

CLOSED

**United States District Court
Southern District of West Virginia (Huntington)
CIVIL DOCKET FOR CASE #: 3:99-cv-00338**

H. et al v. Walker
Assigned to: Judge Robert C. Chambers
Cause: 42:1395 HHS: Adverse Reimbursement Review

Date Filed: 04/30/1999
Date Terminated: 04/08/2009
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Benjamin H.
by his next friend, Georgann H.

represented by **Daniel F. Hedges 1**
MOUNTAIN STATE JUSTICE, INC.
Suite 525
922 Quarrier Street
Charleston, WV 25301
304/344-3144
Fax: 344-3145
Email: dan@msjlaw.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey K. Matherly
BOWLES RICE MCDAVID GRAFF
& LOVE
P. O. Box 1386
Charleston, WV 25325-1386
304/347-1100
Fax: 347-1756
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kent Bryson
WV ADVOCATES, INC.
Litton Building, 4th Floor
1207 Quarrier Street
Charleston, WV 25301
304/346-0847
TERMINATED: 09/01/2000
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

M. Jane Perkins
NATIONAL HEALTH LAW PROGRAM
211 North Columbia Street
Chapel Hill, NC 27514
919/968-6308
Fax: 919/968-8855
Email: perkins@healthlaw.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Regan Bailey
P. O. Box 114
Friendship, MD 20758
410/257-0917
TERMINATED: 06/11/2008
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas J. Gillooly
P.O. Box 3024

Charleston, WV 25331
304/926-0460
Fax: 304/926-0461
Email: tgillooly@wvdep.org
TERMINATED: 06/11/2008
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Timothy R. Murphy
WEST VIRGINIA ADVOCATES
Litton Building, 4th Floor
1207 Quarrier Street
Charleston, WV 25301-1842
304/346-0847
Fax: 346-0867
TERMINATED: 02/24/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bren J. Pomponio
MOUNTAIN STATE JUSTICE, INC.
Suite 200
1031 Quarrier Street
Charleston, WV 25301
304/344-3144
Fax: 344-3145
Email: bren@msjlaw.org
ATTORNEY TO BE NOTICED

Jamie S. Alley
WV ADVOCATES, INC.
Litton Building, 4th Floor
1207 Quarrier Street
Charleston, WV 25301
304/346-0847
Fax: 304/346-0867
TERMINATED: 04/30/2001

Melissa K. Stacy
MEDLEY HARTLEY ADVOCACY
PROGRAM
4921 Elk River Road
Elkview, WV 25071
304/965-7516
Fax: 304/965-0542
Email: mkm329@hotmail.com
ATTORNEY TO BE NOTICED

Regenia L. Mayne
WEST VIRGINIA ADVOCATES
Litton Building, 4th Floor
1207 Quarrier Street
Charleston, WV 25301-1842
304/346-0847
Fax: 304/346-0867
Email: rmayne@wvadvocates.org
ATTORNEY TO BE NOTICED

Teresa L. Brown
WEST VIRGINIA ADVOCATES
Litton Building, 4th Floor
1207 Quarrier Street
Charleston, WV 25301-1842
304/346-0847
Fax: 304/346-0867

Email: tbrown@wvadvocates.org
ATTORNEY TO BE NOTICED

Plaintiff

David F.

by his guardian, Carolyn B.

represented by **Bren J. Pomponio**
MOUNTAIN STATE JUSTICE, INC.
Suite 200
1031 Quarrier Street
Charleston, WV 25301
304/344-3144
Fax: 304/344-3145
Email: bren@msjlaw.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Daniel F. Hedges 1
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey K. Matherly
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kent Bryson
(See above for address)
TERMINATED: 09/01/2000
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

M. Jane Perkins
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melissa K. Stacy
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Regan Bailey
(See above for address)
TERMINATED: 06/11/2008
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Regenia L. Mayne
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Teresa L. Brown
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas J. Gillooly
(See above for address)
TERMINATED: 06/11/2008
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Timothy R. Murphy

(See above for address)
TERMINATED: 02/24/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jamie S. Alley
(See above for address)
TERMINATED: 04/30/2001

Plaintiff

Lori Beth S.
by her next friend, Janie J.

represented by **Bren J. Pomponio**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Daniel F. Hedges 1
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey K. Matherly
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kent Bryson
(See above for address)
TERMINATED: 09/01/2000
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

M. Jane Perkins
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melissa K. Stacy
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Regan Bailey
(See above for address)
TERMINATED: 06/11/2008
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Regenia L. Mayne
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Teresa L. Brown
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas J. Gillooly
(See above for address)
TERMINATED: 06/11/2008
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Timothy R. Murphy

(See above for address)
TERMINATED: 02/24/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jamie S. Alley
(See above for address)
TERMINATED: 04/30/2001

Plaintiff

Thomas V.
by his next friend, Patricia V.

represented by **Bren J. Pomponio**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Daniel F. Hedges 1
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey K. Matherly
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kent Bryson
(See above for address)
TERMINATED: 09/01/2000
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

M. Jane Perkins
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melissa K. Stacy
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Regan Bailey
(See above for address)
TERMINATED: 06/11/2008
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Regenia L. Mayne
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Teresa L. Brown
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas J. Gillooly
(See above for address)
TERMINATED: 06/11/2008
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Timothy R. Murphy

(See above for address)
TERMINATED: 02/24/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jamie S. Alley
(See above for address)
TERMINATED: 04/30/2001

Plaintiff

Justin E.
by his next friend, Sherry E., individually
and on behalf of all others similarly
situated

represented by **Bren J. Pomponio**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Daniel F. Hedges 1
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey K. Matherly
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kent Bryson
(See above for address)
TERMINATED: 09/01/2000
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

M. Jane Perkins
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melissa K. Stacy
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Regan Bailey
(See above for address)
TERMINATED: 06/11/2008
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Regenia L. Mayne
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Teresa L. Brown
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas J. Gillooly
(See above for address)
TERMINATED: 06/11/2008
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Timothy R. Murphy

(See above for address)
TERMINATED: 02/24/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jamie S. Alley
(See above for address)
TERMINATED: 04/30/2001

V.

Defendant

Joan Ohl
*Secretary of the Department of Health
and Human Resources*
TERMINATED: 02/24/2005

represented by **Charlene A. Vaughan**
OFFICE OF THE ATTORNEY
GENERAL
State Capitol Complex
Building 3, Room 210
Charleston, WV 25305
304/558-2131
Fax: 304/558-0430
Email: Charlene.vaughan@wvago.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kimberly Stitzinger Jones
OFFICE OF ATTORNEY GENERAL
Consumer Protection Division
P. O. Box 1789
Charleston, WV 25326-1789
304/558-8986
Fax: 304/558-0184
Email: ksj@wvago.gov
TERMINATED: 06/10/2008

Defendant

Martha Yeager Walker
*Secretary of the Department of Health
and Human Resources*

represented by **Charlene A. Vaughan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alva Page , III
OFFICE OF THE ATTORNEY
GENERAL
State Capitol Complex
Building 3, Room 210
Charleston, WV 25305
304/558-2131
Email: apage@wvdhhr.org
TERMINATED: 09/16/2008

Kimberly Stitzinger Jones
(See above for address)
TERMINATED: 06/10/2008

Mary McQuain
OFFICE OF THE ATTORNEY
GENERAL
Room 251
350 Capitol Street
Charleston, WV 25301
304/558-6063
Fax: 304/558-1509
Email: marymcquain@wvdhhr.org

ATTORNEY TO BE NOTICED

Michael E. Bevers
OFFICE OF THE ATTORNEY
GENERAL
Room 251
350 Capitol Street
Charleston, WV 25301
304/558-1448
Fax: 304/558-1509
Email: Michael.E.Bevers@wv.gov
ATTORNEY TO BE NOTICED

Interested Party

Christina D.

represented by **Bren J. Pomponio**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey K. Matherly
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Interested Party

Sandy W.

represented by **Bren J. Pomponio**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey K. Matherly
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Interested Party

James S.

represented by **Bren J. Pomponio**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey K. Matherly
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Interested Party

Martin S.

represented by **Bren J. Pomponio**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey K. Matherly
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Interested Party

Rebecca B.

represented by **Bren J. Pomponio**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey K. Matherly
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Interested Party

Jan B.

represented by **Bren J. Pomponio**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey K. Matherly
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Interested Party

Sally M.

represented by **Bren J. Pomponio**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey K. Matherly
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Interested Party

Ramona G.

represented by **Bren J. Pomponio**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey K. Matherly
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Interested Party

Stephanie A.

represented by **Bren J. Pomponio**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey K. Matherly
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Interested Party

Jonathan F.

represented by **Bren J. Pomponio**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey K. Matherly
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Interested Party

Derrick B.

represented by **Bren J. Pomponio**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey K. Matherly
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Interested Party**Victoria S.**

represented by **Bren J. Pomponio**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey K. Matherly
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/30/1999	<u>1</u>	COMPLAINT, filed. (gan)
04/30/1999	<u>2</u>	NOTICE of Attorney Appearance for Benjamin H., David F., Lori Beth S., Thomas V., Justin E. by Jane Perkins (gan)
04/30/1999	<u>3</u>	MOTION by Benjamin H., David F., Lori Beth S., Thomas V., Justin E. for Preliminary Injunction (gan)
04/30/1999	<u>4</u>	MEMORANDUM by Benjamin H., David F., Lori Beth S., Thomas V., Justin E. in support of [3-1] motion for Preliminary Injunction (gan)
04/30/1999	<u>5</u>	APPLICATION by Benjamin H. to Proceed in Forma Pauperis . Referred to Magistrate Judge Taylor (gan)
04/30/1999	<u>6</u>	ORDER granting [5-1] application to Proceed in Forma Pauperis (signed by Magistrate Judge Taylor) (cc: attys) (gan)
04/30/1999	<u>7</u>	APPLICATION by David F. to Proceed in Forma Pauperis . Referred to Magistrate Judge Taylor (gan)
04/30/1999	<u>8</u>	ORDER granting [7-1] application to Proceed in Forma Pauperis (signed by Magistrate Judge Taylor) (cc: attys) (gan)
04/30/1999	<u>9</u>	APPLICATION by Lori Beth S. to Proceed in Forma Pauperis . Referred to Magistrate Judge Taylor (gan)
04/30/1999	<u>10</u>	ORDER granting [9-1] application to Proceed in Forma Pauperis (signed by Magistrate Judge Taylor) (cc: attys) (gan)
04/30/1999	11	APPLICATION by Thomas V. to Proceed in Forma Pauperis . Referred to Magistrate Judge Taylor (gan)
04/30/1999	<u>12</u>	ORDER granting [11-1] application to Proceed in Forma Pauperis (signed by Magistrate Judge Taylor) (cc: attys) (gan)
04/30/1999	<u>13</u>	APPLICATION by Justin E. to Proceed in Forma Pauperis . Referred to Magistrate Judge Taylor (gan)
04/30/1999	<u>14</u>	ORDER granting [13-1] application motion to Proceed in Forma Pauperis (signed by Magistrate Judge Taylor) (cc: attys) (gan)
04/30/1999		SUMMONS issued, original plus 1 copy for Joan Ohl Returnable days: 20. Summonses forwarded to USM for service. (gan)

04/30/1999		CASE assigned to Judge Robert C. Chambers. (tld) (Entered: 05/07/1999)
05/11/1999	<u>15</u>	ORDER Hearing on motion for preliminary injunction set for 06-30-99 at 1:30 p.m. (signed by Judge Robert C. Chambers) (cc: attys, Charlene Vaughn) (dcm)
05/12/1999	<u>16</u>	SUMMONS RETURNED EXECUTED by U.S. Marshal for Joan Ohl . Served summons and complaint on R. Neal Kerly, Administrative Services Assistant. Answer due on 5/27/99 for Joan Ohl (llc)
05/27/1999	<u>17</u>	STIPULATION by Pltfs. Benjamin H., David F., Lori Beth S., Thomas V., Justin E., and Deft. Joan Ohl Re: Extension of the 14 day deadline on filing of memoranda in response to motions pursuant to LR Civ P 4.01(c). The Deft. will have until 6/1/99 to file a memoranda in response to Pltfs.' Motion for Preliminary Injunction (ahr)
05/27/1999	<u>18</u>	ANSWER to Complaint by Joan Ohl (Attorney Charlene A. Vaughan, Kimberly Stitzinger), (sln) (Entered: 05/28/1999)
06/01/1999	<u>19</u>	ORDER AND NOTICE: Pursuant to the Local District Court Rules, the Court ORDERS that the following dates be fixed as the times by or on which certain events must occur: Rule 12(b) motions w/supporting briefs 6/28/99; Last day for Rule 26(f) meeting 7/19/99; Last day to file Rule 26(f) meeting report 7/26/99; Scheduling Conference with the Court 3:00 8/9/99; Entry of Scheduling Order due by 8/19/99; Last day to make Rule 26(a)(1) disclosures 8/23/99 (signed by Judge Robert C. Chambers) (cc: attys) (ahr)
06/01/1999	<u>20</u>	STIPULATION by plaintiff Benjamin H., plaintiff David F., plaintiff Lori Beth S., plaintiff Thomas V., plaintiff Justin E., defendant Joan Ohl re: Deft may have until 6/4/99 to file a Memorandum in response to Pltfs Motion for Preliminary Injunction (sln) (Entered: 06/02/1999)
06/01/1999	<u>21</u>	MOTION by Joan Ohl to Extend Time to Respond to Pltfs Motion for Preliminary Injunction (sln) (Entered: 06/02/1999)
06/02/1999	<u>22</u>	ORDER, granting stipulation/motion and extending time for filing of memorandum in response to pltfs' motion for preliminary injunction until 6/4/99. (signed by Judge Robert C. Chambers) (cc: attys) (gan)
06/04/1999	<u>23</u>	MEMORANDUM by Joan Ohl in opposition to [3-1] motion for Preliminary Injunction by Justin E., Thomas V., Lori Beth S., David F., Benjamin H. (sln) (Entered: 06/07/1999)
06/28/1999	<u>24</u>	REPLY by Benjamin H., David F., Lori Beth S., Thomas V., Justin E. to deft's memorandum in opposition to [3-1] motion for Preliminary Injunction by Justin E., Thomas V., Lori Beth S., David F., Benjamin H. (sln)
06/28/1999	<u>25</u>	MOTION by Joan Ohl to Dismiss (sln) (Entered: 06/29/1999)
06/28/1999	<u>26</u>	MEMORANDUM by Joan Ohl in support of [25-1] motion to Dismiss by Joan Ohl (sln) (Entered: 06/29/1999)
06/30/1999		COURT PROCEEDING PRELIMINARY INJUNCTION; JUDGE CHAMBERS; COURT REPORTER RUFFNER. (skm) (Entered: 07/01/1999)
07/01/1999		COURT PROCEEDING - Preliminary Injunction Hearing - Day 2; JUDGE Chambers; COURT REPORTER Ruffner (ahr) (Entered: 07/02/1999)
07/01/1999	<u>27</u>	WITNESS LIST by Benjamin H., David F., Lori Beth S., Thomas V., Justin E., Joan Ohl (ahr) (Entered: 07/02/1999)
07/01/1999		EXHIBIT LIST by Benjamin H., David F., Lori Beth S., Thomas V., Justin E., with admitted exhibits attached (ahr) (Entered: 07/02/1999)
07/01/1999		EXHISIT LIST by Joan Ohl, with admitted exhibits attached (ahr) (Entered: 07/02/1999)
07/07/1999	<u>28</u>	TRANSCRIPT filed for dates of 06/30/99 Re: Preliminary Injunction - Volume I - before the Honorable Robert C. Chambers, United States District Judge. (skm)

07/07/1999	<u>29</u>	TRANSCRIPT filed for dates of 07/01/99 Re: Preliminary Injunction – Volume II – before the Honorable Robert C. Chambers, United States District Judge. (skm)
07/08/1999	<u>30</u>	SUPPLEMENTARY NOTE OF AUTHORITY by Benjamin H., David F., Lori Beth S., Thomas V., Justin E., with attachments (ahr)
07/12/1999	<u>31</u>	ORDER: This matter is before the Court on Pltf.'s "Supplementary Note of Authority." The Pltfs. assert that the Defts. conduct with regard to the Waiver program violates the district court order entered in Miller v. Lipscomb, CA No.: 74–390. Upon review of the filing, the Court finds that the Pltfs. have raised a new issue not previously addressed in their complaint or in the preliminary injunction motion. Accordingly, the Court declines to address it at this time. The Deft. shall file a response to the "Supplementary Note of Authority" within fourteen (14) days of entry of this Order (signed by Judge Robert C. Chambers) (cc: attys) (ahr)
07/15/1999	<u>32</u>	COMPLIANCE PROPOSAL SCHEDULING ORDER: Pltfs to submit to Court their brief regarding the proposed preliminary certification of the class &any appropriate subclasses identified by pltfs by 8/16/99; deft's response due by 9/2/99, &pltf's reply by 9/9/99; deft to submit its proposal for compliance w/the Memo. Opinion and Order, including a timetable, to remedy deft's violations &to conform the State's practices &policies to the federal requirements by 8/16/99 &address, at a minimum, the matters specifically set forth herein; The Court recommends that the parties confer to discuss the terms &details of the State's proposal &resolve any disputes; if parties are unable to agree, pltfs to file objections &recommendations by 9/2/99; deft to file reply by 9/9/99; the Court will then enter an Order specifying &granting the preliminary relief. (signed by Judge Robert C. Chambers) (cc: attys) (sln)
07/15/1999	<u>33</u>	MEMORANDUM OPINION AND ORDER granting [3–1] motion for Preliminary Injunction; pltfs' are entitled to a preliminary injunction. By separate Order, the Court will issue a briefing schedule and instructions so that the parties may assist the Court in properly structuring the necessary relief. (signed by Judge Robert C. Chambers) (cc: attys) (sln) Modified on 07/15/1999
07/15/1999	<u>34</u>	ORDER denying [25–1] motion to Dismiss, w/out prejudice. (signed by Judge Robert C. Chambers) (cc: attys) (sln) Modified on 07/15/1999
07/23/1999	<u>35</u>	REPORT OF PARTIES' PLANNING MEETING by Benjamin H., David F., Lori Beth S., Thomas V., Justin E., Joan Ohl to the Court pursuant to Rule 26, Federal Rules of Civil Procedure. (skm)
07/26/1999	<u>36</u>	RESPONSE by Joan Ohl to [30–1] Supplementary Note of Authority. (skm) (Entered: 07/29/1999)
07/28/1999	<u>37</u>	SCHEDULING ORDER: and pursuant to Rule 16(b), FRCivP and LRCivP 2.01(e), this case shall proceed as follows:Joining of Parties, amended pleadings by 8/27/99 Discovery 1/3/00 Expt Wit by party bearing the burden of proof 11/4/99 due by party not bearing burden of proof by 11/24/99 and to solely contradict or rebut evidence 12/14/99 Sum Jgmt and Disp Motions except 12(b) due by 1/18/00 Settlement meeting no later than 1/24/00 Pltf's portion of proposed PTO to deft 2/1/00 Integrated proposed Pretrial Order by 02/07/00 Pretrial Conference 11:30 2/14/00 Proposed Jury Charge due by 3/2/00 Final Settlement Conference 10:00 3/6/00 Trial 9:30 3/7/00 Court further Cancels the scheduling conference set for 08/09/99; all proceedings shall be held at the United States Courthouse in Huntington, WV (signed by Judge Robert C. Chambers)(cc: attys). (skm) Modified on 07/29/1999 (Entered: 07/29/1999)
07/28/1999		LOCAL RULES OF MAGISTRATE JUDGE PROCEDURE NO 2.03 – DISCOVERY MATTERS: Nondispositive discovery and pretrial motions relating to discovery practice are referred to magistrate judges in the divisions in which they are filed, with review of magistrate judges' decisions as provided for in FR Civ P 72(a). REFERRED TO Magistrate Judge Taylor . (skm) (Entered: 07/29/1999)
08/17/1999	<u>38</u>	MOTION by Benjamin H., David F., Lori Beth S., Thomas V., Justin E. to Certify Class (skm)

08/17/1999	<u>39</u>	MEMORANDUM by Benjamin H., David F., Lori Beth S., Thomas V., Justin E. in support of [38-1] motion to Certify Class by Justin E., Thomas V., Lori Beth S., David F., Benjamin H. (skm)
08/24/1999	<u>40</u>	RULE 26(a) DISCLOSURES by Benjamin H., David F., Lori Beth S., Thomas V., Justin E. to the Court pursuant to Rule 26, Federal Rules of Civil Procedure. (skm) Modified on 08/24/1999
09/02/1999	<u>41</u>	MEMORANDUM by Joan Ohl in opposition to [38-1] motion to Certify Class by Justin E., Thomas V., Lori Beth S., David F., Benjamin H. (gan) (Entered: 09/03/1999)
09/03/1999	<u>42</u>	PLAINTIFFS' RESPONSE to defendnat's Proposal for Compliance with Memorandum Opinion and Order (gan)
09/09/1999	<u>43</u>	REPLY by Joan Ohl to Pltf.'s response to Deft.'s Proposal for Compliance with Memorandum Opinion and Order (ahr) (Entered: 09/10/1999)
09/10/1999	<u>44</u>	REPLY by Benjamin H., David F., Lori Beth S., Thomas V., Justin E. to memorandum opposition response to [38-1] Motion to Certify Class by Justin E., Thomas V., Lori Beth S., David F., Benjamin H. (ahr)
10/08/1999	<u>45</u>	MEMORANDUM OPINION AND ORDER granting Pltfs.' [38-1] Motion to Certify Class (signed by Judge Robert C. Chambers) (cc: attys) (ahr)
10/08/1999	<u>46</u>	ORDER: Pursuant to Fed. R. Civ. P. 16, the Court will hold a hearing regarding the preliminary injunction relief on 10/22/99, at 10:00 a.m. The Deft. is ordered to appear in person with counsel (signed by Judge Robert C. Chambers) (cc: attys) (ahr)
10/18/1999	<u>47</u>	MOTION by Benjamin H., David F., Lori Beth S., Thomas V., Justin E. to Amend [1-1] complaint (with unsigned proposed amended complaint attached) (skm)
10/25/1999	<u>48</u>	MOTION (RESPONSE) by Joan Ohl in opposition to [47-1] motion to Amend [1-1] complaint by Justin E., Thomas V., Lori Beth S., David F., Benjamin H. (gan) (Entered: 10/26/1999)
10/27/1999	<u>49</u>	SUPPLEMENT by Joan Ohl to Deft.'s [48-1] Motion in Opposition to the Pltfs.' [47-1] Motion to Amend Complaint (ahr) (Entered: 10/28/1999)
10/28/1999	<u>50</u>	ORDER granting [47-1] motion to Amend [1-1] complaint. (signed by Judge Robert C. Chambers) (cc: attys) (gan)
10/29/1999	<u>51</u>	SUPPLEMENT TO [48-1] RESPONSE/MOTION by Joan Ohl in opposition to pltf's [47-1] motion to Amend [1-1] complaint. (pdb)
10/29/1999	<u>52</u>	TRANSCRIPT filed for 10/22/99, Re: Motion Hearing held before Judge Chambers (gan)
11/02/1999	<u>53</u>	LETTER from WV Attorney General's Office to the Honorable Robert Chambers, dated 10/29/99, Re: Behavioral Health Centers Services to Pltfs. (ahr) (Entered: 11/04/1999)
11/09/1999	<u>54</u>	ORDER Court directed Deft. to file a new proposed compliance plan no later than 11/12/99; Plaintiffs have ten days from receipt of Deft's. compliance plan to file any objections; Deft. has seven days from receipt of Plaintiffs' objections to file any response. (signed by Judge Robert C. Chambers) (cc: attys) (skm) Modified on 11/09/1999
11/15/1999	<u>55</u>	RESPONSE by Joan Ohl to the Court's Order of 11/9/99, Re: Revised Proposal for Compliance, with attachments (ahr)
11/24/1999	<u>56</u>	REPLY by Benjamin H, David F, Lori Beth S., Thomas V., Justin E. to [55-1] Revised Response/Proposal for Compliance by Joan Ohl to the Court's Order of 7/15/99 (ahr)
11/26/1999	<u>57</u>	NOTICE OF CHANGE OF ADDRESS by Regan Bailey, co-counsel for Benjamin H., David F., Lori Beth S., Thomas V., Justin E. (gan)

11/30/1999	<u>58</u>	REPLY by Joan Ohl to [56-1] response to [55-1] Revised Proposal for Compliance with the Memorandum Opinion and Order (ahr) (Entered: 12/02/1999)
12/29/1999	<u>59</u>	SUPPLEMENTAL PLEADING by Joan Ohl, Secretary of the Department of Health and Human Resources, with attachments (ahr) Modified on 12/30/1999 (Entered: 12/30/1999)
01/21/2000	<u>60</u>	ORDER SETTING COMPLIANCE HEARING AND STATUS CONFERENCE: Pending before the Court is the matter of preliminary injunctive relief and the Deft.'s proposed compliance with the Court's Memorandum Opinion and Order. The Court sets certain deadlines for document submittals and sets a hearing on 2/17/00 at 10:00 a.m. (signed by Judge Robert C. Chambers) (cc: attys) (ahr)
01/28/2000	<u>61</u>	NOTICE OF CHANGE OF ADDRESS by Kimberly L. Stitzinger, counsel for Joan Ohl (gan)
02/04/2000	<u>62</u>	UPDATED COMPLIANCE PROPOSAL filed by defendant, Joan Ohl (gan) Modified on 02/10/2000 (Entered: 02/08/2000)
02/10/2000	<u>63</u>	ORDER, Pretrial Conference 10:00 2/17/00 will now be held in conjunction with the motion hearing set for 02/17/00 at 10:00. (signed by Judge Robert C. Chambers) (cc: attys) (skm) Modified on 02/10/2000
02/14/2000	<u>64</u>	RESPONSE by Benjamin H., David F., Lori Beth S., Thomas V., Justin E. to [62-1] Defendant's Revised Proposal for Complaince (gan)
02/17/2000		COMPLIANCE HEARING/Pre-Trial Conference held (Judge Robert C. Chambers ; Court Reporter: Ruffner) (skm) Modified on 02/17/2000
02/17/2000		Exhibit list by Joan Ohl. (skm)
02/18/2000	<u>65</u>	ORDER: On the 17th day of February, 2000, came the parties for a hearing on Deft.'s compliance with the preliminary injunction. At this hearing, the Deft. represented that they would be prepared to file a new renewal plan with the Court and the Pltfs. by Friday, February 25, 2000. The Court DIRECTED the Pltfs. to contact the Court to schedule a hearing after they have had an opportunity to briefly review the renewal plan. The Court also DIRECTED the parties to submit a refined Pre-Trial Order by February 22, 2000 identifying which issues will be subject to presentation of evidence at trial and which issues can be dealt with as a matter of law. The Court also suggested, and the parties agreed, to meet in an attempt to come to an agreement on the due process system (signed by Judge Robert C. Chambers) (cc: attys) (ahr)
02/22/2000	<u>66</u>	PRETRIAL ORDER filed (signed by Judge Robert C. Chambers) (dcm)
02/22/2000	<u>67</u>	NOTICE by Joan Ohl TO TAKE DEPOSITION of Ruth Sullivan on 2/23/00 at 10:00 (dcm) (Entered: 02/23/2000)
02/23/2000	<u>68</u>	TRANSCRIPT of Status Conference and Pretrial Hearing filed for date of 02/17/00 (Judge Chambers, Reporter Ruffner) (skm) (Entered: 02/24/2000)
02/25/2000	<u>69</u>	WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES' MR/DD WAIVER RENEWAL APPLICATION. (skm) (Entered: 02/28/2000)
02/28/2000	<u>70</u>	OBJECTION by Joan Ohl to oral motion to amend pretrial order and MOTION by Joan Ohl to Deny oral motion to amend pretrial order (gan) Modified on 02/29/2000
03/01/2000	<u>71</u>	ORDER The Court will address the Plaintiff's objections to the renewal plan prior to the beginning of the trial scheduled for Tuesday, 03/06/00; the Deft. is enjoined from filing the renewal plan with the federal agency until on or after 03/13/00. (signed by Judge Robert C. Chambers) (cc: attys) (skm) Modified on 03/01/2000
03/07/2000	<u>72</u>	AMENDED PRETRIAL ORDER filed (signed by Judge Robert C. Chambers) (ahr)
03/07/2000	<u>73</u>	ORDER: The Court grants Deft.'s objections to the addition of a claim under 42 U.S.C. Section 1396a(a)(23) in the Pretrial Order. The Court struck reference to this statute from the Pretrial Order. Pltfs. then moved to amend the complaint to add this claim. For reasons appearing more fully on the record, the Court

		GRANTED Pltfs.' motion. The Court DIRECTED the Deft. to answer the second amended complaint within ten days of service thereof (signed by Judge Robert C. Chambers) (cc: attys) (ahr)
03/07/2000	<u>74</u>	ORDER: It is hereby ORDERED and DECREED that: (1) All persons who apply for Title XIX Home and Community Cased Waiver Services are entitled to an eligiblity determination within 90 days of the date of application, subject to the provisions of 42 C.F.R. Sectoin 435.911(a)–(e). At the time of such application, the applicant will receive a statement of his/her rights, including but not limited to, the right to an eligibility determination within 90 days and all rights contained in the attached "Notice of Decision". Applications may be presented to a behavioral health center, the Waiver Program Coordinator, or any local DHHR office. No person shall be discouraged from applying; (2) All person shall be afford 90 days to request a hearing. Any applicant, recipient or authorized representative may request a hearing and must do so either by any written request or by using the attached "Request for Hearing". Those who request a hearing shall be entitled to a final administrative action within 90 days; (3) DHHR shall use the attached "Notice of Decision" and "Request for Hearing" forms in all notices to applicants or recipients in Title XIX Home and Community Based Waiver contexts whenever services are denied, reduced, terminated, or delayed (signed by Judge Robert C. Chambers) (cc: attys) (ahr)
03/07/2000		COURT PROCEEDING – Trial to the Court – Day 1; JUDGE Chambers; COURT REPORTER Ruffner (ahr) (Entered: 03/09/2000)
03/07/2000	<u>75</u>	WITNESS LIST by Pltfs. Benjamin H., David F., Lori Beth S., Thomas V., Justin E., and Deft. Joan Ohl (ahr) (Entered: 03/09/2000)
03/07/2000		EXHIBIT LIST by Benjamin H., David F., Lori Beth S., Thomas V., Justin E., with attachments (ahr) (Entered: 03/09/2000)
03/07/2000		EXHIBIT LIST by Joan Ohl, with attachments (ahr) (Entered: 03/09/2000)
03/10/2000	<u>76</u>	TRANSCRIPT filed for date of 3/7/00 before Robert C. Chambers, U.S. District Judge Re: Trial to the Court (ahr)
03/15/2000	<u>77</u>	ORDER All prospective issues raised by Counts I, II, and IV–VI are compromised and settled; the Court retains jurisdiction to assure compliance with the terms ordered herein. (signed by Judge Robert C. Chambers) (cc: attys) (skm) Modified on 03/16/2000
03/17/2000	<u>78</u>	SECOND AMENDED COMPLAINT by Benjamin H., David F., Lori Beth S., Thomas V., Justin E. (gan)
03/20/2000	<u>79</u>	TRANSCRIPT of evidentiary depositions of witnesses Lin Preston, Linda Williams and Walt DeWalt taken on 3/14/00. (gan)
03/28/2000	<u>80</u>	MOTION by Joan Ohl to Admit Evidence , with attachments (ahr)
03/30/2000	<u>81</u>	SUPPLEMENTAL PLEADING by Joan Ohl, with attachment (ahr)
04/03/2000	<u>82</u>	POST TRIAL MEMORANDUM by Benjamin H., David F., Lori Beth S., Thomas V., Justin E. (skm)
04/03/2000	<u>83</u>	STIPULATION/MOTION by Pltfs. Benjamin H., David F., Lori Beth S., Thomas V., Justin E. and Deft. Joan Ohl to Extend Time up to and including 4/15/00 to file an Answer to Pltfs.' Second Amended Complaint (ahr) (Entered: 04/04/2000)
04/05/2000	<u>84</u>	SUPPLEMENTAL PLEADING by Joan Ohl, re: Letter regarding assessment (gan) (Entered: 04/06/2000)
04/11/2000	<u>85</u>	MOTION by Joan Ohl to Dismiss Plaintiffs' Second Amended Complaint (skm) (Entered: 04/12/2000)
04/20/2000	<u>86</u>	RESPONSE by Joan Ohl in opposition to [82–1] trial brief by Justin E., Thomas V., Lori Beth S., David F., Benjamin H. (skm) (Entered: 04/21/2000)
04/21/2000	<u>87</u>	STIPULATION by plaintiff Benjamin H., plaintiff David F., plaintiff Lori Beth S., plaintiff Thomas V., plaintiff Justin E., defendant Joan Ohl re: Extension of Time

		for Submission of Statement of Rights until 05/01/00. (dcm) (Entered: 04/24/2000)
05/01/2000	<u>88</u>	RESPONSE by Benjamin H., David F., Lori Beth S., Thomas V., Justin E. to [85-1] motion to Dismiss Plaintiffs' Second Amended Complaint by Joan Ohl (skm)
05/03/2000	<u>89</u>	REPLY by Benjamin H., David F., Lori Beth S., Thomas V., Justin E. in opposition to [86-1] opposition memorandum by Joan Ohl (skm)
05/10/2000	<u>90</u>	STIPULATION by plaintiff Benjamin H., plaintiff David F., plaintiff Lori Beth S., plaintiff Thomas V., plaintiff Justin E., defendant Joan Ohl re: Extension of Time for Submission of Statement of Rights until 05/15/00. (dcm)
05/15/2000	<u>91</u>	SUPPLEMENTAL PLEADING (Statement of Rights) submitted by the parties. (dcm) (Entered: 05/16/2000)
06/08/2000	<u>92</u>	NOTICE OF CHANGE OF ADDRESS by Regan Bailey, Esq., co-counsel for Benjamin H., David F., Lori Beth S., Thomas V., Justin E. (gan)
07/13/2000	<u>93</u>	SUPPLEMENTAL POST TRIAL MEMORANDUM by Benjamin H., David F., Lori Beth S., Thomas V., Justin E. (dcm)
07/19/2000	<u>94</u>	ORDER The parties to appear on 07/24/00 at 9:30 am to provide supplemental arguments in support of their respective positions as to each of the pending matters (Court's Findings of Fact and Conclusions of Law with respect to the bench trial held in relation to the claim stated in paragraph 90 of Ct. VIII and deft's motion to dismiss the remaining claim stated in paragraph 71 of Ct. III (signed by Judge Robert C. Chambers) (cc: attys) (dcm)
07/25/2000	<u>95</u>	ORDER denying [85-1] motion to Dismiss Plaintiffs' Second Amended Complaint; Court Orders the parties to set up a conference call with the Court on Monday, 07/31/00, the Deft. shall set up a time with lead counsel for the Plaintiff and contact the Court to schedule the call. (signed by Judge Robert C. Chambers) (cc: attys) (skm) (Entered: 07/26/2000)
08/01/2000	<u>96</u>	ANSWER to Second Amended Complaint by Joan Ohl (dcm) (Entered: 08/02/2000)
08/04/2000	<u>97</u>	SUPPLEMENTAL PLEADING regarding "MR/DD WAIVER RENEWAL APPLICATION" submitted by defendant (gan) (Entered: 08/07/2000)
08/09/2000	<u>98</u>	MEMORANDUM OPINION AND ORDER AS TO COUNT VIII The Court finds that judgment should be entered for deft. (signed by Judge Robert C. Chambers) (cc: attys) (dcm)
08/28/2000	<u>99</u>	CERTIFICATE OF SERVICE by Benjamin H., David F., Lori Beth S., Thomas V., Justin E. of Interrogatories and Request for Production to Deft. (skm)
09/01/2000	<u>100</u>	NOTICE of Substitution of Counsel for Benjamin H., David F., Lori Beth S., Thomas V., Justin E. by Jamie Alley (gan)
09/29/2000	<u>101</u>	CERTIFICATE OF SERVICE by Joan Ohl of Defendant's Responses to Plaintiffs' Interrogatories and Request for Production of Documents to Defendants (klc) (Entered: 10/02/2000)
10/16/2000	<u>102</u>	SUPPLEMENTAL PLEADING by defendant (gan) (Entered: 10/17/2000)
02/22/2001	<u>103</u>	CERTIFICATE OF SERVICE by Benjamin H., David F., Lori Beth S., Thomas V., Justin E. of Interrogatories and Request for Production to Defts.-2nd Set. (skm)
03/26/2001	<u>104</u>	CERTIFICATE OF SERVICE by West Virginia Department of Health and Human Resources of Defendant's Responses to Plaintiffs' Interrogatories and Request for Production of Documents to Defendants - 2nd Set (klc) (Entered: 03/27/2001)
04/30/2001	<u>105</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Justin E., Thomas V., Lori Beth S., David F., Benjamin H. Substituting Reagan Whitmyer for Jamie Alley as counsel for plaintiffs (gan) (Entered: 05/01/2001)
01/22/2002	<u>106</u>	STANDING ORDER IN RE: REFERRAL OF CIVIL ACTION MATTERS TO MAGISTRATE JUDGES ENTERED DECEMBER 28, 2001, NUNC PRO TUNC

		DECEMBER 26, 2001: Pursuant to 28 USC 636, certain types of civil actions and certain types of motions in civil cases shall be referred to the divisions as follows: For Beckley and Bluefield, to Magistrate Judge R. Clarke VanDervort; for Charleston and Parkersburg, to Magistrate Judge Mary E. Stanley; for Huntington, to Magistrate Judge Maurice G. Taylor, Jr.; the types of motions referred in all civil actions are: (1) applications to proceed in forma pauperis; (2) discovery disputes; and (3) discovery issues that arise post-judgment, such as interrogatories in aid of execution, judgment debtor examinations, and motions to compel answers to suggestions; the types of civil actions referred for total pretrial management and/or proposed findings of fact and recommendations for disposition are: (1) Actions for judicial review of an administrative determination under the Social Security Act, including applications for award of attorneys' fees and expenses under the Social Security Act or the Equal Access to Justice Act; and (2) Actions filed by persons proceeding pro se, whether in custody or not, until such person is represented by counsel; this order supersedes prior standing orders and referral orders in pending cases, but prior rulings made thereunder remain the law of the particular case. THIS CASE REFERRED TO Magistrate Judge Taylor. (cc: attys; any unrepresented party) (gan)
05/30/2002	<u>107</u>	NOTICE of SUBSTITUTION OF COUNSEL by Timothy R. Murphy for Justin E., Thomas V., Lori Beth S., David F., Benjamin H. (skm)
06/03/2002	<u>108</u>	ORDER It is hereby Ordered that the appearance of Reagan Whitmyer be stricken from the record. (signed by Judge Robert C. Chambers) (cc: attys) (skm)
08/22/2002	<u>109</u>	ORDER The Court notes that no significant activity has occurred in this action for more nearly 18 months. Therefore the Court intends to dismiss this action while retaining jurisdiction to enforce the Court's prior Orders; the Court directs the parties to file any objection or otherwise show cause in opposition in writing on or before 09/03/02. (signed by Judge Robert C. Chambers) (cc: attys) (skm) Modified on 08/22/2002
08/27/2002	<u>110</u>	MOTION by Justin E., Thomas V., Lori Beth S., David F., Benjamin H. Seeking Contempt Ruling against Defendant (gan)
08/30/2002	<u>111</u>	JOINT STIPULATION/RESPONSE by Joan Ohl, Justin E., Thomas V., Lori Beth S., David F., Benjamin H. to the Court's Order of 08/22/02, re: Joint Stipulation that the Court should retain jurisdiction for (1) enforcement issues and (2) attorney fee and costs issues. (skm) (Entered: 09/03/2002)
09/11/2002	<u>112</u>	RESPONSE by Joan Ohl in opposition to [110-1] motion Seeking Contempt Ruling against Defendant by Benjamin H., David F., Lori Beth S., Thomas V., Justin E. (skm)
09/20/2002	<u>113</u>	ORDER denying [110-1] motion Seeking Contempt Ruling against Defendant, dismissing Counts I, II, IV, V and VI as compromised and settled; dismissing Count VIII in favor of the Deft, following a bench trial; dismissing III and VII without prejudice; granting leave to counsel for Pltfs until 10/15/02 to file motion seeking attorneys fees or costs (signed by Judge Robert C. Chambers) (cc: attys) (klc)
09/20/2002		CASE NO LONGER REFERRED TO Magistrate Judge Taylor. (klc) Modified on 09/23/2002 (Entered: 09/23/2002)
09/20/2002		Case closed. (klc) (Entered: 09/23/2002)
10/17/2002	114	MOTION by David F., Lori Beth S., Thomas V., Justin E. for Award of Attorney Fees and Costs in the Amount of \$139,625.05 . (gan) Modified on 10/17/2002
10/17/2002	<u>115</u>	ORDER granting [114-1] motion for Award of Attorney Fees and Costs – Mountain State Justice – \$45,976.11; West Virginia Advocates and Regan Bailey – \$39,936.86; and National Health Law Program and Jane Perkins – \$39,965.30. (signed by Judge Robert C. Chambers) (cc: attys) (skm)
02/18/2003	<u>116</u>	NOTICE of Attorney Appearance for Christina D., Sandy W., James S., Martin S., Rebecca B., Jan B., Sally M., Ramona G., Stephanie A., Jonathan F., Derrick B., Victoria S. by Jeffrey K. Matherly (klc)

02/18/2003	<u>117</u>	MOTION by Christina D., Sandy W., James S., Martin S., Rebecca B., Jan B., Sally M., Ramona G., Stephanie A., Jonathan F., Derrick B., Victoria S. Seeking Enforcement Ruling Against Defendant (klc)
02/18/2003	<u>118</u>	MEMORANDUM by Christina D., Sandy W., James S., Martin S., Rebecca B., Jan B., Sally M., Ramona G., Stephanie A., Jonathan F., Derrick B., Victoria S. in support of [117-1] motion Seeking Enforcement Ruling Against Defendant (klc)
03/04/2003	<u>119</u>	RESPONSE by Joan Ohl (Paul Nusbaum) to [117-1] motion Seeking Enforcement Ruling Against Defendant by Victoria S., Derrick B., Jonathan F., Stephanie A., Ramona G., Sally M., Jan B., Rebecca B., Martin S., James S., Sandy W., Christina D. (klc)
03/12/2003	<u>120</u>	REPLY by Justin E., Thomas V., Lori Beth S., David F., Benjamin H. to response to [117-1] motion Seeking Enforcement Ruling Against Defendant by Victoria S., Derrick B., Jonathan F., Stephanie A., Ramona G., Sally M., Jan B., Rebecca B., Martin S., James S., Sandy W., Christina D. (skm)
03/27/2003	<u>121</u>	ORDER Class counsel to respond to motion by individual members of the pltf class seeking to enforce the ruling against the defbt by 04/10/03. (signed by Judge Robert C. Chambers) (cc: attys) (dcm)
04/02/2003	<u>122</u>	REQUEST/MOTION by Justin E., Thomas V., Lori Beth S., David F., Benjamin H. to Extend Time to Respond to Motion (klc) Modified on 04/07/2003 (Entered: 04/03/2003)
04/03/2003	<u>123</u>	ORDER granting [122-1] motion to Extend Time to Respond to Motion; the Court directs class counsel to file a response on or before 04/14/03 (signed by Judge Robert C. Chambers) (cc: attys) (skm) (Entered: 04/04/2003)
04/14/2003	<u>124</u>	JOINT REPORT by Joan Ohl, Justin E., Thomas V., Lori Beth S., David F., Benjamin H. to the Court pursuant to Rule 26, Federal Rules of Civil Procedure. (klc) (Entered: 04/17/2003)
04/24/2003	<u>125</u>	ORDER The Court Grants the request of the parties for additional time to investigate and discuss certain issues; the Court Grants the request and Directs counsel to file a joint report on or before 05/30/03, identifying any remaining issues and the status of the parties' efforts to resolve them through agreement. (signed by Judge Robert C. Chambers) (cc: attys) (skm) (Entered: 04/25/2003)
06/02/2003	<u>126</u>	SECOND JOINT REPORT of the parties on Consent Order Implementation (gan) (Entered: 06/03/2003)
06/11/2003	<u>127</u>	ORDER Counsel to file a joint report by 07/15/03, identifying any remaining issues and the status of the parties' efforts to resolve them through agreement. (signed by Judge Robert C. Chambers) (cc: attys) (dcm)
07/15/2003	<u>128</u>	THIRD JOINT REPORT on Consent Order Implementation (klc) Modified on 07/17/2003
07/24/2003	<u>129</u>	ORDER The parties granted an extension until 09/15/03 to submit hearing procedures manual and a report addressing any remaining issues. (signed by Judge Robert C. Chambers) (cc: attys) (dcm)
08/01/2003	<u>130</u>	ATTACHMENT TO REPORT filed on 07/15/03 by Joan Ohl, Justin E., Thomas V., Lori Beth S., David F., Benjamin H. to the Court pursuant to Rule 26, Federal Rules of Civil Procedure. (skm)
09/15/2003	131	JOINT PROGRESS REPORT on Consent Order Implementation. (dcm)
09/17/2003	132	ORDER denying as moot [117-1] motion Seeking Enforcement Ruling Against Defendant (signed by Judge Robert C. Chambers) (cc: attys) (dcm)
02/24/2005	<u>133</u>	NOTICE OF SUBSTITUTION OF COUNSEL AND SUBSTITUTION OF PARTY DEFENDANT by Plaintiffs Benjamin H., David F., Lori Beth S., Thomas V., Justin E. Thomas J. Gillooly, Legal Director of West Virginia Advocates, Inc. substituted for Timothy R. Murphy who resigned his position with West Virginia Advocates, Inc. effective 10/1/2004. Incumbent Secretary of the Department of Health and Human Resources, Martha Yeager Walker substituted for predecessor

		secretary pursuant to FRCivP 25(d)(1). (gan)
03/21/2008	<u>134</u>	NOTICE OF APPEARANCE by Teresa L. Brown on behalf of Benjamin H., David F., Lori Beth S., Thomas V. and Justin E. (Brown, Teresa) (Modified on 3/26/2008 to add additional filer) (skh).
03/21/2008	<u>135</u>	NOTICE OF APPEARANCE by Regenia L. Mayne on behalf of Benjamin H., David F., Lori Beth S., Thomas V. and Justin E. (Mayne, Regenia) (Modified on 3/26/2008 to add additional filers) (skh).
03/25/2008	<u>136</u>	NOTICE OF ATTORNEY APPEARANCE by Melissa K. Stacy on behalf of Benjamin H., David F., Lori Beth S., Thomas V. and Justin E. (Stacy, Melissa) (Modified on 3/26/2008 to add additional filers) (skh).
03/25/2008	<u>137</u>	NOTICE OF ATTORNEY APPEARANCE by Charlene A. Vaughan, Alva Page III on behalf of Martha Yeager Walker (Vaughan, Charlene) (Modified on 3/26/2008 to add additional appearing attorney) (skh).
03/26/2008	<u>138</u>	MOTION by Benjamin H., David F., Lori Beth S., Thomas V. and Justin E. for Enforcement of the Order entered March 15, 2000 (Hedges 1, Daniel) (Modified for clarity and to add additional filers on 3/26/2008) (skh).
03/26/2008	<u>139</u>	MEMORANDUM by Benjamin H., David F., Lori Beth S., Thomas V. and Justin E. in support of <u>138</u> MOTION by Benjamin H., David F., Lori Beth S., Thomas V. and Justin E. for Enforcement of the Order entered March 15, 2000 (Attachments: # <u>1</u> Exhibit(s) A through H)(Hedges 1, Daniel) (Modified for clarity and to add additional filers on 3/26/2008) (skh).
03/28/2008	<u>140</u>	ORDER REOPENING CASE; the defendant shall file her response to plaintiffs' motion for enforcement of the Court's Order of 03/15/00 by 04/04/08; plaintiffs may reply by 04/11/08. Signed by Judge Robert C. Chambers on 3/28/2008. (cc: attys) (dcm)
04/04/2008	<u>141</u>	RESPONSE by Martha Yeager Walker in opposition of <u>138</u> MOTION by Benjamin H., David F., Lori Beth S., Thomas V. and Justin E. for Enforcement of the Order entered March 15, 2000 (Attachments: # <u>1</u> Exhibit(s) A, # <u>2</u> Exhibit(s) B, # <u>3</u> Exhibit(s) C, # <u>4</u> Exhibit(s) D)(Vaughan, Charlene)
04/07/2008	<u>142</u>	MAIL RETURNED AS UNDELIVERABLE. Mail sent to Regan Bailey, Esq., at P. O. Box 114, Friendship, MD 20758. Mail not resent to Regan Bailey. No known forwarding address. (gan)
04/11/2008	<u>143</u>	REPLY by Benjamin H., David F., Lori Beth S., Thomas V. and Justin E. to <u>141</u> Response in Opposition. (Bird, Sara) (Modified on 4/11/2008 to add link to #141 response, to remove link to #138 motion and to add additional filers) (Howie, Susan).
04/22/2008	<u>144</u>	ORDER re: <u>138</u> MOTION by Benjamin H., David F., Lori Beth S., Thomas V. and Justin E. for Enforcement of the Order entered March 15, 2000, the defendant is directed to submit a more detailed response to answer plaintiffs' specific allegations. Signed by Judge Robert C. Chambers on 4/22/2008. (cc: attys) (dcm)
04/28/2008	<u>145</u>	MAIL RETURNED AS UNDELIVERABLE. Mail sent to Regan Bailey at P. O. Box 114, Friendship, MD 20758. Mail not resent to Regan Bailey. No known forwarding address. Phone number listed on docket sheet changed. New number given by telephone message indicates new number disconnected. (gan)
05/09/2008	<u>146</u>	SUPPLEMENTAL RESPONSE by Martha Yeager Walker in opposition of <u>138</u> MOTION by Benjamin H., David F., Lori Beth S., Thomas V. and Justin E. for Enforcement of the Order entered March 15, 2000 (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Vaughan, Charlene) (Modified title of entry and to add description to attachments on 5/12/2008) (skh).
05/30/2008	<u>147</u>	ORDER: directing Plaintiff to file a supplemental reply by 6/9/2008 re: <u>146</u> Supplemental Response of defendant in opposition to Motion for Enforcement of Order entered 3/15/2000. Signed by Judge Robert C. Chambers on 5/30/2008. (cc: attys; any unrepresented party) (klc)

06/09/2008	<u>148</u>	REPLY by Benjamin H., David F., Lori Beth S., Thomas V. and Justin E. to <u>146</u> Response In Opposition. (Pomponio, Bren) (Modified on 6/10/2008 to add additional filers) (skh).
06/10/2008	<u>149</u>	MAIL RETURNED AS UNDELIVERABLE. Mail sent to Regan Bailey at P. O. Box 114, Friendship, MD 20758. Unable to forward. (klc)
06/10/2008	<u>150</u>	LETTER to Teresa L. Deppner, from Charlene A. Vaughan, dated 6/9/2008, re: Advising that Kimberly Stitzinger Jones is no longer associated as attorney of record in this case. (skm)
06/11/2008	<u>151</u>	NOTICE by Benjamin H., David F., Lori Beth S., Thomas V. and Justin E. that Regan Bailey is no longer associated with this case and should be removed from the CM/ECF service list. (Brown, Teresa) (Modified for clarity and to add additional filers on 6/12/2008) (skh).
06/11/2008	<u>152</u>	NOTICE by Benjamin H., David F., Lori Beth S., Thomas V. and Justin E. that Thomas J. Gillooly is no longer associated with this case and should be removed from the CM/ECF service list. (Brown, Teresa) (Modified for clarity and to add additional filers on 6/12/2008) (skh).
06/18/2008	<u>153</u>	ORDER: Scheduling a conference re: <u>138</u> MOTION by Benjamin H., David F., Lori Beth S., Thomas V. and Justin E. for Enforcement of the Order entered March 15, 2000; conference set for 7/8/2008 01:30 PM in Huntington before Judge Robert C. Chambers. Signed by Judge Robert C. Chambers on 6/18/2008. (cc: attys; any unrepresented party) (klc)
07/08/2008	<u>154</u>	MOTION HEARING held by Judge Robert C. Chambers on 7/8/2008 re: <u>138</u> MOTION for Enforcement of the Order entered March 15, 2000 Court Reporter: Ayme Cochran. (trj)
07/09/2008	<u>155</u>	ORDER Upon consideration of the arguments of the parties, the Court Orders as follows: by Friday, 07/18/08, Defendant will advise the Court as to the status of the application to CMS; by Thursday, 08/07/08, Defendant will submit a plan to provide services to those who become eligible for waiver services on or after 07/01/08; by Monday 08/18/08, Defendant will advise the Court of the effect of the filled 455 slots; Plaintiffs may respond to any of Defendants submissions within 10 days of filing. Signed by Judge Robert C. Chambers on 7/9/2008. (cc: attys; any unrepresented party) (skm) Modified on 7/9/2008 to add text and correct typographical error(dcm). (Additional attachment(s) added on 7/9/2008: # <u>1</u> corrected image) (dcm).
07/09/2008		NOTICE OF DOCKET CORRECTION re: <u>155</u> ORDER (Corrected image substituted for incorrect one—typographical error)
07/15/2008	<u>156</u>	TRANSCRIPT OF PROCEEDINGS of Motions Hearing held on 7-8-2008, before Judge Robert C. Chambers. Court Reporter Ayme Cochran, Telephone number 304-327-8144. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due 7/24/2008. Redaction Request due 8/5/2008. Redacted Transcript Deadline set for 8/15/2008. Release of Transcript Restriction set for 10/14/2008. (Cochran, Ayme) Modified on 7/15/2008 to replace the original image. (gjb)
07/15/2008	<u>157</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT issued to Jeffrey K. Matherly and Jane Perkins, who are non-electronic filers, re <u>156</u> Transcript of Motion Hearing held on July 8, 2008. (gjb)
07/18/2008	<u>158</u>	RESPONSE by Martha Yeager Walker to the Court's <u>155</u> Order. (Vaughan, Charlene)
08/01/2008	<u>159</u>	MOTION by Martha Yeager Walker for Relief from <u>155</u> Order entered July 9, 2008 or in the Alternative Motion to Stay Proceedings (Vaughan, Charlene) (Modified for clarity of text on 8/3/2008) (skh).
08/01/2008	<u>160</u>	MEMORANDUM by Martha Yeager Walker in support of <u>159</u> MOTION by Martha Yeager Walker for Relief from <u>155</u> Order entered July 9, 2008 or in the Alternative Motion to Stay Proceedings (Vaughan, Charlene) (Modified for clarity

		of text on 8/3/2008) (skh).
08/01/2008	<u>161</u>	NOTICE OF INTERLOCUTORY APPEAL by Martha Yeager Walker as to <u>155</u> Order. Filing fee \$ 455, receipt number 0425000000000807301. (Vaughan, Charlene)
08/04/2008	<u>162</u>	NOTICE OF APPELLATE ACTION transmitting Notice of Appeal, Docket Sheet and Judgment Order to 4CCA, re: <u>161</u> Notice of Interlocutory Appeal. (gan)
08/04/2008	<u>163</u>	REPLY by Benjamin H., David F., Lori Beth S., Thomas V. and Justin E. to <u>158</u> Response to Court Order. (Pomponio, Bren) (Modified on 8/5/2008 to add additional filers) (skh).
08/07/2008	<u>164</u>	SECOND RESPONSE by Martha Yeager Walker to the Court's <u>155</u> Order. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Page, Alva) (Modified title of entry to conform to filed document and removed duplicate descriptions of attachments on 8/8/2008) (skh).
08/18/2008	<u>165</u>	NOTICE OF APPELLATE CASE OPENING BY 4CCA re: <u>161</u> Notice of Interlocutory Appeal. Date NOA Received: 8/1/2008 in 4CCA Case No. 08-1871. Case Manager: Sue Ellen Nagle. (klc)
08/18/2008	<u>166</u>	THIRD RESPONSE by Martha Yeager Walker to the Court's <u>155</u> Order. (Attachments: # <u>1</u> Exhibit(s) A)(Vaughan, Charlene) Modified text on 8/19/2008 (rap).
08/19/2008	<u>167</u>	RESPONSE by Benjamin H. in opposition of <u>159</u> MOTION by Martha Yeager Walker for Relief from <u>155</u> Order entered July 9, 2008 or in the Alternative Motion to Stay Proceedings (Pomponio, Bren)
08/22/2008	<u>168</u>	REPLY by Benjamin H. to <u>164</u> Response to Court Order,. (Pomponio, Bren)
08/26/2008	<u>169</u>	ORDER Setting Hearing on Motion <u>159</u> MOTION by Martha Yeager Walker for Relief from <u>155</u> Order entered July 9, 2008 or in the Alternative Motion to Stay Proceedings : Motion Hearing set for 9/8/2008 10:30 AM in Huntington before Judge Robert C. Chambers. Signed by Judge Robert C. Chambers on 8/26/2008. (cc: attys; any unrepresented party) (skm)
09/04/2008	<u>170</u>	REPLY by Benjamin H., David F., Lori Beth S., Thomas V. and Justin E. to <u>166</u> Third Response to Court Order. (Pomponio, Bren) (Modified tex to conform to filed document and to add additional filers on 9/5/2008) (skh).
09/04/2008	<u>171</u>	CERTIFICATE OF SERVICE filed by Benjamin H., David F., Lori Beth S., Thomas V. and Justin E. for Plaintiffs' Reply to Defendant's Third Response to Court Order (Pomponio, Bren) (Modified on 9/5/2008 to add additional filers) (skh).
09/08/2008	<u>172</u>	MOTION HEARING held by Judge Robert C. Chambers on 9/8/2008 re: <u>159</u> MOTION by Martha Yeager Walker for Relief from <u>155</u> Order entered July 9, 2008 or in the Alternative Motion to Stay Proceedings Court Reporter: Kristen Justice. (trj)
09/10/2008	<u>173</u>	ORDER: Discovery requests to be completed by 10/31/2009, and all depositions by 12/15/2008. Expert Witness List by parties bearing the burden of proof due by 10/16/2008, by party not bearing burden of proof due by 11/14/2008, and to solely contradict or rebut evidence due by 12/5/2008. Dispositive Motions except those filed under Rule 12(b) due by 1/15/2009, any response shall be filed within 14 days of the filing of the motion, with replies due within 7 days of the filing of the response. Settlement Meeting to be held by 2/9/2009. Plaintiffs portion of proposed Pretrial Order to defendants due by 2/17/2009, Proposed Integrated Pretrial Order due by 2/23/2009. Pretrial Conference set for 3/2/2009 10:30 AM in Huntington before Judge Robert C. Chambers. Proposed Findings of Fact/Conclusions of Law due by 3/9/2009. Final Settlement Conference at 09:30 AM on 3/16/2009 in Huntington. Trial to the Court set for 3/17/2009 at 09:00 AM in Huntington before Judge Robert C. Chambers. Signed by Judge Robert C. Chambers on 9/10/2008. (cc: attys; any unrepresented party) (klc) Modified on 9/12/2008 to change text (dcm).

09/11/2008	<u>174</u>	ORDER OF 4CCA as to <u>161</u> Notice of Interlocutory Appeal dismissing said Appeal pursuant to FRAP 42(b). (klc)
09/11/2008	<u>175</u>	MANDATE re: <u>161</u> Notice of Interlocutory Appeal in 4CCA Case No. 08-1871. The judgment of this Court, entered 9/11/2008, takes effect this date. This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure. (klc)
09/11/2008	<u>176</u>	NOTICE OF ATTORNEY APPEARANCE by Michael E. Bevers for on behalf of Martha Yeager Walker (Bevers, Michael)
09/16/2008	<u>177</u>	NOTICE of <i>Withdrawal</i> of Alva Page II as counsel on behalf of Martha Yeager Walker (Page, Alva) (Modified text to conform to filed document on 9/17/2008) (skh).
10/03/2008	<u>178</u>	CERTIFICATE OF SERVICE filed by Benjamin H., David F., Lori Beth S., Thomas V., Justin E. for Interrogatories and Requests for Production of Documents to Defendants (Pomponio, Bren) (Modified on 10/6/2008 to add additional filers) (skh).
10/16/2008	<u>179</u>	CERTIFICATE OF SERVICE by Benjamin H. for Rule 26(a)(2) Expert Testimony Disclosures. (Pomponio, Bren)
10/29/2008	<u>180</u>	CERTIFICATE OF SERVICE filed by Martha Yeager Walker for Defendant's First Set of Interrogatories to Plaintiff (Vaughan, Charlene)
10/30/2008	<u>181</u>	CERTIFICATE OF SERVICE filed by Martha Yeager Walker for Defendant's Responses and Objections to Plaintiff's 1st Set of Interrogatories and Request for Production (Vaughan, Charlene)
10/31/2008	<u>182</u>	CERTIFICATE OF SERVICE filed by Benjamin H., David F., Lori Beth S., Thomas V., Justin E. for Requests for Admissions to Defendant Martha Walker (Pomponio, Bren) (Modified on 11/3/2008 to add additional filers) (skh).
11/20/2008	<u>183</u>	NOTICE OF ATTORNEY APPEARANCE by Mary McQuain for on behalf of Martha Yeager Walker (McQuain, Mary)
11/24/2008	<u>184</u>	CERTIFICATE OF SERVICE filed by Martha Yeager Walker for Defendant's Response to Plaintiff's Request for Admissions (Vaughan, Charlene)
12/01/2008	<u>185</u>	CERTIFICATE OF SERVICE filed by Benjamin H., David F., Lori Beth S., Thomas V., Justin E. for Plaintiffs Answers to First Requests for Admission (Pomponio, Bren) (Modified on 12/4/2008 to remove extra filers) (skh).
12/05/2008	<u>186</u>	CERTIFICATE OF SERVICE filed by Benjamin H., David F., Lori Beth S., Thomas V., Justin E. for Plaintiffs' Answers to First Interrogatories (Pomponio, Bren) (Modified on 12/8/2008 to remove extra filers) (skh).
12/05/2008	<u>187</u>	CERTIFICATE OF SERVICE by Martha Yeager Walker for Supplemental Responses and Objections to Plaintiff's First Set of Interrogatories and Request for Production. (Vaughan, Charlene) (Modified text to conform to filed document on 12/8/2008) (skh).
12/08/2008	<u>188</u>	CERTIFICATE OF SERVICE filed by Benjamin H., David F., Lori Beth S., Thomas V., Justin E., for Plaintiffs' Supplemental Answers to First Requests for Admission (Pomponio, Bren) (Modified on 12/9/2008 to remove extra filers) (skh).
12/22/2008	<u>189</u>	CERTIFICATE OF SERVICE by Martha Yeager Walker for Second Supplemental Response to Plaintiff's First Set of Interrogatories and Request for Production. (Vaughan, Charlene) (Modified text to conform to filed document on 12/23/2008) (skh).
01/15/2009	<u>190</u>	MOTION by Martha Yeager Walker for Judgment on the Pleadings or, in the Alternative, MOTION by Martha Yeager Walker for Relief from <u>45</u> Memorandum Opinion and Order and <u>77</u> Order (Vaughan, Charlene) (Modified text to conform to filed document and to add links to #45 and #77 orders on 1/16/2009) (Howie, Susan).

01/15/2009	<u>191</u>	MEMORANDUM by Martha Yeager Walker in support of <u>190</u> MOTION by Martha Yeager Walker for Judgment on the Pleadings or, in the Alternative, MOTION by Martha Yeager Walker for Relief from <u>45</u> Memorandum Opinion and Order and <u>77</u> Order (Attachments: # <u>1</u> Exhibit(s) Exhibit A, # <u>2</u> Exhibit(s) Exhibit B, # <u>3</u> Exhibit(s) Exhibit C, # <u>4</u> Exhibit(s) Exhibit D, # <u>5</u> Exhibit(s) Exhibit E)(Vaughan, Charlene) (Modified text to conform to filed document on 1/16/2009) (skh).
01/23/2009	<u>192</u>	MOTION by Benjamin H., David F., Lori Beth S., Thomas V., Justin E. for enlargement of time to respond to Defendant's Motion for Judgment on the Pleadings (Pomponio, Bren) (Modified text to conform to filed document and to remove extra filers on 1/26/2009) (skh).
01/26/2009	<u>193</u>	OBJECTIONS to <u>192</u> MOTION by Benjamin H., David F., Lori Beth S., Thomas V., Justin E. for enlargement of time to respond to Defendants Motion for Judgment on the Pleadings by Martha Yeager Walker (Vaughan, Charlene) (Modified for clarity of text on 1/26/2009) (skh).
01/26/2009	<u>194</u>	REPLY by Benjamin H., David F., Lori Beth S., Thomas V., Justin E. to <u>193</u> Objection. (Pomponio, Bren) (Modified for clarity of text and to remove extra filers on 1/26/2009) (skh).
01/29/2009	<u>195</u>	ORDER granting plaintiffs' <u>192</u> MOTION for Enlargment of time to respond to defendants' Motion for Judgment on the Pleadings until 02/09/09. Signed by Judge Robert C. Chambers on 1/29/2009. (cc: attys) (dcm) Modified on 1/30/2009 to add text (dcm).
02/09/2009	<u>196</u>	CERTIFICATE OF SERVICE by Martha Yeager Walker for Rule 26(a)(3) Pretrial Disclosures. (Vaughan, Charlene)
02/09/2009	<u>197</u>	RESPONSE by Benjamin H., David F., Lori Beth S., Thomas V., Justin E. in opposition of <u>190</u> MOTION by Martha Yeager Walker for Judgment on the Pleadings or, in the Alternative, MOTION by Martha Yeager Walker for Relief from <u>45</u> Memorandum Opinion and Order and <u>77</u> Order. (Pomponio, Bren) (Modified on 2/9/2009 to correct the filers and to remove duplicate text) (skh).
02/11/2009	<u>198</u>	INCORRECT ENTRY; IMAGE REMOVED. (Pomponio, Bren) (Modified on 2/12/2009 to remove image, document filed in incorrect case) (skh).
02/11/2009	<u>199</u>	INCORRECT ENTRY; IMAGE REMOVED. (Pomponio, Bren) (Modified on 2/12/2009 to remove image, document filed in incorrect case) (skh).
02/11/2009	<u>200</u>	CERTIFICATE OF SERVICE by Benjamin H., David F., Lori Beth S., Thomas V., Justin E. for Rule 26(a)(3) Pretrial Disclosures. (Pomponio, Bren) (Modified on 2/12/2009 to remove extra filers) (skh).
02/12/2009		NOTICE OF DOCKET CORRECTION re: <u>198</u> and <u>199</u> CERTIFICATES OF SERVICE by Benjamin H., David F., Lori Beth S., Thomas V., Justin E. for Rule 26(a)(3) Pretrial Disclosures. ERROR: Documents filed in incorrect case. CORRECTION: Removed images. (skh)
02/23/2009	<u>201</u>	PROPOSED PRETRIAL ORDER by Benjamin H., David F., Lori Beth S., Thomas V., Justin E., Martha Yeager Walker (Pomponio, Bren) (Modified on 2/24/2009 to remove extra filers) (skh).
02/27/2009	<u>202</u>	MOTION by Martha Yeager Walker for Leave to Supplement Rule 26(a) Disclosures (Vaughan, Charlene) (Modified text to conform to filed document on 3/2/2009) (skh).
02/27/2009	<u>203</u>	PROPOSED ORDER Granting Defendant's Motion for Leave to Supplement Rule 26(a) Disclosures by Martha Yeager Walker (Vaughan, Charlene)
03/02/2009	<u>204</u>	PRETRIAL CONFERENCE held by Judge Robert C. Chambers on 3/2/2009; Court Reporter: Ayme Cochran. (trj)
03/06/2009	<u>205</u>	ORDER denying as moot <u>159</u> MOTION for Relief from Order, or in the Alternative, Motion to Stay Proceedings. Signed by Judge Robert C. Chambers on 3/6/2009. (cc: attys; any unrepresented party) (skm)

03/06/2009	<u>206</u>	ORDER denying <u>202</u> MOTION for Leave to Supplement Rule 26(a)Disclosures. Signed by Judge Robert C. Chambers on 3/6/2009. (cc: attys; any unrepresented party) (skm)
03/06/2009	<u>207</u>	MEMORANDUM OPINION AND ORDER denying <u>190</u> MOTION for Judgment on the Pleadings, or in the Alternative, Motion for Relief from Order. Signed by Judge Robert C. Chambers on 3/6/2009. (cc: attys; any unrepresented party) (skm)
03/10/2009	<u>208</u>	PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW by Benjamin H., David F., Lori Beth S., Thomas V., Justin E. (Pomponio, Bren) (Modified on 3/11/2009 to remove extra filers) (skh).
03/12/2009	<u>209</u>	ORDER Trial to the Court reset for 3/17/2009 01:30 PM in Huntington before Judge Robert C. Chambers. Signed by Judge Robert C. Chambers on 3/12/2009. (cc: attys; any unrepresented party) (skm)
03/13/2009	<u>210</u>	MOTION by Martha Yeager Walker to Reconsider <u>207</u> Memorandum Opinion and Order (Attachments: # <u>1</u> Exh. A (Motion for Reconsideration), # <u>2</u> Exh. B (Motion for Reconsideration), # <u>3</u> Exh. C (Motion for Reconsideration), # <u>4</u> Exh. D (Motion for Reconsideration))(McQuain, Mary) (Modified for clarity of text on 3/14/2009) (skh).
03/13/2009	<u>211</u>	MEMORANDUM by Martha Yeager Walker in support of <u>210</u> MOTION by Martha Yeager Walker to Reconsider <u>207</u> Memorandum Opinion and Order(McQuain, Mary) (Modified for clarity of text and to remove duplicate text on 3/14/2009) (skh). (Modified on 3/17/2009 to replace unsigned image with signed image) (skh).
03/13/2009	<u>212</u>	ORDER The Court directs the parties to conclude the bench trial on or before 03/22/09; any and all witnesses who the parties intend to call must be available to testify at some point within this time frame; the parties are to consult with each other regarding the anticipated schedule for presentation of evidence; the parties are also to discuss stipulations regarding evidence, as applicable. Signed by Judge Robert C. Chambers on 3/13/2009. (cc: attys; any unrepresented party) (dcm)
03/16/2009	<u>213</u>	FINAL SETTLEMENT CONFERENCE held by Judge Robert C. Chambers on 3/16/2009. (trj)
03/17/2009		NOTICE OF DOCKET CORRECTION re: <u>211</u> MEMORANDUM by Martha Yeager Walker in support of <u>210</u> MOTION to Reconsider. ERROR: Image did not contain an appropriate signature. CORRECTION: Replaced unsigned image with signed image. (skh)
03/17/2009	<u>214</u>	ORDER. For reasons stated, the Court orders as follows: (1) The parties shall submit an agreed order reflecting the terms of the settlement on or before 3/26/2009; (2) the trial and other proceedings are stayed pending entry of the agreed order; and, (3) the Court reserves consideration of any claim for attorney fees. Signed by Judge Robert C. Chambers on 3/17/2009. (cc: attys) (gan)
03/31/2009	<u>215</u>	ORDER terminating <u>138</u> MOTION for enforcement of the terms of the parties settlement adopted by Court Order of March 25, 2000; the Court extends to April 7, 2009, the deadline for submission of an agreed order. Signed by Judge Robert C. Chambers on 3/31/2009. (cc: attys; any unrepresented party) (dcm)
04/07/2009	<u>216</u>	PROPOSED ORDER Agreed Order setting forth specific terms of settlement by Martha Yeager Walker, Benjamin H., David F., Lori Beth S., Thomas V., Justin E. (Pomponio, Bren) (Modified on 4/8/2009 to remove extra filers) (skh).
04/08/2009	<u>217</u>	AGREED ORDER Upon entry of this Order, the Plaintiffs shall withdraw their Motion for Enforcement of the 03/15/2000 Order, filed on 03/26/08; Plaintiffs further agree not to bring any enforcement action regarding paragraph nine of the 03/15/2000 Order for the duration of this agreement or until 12/31/2014; upon entry of this Order, Defendant agrees to withdraw her Motion to Reconsider; upon the execution of the terms of this Order, on 12/31/2014, the consent decree of 03/15/2000, shall be dissolved, as well as this particular Order; this action shall be stricken from the Court's active docket. Signed by Judge Robert C. Chambers on 4/8/2009. (cc: attys; any unrepresented party) (skm)