubin ;Prehearing Status conference set for 3:30 5/10/93 in chambers (cc: all counsel) (no pgs: 1) (ph) (Entered: 05/07/1993)
05/13/1993	384	Court Reporter's TRANSCRIPT of Status Conference before Judge Rubin filed by Court Reporter B. Schwab for the following date(s): 5/10/93 (Re: [372-1], [359-1]) (ph) (Entered: 05/13/1993)
05/25/1993	385	ORDER/MANDATE/JUDGMENT OF USCA 6th: vacating district court's modification of the consent decree and remanding the matter back to District Court [Appeal [372-1] & [Appeal [359-1]] () (ph) (Entered: 06/04/1993)
06/07/1993	386	ORDER by Honorable Carl B. Rubin ; In-court hearing reset for 9:00 7/6/93 (cc: all counsel) (no pgs: 1) (ph) (Entered: 06/08/1993)
06/25/1993	387	MOTION by plaintiff to modify consent decree (no pgs: 2) (ss) (Entered: 06/28/1993)
06/25/1993	388	PETITION by plaintiff for writ of habeas corpus ad testificandum for Frank Jones (no pgs: 2) (ss) (Entered: 06/28/1993)
06/25/1993	389	PETITION by plaintiff for writ of habeas corpus ad testificandum for Michael Osborne (no pgs: 2) (ss) (Entered: 06/28/1993)

06/25/1993		APPEAL Record Returned from USCA 6th. (ph) (Entered: 06/30/1993)
06/28/1993	390	ORDER by Honorable Carl B. Rubin granting petition [388-1] (cc: all counsel/USM) (no pgs: 1) (ss) (Entered: 06/28/1993)
06/28/1993	391	ORDER by Honorable Carl B. Rubin granting petition [389-1] (cc: all counsel/USM) (no pgs: 1) (ss) (Entered: 06/28/1993)
07/16/1993	392	JOINT MOTION by defendants and plaintiffs for order approving second modification of agreed final judgment and to order notice to class members () (ph) (Entered: 07/19/1993)
07/16/1993	394	ORDER by Honorable Carl B. Rubin granting motion for order approving second modification of agreed final judgment and to order notice to class members [392-1] (cc: all counsel) () (ph) (Entered: 07/27/1993)
07/19/1993	393	Court Reporter's TRANSCRIPT of Status Conference before Judge Rubin filed by Court Reporter B. Schwab for the following date(s): 7/6/93 (Re:) (ph) (Entered: 07/19/1993)
08/09/1993	395	AFFIDAVIT of Joseph M. Schmitz (no pgs: 12) (ph) (Entered: 08/09/1993)
08/17/1993	396	ORDER by Honorable Carl B. Rubin granting motion to modify consent decree [387-1]; Consent Decree modified in accordance with this order; dismissing case (cc: all counsel) (no pgs: 2) (ph) (Entered: 08/17/1993)
09/28/1993	397	ORDER/SECOND AGREED MODIFICATION OF AGREED FINAL JUDGMENT by Honorable Carl B. Rubin (cc: all counsel) () (ph) (Entered: 09/28/1993)
10/19/1993	398	JOINT MOTION to extend time to file attorney fees (no pgs: 3) (ss) (Entered: 10/20/1993)
10/22/1993		NOTATION ORDER by Honorable Carl B. Rubin granting motion to extend time to file attorney fees [398-1] (cc: all counsel) (ph) (Entered: 10/25/1993)
11/24/1993	399	JOINT MOTION by defendant and plaintiff to extend time until 12/6/93 to seek attorney fees (no pgs: 3) (ph) (Entered: 11/26/1993)
11/29/1993		NOTATION ORDER by Honorable Carl B. Rubin granting motion to extend time until 12/6/93 to seek attorney fees [399-1] (cc: all counsel) (ph) (Entered: 11/29/1993)
12/06/1993	400	MOTION by plaintiff for attorney fees (no pgs: 23+) (ss) (Entered: 12/08/1993)
12/17/1993	401	JOINT MOTION by defendant and plaintiff to extend time until 1/10/94 for deft to file memorandum regarding pltf's motion for attorney fees (no pgs: 3) (ph) (Entered: 12/20/1993)
01/10/1994	402	MEMORANDUM by defendant in opposition to [400-1] (no pgs: 266) (ph) (Entered: 01/10/1994)

01/14/1994	403	MOTION (unopposed) by plaintiff to extend time 10 days to file reply brief (no pgs: 2) (ph) (Entered: 01/20/1994)
01/27/1994		NOTATION ORDER by Honorable Carl B. Rubin granting motion to extend time 10 days to file reply brief [403-1] (cc: all counsel) (ph) (Entered: 01/27/1994)
01/31/1994	404	REPLY by plaintiff to response to motion for attorney fees [400-1] (no pgs: 47) (ph) (Entered: 02/02/1994)
03/21/1994		NOTATION ORDER by Honorable Carl B. Rubin denying motion to extend time until 1/10/94 for deft to file memorandum regarding pltf's motion for attorney fees [401-1] as MOOT. (cc: all counsel) (ph) (Entered: 03/22/1994)
04/07/1994		Deposition of Roger E. Friedmann by pltf (ph) (Entered: 04/12/1994)
04/07/1994	405	MOTION by plaintiff to strike paragraphs 6 & 7 of Roger E. Friedmann's Affidavit (no pgs: 11) (ph) (Entered: 04/12/1994)
04/12/1994	406	MEMORANDUM by defendant in opposition to [405-1] (no pgs: 2) (ph) (Entered: 04/13/1994)
04/15/1994	407	ORDER by Honorable Carl B. Rubin granting motion for attorney fees [400-1]; defts are ordered to pay to pltf's counsel the sum of \$54,066.57. (cc: all counsel) (no pgs: 6) (ph) (Entered: 04/15/1994)
04/15/1994	408	JUDGMENT: by Clerk pursuant to document 407. (cc: all counsel) (no pgs: 1) (ph) (Entered: 04/15/1994)
04/21/1994		NOTATION ORDER by Honorable Carl B. Rubin denying motion to strike paragraphs 6 & 7 of Roger E. Friedmann's Affidavit [405-1] as MOOT (cc: all counsel) (ph) (Entered: 04/21/1994)
05/13/1994	409	NOTICE OF APPEAL by defendant from Dist. Court decision, [408-1] of 4/15/93 (no pgs: 2) (ph) (Entered: 05/17/1994)
05/13/1994		APPEAL FEE pd in amount of \$ 105.00 (Receipt # 130188) (ph) (Entered: 05/17/1994)
05/19/1994	410	NOTICE OF APPEAL by plaintiff from Dist. Court decision, [408-1] of 4/15/94 (no pgs: 2) (ph) (Entered: 05/21/1994)
05/25/1994		APPEAL NOTIFICATION issued CA., Packet issued for appeal 409 and 410 (ah) (Entered: 05/25/1994)
06/06/1994		TRANSCRIPT ORDER FORM by Defts (ph) (Entered: 06/07/1994)
06/07/1994		APPEAL NOTIFICATION issued CA. (ah) (Entered: 06/09/1994)
06/07/1994	411	RECEIPT OF USCA APPEAL NUMBER - Number Assigned: 94-3579 (ah) (Entered: 06/09/1994)
08/24/1995	412	INFORMATION COPY of USCA 6th: appeal [410-1], appeal [409-1 is REVERSED and REMANDED (ah) (Entered: 08/24/1995)

09/08/1995	413	MANDATE from Cofa. (File returned to District Court Clerk's Office) (no pgs: 1) (ah) Modified on 07/02/1996 (Entered: 09/22/1995)
05/16/1996	414	ATTORNEY SUBSTITUTION: terminating attorney Robert Edward Taylor for Joseph M DeCourcy and substituting attorney Philip Lewis Zorn Jr. (no pgs: 1) (vp) (Entered: 05/17/1996)
07/09/1996	415	ORDER by Judge Sandra S. Beckwith that defts pay pltf's counsel the sum of \$52,249.07 (cc: all counsel) (no pgs: 3) (ph) (Entered: 07/09/1996)
07/09/1996	416	JUDGMENT: by Clerk pursuant to document 415 (cc: all counsel) (no pgs: 1) (ph) (Entered: 07/09/1996)
08/23/1996	417	MOTION by plaintiff to substitute attorney (no pgs: 4) (ph) (Entered: 08/26/1996)
09/12/1996	418	RESPONSE by defendant Joseph M DeCourcy to motion to substitute attorney [417-1] (no pgs: 1) (vp) (Entered: 09/13/1996)
09/16/1996	419	ORDER by Judge Sandra S. Beckwith granting motion to substitute attorney [417-1]; terminating attorneys Stephen Hart Olden Jennifer Lynn Branch and John Egnew Schrider Jr. for James Heath and substituting attorney Robert Franklin Laufman (cc: all counsel) (no pgs: 1) (ph) (Entered: 09/16/1996)
04/01/1998	420	NOTICE of substitution of trial counsel by deft James W Harper replacing Phillip L Zorn Jr (pgs: 2) (lw) Modified on 04/03/1998 (Entered: 04/03/1998)
04/01/1998	420	ATTORNEY SUBSTITUTION: terminating attorney Philip Lewis Zorn Jr. for Joseph M DeCourcy and substituting attorney James W Harper(no pgs: 2) (lw) (Entered: 04/06/1998)

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Transaction Receipt			
06/01/2005 10:14:18			
PACER Login:	hs0328	Client Code:	
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Billable Pages:	4	Cost:	0.32