

CLOSED,DISC-ONLY,**JURY**

**U.S. District Court
Southern District of Ohio (Cincinnati)
CIVIL DOCKET FOR CASE #: 1:02-cv-00605-SAS -TSB**

Powers v. Hamilton Co Publ Def, et al
Assigned to: Judge S Arthur Spiegel
Referred to: Judge Timothy S. Black
Demand: \$0
Case in other court: Sixth Circuit Court of Appeals, 06-03460
Cause: 42:1983 Civil Rights Act

Date Filed: 08/21/2002
Date Terminated: 06/17/2009
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Michael - Powers
On Behalf of Himself and Others
Similarly Situated

represented by **Lisa Talmadge Meeks**
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V.

Defendant

**Hamilton County Public Defender
Commission**

represented by **David Todd Stevenson**
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TERMINATED: 02/22/2006
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Defendant

**Office of the Public Defender of
Hamilton County**

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Joseph M Hutson
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Pamela J Sears
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ATTORNEY TO BE NOTICED

Defendant

Sheriff Simon L Leis, Jr
TERMINATED: 08/23/2005

represented by **David Todd Stevenson**
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Joseph M Hutson
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Defendant

Hamilton County OH
TERMINATED: 08/23/2005

represented by **David Todd Stevenson**
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Joseph M Hutson
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TERMINATED: 02/22/2006
ATTORNEY TO BE NOTICED

Defendant

Phillip Heimlich
TERMINATED: 08/23/2005

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Joseph M Hutson
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TERMINATED: 02/22/2006
ATTORNEY TO BE NOTICED

Defendant

Todd Portune, Commissioner
TERMINATED: 08/23/2005

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TERMINATED: 02/22/2006
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Defendant

John Dowlin
TERMINATED: 08/23/2005

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Joseph M Hutson

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*TERMINATED: 02/22/2006**ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
08/21/2002	1	COMPLAINT & JURY DEMAND (no. pgs: 9) (km) (Entered: 08/21/2002)
08/21/2002		Filing Fee Paid: on 8/21/02 in the amount of \$ 150.00, receipt # 100416010. (km) (Entered: 08/21/2002)
09/17/2002	2	WAIVER OF SERVICE mailed to defendants Hamilton Co Publ Def, Office of Public Def, and Simon L Leis Jr 8/21/02 Answer due on 10/21/02 for Simon L Leis Jr, for Office of Public Def, for Hamilton Co Publ Def (no pgs: 3) (vp) (Entered: 09/18/2002)
10/18/2002	3	ANSWER by defendants; jury demand (no pgs: 8) (vp) (Entered: 10/21/2002)
10/24/2002	4	NOTICE setting this action for Preliminary PTC 9:00 1/23/03 before J Spiegel in Room 842 no pgs: 1 (cc: all counsel) (vp) (Entered: 10/24/2002)
01/23/2003	5	PRELIMINARY PRETRIAL ORDER by Judge S. A. Spiegel ; Prelim pretrial conf held 9:00 1/23/03; Dispositive Mtn filing ddl set for 9/1/03; Class Certification motion ddl set for 6/1/03; Discovery ddl set for 8/1/03; Final pretrial conf tentatively set for 10:00 11/12/03; Four-day Jury trial tentatively set for 1/12/04 on an on-deck basis (cc: all counsel) (no pgs: 3) (km) (Entered: 01/23/2003)
02/03/2003	6	RESPONSE/INITIAL disclosures by plaintiff to [4-1] (no pgs: 2+) (wam) (Entered: 02/04/2003)
05/22/2003	7	MOTION by plaintiff to amend complaint ; proposed amended complaint attached (no pgs: 4+exh A-E) (km) (Entered: 05/22/2003)
05/28/2003	8	MEMORANDUM by defendants in opposition to motion to amend complaint [7-1] (no pgs: 4+) (km) (Entered: 05/28/2003)
06/04/2003	9	AGREED ORDER by Judge S. A. Spiegel granting motion to amend complaint [7-1]; defts shall have 20 days from the date of this order to answer move or otherwise plead to the amended complaint (cc: all counsel) (no pgs: 2) (km) (Entered: 06/04/2003)
06/04/2003	10	FIRST AMENDED COMPLAINT by plaintiff; jury demand adding defendants Hamilton County OH, Phillip Heimlich, Todd Portune, John Dowlin (no pgs: 10) (km) (Entered: 06/20/2003)
06/20/2003	11	ANSWER by defendants Hamilton Co Publ Def, Office of Public Def and Simon L Leis Jr to first amended complaint; jury demand (no pgs: 9) (km) (Entered: 06/20/2003)
08/05/2003	12	MOTION by plaintiff to certify class action (no pgs: 11+exh A-F) (km) Additional attachment(s) added on 12/21/2006 (scot1,). (Entered: 08/06/2003)
08/12/2003	13	Stipulation and ORDER by Judge S. A. Spiegel : ; Discovery ddl reset 10/5/03 ; Mtn filing ddl reset 11/5/03 ; the parties agree and the Court Orders that defense counsel has until 9/15/03 to file reply memo in opposition to pltf's memo in support of class certification (cc: all counsel) (no pgs: 1) (wam) (Entered: 08/12/2003)

08/27/2003	14	NOTICE of hearing setting motion to certify class action [12-1] at 2:00 10/15/03 (cc: all counsel) (wam) (Entered: 08/27/2003)
09/12/2003	15	RESPONSE in Opposition re 12 Motion to Certify Class filed by Defendants Hamilton County Public Defender Commission, Office of the Public Defender of Hamilton County, Simon L Leis Jr, Hamilton County OH, Phillip Heimlich, Todd Portune, Commissioner, John Dowlin. (Stevenson, David) Additional attachment(s) added on 9/15/2003 (wam,). (Entered: 09/12/2003)
09/19/2003	16	MOTION for Extension of Time to File Response/Reply by Plaintiff Michael - Powers. (Felson, Stephen) (Entered: 09/19/2003)
09/23/2003		NOTATION ORDER granting 16 Unopposed Motion for Extension of Time to File Response/Reply re 12 Motion to Certify Class. Reply memo due by 10/8/2003. Signed by Judge S Arthur Spiegel on 9/23/2003. (km,) (Entered: 09/23/2003)
09/23/2003	17	NOTICE of Hearing on Motion 12 Motion to Certify Class: Motion Hearing reset for 12/30/2003 03:00 PM in Courtroom 842 before S Arthur Spiegel. (km,) (Entered: 09/23/2003)
09/24/2003	18	ORDER Pursuant to the status conference held 9/18/2003 a hearing on pltf's motion requesting class certification 12 and defts' contemplated motion for summary judgment is hereby scheduled for 12/30/2003 at 3:00 pm; defts are to submit any such motion prior to dispositive motion ddl of 10/1/2003; the FPTC set for 11/12/2003 and the trial date set for 1/12/2004 are hereby VACATED; following decision of the pending motions the court will reschedule these events as necessary by subsequent order. Signed by Judge S Arthur Spiegel on 9/24/2003. (km,) (Entered: 09/24/2003)
10/01/2003	19	ORDER In accordance with a prior stipulated order 13 the Court hereby establishes 11/5/2003 as the dispositive motion deadline in this action; all parties are advised, however, that the Court expects all briefing on deft's proposed motion for summary judgment to be completed prior to the oral argument scheduled for 12/30/2003; accordingly, the Court will not grant any party an extension of time in which to file any motion or briefing relative to defts' proposed motion for summary judgment. Dispositive Motions deadline set for 11/5/2003. Signed by Judge S Arthur Spiegel on 9/30/2003. (km,) (Entered: 10/01/2003)
10/08/2003	20	REPLY to Response to Motion re 12 Motion to Certify Class filed by Plaintiff Michael - Powers. (Felson, Stephen) (Entered: 10/08/2003)
10/09/2003	21	AFFIDAVIT of John Weber in Support re 12 Motion to Certify Class filed by Plaintiff. (Attachments manually filed with the Clerk.) (ss,) (Entered: 10/10/2003)
10/14/2003	22	NOTICE by Plaintiff Michael - Powers re 20 Reply to Response to Motion <i>Notice of Filing of Exhibits</i> (Attachments: # 1 Exhibit # 2 Exhibit # 3 Exhibit # 4 Exhibit # 5 Exhibit # 6 Exhibit # 7 Exhibit)(Newman, Robert) (Entered: 10/14/2003)
11/05/2003	23	MOTION for Summary Judgment by Defendants John Dowlin, Hamilton County OH, Hamilton County Public Defender Commission, Phillip Heimlich, Simon L Leis Jr, Office of the Public Defender of Hamilton County, Todd Portune, Commissioner. Responses due by 11/29/2003 (Hutson, Joseph) (Entered: 11/05/2003)
11/05/2003	24	NOTICE by County Defendants of manually filing exhibits to 23 MOTION for Summary Judgment (wam,) (Entered: 11/06/2003)

11/24/2003	25	MOTION for Leave to File <i>Supplement Motion for Class Certification</i> by Plaintiff Michael - Powers. (Attachments: # 1 # 2 # 3 # 4)(Newman, Robert) (Entered: 11/24/2003)
11/26/2003		NOTATION ORDER granting 25 Motion for Leave to Supplement Motion for Class Certification with additional discovery material. Signed by Judge S Arthur Spiegel on 11/25/2003. (km,) (Entered: 11/26/2003)
12/02/2003	26	Joint MOTION for Extension of Time to File Response/Reply to dft's motion for summary judgment <i>and to Continue Hearing scheduled for 12/30/03</i> by Plaintiff Michael - Powers, Defendants Hamilton County Public Defender Commission, Office of the Public Defender of Hamilton County, Simon L Leis Jr, Hamilton County OH, Phillip Heimlich, Todd Portune, Commissioner, John Dowlin. (Felson, Stephen) Modified on 12/3/2003 (wam,). (Entered: 12/02/2003)
12/05/2003		NOTATION ORDER granting 26 Joint Motion for Extension of Time to File Response/Reply re 23 MOTION for Summary Judgment and to Continue Class Certification Hearing scheduled for 12/30/03. Responses due by 12/11/2003. Replies due by 12/22/2003. Signed by Judge S Arthur Spiegel on 12/3/2003. (km,) (Entered: 12/05/2003)
12/05/2003	27	NOTICE of Hearing on Motion 12 Motion to Certify Class: Motion Hearing reset for 1/15/2004 02:30 PM in Courtroom 842 before S Arthur Spiegel. (km,) (Entered: 12/05/2003)
12/11/2003	28	RESPONSE in Opposition re 23 MOTION for Summary Judgment filed by Plaintiff Michael - Powers. (Attachments: # 1 Exhibit Denton v. Bedinghaus)(Felson, Stephen) (Entered: 12/11/2003)
12/18/2003	29	RESPONSE in Support re 23 MOTION for Summary Judgment filed by Defendants Hamilton County Public Defender Commission, Office of the Public Defender of Hamilton County, Simon L Leis Jr, Hamilton County OH, Phillip Heimlich, Todd Portune, Commissioner, John Dowlin. ORAL ARGUMENT REQUESTED. (Hutson, Joseph) Modified on 12/19/2003 (km,). (Entered: 12/18/2003)
01/09/2004	30	MOTION for Leave to File <i>to File Transcript</i> by Plaintiff Michael - Powers. (Felson, Stephen) (Entered: 01/09/2004)
01/12/2004	31	NOTICE by Plaintiff Michael - Powers of <i>Additional Authority in support of pltf's response in opposition (doc.#28) to dff's motion for summary judgment</i> (Felson, Stephen) (Entered: 01/12/2004)
01/12/2004	32	NOTICE by Plaintiff Michael - Powers of <i>Clarification of Class Definition</i> (Felson, Stephen) (Entered: 01/12/2004)
01/12/2004	33	Response re 32 Notice (Other) by Defendants John Dowlin, Hamilton County OH, Hamilton County Public Defender Commission, Phillip Heimlich, Simon L Leis Jr, Office of the Public Defender of Hamilton County, Todd Portune, Commissioner. (Stevenson, David) (Entered: 01/12/2004)
01/13/2004		NOTATION ORDER granting 30 Motion for Leave to File Transcript. Signed by Judge S Arthur Spiegel on 1/13/2004. (km,) (Entered: 01/13/2004)
01/15/2004		Minute Entry for proceedings held before Judge S Arthur Spiegel : Motion Hearing held on 1/15/2004 (2:30-4:00 PM) re 12 Motion to Certify Class and 23 MOTION for

		Summary Judgment. Arguments heard on motions. Matters taken under advisement, with ruling on motion for summary judgment to occur prior to deciding the issue of class certification. (Court Reporter Julie Wolfer (Official).) (km,) (Entered: 01/15/2004)
08/23/2005	34	ORDER granting 12 Motion to Certify Class, granting in part and denying in part 23 Motion for Summary Judgment to the extent that it DISMISSES Defendants Hamilton County Board of Commissioners, Hamilton County, and Hamilton County Sheriff Leis from this action, and DISMISSES Plaintiff's malpractice claim. Signed by Judge S Arthur Spiegel on 8/23/2005. (km,) (Entered: 08/23/2005)
08/24/2005	35	ORDER Final Pretrial Conference set for 10/19/2005 03:00 PM. Five-day Jury Trial set for 12/6/2005 09:30 AM. Signed by Judge S Arthur Spiegel on 8/24/2005. (km,) (Entered: 08/24/2005)
08/30/2005	36	MOTION for Partial Summary Judgment (Liability Only) by Plaintiff Michael Powers. Responses due by 9/23/2005 (Newman, Robert) Docket Text Modified on 8/31/2005 (km,). (Entered: 08/30/2005)
09/07/2005	37	MOTION to Stay <i>Pending Resolution of Petition to Appeal Class Certification</i> by Defendants Hamilton County Public Defender Commission, Office of the Public Defender of Hamilton County, Simon L Leis, Jr, Hamilton County OH, Phillip Heimlich, Todd Portune, Commissioner, John Dowlin. (Stevenson, David) (Entered: 09/07/2005)
09/14/2005	38	RESPONSE in Opposition re 37 MOTION to Stay <i>Pending Resolution of Petition to Appeal Class Certification</i> filed by Plaintiff Michael - Powers. (Felson, Stephen) (Entered: 09/14/2005)
09/16/2005	39	MOTION for Partial Summary Judgment (<i>Damages Only</i>) by Plaintiff Michael - Powers. Responses due by 10/11/2005 (Felson, Stephen) (Entered: 09/16/2005)
09/16/2005	40	MOTION for Extension of Time to File Response/Reply as to 36 MOTION for Partial Summary Judgment (Liability Only) New date requested 10/7/2005. by Defendants Hamilton County Public Defender Commission, Office of the Public Defender of Hamilton County. (Attachments: # 1)(Stevenson, David) (Entered: 09/16/2005)
09/20/2005	41	ORDER granting 40 Motion for Extension of Time to File Response re 36 MOTION for Partial Summary Judgment (Liability Only) and 39 MOTION for Partial Summary Judgment(<i>Damages Only</i>). Responses due by 10/7/2005. Signed by Judge S Arthur Spiegel on 9/20/2005. (km1,) (Entered: 09/20/2005)
10/07/2005	42	RESPONSE to Motion re 36 MOTION for Partial Summary Judgment (Liability Only), 39 MOTION for Partial Summary Judgment (<i>Damages Only</i>) filed by Defendants Hamilton County Public Defender Commission, Office of the Public Defender of Hamilton County. (Attachments: # 1 Exhibit Strigari Affidavit# 2 Exhibit Sullivan Affidavit# 3 Exhibit Staff Attorney Affidavits# 4 Exhibit Certificates of Good Standing Affidavit)(Stevenson, David) (Entered: 10/07/2005)
10/07/2005	43	MOTION to Continue <i>Trial From December 6, 2005 Due to a Conflict With the Sixth Circuit Court of Appeals</i> by Defendants Hamilton County Public Defender Commission, Office of the Public Defender of Hamilton County. (Attachments: # 1 Exhibit Notice of Oral Argument)(Stevenson, David) (Entered: 10/07/2005)
10/17/2005	44	REPLY to Response to Motion re 36 MOTION for Partial Summary Judgment (Liability Only) filed by Plaintiff Michael - Powers. (Felson, Stephen) (Entered: 10/17/2005)

		10/17/2005)
10/18/2005		(FORMER DOCUMENT 45) RESPONSE in Opposition re 43 MOTION to Continue <i>Trial From December 6, 2005 Due to a Conflict With the Sixth Circuit Court of Appeals</i> filed by Plaintiff Michael - Powers. (Felson, Stephen) Modified on 10/24/2005-PDF removed (wrong document)(scot,). (Entered: 10/18/2005)
10/19/2005	46	ORDER vacating the Final Pretrial Conference set for 10/19/2005 at 3:00 PM. The Court will RESET such conference, if necessary, when it issues an opinion on Plaintiff's pending motions for partial summary judgment. Signed by Judge S Arthur Spiegel on 10/18/2005. (km,) (Entered: 10/19/2005)
10/21/2005	47	ORDER granting 37 Motion to Stay Pending Resolution of Petition to Appeal Class Certification. This matter is STAYED pending the outcome of Defendants' Rule 23(f) petition. The Court VACATES the 8/24/2005 scheduling Order 35 which scheduled the trial date in this matter for 12/6/2005. Signed by Judge S Arthur Spiegel on 10/20/2005. (km,) (Entered: 10/21/2005)
10/24/2005	48	RESPONSE in Opposition re 43 MOTION to Continue <i>Trial From December 6, 2005 Due to a Conflict With the Sixth Circuit Court of Appeals</i> filed by Plaintiff Michael - Powers. (Felson, Stephen) (Entered: 10/24/2005)
10/24/2005		Notice of Correction: Former document 45 filed on 10/18/05 had the wrong PDF attached. PDF was removed by Clerk. Counsel advised to refile correctly. (scot,) (Entered: 10/24/2005)
10/24/2005	49	REPLY to Response to Motion re 39 MOTION for Partial Summary Judgment (<i>Damages Only</i>) filed by Plaintiff Michael - Powers. (Felson, Stephen) (Entered: 10/24/2005)
12/02/2005	50	ORDER by the US Court of Appeals for the Sixth Circuit denying Petition for Leave to Appeal. (scot,) Docket Text Modified on 12/21/2005 (km,). (Entered: 12/06/2005)
12/14/2005	51	ORDER Final Pretrial Conference set for 3/1/2006 02:00 PM. Five-day Jury Trial set for 4/4/2006 09:30 AM. Signed by Judge S Arthur Spiegel on 12/13/2005. (km,) (Entered: 12/14/2005)
12/14/2005	52	NOTICE of Hearing: Final Pretrial Conference set for 3/1/2006 02:00 PM in chambers before S Arthur Spiegel. Five-day Jury Trial set for 4/4/2006 09:30 AM in Courtroom 842 before S Arthur Spiegel on an on-deck basis. (km,) (Entered: 12/14/2005)
02/07/2006	53	OPINION AND ORDER granting in part 36 Motion for Summary Judgment on Liability, to the extent that it finds relief appropriate for those who fall within the modified class definition; the Court stays consideration of 39 Motion for Summary Judgment on Damages pending a hearing set for 3/15/2006 at 10:00 A.M. At such hearing the Court further requests the parties to advise the Court as to the implementation of this Order. Signed by Judge S Arthur Spiegel on 2/7/2006. (km,) (Entered: 02/07/2006)
02/09/2006	54	NOTICE of Hearing on Motion re 39 MOTION for Partial Summary Judgment (<i>Damages Only</i>): Motion Hearing set for 3/15/2006 10:00 AM in Courtroom 842 before S Arthur Spiegel. (km,) (Entered: 02/09/2006)
02/21/2006	55	NOTICE of Appearance and Substitution of Counsel by Pamela J Sears Defendants Hamilton County Public Defender Commission, Office of the Public Defender of

		Hamilton County (Sears, Pamela) Modified docket text on 2/22/2006 (scot,). (Entered: 02/21/2006)
03/01/2006		Minute Entry for proceedings held before Judge S Arthur Spiegel: Final Pretrial Conference held on 3/1/2006. (Court Reporter Shandy Ehde (Draper & Oestreicher).) (km,) (Entered: 03/01/2006)
03/14/2006	56	BRIEF re Issues Related to Damages by Defendants Hamilton County Public Defender Commission, Office of the Public Defender of Hamilton County. (Stevenson, David) Docket Text Modified on 3/15/2006 (km,). (Entered: 03/14/2006)
03/15/2006		Minute Entry for proceedings held before Judge S Arthur Spiegel: Motion Hearing held on 3/15/2006 re 39 MOTION for Partial Summary Judgment (Damages Only). Counsel for parties present. Arguments heard re damages. The Court orders in open Court that parties shall prepare and submit a proposed final judgment entry to the Court with a revised class definition as outlined by the Court at the hearing. (Court Reporter Mary Ann Ranz (Official).) (km,) (Entered: 03/15/2006)
03/15/2006	57	TRIAL BRIEF for Damages Hearing by Plaintiff Michael - Powers. (Attachments: # 1 Exhibits A-C)(scot,) (Entered: 03/15/2006)
03/22/2006	58	NOTICE by Defendants Hamilton County Public Defender Commission, Office of the Public Defender of Hamilton County of <i>Filing a Stipulated Joint Exhibit</i> (Attachments: # 1 Exhibit Joint Exhibit)(Stevenson, David) (Entered: 03/22/2006)
03/24/2006	59	FINAL JUDGMENT - Having reviewed the written arguments of the parties, and having conducted a hearing on the issue of class damages and on the issue of the proper determination of class membership, IT IS HEREBY ORDERED: (1) the class definition is hereby modified to read: All persons, who, without an indigency hearing, were committed to the custody of the Hamilton County correctional facility by a Hamilton County municipal or common pleas court from 8/21/2000 to the present in satisfaction of a fine and/or court costs, including persons who violated probation following a "stay to pay" sentence; (2) A list of Class Members is contained in the Stipulated Joint Exhibit 58 filed on 3/22/2006; (3) The County shall, at its expense, provide notice to the Class by sending a notice and proof of claim in substantially the same form as Exhibit A to this Judgment to the last known address of each Class Member. Said class notice and proof of claim is hereby approved in form and content; (4) The County shall also, at its expense, cause an advertisement to be placed in the Cincinnati Enquirer in substantially the same form as Exhibit B to this Judgment, which shall be in the same size type as that used in news articles; (5) Those Class Members who filed a timely proof of claims shall become part of the Participating Class. The County shall compensate all Participating Class Members in the amount of \$100 for every day they were wrongfully incarcerated. The number of days of wrongful incarceration for a given Participating Class Member shall be calculated by dividing the fine ascribed to that person in the Stipulated Joint Exhibit 58 and dividing that fine by \$30, the statutory rate of satisfaction of fines then in effect. A fraction of a day shall be considered a full day of incarceration. Said payment shall be made within 30 days of the submission of the proof of claim; (6) Class Counsel may file a petition for an award of fees and costs within 15 days of this judgment; (7) Costs shall be taxed to the County; (8) Defendants have indicated that they intend to appeal this judgment, and its execution is hereby stayed for the duration of any such appeal. Signed by Judge S Arthur Spiegel on 3/23/2006. (Attachments: # 1 Exhibit A - Notice of Class Action# 2 Exhibit B - Summary Notice of Class Action Judgment)(km,) (Entered: 03/24/2006)

03/24/2006	60	NOTICE OF APPEAL as to 59 Judgment by Defendants Hamilton County Public Defender Commission, Office of the Public Defender of Hamilton County, Hamilton County OH. Filing fee \$ 255. (Stevenson, David) Additional attachment(s) added on 3/24/2006 (scot,). Modified docket text on 3/27/2006 (mvl,). (Entered: 03/24/2006)
03/24/2006		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 60 Notice of Appeal, (scot,) (Entered: 03/24/2006)
04/03/2006		USCA Case Number 06-3460 for 60 Notice of Appeal filed by Hamilton County OH, Hamilton County Public Defender Commission, Office of the Public Defender of Hamilton County. (scot,) (Entered: 04/03/2006)
04/06/2006	61	TRANSCRIPT REQUEST by Defendants Hamilton County Public Defender Commission, Office of the Public Defender of Hamilton County re 60 Notice of Appeal, (Stevenson, David) (Entered: 04/06/2006)
04/06/2006		(FORMERLY DOC. 62) MOTION for Attorney Fees by Plaintiff Michael - Powers. (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Exhibit 3# 4 Affidavit of Robert B. Newman# 5 Affidavit of Stephen R. Felson# 6 Affidavit of Lisa T. Meeks# 7 Exhibit 7# 8 Exhibit 8# 9 Exhibit 9# 10 Exhibit 10# 11 Exhibit 11# 12 Exhibit 12)(Felson, Stephen) Docket Text Modified on 4/6/2006 (km,). (Entered: 04/06/2006)
04/06/2006		Notice of Correction - the Motion for Attorney's Fees (formerly doc. 62) was filed with exhibits which were scanned at a size to small to read. Counsel has been informed of this matter, and was instructed to re-file the document. Due to current technical difficulties with counsel's scanner, the motion will be re-filed manually with the Court. The document filed electronically has been deleted. (km,) (Entered: 04/06/2006)
04/07/2006	62	MOTION for Attorney Fees and Costs by Plaintiff Michael Powers. (Attachments: # 1 Exhibit 1 - Resume of Robert B. Newman# 2 Exhibit 2 - Resume of Stephen R. Felson# 3 Exhibit 3 - Resume of Lisa T. Meeks# 4 Exhibit 4 - Affidavit of Robert B. Newman# 5 Exhibit 5 - Affidavit of Stephen R. Felson# 6 Exhibit 6 - Affidavit of Lisa T. Meeks# 7 Errata 7 - Ohio Law, December 1990# 8 Exhibit 8 - S.D. of Ohio Opinion 1:99-cv-325# 9 Exhibit 9 - S.D. of Ohio Opinion 1:99-cv-1009# 10 Exhibit 10 - Billing Statement Newman & Meeks Co. LPA# 11 Exhibit 11 - Billing Statement Stephen R. Felson# 12 Exhibit 12 - Declaration of Jennifer L. Branch) (km,) (Entered: 04/07/2006)
04/24/2006	63	Unopposed MOTION to Stay <i>Consideration of Plaintiffs' Motion for Attorney Fees and Expanding the Time for Defendant's Response Until Such Time as the Case Has Been Remanded from the Court of Appeals</i> by Defendants Hamilton County Public Defender Commission, Office of the Public Defender of Hamilton County. (Stevenson, David) (Entered: 04/24/2006)
04/25/2006	64	NOTATION ORDER granting 63 Unopposed Motion to Stay Consideration of Plaintiffs' Motion for Attorney Fees and Expanding the Time for Defendant's Response Until Such Time as the Case Has Been Remanded from the Court of Appeals. Signed by Judge S Arthur Spiegel on 4/25/2006. (km,) (Entered: 04/25/2006)
08/29/2007	65	USCA INFORMATION COPY re 60 Notice of Appeal : The District Court's conclusion that Power's 1983 claims are cognizable is AFFIRMED. The grant of class certification is AFFIRMED. The District Court's judgment that Powers is entitled to summary judgment is REVERSED and case is remanded for further proceedings consistent with this opinion. (tt1,) (Entered: 08/29/2007)

08/29/2007	66	USCA JUDGMENT as to 60 Notice of Appeal, filed by Hamilton County OH, Hamilton County Public Defender Commission, Office of the Public Defender of Hamilton County AFFIRMING IN PART AND REVERSING IN PART. Case is REMANDED for further proceedings consistent with the opinion of the Sixth Circuit Court. (tt1,) (Entered: 08/29/2007)
01/29/2008	67	MANDATE of USCA as to 60 Notice of Appeal, filed by Hamilton County OH, Hamilton County Public Defender Commission, Office of the Public Defender of Hamilton County. Issues pursuant to court's disposition re 66 . (mr1,) (Entered: 01/29/2008)
01/30/2008	68	NOTICE of Hearing: Status Conference set for 3/19/2008 11:00 AM in chambers before Judge S Arthur Spiegel. (km1,) (Entered: 01/30/2008)
03/07/2008	69	NOTICE by Plaintiff Michael - <i>Powers of Filing Plaintiff's Objections to Subpoena Served Upon Attorney Newman</i> (Attachments: # 1 Exhibit Letter to Opposing Counsel) (Felson, Stephen) (Entered: 03/07/2008)
03/10/2008	70	NOTICE of Hearing: Status Conference RESET for 4/24/2008 11:00 AM in chambers before Judge S Arthur Spiegel. (km1,) (Entered: 03/10/2008)
03/12/2008	71	MOTION to Quash <i>Subpoena for Testimony</i> by Plaintiff Michael - Powers. (Felson, Stephen) (Entered: 03/12/2008)
03/17/2008	72	MOTION to Compel by Plaintiff Michael - Powers. (Attachments: # 1 Affidavit Felson Declaration, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E) (Felson, Stephen) (Entered: 03/17/2008)
03/17/2008	73	NOTICE OF WITHDRAWAL OF DOCUMENT by Defendants Hamilton County Public Defender Commission, Office of the Public Defender of Hamilton County <i>Notice of Deposition Directed to Plaintiff for March 20, 2008 and the Subpoena Duces Tecum Directed to Robert B. Newman for March 21, 2008</i> (Sears, Pamela) (Entered: 03/17/2008)
03/20/2008	74	[FORMER DOC. 74] MOTION for Protective Order <i>Pursuant to Fed.R.26(C) and Memorandum in Support</i> by Defendants Hamilton County Public Defender Commission, Office of the Public Defender of Hamilton County. (Attachments: # 1 Exhibit Letter of 08/30/05 from Atty Newman, # 2 Exhibit Letter of 09/05/05 from Attorney Newman, # 3 Exhibit Letter of 01/30/08 from Atty Felson, # 4 Exhibit Letter 12/22/05 from Atty Newman, # 5 Exhibit Letter of 02/13/08 from Atty Sears, # 6 Exhibit Subpoena to John Issenmann, # 7 Exhibit Subpoena to Michael Laumann, # 8 Exhibit Subpoena to John Bauer, # 9 Exhibit Subpoena to Robert Owens, # 10 Exhibit Subpoena to James Vogele, # 11 Exhibit Subpoena to Mary Sullivan, # 12 Exhibit Subpoena to Louis Strigari, # 13 Exhibit Subpoena to Saul Fettner, # 14 Exhibit Subpoena to Dan Wong, # 15 Exhibit 03/04/08 E-mail from Atty Newman to Atty Stevenson, # 16 Exhibit Defendant's Notice of Deposition to Powers, # 17 Exhibit USDC Subpoena to Atty Newman, # 18 Exhibit Def's Notice of Deposition to Atty Newman, # 19 Exhibit Notice of Deposition to Mary Sullivan, # 20 Exhibit Notice of Deposition to John Issenmann, # 21 Exhibit Notice of Deposition to Michael Laumann, # 22 Exhibit Notice of Deposition to Louis Strigari, # 23 Exhibit Notice of Deposition to Saul Fettner, # 24 Exhibit Notice of Deposition to James Vogele, # 25 Exhibit Notice of Deposition to Dan Wong, # 26 Exhibit Noitce of Deposition to Robert Owens, # 27 Exhibit Notice of Deposition to John Bauer, # 28 Exhibit Letter of 03/11/08 from Atty Newman, # 29 Exhibit Letter of 03/12/08 from Atty Sears, # 30 Exhibit Letter of

		03/15/08 from Atty Felson, # 31 Exhibit Motion to Mitigate, # 32 Exhibit 04/22/02 Transcript of Proceedings, # 33 Exhibit Hamilton County Municipal Case Documents, # 34 Exhibit Hamilton County Municipal Court Documents, # 35 Exhibit 02/26/08 E-mail from Atty Sears to Atty Newman) (Sears, Pamela) Modified to remove PDF on 3/21/2008 (scot1,). (Entered: 03/20/2008)
03/21/2008		Notice of Correction re 74 MOTION for Protective Order: PDF removed at the request of counsel. Several of the exhibits were the incorrect file and included personal identifiers. Attorney to refile. (scot1,) (Entered: 03/21/2008)
03/21/2008	75	MOTION for Protective Order <i>Pursuant to Fed.R.26(C) and Memorandum in Support</i> by Defendants Hamilton County Public Defender Commission, Office of the Public Defender of Hamilton County. (Attachments: # 1 Exhibit Letter of 8/30/05 from Atty Newman, # 2 Exhibit Letter of 09/05/05 from Atty Newman, # 3 Exhibit Letter of 01/03/08 from Atty Felson, # 4 Exhibit Letter 12/22/05 from Atty Newman, # 5 Exhibit Letter 02/13/08 from Atty Sears, # 6 Exhibit Subpoena to John Issenmann, # 7 Exhibit Subpoena to Michael Laumann, # 8 Exhibit Subpoena to John Bauer, # 9 Exhibit Subpoena to Robert Owens, # 10 Exhibit Subpoena to James Vogele, # 11 Exhibit Subpoena to Mary Sullivan, # 12 Exhibit Subpoena to Louis Strigari, # 13 Exhibit Subpoena to Saul Fettner, # 14 Exhibit Subpoena to Dan Wong, # 15 Exhibit Email 03/04/08 from Atty Newman to Atty Stevenson, # 16 Exhibit Defendant's Notice of Deposition to Powers, # 17 Exhibit USDC Subpoena to Atty Newman, # 18 Exhibit Def's Notice of Deposition to Atty Newman, # 19 Exhibit Notice of Deposition to Mary Sullivan, # 20 Exhibit Notice of Deposition of John Issenmann, # 21 Exhibit Notice of Deposition of Michael Laumann, # 22 Exhibit Notice of Deposition of Louis Strigari, # 23 Exhibit Notice of Deposition of Saul Fettner, # 24 Exhibit Notice of Deposition of James Vogele, # 25 Exhibit Notice of Deposition of Dan Wong, # 26 Exhibit Notice of Deposition of Robert Owens, # 27 Errata Notice of Deposition of John Bauer, # 28 Exhibit Letter 03/11/08 from Atty Newman, # 29 Exhibit Letter 03/12/08 from Atty Sears, # 30 Exhibit Letter 03/15/08 from Atty Felson, # 31 Exhibit Motion to Mitigate, # 32 Exhibit 04/22/02 Transcript of Proceedings, # 33 Exhibit Hamilton County Municipal Case Documents, # 34 Exhibit Hamilton County Municipal Case Documents, # 35 Exhibit 02/26/08 Email from Atty Sears to Atty Newman) (Sears, Pamela) (Entered: 03/21/2008)
03/31/2008	76	RESPONSE in Opposition re 75 MOTION for Protective Order <i>Pursuant to Fed.R.26(C) and Memorandum in Support</i> MOTION for Protective Order <i>Pursuant to Fed.R.26(C) and Memorandum in Support</i> MOTION for Protective Order <i>Pursuant to Fed.R.26(C) and Memorandum in Support</i> MOTION for Protective Order <i>Pursuant to Fed.R.26(C) and Memorandum in Support</i> MOTION for Protective Order <i>Pursuant to Fed.R.26(C) and Memorandum in Support</i> MOTION for Protective Order <i>Pursuant to Fed.R.26(C) and Memorandum in Support</i> MOTION for Protective Order <i>Pursuant to Fed.R.26(C) and Memorandum in Support</i> filed by Plaintiff Michael - Powers. (Felson, Stephen) (Entered: 03/31/2008)
04/23/2008	77	MOTION to Stay <i>Proceedings Pending Resolution of Petition for Certiorari in the Supreme Court of the United States</i> by Defendants Hamilton County Public Defender Commission, Office of the Public Defender of Hamilton County. (Stevenson, David) (Entered: 04/23/2008)

04/25/2008	78	Letter from Supreme Court of the United States. The Petition for writ of certiorari is docketed as of 4/21/08. Case # 07-1318. (mr1,) (Entered: 04/25/2008)
04/29/2008	79	ORDER granting 77 Motion to Stay Proceedings Pending Resolution of Petition for Certiorari in the Supreme Court of the United States. Signed by Judge S Arthur Spiegel on 4/29/2008. (km1,) (Entered: 04/29/2008)
10/15/2008	80	MOTION to Vacate 79 Order on Motion to Stay by Plaintiff Michael - Powers. (Felson, Stephen) (Entered: 10/15/2008)
10/23/2008	81	Letter from U.S. Supreme Court - Office of the Clerk. The petition for a writ of certiorari is DENIED. (mr1,) (Entered: 10/23/2008)
10/29/2008	82	ORDER granting 80 Motion to Vacate 79 Order on Motion to Stay. The Court VACATES the Stay imposed in its previous Order, and SETS this matter for a statusconference at 2:00 P.M. on 11/19/2008. Signed by Judge S Arthur Spiegel on 10/29/2008. (km1,) (Entered: 10/29/2008)
10/29/2008		Set/Reset Cincinnati PPTO Deadlines: Status Conference set for 11/19/2008 02:00 PM in chambers before Judge S Arthur Spiegel. (km1,) (Entered: 10/29/2008)
10/30/2008	83	NOTICE of Hearing: Status Conference RESET for 11/25/2008 02:00 PM in chambers before Judge S Arthur Spiegel. (km1,) (Entered: 10/30/2008)
11/21/2008	84	NOTICE of Hearing: Status Conference RESET for 12/3/2008 04:00 PM in chambers before Judge S Arthur Spiegel. (km1,) (Entered: 11/21/2008)
11/26/2008	85	NOTICE of Hearing: Status Conference RESET for 12/4/2008 09:00 AM in chambers before Judge S Arthur Spiegel. (km1,) (Entered: 11/26/2008)
12/04/2008		Pursuant to this Court's General Order of Reference filed 3/25/1991, Magistrate Judge Timothy S. Black is added for purposes of discovery. (km1,) (Entered: 12/04/2008)
12/04/2008		MOTIONS REFERRED: 72 MOTION to Compel, 71 MOTION to Quash Subpoena for Testimony, 75 MOTION for Protective Order Pursuant to Fed.R.26(C) REFERRED to Magistrate Judge Timothy S Black (km1,) (Entered: 12/04/2008)
12/04/2008	86	ORDER - Pursuant to the status conference held 12/4/2008, the Court schedules the Final Pretrial Conference for 4/14/2009 at 02:00 PM and the three-day Jury Trial for 5/19/2009. Signed by Judge S Arthur Spiegel on 12/14/2008. (km1,) (Entered: 12/04/2008)
12/09/2008	87	NOTICE of Hearing: Final Pretrial Conferences RESET for 4/29/2009 02:00 PM in chambers before Judge S Arthur Spiegel. Three-day Jury Trial remains scheduled for 5/19/2009 09:30 AM in Courtroom 842 before Judge S Arthur Spiegel. (km1,) (Entered: 12/09/2008)
03/11/2009	88	Joint MOTION for Order to <i>Preliminarily Approve Settlement</i> by Plaintiff Michael - Powers. (Attachments: # 1 Exhibit 1 - Settlement Agreement, # 2 Exhibit A - Class Notice (Mailing), # 3 Exhibit B - Class Notice (Publication), # 4 Exhibit 2 - Proposed Order) (Felson, Stephen) (Entered: 03/11/2009)
03/24/2009	89	NOTICE of Hearing: Status Conference set for 5/6/2009 02:00 PM in Chambers before Judge S Arthur Spiegel. (km1,) (Entered: 03/24/2009)

04/22/2009	90	ORDER converting the final pretrial conference set for 2:00 PM on 4/29/2009, into a status conference on the parties' pending settlement, VACATES the 5/6/2009 status conference, and VACATES the three-day jury trial set for 5/19/2009. The Court will reset the final pretrial and trial dates at the status conference, should the parties not reach settlement of this matter. Signed by Judge S Arthur Spiegel on 4/22/2009. (km1,) (Entered: 04/22/2009)
04/30/2009	91	ORDER CERTIFYING A CLASS ACTION, PRELIMINARILY APPROVING SETTLEMENT AND APPROVING FORMS AND DISTRIBUTION OF NOTICE TO THE CLASS MEMBERS granting 88 Motion for Order to Preliminarily Approve Settlement. 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 6/5/2009. Any Class Member opting out of the settlement will be excluded from the benefits of the settlement and will not receive any payments pursuant to the terms of the settlement. Upon receipt of written notification by a Class Member of that member's intention to opt out of the settlement, the Clerk of the Court will forward a copy of such notification to counsel. The Court will hold a Fairness Hearing on 6/17/2009 at 10:00 AM in Courtroom 842 to determine whether to grant final approval of the proposed settlement. 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 no later than 5:00 pm on 6/5/2009 to the Clerk of the U.S. District Court and class counsel. Any Class Member who has not opted out of the settlement and who wishes to submit a written comment to support or oppose any aspect of it may do so in writing, provided such comments are filed with the Court and served on counsel no later than 6/5/2009. The proponents shall submit their papers in support of final settlement approval by 5:00 pm on 6/5/2009 and may submit a reply and any supporting materials, to any comments or objections in advance of the Fairness Hearing. The Fairness Hearing may, from time to time, and without further notice to the class, be continued or adjourned by the Court. Signed by Judge S Arthur Spiegel on 4/29/2009. (km1,) (Entered: 04/30/2009)
05/07/2009	92	AGREED ORDER SUBSTITUTING SUMMARY NOTICE. By agreement of the parties, the summary notice of the settlement in this matter is hereby changed to read as follows: "SUMMARY NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT" To: All Persons Who Were Represented by the Office of the Hamilton County, Ohio, Public Defender and Who, Without an Indigency Hearing to Determine If the Person Could Pay a Fine, Were Committed to the Custody of a Hamilton County Correctional Facility by a Hamilton County Municipal or Common Pleas Court from August 21, 2000, to the Present Solely for the Purpose of Satisfying a Fine and/or Court Costs. This Includes Persons Who Violated Probation Following a "Stay to Pay" Sentence.Signed by Judge S Arthur Spiegel on 5/6/09. (mr1,) (Entered: 05/07/2009)
06/10/2009	93	NOTICE by Plaintiff Michael - Powers, Defendants Hamilton County Public Defender Commission, Office of the Public Defender of Hamilton County <i>Certificate of Compliance with Notice to Potential Class</i> (Attachments: # 1 Attach 1 Master List of Class Members, # 2 Attach 2 Cinci Enquirer Publication Proof, # 3 Attach 3 Cinci Herald Publication Proof) (Stevenson, David) (Entered: 06/10/2009)
06/12/2009	94	MOTION for Final Approval of Settlement by Plaintiff Michael - Powers. (Attachments: # 1 Affidavit Felson Declaration, # 2 Exhibit A: Proofs of Claim, # 3 Exhibit B: Time and Expense Sheets, # 4 Text of Proposed Order) (Felson, Stephen) (Entered: 06/12/2009)

06/17/2009		Minute Entry for proceedings held before Judge S Arthur Spiegel: Fairness Hearing held on 6/17/2009 re 94 MOTION for Final Approval of Proposed Settlement. Arguments of counsel re approval of settlement heard. The Court FINDS that the proposed settlement, to include attorney's fees, is fair, reasonable and adequate; the settlement is hereby APPROVED by the Court. The Court thanks counsel for their services during the long course of this litigation. Written Order approving settlement to follow. (Court Reporter Jodie Perkins (Official).) (km1,) (Entered: 06/17/2009)
06/17/2009	95	FINAL ORDER APPROVING CLASS ACTION, APPROVING SETTLEMENT, APPROVING DISTRIBUTION OF PAYMENT TO CLASS MEMBERS AND DISMISSING ALL CLAIMS WITH PREJUDICE. This Court shall retain jurisdiction over any and all matters related to the Settlement Agreement, the administration of class claims and the disbursement of settlement funds. Signed by Judge S Arthur Spiegel on 6/17/2009. (km1,) (Entered: 06/17/2009)
07/20/2009	96	NOTICE by Plaintiff Michael Powers <i>of Compliance and Distribution of Funds</i> (Felson, Stephen) Modified to clarify docket text on 7/21/2009 (jweb1,). (Entered: 07/20/2009)

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