

DISC, HLJ, TERMED

**U.S. District Court
Eastern District of Arkansas (Pine Bluff)
CIVIL DOCKET FOR CASE #: 5:93-cv-00731-GTE**

Smith, et al v. Arkansas Corr Dept, et al
Assigned to: Judge G. Thomas Eisele
Demand: \$0
Case in other court: 1, :00-00095-01565
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 12/06/1993
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff**Ernest Smith**

represented by **Hugh E. Crisp**
Attorney at Law
1101 Garland Street
Little Rock, AR 72201-1214
(501) 376-6264
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul J. James
James & Carter, PLC
Arvest Bank Building
500 Broadway, Suite 400
Post Office Box 907
Little Rock, AR 72203-0907
(501) 372-1414
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff**Jimmy Rudd**

represented by **Hugh E. Crisp**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul J. James
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Arkansas Department of Correction
TERMINATED: 12/12/1994

represented by **David B. Eberhard**
Department of Community Punishment

Union National Plaza Building
105 West Capitol
Second Floor
Little Rock, AR 72201
(501) 682-9517
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

A L Lockhart
*Director of the Arkansas Department of
Correction*
TERMINATED: 02/22/1995

represented by **Kyle Ray Wilson**
Wright, Lindsey & Jennings
200 West Capitol Avenue
Suite 2300
Little Rock, AR 72201-3699
(501) 371-0808
Email: kwilson@wlj.com
TERMINATED: 02/22/1995
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Larry Norris
*Acting Director of the Arkansas
Department of Correction*

represented by **David B. Eberhard**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Willis H Sargent
*Warden of the Cummins Unit of the
Arkansas Department of Correction*

represented by **David B. Eberhard**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

A J Hall
Major, Chief of Security

represented by **David B. Eberhard**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

R R Wood
Lieutenant, Shift Supervisor

represented by **David B. Eberhard**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

J Cleveland
Guard

represented by **David B. Eberhard**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**John Hood**
*Officer*represented by **David B. Eberhard**
(See above for address)
LEAD ATTORNEY
*ATTORNEY TO BE NOTICED***Defendant****James Banks**
Classification and Assignment Officer
*TERMINATED: 03/20/1995*represented by **Kyle Ray Wilson**
(See above for address)
TERMINATED: 03/20/1995
LEAD ATTORNEY
*ATTORNEY TO BE NOTICED***Defendant****John Does**
I - X
*TERMINATED: 02/23/1995***Defendant****Dale Reed**
Warden, Cummins Unit, Arkansas
*Department of Correction*represented by **David B. Eberhard**
(See above for address)
LEAD ATTORNEY
*ATTORNEY TO BE NOTICED***Defendant****Ron Smyres**
Medical Services Administrator
TERMINATED: 02/23/1995

| Date Filed | # | Docket Text |
|-------------------|----------|---|
| 12/06/1993 | 1 | COMPLAINT with JURY DEMAND (Summons(es) issued) and returned to: attorney for service (former empl) (Entered: 12/06/1993) |
| 12/10/1993 | 2 | RETURN OF SERVICE executed upon defendant James Banks on 12/8/93 (former empl) (Entered: 12/10/1993) |
| 12/10/1993 | 3 | RETURN OF SERVICE executed upon defendant John Hood on 12/8/93 (former empl) (Entered: 12/10/1993) |
| 12/10/1993 | 4 | RETURN OF SERVICE executed upon defendant J Cleveland on 12/8/93 (former empl) (Entered: 12/10/1993) |
| 12/10/1993 | 5 | RETURN OF SERVICE executed upon defendant R R Wood on 12/8/93 (former empl) (Entered: 12/10/1993) |
| 12/10/1993 | 6 | RETURN OF SERVICE executed upon defendant A J Hall on 12/8/93 (former empl) (Entered: 12/10/1993) |
| 12/10/1993 | 7 | RETURN OF SERVICE executed upon defendant Willis H Sargent on |

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| | | 12/8/93 (former empl) (Entered: 12/10/1993) |
| 12/10/1993 | 8 | RETURN OF SERVICE executed upon defendant Larry Norris on 12/8/93 (former empl) (Entered: 12/10/1993) |
| 12/28/1993 | 9 | ANSWER by defendants Arkansas Corr Dept, A L Lockhart, Larry Norris, Willis H Sargent, A J Hall, R R Wood, J Cleveland, John Hood, James Banks (jap) (Entered: 12/30/1993) |
| 01/14/1994 | 10 | WAIVER OF SERVICE OF SUMMONS upon defendant A L Lockhart on 12/8/93 (former empl) (Entered: 01/14/1994) |
| 03/21/1994 | 11 | Answers by defendant John Hood to first set of interrogatories (former empl) Modified on 03/22/1994 (Entered: 03/22/1994) |
| 03/21/1994 | 12 | Answers by defendant J Cleveland to first set of interrogatories (former empl) Modified on 03/22/1994 (Entered: 03/22/1994) |
| 03/21/1994 | 13 | Answers by defendant R R Wood to first set of interrogatories (former empl) (Entered: 03/22/1994) |
| 03/21/1994 | 14 | Answers by defendant James Banks to first set of interrogatories (former empl) (Entered: 03/22/1994) |
| 03/21/1994 | 15 | Answers by defendant A J Hall to first set of interrogatories (former empl) (Entered: 03/22/1994) |
| 03/21/1994 | 16 | Answers by defendant Willis H Sargent to first set of interrogatories (former empl) (Entered: 03/22/1994) |
| 05/09/1994 | 17 | SCHEDULING ORDER: (DOCmh); jury trial set for 9:00 1/9/95; discovery due 11/14/94; status report due 11/14/94; pretrial info sheet due 12/19/95 EOD 5/9/94 (cc: all counsel) (former empl) (Entered: 05/09/1994) |
| 05/19/1994 | 18 | MOTION by defendant Arkansas Corr Dept for summary judgment , or in the alternative to dismiss (former empl) (Entered: 05/20/1994) |
| 05/19/1994 | 19 | BRIEF by defendant Arkansas Corr Dept in support of motion for summary judgment or in the alternative to dismiss [18-1] [18-2] (former empl) (Entered: 05/20/1994) |
| 05/19/1994 | 20 | STATEMENT OF FACTS (Rule 29) by defendant Arkansas Corr Dept in support of motion for summary judgment or in the alternative to dismiss [18-1] [18-2] (former empl) (Entered: 05/20/1994) |
| 05/19/1994 | 21 | MOTION by plaintiff to compel defendants to respond to requests for production (jap) (Entered: 05/20/1994) |
| 05/19/1994 | 22 | BRIEF by plaintiff in support of motion to compel defendants to respond to requests for production [21-1] (jap) (Entered: 05/20/1994) |
| 06/03/1994 | 23 | RESPONSE by defts to pltf's motion to compel [21-1] (vjt) Modified on 04/11/1995 (Entered: 06/06/1994) |
| 06/08/1994 | 24 | REPLY by plaintiff to response to motion to compel defendants to |

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| | | respond to requests for production [21-1] (former empl) (Entered: 06/09/1994) |
| 06/08/1994 | 25 | MEMORANDUM BRIEF by plaintiff in support of motion reply [24-1] (former empl) (Entered: 06/09/1994) |
| 06/13/1994 | 26 | RESPONSE by defendant Arkansas Corr Dept to plaintiff's 1st set of interros & requests for production (former empl) (Entered: 06/15/1994) |
| 07/05/1994 | 27 | ORDER by Judge G. T. Eisele for plaintiff to respond to defendants' motion for summary judgment or to dismiss 10 days from the date that the plaintiff obtains the discovery materials that he seeks. EOD 7/5/94 (cc: all counsel) (former empl) (Entered: 07/05/1994) |
| 07/14/1994 | 28 | CLERK'S MINUTES: HEARING before Judge G. Thomas Eisele on motion to compel. (mah) (Entered: 07/14/1994) |
| 07/18/1994 | 29 | ORDER by Judge G. T. Eisele dismissing as moot in part & granting in part plaintiff's motion to compel defendants to respond to requests for production [21-1] all counsel) (former empl) (Entered: 07/19/1994) |
| 07/25/1994 | 30 | RESPONSE by plaintiff to motion for summary judgment [18-1] (former empl) (Entered: 07/26/1994) |
| 07/25/1994 | 31 | MEMORANDUM BRIEF by plaintiff in support of motion response [30-1] (former empl) (Entered: 07/26/1994) |
| 08/12/1994 | 32 | NOTICE by plaintiff Ernest Smith of taking depo of A. L. Lockhart on 08/22/94 (former empl) (Entered: 08/16/1994) |
| 08/12/1994 | 33 | NOTICE by plaintiff Ernest Smith of taking depo of Larry Norris on 08/22/94 (former empl) (Entered: 08/16/1994) |
| 08/12/1994 | 34 | NOTICE by plaintiff Ernest Smith of taking depo of M. D. Reed on 08/22/94 (former empl) (Entered: 08/16/1994) |
| 08/12/1994 | 35 | NOTICE by plaintiff Ernest Smith of taking depo of Willis H. Sargent on 08/22/94 (former empl) (Entered: 08/16/1994) |
| 10/14/1994 | 36 | MOTION by plaintiff for partial summary judgment regarding inadequate supervision and hobby craft policy (bfw) (Entered: 10/17/1994) |
| 10/14/1994 | 37 | MEMORANDUM by plaintiff in support of motion for partial summary judgment regarding inadequate supervision and hobby craft policy [36-1] (bfw) (Entered: 10/17/1994) |
| 10/14/1994 | 38 | STATEMENT OF Undisputed FACTS by plaintiff in support of motion for partial summary judgment regarding inadequate supervision and hobby craft policy [36-1] (bfw) (Entered: 10/17/1994) |
| 10/14/1994 | 39 | MOTION by plaintiff for hearing for declaratory and injunctive relief (bfw) (Entered: 10/17/1994) |
| 10/14/1994 | 40 | MOTION by plaintiff to amend complaint to join additional defendants |

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| | | (bfw) (Entered: 10/17/1994) |
| 10/14/1994 | 41 | Exhibits (Volume 1) by plaintiff re motion for partial summary judgment regarding inadequate supervision and hobby craft policy [36-1] (bfw) (Entered: 10/17/1994) |
| 10/14/1994 | 42 | Exhibits (Volume 2) filed by plaintiff re motion for partial summary judgment regarding inadequate supervision and hobby craft policy [36-1] (bfw) (Entered: 10/17/1994) |
| 10/21/1994 | 43 | MOTION by defendants Willis H Sargent, Larry Norris and A L Lockhart to extend time for responding to motion for partial summary judgment (former empl) (Entered: 10/24/1994) |
| 10/24/1994 | 44 | ORDER by Judge G. T. Eisele granting motion to extend time until 11/03/94 for responding to motion for partial summary judgment [43-1] [36-1] (cc: all counsel) (former empl) (Entered: 10/25/1994) |
| 11/03/1994 | 45 | RESPONSE by defendants Willis H Sargent, Larry Norris, A L Lockhart to motion for partial summary judgment regarding inadequate supervision and hobby craft policy [36-1] (former empl) (Entered: 11/04/1994) |
| 11/03/1994 | 46 | STATEMENT OF FACTS (Rule 29) by defendants Willis H Sargent, Larry Norris and A L Lockhart in support of motion response [45-1] (former empl) (Entered: 11/04/1994) |
| 11/14/1994 | 47 | WRITTEN STATUS REPORT by plaintiff Ernest Smith (former empl) (Entered: 11/14/1994) |
| 11/14/1994 | 48 | MOTION by plaintiff Ernest Smith to extend time for filing a reply to response to motion for summary judgment (former empl) (Entered: 11/14/1994) |
| 11/15/1994 | 49 | ORDER by Judge G. T. Eisele granting motion to extend time until 11/22/94 for filing a reply to response to motion for summary judgment [48-1] (cc: all counsel) (former empl) (Entered: 11/16/1994) |
| 11/22/1994 | 50 | REPLY by plaintiff to response to motion for partial summary judgment [36-1] (jap) (Entered: 11/23/1994) |
| 11/22/1994 | 51 | MEMORANDUM Brief by plaintiff in support of reply to defendants response to plaintiff's motion for partial summary judgment [50-1] (jap) (Entered: 11/23/1994) |
| 11/28/1994 | 52 | MOTION by defendants James Banks, J Cleveland, R R Wood, A J Hall, Willis H Sargent, Larry Norris, A L Lockhart and Arkansas Corr Dept for summary judgment (former empl) (Entered: 12/01/1994) |
| 11/28/1994 | 53 | BRIEF by defendants James Banks, J Cleveland, R R Wood, A J Hall, Willis H Sargent, Larry Norris, A L Lockhart & Arkansas Corr Dept in support of motion for summary judgment [52-1] (former empl) (Entered: 12/01/1994) |
| 11/28/1994 | 54 | STATEMENT OF FACTS (Rule 29) by defendants James Banks, J |

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| | | Cleveland, R R Wood, A J Hall, Willis H Sargent, Larry Norris, A L Lockhart and Arkansas Corr Dept in support of motion for summary judgment [52-1] (former empl) (Entered: 12/01/1994) |
| 11/29/1994 | 55 | NOTICE by plaintiff Ernest Smith of taking depo of J. Cleveland on 12/15/94 (former empl) Modified on 12/01/1994 (Entered: 12/01/1994) |
| 11/29/1994 | 56 | NOTICE by plaintiff Ernest Smith of taking depo of W. D. Reed on 12/15/94 (former empl) (Entered: 12/01/1994) |
| 12/12/1994 | 57 | Letter/ORDER by Judge G. T. Eisele, allowing parties 10 days to respond to motion to amend complaint [40-1]; parties are directed to supplement their motions for summary judgment with 10 days [52-1] [36-1] (cc: all counsel) (former empl) Modified on 01/20/1995 (Entered: 12/13/1994) |
| 12/12/1994 | 58 | MEMORANDUM OPINION and Order by Judge G. T. Eisele finding the motion for summary judgment moot [18-1]; granting motion to by ADC [18-2]; terminating party Arkansas Corr Dept (cc: all counsel) (former empl) Modified on 12/13/1994 (Entered: 12/13/1994) |
| 12/14/1994 | 59 | RESPONSE by plaintiff to motion for summary judgment [52-1] (bmt) (Entered: 12/15/1994) |
| 12/14/1994 | 60 | MEMORANDUM by plaintiff in support of response to motion for summary judgment [59-1] (bmt) (Entered: 12/15/1994) |
| 12/14/1994 | 61 | STATEMENT OF CONTESTED FACTS (Rule 29) by plaintiff [59-1] (bmt) (Entered: 12/15/1994) |
| 12/14/1994 | 62 | Amended SCHEDULING ORDER: (DOC) jury trial rescheduled for 9:00 on 2/13/95; discovery due 12/19/94; status report due 12/19/94; pretrial info sheet due 1/23/95 (cc: all counsel) (former empl) (Entered: 12/16/1994) |
| 12/16/1994 | 63 | REQUEST by plaintiff Ernest Smith for admissions propounded to defendants (former empl) (Entered: 12/19/1994) |
| 12/19/1994 | 64 | REPLY by defendants to response to motion for summary judgment [52-1] (former empl) Modified on 04/11/1995 (Entered: 12/20/1994) |
| 12/21/1994 | 65 | MOTION by plaintiff Ernest Smith to amend complaint (former empl) (Entered: 12/22/1994) |
| 12/21/1994 | 66 | NOTICE by defendants of filing exhibits to reply to plaintiff's response to defendants motion for summary judgment (former empl) Modified on 04/11/1995 (Entered: 12/22/1994) |
| 12/22/1994 | 67 | RESPONSE by defendants to motion to amend complaint [65-1] (bmt) Modified on 04/11/1995 (Entered: 12/23/1994) |
| 12/22/1994 | 68 | RESPONSE by plaintiff Ernest Smith to defendants request for sanctions (former empl) (Entered: 12/27/1994) |
| 01/12/1995 | 69 | NOTICE by plaintiff Ernest Smith of taking depo of J. Cleveland on |

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| | | 01/17/95 (former empl) (Entered: 01/13/1995) |
| 01/12/1995 | 70 | NOTICE by plaintiff Ernest Smith of taking depo of M. D. Reed on 01/17/95 (former empl) (Entered: 01/13/1995) |
| 01/17/1995 | 71 | CLERK'S MINUTES: HEARING (Ph.Cf.) before Judge G. Thomas Eisele. Court advises parties that orders will be entered this date dealing with all pending motions. Court further advises parties that pltf's. jury trial will be postponed until a hearing on the injunctive relief requested is heard and ruled upon; that hearing to commence on 2/13/95 @ 9:00 a.m.; Deft's. oral motion for continuance DENIED. HEARING resumed in the afternoon. Court directs deft. to have pltf. present at Dr. Hixson's office in L.R. at 2:00 p.m. on 1/18/95 for examination and for taking of video deposition of Dr. Hixson. (Carolyn Fant, Reporter) (mah) (Entered: 01/17/1995) |
| 01/17/1995 | 72 | ORDER by Judge G. T. Eisele directing ADC to produce inmate Ernest Smith at the office of Dr. Marcia Hixson on 01/18/95 for medical examination (cc: all counsel) (former empl) (Entered: 01/20/1995) |
| 01/17/1995 | 73 | Memorandum Opinion and ORDER by Judge G. T. Eisele granting in part and denying in part the motion to amend complaint [65-1]; plaintiff will allowed to add Jimmy Rudd as additional plaintiff; denying motion for hearing for and injunctive relief [39-1]; plaintiff's request for class certification is denied (cc: all counsel) (former empl) Modified on 01/20/1995 (Entered: 01/20/1995) |
| 01/17/1995 | 74 | ORDER by Judge G. T. Eisele granting in part and denying in part the motion to amend complaint to join additional defendants [40-1]; plaintiff will be allowed to add Dale Reed in his official and individual capacities as a defendant in this action (cc: all counsel) (former empl) (Entered: 01/20/1995) |
| 01/18/1995 | 75 | MOTION by defendants to continue discovery responses (former empl) Modified on 04/11/1995 (Entered: 01/20/1995) |
| 01/18/1995 | 76 | ORDER by Judge G. T. Eisele granting motion to continue discovery responses [75-1]; defendants shall have until 5:00 pm on 01/27/95 to file responses to plaintiff's discovery requests with the Court (cc: all counsel) (former empl) (Entered: 01/20/1995) |
| 01/18/1995 | 77 | RESPONSE by defendants to plaintiff's first set of requests for admission [63-1] (former empl) Modified on 04/11/1995 (Entered: 01/20/1995) |
| 01/19/1995 | 78 | AMENDED complaint by plaintiff Ernest Smith adding plaintiff Jimmy Rudd and defendant Dale Reed [1-1] (former empl) (Entered: 01/20/1995) |
| 01/20/1995 | 79 | NOTICE by plaintiffs of taking depo of J. Cleveland on 01/31/95 (former empl) Modified on 01/23/1995 (Entered: 01/23/1995) |
| 01/20/1995 | 80 | NOTICE by plaintiffs of taking depo of Dale Reed on 01/31/95(former empl) Modified on 01/23/1995 (Entered: 01/23/1995) |
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| 01/20/1995 | 81 | MOTION by defendants to continue (former empl) Modified on 04/11/1995 (Entered: 01/23/1995) |
| 01/20/1995 | 82 | BRIEF by defendants in support of motion to continue [81-1] (former empl) Modified on 04/11/1995 (Entered: 01/23/1995) |
| 01/24/1995 | 83 | ORDER by Judge G. T. Eisele plttis is directed to file a resp to the motion for continuance by 1/17/95 [81-1]; the filing of any submissions required by the Court's amended scheduling order is stayed until the court rules upon the present motion (cc: all counsel) (bmt) (Entered: 01/25/1995) |
| 01/26/1995 | 84 | RESPONSE by plaintiffs to motion to continue [81-1] (bmt) (Entered: 01/26/1995) |
| 01/26/1995 | 85 | BRIEF by plaintiffs in support of response to defts' motion for continuance [84-1] (bmt) (Entered: 01/26/1995) |
| 01/26/1995 | 86 | RETURN OF SERVICE executed upon defendant Dale Reed on 1/20/95 (bfw) Modified on 02/06/1995 (Entered: 01/30/1995) |
| 01/27/1995 | 87 | CLERK'S MINUTES: HEARING before Judge G. Thomas Eisele on deft's. motion for continuance. Motion denied. (mah) Modified on 02/06/1995 (Entered: 01/27/1995) |
| 01/27/1995 | 88 | ANSWER to Amended Complaint by defts Lockhart, Norris, Sargent, Reed, Hall, Wood, Cleveland, Hood and Banks (bfw) (Entered: 01/30/1995) |
| 01/27/1995 | 89 | ORDER by Judge G. T. Eisele denying defendants' motion to continue [81-1]; defts granted until 5:00 p.m. on 2/3/95 to file any motion raising issues under the Supreme Ct decision Farmer v. Brennan; defts to respond to plttfs' discovery requests by 5:00 p. m. on 1/30/95 and 1/31/95 (cc: all counsel) (bfw) (Entered: 01/30/1995) |
| 01/30/1995 | 90 | RESPONSE by defendants to request for admissions [63-1] [90-1] (former empl) Modified on 04/11/1995 (Entered: 02/01/1995) |
| 01/30/1995 | 91 | RESPONSE by defendants to plaintiffs second set of interrogatories [91-1] (former empl) Modified on 04/11/1995 (Entered: 02/01/1995) |
| 01/30/1995 | 92 | RESPONSE by defendants to plaintiffs fourth request for production of documents [92-1] (former empl) Modified on 04/11/1995 (Entered: 02/01/1995) |
| 02/03/1995 | 93 | CLERK'S MINUTES: HEARING (Ph.Cf.) on clarification of trial schedule. Court advises parties that trial will be held in Pine Bluff and commence at 2:00 p.m. on Monday, 2/13/95 and stop at 7:00 p.m. on that day; the following day will commence at 11:00 a.m. and stop at 6 or 6:30 p.m. until the trial is completed. Parties directed to submit an order regarding subpoenas. (mah) (Entered: 02/06/1995) |
| 02/03/1995 | 94 | ORDER by Judge G. T. Eisele Jury trial rescheduled for 2:00 pm on 2/13/95 at Pine Bluff; defense and plaintiff's counsel are directed to inform witnesses of new time and place of trial; all subpoenas remain in |

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| | | full force and effect (cc: all counsel) (former empl) (Entered: 02/07/1995) |
| 02/06/1995 | 95 | MEMO TO FILE: case is ready to be set for jury trial by District Judge; all pretrial motions have been resolved (former empl) (Entered: 02/07/1995) |
| 02/08/1995 | 96 | PRETRIAL INFORMATION SHEET by plaintiffs (trial estimate 3 days) (former empl) (Entered: 02/09/1995) |
| 02/08/1995 | 97 | TRIAL BRIEFS submitted by plaintiffs (former empl) (Entered: 02/09/1995) |
| 02/08/1995 | 98 | PRETRIAL INFORMATION SHEET by defendants (trial estimate 3-4 days) (former empl) Modified on 04/11/1995 (Entered: 02/09/1995) |
| 02/08/1995 | 99 | TRIAL BRIEFS submitted by defendants (former empl) Modified on 04/11/1995 (Entered: 02/09/1995) |
| 02/09/1995 | 100 | CLERK'S MINUTES: PRETRIAL CONFERENCE (Ph.Cf.) before Judge G. Thomas Eisele. Court will all of witness Ricky Johnson who was not named on the deft's. witness list to testify, but the state is directed to make him available for a deposition prior to his testimony; Court directs state to arrange for a walk-thru of the Bks. 8 area at Cummins for pltf's. experts on Sunday evening; State stipulated to authenticity of Clinton letter upon Court inquiry. (mah) (Entered: 02/09/1995) |
| 02/10/1995 | 101 | ORDER by Judge G. T. Eisele finding Jerry Enomoto, Bob Baynes, Eugene Miller, Paul James and Hugh Crisp shall be given opportunity to walk through the Cummins Unit on 02/12/95; Ricky Johnson shall be allowed to testify for defendants and defendants shall make Mr. Johnson available for deposition; parties to submit joint stipulation of facts to the Court by 02/10/95 at 5:00 pm; the following inmates are to be transported to Pine Bluff to testify at trial: Alvin Randall, plaintiffs Ernest Smith and Jimmy Rudd; additionally inmates F. Adams, A. Boone, J. Maxwell, R. Lewis, M. Haycook, T. Pilcher and J. Dyus are to be made available for testimony at trial upon notice of plaintiff's counsel; plaintiffs will not be required to subpoena a representative from the Office of Governor for the introduction of 02/28/91 letter from Governor Clinton to the Joint Budget Committee (cc: all counsel) (former empl) (Entered: 02/13/1995) |
| 02/13/1995 | 102 | JOINT STIPULATION by parties (former empl) Modified on 04/11/1995 (Entered: 02/13/1995) |
| 02/13/1995 | | CLERK'S MINUTES: HEARING on motions begun before Judge G. Thomas Eisele. Day 1. (Ct. Rep. - Carolyn Fant) (mah) (Entered: 02/14/1995) |
| 02/14/1995 | | CLERK'S MINUTES: HEARING on motions resumed before Judge G. Thomas Eisele. Day 2. (Ct. Rep. - Carolyn Fant) (mah) (Entered: 02/14/1995) |
| 02/15/1995 | | CLERK'S MINUTES: HEARING on motions resumed before Judge G. Thomas Eisele. Day 3. (Ct. Rep. - Carolyn Fant) (mah) (Entered: 02/15/1995) |

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| 02/16/1995 | | CLERK'S MINUTES: HEARING on motions resumed before Judge G. Thomas Eisele. Day 4. (Ct.Rep. - Carolyn Fant) (mah) (Entered: 02/16/1995) |
| 02/17/1995 | 103 | CLERK'S MINUTES: HEARING on motions resumed in Little Rock and concluded before Judge G. Thomas Eisele. Day 5. (Ct. Rep. - Carolyn Fant) Court will file written opinion within a week. (mah) (Entered: 02/21/1995) |
| 02/20/1995 | 104 | MOTION by plaintiffs Ernest Smith & Jimmy Rudd to voluntarily dismiss defendant A. L. Lockhart (former empl) (Entered: 02/22/1995) |
| 02/22/1995 | 105 | ORDER by Judge G. T. Eisele granting motion to voluntarily dismiss defendant A. L. Lockhart [104-1]; terminating party A. L. Lockhart without prejudice (cc: all counsel) (former empl) (Entered: 02/23/1995) |
| 02/23/1995 | 106 | ORDER by Judge G. T. Eisele there having been no service obtained on defendant Smyers and no parties having been substituted for John Does 1-10 and by agreement of plaintiffs terminating parties Ron Smyers & John Does (cc: all counsel) (EOD 02/23/95) (former empl) (Entered: 02/23/1995) |
| 02/23/1995 | 107 | MEMORANDUM OPINION by Judge G. T. Eisele defendants are directed to file a report on the changes ordered herein by 05/01/95; pliantiffs will have until 05/15/95 to object; partial summary judgment will be entered this date in favor of Mr. Smith on his claims for damages under Section 1983, leaving only the damages issues to be tried to a jury; declaratory judgment and injunction will also be entered this date upon Mr. Rudd's claim for equitable relief (cc: all counsel) (former empl) (Entered: 02/24/1995) |
| 02/23/1995 | 108 | Partial Summary JUDGMENT: by Judge G. T. Eisele granting motion for partial summary judgment in favor of plaintiff Smith on liability issues [36-1]; defendants may not rely upon qualified immunity in this case (cc: all counsel) (former empl) (Entered: 02/24/1995) |
| 02/23/1995 | 109 | Declaratory JUDGMENT and Injunction: by Judge G. T. Eisele denying defendants motion for summary judgment [52-1]; defendants may not rely upon qualified immunity as a defense; defendants shall, no later than 02/28/95, station at least two Correction Officer I's, or of higher rank, inside open barracks 5, 6 & 8 on each of the twelve hour night shifts and shall make commensurate staffing assignments during the twelve hour day shifts in addition to staffing and procedures presently employed; defendants shall document and record all entries and exits of any personnel into or out of the open barracks; defendants shall file a report with the court, detailing its compliance with the Court's order, on or about 05/01/95, 08/01/95 & 12/01/95; if no challenge is made by 12/31/95 the injunction granted herein shall expire, otherwise it shall continue in full force and effect; defendants shall also make reports concerning its quick-response procedures, its enhanced communication procedures, its shakedown and contraband procedures with respect to the security of open Barracks 5, 6 & 8 (cc: all counsel) (former empl) |

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| | | (Entered: 02/24/1995) |
| 02/24/1995 | 110 | NOTICE of appeal by defendants James Banks, John Hood, J Cleveland, R Wood, A J Hall, Willis H Sargent, Larry Norris from District Court decision [107-1], [108-1], [109-1] (2 certified copies to Clerk 8USCA), (cc: counsel) (dac) Modified on 02/27/1995 (Entered: 02/27/1995) |
| 02/24/1995 | 111 | MOTION by defendant to stay (dac) (Entered: 02/27/1995) |
| 02/24/1995 | 112 | BRIEF by defendants James Banks, John Hood, J Cleveland, R R Wood, A J Hall, Willis H Sargent, Larry Norris in support of motion to stay [111-1] (dac) (Entered: 02/27/1995) |
| 02/27/1995 | 113 | ORDER by Judge G. T. Eisele denying motion to stay district court's judgment & order [111-1] (cc: all counsel) (bmt) (Entered: 03/01/1995) |
| 03/01/1995 | 114 | SUPPLEMENTAL ORDER by Judge G. T. Eisele the Court is open to consider more definite staffing plans and security proposals for the day-time operation of the open barracks, which the defendants believe will meet the Constitutional requirements, as set forth in the Court's Memorandum Opinion of 2/23/95, and at the same time provide more assurance to the defendants that the day-time procedures they want to adopt are constitutionally adequate. [107-1] (cc: all counsel) (dac) (Entered: 03/01/1995) |
| 03/02/1995 | 115 | MOTION by plaintiffs for discovery deposition of Warden Dale Reed , and for relief requested by Jimmy Rudd (dac) (Entered: 03/03/1995) |
| 03/02/1995 | 116 | ORDER by Judge G. T. Eisele granting motion for discovery deposition of Warden Dale Reed. Reed is to make himself available to be deposed by plaintiff's counsel. It Is Further Ordered that Warden Reed shall produce at his deposition all shift logs, rosters, nd post orders, for both the day and night shifts, for the period from 2/24/95 to present [115-1], granting motion for relief requested by Jimmy Rudd. Defendants should undertake their own investigation into plaintiff's claims of retaliation, including the reasons for his recent transfer to the Tucker Unit [115-2] (cc: all counsel) (dac) (Entered: 03/03/1995) |
| 03/02/1995 | 117 | CLERK'S MINUTES: HEARING (Ph.Cf.) on motion to take deposition of Reed and to provide adequate protection for Rudd. (mah) (Entered: 03/03/1995) |
| 03/06/1995 | 118 | MOTION by defendants James Banks, John Hood, J Cleveland, R R Wood, A J Hall, Willis H Sargent, Dale Reed and Larry Norris to amend order granting partial summary judgment to allow interlocutory appeal (former empl) (Entered: 03/07/1995) |
| 03/06/1995 | 119 | BRIEF by defendants James Banks, John Hood, J Cleveland, R R Wood, A J Hall, Willis H Sargent, Larry Norris and Dale Reed in support of motion to amend order granting partial summary judgment to allow interlocutory appeal [118-1] (former empl) (Entered: 03/07/1995) |
| 03/06/1995 | | Receipt 59371 in amount of \$105.00 for appeal fees on behalf of defendants (dac) (Entered: 04/10/1995) |

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| 03/09/1995 | 120 | MOTION by plaintiff Jimmy Rudd for attorney fees (former empl) (Entered: 03/10/1995) |
| 03/09/1995 | 121 | MEMORANDUM by plaintiff Jimmy Rudd in support of motion for attorney fees [120-1] (former empl) (Entered: 03/10/1995) |
| 03/10/1995 | 122 | Supplemental MOTION by plaintiff Jimmy Rudd for hearing (former empl) (Entered: 03/13/1995) |
| 03/10/1995 | 123 | MOTION by plaintiffs Ernest Smith, Jimmy Rudd for voluntary dismissal of defendant James Banks (dac) (Entered: 03/13/1995) |
| 03/14/1995 | 124 | ORDER by Judge G. T. Eisele denying motion to amend order granting partial summary judgment to allow interlocutory appeal [118-1] (EOD 3/14/95) (cc: all counsel) (dac) (Entered: 03/14/1995) |
| 03/14/1995 | | DOCKETING LETTER: 8 USCA Number 95-1565 ; court reporter's transcripts due 4/18/95; counsel to proceed on appendix (dac) (Entered: 03/14/1995) |
| 03/14/1995 | 125 | CLERK'S MINUTES: HEARING (Ph.Cf.) on motion for hearing re: retaliation; Court will require pltf. to file new case unless def't's. fail to insure that Lewis has no contact with Rudd; Court directs def't. to provide names of nine persons from training academy assigned to open barracks; Court directs def't. to further report as to contact with Rudd by Lewis no later than 3/20/95. (mah) (Entered: 03/14/1995) |
| 03/20/1995 | 126 | ORDER by Judge G. T. Eisele granting motion for voluntary dismissal of defendant James Banks [123-1]; terminating defendant James Banks without prejudice (cc: all counsel) (former empl) (Entered: 03/21/1995) |
| 03/20/1995 | 127 | RESPONSE by defendants John Hood, J Cleveland, R R Wood, A J Hall, Willis H Sargent, Larry Norris, Dale Reed to Court's Order [124-1] (dac) (Entered: 03/21/1995) |
| 03/24/1995 | 128 | REPLY by plaintiffs Ernest Smith, Jimmy Rudd to defendants' response to court order [127-1] (dac) (Entered: 03/27/1995) |
| 03/27/1995 | 129 | ORDER by Judge G. T. Eisele denying supplemental motion for hearing [122-1] (cc: all counsel) (former empl) (Entered: 03/28/1995) |
| 03/27/1995 | 130 | NOTICE of appeal by defendants from District Court decision [107-1], [108-1], [109-1], [106-2] (2 certified copies to Clerk 8USCA), (cc: counsel) (dac) (Entered: 03/30/1995) |
| 03/29/1995 | 131 | TRANSCRIPT PURCHASE ORDER by plaintiffs Ernest Smith, and Jimmy Rudd (dac) (Entered: 03/30/1995) |
| 03/29/1995 | 132 | MOTION by defendant to extend time to 4/19/95 to respond to plaintiff Rudd's Motion for Attorney Fees and Expenses (dac) (Entered: 03/30/1995) |
| 03/30/1995 | 133 | ORDER by Judge G. T. Eisele granting motion to extend time until 04/09/95 to respond to plaintiff Rudd's Motion for Attorney Fees and Expenses [132-1] [120-1] (cc: all counsel) (former empl) (Entered: 03/30/1995) |

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| 03/30/1995 | 134 | RESPONSE by plaintiff Jimmy Rudd to defendants' motion for extension of time (dac) (Entered: 03/31/1995) |
| 04/10/1995 | 135 | MOTION by defendant to stay payment of attorneys' fees pending appeal (dac) (Entered: 04/12/1995) |
| 04/10/1995 | 136 | BRIEF by defendants in support of motion to stay payment of attorneys' fees pending appeal [135-1] (dac) (Entered: 04/12/1995) |
| 04/14/1995 | | Receipt 400 59935 in amount of 105.00 for appeal fees from Attorney General f (dac) (Entered: 04/18/1995) |
| 04/19/1995 | 137 | RESPONSE by plaintiffs Ernest Smith, and Jimmy Rudd to motion to stay payment of attorneys' fees pending appeal [135-1] (dac) (Entered: 04/20/1995) |
| 04/19/1995 | 138 | BRIEF by plaintiff Ernest Smith, plaintiff Jimmy Rudd in support of motion response [137-1] (dac) (Entered: 04/20/1995) |
| 04/26/1995 | | DOCKET NOTE: 5 volumes of original files forwarded to Clerk USCA8, per telephone request of Linda Penberthy (dac) (Entered: 04/26/1995) |
| 04/27/1995 | 139 | ORDER by Judge G. T. Eisele granting motion to stay payment of attorneys' fees pending appeal [135-1] (cc: counsel) (former empl) (Entered: 04/28/1995) |
| 05/01/1995 | | DOCKETING LETTER: court reporter's motion for an extension of time to file the transcript is granted; court reporter's transcripts due 5/2/95 (dac) (Entered: 05/02/1995) |
| 05/01/1995 | 140 | WRITTEN STATUS REPORT of 5/1/95 by defendants (dac) (Entered: 05/02/1995) |
| 05/02/1995 | 141 | TRANSCRIPTS (5 volumes) of proceedings for the following dates: 2/13-17/95 ([110-1], [130-1]) (dac) (Entered: 05/03/1995) |
| 05/03/1995 | | DOCKET NOTE: 5 volumes transcripts forwarded to Clerk USCA 8 (dac) (Entered: 05/03/1995) |
| 05/10/1995 | 142 | TRANSCRIPT (1 volume) of hearing on motion to compel proceedings for the following date: 7/14/94 ([110-1], [130-1]) (dac) (Entered: 05/11/1995) |
| 05/10/1995 | 143 | TRANSCRIPT (1 volume) of proceedings for the following date: 1/17/95 telephone conference ([110-1], [130-1]) (dac) (Entered: 05/11/1995) |
| 05/10/1995 | 144 | TRANSCRIPT (1 volume) of proceedings for the following date: 1/27/95 hearing on motion to continue ([110-1], [130-1]) (dac) (Entered: 05/11/1995) |
| 05/10/1995 | 145 | TRANSCRIPT (1 volume) of proceedings for the following date: 2/3/95 |

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| | | telephone conference ([110-1], [130-1]) (dac) (Entered: 05/11/1995) |
| 05/10/1995 | 146 | TRANSCRIPT (1 volume) of proceedings for the following date: 2/9/95 telephone conference ([110-1], [130-1]) (dac) (Entered: 05/11/1995) |
| 05/11/1995 | | DOCKET NOTE: 5 vols transcripts forwarded to Clerk USCA8 (7/14/94; 1/17/95; 1/27/95; 2/3/95; 2/9/95) (dac) (Entered: 05/11/1995) |
| 05/15/1995 | 147 | RESPONSE and objections by plaintiff to defendants' 5/1/95 report to the court [140-1] (dac) (Entered: 05/16/1995) |
| 05/19/1995 | 148 | ORDER by Judge G. T. Eisele treating plaintiffs response and objections as a motion to appoint an independent monitor, the Court concludes that the motion should be denied (cc: all counsel) (EOD 05/19/95) (former empl) (Entered: 05/19/1995) |
| 05/19/1995 | 149 | REPLY to plaintiffs' response & objection to defts' 5/1/95 report by defendant (dac) (Entered: 05/22/1995) |
| 08/01/1995 | 150 | WRITTEN STATUS REPORT for August by defendant (dac) (Entered: 08/02/1995) |
| 08/15/1995 | 151 | RESPONSE by plaintiffs to 8/1/95 report to the court [150-1] (dac) (Entered: 08/16/1995) |
| 12/04/1995 | 152 | NOTICE by defendants John Hood, J Cleveland, R R Wood, A J Hall, Willis H Sargent, Larry Norris, A L Lockhart, Arkansas Corr Dept and Dale Reed of filing final status report (former empl) (Entered: 12/05/1995) |
| 01/02/1996 | 153 | RESPONSE by plaintiffs to defts' 12/4/95 report to the court [152-1] (bmt) (Entered: 01/02/1996) |
| 12/19/1996 | 154 | ORDER by Judge Henry Woods Case consolidated 5:96-cv-731 with member cases 5:96-cv-732 PB-C-96-731 is reassigned to Judge Eisele (cc: all counsel) (EOD 12/19/96) (dac) (Entered: 12/19/1996) |
| 01/27/1997 | 155 | AMENDED SCHEDULING ORDER: (DOC) jury trial set for 9:15 on 7/14/97; discovery due 5/19/97; status report due 5/19/97; pretrial info sheet due 6/23/97 (cc: all counsel) (former empl) (Entered: 01/29/1997) |
| 02/05/1997 | 156 | Opinion (8USCA), we affirm the district court's grant of injunctive relief to Jimmy Rudd. In each 1983 case, we affirm the denial of qualified immunity but reverse the grant of summary judgment on the issue of liability. We remand the 1983 claims in each case for a trial on the merits (dac) (Entered: 02/05/1997) |
| 02/05/1997 | 157 | MANDATE from 8 USCA affirming in part, reversed in part the decision of the District Court and remanded to the district court for proceedings consistent with the opinion of this court [130-1] [110-1] (mandate issued 1/29/97) (original files and transcript remain in possession of USCA8) - USCA8 Order dated 5/2/97/filed in USDC 5/5/97 pltf-appellees awarded costs in the sum of \$3,922.97 and atty's fees for Paul James \$25,531 and Hugh Crisp \$5,559.38 (dac) Modified on 05/06/1997 (Entered: 05/06/1997) |

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| | | 02/05/1997) |
| 02/06/1997 | 158 | ORDER by Judge G. T. Eisele granting pltf Jimmy Rudd's motion for attorney fees [120-1]; \$155,355.00 in attorney's fees & \$25,949.72 in costs (cc: all counsel) (former empl) (Entered: 02/11/1997) |
| 02/18/1997 | | DOCKET NOTE: 5 vols original files; 10 vols transcripts returned from USCA8 (dac) (Entered: 02/19/1997) |
| 03/07/1997 | 159 | MOTION by defendants to substitute attorney David B Eberhard in place of Kyle Ray Wilson (former empl) (Entered: 03/10/1997) |
| 03/13/1997 | 160 | ORDER by Judge G. T. Eisele granting motion to substitute attorney David B Eberhard in place of Kyle Ray Wilson for defts [159-1] (cc: all counsel) EOD 3/13/97 (former empl) (Entered: 03/13/1997) |
| 03/19/1997 | 161 | AMENDED SCHEDULING ORDER: (DOC) ;jury trial reset for 9:15 7/14/97; discovery due 5/19/97; status report due 5/19/97; info sheet due 6/23/97 (cc: all counsel) (former empl) (Entered: 03/20/1997) |
| 05/02/1997 | 163 | Interrogatories & requests for production of documents filed by defts (former empl) (Entered: 05/07/1997) |
| 05/05/1997 | 162 | ORDER (8 USCA), plaintiff's appellees awarded bill of costs in the amt of \$3,922.97; Atty's fees awarded to Paul James in the sum of \$25,531 and to Hugh Crisp in the sum of \$5,559.38 (dac) (Entered: 05/06/1997) |
| 07/21/1997 | 164 | JOINT STIPULATION by parties for dismissal with prejudice pursuant to settlement (former empl) (Entered: 07/22/1997) |
| 07/28/1997 | 165 | ORDER OF DISMISSAL by Judge G. T. Eisele purs to parties' joint stipulation; all claims raised have been settled & compromised; complt is dismissed with prejudice (5:93-cv-00732) (cc: all counsel) (former empl) (Entered: 07/29/1997) |

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