

CLOSED

**U.S. District Court
Eastern District of Virginia (Alexandria)
CIVIL DOCKET FOR CASE #: 1:96-cv-00284-LMB**

United States of v. Commonwealth of VA, et al
Assigned to: Judge Leonie M. Brinkema
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 03/04/1996
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Plaintiff

Plaintiff**United States of**

represented by **Deval L. Patrick**
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Defendant**Commonwealth of Virginia**

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Defendant

George Allen

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Defendant

Robert Metcalf

*Acting Secretary, Department of Health
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Defendant

Timothy Kelly

*Commissioner, Department of Mental
Health, Mental Retardation and
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Defendant

Russell Perella

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Defendant

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Date Filed	#	Docket Text
03/04/1996	1	COMPLAINT (clerk) (Entered: 03/05/1996)
03/04/1996		NOTICE of Lawsuit and Waiver of Service forms given to attorney for service by mail as to defts (clerk) (Entered: 03/14/1996)
03/05/1996	2	NOTICE of Attorney Appearance for United States of by Richard Parker (clerk) (Entered: 03/05/1996)
03/25/1996	3	ORDER that the Summons and Complaint shall be deemed to have been served on all defts on 3/6/96 and defts shall have until 4/15/96 to respond to complaint-ent.& filed (signed by Judge James C. Cacheris) Copies Mailed: y (clerk) (Entered: 03/27/1996)
04/15/1996	4	MOTION by defendants to Dismiss pursuant to Rule 12(b)(1) (Will Notice) (clerk) (Entered: 04/19/1996)
04/15/1996	5	MEMORANDUM of Law by Commonwealth of VA, George Allen, Robert Metcalf, Timothy Kelly, Russell Perella, John M. Favret in support of [4-1] motion to Dismiss pursuant to Rule 12(b)(1) (clerk) (Entered: 04/19/1996)
04/15/1996	6	MOTION by defendants to Dismiss for improper venue, or in the alternative, to transfer to Newport News Division (Will Notice) (clerk) (Entered: 04/19/1996)
04/15/1996	7	MEMORANDUM by Commonwealth of VA, George Allen, Robert Metcalf, Timothy Kelly, Russell Perella, John M. Favret in support of [6-1] motion to Dismiss for improper venue, or in the alternative, to transfer to Newport News Division (clerk) (Entered: 04/19/1996)
04/15/1996	8	MOTION with Memorandum in Support by Commonwealth of VA,

		George Allen, Robert Metcalf, Timothy Kelly, Russell Perella, John M. Favret for More Definite Statement (clerk) (Entered: 04/19/1996)
04/26/1996	9	MOTION by United States of to Consolidate Cases 96-283 and 96-284 (clerk) (Entered: 04/29/1996)
04/26/1996	10	MEMORANDUM by United States of in support of [9-1] motion by United States of to Consolidate Cases 96-283 and 96-284 by United States of with exhibits (clerk) (Entered: 04/29/1996)
04/26/1996	11	NOTICE of Hearing: Motion Hearing set for 10:00 5/10/96 for [9-1] motion by United States of to Consolidate Cases 96-283 and 96-284 (clerk) (Entered: 04/29/1996)
04/29/1996	12	NOTICE of Hearing: Motion Hearing set for 10:00 5/10/96 for [8-1] motion for More Definite Statement, set for 10:00 5/10/96 for [6-1] motion by defendants to Dismiss for improper venue, or in the alternative, to transfer to Newport News Division, set for 10:00 5/10/96 for [4-1] motion by defendants to Dismiss pursuant to Rule 12(b)(1) (clerk) (Entered: 04/29/1996)
04/29/1996	13	MEMORANDUM of Law by United States of in opposition to [4-1] motion by defendants to Dismiss pursuant to Rule 12(b)(1) (clerk) (Entered: 04/30/1996)
04/29/1996	14	MEMORANDUM of Law by United States of in opposition to [6-1] motion by defendants to Dismiss for improper venue, or in the alternative, to transfer to Newport News Division by (clerk) (Entered: 04/30/1996)
04/29/1996	15	MEMORANDUM of Law by United States of in opposition to [8-1] motion for More Definite Statement (clerk) (Entered: 04/30/1996)
05/01/1996	16	SCHEDULING ORDER setting Discovery cutoff 8/30/96 ; Pretrial Conference for 10:30 9/19/96 ; (signed by Judge Bryan) Copies Mailed: yes (clerk) (Entered: 05/01/1996)
05/07/1996	18	MEMORANDUM by Commonwealth of VA, George Allen, Robert Metcalf, Timothy Kelly, Russell Perella, John M. Favret in rebuttal to [14-1] opposition memorandum by United States of (clerk) (Entered: 05/14/1996)
05/07/1996	19	REBUTTAL MEMORANDUM by Commonwealth of VA, George Allen, Robert Metcalf, Timothy Kelly, Russell Perella in support of [8-1] motion for More Definite Statement by defendants (clerk) (Entered: 05/14/1996)
05/07/1996	20	REBUTTAL MEMORANDUM by Commonwealth of VA, George Allen, Robert Metcalf, Timothy Kelly, Russell Perella in support of [4-1] motion by defendants to Dismiss pursuant to Rule 12(b)(1) by defendants (clerk) (Entered: 05/14/1996)
05/09/1996	17	MEMORANDUM by Commonwealth of VA, George Allen, Robert Metcalf, Timothy Kelly, Russell Perella, John M. Favret in opposition to

		[9-1] motion by United States of to Consolidate Cases 96-283 and 96-284 by United States of (clerk) (Entered: 05/09/1996)
05/10/1996		Minute entry: Judge Brinkema. Reporter: McCoy; matter on for hrg. on defts.' motions; appearances: of counsel; pltf.(U.S.) motion to consolidate C/A's 96-283 and 284 - argued and denied; defts.' motion for more definite sattement; defts.' motion to dismiss for improper venue(or to transfer to N.N. Div.) - argued and ruling held in abeyance, U.S. has 10 days to get a proper cert. w/appropriate language; counsel to meet w/LMB in chambers on 5-15-96 @ 9:00 for settlement conf.; defts.' motion to dism. per FRCP 12(b)(1) - not ruled on (clerk) (Entered: 05/14/1996)
05/21/1996	21	ORDER For the reasons stated in open court, pltf's motion to consolidate cases is denied. Deft's motion to dismiss for inproper venue is or in the alternative to transer to Newport News is granted. The transfer is stayed to allow for a consolidated settlement. Deft's motion to dismiss pursuant to rule 12(b)(1) is granted. Ordered that pltf file an amended certification within 10 days of the issuance of this order. This ruling is also stayed to allow for settlement efforts. Deft's motion for more definite statement is denied. Because of intense settlement efforts, all discovery is stayed. Entered and Filed[9-1] [8-1] [6-1] 4-1] signed by Judge Leonie M. Brinkema) Copies Mailed: yes (clerk) (Entered: 05/28/1996)
07/18/1996		CASE assigned to Judge Leonie M. Brinkema (clerk) (Entered: 07/19/1996)
07/18/1996		Case closed (clerk) (Entered: 07/19/1996)
07/18/1996	22	Settlement Agreement-filed by parties. (clerk) (Entered: 07/19/1996)
07/18/1996	23	ORDER that in light of the Settlement Agreement, this action is dismissed without prejudice pursuant to Rule 41(a)(2)-ent.& filed (signed by Judge Leonie M. Brinkema) Copies Mailed: y (clerk) (Entered: 07/19/1996)
06/10/1997	24	MODIFICATION of settlement agreement - filed by plaintiff United States of, defendant Commonwealth of VA (mcke) (Entered: 06/13/1997)
06/29/1998	25	NOTICE for Certification Tour by Commonwealth of VA, George Allen, Robert Metcalf, Timothy Kelly, Russell Perella, John M. Favret (clar) (Entered: 06/29/1998)
03/25/1999	26	JOINT MOTION by United States of, Commonwealth of VA, George Allen, Robert Metcalf, Timothy Kelly, Russell Perella, John M. Favret by defendant, plaintiff to Dismiss this action with prejudice (clerk) (Entered: 03/25/1999)
03/25/1999	27	ORDER of DISMISSAL of the [26-1] joint motion by parties and based upon dfts' substantial implementation of the Plan as agreed in the Settlement Agreement between the parties, this Court, in accordance with Rule 41(a)(2) of FRCP, hereby dismisses this case with prejudice. - entered & filed. to Dismiss this action with prejudice (signed by Judge

	Leonie M. Brinkema) Copies Mailed: yes (clerk) (Entered: 03/30/1999)
03/25/1999	Case closed (clerk) (Entered: 03/30/1999)

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