

CLOSED,STAYED

**U.S. District Court
Alabama Middle District (Montgomery)
CIVIL DOCKET FOR CASE #: 2:09-cv-00155-WKW-WC**

Hicks et al v. Hetzel et al
Assigned to: Chief Judge William Keith Watkins
Referred to: Honorable Judge Wallace Capel, Jr
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 02/26/2009
Date Terminated: 03/30/2012
Jury Demand: None
Nature of Suit: 555 Habeas Corpus (Prison Condition)
Jurisdiction: Federal Question

Plaintiff

John Hicks

TERMINATED: 07/08/2009

represented by **Herman Austin Watson , Jr.**
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Plaintiff

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Plaintiff

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Plaintiff

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V.

Defendant

Gary Hetzel
*Warden of W.E. Donaldson Correctional
Facility, in his official capacity*

represented by **Anne Adams Hill**
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Defendant

Richard Allen
*Commissioner, Alabama Department of
Corrections, in his official capacity*
TERMINATED: 01/25/2011

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TERMINATED: 01/25/2011
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TERMINATED: 01/25/2011
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David R. Boyd
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Louis Michael Calligas
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Defendant

Bob Riley
Governor of Alabama, in his official capacity

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Defendant

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Commissioner

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Defendant

George Edwards
Deputy Warden of W.E. Donaldson, in his

represented by **Anne Adams Hill**
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official capacity

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Defendant

Christopher Gordy
*Deputy Warden of W. E. Donaldson, in
his official capacity*

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Date Filed	#	Docket Text
02/26/2009	<u>1</u>	Inmate 1983 COMPLAINT against all defendants (Filing fee \$ 350.00 receipt number 4602009045.), filed by Gregory Wynn, John Hicks, James Taylor, Charles

		Malec. (Attachments: # <u>1</u> receipt)(vma,) (Entered: 02/27/2009)
02/26/2009		DEMAND for Trial by Jury by Gregory Wynn, John Hicks, James Taylor, Charles Malec. (No PDF attached; contained within doc. <u>1</u>)(vma,) (Entered: 02/27/2009)
02/26/2009	<u>2</u>	Summons Issued as to Gary Hetzel; summons and complaint returned to counsel for personal service.(vma,) (Entered: 02/27/2009)
02/26/2009	<u>3</u>	Summons Issued as to Richard Allen; summons and complaint returned to counsel for personal service. (vma,) (Entered: 02/27/2009)
02/26/2009	<u>4</u>	Summons Issued as to Bob Riley; summons and complaint returned to counsel for personal service. (vma,) (Entered: 02/27/2009)
02/27/2009	<u>5</u>	Case reassigned to Honorable William Keith Watkins. Honorable Truman M. Hobbs no longer assigned to the case as he was assigned under the assumption that this case would proceed in the manner of a pro se inmate case. These inmates are represented by counsel, therefore this case will proceed as any other civil case. (cc,) (Entered: 02/27/2009)
03/04/2009	<u>6</u>	Corporate/Conflict Disclosure Statement by Gary Hetzel. (Harmon, Bart) (Entered: 03/04/2009)
03/04/2009	<u>7</u>	Corporate/Conflict Disclosure Statement by Richard Allen. (Harmon, Bart) (Entered: 03/04/2009)
03/04/2009		***Attorney Bart Gregory Harmon for Gary Hetzel and Richard Allen added – per docs. <u>6</u> , <u>7</u> – Conflict Disclosure Statement. (No PDF attached)(vma,) (Entered: 03/05/2009)
03/05/2009		AO FORM 85 mailed to counsel for Gary Hetzel, Richard Allen (vma,) (Entered: 03/05/2009)
03/06/2009	<u>8</u>	Corporate/Conflict Disclosure Statement by Gregory Wynn. (Geraghty, Sarah) (Entered: 03/06/2009)
03/06/2009	<u>9</u>	Corporate/Conflict Disclosure Statement by Charles Malec. (Geraghty, Sarah) (Entered: 03/06/2009)
03/06/2009	<u>10</u>	Corporate/Conflict Disclosure Statement by James Taylor. (Geraghty, Sarah) (Entered: 03/06/2009)
03/06/2009	<u>11</u>	Corporate/Conflict Disclosure Statement by John Hicks. (Geraghty, Sarah) (Entered: 03/06/2009)
03/06/2009	<u>12</u>	Motion to Appear Pro Hac Vice (Filing fee \$ 50.00 receipt number 4602009199.) by Gregory Wynn, John Hicks, James Taylor, Charles Malec. (Attachments: # <u>1</u> Cert/good standing (Velez), # <u>2</u> receipt, # <u>3</u> proposed order)(vma,) (Entered: 03/06/2009)
03/06/2009	<u>13</u>	Motion to Appear Pro Hac Vice (Filing fee \$ 350.00 receipt number 4602009200.) by Gregory Wynn, John Hicks, James Taylor, Charles Malec. (Attachments: # <u>1</u> Cert/good standing/Kung, # <u>2</u> receipt, # <u>3</u> proposed order)(vma,) (Entered: 03/06/2009)
03/11/2009	<u>14</u>	ORDER granting <u>12</u> Motion for Leave for Melanie Velez to Appear Pro Hac Vice. Signed by Honorable William Keith Watkins on 3/11/09. (djt,) (Entered: 03/11/2009)
03/11/2009	<u>15</u>	ORDER granting <u>13</u> Motion for Leave for Lisa Kung to Appear Pro Hac Vice. Signed by Honorable William Keith Watkins on 3/11/09. (djt,) (Entered: 03/11/2009)
03/12/2009	<u>16</u>	MOTION to Certify Class by Gregory Wynn, John Hicks, James Taylor, Charles Malec. (Attachments: # <u>1</u> Memorandum of Law in Support)(Geraghty, Sarah) (Entered: 03/12/2009)
03/12/2009		BRIEF/MEMORANDUM in Support re <u>16</u> MOTION to Certify Class filed by Gregory Wynn, John Hicks, James Taylor, Charles Malec. (NO PDF document attached to this notice–See Docket Entry <u>16</u>). (djt,) (Entered: 03/13/2009)

03/13/2009	<u>17</u>	NOTICE of Appearance by David R. Boyd on behalf of all defendants (Boyd, David) (Entered: 03/13/2009)
03/13/2009		***Attorney John Garland Smith for Gary Hetzel, Richard Allen and Bob Riley added – per doc. <u>17</u> – notice of appearance. (No PDF attached) (vma,) (Entered: 03/16/2009)
03/16/2009	<u>18</u>	SUMMONS Returned Executed by Gregory Wynn, John Hicks, James Taylor, Charles Malec. Richard Allen served on 2/26/2009, answer due 3/18/2009. (vma,) (Entered: 03/16/2009)
03/16/2009	<u>19</u>	SUMMONS Returned Executed by Gregory Wynn, John Hicks, James Taylor, Charles Malec. Gary Hetzel served on 3/10/2009, answer due 3/30/2009. (vma,) (Entered: 03/16/2009)
03/16/2009	<u>20</u>	SUMMONS Returned Executed by Gregory Wynn, John Hicks, James Taylor, Charles Malec. Bob Riley served on 2/26/2009, answer due 3/18/2009. (vma,) (Entered: 03/16/2009)
03/18/2009	<u>21</u>	Corporate/Conflict Disclosure Statement by Bob Riley. (Smith, John) (Entered: 03/18/2009)
03/18/2009	<u>22</u>	<i>Answer of Defendants to Special Report to Inmate 1983 Complaint</i> by Gary Hetzel, Richard Allen, Bob Riley.(Smith, John) (Entered: 03/18/2009)
04/03/2009	<u>23</u>	MOTION to Expedite <i>Discovery</i> by Gregory Wynn, John Hicks, James Taylor, Charles Malec. (Attachments: # <u>1</u> Exhibit photographs, # <u>2</u> Affidavit Declaration of Steve J. Martin, # <u>3</u> Affidavit Declaration of Captain Lloyd Wallace, President, ACO, # <u>4</u> Exhibit Plaintiffs' Notice of Inspection and Entry, # <u>5</u> Exhibit Plaintiffs' Request for Production, # <u>6</u> Exhibit Plaintiffs' Index of Exhibits in Support of Motion, # <u>7</u> Text of Proposed Order Proposed Order)(Geraghty, Sarah) Modified on 5/7/2009 – to show that Exhibit 1 photographs are filed under seal – see doc. <u>28</u> (vma,). (Entered: 04/03/2009)
04/06/2009	<u>24</u>	ORDER TO SHOW CAUSE that Defendants shall show cause why the <u>23</u> Motion to Expedite Discovery filed by John Hicks, Gregory Wynn, James Taylor, Charles Malec should not be granted. Show Cause Response due by 4/16/2009. Signed by Honorable Wallace Capel, Jr on 4/6/09. (vma,) (Entered: 04/06/2009)
04/06/2009	<u>25</u>	MOTION File Under Seal Photographs in Support of Motion for Expedited Discovery re <u>23</u> MOTION to Expedite <i>Discovery</i> by Gregory Wynn, John Hicks, James Taylor, Charles Malec. (Attachments: # <u>1</u> Text of Proposed Order)(Geraghty, Sarah) (Entered: 04/06/2009)
04/06/2009	<u>26</u>	ORDER granting <u>25</u> Motion to file under seal photographs in Support of Motion for expedited discovery. Signed by Honorable Wallace Capel, Jr on 4/6/09. (vma,) (Entered: 04/06/2009)
04/08/2009	<u>27</u>	ORDER re <u>16</u> MOTION to Certify Class filed by John Hicks, Gregory Wynn, James Taylor, Charles Malec; Response to Motion due by 4/22/2009. Signed by Honorable William Keith Watkins on 4/8/09. (vma,) (Entered: 04/08/2009)
04/09/2009	<u>28</u>	NOTICE OF FILING DOCUMENTS UNDER SEAL by Gregory Wynn, John Hicks, James Taylor, Charles Malec re <u>26</u> Order – (documents sealed are photos – which are filed conventionally for viewing in Clerk's office) (Attachments: # <u>1</u> Re: Exhibits – (Photos))(vma,) (Additional attachment(s) added on 4/13/2009: # <u>2</u> main doc. #2) (vma,). (Entered: 04/09/2009)
04/09/2009	<u>29</u>	NOTICE of Appearance by Louis Michael Calligas on behalf of all defendants (Calligas, Louis) (Entered: 04/09/2009)
04/13/2009	<u>30</u>	NOTICE of Correction attaching corrected PDF (w/corrected signatures) re <u>28</u> Notice of Filing Documents under seal (Attachments: # <u>1</u> corrected PDF)(vma,) (Entered: 04/13/2009)
04/13/2009	<u>31</u>	ORDER that the Rule 26(f) report containing the discovery plan shall be filed fourteen days after Judge Capel rules on Plaintiffs' Motion to Expedite discovery (see docs. # <u>23</u> – <u>24</u>). Signed by Honorable William Keith Watkins on 4/13/09. (vma,) (Entered: 04/13/2009)

04/13/2009	<u>32</u>	NOTICE by Gregory Wynn, John Hicks, James Taylor, Charles Malec re <u>23</u> MOTION to Expedite <i>Discovery</i> (Attachments: # <u>1</u> Affidavit of Sahking Burke, # <u>2</u> Affidavit of Michael Mays, # <u>3</u> Affidavit of Daniel Thomas, # <u>4</u> Affidavit of Brandon Russell, # <u>5</u> Affidavit Coy Crowe, # <u>6</u> Affidavit of Charles Malec)(Geraghty, Sarah) (Entered: 04/13/2009)
04/16/2009	<u>33</u>	RESPONSE in Opposition re <u>23</u> MOTION to Expedite <i>Discovery and Entry Upon Land for Inspection and Other Purposes</i> filed by Gary Hetzel, Richard Allen, Bob Riley. (Attachments: # <u>1</u> Exhibit A)(Smith, John) (Entered: 04/16/2009)
04/16/2009	<u>34</u>	MOTION to Strike <u>23</u> MOTION to Expedite <i>Discovery Ex. 3 – Declaration of President of ACO</i> by Gary Hetzel, Richard Allen, Bob Riley. (Attachments: # <u>1</u> Exhibit "A")(Smith, John) (Entered: 04/16/2009)
04/17/2009	<u>35</u>	REPLY to Response to Motion re <u>23</u> MOTION to Expedite <i>Discovery</i> filed by Gregory Wynn, John Hicks, James Taylor, Charles Malec. (Attachments: # <u>1</u> Affidavit of Billy Jessie, # <u>2</u> Exhibit ADOC Monthly Statistical Report, Feb. 2009 and December 2007, # <u>3</u> Exhibit ADOC Monthly Statistical Report, Jan. 2009)(Geraghty, Sarah) (Entered: 04/17/2009)
04/21/2009	<u>36</u>	MOTION for Protective Order <i>and/or Discovery Management Plan</i> by Gary Hetzel, Richard Allen, Bob Riley. (Smith, John) (Entered: 04/21/2009)
04/21/2009	<u>37</u>	MOTION to Take Deposition from Plaintiffs Hicks, Taylor, Malec and Wynn (<i>Motion for Leave to Take Plaintiffs' Depositions</i>) by Gary Hetzel, Richard Allen, Bob Riley. (Smith, John) (Entered: 04/21/2009)
04/21/2009	<u>38</u>	MOTION for Extension of Time to File Response/Reply as to <u>16</u> MOTION to Certify Class by Gary Hetzel, Richard Allen, Bob Riley. (Smith, John) (Entered: 04/21/2009)
04/21/2009	<u>39</u>	RESPONSE in Opposition re <u>34</u> MOTION to Strike <u>23</u> MOTION to Expedite <i>Discovery Ex. 3 – Declaration of President of ACO</i> filed by Gregory Wynn, John Hicks, James Taylor, Charles Malec. (Geraghty, Sarah) (Entered: 04/21/2009)
04/21/2009	<u>40</u>	RESPONSE in Opposition re <u>38</u> MOTION for Extension of Time to File Response/Reply as to <u>16</u> MOTION to Certify Class filed by Gregory Wynn, John Hicks, James Taylor, Charles Malec. (Geraghty, Sarah) (Entered: 04/21/2009)
04/22/2009	<u>41</u>	RESPONSE in Opposition re <u>16</u> MOTION to Certify Class filed by Gary Hetzel, Richard Allen, Bob Riley. (Smith, John) (Entered: 04/22/2009)
04/23/2009	<u>42</u>	ORDER denying <u>23</u> Motion to Expedite; Pursuant to the Court's Order of 4/13/09 (doc. <u>31</u>), the Rule 26(f) report will be due on or before fourteen days after the date of this Order as further set out in order. Signed by Honorable Wallace Capel, Jr on 4/23/09. (vma,) (Entered: 04/23/2009)
05/07/2009	<u>43</u>	REPORT of Rule 26(f) Planning Meeting. (Geraghty, Sarah) (Entered: 05/07/2009)
05/11/2009	<u>44</u>	MOTION for Permission to File by May 26, 2009 a Reply in Support of Plaintiffs' Motion for Class Certification (Doc. No. <u>16</u>) and a Response to Defendants' Motion for Protective Order (Doc. No. <u>36</u>) re <u>16</u> MOTION to Certify Class by Gregory Wynn, John Hicks, James Taylor, Charles Malec. (Geraghty, Sarah) (Entered: 05/11/2009)
05/15/2009	<u>45</u>	RESPONSE in Opposition re <u>23</u> MOTION to Expedite <i>Discovery [Doc 23–4] Notice of Entry Upon Land for Inspection and Other Purposes</i> filed by Gary Hetzel, Richard Allen, Bob Riley. (Smith, John) (Entered: 05/15/2009)
05/19/2009	<u>46</u>	RESPONSE to Motion re <u>44</u> MOTION for Permission to File by May 26, 2009 a Reply in Support of Plaintiffs' Motion for Class Certification (Doc. No. <u>16</u>) and a Response to Defendants' Motion for Protective Order (Doc. No. <u>36</u>) re <u>16</u> MOTION to Certify Class MOTION for Permission to File by May 26, 2009 a Reply in Support of Plaintiffs' Motion for Class Certification (Doc. No. <u>16</u>) and a Response to Defendants' Motion for Protective Order (Doc. No. <u>36</u>) re <u>16</u> MOTION to Certify Class filed by Gary Hetzel, Richard Allen, Bob Riley. (Smith, John) (Entered: 05/19/2009)

05/20/2009	<u>47</u>	ORDER 1) denying as moot <u>34</u> Motion to strike Declaration of President of Alabama Correctional Organization as further set out in order; 2) Granting <u>37</u> MOTION to Take Deposition as further set out; 3) Granting MOTION for Extension of Time to File Response as to <u>16</u> MOTION to Certify Class and the deadline for dfts to file a supplemental response to Plaintiffs' Motion for Class Certification is extended to and including 6/9/09; 4) Granted <u>44</u> MOTION for Permission to File a Reply in support of their Motion for class certification, and plaintiffs may file on or before 6/16/09; 5) Plaintiffs' motion for permission to file a response to defendants' Motion for Protective Order (doc. <u>44</u>) is granted in that Plaintiffs are directed to file a response to dfts' Motion for Protective Order and/or Discovery Management Plan (doc. <u>36</u>) on or before 5/26/09; Setting an on-the-record planning and Status Conference for 6/18/2009 01:30 PM in Courtroom 2E before Honorable William Keith Watkins; The Clerk of the Court is directed to provide a court reporter for the conference. Signed by Honorable William Keith Watkins on 5/20/09. (furn: yg hc ar)(vma,) (Entered: 05/20/2009)
05/26/2009	<u>48</u>	RESPONSE in Opposition re <u>36</u> MOTION for Protective Order <i>and/or Discovery Management Plan</i> filed by Gregory Wynn, John Hicks, James Taylor, Charles Malec. (Attachments: # <u>1</u> Affidavit of Larry Wayne Jones, # <u>2</u> Affidavit of Jameth McDonald, # <u>3</u> Affidavit of Christopher Benjamin, # <u>4</u> Affidavit of KeUndre Johnson, # <u>5</u> Exhibit Defendants' Response to Plaintiffs' Request for Production)(Geraghty, Sarah) (Entered: 05/26/2009)
05/29/2009	<u>49</u>	MOTION for Extension of Deadline To Supplement Response in Opposition to Motion for Class Certification re <u>41</u> Response in Opposition to Motion by Gary Hetzel, Richard Allen, Bob Riley. (Smith, John) (Entered: 05/29/2009)
06/17/2009	<u>50</u>	NOTICE of Appearance by Herman Watson, Jr. and Rebekah Keith McKinney on behalf of Gregory Wynn, John Hicks, James Taylor, Charles Malec (McKinney, Rebekah) Modified on 6/18/2009 – to add Herman Watson to docket entry(vma,). (Entered: 06/17/2009)
06/17/2009		***Attorney Herman Austin Watson, Jr for Gregory Wynn, John Hicks, James Taylor and Charles Malec added – per doc. <u>50</u> . (No PDF attached)(vma,) (Entered: 06/18/2009)
06/18/2009		NOTICE of Docket Text Correction re <u>50</u> Notice of Appearance – Modified on 6/18/2009 – to add Herman Watson to docket entry and also added attorney to docket for the plaintiffs.(No PDF attached to this notice)(vma,) (Entered: 06/18/2009)
06/18/2009	<u>51</u>	Minute Entry for STATUS CONFERENCE held 6/18/09 before Judge William Keith Watkins (PDF available for court use only). (Court Reporter Mitchell Reisner.) (ajr,) (Entered: 06/18/2009)
06/19/2009	<u>52</u>	ORDER directing as follows: (1) defs' <u>36</u> MOTION for Protective Order and/or Discovery Management Plan is DENIED to the extent that defs seek bifurcated discovery on the issue of class certification; (2) to permit the parties to reevaluate their Rule 26(f) report in light of the court's ruling denying bifurcated discovery, it is ORDERED that the parties file an Amended Rule 26(f) report on ofr before 7/2/2009; (3) defs' unopposed <u>49</u> MOTION to extend deadline to supplement response in opposition to motion for class certification is GRANTED, as further set out in order. Signed by Honorable William Keith Watkins on 6/19/09. (djj,) (Entered: 06/19/2009)
06/23/2009	<u>53</u>	MOTION to Dismiss Plaintiff John Hicks by Gregory Wynn, John Hicks, James Taylor, Charles Malec. (Geraghty, Sarah) (Entered: 06/23/2009)
06/23/2009	<u>54</u>	NOTICE of Appearance by Anne C Adams on behalf of Gary Hetzel, Richard Allen, Bob Riley (Adams, Anne) (Entered: 06/23/2009)
07/02/2009	<u>55</u>	REPORT of Rule 26(f) Planning Meeting. (Calligas, Louis) (Entered: 07/02/2009)
07/08/2009	<u>56</u>	ORDER granting <u>53</u> Motion to Dismiss Plaintiff John Hicks and that Mr. Hicks is dropped as a plf in this litigation. Signed by Honorable William Keith Watkins on 7/8/2009. (Attachments: # <u>1</u> Civil Appeals Checklist) (wcl,) (Entered: 07/08/2009)

07/08/2009	<u>57</u>	MOTION Adopt Class Certification Briefing Schedule Set Forth in Para. 3C of Amended Rule 26 Report re <u>55</u> Report of Rule 26(f) Planning Meeting by Gregory Wynn, James Taylor, Charles Malec. (Attachments: # <u>1</u> Exhibit Decl. of Steve Martin)(Geraghty, Sarah) (Entered: 07/08/2009)
07/08/2009	<u>58</u>	Joint MOTION for Protective Order by Gary Hetzel, Richard Allen, Bob Riley. (Attachments: # <u>1</u> Exhibit A)(Calligas, Louis) (Entered: 07/08/2009)
07/08/2009	<u>59</u>	CONSENT PROTECTIVE ORDER. Signed by Honorable Wallace Capel, Jr on 7/9/2009. (cc,) (Entered: 07/09/2009)
07/13/2009	<u>60</u>	Joint MOTION for Order <i>Qualified HIPAA Protective Order</i> by Gary Hetzel, Richard Allen, Bob Riley. (Attachments: # <u>1</u> Exhibit A)(Calligas, Louis) (Entered: 07/13/2009)
07/13/2009	<u>61</u>	QUALIFIED HIPAA PROTECTIVE ORDER. Signed by Honorable Wallace Capel, Jr on 7/13/09. (dgy,) (Entered: 07/13/2009)
07/14/2009	<u>62</u>	RESPONSE in Opposition re <u>57</u> MOTION Adopt Class Certification Briefing Schedule Set Forth in Para. 3C of Amended Rule 26 Report re <u>55</u> Report of Rule 26(f) Planning Meeting MOTION Adopt Class Certification Briefing Schedule Set Forth in Para. 3C of Amended Rule 26 Report re <u>55</u> Report of Rule 26(f) Planning Meeting filed by Gary Hetzel, Richard Allen, Bob Riley. (Calligas, Louis) (Entered: 07/14/2009)
07/30/2009	<u>63</u>	MOTION to Compel by Gregory Wynn, James Taylor, Charles Malec. (Geraghty, Sarah) (Entered: 07/30/2009)
07/30/2009		BRIEF/MEMORANDUM in Support re <u>63</u> MOTION to Compel filed by Gregory Wynn, James Taylor, Charles Malec. (No PDF document attached to this notice--See Docket Entry <u>63</u>). (dgy,) (Entered: 07/31/2009)
07/31/2009	<u>64</u>	SCHEDULING ORDER (MODIFIED) setting Pretrial Conference set for 5/10/2010 before Honorable William Keith Watkins, in the FMJUSC, Montgomery, AL; Jury Trial set for 6/7/2010 before Honorable William Keith Watkins, in Montgomery, AL; setting Amended Pleadings due for plfs by 9/15/09 and due for defs by 9/30/2009; setting Discovery due by 2/9/2010; setting dispositive Motions due by 2/9/2010; setting Mediation Notice due by 3/7/2010, as further set out in order. Signed by Honorable William Keith Watkins on 7/31/09. Furnished to YG, HC &AR.(dgy,) (Entered: 07/31/2009)
07/31/2009	<u>65</u>	ORDER denying as moot <u>57</u> Motion to adopt class certification briefing schedule, as further set out in order. Signed by Honorable William Keith Watkins on 7/31/09. (dgy,) (Entered: 07/31/2009)
07/31/2009	<u>66</u>	ORDER directing the parties file a corrected amended Rule 26(f) report that contains the omitted text, as further set out in order; Rule 26 Meeting Report due by 8/7/2009. Signed by Honorable William Keith Watkins on 7/31/09. (dgy,) (Entered: 07/31/2009)
07/31/2009	<u>67</u>	AMENDED REPORT of Rule 26(f) Planning Meeting. (Calligas, Louis) Modified on 8/3/2009 to reflect that this is an AMENDED REPORT (QC/dgy,). (Entered: 07/31/2009)
08/03/2009		NOTICE of Docket Text Correction re <u>67</u> Report of Rule 26(f) Planning Meeting to add text to reflect that the document is an AMENDED Report (NO PDF document attached to this notice). (dgy,) (Entered: 08/03/2009)
08/04/2009	<u>68</u>	ORDER, upon consideration of plfs' <u>63</u> motion to compel, directing that the parties shall conduct a face to face meeting on or before 8/18/09 in an attempt to resolve the issue; On or before 8/25/09, the parties shall file joint report informing the Court as to the result of the meeting, as further set out in order. Signed by Honorable Wallace Capel, Jr on 8/4/09. (dgy,) (Entered: 08/04/2009)
08/14/2009	<u>69</u>	MOTION for Extension of Deadline to file Expert Report re <u>64</u> Scheduling Order,, by Gregory Wynn, James Taylor, Charles Malec. (Geraghty, Sarah) (Entered: 08/14/2009)

08/17/2009	<u>70</u>	ORDER granting <u>69</u> Motion for Extension of Deadline; extending the deadline for plfs to file the report of their expert, Steve J. Martin from 9/21/2009 to and including 9/28/2009. Signed by Honorable William Keith Watkins on 8/17/09. (djy,) (Entered: 08/17/2009)
08/20/2009	<u>71</u>	MOTION for Extension of Deadline re <u>64</u> Scheduling Order., by Gary Hetzel, Richard Allen, Bob Riley. (Smith, John) (Entered: 08/20/2009)
08/21/2009	<u>72</u>	MOTION to Take Deposition (<i>Motion for Leave to Take Plaintiffs' Depositions</i>) by Gary Hetzel, Richard Allen, Bob Riley. (Smith, John) (Entered: 08/21/2009)
08/24/2009	<u>73</u>	STATUS REPORT re: <i>Resolution of Plaintiffs' Motion to Compel [Doc #63]</i> by Gregory Wynn, James Taylor, Charles Malec. (Geraghty, Sarah) (Entered: 08/24/2009)
08/26/2009	<u>74</u>	ORDER granting <u>71</u> Motion for Extension of time; the deadline established in the <u>64</u> scheduling order pertaining to expert witness disclosures is extended from 10/9/09 to and including 10/16/09. Signed by Honorable William Keith Watkins on 8/26/09. (djy,) (Entered: 08/26/2009)
09/02/2009	<u>75</u>	ORDER denying as moot <u>63</u> Motion to Compel. Signed by Honorable Wallace Capel, Jr on 9/2/09. (djy,) (Entered: 09/02/2009)
09/02/2009	<u>76</u>	ORDER granting <u>72</u> Motion to Take Deposition of plaintiffs. Signed by Honorable Wallace Capel, Jr on 9/2/09. (djy,) (Entered: 09/02/2009)
09/15/2009	<u>77</u>	First MOTION to Amend/Correct <i>Complaint to Add Defendants</i> by Gregory Wynn, James Taylor, Charles Malec. (Attachments: # <u>1</u> Exhibit Proposed Amended Complaint)(Geraghty, Sarah) (Entered: 09/15/2009)
09/18/2009	<u>78</u>	ORDER granting <u>77</u> Motion for leave to amend; directing plfs to file an exact duplicate of the amended complaint, attached to the motion as Exhibit 1 on or before 9/22/2009. Signed by Honorable William Keith Watkins on 9/18/09. (djy,) (Entered: 09/18/2009)
09/28/2009	<u>79</u>	<i>Defendants</i> ANSWER to Complaint (<i>AMENDED</i>) by Gary Hetzel, Richard Allen, Bob Riley.(Smith, John) Modified on 9/29/2009 to reflect as answer to <u>80</u> amended complaint and also filed on behalf of added defendants George Edwards & Christopher Gordy (qc/djy,). (Entered: 09/28/2009)
09/28/2009		***Attorney David R. Boyd John Garland Smith Louis Michael Calligas, Kim Tobias Thomas, Bart Gregory Harmon and, Anne C Adams for George Edwards and Christopher Gordy added pursuant to <u>79</u> answer (NO PDF document attached to this notice). (djy,) (Entered: 09/29/2009)
09/29/2009	<u>80</u>	AMENDED COMPLAINT against all defendants, filed by Gregory Wynn, James Taylor, Charles Malec.(Geraghty, Sarah) (Entered: 09/29/2009)
09/29/2009		NOTICE of Docket Text Correction re <u>79</u> Answer to Complaint to reflect as answer to <u>80</u> amended complaint and to reflect as also filed on behalf of added defendants George Edwards & Christopher Gordy (NO PDF document attached to this notice). (djy,) (Entered: 09/29/2009)
10/23/2009	<u>81</u>	BRIEF/MEMORANDUM in Support of <i>Motion for Class Certification</i> filed by Gregory Wynn, James Taylor, Charles Malec. (Attachments: # <u>1</u> Exhibit Expert Report, # <u>2</u> Exhibit Summary of Stabbings and Assaults, # <u>3</u> Exhibit Inmate Count Sheet, # <u>4</u> Exhibit Hetzel Deposition, # <u>5</u> Exhibit Gregory Wynn Deposition, # <u>6</u> Exhibit Billy Jessie Deposition, # <u>7</u> Exhibit Patrick Crowe Deposition, # <u>8</u> Exhibit Document Regarding Removal of Third Bunks, # <u>9</u> Exhibit Charles Malec Deposition, # <u>10</u> Exhibit Brandon Russell Deposition, # <u>11</u> Exhibit James Taylor Deposition, # <u>12</u> Exhibit Lt. Terry Raybon Deposition, # <u>13</u> Exhibit ADOC Staffing Study, # <u>14</u> Exhibit Officer Richard Cooper Deposition, # <u>15</u> Exhibit Incident Reports, # <u>16</u> Exhibit Larry W. Jones Deposition, # <u>17</u> Exhibit KeUndre Johnson Deposition, # <u>18</u> Exhibit Christopher Benjamin Deposition, # <u>19</u> Exhibit Michael Mays Deposition, # <u>20</u> Exhibit Sahking Burke Deposition, # <u>21</u> Exhibit Warden Edwards Deposition, # <u>22</u> Exhibit Letter to ADOC, # <u>23</u> Exhibit Photographs, # <u>24</u> Exhibit Medical Records, # <u>25</u> Affidavit John Hicks Declaration, # <u>26</u> Exhibit Jameth McDonald Deposition, # <u>27</u> Affidavit Christopher

		Benjamin Second Declaration, # <u>28</u> Affidavit Terrance Mosley Declaration, # <u>29</u> Exhibit Index)(Geraghty, Sarah) (Additional attachment(s) added on 10/27/2009: # <u>30</u> Redacted Exhibit Gregory Wynn Deposition, # <u>31</u> Redacted Exhibit Patrick Crowe Deposition, # <u>32</u> Redacted Exhibit Charles Malec Deposition, # <u>33</u> Redacted Exhibit Brandon Russell Deposition, # <u>36</u> Redacted Exhibit James Taylor Deposition, # <u>37</u> Redacted Exhibit Larry W. Jones Deposition, # <u>38</u> Redacted Exhibit Christopher Benjamin Deposition, # <u>39</u> Redacted Exhibit Michael Mays Deposition, # <u>40</u> Redacted Exhibit Sahking Burke Deposition) (dgy,). (Entered: 10/23/2009)
10/23/2009	<u>82</u>	MOTION File Exhibits Under Seal by Gregory Wynn, James Taylor, Charles Malec. (Attachments: # <u>1</u> Text of Proposed Order)(Geraghty, Sarah) (Entered: 10/23/2009)
10/23/2009		MOTION for class certification by Gregory Wynn, James Taylor, Charles Malec. (NO PDF document attached--See Docket Entry <u>81</u>). (dgy,) (Entered: 02/09/2010)
10/29/2009	<u>83</u>	ORDER granting <u>82</u> Motion to file under seal certain exhibits to plfs' supplemental brief in support of motion for class certification. Signed by Honorable William Keith Watkins on 10/29/09. (dgy,) (Entered: 10/29/2009)
11/03/2009	<u>84</u>	NOTICE by Gregory Wynn, James Taylor, Charles Malec of filing certain documents under seal in support of <u>81</u> BRIEF/MEMORANDUM in Support of motion for class certification pursuant to <u>83</u> court order (Attachments: # <u>1</u> SEALED Exhibit 2 part 1, # <u>2</u> SEALED Exhibit 2 part 2, # <u>3</u> SEALED Exhibit 3, # <u>4</u> SEALED Exhibit 8, # <u>5</u> SEALED Exhibit 13, # <u>6</u> SEALED Exhibit 16, # <u>7</u> SEALED Exhibit 24, # <u>8</u> SEALED Exhibit 25)(dgy,) (Entered: 11/03/2009)
11/06/2009	<u>85</u>	RESPONSE to Motion re <u>16</u> MOTION to Certify Class (<i>Supplemental</i>) filed by Gary Hetzel, Richard Allen, Bob Riley, George Edwards, Christopher Gordy. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Smith, John) (Entered: 11/06/2009)
11/20/2009	<u>86</u>	REPLY to Response to Motion re <u>16</u> MOTION to Certify Class filed by Gregory Wynn, James Taylor, Charles Malec. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Geraghty, Sarah) (Entered: 11/20/2009)
11/20/2009	<u>87</u>	MOTION File Exhibit Under Seal re <u>86</u> Reply to Response to Motion by Gregory Wynn, James Taylor, Charles Malec. (Attachments: # <u>1</u> Text of Proposed Order)(Geraghty, Sarah) (Entered: 11/20/2009)
01/29/2010	<u>88</u>	ORDER granting <u>87</u> Motion to file under seal one exhibit. Signed by Honorable William Keith Watkins on 1/29/10. (scn) (Entered: 01/29/2010)
02/02/2010	<u>89</u>	NOTICE of filing documents under seal by Gregory Wynn, James Taylor, Charles Malec re <u>86</u> Reply to Response to Motion (Attachments: # <u>1</u> sealed documents not legible for scanning purposes available for viewing in the Clerk's office)(dgy,) (Entered: 02/03/2010)
02/09/2010	<u>90</u>	MOTION for Leave to File exhibit under seal by Gary Hetzel, Richard Allen, Bob Riley, George Edwards, Christopher Gordy. (Attachments: # <u>1</u> Text of Proposed Order)(dgy,) (Entered: 02/09/2010)
02/09/2010	<u>91</u>	ORDER directing as follows: (1)for administrative purposes, Plaintiffs' <u>81</u> Brief in Support of Motion for Class Certification, filed on October 23, 2009, is construed as containing a Motion for Class Certification; (2) the <u>16</u> Motion to Certify Class is DENIED as moot; (3) On or before 3/1/2010, Plfs are DIRECTED to submit paper courtesy copies of their briefs and exhibits submitted in support of class certification <u>81</u> & <u>86</u> ; (4) On or before 3/1/2010, Defs are DIRECTED to submit paper courtesy copies of their briefs and exhibits submitted in opposition to class certification <u>85</u> , as further set out in order. Signed by Honorable William Keith Watkins on 2/9/10. (dgy,) (Entered: 02/09/2010)
02/09/2010	<u>92</u>	MOTION for Partial Summary Judgment <i>on Failure to Protect Claim</i> by Gregory Wynn, James Taylor, Charles Malec. (Attachments: # <u>1</u> Brief, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit, # <u>14</u> Exhibit, # <u>15</u> Exhibit, # <u>16</u> Exhibit, # <u>17</u> Exhibit, # <u>18</u> Exhibit, # <u>19</u> Exhibit, # <u>20</u> Exhibit, # <u>21</u> Exhibit, #

		<u>22</u> Exhibit, # <u>23</u> Exhibit, # <u>24</u> Exhibit, # <u>25</u> Exhibit, # <u>26</u> Exhibit, # <u>27</u> Exhibit, # <u>28</u> Exhibit, # <u>29</u> Exhibit, # <u>30</u> Exhibit, # <u>31</u> Exhibit, # <u>32</u> Appendix)(Geraghty, Sarah) (Entered: 02/09/2010)
02/09/2010	<u>93</u>	MOTION for Summary Judgment by Gary Hetzel, Richard Allen, Bob Riley, George Edwards, Christopher Gordy. (Calligas, Louis) (Entered: 02/09/2010)
02/09/2010	<u>94</u>	BRIEF/MEMORANDUM in Support re <u>93</u> MOTION for Summary Judgment filed by Gary Hetzel, Richard Allen, Bob Riley, George Edwards, Christopher Gordy. (Calligas, Louis) (Entered: 02/09/2010)
02/09/2010	<u>95</u>	Evidentiary Submission re <u>94</u> BRIEF/MEMORANDUM in Support, <u>93</u> MOTION for Summary Judgment filed by Gary Hetzel, Richard Allen, Bob Riley, George Edwards, Christopher Gordy. (Attachments: # <u>1</u> Attachment 1, # <u>2</u> Attachment 2, # <u>3</u> Attachment 3, # <u>4</u> Attachment 4, # <u>5</u> Attachment 5, # <u>6</u> Attachment 6, # <u>7</u> Attachment 7, # <u>8</u> Attachment 8, # <u>9</u> Attachment 9, # <u>10</u> Attachment 10, # <u>11</u> Attachment 11, # <u>12</u> Attachment 12, # <u>13</u> Attachment 13)(Calligas, Louis) (Entered: 02/09/2010)
02/09/2010		BRIEF/MEMORANDUM in Support re <u>92</u> MOTION for Partial Summary Judgment on Failure to Protect Claim filed by Gregory Wynn, James Taylor, Charles Malec. (NO PDF document attached to this notice--See Docket Entry <u>92</u>). (djj,) (Entered: 02/11/2010)
02/11/2010	<u>96</u>	ORDER granting <u>90</u> Motion for Leave to File exhibit under seal. Signed by Honorable William Keith Watkins on 2/11/10. (djj,) (Entered: 02/11/2010)
02/11/2010	<u>97</u>	SEALED Exhibit 27 re <u>95</u> Evidentiary submission. (djj,) (Entered: 02/11/2010)
02/11/2010	<u>98</u>	ORDER directing that the <u>92</u> and <u>93</u> MOTIONS for Summary Judgment be submitted without oral argument on 3/15/2010; further ORDERING that the non-movants file responses, which shall include briefs, on or before 3/4/2010; the movants may file reply briefs on or before 3/15/2010, as further set out in order. Signed by Honorable William Keith Watkins on 2/11/10. (djj,) (Entered: 02/11/2010)
02/11/2010	<u>99</u>	MOTION to file under seal certain exhibits to plfs' brief in support of <u>92</u> motion for partial summary judgment by Gregory Wynn, James Taylor, Charles Malec. (Attachments: # <u>1</u> Text of Proposed Order)(djj,) (Entered: 02/11/2010)
02/16/2010	<u>100</u>	ORDER granting <u>99</u> Motion for Leave to File under seal certain exhibits to plfs' brief in support of motion for partial summary judgment. Signed by Honorable William Keith Watkins on 2/16/10. (djj,) . (Entered: 02/16/2010)
02/17/2010	<u>101</u>	SEALED DOCUMENT-- Evidentiary Submission re <u>92</u> MOTION for Partial Summary Judgment <i>on Failure to Protect Claim</i> filed by Gregory Wynn, James Taylor, Charles Malec. (Attachments: # <u>1</u> Exhibit 1 Vol 1 Part A1, # <u>2</u> Exhibit 1 Vol 1 Part A2, # <u>3</u> Exhibit 1 Vol 1 Part A3, # <u>4</u> Exhibit 1 Vol 1 Part A4, # <u>5</u> Exhibit 1 Vol 1 Part A5, # <u>6</u> Exhibit 1 Vol 1 Part B1, # <u>7</u> Exhibit 1 Vol 1 Part B2, # <u>8</u> Exhibit 1 Vol 1 Part C, # <u>9</u> Exhibit 1 Vol 1 Part D, # <u>10</u> Exhibit 1 Vol 1 Part E, # <u>11</u> Exhibit 1 Vol 1 Part F, # <u>12</u> Exhibit 1 Vol 2 Part A 1, # <u>13</u> Exhibit 1 Vol 2 Part A 2, # <u>14</u> Exhibit 1 Vol 2 Part A 3, # <u>15</u> Exhibit 1 Vol 2 Part A 4, # <u>16</u> Exhibit 1 Vol 2 Part A 5, # <u>17</u> Exhibit 1 Vol 2 Part A 6, # <u>18</u> Exhibit 1 Vol 2 Part B, # <u>19</u> Exhibit 1 Vol 2 Part C, # <u>20</u> Exhibit 1 Vol 2 Part D, # <u>21</u> Exhibit 1 Vol 3 Part A, # <u>22</u> Exhibit 1 Vol 3 Part B, # <u>23</u> Exhibit 1 Vol 3 Part C, # <u>24</u> Exhibit 1 Vol 3 Part D, # <u>25</u> Exhibit 1 Vol 3 Part E, # <u>26</u> Exhibit 1 Vol 4 Part A, # <u>27</u> Exhibit 1 Vol 4 Part B, # <u>28</u> Exhibit 1 Vol 4 Part C, # <u>29</u> Exhibit 1 Vol 4 Part D, # <u>30</u> Exhibit 3, # <u>31</u> Exhibit 4, # <u>32</u> Exhibit 17, # <u>33</u> Exhibit 18 Part A, # <u>34</u> Exhibit 18 Part B, # <u>35</u> Exhibit 18 Part C, # <u>36</u> Exhibit 18 Part D, # <u>37</u> Exhibit 18 Part E, # <u>38</u> Exhibit 21)(djj,) (Entered: 02/17/2010)
02/18/2010	<u>102</u>	BRIEF/MEMORANDUM in Support of <i>Motion for Partial Summary Judgment (Revised per Doc. #98)</i> filed by Gregory Wynn, James Taylor, Charles Malec. (Geraghty, Sarah) Modified on 2/19/2010 to reflect as a brief in support of the <u>92</u> motion (qc/djj,). (Entered: 02/18/2010)
02/19/2010		NOTICE of Docket Text Correction re <u>102</u> BRIEF/MEMORANDUM in Support to reflect as a brief in support of the <u>92</u> motion (NO PDF Document attached to this

		notice). (dgy,) (Entered: 02/19/2010)
03/01/2010	<u>103</u>	Notice of Mediation and Settlement Conference by all plaintiffs (Geraghty, Sarah) (Entered: 03/01/2010)
03/03/2010	<u>104</u>	RESPONSE in Opposition re <u>93</u> MOTION for Summary Judgment filed by Gregory Wynn, James Taylor, Charles Malec. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23, # <u>24</u> Exhibit 24, # <u>25</u> Appendix Index of Exhibits)(Geraghty, Sarah) (Entered: 03/03/2010)
03/04/2010	<u>105</u>	MOTION to Strike <u>92</u> MOTION for Partial Summary Judgment <i>on Failure to Protect Claim Objection to Evidence Submitted in Support of Motion</i> by Gary Hetzel, Richard Allen, Bob Riley, George Edwards, Christopher Gordy. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Smith, John) (Additional attachment(s) added on 3/5/2010 to correct the main PDF document to include an accurate certificate of service: # <u>3</u> main document) (qc/dgy,). (Entered: 03/04/2010)
03/04/2010	<u>106</u>	RESPONSE in Opposition re <u>92</u> MOTION for Partial Summary Judgment <i>on Failure to Protect Claim</i> filed by Gary Hetzel, Richard Allen, Bob Riley, George Edwards, Christopher Gordy. (Attachments: # <u>1</u> Evidentiary Submission and Designation, # <u>2</u> Attachment 1, # <u>3</u> Attachment 2, # <u>4</u> Attachment 3, # <u>5</u> Attachment 4)(Calligas, Louis) (Additional attachment(s) added on 3/5/2010 to correct the main PDF document to include an accurate certificate of service: # <u>7</u> main document) (dgy,). (Entered: 03/04/2010)
03/04/2010		Notice of Objection to Evidence submitted in support of <u>92</u> MOTION for Partial Summary Judgment on Failure to Protect Claim filed by Gary Hetzel, Richard Allen, Bob Riley, George Edwards, Christopher Gordy. (NO PDF document attached to this notice—See Docket Entry <u>105</u>). (dgy,) (Entered: 03/05/2010)
03/04/2010		Evidentiary Submission re <u>106</u> Response in Opposition to Motion, filed by Gary Hetzel, Richard Allen, Bob Riley, George Edwards, Christopher Gordy (NO PDF Document attached to this notice – See Evidentiary Submission and Designation attachment to Docket Entry <u>106</u>). (dgy,) (Entered: 03/05/2010)
03/04/2010	<u>107</u>	MOTION for Leave to File Exhibit under seal by Gary Hetzel, Richard Allen, Bob Riley, George Edwards, Christopher Gordy. (Attachments: # <u>1</u> Text of Proposed Order)(dgy,) (Entered: 03/05/2010)
03/05/2010	<u>108</u>	NOTICE of Correction re <u>106</u> Response in Opposition to Motion to correct the main PDF document to include an accurate certificate of service (Attachments: # <u>1</u> corrected main document to Docket Entry <u>106</u>)(dgy,) (Entered: 03/05/2010)
03/05/2010	<u>109</u>	NOTICE of Correction re <u>105</u> notice of objection to evidence to correct the main PDF document to include an accurate certificate of service (Attachments: # <u>1</u> corrected main document to Docket Entry <u>105</u>)(dgy,) (Entered: 03/05/2010)
03/08/2010	<u>110</u>	ORDER directing that the plfs file a response to the <u>107</u> MOTION for Leave to File exhibit under seal and <u>105</u> MOTION to Strike <u>92</u> MOTION for Partial Summary Judgment on or before 3/22/2010. Signed by Honorable William Keith Watkins on 3/8/10. (dgy,) (Entered: 03/08/2010)
03/08/2010	<u>111</u>	MOTION to file under seal certain exhibits to plfs' <u>104</u> response to defs' motion for summary judgment Leave to File by Gregory Wynn, James Taylor, Charles Malec. (dgy,) (Entered: 03/08/2010)
03/15/2010	<u>112</u>	REPLY BRIEF re <u>106</u> Response in Opposition to Motion, filed by Gregory Wynn, James Taylor, Charles Malec. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Appendix)(Geraghty, Sarah) (Entered: 03/15/2010)

03/15/2010	<u>113</u>	MOTION to Strike <u>104</u> Response in Opposition to Motion,, <i>Certain Evidence Submitted by Plaintiffs</i> by Gary Hetzel, Richard Allen, Bob Riley, George Edwards, Christopher Gordy. (Smith, John) (Entered: 03/15/2010)
03/15/2010	<u>114</u>	MOTION to Strike <u>104</u> Response in Opposition to Motion,, <i>Supplemkenal Declaration of Steve Martin</i> by Gary Hetzel, Richard Allen, Bob Riley, George Edwards, Christopher Gordy. (Smith, John) (Entered: 03/15/2010)
03/15/2010	<u>115</u>	REPLY BRIEF re <u>104</u> Response in Opposition to Motion,, <u>95</u> Evidentiary Submission, <u>94</u> BRIEF/MEMORANDUM in Support, <u>93</u> MOTION for Summary Judgment filed by Gary Hetzel, Richard Allen, Bob Riley, George Edwards, Christopher Gordy. (Smith, John) (Entered: 03/15/2010)
03/15/2010		Notice of Objection to certain declarations and documents submitted in support of <u>104</u> Response in Opposition to Motion filed by Gary Hetzel, Richard Allen, Bob Riley, George Edwards, Christopher Gordy. (NO PDF document attached to this notice--See Docket Entry <u>113</u>). (djy,) . (Entered: 03/16/2010)
03/16/2010	<u>116</u>	MOTION to File under seal certain exhibits to plfs' <u>112</u> reply to defs' response in opposition to motion for partial summary judgment by Gregory Wynn, James Taylor, Charles Malec. (djy,) (Entered: 03/18/2010)
03/18/2010	<u>117</u>	RESPONSE to Motion re <u>107</u> MOTION for Leave to File <i>Exhibit Under Seal</i> filed by Gregory Wynn, James Taylor, Charles Malec. (Geraghty, Sarah) (Entered: 03/18/2010)
03/22/2010	<u>118</u>	RESPONSE in Opposition re <u>113</u> MOTION to Strike <u>104</u> Response in Opposition to Motion,, <i>Certain Evidence Submitted by Plaintiffs</i> , <u>105</u> MOTION to Strike <u>92</u> MOTION for Partial Summary Judgment <i>on Failure to Protect Claim Objection to Evidence Submitted in Support of Motion</i> MOTION to Strike <u>92</u> MOTION for Partial Summary Judgment <i>on Failure to Protect Claim Objection to Evidence Submitted in Support of Motion</i> filed by Gregory Wynn, James Taylor, Charles Malec. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Errata 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Geraghty, Sarah) (Entered: 03/22/2010)
04/08/2010	<u>119</u>	RESPONSE in Opposition re <u>114</u> MOTION to Strike <u>104</u> Response in Opposition to Motion,, <i>Supplemkenal Declaration of Steve Martin</i> filed by Gregory Wynn, James Taylor, Charles Malec. (Geraghty, Sarah) (Entered: 04/08/2010)
04/13/2010	<u>120</u>	ORDER granting <u>107</u> , <u>111</u> and <u>116</u> Motions to seal. Signed by Honorable William Keith Watkins on 4/13/10. (djy,) (Entered: 04/13/2010)
04/13/2010	<u>121</u>	SEALED DOCUMENT --Attachment 4 to Docket Entry <u>106</u> filed under seal pursuant to order <u>120</u> . (djy,) (Entered: 04/13/2010)
04/13/2010	<u>122</u>	SEALED DOCUMENT Exhibits 2, 3, 4, 5, 9, 10, 11, 18 &19 to Docket Entry <u>104</u> filed under seal pursuant to order <u>120</u> . (djy,) (Entered: 04/13/2010)
04/13/2010	<u>123</u>	SEALED DOCUMENT Exhibits 1 and 10 to Docket Entry <u>112</u> filed under seal pursuant to order <u>120</u> . (djy,) (Entered: 04/13/2010)
04/14/2010	<u>124</u>	MOTION to Strike <u>112</u> Reply Brief, [<u>112</u> - <u>8</u>] <i>Third Declaration of Steve Martin</i> by Gary Hetzel, Richard Allen, Bob Riley, George Edwards, Christopher Gordy. (Smith, John) (Entered: 04/14/2010)
04/14/2010	<u>125</u>	MOTION to Strike <u>112</u> Reply Brief, <u>92</u> MOTION for Partial Summary Judgment <i>on Failure to Protect Claim Additional Declarations Submitted in Support of Plaintiffs' Motion for Summary Judgment</i> by Gary Hetzel, Richard Allen, Bob Riley, George Edwards, Christopher Gordy. (Smith, John) (Entered: 04/14/2010)
04/14/2010		Notice of Objection to Third Declaration of Steve Martin submitted in support of <u>112</u> Reply filed by Gary Hetzel, Richard Allen, Bob Riley, George Edwards, Christopher Gordy. (No PDF document attached to this notice--See Docket Entry <u>124</u>). (djy,) (Entered: 04/15/2010)
04/14/2010		Notice of Objection re certain declarations in support of <u>112</u> Reply filed by Gary Hetzel, Richard Allen, Bob Riley, George Edwards, Christopher Gordy (NO PDF document attached to this notice--See Docket Entry <u>125</u>). (djy,) (Entered: 04/15/2010)

04/21/2010	<u>126</u>	RESPONSE in Opposition re <u>124</u> MOTION to Strike <u>112</u> Reply Brief, <i>[112-8] Third Declaration of Steve Martin</i> filed by Gregory Wynn, James Taylor, Charles Malec. (Geraghty, Sarah) (Entered: 04/21/2010)
04/30/2010	<u>127</u>	ORDER directing that the pretrial hearing, previously set for 5/10/10 is continued generally, and that in its place, a Status Conference will be held on 5/10/2010 @ 10:15 AM in Courtroom 2E FMJUSCC, Montgomery, AL before Honorable William Keith Watkins, as further set out in order. Signed by Honorable William Keith Watkins on 4/30/10. Furnished to YG, HC &AR.(djt,) (Entered: 04/30/2010)
05/04/2010	<u>128</u>	RESPONSE to Motion re <u>125</u> MOTION to Strike <u>112</u> Reply Brief, <u>92</u> MOTION for Partial Summary Judgment <i>on Failure to Protect Claim Additional Declarations Submitted in Support of Plaintiffs' Motion for Summary Judgment</i> MOTION to Strike <u>112</u> Reply Brief, <u>92</u> MOTION for Partial Summary Judgment <i>on Failure to Protect Claim Additional Declarations Submitted in Support of Plaintiffs' Motion for Summary Judgment</i> filed by Charles Malec, James Taylor, Gregory Wynn. (Velez, Melanie) (Entered: 05/04/2010)
05/07/2010	<u>129</u>	Witness List by Charles Malec, James Taylor, Gregory Wynn. (Geraghty, Sarah) (Entered: 05/07/2010)
05/07/2010	<u>130</u>	Exhibit List by Richard Allen, George Edwards, Christopher Gordy, Gary Hetzel, Bob Riley.. (Smith, John) (Entered: 05/07/2010)
05/07/2010	<u>131</u>	Deposition Designations by Richard Allen, George Edwards, Christopher Gordy, Gary Hetzel, Bob Riley.. (Smith, John) (Entered: 05/07/2010)
05/07/2010	<u>132</u>	Witness List by Richard Allen, George Edwards, Christopher Gordy, Gary Hetzel, Bob Riley. (Smith, John) (Entered: 05/07/2010)
05/10/2010	<u>133</u>	Minute Entry for STATUS CONFERENCE held before Judge William Keith Watkins on 5/10/2010 (PDF available for court use only). (Court Reporter Mitchell Reisner.) (ajr,) (Entered: 05/10/2010)
05/10/2010	<u>134</u>	ORDER that on or before June 10, 2010, the parties file a joint status report as to mediation and settlement posture of the case; that the parties are relieved from all outstanding pretrial and trial deadlines until further order of the court. Signed by Honorable William Keith Watkins on 5/10/2010. (cc,) Deadline terminated: 06/07/2010 Jury Trial (Entered: 05/10/2010)
05/12/2010	<u>135</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of In-Court Pretrial Conference Proceedings (PDF ACCESS RESTRICTED FOR 90 DAYS) held on May 10, 2010, before Judge Watkins. Court Reporter/Transcriber Reisner, Telephone number 334-235-8218. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. NOTICE OF INTENT TO REQUEST REDACTION DUE WITHIN 7 BUSINESS DAYS. Redaction Request due 6/2/2010. Redacted Transcript Deadline set for 6/14/2010. Release of Transcript Restriction set for 8/10/2010. (djt,) (Entered: 05/12/2010)
06/09/2010	<u>136</u>	STATUS REPORT (<i>Joint</i>) by Richard Allen, George Edwards, Christopher Gordy, Gary Hetzel, John Hicks, Charles Malec, Bob Riley, James Taylor, Gregory Wynn. (Smith, John) (Entered: 06/09/2010)
06/10/2010	<u>137</u>	ORDER directing that the Hon. L. Scott Coogler, US District Judge, Northern District of Alabama, with his consent, is DESIGNATED as the mediator, as further set out in order. Signed by Honorable William Keith Watkins on 6/10/10. (djt,) (Entered: 06/10/2010)
06/15/2010	<u>138</u>	ORDER setting a Telephone Conference for 6/18/2010 @ 01:15 PM before Honorable L. Scott Coogler, as further set out in order. Signed by Honorable L. Scott Coogler on 6/15/10. Furnished to YG &HC.(djt,) (Entered: 06/15/2010)
06/22/2010	<u>139</u>	ORDER setting Settlement Conference for 7/27/2010 09:00 AM in 3rd floor chambers, US Courthouse, 1118 Greensboro Avenue, Tuscaloosa, AL, before Honorable L. Scott Coogler; directing counsel for the parties and the parties or all

		persons with the authority to make final decisions and settle the claims herein to attend. Signed by Honorable L. Scott Coogler on 6/22/10. Furnished to YG, HC &AR.(djj,) (Entered: 06/22/2010)
07/14/2010	<u>140</u>	ORDER directing that the court will hold a Settlement Conference on 7/27/2010 09:00 AM in 3rd floor chambers, US Courthouse, 1118 Greensboro Avenue, Tuscaloosa, AL before Honorable L. Scott Coogler, as further set out in order. Signed by Honorable L. Scott Coogler on 7/14/10. Furnished to YG, HC &AR.(djj,) (Entered: 07/14/2010)
07/27/2010		Minute Entry for proceedings held before Judge Honorable L. Scott Coogler: Off-the-Record Settlement Conference held on 7/27/2010 (No PDF attached). (ajr,) (Entered: 07/28/2010)
09/02/2010	<u>141</u>	ORDER setting telephonic Status Conference for 9/8/2010 10:00 AM before Honorable William Keith Watkins; directing lead counsel for plfs and defs to participate; directing counsel for plfs to set up the call. Signed by Honorable William Keith Watkins on 9/2/10. Furnished to YG, HC &AR.(djj,) (Entered: 09/02/2010)
09/10/2010	<u>142</u>	ORDER directing that, for the reasons stated during the telephonic status conference held on September 8, 2010, it is ORDERED that all pending motions (Docs. # <u>92</u> , <u>93</u> , <u>105</u> , <u>113</u> , <u>114</u> , <u>124</u> and <u>125</u>) are DENIED without prejudice, with leave to renew by adoption, if and when appropriate. Signed by Honorable William Keith Watkins on 9/10/10. (scn,) (Entered: 09/10/2010)
09/16/2010	<u>143</u>	ORDER denying <u>82</u> Motion for Class certification without prejudice, as further set out in order. Signed by Honorable William Keith Watkins on 9/16/2010. (Attachments: # <u>1</u> civil appeals checklist) (djj,) (Entered: 09/16/2010)
01/18/2011	<u>144</u>	MOTION Reinstate Case to the Trial Docket by Charles Malec, James Taylor, Gregory Wynn. (Velez, Melanie) (Entered: 01/18/2011)
01/20/2011	<u>145</u>	RESPONSE to Motion re <u>144</u> MOTION Reinstate Case to the Trial Docket filed by Richard Allen, George Edwards, Christopher Gordy, Gary Hetzel, Bob Riley. (Smith, John) (Entered: 01/20/2011)
01/24/2011	<u>146</u>	ORDER setting Status Conference for 2/3/2011 @ 02:30 PM in chambers before Honorable William Keith Watkins; further ORDERING that on or before 1/28/2011 the parties file a Status Report setting forth whether the issues or claims were narrowed as a result of mediation and which issues and claims remain. Signed by Honorable William Keith Watkins on 1/24/11. Furnished to calendar group &AR.(djj,) (Entered: 01/24/2011)
01/24/2011	<u>147</u>	MOTION to Withdraw as Attorney by Richard Allen, George Edwards, Christopher Gordy, Gary Hetzel, Bob Riley. (Thomas, Kim) (Entered: 01/24/2011)
01/24/2011		*** Attorney Bart Gregory Harmon, Anne C Adams, David R. Boyd, John Garland Smith, Louis Michael Calligas for Kim Tobias Thomas added pursuant to <u>147</u> motion (NO PDF Document attached to this notice). (djj,) (Entered: 01/25/2011)
01/25/2011	<u>148</u>	ORDER directing as follows: (1) granting <u>147</u> MOTION to Withdraw as Attorney by Kim Thomas; and (2) pursuant to FRCP 25(d) Commissioner Kim Tobias Thomas is substituted for the former commissioner as a defendant in this case. Signed by Honorable William Keith Watkins on 1/25/11. (djj,) (Entered: 01/25/2011)
01/25/2011		*** Attorney Louis Michael Calligas; Bart Gregory Harmon; John Garland Smith; Kim Tobias Thomas; Anne C Adams and David R. Boyd terminated pursuant to <u>148</u> order (NO PDF document attached to this notice). (djj,) (Entered: 01/25/2011)
01/28/2011	<u>149</u>	STATUS REPORT <i>JOINTLY FILED BY THE PARTIES</i> by Charles Malec, James Taylor, Gregory Wynn. (Geraghty, Sarah) (Entered: 01/28/2011)
02/03/2011	<u>150</u>	Minute Entry for proceedings before Judge William Keith Watkins: Status Conference held on 2/3/2011 (PDF available for court use only). (Court Reporter Risa Entrekina.) (ajr,) (Entered: 02/04/2011)

04/19/2011	<u>151</u>	Joint MOTION to Stay by Christopher Gordy, Gary Hetzel, Bob Riley, Kim Tobias Thomas. (Smith, John) (Entered: 04/19/2011)
04/20/2011	<u>152</u>	ORDER granting <u>151</u> Joint MOTION to Stay and this action is STAYED on the terms agreed upon by the parties; further ORDERING that if plfs have not moved to left the stay prior to 3/28/2012 then defs are DIRECTED to file a notice of that fact by 5:00 pm on 3/28/2012, as further set out in order. Signed by Honorable William Keith Watkins on 4/20/11. (djy,) (Entered: 04/20/2011)
04/22/2011	<u>153</u>	ORDER denying as moot <u>144</u> Motion to reinstate case to the trial docket. Signed by Honorable William Keith Watkins on 4/22/11. (djy,) (Entered: 04/22/2011)
03/28/2012	<u>154</u>	NOTICE by Richard Allen, George Edwards, Christopher Gordy, Gary Hetzel, Bob Riley, Kim Tobias Thomas re <u>152</u> Order Staying Case, Terminate Motions, Set Deadlines,,, <i>Notice of Dismissal</i> (Smith, John) (Entered: 03/28/2012)
03/30/2012	<u>155</u>	ORDER, pursuant to the terms of the <u>151</u> agreement between the parties, this action is DISMISSED without prejudice; directing the clerk to close this case. Signed by Chief Judge William Keith Watkins on 3/30/12. (Attachments: # <u>1</u> civil appeals checklist)(djy,) (Entered: 03/30/2012)