

**U.S. District Court
Middle District of Tennessee (Nashville)
CIVIL DOCKET FOR CASE #: 3:01-cv-00272**

People First of TN, et al v. Neal, et al
Assigned to: Senior Judge Robert Echols
Demand: \$0
Lead case: [3:00-cv-00665](#)
Member case: [\(View Member Case\)](#)
Case in other court: USDC/MDTN Echols, 3:00-00665
Cause: 42:1983 Civil Rights Act

Date Filed: 03/20/2001
Date Terminated: 12/01/2003
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

People First of Tennessee
on behalf of its members

represented by **Earle J. Schwarz**
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Plaintiff

J. B. Doe
*by and through her Mother and next
friend, T.D. Doe*

represented by **Earle J. Schwarz**
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Judith A. Gran
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Plaintiff

S. H.R. Doe, Jr.
*by and through his Father and next
friend, S.H.R. Doe*

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Plaintiff

L. K. Doe
*by and through his Father and next
friend, R.K. Doe*

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Plaintiff

J. M. Doe

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Plaintiff

H. A.S. Doe
*by and through her parent and next
friend, J.S. Doe*

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V.

Defendant

C. Warren Neal

*Dr. and Commissioner of the TN Dept of
Finance and Administration, in his
official capacity*

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TERMINATED: 05/15/2001
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Defendant

**Tennessee Department of Finance and
Administration**

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Defendant

Barbara Brent

*Deputy Commissioner for Mental
Retardation Services of the TN Dept of
Finance and Administration in her official
capacity*

represented by **Dianne Stamey Dycus**
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Paul G. Summers

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Defendant

Mark E. Reynolds
*Deputy Commissioner TennCare Services
of the TN Dept of Finance and
Administration, in his official capacity*

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Paul G. Summers
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TERMINATED: 05/15/2001
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Defendant

Vernon Coffey
*Dr. and Commissioner of the TN Dept of
Education, in his official capacity*

represented by **Dianne Stamey Dycus**
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Linda A. Ross
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Paul G. Summers
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TERMINATED: 05/15/2001
ATTORNEY TO BE NOTICED

Defendant

Education, Tennessee Department of

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TERMINATED: 05/15/2001
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Date Filed	#	Docket Text
03/20/2001	1	COMPLAINT (Summons(es) issued to be served to USAG); Filing fee paid in the amount of \$150; Receipt # 78857 (bj) (Entered: 03/22/2001)
03/20/2001	2	MOTION o/b/o pltf's for attorneys Judith Gran & Edward G. Connette to appear pro hac vice o/b/o pltf's (att'd certificates of good standing) (bj) (Entered: 03/22/2001)
03/20/2001	3	CERTIFICATE of Good Standing filed from the USDC, Western District of N.C. by Edward G. Connette, atty for pltf's. (bj) (Entered: 03/22/2001)
03/20/2001		PROPOSED Order granting pro hac vice status. (bj) (Entered: 03/22/2001)
03/20/2001	4	NOTICE of Initial Case Management Conference: Case referred to Magistrate Judge E. C. Knowles ; Case Management Conference set for 11:00 a.m. on 5/31/01 (bj) (Entered: 03/22/2001)

03/23/2001	5	RETURN OF SERVICE executed upon deft Mark E. Reynolds on 3/23/01 by personal service. (dlt) (Entered: 03/26/2001)
03/23/2001	6	RETURN OF SERVICE executed upon deft Vernon Coffey on 3/21/01 by personal service. (dlt) (Entered: 03/26/2001)
03/23/2001	7	RETURN OF SERVICE executed upon deft Education TN Dept on 3/21/01 by personal service. (dlt) (Entered: 03/26/2001)
03/23/2001	8	RETURN OF SERVICE executed upon deft TN Dept of Finance on 3/21/01 by personal service. (dlt) (Entered: 03/26/2001)
03/23/2001	9	RETURN OF SERVICE executed upon deft Barbara Brent on 3/21/01 by personal service. (dlt) (Entered: 03/26/2001)
03/23/2001	10	RETURN OF SERVICE executed upon deft C. Warren Neal on 3/21/01 by personal service. (dlt) (Entered: 03/26/2001)
03/27/2001		PROPOSED Agreed Order extending answer ddl to 5/15/01. (bj) (Entered: 03/27/2001)
03/29/2001	11	ORDER by Magistrate Judge E. C. Knowles: granting motion for attorneys Judith Gran & Edward G. Connette to appear pro hac vice o/b/o pltfs [2-1] (cc: all counsel) EOD 3/29/01 (bj) (Entered: 03/29/2001)
03/30/2001	12	AGREED ORDER by Magistrate Judge E. C. Knowles: defts have until 5/15/01 to respond to the complaint. (cc: all counsel) EOD 4/2/01 (bj) (Entered: 04/02/2001)
05/15/2001	13	MOTION by defts to dismiss complaint (bj) (Entered: 05/16/2001)
05/15/2001	14	MEMORANDUM by defts C. Warren Neal, deft TN Dept of Finance, deft Barbara Brent, deft Mark E. Reynolds, deft Vernon Coffey and deft Education TN Dept in support of motion to dismiss complaint [13-1] (bj) (Entered: 05/16/2001)
05/31/2001	15	CLERK'S RESUME: Case Management Conference held 5/31/01 ; mtn for ext of time to respond to mtn to dism will be granted; mtn to dism will be forwarded to Judge Echols for consideration; CMC to be cont'd for 60 days pending disp of mtn to dism; order to enter. C/R: Taped 2001-39 MK (bj) (Entered: 06/01/2001)
05/31/2001	16	MOTION by pltf for extension of time to respond to motion to dismiss (bj) (Entered: 06/01/2001)
05/31/2001		PROPOSED Order extending response ddl. (bj) (Entered: 06/01/2001)
06/01/2001	17	ORDER by Magistrate Judge E. C. Knowles: counsel for the parties appeared for a CMC on 5/31/01; Case Management Conference reset for 11:00 a.m. 8/6/01 (cc: all counsel) EOD 6/4/01 (bj) (Entered: 06/04/2001)
06/01/2001	18	ORDER by Magistrate Judge E. C. Knowles: granting motion for extension of time to respond to motion to dismiss [16-1]; pltf shall respond to defts' motion to dismiss complaint [13-1] by 6/20/01. (cc: all counsel) EOD 6/4/01 (bj) (Entered: 06/04/2001)
06/12/2001	19	ORDER by Magistrate Judge E. C. Knowles: Case Management Conference reset for 11:00 on 8/16/01. EOD 6/13/01 (cc: all counsel) (gi) (Entered: 06/13/2001)
06/20/2001	20	MEMORANDUM IN OPPOSITION/RESPONSE by pltfs to motion to dismiss complaint [13-1] (bj) (Entered: 06/21/2001)
07/06/2001	21	REPLY by defts in support of Motion to Dismiss [13-1] (bj) (Entered: 07/09/2001)
08/08/2001	22	SUPPLEMENTAL Brief supplementing Memorandum [20-1] by pltfs in Opposition to defts' motion to dismiss. (bj) (Entered: 08/08/2001)
08/08/2001	23	MOTION by pltfs to consolidate case with 3:00-cv-0655 or, in the alternative to intervene (att'd exhibit A) (bj) (Entered: 08/08/2001)
08/08/2001	24	BRIEF/MEMORANDUM by pltfs in support of motion to consolidate case with 3:00-cv-0655 [23-1], or motion to intervene [23-2] (att'd exhibit A) (bj) (Entered: 08/08/2001)

08/20/2001	25	ORDER by Magistrate Judge E. C. Knowles: Case Management Conference reset for 10:00 a.m. 9/20/01 (cc: all counsel) EOD 8/21/01 (bj) (Entered: 08/21/2001)
08/22/2001	26	RESPONSE by defts to motion to consolidate case with 3:00-cv-0655 [23-1] and motion to intervene [23-2] (bj) (Entered: 08/23/2001)
08/24/2001	27	RESPONSE by pltf's to motion to consolidate case with 3:00-cv-0655 [23-1] or, alternitively motion to intervene [23-2] (bj) (Entered: 08/27/2001)
09/20/2001	28	ORDER by Magistrate Judge E. C. Knowles: Case Management Conference reset for 11:00 a.m. 11/5/01 (cc: all counsel) EOD 9/21/01 (bj) (Entered: 09/21/2001)
11/06/2001	29	ORDER by Magistrate Judge E. C. Knowles: Case Management Conference reset for 10:30 a.m. 12/6/01 (cc: all counsel) EOD 11/7/01 (bj) (Entered: 11/07/2001)
03/31/2002	30	MEMORANDUM OF THE COURT (cc: all counsel) (EOD 4/2/02) (dlt) (Entered: 04/02/2002)
03/31/2002	31	ORDER by Judge Robert L. Echols: For reasons explained in the Memorandum entered contemporaneously herewith, defts' motion to dismiss complaint [13-1] is denied. However, pltf's motion to consolidate case with 3:00-cv-0655 [23-1] with member case 3:01-cv-272. Case referred to Magistrate Judge E. C. Knowles to immediately schedule a CMC. EOD 4/2/02 (cc: all counsel) (dlt) (Entered: 04/02/2002)
04/12/2002	32	ORDER by Magistrate Judge E. C. Knowles; Case Management Conference set for 10:30 4/25/02; prior to the hearing, counsel for the parties are directed to confer on a proposed amended case management order, which shall be submitted prior to the case management conference. EOD 04/12/02 (cc: all counsel) (ot) (Entered: 04/12/2002)
04/26/2002		PROPOSED Agreed Order continuing Case Management Conference to 05/16/02 at 11:00. (ot) (Entered: 04/26/2002)
04/30/2002	33	AGREED ORDER by Magistrate Judge E. C. Knowles; parties have agreed that the Case Management Conference should be continued and is reset for 11:00 5/16/02. EOD 04/30/02 (cc: all counsel) (ot) (Entered: 04/30/2002)
05/07/2002	34	ORDER by Judge Robert L. Echols; Case consolidated for pretrial and discovery purposes with civil action no. 3:00-665. After discovery has concluded, the Court will determine whether these cases should be consolidated for trial. As the cases are not consolidated for trial purposes at this time, all pleadings filed in each case shall retain the caption and case number of that case and shall be filed only in the case to which each pleading pertains. EOD 05/07/02 (cc: all counsel) (ot) (Entered: 05/07/2002)
05/15/2002		JOINT PROPOSED Case Management Plan. (ot) (Entered: 05/15/2002)
05/16/2002	35	CLERK'S RESUME; Case Management Conference held 5/16/02; proposed amended case management order submitted; dispositive motion ddl 01/13/03; non-jury trial set for 05/27/03 before Judge Echols; order to enter; settlement conference set before Magistrate Judge Knowles on 07/09/02 at 9:30. Order to enter. C/R : Tape No. 2002-33 MK (ot) (Entered: 05/17/2002)
05/16/2002	36	JOINT CASE MANAGEMENT PLAN AND ORDER by Magistrate Judge E. C. Knowles; Discovery to be completed by 12/2/02; dispositive motion filing deadline 1/13/03; Jury trial set for 9:00 on 5/27/03 before Judge Echols. EOD 05/17/02 (cc: all counsel) (ot) (Entered: 05/17/2002)
05/20/2002	37	ORDER by Magistrate Judge E. C. Knowles; settlement conference set for 9:30 7/9/02; by noon on 07/05/02, pltf and deft shall deliver under seal, directly to Marcia Knoch, Courtroom Deputy to Magistrate Judge Knowles, ex parte, separate settlement conference statements which shall specify their respective positions. The parties shall exchange offers and demands prior to the settlement Conference. EOD 05/20/02 (cc: all counsel) (ot) Modified on 05/20/2002 (Entered: 05/20/2002)
06/19/2002	38	ORDER by Judge Robert L. Echols; Trial set for 9:00 5/27/03; pretrial conference set for 1:00 4/28/03; pretrial order to be submitted by 4/23/03; witness lists, exhibit lists and stipulations to be filed by 04/23/03; motions in limine and any motions

		objecting to expert testimony to be filed by 04/14/03 and any responses to such motions to be filed by 04/23/03; proposed findings of fact and conclusions of law shall be submitted (not filed) to the Courtroom Deputy, Ms. Vicki Kinkade, as directed by the Court. EOD 06/19/02 (cc: all counsel) (ot) (Entered: 06/19/2002)
06/25/2002		PROPOSED Agreed Order of continuance through 07/08/02 in which to file an answer. (ot) (Entered: 06/26/2002)
06/28/2002	39	AGREED ORDER of continuance by Magistrate Judge E. C. Knowles; defts shall have until 07/08/02 in which to file an answer in this matter. EOD 07/01/02 (cc: all counsel) (ot) (Entered: 07/01/2002)
07/08/2002	40	ANSWER by defts Dr. Warren Neel, TN Dept of Finance and Administration, Richard Kellog, Manny Martins, Dr. Vernon Coffey and TN Dept. of Education to [1-1]. (ot) (Entered: 07/09/2002)
07/16/2002	41	MOTION by pltf for class action determination (w/proposed order) (ot) (Entered: 07/16/2002)
07/16/2002	42	MEMORANDUM Of Law by pltf in 3:01-cv-00272 in support of motion for class action determination [41-1]. (ot) (Entered: 07/17/2002)
08/15/2002	43	RESPONSE by defts in opposition to motion for class certification [41-1]. (w/attached declaration of Joanna Damons) (ot) (Entered: 08/16/2002)
08/15/2002	44	DECLARATION by defts of Joanna Damons re [43-1]. (ot) (Entered: 08/16/2002)
08/28/2002	45	ORDER by Magistrate Judge E. C. Knowles; by 12:00 noon on 09/11/02 pltf and deft shall deliver under seal, directly to Ms. Marcia Knoch, Courtroom Deputy to Magistrate Judge Knowles, ex parte, separate settlement conference statements; settlement conference set for 9:30 9/13/02. EOD 08/29/02 (cc: all counsel) (ot) (Entered: 08/29/2002)
09/13/2002	46	CLERK'S RESUME; settlement conference held 9/13/02; parties were unable to reach a settlement agreement at this time; however, the parties will continue to talk, and plan to meet informally again on 10/01/02; parties will contact the Court if further settlement assistance is needed. (ot) (Entered: 09/17/2002)
10/16/2002		PROPOSED Agreed Protective Order. (ot) (Entered: 10/16/2002)
10/24/2002	47	AGREED PROTECTIVE ORDER by Magistrate Judge E. C. Knowles: disclosure of any documents, whether written or electronic, produced by the state defts containing identifying information concerning any applicant or recipient of services is agreed to be confidential and shall be subject to the provisions of this agreement; any proper person to whom any information identified in paragraph 1 is disclosed under the terms of this agreement shall be provided a copy of this order and is directed not to reveal the contents thereof for any purpose other than as permitted in this order or a subsequent order of this Court. The use of any information identified in paragraph 1 for any purpose other than the preparation and trial of the case or other proceedings related to this litigation is prohibited, except as allowed by statute or modified by subsequent order of this Court. EOD 10/25/02 (cc: all counsel) (ot) (Entered: 10/25/2002)
11/27/2002		PROPOSED Joint Agreed Amended Case Management Order (jb) (Entered: 12/02/2002)
12/04/2002	48	JOINT AGREED AMENDED CASE MANAGEMENT ORDER by Magistrate Judge E. C. Knowles; parties will conduct fact discovery until 01/03/03; dispositive motions to be filed by 2/18/03; case is set for trial before Honorable Robert Echols on 05/27/03 at 9:00. EOD 12/04/02 (cc: all counsel) (ot) (Entered: 12/04/2002)
02/18/2003	49	MOTION by pltf for summary judgment (w/proposed order) (gi) (Entered: 02/18/2003)
02/18/2003	50	MOTION by pltf for leave to file memorandum in excess of 25 pages (w/attached memorandum in support of mtn for summary judgment, statement of uncontested material facts, ntc of filing & proposed order) (gi) (Entered: 02/18/2003)

02/18/2003	51	MEMORANDUM OF THE COURT (cc: all counsel) EOD 2/19/03 (gi) (Entered: 02/19/2003)
02/18/2003	52	ORDER by Judge Robert L. Echols denying motion for class action determination [41-1] and denying mtn to consolidate [23-1] with respect to the request for consolidation of the instant case with civil action 3:00-0665 for trial purposes for reasons explained in the accompanying memorandum. Case referred to Magistrate Judge E. C. Knowles for further case management. EOD 2/19/03 (cc: all counsel) (gi) (Entered: 02/19/2003)
02/18/2003	53	MOTION by defts for summary judgment (gi) (Entered: 02/20/2003)
02/18/2003	54	MEMORANDUM by defts in support of motion for summary judgment [53-1] (w/attachments) (gi) (Entered: 02/20/2003)
02/18/2003	55	STATEMENT of undisputed facts by defts in support of [53-1] (gi) (Entered: 02/20/2003)
02/18/2003	56	NOTICE by defts of filing documents: excerpts of depositions of Damons, Dungan, Martins and Tighe and declaration of Kellogg (gi) (Entered: 02/20/2003)
02/18/2003	57	DECLARATION of Richard Kellogg re [53-1] (w/exhibits 1-4) (gi) (Entered: 02/20/2003)
02/25/2003	58	ORDER by Magistrate Judge E. C. Knowles granting motion for leave to file memorandum in excess of 25 pages [50-1]. EOD 2/26/03 (cc: all counsel) (gi) (Entered: 02/26/2003)
02/26/2003	59	MEMORANDUM by pltfs in support of motion for summary judgment [49-1] (gi) (Entered: 02/26/2003)
02/26/2003	60	STATEMENT of uncontested material facts by pltfs in support of [49-1] (gi) (Entered: 02/26/2003)
02/26/2003	61	JOINT NOTICE by pltfs of filing of documents (1-14) in support of mtns for summary judgment in civil action nos. 3:00-0665 and 3:01-0272 (documents 1-14 are filed in 3:00-0665) (gi) (Entered: 02/26/2003)
03/17/2003	62	RESPONSE by defts in opposition to motion for summary judgment [49-1]. (ot) (Entered: 03/18/2003)
03/17/2003	63	NOTICE by defts of filing of declarations of Joanna Damons, Kathleen Dungan and Kellie McCain re [62-1]. (w/attached copy of declartion of Joanna Damons and originals of Kathleen Dungan and Kellie McCain) (ot) (Entered: 03/18/2003)
03/17/2003	64	DECLARATION by defts of Kathleen Dungan re [62-1] (ot) (Entered: 03/18/2003)
03/17/2003	65	DECLARATION by defts of Kellie McCain re [62-1] (ot) (Entered: 03/18/2003)
03/17/2003	66	RESPONSE by defts to statement of uncontested material facts [60-1]. (ot) (Entered: 03/18/2003)
03/17/2003	67	RESPONSE by pltfs in opposition to motion for summary judgment [53-1] (ot) (Entered: 03/18/2003)
03/17/2003	68	RESPONSE by pltfs to statement of undisputed material facts [55-1] (ot) (Entered: 03/18/2003)
03/31/2003	69	REPLY by defts in support of motion for summary judgment [53-1] (ot) (Entered: 04/01/2003)
03/31/2003	70	REPLY by pltfs to response in opposition to motion for summary judgment [49-1] (ot) (Entered: 04/01/2003)
04/04/2003	71	RENEWED MOTION by pltfs for class certification (ot) (Entered: 04/07/2003)
04/04/2003	72	MEMORANDUM by pltfs in support of renwed motion for class certification [71-1] (ot) (Entered: 04/07/2003)

04/14/2003	73	ORDER by Magistrate Judge E. C. Knowles: The Court has been advised that the parties are ready for trial and that there is no need for further case management proceedings before the Magistrate Judge. The Clerk is directed forward the file to Judge Echols. There will be no further proceedings before the Magistrate Judge. (cc: all counsel) EOD 4/15/03 (vh) (Entered: 04/15/2003)
04/21/2003	74	RESPONSE by defts in opposition to renewed motion for class certification [71-1] (vh) (Entered: 04/21/2003)
04/23/2003	75	WITNESS/EXHIBIT list by defts (vh) (Entered: 04/23/2003)
04/23/2003		JOINT PROPOSED Pretrial Order (vh) (Entered: 04/24/2003)
04/23/2003	76	WITNESS/EXHIBIT list by pltfs (vh) (Entered: 04/24/2003)
04/23/2003	77	STIPULATIONS submitted by parties (vh) (Entered: 04/24/2003)
05/02/2003	78	CLERK'S RESUME: Pretrial conference held 5/2/03. Court is prepared to issue orders denying pending mtns for summary judgment. Court proposed discussion of consolidating cases which are presently consolidated for discovery for trial. Trial time estimated as 6-8 days. Court will contact mediator Norris and set up meeting at mutually convenient time. Trial date will probably be continued with the understanding that trial could be reset the end of Sept or mid November. C/R: Cathy Leigh (gi) (Entered: 05/05/2003)
05/07/2003	79	MEMORANDUM OF THE COURT (cc: all counsel) EOD 5/7/03 (vh) (Entered: 05/07/2003)
05/07/2003	80	ORDER by Judge Robert L. Echols: For the reasons stated in the memorandum entered contemporaneously entered herewith pltfs' renewed motion for class certification [71-1] is granted in part and denied in part. Pltfs' request to certify subclass four is granted, but denied in all other respects. Pltfs' motion for summary judgment [49-1] is denied. Defts' motion for summary judgment [53-1] is denied. (cc: all counsel) EOD 5/7/03 (vh) (Entered: 05/07/2003)
12/17/2003		PROPOSED Settlement Agreement (vh) (Entered: 12/18/2003)
12/17/2003		PROPOSED Stipulation of Settlements and Order of Provisional Approval of Settlement Agreements (w/attached exhibits A-C)(Exhibit A-Settlement Agreement in 3:00-0665; Exhibit B-Settlement Agreement in 3:01-0272; Exhibit C-Ntc of Proposed Settlements of Class Action Lawsuits in both actions) (gi) (Entered: 01/07/2004)
01/27/2004	81	STIPULATION OF SETTLEMENTS and ORDER OF PROVISIONAL APPROVAL OF SETTLEMENT AGREEMENTS by Judge Robert L. Echols: The form of ntc att'd hereto as Exhibit C is hereby approved. W/in 7 days following entry of this Order, State of Tennessee shall furnish to counsel for the other parties an electronic file containing the names & last known addresses of the individuals. W/in 14 days of the entry of this Order, the State will send the ntc of proposed class action settlement att'd hereto as Exhibit C to all individuals. Class members shall have 10 days prior to the date of the Fairness hearing to file written objections to the proposed settlement. Fairness hearing set for 1:30 p.m. on 4/12/04 . Any objections to the final approval of the settlement agreements must be filed w/ the Clerk's office 10 days prior to the fairness hearing. (w/ att'd exhibits A Settlement Agreement, B Settlement Agreement, C Ntc of Proposed Settlements of Class Action Lawsuits) (EOD 2/6/04) (cc: all counsel) (dlt) (Entered: 02/06/2004)
04/12/2004	82	CLERK'S RESUME: Fairness Hearing held 4/12/04 ; Pltf's Witness: Judy Brookshire; The Court is inclined to approve the proposed settlement in this case; order to enter. After the hearing, counsel for pltf was directed to submit a proposed final settlement order. C/R: Cathy Leigh (jb) (Entered: 04/15/2004)
04/20/2004		PROPOSED Agreed Order re settlement agreement (w/attached exhibit A) (km) (Entered: 04/20/2004)
06/17/2004	83	AGREED ORDER by Judge Robert L. Echols: Defts shall pay pltfs' reasonable atty fees. Pltfs shall submit their application for a fee award for legal services rendered to date within 45 days of the entry of this order. Based upon the approval of the settlement agreement in this matter, this action is dismissed with prejudice

		but with the court retaining jurisdiction for any award of atty fees. Settlement agreement as attached as Exhibit A is approved. (EOD 6/17/04) (cc: all counsel) (km) (Entered: 06/17/2004)
06/17/2004	84	JOINT APPLICATION by pltf for an award of attorneys' fees and reimbursement of expenses (km) (Entered: 06/17/2004)
06/28/2004	85	AGREED ORDER by Judge Robert L. Echols granting motion for an award of attorneys' fees and reimbursement of expenses [84-1] in the amount of \$211,383.40 to be paid by the State of Tennessee. (EOD 6/28/04) (cc: all counsel) (km) (Entered: 06/28/2004)