

CLOSED, RWL

**U.S. District Court
District of Rhode Island (Providence)
CIVIL DOCKET FOR CASE #: 1:99-cv-00259-ML**

Roberts, et al v. State of Rhode, et al
Assigned to: Judge Mary M Lisi
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 05/21/1999
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Craig L. Roberts, Sr.

represented by **Gregory A. Belzley**
Dinsmore & Shohl LLP
1400 PNC Plaza
500 West Jefferson Street
14th Floor
Louisville, KY 40202
502-540-2300
Fax: 585-2207
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas W. Kelly
10 Bull Street
Newport, RI 02840
846-1995
Fax: 846-1997
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

State of Rhode Island

represented by **Rebecca Tedford Partington**
Attorney General's Office
150 South Main Street
Providence, RI 02903
274-4400 x 2303
Fax: 222-2995
Email: rpartington@riag.ri.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

George Vose
*in his capacity as Director of the Rhode
Island Department of Corrections*

represented by **Rebecca Tedford Partington**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Roberta Deputy asst. Director

*individually and in her capacity as the
Warden of The Women's Facility at the ACI*

Defendant

Albert Gardiner

*individually and as Warden of the Intake
Services Center at the ACI*

Date Filed	#	Docket Text
05/21/1999	1	COMPLAINT filed; FILING FEE \$ 150.00 RECEIPT # 41976 (McCabe, F) (Entered: 05/21/1999)
05/21/1999		CASE assigned to Judge Mary M. Lisi . Assigned to Magistrate Judge Lovegreen (McCabe, F) (Entered: 05/21/1999)
05/26/1999	2	RETURN OF SERVICE executed as to State of Rhode and George Vose on 5/24/99; Answer due on 6/14/99 for State of Rhode and for Vose (Brunelle, E) (Entered: 06/01/1999)
06/15/1999	3	ANSWER to Complaint by State of Rhode, George Vose (Attorney Rebecca Tedford Partington), (Brunelle, E) (Entered: 06/15/1999)
07/09/1999	4	MOTION by State of Rhode, George Vose to Quash (Brunelle, E) (Entered: 07/13/1999)
07/13/1999		Motion(s) referred: [4-1] motion to Quash referred to Magistrate Judge Robert W. Lovegreen (Burgess, J) (Entered: 07/13/1999)
07/20/1999	5	MOTION by Craig L. Roberts Sr. for Partial Summary Judgment on Count 2 of Complaint (Brunelle, E) (Entered: 07/20/1999)
07/20/1999	6	Statement Of Undisputed Fact by Craig L. Roberts Sr. RE: [5-1] motion for Partial Summary Judgment on Count 2 of Complaint (Brunelle, E) (Entered: 07/20/1999)
07/20/1999	7	AFFIDAVIT by Craig L. Roberts Sr. Re: [5-1] motion for Partial Summary Judgment on Count 2 of Complaint (Brunelle, E) (Entered: 07/20/1999)
07/28/1999	8	MOTION by State of Rhode and George Vose to Enlarge Time to and including August 20, 1999 in which to respond to the plaintiff's motion for partial summary judgment (Brunelle, E) (Entered: 07/29/1999)
08/06/1999		Motion(s) referred: [8-1] motion to Enlarge Time to and including August 20, 1999 in which to respond to the plaintiff's motion for partial summary judgment referred to Judge Mary M. Lisi (Burgess, J) (Entered: 08/06/1999)
08/16/1999	9	ORDER granting [8-1] motion to Enlarge Time to and including August 20, 1999 in which to respond to the plaintiff's motion for partial summary judgment (signed by Judge Mary M. Lisi) (Burgess, J) (Entered: 08/16/1999)
08/20/1999	10	OBJECTION by State of Rhode to [5-1] motion for Partial Summary Judgment on Count 2 of Complaint (Brunelle, E) (Entered: 08/24/1999)
08/20/1999	11	Statement Of Undisputed Fact by State of Rhode RE: [10-1] motion response (Brunelle, E) (Entered: 08/24/1999)
08/23/1999		Motion(s) referred: [5-1] motion for Partial Summary Judgment on Count 2 of Complaint referred to Judge Mary M. Lisi (Burgess, J) (Entered: 08/23/1999)

09/03/1999		Rule 16 Conference set 9:30 9/27/99 Before Judge Mary M. Lisi (Burgess, J) (Entered: 09/03/1999)
09/13/1999		Motion hearing re: [5-1] motion for Partial Summary Judgment on Count 2 of Complaint at 10:00 9/22/99. Notice mailed to all parties. (Brunelle, E) (Entered: 09/13/1999)
09/14/1999	12	MOTION by Craig L. Roberts Sr. for Leave to File amended complaint and add defendants (Delano, D) (Entered: 09/15/1999)
09/21/1999	13	RESPONSE by State of Rhode, George Vose in support of [12-1] motion for Leave to File amended complaint and add defendants (Delano, D) (Entered: 09/22/1999)
09/22/1999		Motion hearing re: [5-1] motion for Partial Summary Judgment on Count 2 of Complaint Motion hearing held. Thomas Kelley for the plaintiff and Rebecca Tedford Partington for the defendant. Arguments heard. Counsel to report to chambers for a pre trial conference to set discovery deadline and filing of motions. (Delano, D) (Entered: 09/22/1999)
09/22/1999		Rule 16 Conference held. Thomas Kelly and Rebecca Partington for the parties. Plaintiff's motion for partial summary judgment may have been filed prematurely. The court will deny this motion without prejudice and this motion may be refiled at a later date. A discovery cutoff date of November 22, 1999 will be set for the limited purpose of discovery on the issues to be addressed in plaintiff's motion. (Brunelle, E) (Entered: 09/22/1999)
09/22/1999	14	ORDER denying without prejudice [5-1] motion for Partial Summary Judgment on Count 2 of Complaint (signed by Judge Mary M. Lisi) (Brunelle, E) (Entered: 09/22/1999)
10/20/1999	15	NOTICE by State of Rhode to take deposition of Craig Roberts (Delano, D) (Entered: 10/25/1999)
10/28/1999	16	AMENDED NOTICE by State of Rhode to take deposition of Craig Roberts (Delano, D) (Entered: 10/29/1999)
10/28/1999	17	MOTION by State of Rhode, George Vose for Protective Order (Delano, D) (Entered: 10/29/1999)
11/03/1999		Motion(s) referred: [17-1] motion for Protective Order referred to Magistrate Judge Robert W. Lovegreen (Brunelle, E) (Entered: 11/03/1999)
11/03/1999	18	MOTION by Craig L. Roberts Sr. to Compel production of documents (Delano, D) (Entered: 11/03/1999)
11/03/1999	19	MOTION by Craig L. Roberts Sr. For preliminary certification as representative of a plaintiff class for the purpose of obtaining declaratory and injunctive relief on count one (Delano, D) (Entered: 11/03/1999)
11/03/1999	20	OBJECTION by Craig L. Roberts Sr. to [17-1] motion for Protective Order (Delano, D) (Entered: 11/03/1999)
11/10/1999		Motion(s) referred to Judge: [18-1] motion to Compel production of documents (Brunelle, E) (Entered: 11/10/1999)
11/10/1999	22	OBJECTION by State of Rhode, George Vose to [18-1] motion to Compel production of documents (Delano, D) (Entered: 11/15/1999)
11/12/1999	26	AMENDED NOTICE by State of Rhode to take deposition of Craig Roberts

		(Delano, D) (Entered: 11/22/1999)
11/15/1999	21	ORDER denying [18-1] motion to Compel production of documents (signed by Judge Mary M. Lisi) (Brunelle, E) (Entered: 11/15/1999)
11/16/1999	23	OBJECTION by State of Rhode Island and George Vose to [19-1] motion For preliminary certification as representative of a plaintiff class for the purpose of obtaining declaratory injunctive relief on count one (Brunelle, E) (Entered: 11/17/1999)
11/17/1999	24	MOTION by State of Rhode, George Vose to Enlarge Time of discovery deadline (Delano, D) (Entered: 11/19/1999)
11/19/1999	25	CONSENT ORDER granting [17-1] motion for Protective Order. The depo of Jennifer Toubin is hereby cancelled. Counsel for defts. shall provide the name of person(s) most knowledgeable of ACI's computer database and that person will be deposed 11/16/99 at 10:00. Defts. will produce documents relating to pltf. (signed by Magistrate Judge Robert W. Lovegreen) (Administrator,) (Entered: 11/19/1999)
11/23/1999		Motion(s) referred to Judge: [19-1] motion For preliminary certification as representative of a plaintiff class for the purpose of obtaining declaratory and injunctive relief on count one (Brunelle, E) (Entered: 11/23/1999)
12/01/1999		Motion(s) referred to Judge: [24-1] motion to Enlarge Time of discovery deadline (Brunelle, E) (Entered: 12/01/1999)
12/03/1999	27	ORDER granting [24-1] motion to Enlarge Time of discovery deadline (signed by Judge Mary M. Lisi) (Brunelle, E) (Entered: 12/03/1999)
12/20/1999	28	SECOND MOTION by Craig L. Roberts Sr. for Partial Summary Judgment (Delano, D) (Entered: 12/27/1999)
12/22/1999	29	MOTION by State of Rhode, George Vose for Summary Judgment (Delano, D) (Entered: 12/28/1999)
12/22/1999	30	Statement Of Undisputed Fact by State of Rhode, George Vose RE: [29-1] motion for Summary Judgment (Delano, D) (Entered: 12/28/1999)
12/23/1999	31	MOTION by State of Rhode, George Vose to Enlarge Time up to and including January 14, 2000 to respond to motion for summary judgment (Delano, D) (Entered: 12/28/1999)
01/06/2000	32	ORDER granting [12-1] motion for Leave to File amended complaint and add defendants (signed by Judge Mary M. Lisi) (Brunelle, E) (Entered: 01/06/2000)
01/06/2000	33	MEMORANDUM and ORDER denying [19-1] motion For preliminary certification as representative of a plaintiff class for the purpose of obtaining declaratory and injunctive relief on count one (signed by Judge Mary M. Lisi) (Brunelle, E) (Entered: 01/06/2000)
01/14/2000	34	OBJECTION by State of Rhode, George Vose to [28-1] motion for Partial Summary Judgment (Delano, D) (Entered: 01/19/2000)
01/14/2000	35	MOTION by State of Rhode, George Vose to Strike plaintiff's objection to the State's Rule 12 Statement of Undisputed Facts and Declaration of Attorney Thomas W. Kelly (Delano, D) (Entered: 01/19/2000)
01/20/2000		Motion(s) referred to Judge Lisi: [29-1] motion for Summary Judgment and [28-1] motion for Partial Summary Judgment (Brunelle, E) (Entered: 01/20/2000)

01/21/2000	36	OBJECTION by Craig L. Roberts Sr. to [35-1] motion to Strike plaintiff's objection to the State's Rule 12 Statement of Undisputed Facts and Declaration of Attorney Thomas W. Kelly (Delano, D) (Entered: 01/21/2000)
01/28/2000	37	AMENDED COMPLAINT by Craig L. Roberts Sr. , (Answer due 2/14/00 for George Vose, for State of Rhode) amending [1-1] complaint against Roberta Richmond, Albert Gardiner (Delano, D) (Entered: 01/31/2000)
01/31/2000	38	ORDER granting [35-1] motion to Strike plaintiff's objection to the State's Rule 12 Statement of Undisputed Facts and Declaration of Attorney Thomas W. Kelly (signed by Judge Mary M. Lisi) (Brunelle, E) (Entered: 01/31/2000)
03/01/2000	39	MOTION by Craig L. Roberts Sr. for Gregory A. Bolzle to Appear Pro Hac Vice (Delano, D) (Entered: 03/01/2000)
03/02/2000	40	OBJECTION by State of Rhode, George Vose to [5-1] motion for Partial Summary Judgment on Count 2 of Complaint (Delano, D) (Entered: 03/03/2000)
03/09/2000	41	MOTION by State of Rhode for Leave to File Response Memorandum (Delano, D) (Entered: 03/13/2000)
03/10/2000	57	OBJECTION by Craig L. Roberts Sr. to [54-1] motion in Limine (Delano, D) (Entered: 05/10/2000)
03/17/2000	42	ORDER denying [29-1] motion for Summary Judgment and granting [28-1] motion for Partial Summary Judgment as to Count One of the First Amended Complaint. The plaintiff's motion for partial summary judgment as to Count Two is moot. (signed by Mary M. Lisi) (Brunelle, E) (Entered: 03/17/2000)
03/17/2000	43	ORDER denying [39-1] motion for Gregory A. Bolzle to Appear Pro Hac Vice (signed by Judge Mary M. Lisi) (Brunelle, E) (Entered: 03/17/2000)
03/22/2000	44	MOTION by State of Rhode, George Vose for Reconsideration and relief (Delano, D) (Entered: 03/23/2000)
03/24/2000	45	AMENDED ORDER/DECISION. The Court hereby amends its March 16, 2000 Memorandum and Decision to be consistent with the text of this Amended Decision. (signed by Judge Mary M. Lisi) (Brunelle, E) (Entered: 03/24/2000)
03/28/2000	46	MOTION by State of Rhode, George Vose For final judgment (Delano, D) (Entered: 03/31/2000)
04/03/2000		Motion(s) referred to Judge: [41-1] motion for Leave to File Response Memorandum (Brunelle, E) (Entered: 04/03/2000)
04/04/2000	47	ORDER mooting [41-1] motion for Leave to File Response Memorandum (signed by Judge Mary M. Lisi) (Brunelle, E) (Entered: 04/04/2000)
04/05/2000	49	OBJECTION by Craig L. Roberts Sr. to [46-1] motion For final judgment (Delano, D) (Entered: 04/06/2000)
04/06/2000	48	NOTICE OF SETTLEMENT CONFERENCE AND SETTLEMENT CONFERENCE ORDER scheduled before U.S. Magistrate Judge Hagopian on 4/13/00 at 11:00. Parties shall submit a settlement conference statement and confidential addendum on or before 4/12/00.(signed by Magistrate Judge Jacob Hagopian) (Brown, D) (Entered: 04/06/2000)
04/06/2000		Settlement conference set on 11:00 4/13/00 Before Magistrate Judge Jacob Hagopian (Brown, D) (Entered: 04/06/2000)

04/11/2000	50	TRIAL NOTICE of jury empanelment scheduled for 5/11/00 (Brunelle, E) (Entered: 04/11/2000)
04/11/2000	51	PRETRIAL SCHEDULING ORDER (signed by Judge Mary M. Lisi) (Brunelle, E) (Entered: 04/11/2000)
04/13/2000		Settlement conference held before U.S.Magistrate Judge Hagopian. Parties could not agree to settlment. Case must pass to trial. (Brown, D) (Entered: 04/13/2000)
04/24/2000	52	MOTION by Craig L. Roberts Sr. in Limine (Delano, D) (Entered: 04/25/2000)
04/24/2000	53	MOTION by Craig L. Roberts Sr. for a view of the Intake Services Center at the ACI (Delano, D) (Entered: 04/25/2000)
05/01/2000		PRETRIAL MEMORANDUM of defendant filed and forwarded to chambers. (Brunelle, E) (Entered: 05/01/2000)
05/01/2000	54	MOTION by State of Rhode, George Vose in Limine (Delano, D) (Entered: 05/03/2000)
05/01/2000	55	OBJECTION by State of Rhode, George Vose to [53-1] motion for a view of the Intake Services Center at the ACI (Delano, D) (Entered: 05/03/2000)
05/02/2000	56	OBJECTION by State of Rhode, George Vose to [52-1] motion in Limine (Delano, D) (Entered: 05/08/2000)
05/04/2000		Motion(s) referred to Judge Lisi: [52-1] motion in Limine (Brunelle, E) (Entered: 05/04/2000)
05/09/2000		Motion(s) referred to Judge: [53-1] motion for a view of the Intake Services Center at the ACI (Brunelle, E) (Entered: 05/09/2000)
05/11/2000		Motion hearing re: [46-1] motion For final judgment at 9:00 5/11/00 (Delano, D) (Entered: 05/12/2000)
05/11/2000		Motion hearing re: [46-1] motion For final judgment Motion hearing held. Thomas Kelly for the pla.; Rebecca Tedford Partington for the deft.. This matter was to be empaneled today on the remaining state defendants. The Court dismisses with prejudice the claims against the unnamed defendants. Counsel give argument on the motion. The Court grants the Motion for Entry of Final Judgment. Atty Partington is to prepare an order. (Delano, D) (Entered: 05/12/2000)
05/11/2000	58	Minute entry: Clerks minutes filed regarding motion hearing held on May 11, 2000 before Judge Mary M. Lisi. (Delano, D) (Entered: 05/12/2000)
05/18/2000	59	ORDER granting [46-1] motion For final judgment (signed by Judge Mary M. Lisi) (Brunelle, E) (Entered: 05/18/2000)
05/18/2000	60	JUDGMENT for State of Rhode, George Vose, Roberta Richmond, Albert Gardiner against Craig L. Roberts Sr. (signed by Judge Mary M. Lisi) (Brunelle, E) (Entered: 05/18/2000)
05/19/2000		Case closed (Brunelle, E) (Entered: 05/19/2000)
05/25/2000	61	MOTION by Craig L. Roberts Sr. for Attorney Fees (Delano, D) (Entered: 05/26/2000)
06/08/2000	62	OBJECTION by State of Rhode, George Vose to [61-1] motion for Attorney Fees (Delano, D) (Entered: 06/09/2000)

06/09/2000	63	NOTICE OF APPEAL by State of Rhode, George Vose . Fee Status: receipt #45057; \$105.00 Appeal record due on 7/10/00 (Delano, D) (Entered: 06/12/2000)
06/13/2000		Motion(s) referred to Judge Lisi: [61-1] motion for Attorney Fees (Brunelle, E) (Entered: 06/13/2000)
06/14/2000		Certified and transmitted record on appeal to U.S. Court of Appeals: [63-1] appeal. Transmitted case file and a certified copy of the docket entries. (Delano, D) (Entered: 06/14/2000)
06/14/2000	64	CERTIFICATE of Clerk (Delano, D) (Entered: 06/14/2000)
06/15/2000		Motion(s) referred: [61-1] motion for Attorney Fees referred to Magistrate Judge Robert W. Lovegreen (Brunelle, E) (Entered: 06/15/2000)
06/21/2000	65	Acknowledgement received from the court of appeals regarding the record on appeal. (Delano, D) (Entered: 06/23/2000)
07/19/2000		Motion hearing re: [61-1] motion for Attorney Fees held before MJ Lovegreen (Kelly, Partington) Attornes argue. Court takes under advisement for report & recommendation (FarrellPletcher, P) Modified on 07/19/2000 (Entered: 07/19/2000)
07/19/2000	66	Minute entry: Motion for Attorneys fees held before MJ Lovegreen (FarrellPletcher, P) (Entered: 07/19/2000)
09/19/2000	67	REPORT AND RECOMMENDATIONS of Magistrate Judge Robert W. Lovegreen Re: [61-1] motion for Attorney Fees recommending Roberts be awarded a counsel fee in the amount of \$7,500.00 and costs in the amount of \$1,331.05 for a total award of \$8,831.05. ; Motion no longer referred Objections to R and R due by 10/6/00 (FarrellPletcher, P) (Entered: 09/20/2000)
10/17/2000	68	ORDER: The Court hereby accepts the R and R of Magistrate Judge Robert W. Lovegreen dated September 19, 2000 pursuant to 28 USC 686(b)(1) granting in part, denying in part [61-1] motion for Attorney Fees , signed by Judge Mary M. Lisi . (Brunelle, E) (Entered: 10/17/2000)
02/16/2001	69	ORDER of the United States Court of Appeals: The decision of the District Court is Affirmed (Delano, D) (Entered: 02/22/2001)
02/26/2001	70	SUPPLEMENTAL MOTION by Craig L. Roberts Sr. for Attorney Fees (Delano, D) (Entered: 02/27/2001)
02/26/2001	71	MOTION by Craig L. Roberts Sr. for Attorney Fees for attorney Gregory A. Bolzle (Delano, D) (Entered: 02/27/2001)
02/26/2001	72	AFFIDAVIT of Gregory A. Bolzle Re: [71-1] motion for Attorney Fees for attorney Gregory A. Bolzle (Delano, D) (Entered: 02/27/2001)
03/01/2001	73	OBJECTION by State of Rhode, George Vose to [71-1] motion for Attorney Fees for attorney Gregory A. Bolzle (Delano, D) (Entered: 03/05/2001)
03/01/2001	74	OBJECTION by State of Rhode, George Vose to [70-1] motion for Attorney Fees (Delano, D) (Entered: 03/05/2001)
03/09/2001		Record on appeal returned from U.S. Court of Appeals: (Delano, D) (Entered: 04/03/2001)
03/12/2001	75	MANDATE OF USCA (certified copy) Re: [63-1] appeal by George Vose, State of Rhode: The judgment of the District Court is affirmed. (Delano, D) (Entered: 03/16/2001)

04/17/2001		Motion hearing re: [71-1] motion for Attorney Fees for attorney Gregory A. Bolzle at 10:00 5/9/01, [70-1] motion for Attorney Fees at 10:00 5/9/01, [61-1] motion for Attorney Fees at 10:00 5/9/01 before MJ Lovegreen in Courtroom C (Theall, J) (Entered: 04/17/2001)
04/25/2001	76	NOTICE OF SETTLEMENT CONFERENCE AND SETTLEMENT CONFERENCE ORDER scheduled before U.S. Magistrate Judge Hagopian on 5/14/01 at 11:00. Parties shall submit a settlement conference statement and confidential addendum on or about 5/7/01.(signed by Magistrate Judge Jacob Hagopian) (Brown, D) (Entered: 04/25/2001)
04/25/2001		Settlement conference set on 11:00 5/14/01 Before Magistrate Judge Jacob Hagopian (Brown, D) (Entered: 04/25/2001)
04/25/2001		Settlement conference set on 11:00 5/21/01 Before Magistrate Judge Jacob Hagopian (Brown, D) (Entered: 04/25/2001)
04/26/2001		Motion hearing rescheduled: [71-1] motion for Attorney Fees for attorney Gregory A. Bolzle at 10:00 5/30/01, [70-1] motion for Attorney Fees at 10:00 5/30/01 (Theall, J) (Entered: 04/26/2001)
05/30/2001		Motion hearing re: [71-1] motion for Attorney Fees for attorney Gregory A. Bolzle Motion hearing held, [70-1] motion for Attorney Fees Motion hearing held before MJ Lovegreen (Kelly, Partington) attys argue; court takes under advisement; R&R to follow (Theall, J) (Entered: 05/30/2001)
05/30/2001	78	Minute entry: Plaintiff Motions for Attorneys Fees (Theall, J) (Entered: 05/30/2001)
06/01/2001	79	REPORT AND RECOMMENDATIONS of Magistrate Judge Robert W. Lovegreen Recommending that the district court grant plaintiffs motion for an award of atty's fees as follows: Atty Kelly - \$745.00 and Atty Bolzle - \$4,789.10 : [71-1] motion for Attorney Fees for attorney Gregory A. Bolzle, [70-1] motion for Attorney Fees ; Motion no longer referred Objections to R and R due by 6/18/01 (Theall, J) (Entered: 06/01/2001)
06/25/2001	80	ORDER: The Court hereby accepts the R and R of Magistrate Judge Robert W. Lovegreen dated 6/1/01 pursuant to 28 USC 686(b)(1) granting [71-1] motion for Attorney Fees for attorney granting [70-1] motion for Attorney Fees , signed by Judge Mary M. Lisi . (Barletta, B) (Entered: 06/26/2001)

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PACER Login:	hs0328	Client Code:	
Description:	Docket Report	Search Criteria:	1:99-cv-00259-ML
Billable Pages:	5	Cost:	0.40