

CLOSED

**U.S. District Court
District of Delaware (Wilmington)
CIVIL DOCKET FOR CASE #: 1:90-cv-00200-RRM**

John A, et al v. Castle, et al
Assigned to: Judge Roderick R. McKelvie
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 05/01/1990
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: Federal Question

Plaintiff

John A.
formerly confined at the Ferris School

represented by **Jeffrey S. Goddess**
Rosenthal, Monhait, Gross & Goddess
919 Market Street, Suite 1401
P.O. Box 1070
Wilmington, DE 19899-1070
(302) 656-4433
Email: jgoddess@rmgglaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joseph A. Rosenthal
Rosenthal, Monhait, Gross & Goddess
Mellon Bank Center, Suite 1401
P.O. Box 1070
Wilmington, DE 19899-1070
(302) 656-4433
Email: jrosenthal@rmgglaw.com
TERMINATED: 01/21/1992
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Mary B.
formerly confined at the Bridge House

represented by **Jeffrey S. Goddess**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joseph A. Rosenthal
(See above for address)
TERMINATED: 01/21/1992
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Paul C.

represented by **Jeffrey S. Goddess**

currently confined at the Ferris School

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

Joseph A. Rosenthal
(See above for address)
TERMINATED: 01/21/1992
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Edward D.

currently confined at the Ferris School

represented by **Jeffrey S. Goddess**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joseph A. Rosenthal
(See above for address)
TERMINATED: 01/21/1992
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Helen E.

*currently confined at the New Castle
County Detention Center, by and
through their next friend*

represented by **Jeffrey S. Goddess**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joseph A. Rosenthal
(See above for address)
TERMINATED: 01/21/1992
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Max S. Bell, Jr.

*individually and on behalf of all others
similarly situated*

represented by **Jeffrey S. Goddess**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joseph A. Rosenthal
(See above for address)
TERMINATED: 01/21/1992
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Michael N. Castle
Governor of the State of Delaware

represented by **Aleph Ann Woolfolk**
Department of Justice
State of Delaware
820 N. French Street, 8th Floor
Carvel Office Building
Wilmington, DE 19801
(302) 577-8500
Email: ann.woolfolk@state.de.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gregg E. Wilson
New Castle County Law Dept.
New Castle Corporate Commons
87 Reads Way
New Castle, DE 19720
(302) 395-5146
Email: gewilson@co.new-castle.de.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Charles E. Hayward
*Secretary of the Department of Services
for Children, Youth and Their Families*

represented by **Aleph Ann Woolfolk**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gregg E. Wilson
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Patrick McCarthy
*Director, Division of Youth
Rehabilitative Services*

represented by **Aleph Ann Woolfolk**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gregg E. Wilson
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Midge Holland

represented by **Aleph Ann Woolfolk**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gregg E. Wilson

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

Defendant

Richard A. Shaw
Superintendent of Ferris School

represented by **Aleph Ann Woolfolk**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gregg E. Wilson
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Alfred Jackson

represented by **Aleph Ann Woolfolk**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gregg E. Wilson
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Gwendolyn Angalet
*Director of the Division of
Administrative and Support Services;
all of the above in their official
capacities*

represented by **Aleph Ann Woolfolk**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gregg E. Wilson
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Gertrude Holland
*Deputy Director, Division of Youth
Rehabilitative Services*

represented by **Aleph Ann Woolfolk**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gregg E. Wilson
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Henry Skip Keith

represented by **Aleph Ann Woolfolk**

Chief of Secure Care

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

Gregg E. Wilson
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/01/1990	1	COMPLAINT filed; FILING FEE \$ 120.00 RECEIPT # 90170 (maw) (Entered: 02/15/1991)
01/07/1991	12	STIPULATION w/ pro order, time to answer ext. to 2/7/91; defts. waive obj. to subst. of new class & to certification of pltfs' class on ground of delay. (maw) (Entered: 02/15/1991)
01/08/1991		So Ordered granting [12-1] stipulation (signed by Judge Caleb M. Wright) Notice to all parties. (maw) (Entered: 02/15/1991)
01/08/1991		Deadline updated; reset Answer deadline to 2/7/91 for Richard A. Shaw, for Patrick McCarthy, for Alfred Jackson, for Midge Holland, for Charles E. Hayward, for Michael N. Castle, for Gwendolyn Angalet (maw) (Entered: 02/15/1991)
02/06/1991	13	STIPULATION, w/ pro order, time for defts. to answer ext. to 8/5/91, defts. waive obj. to subst. of new class representatives & to certification of pltfs' class on ground of delay. (maw) (Entered: 02/15/1991)
02/19/1991		So Ordered granting [13-1] stipulation (signed by Judge Caleb M. Wright) Notice to all parties. (ko) (Entered: 02/21/1991)
03/05/1991	14	MOTION by John A., Mary B., for Alexa P. Freeman to Appear Pro Hac Vice (maw) (Entered: 03/07/1991)
03/11/1991	15	MOTION by John A., Mary B., for Elizabeth R. Alexander to Appear Pro Hac Vice (ko) (Entered: 03/11/1991)
03/11/1991		So Ordered granting [14-1] motion for Alexa P. Freeman to Appear Pro Hac Vice (signed by Judge Caleb M. Wright) Notice to all parties. (ko) (Entered: 03/11/1991)
03/12/1991		So Ordered granting [15-1] motion for Elizabeth R. Alexander to Appear Pro Hac Vice (signed by Judge Caleb M. Wright) Notice to all parties. (ko) (Entered: 03/12/1991)
08/05/1991	16	STIPULATION & PRO. ORDER:resp. to complaint by 11/4/91; defts. waive any objection to substitution of new class representatives & to cert. of pltfs' class on grnd. of delay;either party may terminate this stip. upon 30 day notice to court & opposing cnsl. per conditions in stip. (bkb) (Entered: 08/06/1991)

08/08/1991		So Ordered granting [16-1] stipulation reset Answer deadline to 11/4/91 for Richard A. Shaw, for Patrick McCarthy, for Alfred Jackson, for Midge Holland, for Charles E. Hayward, for Michael N. Castle, for Gwendolyn Angalet (signed by Judge Caleb M. Wright) Notice to all parties. (ko) (Entered: 08/08/1991)
11/05/1991	17	STIPULATION re extension of time for defts to answer to 1/3/92; defts waive any objection to substitution of new class representatives; defts waive any objection to certification of pltf's class on the ground of delay caused by enlargement of time; either party may terminate this stipulation upon 30 day notice provided that termination does not abrogate waivers in paragraphs 2 and 3 of this stipulation with proposed order (ko) (Entered: 11/08/1991)
11/05/1991		So Ordered granting [17-1] stipulation (signed by Judge Caleb M. Wright) Notice to all parties. (ko) (Entered: 11/08/1991)
01/03/1992	18	STIPULATION for plaintiff to file amended complaint 1/10/92; defendants shall answer amended complaint 2/24/92 with proposed order (ko) (Entered: 01/06/1992)
01/07/1992		So Ordered granting [18-1] stipulation (signed by Judge Caleb M. Wright) Notice to all parties. (ko) (Entered: 01/10/1992)
01/10/1992	19	AMENDED COMPLAINT by John A., Mary B. , (Answer due 1/20/92 for Richard A. Shaw, for Patrick McCarthy, for Alfred Jackson, for Midge Holland, for Charles E. Hayward, for Michael N. Castle, for Gwendolyn Angalet) amending [1-1] complaint against Gertrude Holland, Henry Skip Keith (nj) (Entered: 01/15/1992)
01/14/1992		Deadline updated; reset Answer deadline to 2/24/92 for Henry Skip Keith, for Gertrude Holland, for Richard A. Shaw, for Patrick McCarthy, for Alfred Jackson, for Midge Holland, for Charles E. Hayward, for Michael N. Castle, for Gwendolyn Angalet (bkb) (Entered: 01/15/1992)
01/16/1992	20	CASE reassigned to Judge Sue L. Robinson (lm) (Entered: 01/16/1992)
02/24/1992	21	ANSWER to Complaint by Patrick McCarthy, Richard A. Shaw, Gertrude Holland, Henry Skip Keith, Gwendolyn Angalet, Michael N. Castle, Charles E. Hayward, Midge Holland, Alfred Jackson (Attorney Ann Woolfolk), (lf) (Entered: 02/25/1992)
03/31/1992	22	CASE reassigned from Judge Robinson to Judge Roderick R. McKelvie (lf) (Entered: 04/01/1992)
04/24/1992	23	STATUS REPORT by Paul C., Edward D., Helen E., Max S. Bell Jr., John A., Mary B. (lf) (Entered: 04/27/1992)
04/24/1992	24	MOTION by Paul C., Edward D., Helen E., Max S. Bell Jr., John A., Mary B. to Certify Class Opening brief due 5/8/92 re: [24-1] motion (lf) (Entered: 04/27/1992)
05/19/1992	25	STIPULATED ORDER FOR CLASS CERTIFICATION; pro. order (ds) (Entered: 05/19/1992)

05/20/1992		So Ordered granting [25-1] stipulation (signed by Judge Roderick R. McKelvie) Notice to all parties. (ko) (Entered: 05/22/1992)
06/12/1992		Scheduling conference held (ko) (Entered: 06/17/1992)
06/15/1992	26	SCHEDULING ORDER setting Joining of parties,amending of pleadings on 1/28/93 ; Discovery cutoff 2/16/93 ; Deadline for filing dispositive motions 2/18/93 Pretrial conference for 4:00 4/6/93 ; Trial Date Deadline 9:15 4/19/93 ; Proposed Pretrial Order due on 4/1/93 (signed by Judge Roderick R. McKelvie) copies to: counsel (ko) (Entered: 06/17/1992)
06/15/1992		Deadline updated; set Status Report deadline to 11/25/92 , set Status Conference for 4:00 12/2/92 (ko) (Entered: 06/17/1992)
11/25/1992	27	INTERIM STATUS REPORT by John A., Mary B., Paul C., Edward D., Helen E., Max S. Bell Jr. (lg) (Entered: 11/25/1992)
11/25/1992	28	Letter from G. Wilson to Judge McKelvie regarding the progress of the case in preparation for a status conference to be held 12/02/92. (lg) (Entered: 11/25/1992)
12/02/1992		Status conference held w/Judge McKelvie - ct rptpr V. Gunning (lg) (Entered: 12/03/1992)
12/04/1992	29	Letter from Judge McKelvie to cnsl as a follow-up to 12/02/92 conference & to confirm an in-chambers conf @ 4pm on Thurs, 02/11/93. (lg) (Entered: 12/04/1992)
12/04/1992		Deadline updated; set In-Chambers Status Conference for 4:00 2/11/93 , set Pretrial Conference for 3:00 4/13/93 , set Bench Trial for 9:15 beginning on 4/19/93 ending on 04/30/93 (lg) (Entered: 12/04/1992)
12/09/1992	30	CERTIFICATE OF SERVICE by Gwendolyn Angalet, Michael N. Castle, Charles E. Hayward, Midge Holland, Alfred Jackson, Patrick McCarthy, Richard A. Shaw, Gertrude Holland, Henry Skip Keith copies Defts' 1st Set of Interrogs to Pltfs & 1st Set of Req for Prod of Docs. (lg) (Entered: 12/10/1992)
01/25/1993		Deadline updated; set Telephone Conference for 8:30 1/29/93 (lg) (Entered: 01/25/1993)
02/01/1993	31	Steno Notes for 01/29/93 telephone conf - ct rptpr E. Maurer. (lg) (Entered: 02/02/1993)
02/11/1993		Status conference held no court reporter was needed. (lg) (Entered: 02/16/1993)
02/23/1993	32	CERTIFICATE OF SERVICE filed by State Defendants copies of Defts' Responses to Pltfs' First Set of Interrogs. (lg) (Entered: 02/23/1993)
03/26/1993	33	Letter from Judge McKelvie to cnsl RE: withdrawal of lawsuit & re-filing at a later date. (lg) (Entered: 03/29/1993)
04/02/1993	34	Letter from G. Wilson on behalf of all parties to Judge McKelvie in response to the Judge's 03/26/93 letter. (lg) (Entered: 04/05/1993)

04/06/1993	35	Proposed Confidentiality Order filed by John A., Mary B., Paul C., Edward D., Helen E., Max S. Bell Jr. (lg) (Entered: 04/07/1993)
04/06/1993	36	STIPULATION of dismissal without prejudice with a proposed order. (lg) (Entered: 04/07/1993)
04/23/1993		So Ordered [35-1] proposed confidentiality order (signed by Judge Roderick R. McKelvie) Notice to all parties. (lg) (Entered: 04/23/1993)
04/23/1993	37	Letter to cnsl from Judge McKelvie w/copies of D.I. #35 so ordered. (lg) (Entered: 04/23/1993)
04/23/1993	38	Letter from Judge McKelvie to cnsl re: Stipulation of Dismissal Without Prejudice filed with the Court. (lg) (Entered: 04/23/1993)
05/03/1993		So Ordered granting [36-1] dismiss/dismissal stipulation See order for all information on conditions of settlement, etc. (signed by Judge Roderick R. McKelvie) Notice to all parties. (lg) (Entered: 05/03/1993)
05/03/1993		Case closed (lg) (Entered: 05/03/1993)
07/13/1993	39	Letter from J. Goddess to Judge McKelvie RE: 07/15/93 date for re-filing an identical complaint. (lg) (Entered: 07/14/1993)
07/14/1993	40	Letter from Judge McKelvie to J. Goddess to acknowledge that he has received Mr. Goddess' 07/13/93 letter & that he does share the parties' view w/regard to the 07/15/93 date in the Stipulation. (lg) (Entered: 07/15/1993)
12/22/1993	41	Letter from J. Goddess to Judge McKelvie requesting on behalf of pltf to hold a Rule 16(b) Scheduling Conference for the first week of January 1994 to resolve the issue of closing forms and procedure. (lg) (Entered: 12/27/1993)
01/05/1994		Tele-conference held - ct rpt H. Conover. (lg) (Entered: 01/05/1994)
01/14/1994		Tele-conference held - ct rpt H. Conover. (lg) (Entered: 01/14/1994)
01/14/1994	42	Letter from Judge McKelvie to cnsl to follow up the 01/14/94 telephone conferende RE: Settlement. (lg) (Entered: 01/14/1994)
01/20/1994	43	MOTION by Gwendolyn Angalet, Michael N. Castle, Charles E. Hayward, Midge Holland, Alfred Jackson, John A., Mary B., Patrick McCarthy, Richard A. Shaw, Gertrude Holland, Henry Skip Keith, Paul C., Edward D., Helen E., Max S. Bell Jr. with Proposed Order to Vacate Dismissal without prejudice (D.I. #36, as signed on 05/03/93) and restore case to the active docket with all antecedent orders and rulings valid and effective, including class certification (lg) (Entered: 01/20/1994)
01/20/1994		So Ordered granting [43-1] motion to Vacate Dismissal without prejudice (D.I. #36, as signed on 05/03/93) and restore case to the active docket with all antecedent orders and rulings valid and effective, including class certification (signed by Judge Roderick R. McKelvie) Notice to all parties. (lg) (Entered: 01/20/1994)

01/20/1994		Case reopened (lg) (Entered: 01/20/1994)
02/02/1994	44	TRANSCRIPT filed for dates of 02/14/94 telephone conference - ct rprr H. Conover. (lg) Modified on 02/03/1994 (Entered: 02/03/1994)
02/07/1994	45	Letter from Jeffrey S. Goddess to Judge McKelvie RE: Changes to the Consent Agreement and Decree. (lg) (Entered: 02/08/1994)
02/08/1994	46	Notice of Deficiency from the court to Jeffrey S. Goddess, Esq. for the 02/07/94 Letter. The letter failed to indicated the method of delivery to all local counsel and the Court. (lg) (Entered: 02/08/1994)
02/14/1994	47	MOTION by John A., Mary B., Paul C., Edward D., Helen E., Max S. Bell Jr. with Proposed Order for Margaret Winter to Appear Pro Hac Vice (lg) (Entered: 02/15/1994)
02/16/1994		So Ordered granting [47-1] motion for Margaret Winter to Appear Pro Hac Vice (signed by Judge Roderick R. McKelvie) Notice to all parties. (lg) (Entered: 02/16/1994)
02/17/1994	48	Proposed NOTICE to All Youth at Ferris School and New Castle County Detention Center. (lg) (Entered: 02/17/1994)
03/02/1994		Tele-conference held - ct rprr V. Gunning. (lg) (Entered: 03/02/1994)
03/23/1994	49	Steno Notes for 01/05/94 - ct rprr H. Conover (lg) (Entered: 03/23/1994)
03/25/1994	50	Proposed Hearing Order filed by all parties. Please see order for details on the proposed settlement agreement, the May 6, 1994, 10:00 a.m. hearing date, etc. (lg) (Entered: 03/28/1994)
03/25/1994	51	SETTLEMENT AGREEMENT (lg) (Entered: 03/28/1994)
03/28/1994		So Ordered [50-1] proposed order (signed by Judge Roderick R. McKelvie) Notice to all parties. (lg) (Entered: 03/28/1994)
03/28/1994		Deadline updated; Motion Hearing set for May 6, 1994 at 10:00 a.m. in Courtroom #6 for the purpose of determining whether the proposed settlement is fair, reasonable and adequate as a basis for compromising the claims of the Class. (lg) (Entered: 03/28/1994)
04/29/1994	52	MEMORANDUM by John A., Mary B., Paul C., Edward D., Helen E., Max S. Bell Jr. in support of [51-1] remark Approval of Class Action Settlement. (lg) (Entered: 05/02/1994)
05/06/1994		Motion hearing held RE: Settlement Agreement - ct rprr K. Maurer. (lg) (Entered: 05/06/1994)
05/06/1994	53	STIPULATION/Agreement of Settlement - See Agreement for Terms. (lg) (Entered: 05/06/1994)
05/06/1994	54	STIPULATION/Agreement of Settlement - See Agreement for Terms. (lg) (Entered: 05/06/1994)
05/06/1994	55	ORDER Final Judgment and Order of Dismissal - Judge McKelvie found the negotiated settlement agreement to be fair, resonable and adequate as

		a basis for compromising the claims of the pltf Class, and he approved it. Atty's fees and costs set forth in the agreement are reasonable and consistent with the negotiated settlement. This action is DISMISSED, WITHOUT PREJUDICE. Pltfs may move to reopen this case/to request that the Court order the performance of the negotiated settlement agreement. See Order for More Information. (signed by Judge Roderick R. McKelvie) copies to: Woolfolk, Wilson & Goddess (lg) (Entered: 05/06/1994)
05/06/1994		Case closed (lg) (Entered: 05/06/1994)
05/06/1994	56	Steno Notes by Kevin Maurer. (lg) (Entered: 05/12/1994)
06/03/1994	57	Steno Notes for 01/14/94 - ct rptr H. Conover (lg) (Entered: 06/06/1994)
10/02/1997	58	Letter dated 9/30/97 from G. Wilson, Esq. and A. Woolfolk, Esq. to Judge McKelvie encl. copy of Agreement of Final Settlement and final monitoring report re litigation has been fully resolved. (ntl) (Entered: 10/03/1997)

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