

**U.S. District Court
Alabama Middle District (Montgomery)
CIVIL DOCKET FOR CASE #: 2:95-cv-00637-MHT-WC**

Austin, et al v. Haley, et al
Assigned to: Honorable Judge Myron H. Thompson
Referred to: Honorable Judge Wallace Capel, Jr
Demand: \$0
Case in other court: 98-06720
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 05/15/1995
Date Terminated: 08/13/1998
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Michael A. Austin
*individually and on behalf of all others
similarly situated*

represented by **Ellen M. Bowden**
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TERMINATED: 06/07/2013
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Plaintiff

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Plaintiff

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V.

Defendant

Fob James
Governor of the State of Alabama
TERMINATED: 01/06/1998

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Defendant

Ronald E. Jones
Commissioner of the Alabama
Department of Corrections
TERMINATED: 06/25/1996

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Defendant

Michael Haley
Acting Commissioner of the Alabama
Department of Corrections
TERMINATED: 03/11/2003

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TERMINATED: 03/11/2003
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Defendant

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Governor

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Movant

United States of America
TERMINATED: 01/06/1998

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Plaintiff

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Roy S. Haber
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Plaintiff

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V.

Defendant

Michael Haley
Commissioner
TERMINATED: 02/22/1999

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Defendant

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Date Filed	#	Docket Text
05/15/1995	1	COMPLAINT. Filing Fee \$120.00 Receipt #55676. DECLARATORY RELIEF. PERMANENT INJUNCTION. (dkt clerk) Modified on 05/15/1995 (Entered: 05/15/1995)
05/15/1995	1	MOTION by Michael A. Austin to Certify Class (dkt clerk) (Entered: 05/15/1995)
05/15/1995	2	SUMMONS [signed, sealed and given to attorney for personal service (with copy of complaint)] for Fob James and Ronald E. Jones (dkt clerk) (Entered: 05/15/1995)
05/15/1995		Staff Attorney– Hinson– effective 11–10–97 (djy) (Entered: 11/10/1997)
05/16/1995	3	SUMMONS Returned Executed as to Fob James (Troy King), Ronald E. Jones (Andrew Redd) on 5/15/95. Answer due on 6/4/95 for Ronald E. Jones, for Fob James (djy) (Entered: 05/16/1995)
05/16/1995	4	MOTION by Fob James, Ronald E. Jones to Dismiss for forum non conveniens or, in the alternative to Transfer Case to the Northern District of Alabama referred to Mag Judge Vanzetta P. McPherson (djy) Modified on 06/20/1995 (Entered: 05/16/1995)
05/16/1995	5	BRIEF by Fob James, Ronald E. Jones in support of [4–1] motion to Dismiss, or in the alternative [4–2] motion to Transfer Case to the Northern District of Alabama. Referred to Mag Judge Vanzetta P. McPherson (djy) (Entered: 05/16/1995)
05/17/1995	6	ORDER setting Answer deadline to 6/6/95 for Ronald E. Jones, for Fob James (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel and defendants. (djy) (Entered: 05/17/1995)
05/17/1995		File referred back to law clerk. (djy) (Entered: 05/17/1995)

05/17/1995	7	AMENDED COMPLAINT by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess amending [1-1] complaint; injunctive relief; permanent injunction. (djt) (Entered: 05/18/1995)
05/18/1995	8	MOTION by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess to Certify Class referred to Mag Judge Vanzetta P. McPherson (djt) (Entered: 05/18/1995)
05/19/1995	9	EMERGENCY MOTION (Exhibit A attached) by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess for reasonable access to class members and witnesses referred to Mag Judge Vanzetta P. McPherson (djt) (Entered: 05/19/1995)
05/23/1995	10	ORDER directing the plaintiffs to file a Response to defendants' [4-1] motion to dismiss, or in the alternative [4-2] motion to Transfer Case to the Northern District of Alabama , along with their brief in support thereof on or before 5-31-95 (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel. (djt) (Entered: 05/24/1995)
05/23/1995	11	ORDER directing plaintiffs to file brief and evidentiary materials in support of motion for class certification due by 7/7/95 for Charles Orlander Guess, for Ogie Lee Hayes, for Richard Elliot, for Michael A. Austin ; directing defendants Ronald E. Jones & Fob James to file their responsive brief and evidentiary materials on or before 7/21/95 (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel. (djt) (Entered: 05/24/1995)
05/23/1995	12	ORDER granting plaintiff's [9-1] emergency motion for reasonable access to class members and witnesses filed 5-19-95; directing defendants', upon 48 hours' notice, to permit plaintiffs' counsel to meet with the named plaintiffs and up to five witnesses between the hours of 2:00 p.m. and 5:00 p.m.; directing that the meetings shall occur in the same locations and under the same conditions as the Dept. of Corrections permits for other attorneys and their clients in correctional institutions; directing that the plaintiffs shall schedule the meetings or interviews with witnesses individually and shall notify the defendants of the schedule at the same time as notice of the meetings is given, said notices shall be in writing and shall be mailed or forwarded via facsimile to the defendants' counsel (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel. (djt) (Entered: 05/24/1995)
05/24/1995	13	MOTION by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess to Consolidate Case w/Civil Action 95-T-424-N referred to Mag Judge Vanzetta P. McPherson (djt) (Entered: 05/25/1995)
05/30/1995	14	MOTION by Fob James, Ronald E. Jones for permission to Depose incarcerated persons referred to Mag Judge Vanzetta P. McPherson (djt) (Entered: 05/31/1995)
05/31/1995	15	RESPONSE by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess to [4-1] motion to Dismiss, or in the alternative, [4-2] motion to Transfer Case to the Northern District of Alabama by Ronald E. Jones, Fob James. Referred to Mag Judge Vanzetta P. McPherson (djt) (Entered: 06/01/1995)
06/06/1995	16	MOTION by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess to Withdraw [13-1] motion to Consolidate Case w/Civil Action 95-T-424-N referred to Mag Judge Vanzetta P. McPherson (cc) (Entered: 06/06/1995)
06/06/1995	17	MOTION by Fob James to Change Venue to the Northern District of Alabama referred to Mag Judge Vanzetta P. McPherson (cc) (Entered: 06/06/1995)
06/06/1995	18	ANSWER to Complaint by Fob James (Attorney Robin Garrett Laurie, William P. Gray Jr.), referred to Mag Judge Vanzetta P. McPherson (cc) (Entered: 06/06/1995)
06/06/1995	19	ORDER denying [4-2] motion to Transfer (signed by Mag Judge Vanzetta P. McPherson) , copies mailed to counsel. (cc) (Entered: 06/06/1995)
06/06/1995	20	ORDER granting [14-1] motion for permission to Depose incarcerated persons; directing the defendants that on or before 6/15/95 to notice the deposition of those incarcerated persons whom they wish to depose; advising that the notice should specifically state the date, time, and place for taking the deposition as well as the

		name and address of each person to be deposed (signed by Mag Judge Vanzetta P. McPherson) , copies mailed to counsel. (cc) (Entered: 06/06/1995)
06/08/1995	21	ANSWER to Complaint, as amended, by Ronald E. Jones (Attorney Andrew Redd). Referred to Mag Judge Vanzetta P. McPherson (djj) (Entered: 06/08/1995)
06/09/1995	22	RESPONSE by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess to [17-1] motion to Change Venue to the Northern District of Alabama by Fob James. Referred to Mag Judge Vanzetta P. McPherson (djj) (Entered: 06/09/1995)
06/12/1995	23	ORDER granting [16-1] motion to Withdraw [13-1] motion to Consolidate Case w/Civil Action 95-T-424-N; denying as moot [13-1] motion to Consolidate Case (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel. (djj) (Entered: 06/12/1995)
06/12/1995	24	ORDER denying [18-1] motion to Strike paragraphs 15 &16 of [1-1] complaint filed by defendant James on 6-6-95 (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel. (djj) (Entered: 06/12/1995)
06/12/1995		File referred back to law clerk. (djj) (Entered: 06/12/1995)
06/12/1995	25	SCHEDULING ORDER setting Motion Filing deadline on 11/12/95; Discovery cutoff 12/12/95; directing the parties to file any objections to the deadlines within 14 days otherwise they will be binding on the parties (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel. (djj) (Entered: 06/13/1995)
06/13/1995		File referred to law clerk. (djj) (Entered: 06/13/1995)
06/20/1995	26	ORDER denying [17-1] motion to Change Venue to the Northern District of Alabama filed by defendant James' on 6-6-95 (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel. (djj) (Entered: 06/20/1995)
06/20/1995	27	REPORT AND RECOMMENDATIONS of Mag Judge Vanzetta P. McPherson that the defendants' motion to dismiss for forum non conveniens be denied; that this case be referred back to the undersigned for further proceedings. Objections to R and R due by 7/8/95. Copies mailed to counsel. (djj) (Entered: 06/20/1995)
07/07/1995		File w/recommendation referred to Magistrate Judge McPherson. (djj) (Entered: 07/07/1995)
07/07/1995		File w/proposed order referred to Judge Thompson. (djj) (Entered: 07/07/1995)
07/07/1995	28	MEMORANDUM/BRIEF (Exhibits 1 thru 7 attached) by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess in support of [8-1] motion to Certify Class. Referred to Mag Judge Vanzetta P. McPherson. (djj) (Entered: 07/10/1995)
07/10/1995	29	ORDER adopting [27-1] report and recommendation of the Magistrate Judge filed 6-20-95; ORDER, JUDGMENT and DECREE of the court that the defendants' [4-1] motion to Dismiss for forum non conveniens is DENIED; that this case is referred back to the Magistrate judge for further proceedings (signed by Judge Myron H. Thompson). Copies mailed to counsel. (djj) (Entered: 07/10/1995)
07/10/1995		File referred to law clerk. (djj) (Entered: 07/10/1995)
07/13/1995	30	NOTICE of filing the original affidavit of Charles Guess (attached) by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess. Referred to Magistrate Judge McPherson. (djj) (Entered: 07/13/1995)
07/20/1995	31	MOTION by Michael A. Austin for Roy S. Haber to Appear Pro Hac Vice referred to Judge Myron H. Thompson (war) (Entered: 07/21/1995)
07/21/1995	32	ORDER granting [31-1] motion for Roy S. Haber to Appear Pro Hac Vice (signed by Judge Myron H. Thompson). Copies mailed to counsel. (djj) (Entered: 07/21/1995)
07/21/1995		File referred to Magistrate Judge McPherson. (djj) (Entered: 07/21/1995)

07/21/1995	33	RESPONSE by Fob James, Ronald E. Jones to [8-1] motion to Certify Class by Charles Orlander Guess, Ogie Lee Hayes, Richard Elliot, Michael A. Austin. Referred to Mag Judge Vanzetta P. McPherson (djt) (Entered: 07/21/1995)
07/27/1995	34	REPLY by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess to defendants' response to [8-1] motion to Certify Class by Charles Orlander Guess, Ogie Lee Hayes, Richard Elliot, Michael A. Austin. Referred to Mag Judge Vanzetta P. McPherson (djt) (Entered: 07/27/1995)
09/06/1995	35	EMERGENCY MOTION (Exhibits 1 thru 4 attached) by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess to prohibit interference with class members' right of access to the courts referred to Mag Judge Vanzetta P. McPherson (djt) (Entered: 09/06/1995)
09/18/1995		Tele-conference held before Mag Judge Vanzetta P. McPherson (djt) (Entered: 09/18/1995)
09/18/1995	36	ORDER directing that: (1) within 5 days of this order, the defendants shall permit all of the plaintiffs to amend their telephone lists to include plaintiffs' counsel, I.E., the lawyers representing the plaintiffs herein; (2) on or before 9-22-95, counsel for the parties shall confer and attempt to agree upon a resolution of the plaintiff's motion; counsel shall file a joint notice with the court on or before 9-25-95, stating whether they have reached an agreement, and if so, the terms of their agreement, if the parties are unable to agree upon a resolution by 9-25-95, this matter will be set for hearing and determination (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel. (djt) (Entered: 09/18/1995)
09/19/1995	37	AMENDED COMPLAINT by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess amending [1-1] complaint, [7-1] amended complaint by Michael A. Austin (djt) (Entered: 01/07/1998)
09/25/1995	38	ORDER directing that on or before 10-4-95, the plaintiffs shall file a supplemental motion with the Clerk of the court indicating whether the named plaintiffs - Michael Austin, Richard Elliott, Ogie Hayes and Charles Guess - have been "handcuffed to a 'hitching post' as punishment" for refusing to work during their assignment to the chain gang; directing the plaintiffs to indicate the date(s) and location(s) of the incident(s) involving the named plaintiffs; directing the defendants file their response to [37-1] motion for leave to Amend [7-1] amended complaint by Michael A. Austin, on or before 10-11-95 (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel. (djt) (Entered: 09/25/1995)
09/25/1995	39	JOINT NOTICE (proposed order attached) of by Michael A. Austin, Fob James, Ronald E. Jones, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess of agreement resolving plaintiffs' motion filed per order of 9-18-95. (djt) Modified on 09/26/1995 (Entered: 09/26/1995)
09/28/1995	40	ORDER advising that by agreement of the plaintiffs and the DOC defendants, it is ordered, adjudged and decreed as follows: The warden and/or deputy warden of the Limestone Corr. Fac. will issue a directive to all correctional officers involved with the chain gang program informing them of the following: 1. that legal mail and papers, including letters and statements intended for the Southern Poverty Law Center, cannot be confiscated; 2. that class members cannot be disciplined for what they say or write to their class counsel; 3. that class members cannot be subject to retaliation for participating in this case; and 4. that class members may not be intimidated or threatened with disciplinary action for cooperating with class counsel or for speaking with other inmates who are cooperating with class counsel; and that the warden and/or deputy warden will issue a notice to chain gang inmates at Limestone apprising them of the above-referenced directive and said notice will be posted on the dormitory bulletin board for the duration of this litigation (signed by Mag Judge Vanzetta P. McPherson) , copies mailed to counsel. (cc) (Entered: 09/28/1995)
09/28/1995		File returned to Magistrate Judge McPherson per her request (cc) (Entered: 09/28/1995)
10/03/1995	41	MEMORANDUM by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess in support of [37-1] motion for leave to Amend [7-1] amended complaint by Michael A. Austin by Charles Orlander Guess, Ogie Lee Hayes,

		Richard Elliot, Michael A. Austin. Referred to Mag Judge Vanzetta P. McPherson (djy) (Entered: 10/04/1995)
10/05/1995	42	ANSWER to Complaint by Fob James (Attorney Robin Laurie). Referred to Mag Judge Vanzetta P. McPherson (djy) (Entered: 10/06/1995)
10/11/1995	43	RESPONSE by Fob James, Ronald E. Jones to [37-1] motion for leave to Amend [7-1] amended complaint by Michael A. Austin by Charles Orlander Guess, Ogie Lee Hayes, Richard Elliot, Michael A. Austin. Referred to Mag Judge Vanzetta P. McPherson (djy) (Entered: 10/12/1995)
10/18/1995	44	REPLY (Exhibits A &B attached) by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess to defendants' response to [37-1] motion for leave to Amend [7-1] amended complaint by plaintiffs. Referred to Mag Judge Vanzetta P. McPherson (djy) (Entered: 10/18/1995)
10/24/1995	45	RESPONSE by Fob James, Ronald E. Jones in opposition to [44-1] reply to response to motion by Charles Orlander Guess, Ogie Lee Hayes, Richard Elliot, Michael A. Austin. Referred to Mag Judge Vanzetta P. McPherson (djy) Modified on 10/25/1995 (Entered: 10/25/1995)
10/31/1995	46	MOTION by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess to Extend Time in which to complete discovery referred to Mag Judge Vanzetta P. McPherson (djy) (Entered: 11/01/1995)
11/06/1995		Stamped ORDER granting [46-1] motion to Extend Time in which to complete discovery; resetting Discovery deadline to 3/15/96 (by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel. (djy) (Entered: 11/06/1995)
11/13/1995	47	MOTION by Fob James, Ronald E. Jones for Summary Judgment referred to Mag Judge Vanzetta P. McPherson (djy) (Entered: 11/14/1995)
11/13/1995	48	MEMORANDUM by Fob James, Ronald E. Jones in support of [47-1] motion for Summary Judgment by Ronald E. Jones, Fob James. Referred to Mag Judge Vanzetta P. McPherson (djy) (Entered: 11/14/1995)
11/13/1995	49	NOTICE of filing evidence in support of motion for summary judgment by Fob James, Ronald E. Jones. Referred to Magistrate Judge McPherson. (djy) (Entered: 11/14/1995)
11/13/1995	50	MOTION by Fob James, Ronald E. Jones for Leave to File executed affidavit out of time referred to Mag Judge Vanzetta P. McPherson (djy) (Entered: 11/14/1995)
11/15/1995	51	NOTICE of filing executed affidavit of David Wise by Fob James, Ronald E. Jones. Referred to Magistrate Judge McPherson. (djy) (Entered: 11/15/1995)
11/15/1995	52	MOTION (proposed order) by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess to establish a briefing schedule for summary judgment motion referred to Mag Judge Vanzetta P. McPherson (djy) (Entered: 11/15/1995)
11/22/1995	53	JOINT RESPONSE by Fob James, Ronald E. Jones in opposition to [52-1] motion to establish a briefing schedule for summary judgment motion by Charles Orlander Guess, Ogie Lee Hayes, Richard Elliot, Michael A. Austin and request to set a reasonable briefing schedule on defendants' Rule 56 motion. Referred to Mag Judge Vanzetta P. McPherson (djy) (Entered: 11/22/1995)
11/22/1995	54	ORDER setting Status Conference 3:00 p.m. on 12/1/95 before Mag Judge Vanzetta P. McPherson , in Room 330, Frank M. Johnson, Jr. Federal Bldg. &U.S. Courthouse, 15 Lee Street, Montgomery, Alabama (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counse; furnished to Marie &Sheila. (djy) (Entered: 11/22/1995)
12/01/1995		Status Conference held before Mag Judge Vanzetta P. McPherson. (djy) (Entered: 12/05/1995)
12/05/1995	55	AMENDED SCHEDULING ORDER (1) setting a Pretrial Hearing for 10:00 a.m. on 6/17/96 before Mag Judge Vanzetta P. McPherson , in Room 330, Frank M. Johnson, Jr. Federal Bldg. &U.S. Courthouse, 15 Lee Street, Montgomery, Alabama; directing that at least on trial counsel for each party shall attend this

		conference; directing the parties file a jointly prepared Proposed Pretrial Order not less than 5 days prior to the pretrial conference ; (2) setting case for a non-jury Evidentiary Hearing at 9:00 a.m. on 7/8/96 before Mag Judge Vanzetta P. McPherson , at the Frank M. Johnson, Jr. Federal Bldg. &U.S. Courthouse , as further set out in order; (3) setting Expert Witness List deadline to 3-1-96, as further set out in order ; (4) directing all Discovery be completed on or before 4/19/96, as further set out; (5) any dispositive Motions are to filed on or before 5/17/96, as further set out; (6) directing all parties exchange names and addresses of all witnesses and exchange evidence, as further set out, on or before 6-10-96; (7) directing parties to identify parts of any deposition or other documents to be used, as further set out, on or before 6-10-96; (8) directing that on or before 6-24-96, counsel for the parties shall file a joint, concise statement of stipulated facts, as further set out; (9) directing counsel for the parties to file a jointly signed letter with the court, as further set out, on or before 6-24-96; (10) directing the parties file their motions in limine, if any, on or before 6-28-96, as further set out (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel; furnished to Marie &Sheila. (djy) Modified on 12/05/1995 (Entered: 12/05/1995)
12/07/1995	56	ORDER (rendered 12-6-95) (1) directing the plaintiffs file any amendments to their complaint, including the addition of any named plaintiffs, no amendments shall be permitted after that date; setting Amended Pleadings deadline to 2/23/96 ; setting Answer deadline to 3/15/96 for Ronald E. Jones, for Fob James ; (2) setting motion hearing for 10:00 a.m. on 4/5/96 before Mag Judge Vanzetta P. McPherson on plaintiffs' [8-1] motion for class certification , at the Frank M. Johnson, Jr. Federal Bldg. &U.S. courthouse, 15 Lee Street, Montgomery, Alabama; setting Witness List deadline for the class certification hearing to 3-8-96 ; (3) directing that on or before 3-22-96, the parties shall file with the Clerk of the court a joint notice advising the court of (a) their areas of agreement, and (b) the issues which remain in dispute for class certification purposes, as further set out; (4) allowing defendants' counsel to conduct informal interviews of inmates who are within the custody of the DOC as well as former inmates whose sentences have ended since the filing of the complaint in this case, provided however, that counsel for the plaintiffs shall be present at all such interviews (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel; furnished to Marie &Sheila. (djy) Modified on 12/07/1995 (Entered: 12/07/1995)
01/24/1996		Tele-conference held before Mag Judge Vanzetta P. McPherson (djy) (Entered: 01/24/1996)
01/24/1996	57	ORDER directing that the defendants submit Capt. David Wise of Limestone Correctional Facility for a telephone deposition on 1-31-96 at 2:00 p.m.; directing counsel for the defendants to provide the plaintiffs' counsel with a telephone number for the deposition, and plaintiff's counsel is directed to arrange for the telephone deposition; further ORDERING that should plaintiffs' counsel file any subsequent motions or requests for relief based in whole or in part upon Capt. Wise's deposition testimony, counsel shall attach a copy of the deposition transcript as an exhibit to the request (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel. (djy) (Entered: 01/24/1996)
02/12/1996	58	SECOND EMERGENCY MOTION (Exhibits A &B &proposed order attached) by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess to prohibit interference with class members' right of access to the courts referred to Mag Judge Vanzetta P. McPherson (djy) (Entered: 02/12/1996)
02/23/1996	59	AMENDED COMPLAINT by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess adding plaintiffs Warren Leatherwood, Kervin Goodwin amending [7-1] amended complaint and [1-1] complaint (djy) (Entered: 06/26/1996)
03/04/1996	60	RESPONSE by Ronald E. Jones to second request for production of documents. Referred to Magistrate Judge McPherson. (djy) (Entered: 03/08/1996)
03/06/1996	61	MOTION by Ronald E. Jones for permission to Take Deposition of inmates referred to Mag Judge Vanzetta P. McPherson (djy) (Entered: 03/08/1996)

03/08/1996	62	REQUEST for Production of Documents by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess. Referred to Magistrate Judge McPherson. (djy) (Entered: 03/08/1996)
03/08/1996	63	Second REQUEST for Production of Documents by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess. Referred to Magistrate Judge McPherson. (djy) (Entered: 03/08/1996)
03/08/1996	64	Third REQUEST for Production of Documents by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess. Referred to Magistrate Judge McPherson. (djy) (Entered: 03/08/1996)
03/08/1996	65	Plaintiffs' request to permit inspection of the chain gang programs at Staton & Easterling. Referred to Magistrate Judge McPherson. (djy) (Entered: 03/08/1996)
03/08/1996	66	ANSWER to Interrogatories filed by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess. Referred to Mag Judge Vanzetta P. McPherson (djy) (Entered: 03/08/1996)
03/08/1996	67	SUPPLEMENTAL ANSWER to Interrogatories filed by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess. Referred to Mag Judge Vanzetta P. McPherson (djy) (Entered: 03/08/1996)
03/08/1996	68	RESPONSE by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess to Governor James' second discovery request. Referred to Magistrate Judge McPherson. (djy) (Entered: 03/08/1996)
03/08/1996	69	RESPONSE by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess to Governor James' second discovery request. Referred to Magistrate Judge McPherson. (djy) (Entered: 03/08/1996)
03/08/1996	70	AMENDED NOTICE by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess to take deposition of Paul Whaley & Ron Jones. Referred to Magistrate Judge McPherson. (djy) (Entered: 03/08/1996)
03/08/1996	71	Witness list by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess for class certification hearing. Referred to Magistrate Judge McPherson. (djy) (Entered: 03/08/1996)
03/08/1996	72	Witness list by Fob James for class certification hearing. Referred to Magistrate Judge McPherson. (djy) (Entered: 03/08/1996)
03/11/1996	73	Witness list for class certification hearing by Ronald E. Jones. Referred to Magistrate Judge McPherson. (djy) (Entered: 03/11/1996)
03/11/1996	74	AMENDED MOTION (Exhibits 1 thru 8 attached) by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess to Certify Class amending [8-1] motion to Certify Class by Charles Orlander Guess, Ogie Lee Hayes, Richard Elliot, Michael A. Austin. Referred to Mag Judge Vanzetta P. McPherson (djy) Modified on 03/12/1996 (Entered: 03/12/1996)
03/13/1996	75	FOURTH REQUEST for Production of Documents by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess. Referred to Magistrate Judge McPherson. (djy) (Entered: 03/13/1996)
03/15/1996	76	Expert Witness list by Fob James, Ronald E. Jones. Referred to Magistrate Judge McPherson. (djy) (Entered: 03/15/1996)
03/15/1996	77	ANSWER by Fob James (Attorney Robin Laurie) to amended complaint. Referred to Mag Judge Vanzetta P. McPherson (djy) (Entered: 03/15/1996)
03/18/1996	78	MOTION by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess to permit inspection referred to Mag Judge Vanzetta P. McPherson (djy) (Entered: 03/18/1996)
03/22/1996	79	Areas of agreement and disagreement between plaintiffs and defendants regarding class certification filed in response to 12-7-95 order. Referred to Magistrate Judge McPherson. (djy) (Entered: 03/25/1996)

03/22/1996	80	Areas of agreement and disagreement between plaintiffs and defendants regarding class certification. Referred to Magistrate Judge McPherson. (djj) (Entered: 03/25/1996)
03/25/1996	81	ANSWER to Revised Second Amended Complaint by Ronald E. Jones (Attorney Andrew Redd). Referred to Mag Judge Vanzetta P. McPherson (djj) (Entered: 03/25/1996)
03/26/1996	82	NOTICE of Attorney Appearance for Ronald E. Jones by Kim T. Thomas (djj) (Entered: 03/27/1996)
03/28/1996	83	REQUEST for Production of Documents by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess referred to Magistrate Judge McPherson. (cc) (Entered: 03/28/1996)
04/04/1996	84	ORDER directing the State of Alabama produce at the hearing on 4-5-96 at 10:00 a.m., the following inmates: 1. Michael Austin, 2. Richard Elliott, 3. Ogie Hayes, 4. Warren Leatherwood, 5. Kervin Goodwin; directing the clerk to forward copies of this order to counsel for the parties via facsimile (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel and Cecil Atchison; furnished to USM; faxed to counsel @ 262-2419, as directed. (djj) (Entered: 04/04/1996)
04/05/1996	85	RESPONSE by Fob James, Ronald E. Jones in opposition to [74-1] amended motion to Certify Class by Charles Orlander Guess, Ogie Lee Hayes, Richard Elliot, Michael A. Austin. Referred to Mag Judge Vanzetta P. McPherson (djj) (Entered: 04/05/1996)
04/05/1996	86	ORDER resetting class certification hearing for 10:00 a.m. on 5/14/96 before Mag Judge Vanzetta P. McPherson on [8-1] and [74-1] motion and amended motion to Certify Class , in Room 330, Frank M. Johnson, Jr. Federal Bldg. &U.S. Courthouse, 15 Lee Street, Montgomery, Alabama, as further set out in order; ORDERING that, if the parties intend to file depositions, they shall specifically identify the portions of the depositions which are probative of their positions, as further set out in order (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel; furnished to Marie, Sheila &USM. (djj) Modified on 05/14/1996 (Entered: 04/05/1996)
04/05/1996	87	ORDER directing the State of Alabama product at the hearing on 5-14-96 at 10:00 a.m. the following inmates: 1. Michael A. Austin, 2. Richard Elliott, 3. Ogie Hayes, 4. Warren Leatherwood, 5. Kervin Goodwin; advising that if plaintiffs desire to call any other inmates at the class certification hearing, they should file a motion for production of the inmates which shall include the inmates' names, their AIS nubmers and the names of the facilities where they are housed (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel and Cecil Atchison; furnished to USM. (djj) (Entered: 04/05/1996)
04/05/1996	88	ORDER denying as moot plaintiffs' 2-12-96 [58-1] second emergency motion to prohibit interference with class members' right of access to the courts (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel. (djj) (Entered: 04/05/1996)
04/05/1996	89	SECOND AMENDED SCHEDULING ORDER further amending the Scheduling Order entered on 6-12-95 and amended on 12-5-95 to set the deadline for discovery on 5/17/96 for purposes of conducting depositions and serving responses to outstanding discovery requests; also directing, for purposes of this order, the parties shall not propound requests for production or interrogatories after 4-17-96 (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel. (djj) Modified on 06/11/1996 (Entered: 04/05/1996)
04/05/1996	90	ORDER directing that the parties shall continue to file their requests for production with the Clerk of the court and to file their discovery responses (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel. (djj) (Entered: 04/05/1996)
04/05/1996	91	ORDER denying as moot plaintiff's 3-8-96 [65-1] request to permit inspection; directing the plaintiffs to confer informally with counsel for the defendants regarding further interviews with inmates at correctional institutions or regarding further visits to correctional institutions for any purpose; directing the parties to use

		their best efforts to arrange such inspections, interviews, and visits without intervention from this court (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel. (djy) (Entered: 04/05/1996)
04/05/1996		Motion hearing held re: [8-1] and [74-1] motion and amended motion to C ertify Class by Charles Orlander Guess, Ogie Lee Hayes, Richard Elliot, Michael A. Austin (djy) (Entered: 04/08/1996)
04/05/1996	92	Courtroom Deputy's MINUTES of proceedings; Parties ORAL MOTION to extend discovery cutoff deadlines. (djy) (Entered: 04/08/1996)
04/08/1996		Deadline updated per order entered 4-5-96; motion hearing motion hearing set for 10:00 a.m. on 5/14/96 before Mag Judge Vanzetta P. McPherson for [8-1] and [74-1] motion and amended motion to Certify Class (djy) (Entered: 04/08/1996)
04/08/1996		Stamped ORDER (rendered 3-26-96) granting plaintiff's 3-18-96 [78-1] motion to permit inspection (by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel. (djy) (Entered: 04/08/1996)
04/08/1996	93	ORDER denying as moot [61-1] motion for permission to Take Deposition of inmates; advising the parties that, pursuant to the court's instructions at the scheduled hearing on 4-5-96, it is not necessary for the parties to seek leave of court to conduct interviews or depositions of inmates, as further set out in order (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel. (djy) (Entered: 04/08/1996)
04/09/1996	94	NOTICE of Attorney Appearance for Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess by Ellen M. Bowden (djy) (Entered: 04/09/1996)
04/10/1996	95	MOTION by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess for sixth Discovery request referred to Mag Judge Vanzetta P. McPherson (djy) (Entered: 04/10/1996)
04/11/1996	96	RESPONSE by Fob James to Discovery Re: [75-1] 4th request for production by Charles Orlander Guess, Ogie Lee Hayes, Richard Elliot, Michael A. Austin. Referred to Magistrate Judge McPherson. (djy) (Entered: 04/11/1996)
04/12/1996	97	Supplemental ANSWER to Defendant James' Interrogatories filed by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess. Referred to Mag Judge Vanzetta P. McPherson (djy) (Entered: 04/12/1996)
04/12/1996	98	SUPPLEMENTAL ANSWER to defendant James' Interrogatories filed by Charles Orlander Guess, Michael A. Austin, Richard Elliot, Ogie Lee Hayes. Referred to Mag Judge Vanzetta P. McPherson (djy) (Entered: 04/12/1996)
04/17/1996	99	RESPONSE by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess to defendant Jones' first discovery request. Referred to Magistrate Judge McPherson. (djy) (Entered: 04/18/1996)
04/17/1996	100	SEVENTH REQUEST for Production of Documents by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess. Referred to Magistrate Judge McPherson. (djy) (Entered: 04/18/1996)
04/23/1996	101	Supplemental ANSWERS to Defendant James' Interrogatories filed by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess. Referred to Mag Judge Vanzetta P. McPherson (djy) (Entered: 04/24/1996)
04/29/1996	102	SUPPLEMENTAL ANSWER to Interrogatories filed by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess to defendant James' interrogatories. Referred to Mag. Judge Vanzetta P. McPherson (djy) (Entered: 04/29/1996)
04/29/1996	103	MOTION (proposed order & proposed amendment to complaint attached) by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess for Leave to File amendment to complaint referred to Mag. Judge Vanzetta P. McPherson (djy) (Entered: 04/29/1996)
04/30/1996	104	MOTION by Joe Hopper, Acting Commissioner of the ADOC and successor to defendant Ronald E. Jones, for immediate Stay of Rule 16 order referred to Mag.

		Judge Vanzetta P. McPherson (dgy) (Entered: 05/01/1996)
05/01/1996	105	SUPPLEMENTAL ANSWER to defendant James' interrogatories by Michael Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess. Referred to Mag. Judge Vanzetta P. McPherson (dgy) (Entered: 05/02/1996)
05/01/1996	106	OBJECTION w/attachment by Fob James, Ronald E. Jones in opposition to [103-1] motion for Leave to File amendment to complaint by Charles Orlander Guess, Ogie Lee Hayes, Richard Elliot, Michael A. Austin. Referred to Mag. Judge Vanzetta P. McPherson (dgy) (Entered: 05/02/1996)
05/02/1996	107	ORDER (rendered 5-1-96) denying plaintiff's 4-29-96 [103-1] motion for Leave to File amendment to complaint, as further set out in order (signed by Mag. Judge Vanzetta P. McPherson). Copies mailed to counsel. (dgy) Modified on 05/02/1996 (Entered: 05/02/1996)
05/02/1996	108	RESPONSE by Fob James to Discovery Re: [83-1] fifth discovery request by Charles Orlander Guess, Ogie Lee Hayes, Richard Elliot, Michael A. Austin. Referred to Magistrate Judge McPherson. (dgy) (Entered: 05/03/1996)
05/02/1996	109	RESPONSE by Fob James to Discovery [95-1] motion for sixth Discovery request by Charles Orlander Guess, Ogie Lee Hayes, Richard Elliot, Michael A. Austin. Referred to Magistrate Judge McPherson. (dgy) (Entered: 05/03/1996)
05/03/1996	110	RESPONSE by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess in opposition to [104-1] motion for immediate Stay of Rule 16 order by Ronald E. Jones referred to Mag. Judge Vanzetta P. McPherson (dgy) (Entered: 05/03/1996)
05/06/1996	111	JOINT STIPULATION by Michael A. Austin, Fob James, Ronald E. Jones, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess to Extend Time for discovery referred to Mag. Judge Vanzetta P. McPherson (dgy) (Entered: 05/07/1996)
05/09/1996	112	MOTION (Exhibit A attached) by the United States of America to vacate and Quash subpoena to Alan Ault referred to Mag. Judge Vanzetta P. McPherson (dgy) (Entered: 05/10/1996)
05/14/1996		Motion hearing held re: [8-1] motion and [74-1] amended motion to Certify Class by Charles Orlander Guess, Ogie Lee Hayes, Richard Elliot, Michael A. Austin (dgy) (Entered: 05/14/1996)
05/14/1996	113	Courtroom Deputy's MINUTES of proceedings; plaintiffs' witness list; court's witness list; defendants' exhibit list (Exhibits in envelope attached to minutes). (dgy) Modified on 05/14/1996 (Entered: 05/14/1996)
05/14/1996	114	RESPONSE by Fob James to Discovery Re: [100-1] seventh request for production by Charles Orlander Guess, Ogie Lee Hayes, Richard Elliot, Michael A. Austin. Referred to Magistrate Judge McPherson (dgy) (Entered: 05/14/1996)
05/14/1996	115	MOTION by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess to Substitute party current Commissioner Joe Hopper for former Commissioner Ron Jones referred to Mag. Judge Vanzetta P. McPherson (dgy) (Entered: 05/15/1996)
05/16/1996	116	RESPONSE by Joe Hopper to Discovery Re: [95-1] sixth Discovery request by Charles Orlander Guess, Ogie Lee Hayes, Richard Elliot, Michael A. Austin. Referred to Magistrate Judge McPherson. (dgy) (Entered: 05/17/1996)
05/17/1996	117	RESPONSE w/attachments by Joe Hopper to third Discovery Re: [64-1] production request by Charles Orlander Guess, Ogie Lee Hayes, Richard Elliot, Michael A. Austin. Referred to Magistrate Judge McPherson. (dgy) Modified on 05/17/1996 (Entered: 05/17/1996)
05/17/1996	118	RESPONSE by Joe Hopper to Discovery Re: [75-1] fourth production request by Charles Orlander Guess, Ogie Lee Hayes, Richard Elliot, Michael A. Austin. Referred to Magistrate Judge McPherson. (dgy) Modified on 05/17/1996 (Entered: 05/17/1996)

05/17/1996	119	RESPONSE by Ronald E. Jones to fifth Discovery Re: [83-1] production requested by Charles Orlander Guess, Ogie Lee Hayes, Richard Elliot, Michael A. Austin. Referred to Magistrate Judge McPherson. (djy) (Entered: 05/17/1996)
05/17/1996	120	RESPONSE by Joe Hopper to seventh Discovery Re: [100-1] produce requested by Charles Orlander Guess, Ogie Lee Hayes, Richard Elliot, Michael A. Austin. Referred to Magistrate Judge McPherson. (djy) (Entered: 05/17/1996)
05/17/1996	121	MOTION w/attachments by Fob James, Joe Hopper for Summary Judgment referred to Mag. Judge Vanzetta P. McPherson (djy) (Entered: 05/17/1996)
05/17/1996	122	MEMORANDUM w/attachments by Fob James, Ronald E. Jones in support of [121-1] motion for Summary Judgment by Ronald E. Jones, Fob James. Referred to Mag. Judge Vanzetta P. McPherson (djy) (Entered: 05/17/1996)
05/20/1996	123	RESPONSE by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess to [112-1] motion to vacate and Quash subpoena to Alan Ault by USA. Referred to Mag. Judge Vanzetta P. McPherson (djy) (Entered: 05/21/1996)
05/20/1996	124	EMERGENCY MOTION (Exhibits 1 thru 4 attached) by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess for an immediate Hearing referred to Mag. Judge Vanzetta P. McPherson (djy) (Entered: 05/21/1996)
05/21/1996	125	ORDER granting [124-1] motion for an immediate hearing; directing parties and their counsel to appear for a hearing on said [124-1] motion set for 10:00 a.m. on 5/24/96 before Mag. Judge Vanzetta P. McPherson , in Room 330, Frank M. Johnson, Jr. Federal Bldg. &U.S. Courthouse, 15 Lee Street, Montgomery, Alabama; specifically directing the parties to produce the following persons, inter alia, at the hearing: John Spellman, Warden Leslie Thompson, Arlene Richardson, Correctional Sergeant Kirk & Correctional Sergeant Dean; directing those persons having custody of inmate John Spellman to produce him for the hearing; directing that, until this court has made a determination on the plaintiff's claim of retaliation, the defendants shall refrain from assigning inmate John Spellman to the chain gang or placing him on the hitching post (signed by Mag. Judge Vanzetta P. McPherson). Copies mailed and faxed, as directed, to counsel and Cecil Atchison. (djy) (Entered: 05/21/1996)
05/21/1996		Deadline updated; motion hearing set for 10:00 5/24/96 before Mag. Judge Vanzetta P. McPherson for [124-1] motion for an immediate Hearing on plaintiff's claim of retaliation see 5-21-96 order for details. (djy) (Entered: 05/23/1996)
05/24/1996		Motion hearing held re: [124-1] motion for an immediate Hearing by Charles Orlander Guess, Ogie Lee Hayes, Richard Elliot, Michael A. Austin. (djy) (Entered: 05/28/1996)
05/24/1996	126	Courtroom Deputy's MINUTES of proceedings; witness list; plaintiff's exhibit list; defendants' witness list (Exhibits maintained in separate binder w/file) (djy) (Entered: 05/28/1996)
05/31/1996	127	MOTION (Exhibits A thru E attached) by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess to Compel discovery referred to Mag. Judge Vanzetta P. McPherson (djy) (Entered: 06/03/1996)
06/10/1996	128	MOTION by USA for Leave to File reply to plaintiff's response to the USA motion to vacate and quash subpoena referred to Mag. Judge Vanzetta P. McPherson (djy) (Entered: 06/11/1996)
06/10/1996	129	NOTICE of filing jointly prepared proposed pretrial order (Exhibit A attached) by Michael A. Austin, Fob James, Ronald E. Jones, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess. Referred to Magistrate Judge McPherson. (djy) Modified on 06/11/1996 (Entered: 06/11/1996)
06/10/1996	130	Defendants' designation of deposition testimony for potential use at trial. Referred to Magistrate Judge McPherson. (djy) (Entered: 06/11/1996)
06/10/1996	131	Witness list by Fob James and Commissioner Joe Hopper. Referred to Magistrate Judge McPherson. (djy) (Entered: 06/11/1996)

06/10/1996	132	Notice of filing Exhibit lists by Fob James and Joe Hopper (Exhibits A & B attached). Referred to Magistrate Judge McPherson. (djy) (Entered: 06/11/1996)
06/11/1996	133	NOTICE of Attorney Appearance for Fob James by N. DeWayne Pope, Edward S. Allen (dkt clerk) (Entered: 06/12/1996)
06/13/1996	134	RESPONSE by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess in opposition to [121-1] motion for Summary Judgment by Ronald E. Jones, Fob James; Exhibits 1-90 under SEPARATE COVER w/file referred to Mag. Judge Vanzetta P. McPherson (cc) (Entered: 06/14/1996)
06/13/1996	135	JOINT MOTION by Michael A. Austin, Fob James, Ronald E. Jones, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess to continue pretrial conference referred to Mag. Judge Vanzetta P. McPherson (cc) (Entered: 06/14/1996)
06/17/1996	136	Corrected exhibits # 1 thru 90 in support of plaintiff's response in opposition to the defendants' motion for summary judgment. (Maintained in separate binder w/file) (djy) (Entered: 06/17/1996)
06/17/1996	137	ORDER granting [135-1] joint motion to continue pretrial conference; rescheduling the Pretrial Conference for 3:00 p.m. on 6/19/96 before Mag. Judge Vanzetta P. McPherson , in Room 330, Frank M. Johnson, Jr. Federal Bldg. & U.S. Courthouse, 15 Lee Street, Montgomery, Alabama (signed by Mag. Judge Vanzetta P. McPherson). Copies mailed and faxed to counsel, as directed; furnished to Marie & Sheila. (djy) Modified on 06/17/1996 (Entered: 06/17/1996)
06/17/1996	138	ORDER (rendered 5-9-96) approving the parties stipulation to extend discovery cutoffs; resetting Discovery deadline to 5/31/96 , as further set out in order (signed by Mag. Judge Vanzetta P. McPherson). Copies mailed to counsel. (djy) (Entered: 06/17/1996)
06/18/1996	139	MOTION by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess to limit the number of defendants' trial witnesses and exhibits and require witness summaries referred to Mag. Judge Vanzetta P. McPherson (djy) (Entered: 06/18/1996)
06/19/1996	140	STIPULATION by the parties (proposed order signature page attached). Referred to Magistrate Judge McPherson. (djy) (Entered: 06/19/1996)
06/19/1996		Pre-Trial Conference held before Mag. Judge Vanzetta P. McPherson on 6-19-96. (djy) (Entered: 06/20/1996)
06/19/1996	141	Courtroom Deputy's MINUTES of proceedings; Tape 1914, 1 thru 5384. (djy) Modified on 06/21/1996 (Entered: 06/20/1996)
06/19/1996		ORAL MOTION by Fob James, Joe Hopper to Withdraw [85-1] their objections to class certification for the limited purpose of implementing the parties proposed settlement; parties' ORAL MOTION to set proceedings designed to determine the response of class members to the proposed settlement ; parties' JOINT ORAL MOTION to approve the settlement made in open court during pretrial conference on 6-19-96. (djy) (Entered: 06/25/1996)
06/21/1996		Court reporter's TRANSCRIPT filed for dates of April 5, 1996, Class Certification Hearing. (djy) (Entered: 06/24/1996)
06/25/1996	142	ORDER granting plaintiff's [115-1] motion to Substitute Commissioner Joe Hopper for former Commissioner Ron Jones; terminating Ronald E. Jones; Adding Joe Hopper as a defendant (signed by Mag. Judge Vanzetta P. McPherson). Copies mailed to counsel. (djy) (Entered: 06/25/1996)
06/25/1996	143	ORDER TO SHOW CAUSE why the Mag. Judge should not recommend that either their motion for summary judgment filed on 11-13-95 or their motion for summary judgment filed on 5-17-96 should not be dismissed as moot; directing the defendants to advise the court whether the subsequently filed motion supersedes the earlier motion; Response to Order to Show Cause due on 7/8/96 for Joe Hopper, for Fob James (signed by Mag. Judge Vanzetta P. McPherson). Copies mailed to counsel. (djy) (Entered: 06/25/1996)

06/25/1996	144	ORDER TO SHOW CAUSE why the Mag. Judge should not recommend that either their motion for class certification filed on 5-18-95 or their motion for class certification filed on 3-11-96 should not be dismissed as moot; directing the plaintiffs to advise the court whether the subsequently filed motion supersedes the earlier motion; Response to Order to Show Cause due on 7/8/96 for Charles Orlander Guess, for Ogie Lee Hayes, for Richard Elliot, for Michael A. Austin (signed by Mag. Judge Vanzetta P. McPherson). Copies mailed to counsel. (dgy) (Entered: 06/25/1996)
06/25/1996	145	ORDER (1) granting defendants' [0-1] oral motion to Withdraw [85-1] their opposition to class certification for the limited purpose of implementing the parties proposed settlement; (2) granting the parties' [0-2] oral motion to set proceedings designed to determine the response of class members to the proposed settlement; (3) directing that on or before 6-26-96, the parties shall file with the clerk a Joint Proposed Notice to the members of the class of their settlement, a proposed means of distributing the notice to the class members, and a proposed form the class member's use in filing objections and said notice shall include the factors orally set forth by the Mag. Judge at the pretrial conference, with the Mag. Judge thereafter to enter an order approving or disapproving the notice; (4) if the proposed notice, as initially filed, is approved, the parties shall cooperatively distribute the notice, including the form, to the class members on 7-5-96; (5) directing on or before 7-22-96, members of the class may file any objections they may have to the proposed settlement of the chain gang issue; advising that objections shall be filed in writing with the clerk and shall be clearly identified with the style of this case and the heading "Objections to proposed settlement" and said objections shall also be serve upon counsel for the plaintiffs and defendants; directing that the court will not consider any objections filed after 7-22-96 and will not permit any class member who has not filed an objection to testify at any subsequent hearing to determine whether the settlement should be approved; (6) setting a FAIRNESS HEARING for 10:00 a.m. on 8/2/96 for the purpose of receiving oral testimony regarding class members' objections to the proposed settlement , in Room 330, Frank M. Johnson, Jr. Fed. Bldg. &U.S. Courthouse, 15 Lee St, Montgomery, Alabama (signed by Mag. Judge Vanzetta P. McPherson). Copies mailed to counsel; furnished to Marie & Sheila. (dgy) (Entered: 06/25/1996)
06/25/1996	146	ORDER directing the parties to confer and to determine the extent to which their discovery disputes remain unresolved; further directing the parties to advise the court in writing at the Fairness Hearing on 8-2-96 of (1) the precise discovery requests for which answers or responses are still outstanding as of that date, and (2) the precise discovery disputes which are still unresolved as of that date (signed by Mag. Judge Vanzetta P. McPherson). Copies mailed to counsel. (dgy) (Entered: 06/25/1996)
06/25/1996	147	ORDER granting in part and denying in part plaintiff's 6-18-96 [139-1] motion to limit the number of defendants' trial witnesses and exhibits and require witness summaries, as further set out in order; directing the parties and their counsel to confer to consider a consensual and reasonable limitation, subject to review by this court, and to advise the court upon filing their witness lists of their agreement or of their inability to reach an agreement; directing that, except to the extent that the defendants may have been obligated to provide witness summaries in response to a discovery request previously propounded, the plaintiff's motion for witness summaries is DENIED (signed by Mag. Judge Vanzetta P. McPherson). Copies mailed to counsel. (dgy) (Entered: 06/25/1996)
06/25/1996	148	ORDER TO SHOW CAUSE why the motion to vacate and quash subpoena filed on 5-9-96 should not be dismissed as moot; Response to Order to Show Cause due on 7/8/96 for Joe Hopper, for USA, for Charles Orlander Guess, for Ogie Lee Hayes, for Richard Elliot, for Fob James, for Michael A. Austin; granting the United States' 6-10-96 [128-1] motion for Leave to File reply to plaintiff's response to the USA motion to vacate and quash subpoena (signed by Mag. Judge Vanzetta P. McPherson). Copies mailed to counsel. (dgy) (Entered: 06/25/1996)
06/25/1996	149	ORDER denying as moot defendant Jones' [104-1] motion for immediate Stay of Rule 16 order (signed by Mag. Judge Vanzetta P. McPherson). Copies mailed to counsel. (dgy) (Entered: 06/25/1996)

06/25/1996	150	ORDER denying as moot plaintiff's 11-15-95 [52-1] motion to establish a briefing schedule for summary judgment motion (signed by Mag. Judge Vanzetta P. McPherson). Copies mailed to counsel. (djt) (Entered: 06/25/1996)
06/25/1996	151	AMENDED SCHEDULING ORDER directing as follows: (1) a Pretrial Conference is set for 10:00 a.m. on 9/23/96 before Mag. Judge Vanzetta P. McPherson , in Room 330, Frank M. Johnson, Jr. Federal Bldg, &U.S. Courthouse, 15 Lee St, Montgomery, Al.; directing at least one trial counsel for each party to attend; setting Jointly prepared Proposed Pretrial Order Deadline to 9/18/96 ; (2) setting case for a non-jury Evidentiary Hearing commencing at 9:00 a.m. on 10/7/96 before Mag. Judge Vanzetta P. McPherson , at the Frank M. Johnson, Jr. Fed. Bldg. &U.S. Courthouse, as further set out in order; (3) reaffirming and not modifying the deadlines set in the amended scheduling order entered on 12-5-95 for filing dispositive motions by 5/17/96, conducting discovery by 5/31/96 (see footnote), exchanging the names and addresses of all expert witnesses, filing motions in limine and identifying parts of depositions to be used at trial; (4) directing the parties to exchange their revised lists of witnesses and exhibits or tangible evidence on or before 9-6-96, as further set out in order; (5) directing that on or before 9-23-96, the parties shall file a joint, concise statement of stipulated facts, as further set out in order; (6) directing that on or before 9-23-96, counsel for all parties shall file a jointly signed letter with the court advising the court that counsel for all parties have engaged in a good faith settlement conference and inform the court as to the reasonable possibility of settlement; (7) directing the plaintiffs to file their pretrial briefs on or before 9-13-96 and the defendants to file their responsive pretrial brief deadline on 9/20/96 , as further set out in order (signed by Mag. Judge Vanzetta P. McPherson). Copies mailed to counsel; furnished to Marie & Sheila. (djt) (Entered: 06/25/1996)
06/25/1996	152	REPLY by USA to response to [112-1] motion to vacate and Quash subpoena to Alan Ault by USA. Referred to Mag. Judge Vanzetta P. McPherson (djt) (Entered: 06/25/1996)
06/26/1996		Stamped ORDER (rendered 3-26-96) granting [59-1] motion for leave to file [1-1] amended complaint (by Mag. Judge Vanzetta P. McPherson). Copies mailed to counsel. (djt) (Entered: 06/26/1996)
06/26/1996	153	MOTION (proposed order attached) by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin to Amend [145-1] order setting a FAIRNESS HEARING referred to Mag. Judge Vanzetta P. McPherson (djt) (Entered: 06/26/1996)
06/26/1996		Tele-conference held before Mag. Judge Vanzetta P. McPherson on 6-26-96 (djt) (Entered: 06/28/1996)
06/27/1996	154	ORDER granting [153-1] motion to Amend [145-1] order entered 6-25-96; directing that counsel shall file a joint proposed notice of settlement for distribution to class members, the proposed means of distributing the notice, and the proposed objection form on or before 6-28-96 (signed by Mag. Judge Vanzetta P. McPherson). Copies mailed to counsel; furnished to USA. (djt) (Entered: 06/28/1996)
06/28/1996		Court reporter's TRANSCRIPT of PRETRIAL CONFERENCE filed for date of June 19, 1996 (djt) (Entered: 06/28/1996)
06/28/1996	155	JOINT MOTION by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin, Fob James, Joe Hopper for preliminary approval of attached proposed stipulation and notice to class members (Notice of proposed partial class settlement in chain gang case & proposed form for filing objections attached). Referred to Mag. Judge McPherson. referred to Mag. Judge Vanzetta P. McPherson (djt) Modified on 07/01/1996 (Entered: 07/01/1996)
07/02/1996	156	MOTION by Joe Hopper to Modify [145-1] order entered 6-25-96 with regard to distribution of class notice referred to Mag. Judge Vanzetta P. McPherson (djt) (Entered: 07/02/1996)

07/02/1996		Stamped ORDER granting defendant Hopper's [156-1] motion to Modify [145-1] order entered 6-25-96 with regard to distribution of class notice; modifying [145-1] order resetting the date for distribution of class notice to 7-8-96 (by Mag. Judge Vanzetta P. McPherson). Copies mailed to counsel. (djy) (Entered: 07/02/1996)
07/02/1996	157	Response by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin to [148-1] Order to Show Cause. Referred to Mag. Judge Vanzetta P. McPherson (djy) (Entered: 07/02/1996)
07/02/1996	158	Response by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin to [144-1] Order to Show Cause. Referred to Mag. Judge Vanzetta P. McPherson (djy) (Entered: 07/02/1996)
07/05/1996	159	ORDER granting [155-1] joint motion for preliminary approval of proposed stipulation and notice to class members filed 6-28-96 pending a final order by this court and following the court's consideration of objections, if any, and evidence received at a fairness hearing previously scheduled for 8-2-96 (signed by Mag. Judge Vanzetta P. McPherson). Copies mailed and faxed, as directed, to counsel. (djy) Modified on 09/20/1996 (Entered: 07/05/1996)
07/05/1996	160	ORDER directing that the [140-1] proposed stipulation agreed to by the parties on 6-19-96 is within the range of reasonableness and is preliminarily approved; directing that notice to the class members be given by the Commissioner of the ADOC by placing the attached notice in every correctional facility in the State of Alabama; directing that the notice shall be conspicuously posted on community bulletin boards in every dormitory in every prison and also shall be posted in the law library and dining area of each facility, with inmates in segregation served an individual copy of the notice; directing that the Commissioner of the ADOC send the attached notice to every county jail in the state and request that the notice be prominently displayed in common areas of the jail facility; directing that the Commissioner of the ADOC serve each inmate with a pending individual lawsuit that challenges the practice of chaining inmates together with a copy of this notice; directing that all notices shall be placed in the areas described above and all notices be given to segregated inmates on or before 7-8-96 (signed by Mag. Judge Vanzetta P. McPherson). Copies w/notice to class attached mailed and faxed to counsel. (djy) (Entered: 07/05/1996)
07/08/1996	161	Response by Fob James, Joe Hopper to [143-1] Order to Show Cause. Referred to Mag. Judge Vanzetta P. McPherson (djy) (Entered: 07/09/1996)
07/10/1996	162	Erik L. Thomas' objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/10/1996)
07/10/1996	163	Larry Allen Crossley's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/10/1996)
07/10/1996	164	Plaintiff Steven D. Simon's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/10/1996)
07/10/1996	165	Jack Martin's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/10/1996)
07/10/1996	166	Clifton Belcher's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/10/1996)
07/10/1996	167	Michael Marshall's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/10/1996)
07/10/1996	168	Orenthial Mitchell's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/10/1996)
07/10/1996	169	Thomas E. Ray's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/10/1996)
07/10/1996	170	Roger D. Hyatt's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/10/1996)

07/10/1996	171	Gerald D. Ward's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/10/1996)
07/11/1996	172	Michael Cole's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/11/1996)
07/11/1996	173	David Selbe's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/11/1996)
07/11/1996	174	John Hines' objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/11/1996)
07/11/1996	175	Kevin White's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/11/1996)
07/11/1996	176	Jessie Todd's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/11/1996)
07/11/1996	177	Claudie Blakely's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/11/1996)
07/11/1996	178	Christopher Parker's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/11/1996)
07/11/1996	179	John Brown's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/11/1996)
07/11/1996	180	Gerald Hogan's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/11/1996)
07/11/1996	181	Stanley Hudgins' objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/11/1996)
07/11/1996	182	John Rowe's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/11/1996)
07/12/1996	183	Bobby J. Carter's objection to proposed class settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/12/1996)
07/12/1996	184	Lloyd G. Ogletree's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/12/1996)
07/12/1996	185	Gary H. Edgar's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/12/1996)
07/12/1996	186	Phillip D. Elliott's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/12/1996)
07/12/1996	187	Louis L. Craig's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/12/1996)
07/12/1996	188	Carlos Morris' objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/12/1996)
07/12/1996	189	Donny King's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/12/1996)
07/12/1996	190	James Stallworth's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/12/1996)
07/12/1996	191	Thomas Reese's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/12/1996)
07/12/1996	192	Marvin Alexander's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/12/1996)
07/12/1996	193	Terry Morris' objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/12/1996)
07/12/1996	194	James Kashuba's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/12/1996)

07/12/1996	195	Phillip McClendon's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/12/1996)
07/12/1996	196	Clyde Anderson's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/12/1996)
07/12/1996	197	Farrissa Smith's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/12/1996)
07/12/1996	198	Donzell Drake's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/12/1996)
07/12/1996	199	Armondo Allen's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/12/1996)
07/12/1996	200	James Fish's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/12/1996)
07/12/1996	201	Edward L. Knight, Jr.'s objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/12/1996)
07/12/1996	202	Larry Darnell Cargill's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/12/1996)
07/12/1996	203	MEMORANDUM by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin in support of [124-1] motion for an immediate Hearing regarding John Spellman matter by Charles Orlander Guess, Ogie Lee Hayes, Richard Elliot, Michael A. Austin (proposed order attached). Referred to Mag Judge Vanzetta P. McPherson (djy) (Entered: 07/15/1996)
07/15/1996	204	Domineke Taylor's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/15/1996)
07/15/1996	205	Douglas L. Crouch's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/15/1996)
07/15/1996	206	Jeffrey Alan Cox's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/15/1996)
07/15/1996	207	Malcolm S. Driskill, Jr.'s objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/15/1996)
07/15/1996	208	Malcom Christian's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/15/1996)
07/15/1996	209	Charles Wesson's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/15/1996)
07/15/1996	210	Joe M. Felton's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/15/1996)
07/15/1996	211	Curtis Buggs' objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/15/1996)
07/15/1996	212	Isiah Dailey's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/15/1996)
07/15/1996	213	Franklin Irvin's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/15/1996)
07/15/1996	214	Lorenzo Johnson's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/15/1996)
07/15/1996	215	Charles H. Bowden's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/15/1996)
07/15/1996	216	Plaintiff Larry McKinney's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/15/1996)

07/15/1996	217	Basil Caddle's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/15/1996)
07/15/1996	218	John Campbell's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/15/1996)
07/15/1996	219	Christopher McCullough's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/15/1996)
07/16/1996	220	Joseph A. Farley's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/17/1996)
07/16/1996	221	George Craig's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/17/1996)
07/16/1996	222	Rodney Shanklin's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/17/1996)
07/16/1996	223	Joseph West's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/17/1996)
07/16/1996	224	Joe Ranger Pickett's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/17/1996)
07/16/1996	225	Lee Hardy's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/17/1996)
07/16/1996	226	Travis Cummings' objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/17/1996)
07/16/1996	227	Terrance Roberts' objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/17/1996)
07/16/1996	228	Phillip Ragsdale's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/17/1996)
07/16/1996	229	Randall Lands' objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/17/1996)
07/16/1996	230	Bruce Godfrey's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/17/1996)
07/16/1996	231	Derick Johnson's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/17/1996)
07/16/1996	232	Kelvin Crockett's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/17/1996)
07/17/1996	233	Lamon Arnold's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/18/1996)
07/17/1996	234	Dwight DeRamus' objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/18/1996)
07/17/1996	235	Russell Harris' objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/18/1996)
07/17/1996	236	Lynell N. Garlington's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/18/1996)
07/17/1996	237	James Tolbert's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/18/1996)
07/17/1996	238	Floyd Puryear's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/18/1996)
07/17/1996	239	Jerome Williams' objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/18/1996)
07/17/1996	240	Andre Morning's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/18/1996)

07/17/1996	241	Clarence French, Jr.'s objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/18/1996)
07/17/1996	242	Anthony E. Lewis' objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/18/1996)
07/17/1996	243	Louis Dixon's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/18/1996)
07/17/1996	244	Lonnie Sanders' objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/18/1996)
07/17/1996	245	Deborah Daniels' objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/18/1996)
07/17/1996	246	Phillip Byron Melvin's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/18/1996)
07/18/1996	247	Askew Adams' objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/19/1996)
07/18/1996	248	Charlie Rutledge's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/19/1996)
07/18/1996	249	Dwight J. Reese's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/19/1996)
07/18/1996	250	Levan Perryman's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/19/1996)
07/18/1996	251	Kenneth Norris' objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/19/1996)
07/18/1996	252	Oscar King's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/19/1996)
07/18/1996	253	Kelvin L. Thirlkill's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/19/1996)
07/18/1996	254	Terry Tyson's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/19/1996)
07/18/1996	255	Sanders E. Watkins' objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/19/1996)
07/18/1996	256	Michael W. Burton's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/19/1996)
07/18/1996	257	Jesse Collins' objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/19/1996)
07/18/1996	258	Charles Carlisle's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/19/1996)
07/18/1996	259	Recki Demon Goodloe's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/19/1996)
07/18/1996	260	Jessie J. Harris' objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/19/1996)
07/19/1996	261	James W. Cobb's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/22/1996)
07/19/1996	262	Carlos Scarbrough's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/22/1996)
07/19/1996	263	Sylvester T. Randolph's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/22/1996)
07/19/1996	264	Walter Henderson, Jr.'s objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/22/1996)

07/19/1996	265	Otis J. Robbins' objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/22/1996)
07/19/1996	266	Michael E. Walker's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/22/1996)
07/19/1996	267	Celester C. Edwards, Jr.'s objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/22/1996)
07/19/1996	268	Alvin H. Daniels' objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/22/1996)
07/19/1996	269	Antonio Wiley's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/22/1996)
07/19/1996	270	Frank Snow's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/22/1996)
07/19/1996	271	Robert L. Pritchett's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/22/1996)
07/19/1996	272	Ray Hinton's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/22/1996)
07/22/1996	273	Sonja R. Underwood's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/23/1996)
07/22/1996	274	Ray Gann's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/23/1996)
07/22/1996	275	Stanley Newman's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/23/1996)
07/22/1996	276	Randy Kinnard's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/23/1996)
07/22/1996	277	Cletus Bailey's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/23/1996)
07/22/1996	278	James Johnson's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/23/1996)
07/22/1996	279	LaPhonse A.T. Young's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/23/1996)
07/22/1996	280	Carnell Fowler's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/23/1996)
07/22/1996	281	Angus L. Oliver's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/23/1996)
07/22/1996	282	Donald Dye's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/23/1996)
07/22/1996	283	Tom Phillips' objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/23/1996)
07/22/1996	284	Robert Guier's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/23/1996)
07/22/1996	285	Curtis Stallworth's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/23/1996)
07/22/1996	286	Eric Green's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/23/1996)
07/22/1996	287	Willie Jackson, Jr.'s objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/23/1996)
07/22/1996	288	Lewis E. Garner's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/23/1996)

07/22/1996	289	Charles Hill's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/23/1996)
07/23/1996	290	Dontrell Holley's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/23/1996)
07/23/1996	291	Robert Lee Jacobs' objection to proposed order. Referred to Mag. Judge McPherson. (djy) (Entered: 07/23/1996)
07/23/1996	292	Fredrick D. Huguley's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/23/1996)
07/23/1996	293	Emmett Randolph, Jr.'s objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/23/1996)
07/23/1996	294	Bernard Finley's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/23/1996)
07/23/1996	295	Roderick Woody's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/23/1996)
07/23/1996	296	F. J. Gardner's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/23/1996)
07/23/1996	297	Elijah Thomas' objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/23/1996)
07/24/1996	298	ORDER directing that counsel for the parties appear at a Status Conference at 3:00 p.m. on 7/29/96 before Mag Judge Vanzetta P. McPherson , in Room 330, Frank M. Johnson, Jr. Federal Building &U.S. Courthouse, 15 Lee Street, Montgomery, Alabama (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel; furnished to Marie &Sheila. (djy) (Entered: 07/24/1996)
07/24/1996	299	Tony C. Kelly's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/25/1996)
07/24/1996	300	Derick Johnson's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/25/1996)
07/24/1996	301	Keith Williams' objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/25/1996)
07/24/1996	302	Michael Edwards' objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/25/1996)
07/24/1996	303	NOTICE of transfer of inmate John Spellman by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin. Referred to Mag. Judge McPherson. (djy) (Entered: 07/25/1996)
07/25/1996	304	Rodney Hinton's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/25/1996)
07/25/1996	305	Michael Gamble's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/25/1996)
07/25/1996	306	Leslie Johnson's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/25/1996)
07/25/1996	307	Mark E. Verklas' objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/25/1996)
07/25/1996	308	James Beckworth's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/25/1996)
07/25/1996	309	Jarman Williams' objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/25/1996)
07/25/1996	310	Charles Boykin's objection to proposed settlement. Referred to Mag. Judge McPherson. (djy) (Entered: 07/25/1996)

07/26/1996	311	Sandford L. Ryles' objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/26/1996)
07/26/1996	312	Donnie Moore's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/26/1996)
07/26/1996	313	Brian Lewis' objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 07/26/1996)
07/30/1996		Status Conference held before Mag Judge Vanzetta P. McPherson on 7-30-96. (djt) (Entered: 07/31/1996)
07/30/1996	314	ORDER directing that, at the fairness hearing scheduled for 8-2-96, the Magistrate Judge shall receive testimony from (1) plaintiff Michael Austin, (2) plaintiff Ogie Hayes, (3) selected members of the putative class who have filed objections, and (3) other witnesses which counsel may proffer; allowing counsel for the parties to also submit oral argument at that time in support of their respective positions; directing that, following the fairness hearing, the Mag. Judge shall consider (1) the transfer of John Spellman from Kilby Correctional Facility, and (2) any remaining discovery disputes in this case; further ORDERING that the State of Alabama Dept of Corrections produce at the hearing the following inmates: Michael Austin, Ogie Hayes, John Spellman, Douglas Crouch, Leslie Johnson, Kevin White, Domineke Taylor, Curtis Buggs and Terrance Roberts; (signed by Mag Judge Vanzetta P. McPherson). Copies mailed and faxed to counsel and Cecil Atchison; furnished to Sheila. (djt) (Entered: 07/31/1996)
07/31/1996	315	Joe E. Bennett's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 08/01/1996)
07/31/1996	316	Anthony R. Davis' objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 08/01/1996)
08/02/1996	317	RESPONSE w/attachment by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin to court's [146-1] order entered 6-25-96. Referred to Mag Judge Vanzetta P. McPherson (djt) Modified on 08/02/1996 (Entered: 08/02/1996)
08/02/1996		FAIRNESS HEARING/DISCOVERY HEARING and HEARING RE: JOHN SPELLMAN'S RETALIATION CLAIM held before Mag Judge Vanzetta P. McPherson on 8-2-96. (djt) Modified on 08/02/1996 (Entered: 08/02/1996)
08/02/1996	318	Courtroom Deputy's MINUTES of proceedings; witness list for fairness hearing. (Tapes 1931, 1 thru end and 1932 1 thru 1141. (djt) (Entered: 08/02/1996)
08/06/1996	319	AFFIDAVIT by Ogie Lee Hayes. Referred to Mag. Judge McPherson. (djt) (Entered: 08/06/1996)
08/07/1996	320	Henry Williams' objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 08/07/1996)
08/07/1996	321	AMENDED RESPONSE (Exhibits A thru D attached) by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin amending [317-1] response to 6-25-96 order by plaintiffs. Referred to Mag Judge Vanzetta P. McPherson (djt) (Entered: 08/07/1996)
08/09/1996	322	SUPPLEMENTAL RESPONSE by Joe Hopper to Discovery [75-1] produce requested by Charles Orlander Guess, Ogie Lee Hayes, Richard Elliot, Michael A. Austin. Referred to Mag. Judge McPherson. (djt) (Entered: 08/12/1996)
08/28/1996	323	Carl Hall's (Lord Divine Allah) objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 08/28/1996)
09/04/1996	324	Darnell Mayfield's objection to proposed settlement. Referred to Mag. Judge McPherson. (djt) (Entered: 09/04/1996)
09/13/1996	325	MOTION (proposed order attached) by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin to Extend Time in which to file their pretrial brief Referred to Mag Judge Vanzetta P. McPherson (djt) (Entered: 09/13/1996)

09/16/1996		Proposed pre-trial order received from Michael A. Austin, Fob James, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Joe Hopper, Warren Leatherwood, Kervin Goodwin. Referred to Mag. Judge McPherson. (djy) (Entered: 09/16/1996)
09/16/1996	326	PRE TRIAL BRIEF by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin. Referred to Mag. Judge McPherson. (djy) (Entered: 09/17/1996)
09/17/1996		Stamped ORDER (rendered 9-16-96) granting to and including 9-16-96, plaintiff's 9-12-96 [325-1] motion to Extend Time in which to file their pretrial brief (by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel. (djy) Modified on 09/17/1996 (Entered: 09/17/1996)
09/18/1996	327	Plaintiff's letter brief to supplement PRETRIAL BRIEF. Referred to Mag. Judge McPherson. (djy) (Entered: 09/19/1996)
09/18/1996	328	MOTION (Defendants' exhibit list attached & proposed order attached) by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin to exclude defendants' trial exhibits referred to Mag Judge Vanzetta P. McPherson (djy) (Entered: 09/19/1996)
09/19/1996	329	MOTION by Fob James, Joe Hopper to Extend Time in which to file their pretrial brief referred to Mag Judge Vanzetta P. McPherson (djy) (Entered: 09/19/1996)
09/19/1996	330	MOTION (Exhibits A, B & proposed order attached) by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin to Compel discovery of withheld documents referred to Mag Judge Vanzetta P. McPherson (djy) (Entered: 09/19/1996)
09/19/1996	331	MOTION by Ronald E. Jones to Extend Time in which to file a pretrial brief referred to Mag Judge Vanzetta P. McPherson (djy) (Entered: 09/20/1996)
09/20/1996	332	MOTION by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin in Limine to limit the testimony of defendant's experts referred to Mag Judge Vanzetta P. McPherson (djy) (Entered: 09/20/1996)
09/20/1996	333	MOTION by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin to supplement witness list to include Dr. James Guest referred to Mag Judge Vanzetta P. McPherson (djy) (Entered: 09/20/1996)
09/23/1996	334	MOTION by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin to Produce inmates for trial referred to Mag Judge Vanzetta P. McPherson (djy) (Entered: 09/23/1996)
09/23/1996		Pre-Trial Conference held before Mag Judge Vanzetta P. McPherson (djy) (Entered: 09/24/1996)
09/23/1996	335	Courtroom Deputy's MINUTES of proceedings [Tapes 1951 1 thru end; 1952 1 thru 1596]. (djy) (Entered: 09/24/1996)
09/23/1996	337	Parties JOINT STIPULATION OF FACTS. Referred to Mag. Judge McPherson. (djy) (Entered: 09/24/1996)
09/24/1996	336	Parties letter regarding settlement negotiations. Referred to Mag. Judge McPherson. (djy) (Entered: 09/24/1996)
09/24/1996	338	REVISED MOTION by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin to Produce inmates for trial referred to Mag Judge Vanzetta P. McPherson (djy) (Entered: 09/25/1996)
09/24/1996	339	PARTIES JOINT STIPULATION Re: toilet facilities claim. Referred to Mag. Judge McPherson. (djy) (Entered: 09/25/1996)
09/24/1996	340	PRE TRIAL BRIEF by Joe Hopper. Referred to Mag. Judge McPherson. (djy) (Entered: 09/25/1996)

09/25/1996	341	RESPONSE (affidavit of Andrew Redd attached) by Joe Hopper to [330-1] motion to Compel discovery of withheld documents by plaintiffs. Referred to Mag Judge Vanzetta P. McPherson (dgy) (Entered: 09/25/1996)
09/26/1996	342	ORDER granting [330-1] motion to Compel discovery of withheld documents; directing defendant to file response to plaintiffs' motion on or before 9/25/96; further ORDERED that, by the same date, the defendant shall provide to the plaintiffs copies of any reports prepared as a result of or arising from the Department of Justice's inquiry or investigation into the practice of the Department of Corrections' use of the hitching post; counsel for the defendant, including defendant's outside counsel, shall file an accompanying affidavit attesting to the following: 1) the date upon which said documents were prepared; 2) the custodianship and location of the documents since the date the documents were prepared; 3) the date upon which defendant's counsel learned of the existence of the documents; and 4) the date upon which outside counsel learned of the documents' existence; counsel for the plaintiffs shall notify the court if further discovery is necessary after they have reviewed said documents; plaintiff's request for sanctions will be considered upon court's review of said submissions; granting [329-1] motion to Extend Time to and including 9/24/96, in which to file their pretrial brief; granting [331-1] motion to Extend Time to and including 9/24/96, in which to file a pretrial brief; granting in part and denying in part [328-1] motion to exclude defendants' trial exhibits; rejecting list of trial exhibits previously filed by defendant; directing defendant to file a revised exhibit list on or before 9/27/96, as further set out in order; further directing defendant to include on revised exhibit list a statement explaining the procedure used to compile the defendant's previously filed exhibit list; directing plaintiffs on or before 9/30/96, to file their revised list of trial exhibits; setting Telephone Status Conference for 9:00 A.M. on 10/2/96 ; directing counsel for plaintiffs to arrange said telephone conference; on or before 9/24/96, the defendant shall file its response to motion to supplement witness list; taking under advisement [332-1] motion in Limine to limit the testimony of defendant's experts and the Magistrate Judge will consider motion and enter an Order upon the court's review of said submissions by the parties; setting Joint Notice of Proposed Settlement, including notice to purported class members, deadline to 9/27/96 ; (signed by Mag. Judge Vanzetta P. McPherson). Copies mailed (and faxed, as directed) to counsel. (dkt clerk) Modified on 10/04/1996 (Entered: 09/26/1996)
09/26/1996	343	SECOND MOTION by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, and Kervin Goodwin to Produce Inmates for Trial ; (proposed order attached). Referred to Mag. Judge Vanzetta P. McPherson (dkt clerk) Modified on 09/27/1996 (Entered: 09/27/1996)
09/27/1996	344	JOINT MOTION by Michael A. Austin, Fob James, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Joe Hopper, Warren Leatherwood, Kervin Goodwin for preliminary approval of proposed stipulation and notice to class members referred to Mag Judge Vanzetta P. McPherson (dgy) Modified on 09/30/1996 (Entered: 09/30/1996)
09/27/1996	345	Revised Witness list by Fob James, Joe Hopper. Referred to Mag. Judge McPherson. (dgy) (Entered: 09/30/1996)
09/27/1996	346	Revised Exhibit list by Fob James, Joe Hopper. Referred to Mag. Judge McPherson. (dgy) (Entered: 09/30/1996)
09/30/1996	347	OBJECTION by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin to [346-1] revised exhibit list by Joe Hopper, Fob James. Referred to Mag Judge Vanzetta P. McPherson (dgy) (Entered: 10/01/1996)
09/30/1996	348	Second Revised Trial Exhibit list by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin. Referred to Mag. Judge McPherson. (dgy) (Entered: 10/01/1996)
10/03/1996	349	ORDER granting [343-1] motion to Produce Inmates for Trial; directing the Department of Corrections to transfer the following prisoners to Kilby Correctional Facility no later than 10/4/96: Michael Austin 158875, Anthony Giles 151508A, Hadji Hicks 171023, Calvin Nix 167868, Gerald Ware 132250, Gary Montgomery

		186895, Tony Fountain 152157, Kervin Goodwin 152157, Larry Hope 181215, John Spellman 139205, and Jerry Johnston 180608; (signed by Mag. Judge Vanzetta P. McPherson). Copies mailed to counsel; Furnished: Ann Ashton Holmes, Esq. – USA. (dkt clerk) (Entered: 10/03/1996)
10/04/1996	350	ORDER granting plaintiff's [328–1] motion to exclude defendants' trial exhibits filed on 9–18–96, based upon the defendant's filing of a revised witness list on 9–27–96 (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel. (djy) Modified on 10/04/1996 (Entered: 10/04/1996)
10/04/1996	351	SUPPLEMENTAL RESPONSE (2 affidavits attached) by Fob James, Joe Hopper to [330–1] motion to Compel discovery of withheld documents by plaintiffs. Referred to Mag Judge Vanzetta P. McPherson (djy) Modified on 10/04/1996 (Entered: 10/04/1996)
10/07/1996	352	NOTICE of Attorney Appearance for Fob James, Joe Hopper by Albert S. Butler (djy) (Entered: 10/09/1996)
10/07/1996	353	NOTICE of Attorney Appearance for Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin by Marcia K. Bull (djy) (Entered: 10/09/1996)
10/07/1996		Evidentiary Hearing held before Mag Judge Vanzetta P. McPherson (djy) (Entered: 10/17/1996)
10/07/1996	354	Courtroom Deputy's MINUTES of proceedings of nonjury trial/evidentiary hearing held 10–7–96 and completed on 10–15–96; witness list; exhibit list. (djy) (Entered: 10/17/1996)
10/15/1996	355	MOTION (w/attachment) by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin for Leave to submit deposition testimony of expert Dr. Stephen Sampson referred to Mag Judge Vanzetta P. McPherson (djy) Modified on 10/17/1996 (Entered: 10/15/1996)
10/15/1996	356	ORDER advising counsel for the parties that they may file their post–trial briefs on or before 10/29/96; advising that all issues in this case will be deemed fully submitted as of 10/29/96 (signed by Mag Judge Vanzetta P. McPherson) , copies mailed to counsel. (cc) Modified on 10/17/1996 (Entered: 10/15/1996)
10/15/1996		ORAL MOTION by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin to exclude testimony of witness Yelder re inmate fountain made in open court during evidentiary hearing. (djy) (Entered: 10/17/1996)
10/15/1996		ORAL ORDER denying [0–1] motion to exclude testimony of witness Yelder re inmate fountain; ORAL ORDER excluding portion of DeLand's testimony; ORAL ORDER denying plaintiff's 10–15–96 [355–1] motion to submit deposition testimony (verbally given by Mag Judge Vanzetta P. McPherson) (djy) (Entered: 10/17/1996)
10/16/1996		Court reporter's TRANSCRIPT filed for dates of October 7, 1996 (Volume 1–1st day) of NONJURY Evidentiary Hearing. (djy) Modified on 10/21/1996 (Entered: 10/16/1996)
10/17/1996	357	ORDER (rendered 10–16–96), upon consideration of the plaintiff's objections to defendant's revised exhibit list filed 9–30–96 (Doc. #347), granting in part, denying in part said [347–1] motion; sustaining the objections as to items (1), (3), and (4) [as set out in order], and those exhibits were rejected by the court at trial; overruling the objections as to item (2) [as set out in order], as the exhibits in that category are relevant to the issue of how the defendants treat inmates who refuse to work (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel.(djy) Modified on 10/17/1996 (Entered: 10/17/1996)
10/17/1996	358	ORDER denying plaintiff's 10–15–96 [355–1] motion for Leave to submit deposition testimony, for the reasons stated in open court at the trial of this cause (signed by Mag Judge Vanzetta P. McPherson). copies mailed to counsel; furnished to USA. (djy) (Entered: 10/17/1996)

10/17/1996	359	ORDER granting plaintiff's 9-20-96 [332-1] motion in Limine to limit the testimony of defendant's experts, for the reasons stated by the court in open court at the trial of this cause (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel; furnished to USA. (djt) (Entered: 10/17/1996)
10/21/1996		Court reporter's TRANSCRIPT filed for date of October 8, 1996 (Volume II – 2nd day) of NonJury Evidentiary Hearing (djt) (Entered: 10/21/1996)
10/21/1996		Court reporter's TRANSCRIPT filed for date of October 9, 1996 (Volume III – 3rd day) of NonJury Evidentiary Hearing (djt) (Entered: 10/21/1996)
10/22/1996		Court reporter's TRANSCRIPT filed for date of October 10, 1996 (Volume IV – 4th day) NonJury Evidentiary Hearing (djt) (Entered: 10/22/1996)
10/23/1996		Court reporter's TRANSCRIPT filed for date of October 11, 1996 (Volume 5 – 5th day) NonJury Evidentiary Hearing. (djt) (Entered: 10/23/1996)
10/23/1996		Court reporter's TRANSCRIPT filed for date of October 15, 1996 (Volume VI – 6th day) NonJury Evidentiary Hearing. (djt) (Entered: 10/23/1996)
10/23/1996	360	RESPONSE by Fob James to court's 10-15-96 [356-1] order. Referred to Mag Judge Vanzetta P. McPherson (djt) (Entered: 10/24/1996)
10/28/1996	361	MOTION (proposed order attached) by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin to Extend Time in which to file post-trial briefs referred to Mag Judge Vanzetta P. McPherson (djt) (Entered: 10/28/1996)
10/29/1996	362	MOTION (proposed order attached) by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin to Extend Time in which to file post-trial briefs referred to Mag Judge Vanzetta P. McPherson (djt) (Entered: 10/29/1996)
10/29/1996		Stamped ORDER (rendered 10-28-96) granting plaintiff's 10-28-96 [361-1] motion to Extend Time in which to file post-trial briefs; resetting trial brief deadline for 10/30/96 (by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel. (djt) Modified on 10/29/1996 (Entered: 10/29/1996)
10/29/1996	363	MOTION (Exhibit 89 attached) by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin to supplement the record referred to Mag Judge Vanzetta P. McPherson (djt) (Entered: 10/29/1996)
10/29/1996	363	Plaintiff's supplement to record filed per order of 11-12-96. (djt) (Entered: 11/12/1996)
10/30/1996	364	ORDER TO SHOW CAUSE why the motion to supplement the record filed 10-29-96 should not be granted; Response to Order to Show Cause due on 11/8/96 for Joe Hopper (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel. (djt) (Entered: 10/30/1996)
11/01/1996	365	POST TRIAL BRIEF by Joe Hopper. Referred to Mag. Judge McPherson. (djt) (Entered: 11/04/1996)
11/01/1996	366	POST TRIAL BRIEF by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin. Referred to Mag. Judge McPherson. (djt) (Entered: 11/04/1996)
11/04/1996		Stamped ORDER granting until 11/7/96 [362-1] joint motion to Extend Time in which to file post-trial briefs (by Mag Judge Vanzetta P. McPherson) , copies mailed to counsel; furnished USA. (cc) (Entered: 11/04/1996)
11/08/1996	367	Response (affidavit of Steve Dees attached) by Joe Hopper to [364-1] Order to Show Cause. Referred to Mag Judge Vanzetta P. McPherson (djt) (Entered: 11/08/1996)
11/12/1996	368	ORDER granting plaintiff's 10-29-96 [363-1] motion to supplement the record; admitting the document attached to the plaintiff's motion and making as plaintiffs' Exhibit 89 into evidence and it will be considered by the court (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel. (djt) (Entered: 11/12/1996)

		11/12/1996)
11/13/1996	369	MOTION (proposed order attached) by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin for Leave to File reply brief to defendant's post hearing brief referred to Mag Judge Vanzetta P. McPherson (dgy) Modified on 11/15/1996 (Entered: 11/14/1996)
11/15/1996	370	ORDER granting plaintiff's 11-13-96 [369-1] motion for Leave to File reply brief to defendant's post hearing brief (signed by Mag Judge Vanzetta P. McPherson), Copies mailed to counsel; furnished to USA. (dgy) (Entered: 11/15/1996)
11/15/1996	371	REPLY BRIEF (Exhibits A &B attached) by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin in opposition to [365-1] trial brief by Joe Hopper referred to Mag Judge Vanzetta P. McPherson (dgy) (Entered: 11/15/1996)
01/28/1997	372	REPORT AND RECOMMENDATIONS of Mag Judge Vanzetta P. McPherson that: (a) the defendant's 11-13-95 motion for summary judgment addressing solely the chain gang claims - be DENIED as moot; (b) the defendants' 5-17-96 motion for summary judgment - addressing the chain gang, toilet facilities, visitation, and hitching post claims - be DENIED as moot on the claims of maintainance of a chain gang and provision of tiolet facilities to inmate work squads, and DENIED on the visitation and hitching post claims; and (c) defendant James' motion to dismiss be GRANTED; further RECOMMENDING that the court enter a final order finding and ordering that: (a) this action is certified as a class action consisting of the two classes of inmates defined herein; (b) the parties' proposed settlements of the following claims are approved: the plaintiffs' challenge to the defendants' practice of chaining inmates together and the denial of adequate toilet facilities to inmates on the chain gang work squads; (c) judgment is entered for the plaintiffs and against the defendants on the use by the Alabama Dept. of Corrections of a hitching post and the processes related thereto and declaring that the practices violate the plaintiffs' rights secured by the Due Process Clauses of the Fifth and Fourteenth Amendments, and that they constitute cruel and unusual punishment, prohibited by the Eighth Amendment; (d) judgment is entered for the plaintiffs' and against defendants on the denial of visitation rights to Alabama inmates assigned to the chain gang, and declaring that the said denial constitutes an unreasonable impingement upon the plaintiffs' rights secured by the First Amendment to the Constitution; (e) the defendant is permanently enjoined from denying visitation to inmates assigned to the chain gang solely because of their assignment; (f) the defendant is permanently enjoined from maintaining and using the hitching post as a restraining device for inmates; (g) as prevailing parties, the plaintiffs are entitled to reasonable attorney fees and costs pursuant to 42 U.S.C. 1988, and should be granted a reasonable time within which to file their petition for fees, together with evidentiary support thereof (see footnote 119, as set out in order); and (h) the costs of this proceeding are taxed against the defendants. Objections to R and R due by 2/28/97. Copies w/Appendix 1 &2 attached mailed to counsel; furnished to USA & Judge Thompson. (dgy) Modified on 02/18/1997 (Entered: 01/28/1997)
01/28/1997		Deadline updated; Objections reset to 2/28/97 for [372-1] report and recommendations (dgy) (Entered: 02/18/1997)
01/31/1997	373	MOTION (affidavit & proposed order attached) by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin for Preliminary Injunction referred to Mag Judge Vanzetta P. McPherson (dgy) (Entered: 01/31/1997)
02/03/1997	374	ORDER Amending 1-38-97 [372-1] report and recommendation of the Mag. Judge by substituting the attached, corrected pages 110 and 111 for the same pages in the original recommendation; directing the Clerk of the court to strike pages 110 and 111 filed 1-28-97 from the recommendation and to substitute the attached pages therefor (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel. (dgy) (Entered: 02/03/1997)
02/27/1997	375	OBJECTION by Fob James to [372-1] report and recommendation of the Mag. Judge. Referred to Mag. Judge McPherson. (dgy) (Entered: 02/27/1997)

02/27/1997	376	OBJECTION by Joe Hopper to [372-1] report and recommendation and additional facts that should be considered. Referred to Mag. Judge McPherson. (djy) (Entered: 02/27/1997)
03/05/1997	377	MOTION (proposed order attached) by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin for Leave to File a response to the defendant's objections to the Mag. Judge's recommendation referred to Mag Judge Vanzetta P. McPherson (djy) Modified on 03/05/1997 (Entered: 03/05/1997)
03/05/1997		Tele-conference held before Judge Myron H. Thompson (djy) (Entered: 03/06/1997)
03/05/1997	378	Courtroom Deputy's MINUTES of proceeding (telephone conference re: Motion for leave to file response to defendant's objections. (djy) Modified on 03/06/1997 (Entered: 03/06/1997)
03/06/1997	379	ORDER directing as follows: (1) the plaintiff's 3-5-97 [377-1] motion for Leave to File a response to the defendant's objections to the Mag. Judge's recommendation is granted; (2) allowing the plaintiffs to file a response to the objections; brief in opposition due by 4:00 p.m. on 4/7/97 ; denying plaintiffs' 1-31-97 [373-1] motion for Preliminary Injunction (signed by Judge Myron H. Thompson). Copies mailed to counsel. (djy) (Entered: 03/06/1997)
04/07/1997	380	MOTION (proposed order attached) by Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin to Extend Time in which to file a response to defendant Hopper's objections to recommendation referred to Judge Myron H. Thompson (djy) Modified on 04/07/1997 (Entered: 04/07/1997)
04/07/1997	381	MOTION (Proposed response to Governor James' objection to recommendation & proposed order attached) by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin for Leave to File a response to Governor James' Objection to the recommendation referred to Judge Myron H. Thompson (djy) Modified on 04/07/1997 (Entered: 04/07/1997)
04/08/1997	382	ORDER (1) granting plaintiffs' 4-7-97 [380-1] motion to Extend Time in which to file a response to defendant Hopper's objections to recommendation; (2) granting [381-1] motion for Leave to File a response to Governor James' Objection to the recommendation (signed by Judge Myron H. Thompson). Copies mailed to counsel; furnished to USA. (djy) (Entered: 04/08/1997)
04/08/1997	383	RESPONSE w/attachment by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin to [375-1] objection by Fob James. Referred to Judge Myron Thompson. (djy) Modified on 04/08/1997 (Entered: 04/08/1997)
04/08/1997	384	RESPONSE by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin to [376-1] objection to recommendation by Joe Hopper. Referred to Judge Myron Thompson. (djy) Modified on 04/09/1997 (Entered: 04/08/1997)
04/09/1997	385	ORDER directing that the recommendation of the Mag. Judge (doc. no. 372) and the objections thereto filed by the defendants (doc nos. 375 & 375) are set for HEARING on 4/28/97 @ 10:00 a.m. before Judge Myron H. Thompson , in the second-floor courtroom of the Frank M. Johnson, Jr. Federal Bldg. & U. S. Courthouse in Montgomery, Alabama (signed by Judge Myron H. Thompson). Copies mailed to counsel; furnished to USA, Marie, Tim & USM. (djy) (Entered: 04/09/1997)
04/09/1997	386	ORDER directing that, when the parties file pleadings, they refer to other pleadings and orders by both filing date and docket number; further ORDERING that the clerk of the court is to reject submissions from the parties that fail to comply with this requirement, as further set out in order (signed by Judge Myron H. Thompson). Copies mailed to counsel; furnished to USA. (djy) (Entered: 04/09/1997)
04/10/1997	387	AMENDED ORDER directing that the recommendation (doc. no. 372) and the objections (doc. nos. 375 & 376) are set for Oral Argument on 4/28/97 @ 10:00 a.m., before Judge Myron H. Thompson , in the second-floor courtroom of the

		Frank M. Johnson, Jr. Federal Bldg. & U.S. Courthouse in Montgomery, Alabama (signed by Judge Myron H. Thompson). Copies mailed to counsel; furnished to USA, Marie & Tim. (djt) (Entered: 04/10/1997)
04/14/1997	388	MOTION by Fob James, Joe Hopper to continue oral argument set for 4-28-97 referred to Judge Myron H. Thompson (djt) (Entered: 04/14/1997)
04/15/1997	389	ORDER granting defendant Hoppers 4-14-97 [388-1] motion to continue oral argument set for 4-28-97; resetting the recommendation and objections for Oral Argument at 9:00 a.m. on 5/14/97 before Judge Myron H. Thompson , in the second-floor courtroom of the Frank M. Johnson, Jr. Federal Bldg. & U.S. Courthouse, Montgomery, Alabama (signed by Judge Myron H. Thompson). Copies mailed to counsel; furnished to USA, Marie, Tim & USM. (djt) (Entered: 04/15/1997)
05/14/1997		ORAL ARGUMENT held before Judge Myron H. Thompson (djt) (Entered: 05/14/1997)
05/14/1997	390	Courtroom Deputy's MINUTES of proceedings; ORAL ARGUMENT re: Mag. Judge's recommendation. (djt) (Entered: 05/14/1997)
05/15/1997	391	ORDER directing that the clerk of the court is to arrange for the transcription of the oral argument on 5-14-97 (signed by Judge Myron H. Thompson). Copies mailed to counsel; furnished to Marie. (djt) (Entered: 05/15/1997)
05/15/1997	392	Plaintiff's supplement to oral argument. Referred to Mag. Judge McPherson. (djt) (Entered: 05/16/1997)
05/20/1997		Court reporter's TRANSCRIPT of Oral Argument for date of 5/14/97 (cc) (Entered: 05/20/1997)
10/15/1997	393	ORDER directing the defendants to supplement defendants' exhibit number 1 on or before 10-15-97 (signed by Mag Judge Vanzetta P. McPherson). Copies mailed and faxed to counsel, as directed. VACATED PER ORDER OF 10-16-97 (RENDERED 10-15-97). (djt) Modified on 10/16/1997 (Entered: 10/15/1997)
10/16/1997	394	ORDER (rendered 10-15-97) vacating 10-15-97 [393-1] order (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel. (djt) Modified on 10/16/1997 (Entered: 10/16/1997)
01/06/1998	395	ORDER finding that the Mag. Judge did not issue the order (regarding Doc. #344), that notice was not given to the class of this portion of the settlement agreement, and that a fairness hearing regarding this issue was not held; in light of this deficiency, it is ORDERED that the parties submit suggestions as to how the court should proceed by no later than 1-16-98 (signed by Judge Myron H. Thompson). Copies mailed and faxed to counsel. (djt) Modified on 01/08/1998 (Entered: 01/06/1998)
01/06/1998	396	ORDER denying [338-1] motion to Produce inmates for trial filed 9-24-96, [334-1] motion to Produce inmates for trial filed 9-23-96, [127-1] motion to Compel discovery filed 5-31-96, and [112-1] motion to Quash subpoena to Alan Ault filed 5-9-96, as the issues raised in these motions appear to be moot (signed by Judge Myron H. Thompson). Copies mailed and faxed to counsel. (djt) Modified on 01/08/1998 (Entered: 01/06/1998)
01/06/1998	397	ORDER finding that no motion to dismiss was ever filed by defendant James, as was discussed by the Mag. Judge in (Doc 372 at pages 53-55 and 112; however, the parties having agreed at oral argument on 5-14-97 that defendant Fob James should not be a party to this litigation, it is ORDERED that defendant James is DISMISSED; in all other respects the recommendation of the Mag. Judge is still under submission (signed by Judge Myron H. Thompson). Copies mailed and faxed to counsel. (djt) Modified on 03/25/1998 (Entered: 01/06/1998)
01/06/1998	398	ORDER denying as moot the 11-13-95 [47-1] and 5-17-96 [121-1] motions for Summary Judgment filed by defendants; in all other respects the recommendation of the Mag. Judge (Doc. # 372) is still under submission (signed by Judge Myron H. Thompson). Copies mailed and faxed to counsel. (djt) Modified on 01/08/1998 (Entered: 01/06/1998)

01/06/1998	399	ORDER granting plaintiffs' 9-19-95 [37-1] motion for leave to file second amended complaint to [7-1] complaint by Michael A. Austin; in all other respects the recommendation of the U.S. Mag. Judge is still under submission, as further set out in order (signed by Judge Myron H. Thompson). Copies mailed and faxed to counsel. (djt) Modified on 01/08/1998 (Entered: 01/07/1998)
01/15/1998	400	Plaintiffs' suggestion as to how court should proceed regarding toilet settlement in response to 1-6-98 order. Referred to Judge Thompson. (djt) (Entered: 01/15/1998)
01/27/1998	401	Defendant's suggestion as to how court should proceed regarding toilet settlement. Referred to Judge Thompson. (djt) (Entered: 01/27/1998)
03/04/1998	402	REPORT AND RECOMMENDATIONS of Mag Judge Vanzetta P. McPherson that the court enter an order enjoining the defendants and their agents from retaliating against Spellman and putative class members by (1) interfering with their right of access to the courts, and (2) assigning Spellman to the chain gang and the hitching post. Objections to R and R due by 3/17/98. Copies mailed to counsel. (djt) (Entered: 03/04/1998)
03/05/1998	403	MOTION by Joe Hopper to Extend Time in which to file objections to the recommendation entered 3-4-98 referred to Mag Judge Vanzetta P. McPherson (djt) (Entered: 03/05/1998)
03/06/1998	404	ORDER granting [403-1] motion to Extend Time in which to file objections to the recommendation entered 3-4-98; directing the plaintiffs and the defendants file their objections within 14 days after the defendants receive the transcript and if plaintiffs do not order the transcript, the defendants shall notify plaintiffs' counsel on the day of their receipt of the transcript (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel. (djt) (Entered: 03/06/1998)
03/06/1998		Deadline updated; Estimated Objections reset to 3/27/98 for [402-1] report and recommendations, actual deadline 14 days after defendants receive transcript (djt) (Entered: 03/06/1998)
03/18/1998	405	MOTION by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin for Reconsideration of Recommendation Regarding Relief in John Spellman Matter (Exhibits A-B attached), referred to Judge Myron H. Thompson. (war) Modified on 04/27/1998 (Entered: 03/19/1998)
03/19/1998	406	MOTION by Fob James for Reconsideration of Recommendation of the Magistrate Judge entered on 3/4/98 referred to Mag Judge Vanzetta P. McPherson. WITHDRAWN PER ORDER OF 4-28-98. (war) Modified on 04/28/1998 (Entered: 03/20/1998)
03/19/1998	406	OBJECTION by Fob James to [402-1] report and recommendations of Magistrate Judge entered on 3/4/98, referred to Mag Judge Vanzetta P. McPherson. WITHDRAWN PER ORDER OF 4-28-98. (war) Modified on 04/28/1998 (Entered: 03/20/1998)
03/25/1998	407	ORDER amending 3-4-98 [402-1] report and recommendation of the Mag. Judge to reflect that the court should find that defendant Joe Hopper retaliated against John Spellman; specifically, amending the Conclusion of the recommendation by substituting the following: recommending that Spellman's motion for relief be GRANTED and that an order be entered finding that defendant Joe Hopper retaliated against Spellman for his contacts and meetings with plaintiffs' counsel and his attempts to gain access to the courts by assigning him to the chain gang and placing him on the hitching post; further recommending that the court enter an order enjoining the defendant and his agents from retaliating against Spellman and putative class members by (1) interfering with their right of access to the courts, and (2) assigning Spellman to the chain gang and the hitching post; further ORDERING that on or before 3-30-98, former defendant James shall advise the court in writing whether he wishes to withdraw his objection to the recommendation entered on 3-4-98 as amended by this order; Objections reset to 3/30/98 for [402-1] report and recommendations (signed by Mag Judge Vanzetta P. McPherson). Copies mailed to counsel. (djt) Modified on 04/27/1998 (Entered: 03/25/1998)

03/26/1998	408	MOTION by Fob James to Withdraw [406-1] objection by Fob James to Mag. Judge's Recommendation entered on 3-4-98 [402-1] referred to Mag Judge Vanzetta P. McPherson (djt) Modified on 04/27/1998 (Entered: 03/27/1998)
04/01/1998		Court reporter's TRANSCRIPT filed for Motion Hearing held May 24, 1996 before Mag. Judge McPherson. (djt) (Entered: 04/01/1998)
04/01/1998		Deadline updated; Objections reset to 4/15/98 for [372-1] report and recommendations transcript received. (djt) (Entered: 04/01/1998)
04/10/1998	409	OBJECTION by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin to [402-1] report and recommendation of the Mag. Judge filed 3-4-98 (Exhibits A & B attached). Referred to Mag. Judge McPherson. (djt) Modified on 04/27/1998 (Entered: 04/10/1998)
04/10/1998	410	OBJECTION by Joe Hopper to [372-1] report and recommendations and Amended Order dated 3-25-98. Referred to Mag. Judge McPherson. (djt) Modified on 04/27/1998 (Entered: 04/13/1998)
04/22/1998	411	MOTION by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin for Leave to File a response to the defendant's [410-1] objections to the recommendation of the Mag. Judge (proposed order attached). Referred to Mag Judge Vanzetta P. McPherson (djt) Modified on 04/27/1998 (Entered: 04/23/1998)
04/24/1998		File w/proposed order referred to Judge Thompson. (djt) (Entered: 04/24/1998)
04/28/1998	412	ORDER granting [411-1] motion for Leave to File a response to the defendant's [410-1] objections to the recommendation of the Mag. Judge; setting reply brief deadline for 5/27/98 for Kervin Goodwin, Warren Leatherwood, Charles Orlander Guess, Ogie Lee Hayes, Richard Elliot, Michael A. Austin (signed by Judge Myron H. Thompson). Copies mailed to counsel. (djt) (Entered: 04/28/1998)
04/28/1998	413	ORDER (1) treating notice of withdrawal filed 3-26-98 as a motion to withdraw; (2) granting [408-1] motion to Withdraw [406-1] objection by Fob James to Mag. Judge's Recommendation [402-1] entered on 3-4-98; withdrawing the motion to reconsider filed on 3-19-98 (Doc No. 406) (signed by Judge Myron H. Thompson). Copies mailed to counsel. (djt) (Entered: 04/28/1998)
04/28/1998		Last volume referred back to Judge Thompson's chambers, per note. (djt) (Entered: 04/28/1998)
05/27/1998	414	REPLY BRIEF by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin to [410-1] objection by Joe Hopper to 3-4-98 recommendation of the Mag. Judge. Referred to Judge Myron H. Thompson (djt) (Entered: 05/28/1998)
07/23/1998	415	ORDER finding that contrary to the Commissioner's assertions, the Mag. Judge conducted the evidentiary proceedings in an even-handed and orderly manner; further finding that the Mag. Judge's recommendation reveals her objective and disinterested evaluation of their merits of each parties' case; in short, there is nothing in the record that would support a finding that the Mag. Judge was biased or prejudiced against the Commissioner; ORDERED overruling [376-1] Objection to the Recommendation to the extent bias is charged; in all other respects the recommendation of the U.S. Mag. Judge is still under submission; (signed by Judge Myron H. Thompson). Copies mailed to counsel. (dkt clerk) (Entered: 07/23/1998)
07/23/1998		File referred to Judge Myron H. Thompson (as directed) (dkt clerk) (Entered: 07/23/1998)
08/10/1998	416	MEMORANDUM OPINION (signed by Judge Myron H. Thompson), copies mailed to counsel (vmc) Modified on 08/12/1998 (Entered: 08/10/1998)
08/10/1998	10	JUDGMENT adopting in part, rejecting in part [372-1] report and recommendations; that the parties' joint motion, for approval of the settlement agreement on the chain-gang claim is granted with the modification that the plaintiffs' claim is dismissed without prejudice; that pursuant to said settlement

		<p>agreement, and on the court's independent evaluation of the certification requirements; the following plaintiff class is certified: all present and future Alabama inmates who have been or may be assigned to work in chain gangs, with the class represented by named plaintiffs Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, and Kervin Goodin; dismissing the plaintiffs' chain-gang claim without prejudice; granting [344-1] joint motion for preliminary approval of proposed stipulation and notice to class members setting fairness hearing for 11/17/98 at 10:00 a.m.; set fairness Hearing 10:00 11/17/98 before Judge Myron H. Thompson ; that by no later than 9/8/98, the parties shall file with the court the following: a) a joint proposed notice to the members of the putative plaintiff class regarding the settlement; b) a joint proposed means of distributing notice to the putative class; and c) a joint proposed form for putative class members to use to file their objections; that a status conference on the issue of notice to the putative class is set for 9/21/98, at 8:00 a.m.; set Status Conference 8:00 9/21/98 before Judge Myron H. Thompson granting [74-1] supplemental amended motion to Certify Class, granting [8-1] motion to Certify Class; that all present and future Alabama inmates who have or may be assigned to the ATU, with the class represented by named plaintiffs Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, and Kervin Goodwin; that all present and future inmates who have been or may be placed on the hitching post, with the class represented by named plaintiffs Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, and Kervin Goodwin; that judgment is entered in favor of defendant Commissioner of the Department of Corrections and against the plaintiffs on the plaintiffs' visitation-privileges claim; that judgment is entered in favor of plaintiffs and against defendant Commissioner of the Department of Corrections on the plaintiffs' hitching-post claim; that it is declared that the manner in which defendant Commissioner of the Department of Corrections has used the hitching post violates the eighth amendment to the U.S. Constitution; that a supplemental hearing is set for 9/22/98, at 10:00 a.m. set supplemental Hearing 10:00 9/22/98 before Judge Myron H. Thompson ; that the parties are to submit prehearing briefs by 9/17/98, set parties' prehearing briefs deadline to 9/17/98 ; Defendant Commissioner of the Department of Corrections is allowed until 8/24/98 to submit to the court a written assurance that he will suspend the use of the hitching post until the parties have had an opportunity to update the court on whether the post is still being used in an unconstitutional manner and whether the post can be used in a constitutional manner; as further set out in order; taxing costs against the defendant Commissioner of the Department of Corrections, for which execution may issue (signed by Judge Myron H. Thompson) , copies mailed to counsel; furnished to MT, TW, Judge McPherson. (vmc) Modified on 08/12/1998 (Entered: 08/10/1998)</p>
08/10/1998		Deadline updated; set fairness Hearing for 10:00 11/17/98 before Judge Myron H. Thompson ; set Status Conference on the issue of notice to the putative class for 8:00 9/21/98 before Judge Myron H. Thompson , set supplemental Hearing 10:00 9/22/98 before Judge Myron H. Thompson (vmc) (Entered: 09/04/1998)
08/10/1998		Deadline updated; set fairness hearing for 10:00 11/17/98 (vmc) (Entered: 09/04/1998)
08/12/1998	418	MEMORANDUM OPINION (signed by Judge Myron H. Thompson), copies mailed to counsel (vmc) (Entered: 08/12/1998)
08/12/1998	419	JUDGMENT rejecting [402-1] report and recommendations; entering judgment in favor of defendant Joe Hopper and against the plaintiffs, with the plaintiffs taking nothing by their claim that plaintiff-class-member John Spellman was retaliated against for having met and conferred with his attorney; taxing costs against the plaintiffs, for which execution may issue (signed by Judge Myron H. Thompson) , copies mailed to counsel. (vmc) (Entered: 08/12/1998)
08/13/1998	420	ORDER that the memorandum opinion and judgment entered today shall replace the memorandum opinion and judgment entered yesterday (signed by Judge Myron H. Thompson) , copies mailed to counsel. (vmc) (Entered: 08/13/1998)
08/13/1998	421	MEMORANDUM OPINION (signed by Judge Myron H. Thompson), copies mailed to counsel. (vmc) (Entered: 08/13/1998)

08/13/1998	422	JUDGMENT rejecting [402-1] report and recommendations; that judgment is entered in favor of defendant Joe Hopper and against the plaintiffs, with the plaintiffs taking nothing by their claim that plaintiff-class-member John Spellman was retaliated against for having met and conferred with his attorney; taxing costs against the plaintiffs, for which execution may issue (signed by Judge Myron H. Thompson), copies mailed to counsel. (vmc) (Entered: 08/13/1998)
08/13/1998		Case closed (vmc) (Entered: 08/20/1998)
08/20/1998	423	MOTION by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin to Expedite discovery ; (w/attachments) referred to Judge Myron H. Thompson (vmc) (Entered: 08/20/1998)
08/21/1998	424	ORDER granting [423-1] motion to Expedite discovery (signed by Judge Myron H. Thompson) , copies mailed to counsel. (vmc) (Entered: 08/21/1998)
08/24/1998	425	Defendant's Response to Court Order of 8/10/98; referred to Judge Thompson (vmc) (Entered: 08/25/1998)
08/24/1998	426	MOTION by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin to defer proceedings on attorney's fees referred to Judge Myron H. Thompson (vmc) (Entered: 08/25/1998)
08/25/1998	427	ORDER that with the judgments entered on 8/10/98 and 8/13/98 (Doc. nos. 417 &422), the court assumes that it addressed all then-outstanding claims and issues; that accordingly, it is ordered that, if the court did not address all then-outstanding issues and claims, the parties should so inform the court in writing within seven days, (signed by Judge Myron H. Thompson) , copies mailed to counsel. (vmc) (Entered: 08/25/1998)
08/25/1998		Tele-conference held before Judge Myron H. Thompson on 8/25/98 (vmc) (Entered: 08/28/1998)
08/25/1998		Tele-conference held before Judge Myron H. Thompson on 8/25/98 (vmc) (Entered: 09/01/1998)
08/25/1998	428	Courtroom Deputy's MINUTES of proceedings: Telephone Conference Call held before Hon. Myron H. Thompson on 8/25/98 (vmc) (Entered: 09/01/1998)
08/28/1998	429	ORDER granting [426-1] motion to defer proceedings on attorney's fees; continuing generally the time for the plaintiffs to file any request for attorney's fees (signed by Judge Myron H. Thompson) , copies mailed to counsel. (vmc) Modified on 09/01/1998 (Entered: 08/28/1998)
09/08/1998	430	Parties' Joint Proposed Means of Distributing Notice to the Putative Class; (w/attachments) referred to Judge Thompson (vmc) (Entered: 09/09/1998)
09/10/1998	431	NOTICE OF APPEAL by John Spellman, plaintiff-class-member (construed as containing a motion to proceed on appeal in forma pauperis) to the U.S. Court of Appeals, Eleventh Circuit from the final judgment entered by this court on August 13, 1998. referred to Judge Thompson. (Copies mailed to John Spellman, pro se with appeal information sheet; J. Richard Cohen, Morris S. Dees, Jr., Rhonda Brownstein, Marcia Bull Stadeker, Ellen M. Bowden, Roy S. Haber, Andrew W. Redd, Albert S. Butler, Kim T. Thomas, Court Reporter &certified copy to USCA with copies of orders appealed from and docket entries.) . (dkt clerk) (Entered: 09/14/1998)
09/10/1998	431	MOTION by John Spellman to Proceed on Appeal in Forma Pauperis referred to Judge Myron H. Thompson (dkt clerk) (Entered: 09/14/1998)
09/14/1998		Notice of Appeal and certified copy of docket to USCA: [431-1] appeal by John Spellman (dkt clerk) (Entered: 09/14/1998)
09/14/1998	432	MOTION by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin to Extend Time to file pre-hearing briefs referred to Judge Myron H. Thompson (vmc) (Entered: 09/15/1998)

09/15/1998	433	ORDER reset supplemental hearing for 10:00 11/6/98 before Judge Myron H. Thompson , reset prehearing Briefs deadline to 11/2/98 (signed by Judge Myron H. Thompson) , copies mailed to counsel; furnished to MT, TW. (vmc) (Entered: 09/15/1998)
09/22/1998	434	ORDER that upon consideration of the joint proposed means of distributing notice to the putative class filed by the parties on 9/8/98 it is ordered that the proposed means are approved (signed by Judge Myron H. Thompson) , copies mailed to counsel. (vmc) (Entered: 09/22/1998)
09/22/1998	435	ORDER denied as moot [432-1] motion to Extend Time to file pre-hearing briefs (signed by Judge Myron H. Thompson) , copies mailed to counsel. (vmc) (Entered: 09/22/1998)
09/22/1998	436	ORDER denying the plaintiff-class-member's [431-1] motion to Proceed on Appeal in Forma Pauperis (signed by Judge Myron H. Thompson) , copies mailed. (dkt clerk) (Entered: 09/22/1998)
09/22/1998		USCA Case Number Re: [431-1] appeal by John Spellman USCA NUMBER: 98-6720 (dkt clerk) Modified on 09/28/1998 (Entered: 09/28/1998)
09/24/1998	437	ORDER, that plaintiff forward to the Court the \$105.00 filing fee applicable to the filing of a notice of appeal set filing fee deadline for 10.15.98 for John Spellman that plaintiff provide the Court with a certified copy of his prison account statement which indicates that the funds available therein are insufficient for payment of the filing fee. (signed by Mag Judge Vanzetta P. McPherson) , copies mailed. (kcg) Modified on 09/24/1998 (Entered: 09/24/1998)
09/29/1998	438	Peter Mosley's Objection to Proposed Toilet Facilities Settlement, etc. – maintained in separate binder; referred to Judge Thompson (vmc) Modified on 10/16/1998 (Entered: 09/30/1998)
09/30/1998	439	Stanley E. Holloway's Objection to proposed toilet facilities settlement, etc. – maintained in separate binder; referred to Judge Thompson (vmc) Modified on 10/16/1998 (Entered: 09/30/1998)
09/30/1998	440	Charles Davenport's Objection to Proposed Toilet Facilities Settlement, etc. – maintained in separate binder; referred to Judge Thompson (vmc) Modified on 10/16/1998 (Entered: 09/30/1998)
10/01/1998	441	Arthur Burr's Objection to Proposed Toilet Facilities Settlement, etc. – maintained in separate binder; referred to Judge Thompson (vmc) Modified on 10/16/1998 (Entered: 10/01/1998)
10/01/1998	442	Siegfred Jerome Peoples' Objection to proposed toilet facilities settlement; etc. – maintained in separate binder; referred to Judge Thompson (vmc) Modified on 10/16/1998 (Entered: 10/01/1998)
10/01/1998	443	Patrick D. Jones' Objection to proposed toilet facilities settlement, etc. – maintained in separate binder; referred to Judge Thompson (vmc) Modified on 10/16/1998 (Entered: 10/01/1998)
10/01/1998	444	John David Strong's Objection to Proposed toilet facilities settlement, etc. – maintained in separate binder; referred to Judge Thompson (vmc) Modified on 10/16/1998 (Entered: 10/02/1998)
10/06/1998	445	Randy H. Livingston's Objection to proposed toilet facilities settlement, etc. – maintained in separate binder; referred to Judge Thompson (vmc) Modified on 10/16/1998 (Entered: 10/07/1998)
10/07/1998	446	Clarence Rutland's Objection to proposed toilet facilities settlement on the grounds Clarence Rutland vs Joe Hopper 95-T-052-N, et al (FRCP) 23 (a); maintained in separate binder; referred to Judge Thompson (vmc) Modified on 10/16/1998 (Entered: 10/08/1998)
10/08/1998	447	Lynell Gurlington's Objection to proposed toilet facilities settlement, etc. – maintained in separate binder; referred to Judge Thompson (vmc) Modified on 10/16/1998 (Entered: 10/08/1998)

10/08/1998	448	Gary Tunsfall's Objection to proposed toilet facilities settlement, etc. – maintained in separate binder; referred to Judge Thompson (vmc) Modified on 10/16/1998 (Entered: 10/08/1998)
10/13/1998	449	Robert Joseph Maddox's Objection to proposed toilet facilities settlement, etc. – maintained in separate binder; referred to Judge Thompson (vmc) Modified on 10/16/1998 (Entered: 10/14/1998)
10/14/1998	450	Kelvin Mickens' Objection to proposed toilet facilities settlement; etc. – maintained in separate binder; referred to Judge Thompson (vmc) (Entered: 10/16/1998)
10/19/1998	451	James R. Bailey's Objection to proposed toilet facilities settlement, etc., – maintained in separate binder; referred to Judge Thompson (vmc) Modified on 10/23/1998 (Entered: 10/21/1998)
10/21/1998	452	Daniel C. Johnson's Objection to proposed toilet facilities settlement, etc. – maintained in separate binder; referred to Judge Thompson (vmc) Modified on 10/23/1998 (Entered: 10/22/1998)
10/22/1998	453	James E. Thomas' Objection to proposed toilet facilities settlement, etc. – maintained in separate binder; referred to Judge Thompson (vmc) (Entered: 10/23/1998)
10/22/1998	454	David L. Franks' Objection to proposed toilet facilities settlement, etc. – maintained in separate binder; referred to Judge Thompson (vmc) (Entered: 10/23/1998)
10/23/1998	455	ORDER, reset supplemental Hearing for 10:00 11/17/98 before Judge Myron H. Thompson , reset prehearing Brief deadline to 11/12/98 (signed by Judge Myron H. Thompson) , copies mailed to counsel; furnished to MT, TW. (vmc) (Entered: 10/23/1998)
10/28/1998	456	Received from John Spellman a copy (not certified) of his prison account statement which was requested in Judge McPherson's September 24, 1998 order. referred to Staff Attorney Hinson. (dkt clerk) (Entered: 10/28/1998)
11/02/1998	457	ORDER, reset supplemental Hearing for 10:00 12/7/98 before Judge Myron H. Thompson , reset prehearing Briefs deadline to 12/2/98 (signed by Judge Myron H. Thompson) , copies mailed to counsel; furnished to MT, TW. (vmc) (Entered: 11/03/1998)
11/05/1998	458	ORDER that Plaintiff–class–member John Spellman shall make monthly payments of 20 percent of each preceding month's income credited to his account as payments towards the \$105.00 appellate filing fee, that the Alabama Department of Corrections shall forward the above described payments from the plaintiff's account to the clerk of this court each time the amount in the plaintiff's account exceeds \$10.00 until the \$105.00 filing fee is paid in full, that to aid the plaintiff and those persons having custody of the plaintiff in complying with the requirements of this order, the clerk is DIRECTED to furnish a copy of this order to the account clerk at the Holman Prison. (signed by Mag Judge Vanzetta P. McPherson) , copies mailed. (dkt clerk) (Entered: 11/19/1998)
11/17/1998	459	NOTICE of Attorney Appearance for Joe Hopper by William F. Addison (vmc) Modified on 11/19/1998 (Entered: 11/17/1998)
11/17/1998		Fairness Hearing on Toilet Facilities held before Judge Myron H. Thompson on 11/17/98 (vmc) (Entered: 11/17/1998)
11/17/1998	460	Courtroom Deputy's MINUTES of proceedings: Fairness Hearing on Toilet Facilities held on 11/17/98 before Judge Myron H. Thompson; Defendant's Exhibits 1–6 maintained in folder with file (vmc) Modified on 11/19/1998 (Entered: 11/17/1998)
11/19/1998	461	ORDER, reset the supplemental Hearing for 10:00 2/1/99 before Judge Myron H. Thompson , reset parties' prehearing Brief deadline to 1/27/99 (signed by Judge Myron H. Thompson) , copies mailed to counsel; furnished to MT, TW. (vmc) (Entered: 11/19/1998)

12/07/1998	462	MEMORANDUM OPINION (signed by Judge Myron H. Thompson), copies mailed to counsel. (vmc) (Entered: 12/07/1998)
12/07/1998	463	JUDGMENT (1) that the parties' joint motion, filed 9/27/96 (Doc. no. 344), for approval of the settlement agreement of the toilet-facilities claim is granted; (2) dismissing the plaintiffs' toilet-facilities claim without prejudice; taxing costs against defendant, for which execution may issue (signed by Judge Myron H. Thompson), copies mailed to counsel. (vmc) (Entered: 12/07/1998)
01/14/1999	464	JOINT MOTION by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Joe Hopper, Warren Leatherwood, Kervin Goodwin to continue hearing set for 2/1/99 referred to Judge Myron H. Thompson (vmc) (Entered: 01/15/1999)
01/25/1999		Tele-conference held before Judge Myron H. Thompson on 1/25/99 (vmc) (Entered: 01/26/1999)
01/26/1999	465	ORDER granting [464-1] joint motion to continue hearing set for 2/1/99; cancelling the supplemental hearing which is set for 2/1/99; terminated deadlines ; set Status Conference 8:00 2/16/99 before Judge Myron H. Thompson (signed by Judge Myron H. Thompson) , copies mailed to counsel; furnished to TW, DK, DH. (vmc) (Entered: 01/26/1999)
02/16/1999		Status Conference held before Judge Myron H. Thompson on 2/16/99 (war) (Entered: 02/17/1999)
02/16/1999	466	Courtroom Deputy's MINUTES of proceedings: In-Chambers Conference on the Matter of Use of Restraining Bar held 2/16/99 before Judge Myron Thompson; Briefing schedule to be set and hearing (war) (Entered: 02/17/1999)
02/22/1999	467	ORDER that pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, it is ordered that Michael Haley, Acting Commissioner of the Alabama Department of Corrections, shall replace Joe Hopper, former Commissioner of the Alabama Department of Corrections, as the defendant in this litigation (signed by Judge Myron H. Thompson) , copies mailed to counsel. (vmc) (Entered: 02/22/1999)
02/22/1999	468	ORDER that a supplemental hearing on the plaintiffs' hitching-post claim is set for 6/14/99 at 10:00; set supplemental hearing for 10:00 6/14/99 before Judge Myron H. Thompson ; that by 3/19/99, defendant shall submit to the court a detailed description of his proposed new policy for the use of the hitching post or restraining bar; that the court expects that the bulk of the evidence will be presented to the court in a jointly-prepared record, with the evidence at trial only highlighting that already in the record; that by 4/16/99, the parties are jointly to develop and submit to the court a record of the evidence--depositions, stipulations, and affidavits, etc.--they intend the court to rely upon as further set out in order; set parties' Discovery deadline to 4/2/99 ; set plaintiffs' Brief deadline to 4/30/99 ; set defendant's Brief deadline to 5/14/99 , set reply brief deadline for 5/21/99 for Kervin Goodwin, for Warren Leatherwood, for Charles Orlander Guess, for Ogie Lee Hayes, for Richard Elliot, for Michael A. Austin (signed by Judge Myron H. Thompson) , copies mailed to counsel; furnished to HC, DH, TW, DK. (vmc) (Entered: 02/22/1999)
03/19/1999	469	Defendant's Response to [468-1] Court's order (with attachments; referred to Judge Thompson (vmc) (Entered: 03/22/1999)
03/19/1999	470	NOTICE of Attorney Appearance for Don Siegelman by Edward A. Hosp (vmc) (Entered: 03/22/1999)
04/16/1999	472	Parties' Joint Record of Evidence - [EXHIBITS 1-16 - MAINTAINED IN SEPARATE BINDER], referred to Judge Thompson (vmc) (Entered: 04/19/1999)
04/27/1999	473	ORDER granting [471-1] motion for modification of [468-1] order set supplemental hearing for 10:00 6/14/99 before Judge Myron H. Thompson, set defendant's Brief deadline to 5/14/99 , set plaintiffs' Brief deadline to 5/28/99 , reset reply brief deadline for 6/4/99 for Michael Haley ; that the supplemental hearing will remain on 6/14/99; directing the clerk of the court to furnish a copy of this order to counsel for the parties by facsimile transmittal (signed by Judge Myron H. Thompson) , copies mailed to counsel. (vmc) (Entered: 04/27/1999)

05/07/1999	474	Entry of Dismissal of Appeal (rendered on 5/5/99 and issued as the mandate of the United States Court of Appeals, Eleventh Circuit) Re: pursuant to dismissing [431-1] appeal terminated, for want of prosecution because the appellant has failed to file a motion for leave to proceed on appeal within the time effective this 5th day of May, 1999. For The Court – By Direction. (kcg) (Entered: 05/12/1999)
05/14/1999	475	Defendant Haley's Pre-Hearing Brief; referred to Judge Thompson (vmc) (Entered: 05/17/1999)
05/21/1999	476	Plaintiffs' Addition to Joint Record of Evidence; (w/attachments), referred to Judge Thompson (vmc) (Entered: 05/21/1999)
05/26/1999	477	MOTION by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin to Produce inmates and inmate files at hearing referred to Judge Myron H. Thompson (vmc) (Entered: 05/26/1999)
05/26/1999	478	ORDER granting [477-1] motion to Produce inmates and inmate files at hearing as further set out in order (signed by Judge Myron H. Thompson) , copies mailed to counsel. (vmc) (Entered: 05/26/1999)
05/28/1999	479	BRIEF by Michael A. Austin regarding proposed hitching post policy; referred to Judge Myron H. Thompson (vmc) (Entered: 06/01/1999)
06/14/1999		Hearing held on Hitching Post before Judge Myron H. Thompson on 6/14/99 (vmc) (Entered: 06/16/1999)
06/14/1999	480	Courtroom Deputy's MINUTES of proceedings: Supplemental hearing on hitching post claim held before Judge Myron H. Thompson commenced 6/14/99 and concluded on 6/15/99; plaintiffs' and defendants' witness list attached (vmc) (Entered: 06/16/1999)
06/17/1999	481	MOTION by Michael A. Austin, Ronald E. Jones, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin to supplement the record ; (w/attachments) referred to Judge Myron H. Thompson (vmc) (Entered: 06/18/1999)
06/17/1999		Tele-conference held before Judge Myron H. Thompson on 6/17/99 (vmc) (Entered: 06/18/1999)
06/17/1999	482	Courtroom Deputy's MINUTES of proceedings: Telephone Conference Call held before Hon. Myron H. Thompson on 6/17/99 (vmc) (Entered: 06/18/1999)
06/17/1999		Court reporter's TRANSCRIPT filed for dates of 6/14/99 – Evidentiary Hearing Re: Constitutionality Question held before Hon. Myron H. Thompson on 6/14/99 (vmc) (Entered: 06/18/1999)
06/17/1999		In-Chambers Conference held before Judge Myron H. Thompson on 6/17/99 (vmc) (Entered: 06/18/1999)
06/18/1999	483	ORDER that matters during an in-chambers conference on 6/17/99 is set for final submission on 7/29/99; , set plaintiffs' Brief deadline to 7/8/99 , set defendant's Brief deadline to 7/22/99 , set reply brief deadline for 7/29/99 for Kervin Goodwin, for Warren Leatherwood as further set out in order (signed by Judge Myron H. Thompson) , copies mailed to counsel; furn: TW. (vmc) (Entered: 06/18/1999)
06/22/1999		Court reporter's TRANSCRIPT filed for dates of 6/15/99 – Volume II of II 2nd Day of: Evidentiary Hearing Re: Constitutional Question held before Hon. Myron H. Thompson on 6/15/99 (vmc) (Entered: 06/22/1999)
06/22/1999	484	ORDER granting [481-1] motion to supplement the record; allowing the defendant seven days to respond with additional evidence (signed by Judge Myron H. Thompson) , copies mailed to counsel. (vmc) (Entered: 06/22/1999)
06/22/1999	485	ORDER setting this matter for final submission on 8/6/99; , set plaintiffs' Brief deadline to 7/16/99 , set defendant's Brief deadline to 7/30/99 , set reply brief deadline for 8/6/99 for Kervin Goodwin, for Warren Leatherwood, for Charles Orlander Guess, for Ogie Lee Hayes, for Richard Elliot, for Michael A. Austin ; that when referring to trial testimony and to any document, including a deposition, each party must refer to the specific transcript or document, by page and line, as to

		where the evidence can be found (signed by Judge Myron H. Thompson) , copies mailed to counsel. (vmc) (Entered: 06/22/1999)
07/16/1999	486	ORDER that this matter will remain set for final submission on 8/6/99; setting Plaintiff Brief deadline to 7/19/99 , setting defendant Brief deadline to 8/2/99 , setting reply brief deadline for 8/6/99 for Kervin Goodwin, for Warren Leatherwood (by Judge Myron H. Thompson) , copies mailed to counsel. (ydw) (Entered: 07/16/1999)
07/19/1999	487	Plaintiffs' Post-Hearing Brief, referred to Judge Thompson (vmc) (Entered: 07/20/1999)
08/02/1999	488	Defendant's Post-Hearing Brief; referred to Judge Thompson (vmc) (Entered: 08/02/1999)
08/06/1999	489	REPLY BRIEF by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin in opposition to [488-1] defendant's s brief referred to Judge Myron H. Thompson (vmc) (Entered: 08/06/1999)
03/15/2000		Exhibit letter mailed to counsel – 30 day response due (dmk) (Entered: 11/26/2001)
08/17/2000		Tele-conference held before Mag Judge Vanzetta P. McPherson on 8/17/00 (vmc) (Entered: 08/17/2000)
08/17/2000	<u>490</u>	ORDER set Telephone status Conference for 10:00 8/31/00 before Mag Judge Vanzetta P. McPherson ; directing the counsel for the pla to make arrangements for the telephone conference (signed by Mag Judge Vanzetta P. McPherson) , copies provided; furn: dk yg hc. (vmc) (Entered: 08/17/2000)
08/24/2000	491	(Request) MOTION for Marcia Bull Staderker to Withdraw as counsel for plaintiffs referred to Judge Myron H. Thompson (vmc) (Entered: 08/24/2000)
08/28/2000	<u>492</u>	Stamped ORDER granting [491-1] motion for Marcia Bull Staderker to Withdraw as counsel for plaintiffs (Terminated (by Mag Judge Vanzetta P. McPherson) , copies provided. (vmc) (Entered: 08/28/2000)
10/26/2000	<u>493</u>	ORDER set Telephone Conference for 3:00 11/3/00 before Mag Judge Vanzetta P. McPherson (signed by Mag Judge Vanzetta P. McPherson) , copies provided; furn: dk yg hc. (vmc) (Entered: 10/26/2000)
12/05/2000		Tele-conference held before Judge Myron H. Thompson on 12/5/00 (vmc) (Entered: 12/07/2000)
12/07/2000	<u>494</u>	ORDER that parties may have resolved all remaining issues in this case depending upon the outcome of a related hitching-post case now pending in the Eleventh Circuit Court of Appeals; it is ordered as follows: (1) all proceedings in this case are stayed until further order of the court; (2) the dfts are to submit to the court on 3/1/01, and every six months thereafter, a report on the status of the Eleventh Circuit case set Status Report deadline to 3/1/01 (signed by Judge Myron H. Thompson) , copies provided; furn: SC. (vmc) (Entered: 12/07/2000)
12/18/2000		Order of 12/7/00 returned as to Roy S. Haber with notation: Forward time expire; return to sender (vmc) (Entered: 12/21/2000)
02/27/2001	<u>495</u>	ORDER set parties' joint Status Report deadline to Monday 5/7/01 , as to the status of the case Hope v. Pelzer __F3d __, 2001 WL 91360 (11th Cir. 2001), and on the first Monday of each month thereafter until further ordered otherwise by the court (signed by Judge Myron H. Thompson) , copies provided; furn: sc. (vmc) (Entered: 02/27/2001)
04/06/2001		counsel for the plaintiffs' notice of change of contact information (vmc) (Entered: 04/06/2001)
04/06/2001	<u>497</u>	NOTICE of change of contact information by counsel for the plaintiffs (vmc) (Entered: 05/09/2001)

05/07/2001	<u>496</u>	JOINT REPORT by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin, Don Siegelman; referred to Judge Thompson. (ydw) (Entered: 05/08/2001)
06/05/2001	<u>498</u>	Joint REPORT by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin, Don Siegelman; referred to Judge Thompson (vmc) (Entered: 06/05/2001)
07/02/2001	<u>499</u>	JOINT REPORT by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin, Michael Haley, Don Siegelman; referred to Judge Thompson. (ydw) (Entered: 07/03/2001)
07/09/2001		Deadline updated; set Scheduling Conference for 8:15 7/11/01 before Judge Myron H. Thompson (vmc) (Entered: 07/09/2001)
07/12/2001	<u>500</u>	ORDER that the monthly reports required by the order entered on 2/27/01 are suspended until the first Monday of November 2001 (signed by Judge Myron H. Thompson) , copies provided; furn: sc. (vmc) (Entered: 07/12/2001)
11/06/2001	<u>501</u>	JOINT STATUS REPORT by Plaintiffs and Defendants. Referred to Judge Myron H. Thompson (dkt clerk) (Entered: 11/07/2001)
11/16/2001		No response to exhibit letter – exhibits destroyed (dmk) (Entered: 11/26/2001)
01/09/2002	<u>502</u>	ORDER directing that the stay entered on 12/7/00 (Doc. No 494) is continued; directing counsel for the defendant to inform the court when the Supreme Court has issued a decision in the Hope case (signed by Judge Myron H. Thompson) , copies provided to counsel. (djj) (Entered: 01/09/2002)
01/22/2002		Attorney Haber's copy of 1–9–02 order returned in mail with the following notation, "returned to sender –attempted not known" (djj) (Entered: 01/22/2002)
07/24/2002	<u>503</u>	Courtroom Deputy's MINUTES of proceedings: (Court Reporter – Mitchell Reisner); Telephone Conference held before the Hon. Myron H. Thompson on 7/24/02; Conference commenced re recent Supreme Court decision in Hope; Parties agree that there are no remaining issues in case; Order to issue; Motion for attorney fees to be filed; parties will try to resolve the matter of fees; Conference concluded. (vmc) (Entered: 07/25/2002)
07/25/2002	<u>504</u>	ORDER that plaintiff's are allowed until 8/7/02 to file any request for attorney fees, expenses and costs; (signed by Judge Myron H. Thompson), copies provided to counsel. (ajr) (Entered: 07/25/2002)
08/02/2002		Service of Order dated 7/25/02 addressed to Roy S. Haber returned unexecuted with following notation: " attempted not known, return to sender" (ydw) (Entered: 08/05/2002)
08/07/2002	<u>505</u>	MOTION by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin to Extend Time to file motion for attorney's fees and costs referred to Judge Myron H. Thompson (ajr) (Entered: 08/08/2002)
08/12/2002	<u>506</u>	ORDER granting [505–1] motion to Extend Time to file motion for attorney's fees and costs (signed by Judge Myron H. Thompson), copies provided to counsel. (ajr) (Entered: 08/12/2002)
08/21/2002		Service of Order dated 8/12/02, addressed to Roy S. Haber returned unexecuted with following notation: " Attempted not known, returned to sender" (ydw) (Entered: 08/22/2002)
09/10/2002	<u>507</u>	UNOPPOSED MOTION by Michael A. Austin for Extension of Time to file motion for attorney's fees and costs ; referred to Judge Myron H. Thompson (ydw) (Entered: 09/11/2002)
09/12/2002	<u>508</u>	ORDER granting [507–1] motion for Extension of Time to file motion for attorney's fees and costs setting Motion Filing deadline to 9/13/02 (signed by Judge Myron H. Thompson) copies provided; furnished to SC. (ydw) (Entered: 09/12/2002)

09/12/2002	<u>510</u>	SUPPLEMENTAL FILING/BRIEF (declarations by Haber, Whinston &Sabel attached) by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin in support of [509-1] motion for Attorney Fees (Roy S. Haber). Referred to Judge Myron H. Thompson (djj) (Entered: 09/19/2002)
09/16/2002	<u>509</u>	MOTION by Michael A. Austin for Attorney Fees (exhibits 1-10 attached); referred to Judge Myron H. Thompson (ajr) Modified on 09/17/2002 (Entered: 09/17/2002)
09/19/2002	<u>511</u>	ORDER that [509-1] motion for Attorney Fees by Michael A. Austin set for submission on 10/15/02, without oral argument; setting brief and evidentiary materials deadline to 10/15/02 (signed by Judge Myron H. Thompson), copies provided to counsel (furnished to SC). (dkt clerk) (Entered: 09/19/2002)
09/26/2002		Order of 9/12/02 returned as to Roy S. Haber with notation: returned to sender; attempted not known; no longer here (vmc) (Entered: 09/27/2002)
10/10/2002	<u>512</u>	MOTION by Michael Haley for Enlargement of Time to file their response to pltfs' motions for attorney fees ; referred to Mag Judge Vanzetta P. McPherson (ydw) (Entered: 10/10/2002)
10/11/2002	<u>513</u>	MOTION by Michael Haley for leave to conduct discovery as to plaintiffs counsels' attorneys' fee and cost bill ; referred to Judge Myron H. Thompson (cc) (Entered: 10/15/2002)
10/18/2002	<u>514</u>	ORDER granting [513-1] motion for leave to conduct discovery as to plaintiffs counsels' attorneys' fee and cost bill (signed by Judge Myron H. Thompson), copies provided; furnished to SC. (ydw) (Entered: 10/18/2002)
10/18/2002	<u>515</u>	ORDER granting [512-1] motion for Enlargement of Time to file their response to pltfs' motions for attorney fees; Response to Motion set to 12/2/02 for [509-1] motion for Attorney Fees [509-1] motion for Attorney Fees by Michael A. Austin set for submission on 11/25/02, setting Brief and evidentiary materials deadline to 11/25/02 ; (signed by Judge Myron H. Thompson , copies provided; furnished to SC. (ydw) (Entered: 10/18/2002)
10/29/2002		Atty Haber's copies of 10-18-02 orders returned in mail with the following notation, "returned to sender-no such number". Telephoned attorney office and obtained new mailing address and requested that they send update in writing. Remailed orders to correct address. (djj) (Entered: 10/29/2002)
11/13/2002	<u>517</u>	ORDER directing that the [516-1] amended motion for Attorney Fees and Costs by Michael A. Austin be set for submission on 11/25/02, without oral argument, with the defendant to file his brief and evidentiary materials by said date (signed by Judge Myron H. Thompson), copies provided to counsel. (djj) (Entered: 11/13/2002)
11/21/2002	<u>518</u>	UNOPPOSED MOTION by Michael Haley for Extension of Time in which to file their response to pltfs motion for attorneys' fees and costs ; referred to Judge Myron H. Thompson (ydw) (Entered: 11/22/2002)
11/21/2002	<u>519</u>	MOTION by Michael A. Austin to revise request for costs (w/Pltf's Exhibit 1-2 attached); referred to Judge Myron H. Thompson (ydw) (Entered: 11/22/2002)
11/25/2002	<u>520</u>	ORDER granting [518-1] motion for Extension of Time in which to file their response to pltfs motion for attorneys' fees and costs, [516-1] motion for Attorney Fees and Costs by Michael A. Austin set for submission on 12/9/02, [509-1] motion for Attorney Fees by Michael A. Austin set for submission on 12/9/02 resetting Brief deadline to 12/9/02 , Response to Motion reset to 12/9/02 for [516-1] motion for Attorney Fees and Costs, reset to for [509-1] motion for Attorney Fees (signed by Judge Myron H. Thompson), copies provided to counsel, SC. (ajr) (Entered: 11/25/2002)
11/25/2002	<u>521</u>	ORDER granting [519-1] motion to revise request for costs; that if defendant has an objection to the allowance of the revisions he must file an objection within seven days; (signed by Judge Myron H. Thompson), copies provided to counsel. (ajr) (Entered: 11/25/2002)

12/09/2002	<u>522</u>	RESPONSE by Michael Haley to [516-1] motion for Attorney Fees and Costs by Michael A. Austin (w/Exhibit 1 attached); referred to Judge Myron H. Thompson (cc) (Entered: 12/10/2002)
12/13/2002	<u>523</u>	ORDER that pltfs. respond to the contention in the dft's response to pltf's motion for attorney fees and costs, that pltfs are not prevailing parties within the meaning of Buckhannon Bd. and Care Home, Inc. v. W. VA. Dept. of Health and Human Resources; pltfs must file their response by 12/27/02; (signed by Judge Myron H. Thompson) , copies provided; furnished to SC. (ydw) (Entered: 12/13/2002)
12/13/2002	<u>524</u>	MOTION by Michael A. Austin for Leave to Reply within thirty days to dft's opposition to pltfs' motion for attorney's fees and costs ; referred to Judge Myron H. Thompson (ydw) (Entered: 12/16/2002)
12/17/2002	<u>525</u>	ORDER granting [524-1] motion for Leave to Reply to the extent that plaintiffs are allowed until 12/27/02 to file a reply to dft's opposition to pltfs' motion for attorney's fees and costs (signed by Judge Myron H. Thompson) , copies provided to counsel. (cc) (Entered: 12/17/2002)
12/26/2002	<u>526</u>	RESPONSE (Exhibit 1 attached) by Michael Haley to [516-1] motion for Attorney Fees and Costs by Michael A. Austin. Referred to Judge Myron H. Thompson (djy) (Entered: 12/27/2002)
12/27/2002	<u>527</u>	REPLY BRIEF (Exhibits 1 thru 4 attached) by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin to [526-1] opposition to plaintiff's motion for attorneys' fees and costs by Michael Haley. Referred to Judge Myron H. Thompson (djy) (Entered: 12/30/2002)
01/15/2003	<u>528</u>	SUBMISSION by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess of one additional receipt for costs; referred to Judge Myron H. Thompson . (ydw) (Entered: 01/16/2003)
02/20/2003	<u>529</u>	(Notice of Withdrawal) MOTION for Edward A. Hosp to Withdraw as Attorney for the Governor of Alabama referred to Judge Myron H. Thompson (vmc) (Entered: 02/21/2003)
02/24/2003	<u>530</u>	ORDER granting [529-1] motion for Edward A. Hosp to Withdraw as Attorney for the Governor of Alabama (Terminated Edward A. Hosp) (signed by Judge Myron H. Thompson) , copies provided to counsel; furn: sc. (vmc) (Entered: 02/24/2003)
02/28/2003	<u>531</u>	ORDER set Mediation Conference for 2:00 3/13/03 before Mag. Judge Susan R. Walker ; Room 501-B, U.S. Courthouse, Mont. AL (signed by Mag. Judge Susan R. Walker) , copies provided to counsel; furn: jt yg hc. (vmc) (Entered: 02/28/2003)
03/05/2003	<u>532</u>	MOTION by Michael A. Austin, Richard Elliot, Ogie Lee Hayes, Charles Orlander Guess, Warren Leatherwood, Kervin Goodwin to Substitute party Donal Campbell for Michael Haley referred to Mag Judge Vanzetta P. McPherson (ajr) (Entered: 03/06/2003)
03/11/2003	<u>533</u>	Stamped ORDER granting [532-1] motion to Substitute party Donal Campbell for Michael Haley terminated Michael Haley. Added Donal Campbell (by Mag. Judge Susan R. Walker) , copies provided to counsel. (vmc) (Entered: 03/11/2003)
09/30/2003	<u>534</u>	ORDER granting [516-1] motion for Attorney Fees and Costs to the extent that the plas' original request is amended (signed by Judge Myron H. Thompson) , copies provided to counsel; furn: sc. (vmc) (Entered: 09/30/2003)
11/19/2007	<u>535</u>	MOTION for Hearing <i>Regarding Attorney Fees</i> by Michael A. Austin. (Brownstein, Rhonda) (Entered: 11/19/2007)
03/30/2010	<u>536</u>	NOTICE of Appearance by Mary Catherine Bauer on behalf of all plaintiffs (Bauer, Mary) (Entered: 03/30/2010)
09/30/2010	<u>537</u>	MOTION for Attorney Fees by Michael A. Austin. (Cohen, Jack) (Entered: 09/30/2010)
09/30/2010		Renewed Motion for Ruling or Status Conference on Pending Motion for Attorneys' Fees by Richard Elliot, Kervin Goodwin, Charles Orlander Guess, Ogie

		Lee Hayes, Warren Leatherwood. No pdf attached to this entry. See doc. <u>537</u> for pdf. (cb,) (Entered: 10/01/2010)
10/01/2010		NOTICE of Docket Text Correction to reflect the title change from Motion for Attorney Fees to <u>537</u> Renewed Motion for Ruling or Status Conference on Pending Motion for Attorneys' Fees. Counsel used the incorrect code during filing. (cb,) (Entered: 10/01/2010)
05/29/2013	<u>538</u>	MOTION to Withdraw as Attorney by Michael A. Austin, Richard Elliot, Kervin Goodwin, Charles Orlander Guess, Ogie Lee Hayes, Warren Leatherwood. (Bauer, Mary) (Entered: 05/29/2013)
05/30/2013		Case reassigned to Judge Wallace Capel, Jr. as referral judge due to retirement of Judge Vanzetta Penn McPherson (NO PDF Document attached to this notice). (djt,) (Entered: 05/30/2013)
05/31/2013	<u>539</u>	ORDER granting <u>538</u> Motion for Mary Bauer to Withdraw as Attorney. Signed by Honorable Judge Myron H. Thompson on 5/31/13. (djt,) (Entered: 05/31/2013)
05/31/2013		*** Attorney Mary C Bauer terminated pursuant to <u>539</u> order (NO PDF Document attached to this notice). (djt,) (Entered: 05/31/2013)
06/06/2013	<u>540</u>	MOTION to Withdraw as Attorney by Michael A. Austin, Richard Elliot, Kervin Goodwin, Charles Orlander Guess, Ogie Lee Hayes, Warren Leatherwood. (Cohen, Jack) (Entered: 06/06/2013)
06/07/2013	<u>541</u>	ORDER that the motion to withdraw as counsel <u>540</u> is granted. Signed by Honorable Judge Myron H. Thompson on 6/7/2013. (jg,) (Entered: 06/07/2013)
06/07/2013		*** Attorney Ellen M. Bowden and Rhonda C. Brownstein terminated pursuant to <u>541</u> order. (No pdf for this docket entry) (jg,) (Entered: 06/07/2013)