

DISC, JFF, TERMED

**U.S. District Court
Eastern District of Arkansas (Pine Bluff)
CIVIL DOCKET FOR CASE #: 5:93-cv-00732-GTE**

Smith v. Arkansas Corr Dept, et al
Assigned to: Judge G. Thomas Eisele
Demand: \$0
Case in other court: 1, :00-00095-02744
Cause: 42:1983 Civil Rights Act

Date Filed: 12/06/1993
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff**Linda C Smith**

*Administratrix of the Estate of John E.
Stewart
unknown
John E Stewart*

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
Email: pjj@jamescarterlaw.com
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

V.

Defendant

Arkansas Department of Correction
TERMINATED: 03/20/1995

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: 03/13/1997
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant**A L Lockhart**represented by **Kyle Ray Wilson**

*Director of the Arkansas Department of
Correction*
TERMINATED: 03/20/1995

(See above for address)
TERMINATED: 03/13/1997
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

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

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

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

Kyle Ray Wilson
(See above for address)
TERMINATED: 03/13/1997
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

Kyle Ray Wilson
(See above for address)
TERMINATED: 03/13/1997
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

Kyle Ray Wilson
(See above for address)
TERMINATED: 03/13/1997
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

Kyle Ray Wilson
(See above for address)
TERMINATED: 03/13/1997
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

Kyle Ray Wilson
(See above for address)
TERMINATED: 03/13/1997
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: 03/20/1995

Defendant

Ron Smyres
Medical Services Administrator
TERMINATED: 03/20/1995

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 John Hood on 12/8/93

		(former empl) (Entered: 12/10/1993)
12/10/1993	3	RETURN OF SERVICE executed upon defendant Larry Norris 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 Willis H Sargent on 12/8/93 (former empl) (Entered: 12/10/1993)
12/10/1993	6	RETURN OF SERVICE executed upon defendant R R Wood on 12/8/93 (former empl) (Entered: 12/10/1993)
12/10/1993	7	RETURN OF SERVICE executed upon defendant James Banks on 12/8/93 (former empl) (Entered: 12/10/1993)
12/10/1993	8	RETURN OF SERVICE executed upon defendant A J Hall 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 and James Banks (jap) (Entered: 12/29/1993)
01/10/1994	10	ORDER of Transfer by Judge Elsjane T. Roy Case reassigned to Judge Henry Woods (cc: all counsel) (jap) (Entered: 01/11/1994)
01/12/1994	11	WAIVER OF SERVICE OF SUMMONS upon defendant A L Lockhart on 12/8/93 (former empl) (Entered: 01/12/1994)
05/19/1994	12	MOTION by plaintiff to compel defendants to respond to requests for production of documents (jap) (Entered: 05/20/1994)
05/19/1994	13	BRIEF by plaintiff in support of motion to compel defendants to respond to requests for production of documents [12-1] (jap) (Entered: 05/20/1994)
05/19/1994	14	MOTION by defendant Arkansas Corr Dept for summary judgment , or in the alternative, to dismiss (former empl) (Entered: 05/23/1994)
05/19/1994	15	BRIEF by defendant Arkansas Corr Dept in support of motion for summary judgment [14-1], or in the alternative, motion to dismiss [14-2] (former empl) (Entered: 05/23/1994)
05/19/1994	16	STATEMENT OF FACTS (Rule 29) by defendant Arkansas Corr Dept in support of motion for summary judgment [14-1], or in the alternative, motion to dismiss [14-2] (former empl) (Entered: 05/23/1994)
06/01/1994	17	MOTION by plaintiff to extend time to respond to defendants' motion for summary judgment, or in the alternative, motion to dismiss. (former empl) (Entered: 06/02/1994)
06/02/1994	18	ORDER by Judge G. T. Eisele granting plaintiff's motion to extend time to respond to defendants' motion for summary judgment, or in the alternative, motion to dismiss [17-1] an additional 10 days from the date

		discovery material previously requested is obtained. EOD 6/2/94 (cc: all counsel) (former empl) (Entered: 06/02/1994)
06/03/1994	19	RESPONSE by defendants to motion to compel defendants to respond to requests for production of documents [12-1] (former empl) Modified on 04/11/1995 (Entered: 06/07/1994)
06/08/1994	20	REPLY by plaintiff to response to motion to compel defendants to respond to requests for production of documents [12-1] (former empl) (Entered: 06/09/1994)
06/08/1994	21	MEMORANDUM BRIEF by plaintiff in support of motion reply [20-1] (former empl) (Entered: 06/09/1994)
06/13/1994	22	RESPONSE by defendant Arkansas Corr Dept to plaintiff's 1st set of interrogs & requests for production (former empl) (Entered: 06/15/1994)
07/25/1994	23	RESPONSE by plaintiff to motion for summary judgment [14-1] (former empl) (Entered: 07/26/1994)
07/25/1994	24	MEMORANDUM BRIEF by plaintiff in support of motion response [23-1] (former empl) (Entered: 07/26/1994)
08/12/1994	25	NOTICE by plaintiff of taking depo of A. L. Lockhart on 8/22/94 at 9:00 a.m. in L.R. (former empl) (Entered: 08/16/1994)
08/12/1994	26	NOTICE by plaintiff of taking depo of Larry Norris on 8/22/94 at 9:00 a.m. in L.R. (former empl) (Entered: 08/16/1994)
08/12/1994	27	NOTICE by plaintiff of taking depo of M. D. Reed on 8/22/94 at 9:00 a.m. in L.R. (former empl) (Entered: 08/16/1994)
08/12/1994	28	NOTICE by plaintiff of taking depo of Willis H. Sargent on 8/22/94 at 9:00 a.m. in L.R. (former empl) (Entered: 08/16/1994)
09/29/1994	29	SCHEDULING ORDER: by Judge Henry Woods; jury trial set for 9:30 5/15/95; discovery due 3/14/95; pretrial info sheet due 4/14/95 (cc: all counsel) (former empl) (Entered: 09/30/1994)
01/12/1995	30	NOTICE by plaintiff of taking depo of M. D. Reed on 1/17/95 at 9:30 in L.R. (former empl) (Entered: 01/17/1995)
01/12/1995	31	NOTICE by plaintiff of taking depo of J. Cleveland on 1/17/95 at 9:30 a.m. in L.R. (former empl) (Entered: 01/17/1995)
01/20/1995	32	NOTICE by plaintiff of taking depo of Dale Reed on 1/31/95 at 9:30 a.m. in L.R. (former empl) (Entered: 01/24/1995)
02/15/1995	33	REQUEST by plaintiff for request for admissions (former empl) (Entered: 02/15/1995)
03/13/1995	34	MOTION by plaintiff to amend complaint (former empl) (Entered: 03/13/1995)
03/17/1995	35	MOTION by plaintiff to dismiss without prejudice defendants ADC, A. L. Lockhart, James Banks, Ron Smyers & John Does I - X (former empl)

		(Entered: 03/17/1995)
03/20/1995	36	ORDER by Judge Henry Woods granting plaintiff's motion to dismiss without prejudice defendants ADC, A. L. Lockhart, James Banks, Ron Smyers & John Does I - X [35-1]. EOD 3/20/95 (cc: all counsel) (former empl) (Entered: 03/20/1995)
03/27/1995	37	MOTION by plaintiff for partial summary judgment regarding inadequate supervision and hobby craft policy with exhibits attached (former empl) (Entered: 03/27/1995)
03/27/1995	38	MEMORANDUM BRIEF by plaintiff in support of motion for partial summary judgment regarding inadequate supervision and hobby craft policy with exhibits attached [37-1] (former empl) (Entered: 03/27/1995)
03/27/1995	39	STATEMENT OF FACTS (Rule 29) by plaintiff in support of motion for partial summary judgment regarding inadequate supervision and hobby craft policy with exhibits attached [37-1] (former empl) (Entered: 03/27/1995)
04/03/1995	40	MOTION by plaintiff to compel (former empl) (Entered: 04/03/1995)
04/03/1995	41	BRIEF by plaintiff in support of motion to compel [40-1] (former empl) (Entered: 04/03/1995)
04/03/1995	42	MOTION by plaintiff to deem admitted her first set of requests for admissions (former empl) (Entered: 04/03/1995)
04/03/1995	43	BRIEF by plaintiff in support of motion to deem admitted her first set of requests for admissions [42-1] (former empl) (Entered: 04/03/1995)
04/13/1995	44	RESPONSE by defendants to motion to compel [40-1] (former empl) (Entered: 04/17/1995)
04/13/1995	45	MOTION by defendants to extend time to respond to motion for summary judgment (former empl) (Entered: 04/17/1995)
04/13/1995	46	RESPONSE by defendants to motion to deem admitted her first set of requests for admissions [42-1] (former empl) (Entered: 04/17/1995)
04/13/1995	47	MOTION by defendants to extend time to file motion for summary judgment (former empl) (Entered: 04/17/1995)
04/14/1995	48	MOTION by plaintiff for order to permit entry into the Cummins Unit (former empl) (Entered: 04/17/1995)
04/14/1995	49	MEMORANUDM BRIEF by plaintiff in support of motion for order to permit entry into the Cummins Unit [48-1] (former empl) Modified on 04/17/1995 (Entered: 04/17/1995)
04/14/1995	50	PRETRIAL INFORMATION SHEET by plaintiff - 5 day trial (former empl) (Entered: 04/17/1995)
04/14/1995	51	PRETRIAL INFORMATION SHEET by defendants - 3 to 4 day trial (former empl) (Entered: 04/19/1995)

04/14/1995	52	MOTION by defendants for summary judgment (former empl) (Entered: 04/19/1995)
04/14/1995	53	BRIEF by defendants in support of motion for summary judgment [52-1] (former empl) (Entered: 04/19/1995)
04/14/1995	54	STATEMENT OF FACTS (Rule 29) by defendants in support of motion for summary judgment [52-1] (former empl) (Entered: 04/19/1995)
04/14/1995	55	RESPONSE by defendants to motion for partial summary judgment regarding inadequate supervision and hobby craft policy exhibits attached [37-1] (former empl) (Entered: 04/19/1995)
04/19/1995	56	ORDER by Judge Henry Woods granting plaintiff's motion to amend complaint [34-1]. EOD 4/19/95 (cc: all counsel) (former empl) (Entered: 04/19/1995)
04/19/1995	57	FIRST AMENDED complaint [1-1] by plaintiff (former empl) (Entered: 04/19/1995)
04/24/1995	58	AMENDED RESPONSE by defendants to motion for partial summary judgment regarding inadequate supervision and hobby craft policy exhibits attached [37-1] (former empl) (Entered: 04/26/1995)
04/25/1995	59	MOTION by defendants to stay or, in the alternative, to continue (former empl) (Entered: 04/27/1995)
04/25/1995	60	BRIEF by defendants in support of motion to stay [59-1] or, in the alternative, to continue [59-2] (former empl) (Entered: 04/27/1995)
04/25/1995	61	NOTICE by defendants of filing exhibits to their response to motion for partial summary judgment (former empl) (Entered: 04/27/1995)
04/25/1995	62	NOTICE by defendants of filing exhibits to their motion for summary judgment (former empl) (Entered: 04/27/1995)
04/27/1995	63	ANSWER by defendants to first amended complaint (former empl) (Entered: 04/27/1995)
04/27/1995	64	RESPONSE by plaintiff to motion to extend time to respond to motion for summary judgment [45-1] (former empl) (Entered: 04/27/1995)
04/27/1995	64	MOTION by plaintiff to strike defendants response & amended response to her motion for partial summary judgment (former empl) (Entered: 04/27/1995)
04/27/1995	65	MEMORANDUM BRIEF by plaintiff in support of motion response [64-1] & motion to strike defendants response & amended response to her motion for partial summary judgment [64-1] (former empl) (Entered: 04/27/1995)
04/27/1995	66	RESPONSE by plaintiff to motion to extend time to file motion for summary judgment [47-1] (former empl) (Entered: 04/27/1995)
04/27/1995	66	MOTION by plaintiff to strike defendants' motion for summary

		judgment, brief in support & statement of facts (former empl) (Entered: 04/27/1995)
04/27/1995	67	MEMROANDUM BRIEF by plaintiff in support of motion response [66-1] & motion to strike defendants' motion for summary judgment, brief in support & statement of facts [66-1] (former empl) (Entered: 04/27/1995)
04/27/1995	68	REPLY by plaintiff to amended response to motion for partial summary judgment regarding inadequate supervision and hobby craft policy with exhibits attached [37-1] (former empl) (Entered: 04/28/1995)
04/27/1995	69	MEMORANDUM BRIEF by plaintiff in support of motion reply [68-1] (former empl) (Entered: 04/28/1995)
04/27/1995	70	RESPONSE by plaintiff to motion for summary judgment [52-1] (former empl) (Entered: 04/28/1995)
04/27/1995	71	MEMORANDUM BRIEF by plaintiff in support of motion response [70-1] (former empl) (Entered: 04/28/1995)
04/27/1995	72	STATEMENT OF FACTS (Rule 29) by plaintiff in support of motion response [70-1] (former empl) (Entered: 04/28/1995)
05/02/1995	73	ORDER by Judge Henry Woods granting plaintiff's motion to deem admitted her first set of requests for admissions [42-1]; granting defendants' motion to extend time to respond to motion for partial summary judgment [45-1]; granting plaintiff's motion for partial summary judgment regarding inadequate supervision and hobby craft policy [37-1]; finding the motion to extend time to file motion for summary judgment [47-1] moot; denying defendants' motion for summary judgment [52-1]; granting plaintiff's motion to stay [59-1] or continue trial date only as to the damages portion [59-2]; finding the motion to strike defendants' motion for summary judgment, brief in support & statement of facts [66-1] moot & finding the motion to strike defendants response & amended response to her motion for partial summary judgment [64-1] moot. EOD 5/2/95 (cc: all counsel) (former empl) (Entered: 05/02/1995)
05/12/1995	74	MOTION by defendants for reconsideration of Court's order of 5/2/95 (former empl) (Entered: 05/12/1995)
05/12/1995	75	BRIEF by defendants in support of motion for reconsideration of Court's order of 5/2/95 [74-1] (former empl) (Entered: 05/12/1995)
05/25/1995	76	RESPONSE by plaintiff to motion for reconsideration of Court's order of 5/2/95 [74-1] (former empl) (Entered: 05/30/1995)
05/25/1995	77	MEMORANDUM BRIEF by plaintiff in support of motion response [76-1] (former empl) (Entered: 05/30/1995)
05/31/1995	78	NOTICE of appeal by defendant from District Court decision [73-2] (appeal fees not paid) (2 certified copies to Clerk 8USCA), (cc: counsel) (dac) (Entered: 06/01/1995)

06/09/1995	79	DOCKETING LETTER: 8 USCA the appeal will not be docketed due to a timely filed pending motion. A new notice of appeal must be filed within the prescribed time. No additional fees shall be required (dac) Modified on 06/09/1995 (Entered: 06/09/1995)
06/19/1995	80	ORDER by Judge Henry Woods denying motion for reconsideration of Court's order of 5/2/95 [74-1] (cc: all counsel) (dac) (Entered: 06/20/1995)
06/29/1995	81	NOTICE of appeal by defendants John Hood, J Cleveland, R R Wood, A J Hall, Willis H Sargent, Larry Norris from District Court decision [73-2], [80-1] (2 certified copies to Clerk 8USCA), (cc: counsel) (dac) (Entered: 06/30/1995)
07/14/1995		Receipt #400 61196 in amount of \$105.00 for appeal fees (dac) (Entered: 07/17/1995)
07/17/1995		DOCKETING LETTER: 8 USCA Number 95-2744EAPB; counsel to proceed on appendix (dac) (Entered: 07/17/1995)
10/02/1995	82	MEMO TO FILE: by Judge Henry Woods finding the motion to compel [40-1] moot., finding the motion for order to permit entry into the Cummins Unit [48-1] moot. (dac) (Entered: 10/02/1995)
01/08/1996		DOCKET NOTE: 3 volumes original files; 1 expanding folder(doc #37) forwarded to Clerk USCA 8, per request of Rick White-Records Manager (dac) (Entered: 01/08/1996)
04/24/1996	83	ORDER by Judge Henry Woods administratively terminating case w/o prej The clerk wil reopen case upon receipt of mandate from 8USCA (cc: all counsel) (dac) (Entered: 04/26/1996)
12/19/1996	84	ORDER by Judge Henry Woods Case consolidated 5:93-cv-731 with member cases 5:93-cv-732 , and Case reassigned to Judge G. T. Eisele (EOD 12/19/96) (cc: all counsel) (dac) Modified on 12/19/1996 (Entered: 12/19/1996)
01/27/1997	85	AMENDED SCHEDULING ORDER: (DOC) jury trial set for 9:15 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) Modified on 01/29/1997 (Entered: 01/29/1997)
02/05/1997	86	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	87	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 [81-1] [78-1] (ORDER USCA8 dated 5/2/97 and filed in USDC 5/5/97 pltf-appellees awarded cost in the sum \$5,559.38 and atty's fees to Paul James in the sum of \$25,531 and Hugh Crips \$5,559.38 (dac) Modified on 05/06/1997 (Entered: 05/06/1997)

		02/05/1997)
02/13/1997		DOCKET NOTE: 3 vols original files; 1 exp. folder containing pleading #37 returned from USCA8 and forwarded to Pine Bluff office (dac) (Entered: 02/13/1997)
03/07/1997	88	MOTION by defendants to substitute attorney David B Eberhard in place of Kyle Ray Wilson (former empl) (Entered: 03/10/1997)
03/13/1997	89	ORDER by Judge G. T. Eisele granting motion to substitute attorney David B Eberhard in place of Kyle Ray Wilson for defts (cc: all counsel) EOD 3/13/97 (former empl) Modified on 03/17/1997 (Entered: 03/13/1997)
03/19/1997	90	AMENDED SCHEDULING ORDER: (DOC) ;jury trial set 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	92	Interrogatories & requests for production of documents filed by defts (former empl) (Entered: 05/07/1997)
05/05/1997	91	ORDER (8 USCA), plaintiff-appellees awarded bill of costs in the sum of \$3,922.97; plaintiff-appellees awarded atty fees 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)
07/28/1997	93	ORDER OF DISMISSAL by Judge G. T. Eisele purs to parties' joint stipulation, complt is dismissed with prejudice (cc: all counsel) (former empl) (Entered: 07/29/1997)

PACER Service Center			
Transaction Receipt			
09/22/2005 17:17:37			
PACER Login:	hs0328	Client Code:	
Description:	Docket Report	Search Criteria:	5:93-cv-00732-GTE
Billable Pages:	6	Cost:	0.48