

CLOSED, SPECIAL

**United States District Court
Eastern District of Pennsylvania (Philadelphia)
CIVIL DOCKET FOR CASE #: 2:98-cv-06415-JK**

PHILLIPS, et al v. COUNTY OF BUCKS, et al
Assigned to: HONORABLE JAMES MCGIRR KELLY
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 12/11/1998
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

KATHLEEN PHILLIPS
*individually and on behalf of Inmates of
A Module*
TERMINATED: 02/23/1999

represented by **ANITA F. ALBERTS**
ANITA ALBERTS ASSOC
THE ATRIUM STE 2 WEST
301 S. MAIN ST
DOYLESTOWN, PA 18901
215-340-0700
Fax: 215-340-2747
TERMINATED: 02/23/1999
LEAD ATTORNEY

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TERMINATED: 02/23/1999
LEAD ATTORNEY

Plaintiff

BARBARA LAMINA
*an Incapacitated Person, for herself
and on behalf of other Inmates of A
Module, by her Guardian, GERALD
LAMINA SR.*

represented by **ANITA F. ALBERTS**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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

V.

Defendant

COUNTY OF BUCKS
TERMINATED: 08/09/1999

represented by **JAMES A. DOWNEY, III**
BEGLEY CARLIN & MANDIO LLP

680 MIDDLETOWN BLVD
POBX 308
LANGHORNE, PA 19047
215-750-0110
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TERMINATED: 08/09/1999
LEAD ATTORNEY

Defendant

CHARLES MARTIN

represented by **JAMES A. DOWNEY, III**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

SANDRA MILLER

represented by **JAMES A. DOWNEY, III**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

MICHAEL FITZPATRICK
Bucks County Commissioners

represented by **JAMES A. DOWNEY, III**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

WARDEN J. ALLEN NESBITT
Bucks County Correctional Facility,
individually and in their official
capacities

represented by **JAMES A. DOWNEY, III**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

LENAPE VALLEY FOUNDATION

represented by **JACK S. COHEN**
LEVY ANGSTREICH FINNEY
BALDANTE RUBENSTEIN &
COREN P.C.
1616 WALNUT ST., 5TH FL.
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Plaintiff

KATHLEEN PHILLIPS

represented by **ANITA F. ALBERTS**
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MARTHA SPERLING

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

Plaintiff

CAROL MARSHALL
also known as
CAROL LAWSON

represented by **ANITA F. ALBERTS**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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

Plaintiff

PATRICIA SCHAFF
Individually and on behalf of other
Inmates of A Module

represented by **ANITA F. ALBERTS**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

MARTHA SPERLING
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/11/1998	1	Complaint. filing fee \$ 150 receipt # 686609 (lal) (Entered: 12/11/1998)
12/11/1998		Demand for jury trial by PLAINTIFF KATHLEEN PHILLIPS, PLAINTIFF BARBARA LAMINA (lal) (Entered: 12/11/1998)
12/11/1998		Special Case Management Track. (lal) (Entered: 12/11/1998)
12/11/1998	2	Request for Waiver of Service by PLAINTIFF KATHLEEN PHILLIPS, PLAINTIFF BARBARA LAMINA as to DEFENDANT COUNTY OF BUCKS, DEFENDANT CHARLES MARTIN, DEFENDANT SANDRA MILLER, DEFENDANT MICHAEL FITZPATRICK, DEFENDANT J. ALLEN NESBITT, DEFENDANT LENAPE VALLEY 12/11/98 Waiver of Service due by 1/10/99 for COUNTY OF BUCKS, for CHARLES MARTIN, for SANDRA MILLER, for MICHAEL FITZPATRICK, for J. ALLEN NESBITT, for LENAPE VALLEY . (lal) (Entered: 12/11/1998)
01/19/1999	4	Appearance of JAMES A. DOWNEY III for DEFENDANT COUNTY OF BUCKS, DEFENDANT CHARLES MARTIN, DEFENDANT SANDRA MILLER, DEFENDANT MICHAEL FITZPATRICK, DEFENDANT J. ALLEN NESBITT, Certificate of Service. (ky) (Entered: 01/19/1999)

01/19/1999	5	MOTION by DEFENDANT COUNTY OF BUCKS, DEFENDANT CHARLES MARTIN, DEFENDANT SANDRA MILLER, DEFENDANT MICHAEL FITZPATRICK, DEFENDANT J. ALLEN NESBITT TO DISMISS , MEMORANDUM OF LAW, CERTIFICATE OF SERVICE. (ky) (Entered: 01/19/1999)
01/25/1999	6	Response by PLAINTIFF KATHLEEN PHILLIPS, PLAINTIFF BARBARA LAMINA in opposition to MOTION TO DISMISS filed by BUCKS COUNTY DEFENDANTS, BRIEF IN OPPOSITION, Certificate of Service. (ky) (Entered: 01/25/1999)
01/25/1999	7	Verification/Affidavit of Clifton Mitchell, Re: Certain Facts, Certificate of Service. (kw) (Entered: 01/26/1999)
01/29/1999	8	MOTION BY DEFENDANT LENAPE VALLEY TO DISMISS , MEMORANDUM, CERTIFICATE OF SERVICE. (kw) (Entered: 01/29/1999)
01/29/1999	9	Appearance of JACK S. COHEN, ESQ. for DEFENDANT LENAPE VALLEY FOUNDATION; jury demand. (kw) (Entered: 01/29/1999)
02/01/1999		Preliminary Pre-trial conference set at 9:30 a.m. on 3/1/99. (kw) (Entered: 02/01/1999)
02/04/1999	10	Waiver of Service Returned Executed as to DEFENDANT COUNTY OF BUCKS, DEFENDANT CHARLES MARTIN, DEFENDANT SANDRA MILLER, DEFENDANT MICHAEL FITZPATRICK, DEFENDANT J. ALLEN NESBITT 1/8/99. Answer due on 3/9/99 for J. ALLEN NESBITT, for MICHAEL FITZPATRICK, for SANDRA MILLER, for CHARLES MARTIN, for COUNTY OF BUCKS. (np) (Entered: 02/04/1999)
02/09/1999	11	Response by PLAINTIFF KATHLEEN PHILLIPS, PLAINTIFF BARBARA LAMINA in opposition to DEFENDANT, LENAPE VALLEY FOUNDATION'S, MOTION TO DISMISS, Memorandum, Certificate of Service. (np) (Entered: 02/09/1999)
02/23/1999	12	Amended complaint by PLAINTIFF BARBARA LAMINA, PLAINTIFF KATHLEEN PHILLIPS, PLAINTIFF CAROL MARSHALL, PLAINTIFF PATRICIA SCHAFF, amending [1-1] complaint, Certificate of Service; Jury Trial Demanded. (kw) (Entered: 02/24/1999)
03/01/1999	13	ORDER THAT DEFT, BUCKS COUNTY'S MOTION TO DISMISS & LENAPE VALLEY FOUNDATION'S MOTION TO DISMISS ARE WITHDRAWN WITHOUT PREJUDICE. (SIGNED BY JUDGE JAMES M. KELLY) 3/2/99 ENTERED AND COPIES MAILED: COPIES FAXED ON 3/1/99. (kw) (Entered: 03/02/1999)
03/01/1999	14	SCHEDULING ORDER SETTING DISCOVERY TO BE COMPLETED BY 9/30/99; PLAINTIFF'S PRETRIAL MEMORANDUM DUE 10/11/99; DEFENDANT'S PRETRIAL MEMORANDUM DUE 10/22/99; FINAL PRETRIAL CONFERENCE WILL BE HELD ON 10/26/99 AT 9:30 A.M.; TRIAL POOL

		DEADLINE SET FOR 11/1/99, ETC. (SIGNED BY JUDGE JAMES M. KELLY) 3/2/99 ENTERED AND COPIES GIVEN BY CHAMBERS ON 3/1/99. (kw) (Entered: 03/02/1999)
03/03/1999	15	MOTION by PLAINTIFF BARBARA LAMINA, PLAINTIFF KATHLEEN PHILLIPS, PLAINTIFF CAROL MARSHALL, PLAINTIFF PATRICIA SCHAFF FOR CLASS ACTION CERTIFICATION , CERTIFICATE OF SERVICE, BRIEF. (jl) (Entered: 03/03/1999)
03/04/1999	16	MOTION by DEFENDANT COUNTY OF BUCKS, DEFENDANT CHARLES MARTIN, DEFENDANT SANDRA MILLER, DEFENDANT MICHAEL FITZPATRICK, DEFENDANT J. ALLEN NESBITT TO DISMISS THE AMENDED COMPLAINT , MEMORANDUM, CERTIFICATE OF SERVICE. (np) (Entered: 03/04/1999)
03/04/1999	17	Demand for jury trial by DEFENDANT COUNTY OF BUCKS, DEFENDANT CHARLES MARTIN, DEFENDANT SANDRA MILLER, MICHAEL FITZPATRICK, DEFENDANT J. ALLEN NESBITT. (np) (Entered: 03/04/1999)
03/16/1999	18	Answer by DEFENDANT COUNTY OF BUCKS, DEFENDANT CHARLES MARTIN, DEFENDANT SANDRA MILLER, DEFENDANT MICHAEL FITZPATRICK, DEFENDANT J. ALLEN NESBITT to plffs' MOTION FOR CLASS ACTION CERTIFICATION, Memo, Certificate of Service. (kw) (Entered: 03/16/1999)
03/18/1999	19	Response by PLAINTIFF BARBARA LAMINA, PLAINTIFF KATHLEEN PHILLIPS, PLAINTIFF CAROL MARSHALL, PLAINTIFF PATRICIA SCHAFF in opposition to MOTION TO DISMISS AMENDED COMPLAINT, Memorandum of Law in Opposition, Certificate of Service. (ky) (Entered: 03/18/1999)
06/10/1999	20	ORDER THAT THE PARTIES WILL BRIEF THE ISSUE OF WHETHER THE 1983 CONSENT DECREE ENTERED IN INMATES OF THE BUCKS COUNTY PRISON V. WARREN, NO. 79-CV-1785, GOVERNS PLFFS' CLAIMS IN THIS MATTER; PLFFS WILL FILE THEIR MEMORANDUM BY 6/15/99 ; & DEFTS WILL FILE THEIR RESPONSE BY 6/29/99 . (SIGNED BY JUDGE JAMES M. KELLY) 6/10/99 ENTERED AND COPIES MAILED: COPIES FAXED ON 6/9/99. (kw) (Entered: 06/10/1999)
06/16/1999	21	Brief by PLAINTIFF BARBARA LAMINA, PLAINTIFF CAROL MARSHALL, PLAINTIFF PATRICIA SCHAFF, PLAINTIFF KATHLEEN PHILLIPS supporting application of 1983 permanent injunction entered in inmates of Bucks Co. Prison V. Warren, No. 79-CV-1785 to this case, Certificate of Service. (kw) (Entered: 06/16/1999)
06/29/1999	22	Brief by DEFENDANT COUNTY OF BUCKS, DEFENDANT CHARLES MARTIN, DEFENDANT SANDRA MILLER, DEFENDANT MICHAEL FITZPATRICK, DEFENDANT J. ALLEN NESBITT regarding the application of the consent decree of 1993,

		Certificate of Service. (kw) (Entered: 06/29/1999)
07/07/1999	23	Defendant, Lenape Valley Foundation's Brief Regarding The Application of The Consent Decree of 1993, Certificate of Service. (dt) (Entered: 07/07/1999)
08/09/1999	24	MEMORANDUM AND ORDER: DEFTS' MOTION TO DISMISS IS GRANTED IN PART; PLFFS' MOTION FOR CLASS CERTIFICATION IS DENIED, ETC.. (SIGNED BY JUDGE JAMES M. KELLY) 8/10/99 ENTERED AND COPIES FAXED. (fb) (Entered: 08/10/1999)
09/22/1999	25	STIPULATION AND ORDER THAT THE DISCOVERY CUTOFF OF 9/30/99 & ALL DATES CONTAINED IN THE SCHEDULING ORDER ENTERED THE 1ST DAY OF MARCH 1999 IN THIS CASE BE ADVANCED BY 90 DAYS TO ALLOW THE PARTIES TO COMPLETE DISCOVERY BY 12/31/99; TRIAL POOL DEADLINE SET FOR 2/28/00 . (SIGNED BY JUDGE JAMES M. KELLY) 9/23/99 ENTERED AND COPIES MAILED AND FAXED ON 9/22/99. (kw) (Entered: 09/23/1999)
09/23/1999	26	MOTION BY PLAINTIFF PATRICIA SCHAFF, PLAINTIFF CAROL MARSHALL, PLAINTIFF KATHLEEN PHILLIPS, PLAINTIFF BARBARA LAMINA FOR PARTIAL SUMMARY JUDGMENT , MEMORANDUM, CERTIFICATE OF SERVICE. (kw) (Entered: 09/23/1999)
10/01/1999	27	Answer by DEFENDANT COUNTY OF BUCKS, DEFENDANT CHARLES MARTIN, DEFENDANT SANDRA MILLER, DEFENDANT MICHAEL FITZPATRICK, DEFENDANT J. ALLEN NESBITT to plffs' MOTION FOR PARTIAL SUMMARY JUDGMENT, Memo, Certificate of Service. (kw) (Entered: 10/01/1999)
10/04/1999	28	STIPULATION AND ORDER THAT DEFT, LENAPE VALLEY FOUNDATION, SHALL HAVE 20 DAYS FROM THE DATE THAT THIS ORDER IS DOCKETED, TO RESPOND TO PLFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT. (SIGNED BY JUDGE JAMES M. KELLY) 10/4/99 ENTERED AND COPIES MAILED AND FAXED. (kw) (Entered: 10/04/1999)
10/21/1999	29	Response by DEFENDANT LENAPE VALLEY to MOTION FOR PARTIAL SUMMARY JUDGMENT AND DEFENDANT LENAPE VALLEY FOUNDATIONS CROSS MOTION FOR SUMMARY JUDGEMENT, Certificate of Service. (fe) (Entered: 10/22/1999)
11/08/1999	30	Supplemental Brief of PLAINTIFF PATRICIA SCHAFF, PLAINTIFF CAROL MARSHALL, PLAINTIFF KATHLEEN PHILLIPS, PLAINTIFF BARBARA LAMINA supporting motion for partial summary judgment, Certificate of Service. (kw) (Entered: 11/08/1999)
11/10/1999	31	PLAINTIFFS' MOTION TO CLARIFY, VACATE OR MODIFY ORDER OF 8/10/99 GRANTING IN PART COUNTY DEFENDANTS' MOTION TO DISMISS , MEMORANDUM, CERTIFICATE OF

		SERVICE. (fdc) (Entered: 11/12/1999)
11/22/1999	32	Answer by DEFENDANT CHARLES MARTIN, DEFENDANT SANDRA MILLER, DEFENDANT MICHAEL FITZPATRICK, DEFENDANT J. ALLEN NESBITT to MOTION TO CLARIFY, VACATE OR MODIFY ORDER OF 8/10/99 GRANTING IN PART, COUNTY DEFENDANTS' MOTION TO DISMISS, Memo, Certificate of Service. (kw) (Entered: 11/23/1999)
12/16/1999	33	STIPULATION AND ORDER THAT THE PARTIES WILL COMPLETE DISCOVERY BY 3/31/00 AND THE CASE WILL BE PLACED IN THE COURT'S TRIAL POOL ON 5/31/00 . (SIGNED BY JUDGE JAMES M. KELLY) 12/16/99 ENTERED AND COPIES MAILED; COPIES FAXED FROM CHAMBERS. (adr) (Entered: 12/16/1999)
12/16/1999	34	MEMORANDUM, STIPULATION & ORDER THAT THE PARTIES IN THIS MATTER HAVE AGREED TO THE ATTACHED STIPULATION OF COUNSEL REGARDING PLAINTIFFS' MOTION TO CLARIFY, VACATE OR MODIFY ORDER OF 8/10/99 GRANTING IN PART COUNTY DEFENDANTS' MOTION TO DISMISS. WHILE IT APPEARS THAT DEFENDANTS MAY BE ABANDONING THEIR ELEVENTH AMENDMENT DEFENSES IN THIS MATTER, THE COURT IS SATISFIED THAT THE PARTIES HAVE ENTERED INTO THIS STIPULATION FREELY AND WILLINGLY. THEREFORE, THE COURT SHALL ADOPT THE STIPULATION AS AGREED TO BY THE PARTIES. (SIGNED BY JUDGE JAMES M. KELLY) 12/16/99 ENTERED AND COPIES MAILED AND FAXED. (fdc) (Entered: 12/16/1999)
12/23/1999		Letter from Anita F. Alberts dated 12/13/99 to Judge Kelly re: request for referral (see case 99-6201 paper #6) (lvj) (Entered: 12/27/1999)
01/06/2000	35	ORDER THAT THE ABOVE CAPTIONED MATTER IS REFERRED TO U.S. MAGISTRATE JUDGE DIANE M. WELSH FOR SETTLEMENT PURPOSES. (SIGNED BY JUDGE JAMES M. KELLY) 1/6/00 ENTERED AND COPIES MAILED AND FAXED. (kw) (Entered: 01/06/2000)
04/11/2000	36	ORDER DISMISSING ACTION WITH PREJUDICE PURSUANT TO LOCAL RULE 41.1(b). SIGNED BY JUDGE JAMES M. KELLY 4/11/00 ENTERED AND COPIES MAILED AND FAXED. (kw) (Entered: 04/11/2000)
04/11/2000		Case closed (kv) (Entered: 04/13/2000)
04/20/2000	37	ORDER THAT A HEARING IS SCHEDULED BEFORE THE UNDERSIGNED ON 5/25/00 AT 2:00 P.M. IN COURTROOM 3G . (SIGNED BY MAGISTRATE JUDGE DIANE M. WELSH) 4/20/00 ENTERED AND COPIES MAILED AND FAXED. (kw) Modified on 04/20/2000 (Entered: 04/20/2000)
03/07/2001	38	STIPULATION AND ORDER THAT BOTH PARTIES AGREE THAT

		THE TERM OF THE TASK FORCE SHOULD BE EXTENDED FOR 6 MONTHS COMMENCING FROM 3/1/01. THE PARTIES HEREBY STIPULATE TO EXTEND THE DEADLINE FOR THE TASK FORCE TO 9/1/01. (SIGNED BY MAGISTRATE JUDGE DIANE M. WELSH) 3/8/01 ENTERED AND COPIES MAILED AND FAXED. (kw) (Entered: 03/08/2001)
03/29/2002	39	Memorandum of law by PLAINTIFF PATRICIA SCHAFF, PLAINTIFF CAROL MARSHALL, PLAINTIFF KATHLEEN PHILLIPS, PLAINTIFF BARBARA LAMINA supporting establishment of County Jail Oversight Board in the County of Bucks, Certificate of Service. (kw) (Entered: 04/01/2002)

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