

CLOSED

**U.S. District Court
Southern District of Ohio (Cincinnati)
CIVIL DOCKET FOR CASE #: 1:00-cv-00261-SAS**

Allen v. Leis, et al
Assigned to: S Arthur Spiegel
Demand: \$0
Case in other court: 02-03893
Cause: 42:1983 Civil Rights Act

Date Filed: 04/05/2000
Date Terminated: 06/25/2003
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff**Anthony Allen**

represented by **Robert Brand Newman**
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V.

Defendant**Sheriff Simon L Leis, Jr**

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Defendant

Bob Bedinghaus

*In his individual and official capacity as
Hamilton County Commissioner*

represented by **C Joseph McCullough**
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Defendant

Tom Neyer, -
In his individual and official capacity as
Hamilton County Commissioner

represented by **C Joseph McCullough**
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TERMINATED: 08/09/2002
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Defendant

John Dowlin
In his individual and official capacity as
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Intervenor

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Counter Claimant

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Counter Claimant

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TERMINATED: 08/09/2002

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Counter Claimant

Bob Bedinghaus

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Counter Claimant

Sheriff Simon L Leis, Jr

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V.

Counter Defendant

Anthony Allen

represented by **Robert Brand Newman**
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Stephen R Felson
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Date Filed	#	Docket Text
04/05/2000	1	COMPLAINT & JURY DEMAND (no. pgs: 7) (km) (Entered: 04/05/2000)
04/05/2000		Filing Fee Paid: on 4/5/00 in the amount of \$ 150.00, receipt # 406841. (km) (Entered: 04/05/2000)
05/15/2000	2	WAIVER OF SERVICE mailed to defendants Simon L Leis Jr, Bob Bedinghaus, Tom Neyer and John Dowlin on 4/6/00 Answer due on 6/5/00 for John Dowlin, Tom Neyer Bob Bedinghaus, and Simon L Leis Jr (no pgs: 4) (km) (Entered: 05/15/2000)
06/01/2000	3	ANSWER by defendants; jury demand (no pgs: 9) (km) (Entered: 06/01/2000)
08/04/2000	4	MOTION by plaintiff Anthony Allen to extend time until 10/6/00 to file class certification (no pgs: 2) (vp) (Entered: 08/07/2000)
08/18/2000		NOTATION ORDER by Judge S. A. Spiegel granting motion to extend time until 10/6/00 to file class certification [4-1] (cc: all counsel) (km) (Entered: 08/18/2000)
08/22/2000	5	NOTICE setting this action for Preliminary PTC 9:00 9/27/00 Rm 838 before J Spiegel (no pgs: 1) (cc: all counsel) (km) (Entered: 08/22/2000)

09/27/2000	6	PRELIMINARY PRETRIAL ORDER by Judge S. A. Spiegel ; Prelim pretrial conf held 9:00 9/27/00 ; Mtn filing ddl set 5/1/01 ; Discovery ddl 4/1/01 ; Final pretrial conf set 10:00 8/2/01 ; 3 Day Jury trial set 9:30 9/17/01 ; class certification postponed until 4/1/01 (cc: all counsel) (no pgs: 3) (vp) (Entered: 09/27/2000)
02/28/2001	7	MOTION by plaintiff to certify class ; afdt of Robert B Newman attached (no pgs: 10+) (km) (Entered: 03/01/2001)
03/02/2001	8	MOTION by plaintiff for preliminary injunction ; afdt of Robert B Newman Esq attached (no pgs: 13+) (km) (Entered: 03/02/2001)
03/07/2001	9	NOTICE of hearing ; Status conference set for 10:00 3/15/01 Rm 838 before J Spiegel (cc: all counsel) (km) (Entered: 03/07/2001)
03/15/2001	10	STIPULATION by parties that county defts Simon L Leis Jr, Bob Bedinghaus, Tom Neyer and John Dowlin are granted ext of time to 4/27/01 to file response/memopp to motion to certify class [7-1] and motion for preliminary injunction [8-1] (no pgs: 2) (km) (Entered: 03/15/2001)
03/15/2001	11	ORDER by Judge S. A. Spiegel ; Status conference held 10:00 3/15/01 ; pursuant to request of parties the court sets the following schedule in regards to the motion to certify class [7-1] and motion for preliminary injunction [8-1]; defts response to motions ddl set for 4/27/01; pltf's reply to response to motions ddl set for 5/7/01; the court sets a hearing on motion to certify class [7-1] and motion for preliminary injunction [8-1] at 9:30 5/10/01 (cc: all counsel) (no pgs: 2) (km) (Entered: 03/15/2001)
03/29/2001		Deposition of Dale C McMillian taken 3/7/01 by plaintiff (km) (Entered: 03/30/2001)
04/04/2001	12	NOTICE of hearing setting hearing on motion for preliminary injunction [8-1] for 9:30 5/10/01 Ctrm 842 before J Spiegel (cc: all counsel) (km) (Entered: 04/04/2001)
04/17/2001	13	REQUEST/SUGGESTION by defendants that the court certify to the Ohio Atty General that the plaintiff is challenging the constitutionality of ORC 341.06 (no pgs: 3) (km) (Entered: 04/17/2001)
04/25/2001	14	ORDER by Judge S. A. Spiegel re Suggestion that the Court certify to the Ohio Atty General that the pltf is challenging the constitutionality of ORC 341.06 [13-1]; this court certifies to the Ohio Atty General that in accordance with 28:2403(b) and LR 10.1(a) the constitutionality of ORC 341.06 has been drawn into question by pltf in his complaint [1-1]; motion to certify the class [7-1] and motion for preliminary injunction [8-1]; accordingly in the interests of fairness to all parties the court sets the following briefing schedule on the issue: (1) Ohio Atty General memsupp and/or ntc of intervention ddl set for 5/1/01; (2) parties to respond to such memoranda ddl set for 5/4/01; Ohio Atty General's rply memo ddl set for 5/8/01; and (4) a hearing on pltf's motion for preliminary injunction is set for 9:30 5/10/01; all interested parties will be given an opportunity to be heard on the constitutionality of ORC 341.06 (cc: all counsel) (no pgs: 4)

		(km) (Entered: 04/25/2001)
04/27/2001	15	MEMORANDUM by defendants in opposition to motion to certify class [7-1] and motion for preliminary injunction [8-1]; afdt of Simon L Leis Jr attached (no pgs: 43+) (km) (Entered: 04/27/2001)
04/27/2001	16	NOTICE by defendants of filing deposition of Anthony Allen (no pgs: 2) (km) (Entered: 04/27/2001)
04/27/2001		Deposition of Anthony Allen taken 3/26/01 by defendants (km) (Entered: 04/27/2001)
04/30/2001	17	NOTICE OF INTERVENTION by intervenor Betty D Montgomery pursuant to court order of 4/25/01, for the sole purpose of defending ORC 341.06 on its face but not as applied by the Hamilton County policy (no pgs: 6) (km) (Entered: 05/01/2001)
04/30/2001	17	MOTION by intervenor Betty D Montgomery to extend time until 5/15/01 in which to file memo in response to motion for preliminary injunction , or in the alternative to file a post-hearing brief (no pgs: 6) (km) (Entered: 05/01/2001)
05/01/2001	18	MOTION by defendants for summary judgment ; afdt of Simon L Leis Jr attached; ORAL ARGUMENT REQUESTED (no pgs: 31+) (km) (Entered: 05/01/2001)
05/07/2001	19	REPLY by plaintiff to response to motion for preliminary injunction [8-1] (no pgs: 20) (km) (Entered: 05/08/2001)
05/07/2001	19	MEMORANDUM by plaintiff in opposition to defendants motion for summary judgment [18-1] (no pgs: 20) (km) (Entered: 05/08/2001)
05/07/2001		Errata and Signature Page to deposition of Dale C McMillian taken 3/7/01 by plaintiff (km) (Entered: 05/08/2001)
05/08/2001	20	ATTORNEY APPEARANCE for intervenor Betty D Montgomery by Darrell M Pierre Jr (no pgs: 2) (km) (Entered: 05/08/2001)
05/10/2001	21	CIVIL MINUTES: Proceeding held 5/10/01 before Judge S. A. Spiegel on motion for preliminary injunction [8-1] and motion for summary judgment [18-1]; argument of counsel heard; denying motion for preliminary injunction [8-1]; matter taken under advisement; order of court to follow; status conf to be held after order is completed as to motion for class certification; Court Reporter: Mary Ann Ranz (Official) (cc: all counsel) (no pgs: 1) (km) (Entered: 05/10/2001)
05/23/2001	22	POST-HEARING BRIEF FILED by intervenor Betty D Montgomery regarding defendant's motion for summary judgment [18-1] (no pgs: 11) (km) (Entered: 05/23/2001)
06/14/2001	23	ORDER by Judge S. A. Spiegel denying motion for summary judgment [18-1] by defendants Simon L Leis Jr, Bob Bedinghaus, Tom Neyer and John Dowlin, granting notice/motion by Betty D Montgomery to intervene, for the sole purpose of defending ORC 341.06 on its face but

		not as applied by the Hamilton County policy [17-1], granting motion to extend time until 5/15/01 in which to file memo in response to motion for preliminary injunction [17-1], granting motion to file a post-hearing brief [17-2], dismissing motion for preliminary injunction [8-1] without prejudice; dismissing without prejudice pltf's claims for relief in the form of compensatory and punitive damages against county defts contained in complaint [1-1] ; Status conference set for 3:00 6/19/01 (cc: all counsel) (no pgs: 95) (km) (Entered: 06/14/2001)
06/21/2001	24	ORDER by Judge S. A. Spiegel ; Status conference held 3:00 6/19/01 ; vacating scheduling order [6-2] upon motion by parties; the court sets the foll schedule on the issue of class certification ; Discovery ddl set for 7/31/01; Renewed Mtn for Class Certification filing ddl set for 8/10/01; deflt response ddl set for 8/24/01; pltf rply memo ddl set for 8/31/01; In-court motion hearing set for 9:00 9/18/01 (cc: all counsel) (no pgs: 2) (km) (Entered: 06/21/2001)
07/19/2001	25	NOTICE of hearing setting hearing on motion to certify class [7-1] at 9:00 9/18/01 Ctrm 842 before J Spiegel (cc: all counsel) (km) (Entered: 07/19/2001)
07/24/2001	26	MOTION by plaintiff for partial summary judgment (no pgs: 9+) (km) (Entered: 07/24/2001)
08/09/2001	27	RENEWED MOTION by plaintiff to certify class action ; afdt of Robert Newman attached (no pgs: 11) (vp) (Entered: 08/10/2001)
08/15/2001	28	MOTION by defendants to strike motion for partial summary judgment [26-1] or in the alternative to extend time for 21 days to respond for summary jgm (no pgs: 3) (vp) (Entered: 08/15/2001)
08/24/2001	29	MEMORANDUM by defendants in opposition to renewed motion to certify class action [27-1] (no pgs: 9+) (km) (Entered: 08/27/2001)
08/29/2001	30	MEMORANDUM by plaintiff in opposition to motion to strike motion for partial summary judgment [26-1] [28-1] or in the alternative to extend time for 21 days to respond for summary jgm [28-2] (no pgs: 2) (km) (Entered: 08/30/2001)
08/31/2001	31	REPLY by plaintiff to response to renewed motion to certify class action [27-1] (no pgs: 6+) (km) (Entered: 09/04/2001)
09/10/2001	32	MOTION by intervenor Betty D Montgomery for leave to file response to defts memopp to motion for class certification ; response memo attached (no pgs: 3) (km) (Entered: 09/10/2001)
09/10/2001	33	MEMORANDUM by plaintiff in opposition to motion to extend time for 21 days to respond to motion for summary jgm [28-2] (no pgs: 2) (km) (Entered: 09/11/2001)
09/12/2001	34	REPLY by defendants to response to motion to extend time for 21 days to respond for summary jgm [28-2] (no pgs: 3) (km) (Entered: 09/13/2001)

09/13/2001	35	MOTION by plaintiff to compel discovery re response to pltfs interrogatory no. 1 fm third set of interrogatories (no pgs: 4+) (km) (Entered: 09/14/2001)
09/19/2001	36	CIVIL MINUTES: Proceeding held 9:00 9/18/01 before Judge S. A. Spiegel on motions to certify class action [7-1] [27-1]; argument of counsel heard; testimony presented by pltf counsel; the court orders that pltf counsel has 2 weeks to find addtl class representatives; motions for class certification, summary judgment [26-1] and to strike [30-1] taken under advisement; order to follow; Court Reporter: Mary Ann Ranz (Official) (cc: all counsel) (no pgs: 1) (km) (Entered: 09/20/2001)
09/24/2001	37	POST-HEARING BRIEF FILED by plaintiff regarding motions to certify class action and class definition [7-1] [27-1] (pgs: 5) (km) (Entered: 09/25/2001)
10/05/2001	38	MEMORANDUM by defendants in opposition to motion to compel discovery re response to pltfs interrogatory no. 1 fm third set of interrogatories [35-1] (no pgs: 6+) (km) (Entered: 10/05/2001)
10/10/2001	39	Court Reporter's TRANSCRIPT of proceedings filed for the following date(s): 9/19/01 (Re: Hearing on Motion for Class Certification) before Judge S Arthur Spiegel; Court Reporter: Mary Ann Ranz (Official) (no. pgs: 50) (km) (Entered: 10/10/2001)
10/16/2001	40	RESPONSE by defendants to post-hearing brief filed by plaintiff regarding motions to certify class action and class definition [7-1] [27-1] [37-1] (no pgs: 3+) (km) (Entered: 10/16/2001)
10/17/2001	41	REPLY by plaintiff to response to motion to compel discovery re response to pltfs interrogatory no. 1 fm third set of interrogatories [35-1] (no pgs: 4) (km) (Entered: 10/17/2001)
10/22/2001	42	NOTICE of hearing setting hearing on motion to compel discovery re response to pltfs interrogatory no. 1 fm third set of interrogatories [35-1] at 3:00 11/8/01 Ctrm 708 before MJ Sherman (cc: all counsel) (km) (Entered: 10/22/2001)
11/20/2001	43	ORDER by Judge S. A. Spiegel granting motion to certify class [7-1] and defining the class as all pre-trial detainees whose funds were confiscated before conviction under the Hamilton County Pay-to-Stay Program [27-1] (cc: all counsel) (no pgs: 22) (km) (Entered: 11/20/2001)
11/27/2001	44	ORDER by Judge S. A. Spiegel denying motion to strike motion for partial summary judgment [26-1] [28-1], granting motion to extend time for 21 days to respond for summary jgm [28-2]; defts ordered to file response to motion for partial summary judgment by 12/20/01 (cc: all counsel) (no pgs: 3) (km) (Entered: 11/27/2001)
12/06/2001	45	UNOPPOSED MOTION by defendants to extend time until 1/10/02 in which to file response to pltfs motion for partial summary judgment (no pgs: 2) (km) (Entered: 12/07/2001)
12/12/2001		NOTATION ORDER by Judge S. A. Spiegel granting unopposed motion

		to extend time until 1/10/02 in which to file response to motion for partial summary judgment [45-1] (cc: all counsel) (km) (Entered: 12/12/2001)
12/14/2001	46	MOTION by plaintiff for an order approving notice to the class (no pgs: 3+) (km) (Entered: 12/14/2001)
01/04/2002	47	MOTION by defendants to stay proceedings pending a decision from COFA Sixth Circuit on defts petition for permission to appeal order of 11/20/01 (no pgs: 7) (km) (Entered: 01/04/2002)
01/04/2002	47	MEMORANDUM by defendants in opposition to motion for an order approving notice to the class [46-1] (no pgs: 7) (km) (Entered: 01/04/2002)
01/10/2002	48	MEMORANDUM by defendants in opposition to plaintiffs motion for partial summary judgment [26-1] (no pgs: 16) (km) (Entered: 01/10/2002)
01/17/2002	49	MEMORANDUM by plaintiff in opposition to motion to stay proceedings pending a decision from COFA Sixth Circuit on defts petition for permission to appeal order of 11/20/01 [47-1] (no pgs: 2) (km) (Entered: 01/18/2002)
01/23/2002	50	REPLY by plaintiff to response to motion for partial summary judgment [26-1] (no pgs: 3) (vp) (Entered: 01/23/2002)
01/25/2002	51	REPLY by plaintiff to response to motion for an order approving notice to the class [46-1] (no pgs: 4) (km) (Entered: 01/28/2002)
01/28/2002	52	SUR-REPLY MEMORANDUM by defendants in opposition to plaintiffs' motion for an order approving notice to the class [46-1] (no pgs: 7) (km) (Entered: 01/28/2002)
02/05/2002	53	ORDER OF USCA 6th Circuit: defendant's motion for permission to appeal order granting motion for class certification is DENIED (no pgs: 2) (km) (Entered: 02/06/2002)
03/06/2002	54	MOTION by defendants for leave to file counterclaims and/or set-offs against class members by way of amended and/or supplemental pleadings at such time as the individual class members are identified (no pgs: 3) (km) (Entered: 03/06/2002)
03/13/2002	55	MEMORANDUM by plaintiff in opposition to motion for leave to file counterclaims and/or set-offs against class members by way of amended and/or supplemental pleadings at such time as the individual class members are identified [54-1] (no pgs: 2) (km) (Entered: 03/13/2002)
04/08/2002	56	STIPULATION by parties that defts are granted an extension of time until 4/9/02 in which to file reply to response to motion for leave to file counterclaims and/or set-offs against class members by way of amended and/or supplemental pleadings at such time as the individual class members are identified [54-1] (no pgs: 2) (km) (Entered: 04/08/2002)
04/08/2002	57	REPLY by defendants to response to motion for leave to file

		counterclaims and/or set-offs against class members by way of amended and/or supplemental pleadings at such time as the individual class members are identified [54-1] (no pgs: 3) (km) (Entered: 04/08/2002)
04/25/2002	58	ORDER by Judge S. A. Spiegel granting motion for partial summary judgment [26-1] with regards to the issue of defendants' liability in this case (cc: all counsel) (no pgs: 38) (km) (Entered: 04/25/2002)
05/07/2002	59	MOTION by plaintiff for partial summary judgment as to liability (no pgs: 3) (km) (Entered: 05/08/2002)
05/15/2002	60	NOTICE by plaintiff of withdrawal of motion to compel discovery re response to pltf's interrogatory no. 1 fm third set of interrogatories [35-1] (no pgs: 1) (km) (Entered: 05/15/2002)
05/29/2002	61	MEMORANDUM by defendants in opposition to pltf's class motin for partial summary jgm [59-1] (no pgs: 2+) (vp) (Entered: 05/29/2002)
06/05/2002	62	ORDER by Mag. Judge Jack Sherman denying the motion to compel discovery re response to pltf's interrogatory no. 1 fm third set of interrogatories [35-1] as moot; discovery dispute was resolved informally; the parties are given 10 days from the issuance of this order in which to refile the motion should any issue remain which requires the courts attention (cc: all counsel) (no pgs: 1) (km) (Entered: 06/05/2002)
06/10/2002	63	REPLY by plaintiff to response to motion for partial summary judgment as to liability [59-1] (no pgs: 2) (km) (Entered: 06/11/2002)
07/12/2002	64	ORDER by Judge S. A. Spiegel denying as moot motion to stay proceedings pending a decision from COFA Sixth Circuit on defts petition for permission to appeal order of 11/20/01 [47-1], granting motion for leave to file counterclaims and/or set-offs against class members by way of amended and/or supplemental pleadings at such time as the individual class members are identified [54-1], denying motion for an order approving notice to the class [46-1]; pltf's are ordered to revise the class notice in accordance with this order; granting motion for partial summary judgment as to liability [59-1]; defts are ordered to pay the cost of class notification (cc: all counsel) (no pgs: 5) (km) (Entered: 07/12/2002)
07/19/2002	65	MOTION by plaintiff for an order approving amended class notices (no pgs: 3+) (km) (Entered: 07/22/2002)
08/01/2002	66	NOTICE of hearing ; Status conference set for 3:00 8/22/02 Rm 838 before J Spiegel (cc: all counsel) (km) (Entered: 08/01/2002)
08/09/2002	67	NOTICE OF APPEAL by defendant John Dowlin, defendant Tom Neyer -, defendant Bob Bedinghaus, defendant Simon L Leis Jr from Dist. Court decisions [43-1] of 11/20/01 and [64-1] of 7/12/02 (no pgs: 3) (scot) (Entered: 08/09/2002)
08/09/2002	68	ATTORNEY SUBSTITUTION: terminating attorney Shannon M Reynolds for Simon L Leis Jr, Bob Bedinghaus, Tom Neyer and John Dowlin and substituting attorneys Philip Lewis Zorn Jr. and Christian

		Joseph Schaefer (no pgs: 3) (km) (Entered: 08/09/2002)
08/09/2002	69	MOTION by defendants to stay proceedings pending decision on appeal by COFA Sixth Circuit (no pgs: 6) (km) (Entered: 08/09/2002)
08/09/2002	69	MEMORANDUM by defendants in opposition to motion for an order approving amended class notices [65-1] (no pgs: 6) (km) (Entered: 08/09/2002)
08/09/2002	70	FIRST AMENDED ANSWER [3-1] by defendants to class action complaint (no pgs: 3) (km) (Entered: 08/09/2002)
08/09/2002	70	COUNTERCLAIM by defendants against class plaintiffs/members who were found guilty of criminal charges and have outstanding unsatisfied judgments against them (no pgs: 3) (km) (Entered: 08/09/2002)
08/09/2002		APPEAL FEE pd in amount of \$ 105.00 (Receipt # 415906) (scot) (Entered: 08/09/2002)
08/09/2002		APPEAL NOTIFICATION issued CA. (scot) (Entered: 08/09/2002)
08/13/2002	71	RECEIPT OF USCA APPEAL NUMBER - Number Assigned: 02-3893 (scot) (Entered: 08/13/2002)
08/15/2002	72	ORDER by Judge S. A. Spiegel vacating status conference set for 8/22/02 pursuant to ntc of appeal (cc: all counsel) (no pgs: 1) (vp) (Entered: 08/15/2002)
08/22/2002	73	ATTORNEY SUBSTITUTION: terminating attorney Shannon M Reynolds for defendants and substituting attorneys Philip L Zorn and Christian J Schaefer (no pgs: 2) (km) (Entered: 08/22/2002)
08/22/2002	74	MEMORANDUM by plaintiff in opposition to motion to stay proceedings pending decision on appeal by COFA Sixth Circuit [69-1] (no pgs: 2) (km) (Entered: 08/23/2002)
08/22/2002	75	NOTICE/SUGGESTION OF JURISDICTION by plaintiff re interlocutory appeal (no pgs: 2+) (km) (Entered: 08/23/2002)
08/22/2002	76	MOTION by plaintiff for more definite statement re defendant's counterclaims [70-1] (no pgs: 3) (km) (Entered: 08/23/2002)
09/04/2002	77	ORDER OF USCA 6th Circuit: dismissing the appeal [67-1] pursuant to appellant's motion to voluntarily dismiss appeal (no pgs: 1) (km) (Entered: 09/05/2002)
09/04/2002	78	NOTICE by defendants of withdrawal of motion to stay proceedings pending decision on appeal by COFA Sixth Circuit [69-1] (no pgs: 2+) (km) (Entered: 09/05/2002)
09/04/2002	79	MEMORANDUM by defendants in opposition to motion for more definite statement re defendant's counterclaims [70-1] [76-1] (no pgs: 3) (km) (Entered: 09/05/2002)
09/12/2002	80	NOTICE of hearing ; Status conference set for 2:00 10/22/02 Rm 838

		before J Spiegel (cc: all counsel) (km) (Entered: 09/12/2002)
09/27/2002	81	ORDER by Judge S. A. Spiegel granting motion for an order approving amended class notices [65-1], denying motion to stay proceedings pending decision on appeal by COFA Sixth Circuit [69-1], denying amended answer to class action complaint [70-1], finding the memorandum in opposition to motion to stay [74-1] moot pursuant to voluntary dismissal of appeal [77-1], granting motion for more definite statement re defendant's counterclaims [70-1] [76-1] ; Status/Scheduling conference set for 9:30 10/8/02 (cc: all counsel) (no pgs: 10) (km) (Entered: 09/27/2002)
09/30/2002	82	NOTICE of hearing ; Status conference set for 9:30 10/8/02 Rm 838 before J Spiegel (cc: all counsel) (km) (Entered: 09/30/2002)
10/10/2002	83	ORDER by Judge S. A. Spiegel ; Status conference held 9:30 10/8/02 parties requested the status conference set for 10/22/02 be vacated and reset to 11/7/02 at 9:00; court granted request ; Status conference set 9:00 11/7/02 (cc: all counsel) (no pgs: 1) (vp) (Entered: 10/10/2002)
11/06/2002	84	MOTION by plaintiff for partial summary judgment with respect to the restitution of funds to the class which have been certified (no pgs: 6) (km) (Entered: 11/06/2002)
11/08/2002	85	ORDER by Judge S. A. Spiegel ; Status conference held 9:00 11/7/02 ; Status conference is set for 9:00 12/19/02 upon request of the parties; upon request of defts, defts are hereby granted an extension of time until 12/18/02 in which to file response to motion for partial summary judgment (class restitution) (cc: all counsel) (no pgs: 2) (km) (Entered: 11/08/2002)
11/12/2002	86	NOTICE of hearing ; Status conference set for 9:00 12/19/02 Rm 838 before J Spiegel (cc: all counsel) (km) (Entered: 11/12/2002)
12/26/2002	87	NOTICE of hearing ; In-court Fairness Hearing set for 2:00 5/1/03 Ctrm 842 before J Spiegel (cc: all counsel) (km) (Entered: 12/26/2002)
01/29/2003	88	ORDER by Judge S. A. Spiegel dismissing the motion for partial summary judgment with respect to the restitution of funds to the class which have been certified [84-1] as MOOT. (cc: all counsel) (no pgs: 1) (wam) (Entered: 01/29/2003)
01/31/2003	89	JOINT MOTION for an order preliminarily approving settlement, approving forms and distribution of notice to class members , and for a final fairness hearing (no pgs: 4+) (km) (Entered: 01/31/2003)
02/11/2003	90	ORDER CERTIFYING A CLASS ACTION PRELIMINARILY APPROVING SERVING SETTLEMENT AND APPROVING FORMS AND DISTRIBUTION OF NOTICE TO THE CLASS MEMBERS by Judge S. A. Spiegel: granting motion for an order preliminarily approving settlement, approving forms and distribution of notice to class members [89-1] and for a final fairness hearing [89-2]; civil case no C-1-00-261 is hereby certified as a class action pursuant to FRCP 23 and the proposed

		<p>settlement is preliminarily approved; the action will be maintained on behalf of a class composed of all persons who had funds of \$1.00 or more taken pursuant to the Hamilton County pay-to-stay program from 8/18/98 to 4/29/02 and whose conviction, if any, has not been expunged pursuant to Chapter 2953 of Ohio Revised Code; Anthony Allen is designated as Class Representative; attys Robert Newman and Stephen Felson are designated as counsel for the settlement class, with Stephen Felson designated as lead counsel; final approval of the settlement is conditioned upon a showing that it is fair, adequate and reasonable, is in the best interest of class, and should be approved; prior to this showing and determination, and until all appeals have been exhausted there shall be no disbursement to class members or counsel for the settlement class for attys fees or for settlement of any claim; the form and substance of the submitted notice are approved for mailing and publication; the parties shall use their best efforts to commence dissemination of notice by 2/15/03; the parties shall submit a certificate describing their compliance with these notice requirements NLT 5 days prior to the scheduled fairness hearing; any class member wishing to exercise the right to opt out of the settlement must do so by informing the court in writing of his or her decision on or before 4/21/03; any class member opting out will be excluded from the benefits of the settlement; upon receipt of any written notifications by class members of their intention to opt out of the settlement the Clerk will forward copies to class counsel; ; In-court fairness hearing set for 2:00 5/1/03 Ctrm 842 before J Spiegel ; any class member wishing to be heard at the fairness hearing must file with the court and serve on counsel a written notice of intent to appear NLT 5:00 pm on 4/21/03; any class member who has not opted out of the settlement and who wishes to object to or oppose any aspect of the settlement must do so in writing and be filed with the Court with copies served on counsel NLT 5:00 4/21/03; proponents shall submit their papers in support of final settlement approval by 5:00 pm 4/21/03 and may submit a reply to any comments or objections in advance of the fairness hearing (cc: all counsel) (no pgs: 5) (km) (Entered: 02/11/2003)</p>
02/27/2003	91	LETTER from Joseph H Kattus IV to court advising that he wishes to be excluded from class action law suit (no pgs: 2) (wam) (Entered: 02/27/2003)
03/03/2003	92	LETTER from Gregory James to court advising that he wishes to be excluded from class action law suit (no pgs: 1) (wam) (Entered: 03/03/2003)
04/04/2003	93	LETTER to court from class member Ezekiel Gray requesting assistance in appearing for 5/1/03 fairness hearing due to his incarceration at LeCI (no pgs: 1) (km) (Entered: 04/04/2003)
04/22/2003	94	LETTER to court from class member Timothy Hartley re exclusion from class action (no pgs: 1) (km) (Entered: 04/22/2003)
04/22/2003	95	LETTER to court from class member Steve Clem re exclusion from class action (no pgs: 1) (km) (Entered: 04/22/2003)

04/23/2003	96	ORDER by Judge S. A. Spiegel: re the agenda for the Settlement Fairness Hearing set for 2:00 5/1/03 (cc: all counsel) (no pgs: 3) (km) (Entered: 04/23/2003)
04/24/2003	97	JOINT NOTICE/CERTIFICATION of compliance with Class Notice Requirements filed by parties (no pgs: 1) (km) (Entered: 04/24/2003)
04/24/2003	98	LETTER to court from class member Steve Clem re exclusion from class action (no pgs: 1+) (wam) (Entered: 04/24/2003)
04/29/2003	99	MOTION by plaintiff for attorney fees (no pgs: 3+) (km) (Entered: 04/29/2003)
04/30/2003	100	MOTION by defendants to extend time until 6/16/03 in which to reply to pltf's motion for atty fees (no pgs: 4+) (wam) (Entered: 05/01/2003)
05/01/2003	101	CIVIL MINUTES: Proceeding before Judge S. A. Spiegel ; In-court Fairness Hearing re Proposed Class Settlement held 2:00 5/1/03 ; statements of counsel heard; stmt of Marian Alswager (Director of HCJC Inmate GED Program) heard; stmts of class members heard; pltf's address the issue of atty fees; the court orders that the proposed settlement is determined to be fair and equitable and will be accepted by the court; defts shall have until 6/16/03 to file response to motion for atty fees; a status conf will be held in 7/03; written order to follow; Court Reporter: Shandy Ehde (Draper & Oestreicher) (cc: all counsel) (no pgs: 1) (km) (Entered: 05/01/2003)
05/19/2003	102	ORDER by Judge S. A. Spiegel granting motion for an order preliminarily approving settlement, approving forms and distribution of notice to class members [89-1]; the Court Orders dfts to respond to pltf's application for atty fees by 6/16/03; the Court further Orders pltf's to reply by 6/23/03; Finally the Court schedules a hearing on this matter on 7/1/03 @ 10:00 cc: all counsel) (no pgs: 12) (wam) (Entered: 05/19/2003)
05/19/2003	103	NOTICE of hearing setting motion for attorney fees [99-1] at 10:00 7/1/03 Rm 842 before Judge Spiegel (cc: all counsel) (wam) (Entered: 05/19/2003)
06/12/2003	104	AGREED ORDER SETTING AMOUNT OF ATTORNEYS' FEES by Judge S. A. Spiegel: granting motion for attorney fees [99-1]; the parties agree that defts are to pay plaintiff and plaintiff agrees to accept the sum of \$57,080.75 as payment in full for all attorneys' fees and costs (including costs of administration) incurred by plaintiff, except as may arise pursuant to paragraph 2(A) and (B) of this order; in the event that pltf or any other class member alleges in a timely manner that the sheriff has in any way mishandled any claim(s) submitted under the terms of the settlement agreement, the matter shall first be submitted to defts attys for review and resolution; if the matter cannot be resolved between the parties it shall then be submitted to the court for resolution; if the matter is resolved in favor of pltf or a class member before action by the court, pltf/class member shall be awarded an addtl \$50.00 for attys' fees and costs for each claim; if the matter is resolved in favor of pltf/class

		member by action of the court pltf shall be awarded an addtl amount of \$75.00 for attys' fees and costs for each such claim; if the matter is resolved in the defts favor for any reason, pltf shall not be entitled to any addtl amount for attys fees; any claims for attys fees and costs due under subsections 2 (A) and (B) of this order shall be submitted on a quarterly basis in a form agreed upon by the parties and defts shall pay the amounts claimed within 30 days they have been submitted to defts attys (cc: all counsel) (no pgs: 3) (km) (Entered: 06/12/2003)
06/25/2003	105	JUDGMENT: Entered by Clerk affirming order approving proposed class settlement [102-1] and order approving attorneys' fees and costs [104-1] terminating case (cc: all counsel) (no pgs: 1) (km) (Entered: 06/25/2003)
02/19/2004	106	NOTICE by Plaintiff Anthony Allen of <i>Joint Application to Close Administration of Settlement</i> (Felson, Stephen) (Entered: 02/19/2004)
03/24/2004	107	ORDER granting 106 Joint Application to Close Administration of Settlement. The parties are hereby ordered to terminate administrtion of the settlement reached in this case. The case is dismissed. All class members are hereby barred from making any further claims against the defendants on grounds forming the subject of this case. Signed by Judge S Arthur Spiegel on 3/23/2004. (km,) (Entered: 03/24/2004)

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