

CLOSED

**U.S. District Court
Northern District of Georgia (Atlanta)
CIVIL DOCKET FOR CASE #: 1:93-cv-00642-JEC**

Doe v. Napper, et al
Assigned to: Judge Julie E. Carnes
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 03/26/1993
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff**John Doe**

*1; by his next friend MARY DOE 1;
JOHN DOE 2 by his next friend MARY
DOE 2; JANE ROE 1 by her next friend
MARY ROE 1; JANE ROE 2 by her next
friend MARY ROE 2; JANE ROE 3 by
her next friend, MARY ROE 3*

represented by **Catherine C. Vandenberg**
Atlanta Legal Aid Society, Inc.
32 Waddell Street
Marietta, GA 30090-2900
770-528-2565
Email:
ccvandenberg@atlantalegalaid.org
*TERMINATED: 12/05/1996
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Charles Richardson Bliss
Buckley & Klein
1180 West Peachtree Street
Suite 1100, Atlantic Center Plaza
Atlanta, GA 30309
404-781-1100
Fax: 404-781-1101
Email: crbliss@buckleyklein.com
*TERMINATED: 12/05/1996
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Frank Love, Jr.
Powell Goldstein LLP
One Atlantic Center, 14th Floor
1201 West Peachtree St, N.W.
Atlanta, GA 30309-3488
404-572-6600
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Gary Jay Leshaw
Gary Leshaw and Associates
755 Commerce Place
Suite 800
Decatur, GA 30030

404-601-4130
Email: gary2585@aol.com
TERMINATED: 12/05/1996
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John Weldon Harbin
Powell Goldstein LLP
One Atlantic Center, 14th Floor
1201 West Peachtree St, N.W.
Atlanta, GA 30309-3488
404-572-6600
Fax: 404-572-6999
Email: jharbin@pgfm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kathleen Ann Dumitrescu
Atlanta Legal Aid Society, Inc.
32 Waddell Street
Marietta, GA 30090-2900
770-528-2565
TERMINATED: 12/05/1996
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

George Napper, Jr.
*in his official capacity as Commissioner
of the Georgia Department of Children
and Youth Services;*

represented by **Cynthia Honssinger Frank**
Office of State Attorney General
40 Capitol Square, S.W.
Atlanta, GA 30334-1300
404-656-3385
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael J. Bowers
Balch & Bingham LLP
3535 Piedmont Road, NE
14 Piedmont Center, Suite 1100
Atlanta, GA 30305
404-261-6020
Email: mbowers@balch.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Carol Atha Cosgrove
Office of State Attorney General
40 Capitol Square, S.W.

Atlanta, GA 30334-1300
404-656-3385

William C. Joy
Office of State Attorney General
40 Capitol Square, S.W.
Atlanta, GA 30334-1300
404-656-3385

Defendant

James - Phillips
*in his official capacity as Director of
the Marietta Regional Youth Detention
Center;*

represented by **Cynthia Honssinger Frank**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael J. Bowers
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Carol Atha Cosgrove
(See above for address)

William C. Joy
(See above for address)

Defendant

Werner Rogers
*in his official capacity as Georgia State
School Superintendent*

represented by **Kathryn Lloyd Allen**
Office of State Attorney General
40 Capitol Square, S.W.
Atlanta, GA 30334-1300
404-656-3385
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Dennis Robert Dunn
Office of State Attorney General
40 Capitol Square, S.W.
Atlanta, GA 30334-1300
404-656-7298
Fax: 404-657-9932
Email: Dennis.Dunn@law.state.ga.us

Defendant

State Board of Education

represented by **Kathryn Lloyd Allen**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Dennis Robert Dunn

(See above for address)

Date Filed	#	Docket Text
03/26/1993	1	COMPLAINT filed summons issued. Consent form to proceed before U.S. magistrate and pretrial instructions given to attorney. FILING FEE \$ 120.00 RECEIPT # 185118 (ds) (Entered: 03/30/1993)
03/26/1993	2	ANSWER TO MANDATORY INTERROGATORIES by John Doe (ds) (Entered: 03/30/1993)
03/26/1993	3	MOTION by plaintiff John Doe to proceed in pseudonym with brief in support. (ds) (Entered: 03/30/1993)
03/26/1993		ATTACHMENTS to motion to proceed in pseudonym by John Doe [3-1]. (FILED UNDER SEAL) (ds) (Entered: 03/30/1993)
03/26/1993	4	MOTION by plaintiff John Doe for expedited discovery with brief in support. (ds) (Entered: 03/30/1993)
03/30/1993		SUBMITTED on motion to proceed in pseudonym by John Doe [3-1], motion for expedited discovery by John Doe [4-1] Judge Julie E. Carnes. (ds) (Entered: 03/30/1993)
03/31/1993	5	Return of service executed 3/26/93 as to James Phillips, Werner Rogers, State Board of Educ & Commissioner Ga Departmt of Children and Youth Services on original complaint. (cbm) (Entered: 04/05/1993)
04/08/1993	6	MOTION by plaintiff John Doe to certify class action with brief in support. (ds) (Entered: 04/12/1993)
04/12/1993	7	Memo by defendant George Napper Jr., defendant James - Phillips, defendant Werner Rogers, defendant State Board of Educ in Opposition to motion for expedited discovery by John Doe [4-1] (ds) (Entered: 04/14/1993)
04/14/1993	8	Supplement to defts memorandum [7-1] (ds) (Entered: 04/15/1993)
04/14/1993		HEARING HELD on motion for expedited discovery by John Doe [4-1], motion to proceed in pseudonym by John Doe [3-1] before Judge Julie E. Carnes; (ds) (Entered: 04/15/1993)
04/14/1993	9	ORDER GRANTING motion to proceed in pseudonym by John Doe [3-1], GRANTING motion for expedited discovery by John Doe [4-1] to the extent that defense must supply requested documents/records by Friday, May 14, 1993, pltf's may inspect premises on June 1st or 2nd, 1993. Pltf's request to interview staff is denied by Judge Julie E. Carnes. (cps svrd by crt/dp) (ds) (Entered: 04/15/1993)
04/19/1993	10	ANSWER to complaint [1-1] by Werner Rogers, State Board of Education. (ds) (Entered: 04/22/1993)
04/19/1993	11	ANSWER to complaint [1-1] by George Napper Jr., James - Phillips. (ds) (Entered: 04/22/1993)

04/23/1993	12	Response by defendants to motion to certify class action by John Doe [6-1] (ds) (Entered: 04/28/1993)
04/26/1993	13	JOINT STATEMENT concerning class communications. (ds) (Entered: 04/29/1993)
04/28/1993		SUBMITTED on motion to certify class action by John Doe [6-1] to Judge Julie E. Carnes . (ds) (Entered: 04/28/1993)
04/30/1993	14	ANSWER TO MANDATORY INTERROGATORIES by Werner Rogers, State Board of Educ (ds) (Entered: 05/04/1993)
05/01/1993	18	Joint Preliminary Statement and Scheduling Order. (to judge) (ds) (Entered: 05/19/1993)
05/03/1993	15	ANSWER TO MANDATORY INTERROGATORIES by George Napper Jr., James - Phillips (ds) (Entered: 05/06/1993)
05/03/1993	16	Certificate of interested persons. (to judge) (ds) (Entered: 05/06/1993)
05/10/1993	17	REPLY by John Doe to response to motion to certify class action by John Doe [6-1]. (ds) (Entered: 05/14/1993)
05/27/1993		Proposed amendment to complaint [1-1] by plaintiff John Doe (jec for consideration). (ds) (Entered: 06/07/1993)
06/01/1993		Telephone Conference held before Judge Julie E. Carnes; (ds) (Entered: 06/08/1993)
06/01/1993		ORDER endorsed on motion, APPROVING preliminary statement [18-1] by Judge Julie E. Carnes. cc (ds) (Entered: 06/08/1993)
06/01/1993	19	ORDER Discovery ends 1/14/94. Trial set for June 1994 by Judge Julie E. Carnes. cc (ds) (Entered: 06/08/1993)
06/08/1993	20	ORDER that pltf's proposed amended complaint is approved and allowed filed by Judge Julie E. Carnes. cc (ds) (Entered: 06/10/1993)
06/08/1993	21	AMENDMENT TO COMPLAINT [1-1] by John Doe. (ds) (Entered: 06/10/1993)
06/14/1993	22	Application for leave of absence of Kathryn Lloyd Allen for July 6- 21, 1993 (jec for aprvl) (ds) (Entered: 06/21/1993)
06/14/1993	23	ANSWER to amended complaint [21-1] by George Napper Jr., James - Phillips. (ds) (Entered: 06/21/1993)
06/14/1993	24	ANSWER to amended complaint [21-1] by Werner Rogers, State Board of Educ. (ds) (Entered: 06/21/1993)
06/17/1993	25	MOTION by plaintiff John Doe to amend complaint [1-1] with brief in support. (jec) (ds) (Entered: 06/22/1993)
06/17/1993	26	Notice of FILING UNDER SEAL by plaintiff John Doe. (jec) (ds) (Entered: 06/22/1993)

06/22/1993	27	ORDER GRANTING leave of absence of Kathryn Lloyd Allen for July 6- 21, 1993 [22-1]. (aprvd by crt/dp) cc (ds) (Entered: 06/25/1993)
07/02/1993	28	ANSWER to motion to amend complaint by George Napper Jr., James - Phillips. (er) (Entered: 07/07/1993)
08/02/1993	29	CONSENT ORDER w/motion extending time to 8/16/93 for defts to respond to plas discovery requests by Judge Julie E. Carnes. cc (ds) Modified on 08/09/1993 (Entered: 08/09/1993)
11/12/1993	30	Joint MOTION to extend discovery to 4/15/94 . (jec for consideration) (ds) (Entered: 11/18/1993)
11/19/1993	31	CONSENT ORDER GRANTING joint motion to extend discovery to 4/15/94 [30-1]; Discovery ends 4/15/94 by Judge Julie E. Carnes. FINAL EXTENSION cc (ds) (Entered: 11/23/1993)
01/10/1994	32	ORDER GRANTING motion to amend complaint [1-1] by John Doe [25-1], GRANTING motion to certify class action by John Doe [6-1] by Judge Julie E. Carnes. cc (ds) (Entered: 01/11/1994)
03/08/1994	33	(Letter) Joint request for status conference. (ds) (Entered: 03/14/1994)
04/18/1994	34	Status of legal issues related to settlement of class action. (jec) (ds) (Entered: 04/19/1994)
04/18/1994	35	Status of Consent Negotiation. (ds) (Entered: 04/20/1994)
04/22/1994		SETTLEMENT CONFERENCE before Judge Julie E. Carnes. Parties are making progress towards settlement. Requests not to submit pretrial order were granted. Parties will update Court on status of settlement by 6/30/94. (dfb) (Entered: 04/25/1994)
07/18/1994	36	STATUS REPORT by dfts. (ds) (Entered: 07/22/1994)
07/20/1994	37	Letter from chambers directing counsel to submit updated progress report by the end of August. (ds) (Entered: 07/22/1994)
09/06/1994	38	JOINT STATUS REPORT . (ds) Modified on 09/08/1994 (Entered: 09/08/1994)
09/09/1994	39	ORDER dismissing case w/o costs and w/o prejudice to reopen by May 1, 1995 if settlement not consummated by Judge Julie E. Carnes. cc (ds) (Entered: 09/12/1994)
09/22/1994	40	MOTION by plaintiff John Doe to alter or amend judgment , relief from judgment , or for clarification with brief in support. (ds) (Entered: 09/23/1994)
10/25/1994		SUBMITTED on motion to alter or amend judgment by John Doe [40-1], motion relief from judgment by John Doe [40-2], motion for clarification by John Doe [40-3] to Judge Julie E. Carnes . (ds) (Entered: 10/25/1994)
11/14/1994	41	Letter from chamber in response to motion to alter or amend judgment [40-1], motion relief from judgment [40-2], motion for clarification [40-

		3] by Judge Julie E. Carnes (ds) (Entered: 11/17/1994)
05/03/1995	42	JOINT STATUS REPORT. (ds) (Entered: 05/08/1995)
04/11/1996	43	ORDER directing parties to show cause w/n (11) days in re: sealed material by Judge Julie E. Carnes. (cps srvd by crt/dp) (ds) Modified on 04/12/1996 (Entered: 04/12/1996)
04/19/1996	44	Joint response to order [43-1]. (ds) (Entered: 04/25/1996)
04/19/1996		SUBMITTED on order [43-1] to Judge Julie E. Carnes . (ds) (Entered: 04/25/1996)
04/26/1996	45	ORDER that sealed material be returned to submitting party by Judge Julie E. Carnes. cc (ds) (Entered: 05/01/1996)
04/30/1996		CASE REFERRED to Mag Judge Joel M. Feldman for settlement conference only. (ds) (Entered: 05/01/1996)
04/30/1996		Completed referral to Mag Judge Joel M. Feldman . (ds) (Entered: 11/20/1996)
07/02/1996	46	Attorney appearance for pla by Frank Love Jr., John Weldon Harbin. (ds) (Entered: 07/05/1996)
07/26/1996	47	MOTION to withdraw by Charles Richardson Bliss, Gary Jay Leshaw, Catherine C. Vandenberg, Kathleen Ann Dumitrescu as attorney for plas with brief in support. (ds) (Entered: 08/01/1996)
08/19/1996		SUBMITTED on motion to withdraw by Charles Richardson Bliss, Gary Jay Leshaw, Catherine C. Vandenberg, Kathleen Ann Dumitrescu as attorney for plas [47-1] to Judge Julie E. Carnes . (ds) (Entered: 08/19/1996)
10/29/1996	48	MOTION by pla to reopen case , and to reopen discovery with brief in support. (ds) (Entered: 11/06/1996)
11/19/1996	49	Response by dfts to pla's motion to reopen case [48-1], motion to reopen discovery [48-2]. (ds) (Entered: 11/22/1996)
11/22/1996		SUBMITTED on pla's motion to reopen case [48-1], motion to reopen discovery [48-2] to Judge Julie E. Carnes. (YOU HAVE FILE) (ds) (Entered: 11/22/1996)
12/05/1996	50	Letter from chamber setting conference for 12/17/96; 2:00 p.m. (cps srvd by crt/dp) (ds) (Entered: 12/09/1996)
12/05/1996	51	ORDER by Judge Julie E. Carnes GRANTING [47-1] motion to withdraw by Charles Richardson Bliss, Gary Jay Leshaw, Catherine C. Vandenberg, Kathleen Ann Dumitrescu as attorney for plas (cc) (ds) (Entered: 12/09/1996)
12/09/1996	52	Reply brief to [48-1] motion to reopen case, [48-2] motion to reopen discovery by plaintiff John Doe . (ds) (Entered: 12/11/1996)
12/17/1996		STATUS CONFERENCE HELD before Judge Julie E. Carnes; Clerk to

		resubmit motions on 2/3/97. (ds) (Entered: 12/17/1996)
02/18/1997		SUBMITTED to Judge Julie E. Carnes on [48-1] motion to reopen case, [48-2] motion to reopen discovery (ds) (Entered: 02/18/1997)
02/24/1997	53	ORDER by Judge Julie E. Carnes DENYING w/o prejudice [48-1] motion to reopen case by John Doe, DENYING w/o prejudice [48-2] motion to reopen discovery by John Doe. Upon compliance w/ 12/17/96 order the court will reconsider its ruling. (cc) (ds) (Entered: 02/25/1997)
07/15/1997	54	MOTION by plaintiff to reopen with brief & affidavit in support. (ds) (Entered: 07/22/1997)
07/15/1997	54	STATUS REPORT by plaintiff. (ds) (Entered: 07/22/1997)
08/11/1997		SUBMITTED to Judge Julie E. Carnes on [54-1] motion to reopen (ds) (Entered: 08/11/1997)
08/11/1997	55	Response by defendants in Opposition to [54-1] motion to reopen (ds) (Entered: 08/13/1997)
08/26/1997	56	REPLY by plaintiff to response to [54-1] motion to reopen (ds) (Entered: 08/27/1997)
08/27/1997	57	AMENDED REPLY by plaintiff to response to [54-1] motion to reopen (ds) (Entered: 08/29/1997)
08/28/1997	58	ORDER by Judge Julie E. Carnes DEFERRING ruling on [54-1] motion to reopen by John Doe, Counsel to submit memorandum outlining obstacles of settlement by 9/19/97 [54-1] motion to reopen to be submitted on 9/20/97 (cc) (ds) (Entered: 08/29/1997)
09/24/1997		SUBMITTED to Judge Julie E. Carnes on [58-1] order, [54-1] status report, [54-1] motion to reopen (ds) (Entered: 09/24/1997)
10/01/1997	59	(Letter) Response by defendant George Napper Jr., defendant James - Phillips to [58-1] order. (ds) (Entered: 10/06/1997)
10/03/1997	60	ORDER by Judge Julie E. Carnes GRANTING [54-1] motion to reopen. Counsel to submit joint proposed scheduling order indicating a tentative discovery schedule & amt of discovery time needed w/n 20 days, [60-1] order to be submitted on 10/30/97 (cc) (ds) (Entered: 10/06/1997)
10/03/1997		Case reopened. (ds) (Entered: 10/06/1997)
10/27/1997	61	JOINT REPORT. (ds) Modified on 10/28/1997 (Entered: 10/28/1997)
10/28/1997		SUBMITTED to Judge Julie E. Carnes on [61-1] status report, [60-1] order. (ds) (Entered: 10/28/1997)
11/13/1997	62	ORDER by Judge Julie E. Carnes, Discovery ends 3/9/98. Motions for sum.jgm. due 3/30/98; , If no motion filed, PTO due on 4/9/98; If motions filed PTO due 30 days after ruling. , [62-1] order to be submitted on 4/10/98 if no motion or PTO filed (cc) (ds) (Entered: 11/17/1997)
12/12/1997	63	Stipulation, for consent decree, and consent decree approved by Judge

	Julie E. Carnes. (w/1 vol exhibits) (ds) Modified on 02/02/1998 (Entered: 12/15/1997)
01/30/1998	Case terminated. (ds) (Entered: 02/02/1998)

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