

**U.S. District Court
District of Delaware (Wilmington)
CIVIL DOCKET FOR CASE #: 1:15-cv-00688-GMS**

Community Legal Aid Society, Inc. v. Coupe
Assigned to: Judge Gregory M. Sleet
Related Cases: [1:16-cv-01110-SLR](#)
[1:18-cv-00228-CFC](#)
[1:18-cv-01283-MN](#)

Cause: 42:1983 Prisoner Civil Rights

Plaintiff

Community Legal Aid Society, Inc.
CLASI

Date Filed: 08/06/2015
Date Terminated: 09/09/2016
Jury Demand: None
Nature of Suit: 555 Prisoner: Prison
Conditions
Jurisdiction: Federal Question

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V.

Defendant

Robert M. Coupe
*solely in his official capacity as
Commissioner of the Delaware
Department of Correction*

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Movant

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represented by

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Movant

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Date Filed	#	Docket Text
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08/06/2015	<u>1</u>	COMPLAINT filed against Robert M. Coupe – Magistrate Consent Notice to Pltf. (Filing fee \$ 400, receipt number 0311–1765841.) – filed by Community Legal Aid Society, Inc.. (Attachments: # <u>1</u> Civil Cover Sheet)(sar) (Entered: 08/06/2015)
08/06/2015	<u>2</u>	Notice, Consent and Referral forms re: U.S. Magistrate Judge jurisdiction. (sar) (Entered: 08/06/2015)
08/06/2015		No Summons Issued. (sar) (Entered: 08/06/2015)
08/12/2015		Case Assigned to Judge Gregory M. Sleet. Please include the initials of the Judge (GMS) after the case number on all documents filed. (rjb) (Entered: 08/12/2015)
08/13/2015	<u>3</u>	STIPULATION TO EXTEND TIME to Answer, Move, or Otherwise Respond to the Complaint to October 1, 2015 – filed by Community Legal Aid Society, Inc.. (Levine, James Harry) (Entered: 08/13/2015)
08/13/2015		SO ORDERED, re <u>3</u> STIPULATION TO EXTEND TIME to Answer, Move, or Otherwise Respond to the Complaint to October 1, 2015 filed by Community Legal Aid Society, Inc., Set/Reset Answer Deadlines: Robert M. Coupe answer due 10/1/2015. Ordered by Judge Gregory M. Sleet on 8/13/2015. (asw) (Entered: 08/13/2015)
08/13/2015	<u>4</u>	ORDER REGARDING CASE MANAGEMENT IN CIVIL CASES. Signed by Judge Gregory M. Sleet on 8/13/2015. (asw) (Entered: 08/13/2015)
09/14/2015	<u>5</u>	(Stricken by Oral Order) Joint STATUS REPORT by Community Legal Aid Society, Inc.. (Attachments: # <u>1</u> Scheduling Order)(Levine, James Harry) Modified on 9/15/2015 (mdb). (Entered: 09/14/2015)
09/15/2015		ORAL ORDER – re <u>5</u> Joint Status Report: The Joint Status Report is STRICKEN from the record and will not be considered by the Court. The parties shall re–file a Joint Status Report AFTER at least one defendant has responded to the complaint, pursuant to the Case Management Order (DI <u>4</u>). The docket reflects that the sole defendant has not responded to the complaint as of the date of this Order. Ordered by Judge Gregory M. Sleet on 9/15/2015. (mdb) (Entered: 09/15/2015)
10/01/2015	<u>6</u>	MOTION to Dismiss for Lack of Jurisdiction Over the Subject Matter , MOTION to Dismiss for Failure to State a Claim – filed by Robert M. Coupe. (Handlon, Joseph) (Entered: 10/01/2015)
10/01/2015	<u>7</u>	OPENING BRIEF in Support re <u>6</u> MOTION to Dismiss for Lack of Jurisdiction Over the Subject Matter MOTION to Dismiss for Failure to State a Claim filed by Robert M. Coupe.Answering Brief/Response due date per Local Rules is 10/19/2015. (Handlon, Joseph) (Entered: 10/01/2015)
10/14/2015	<u>8</u>	STIPULATION – Briefing Stipuation on Defendant's Motion to Dismiss re <u>6</u> MOTION to Dismiss for Lack of Jurisdiction Over the Subject Matter MOTION to Dismiss for Failure to State a Claim by Community Legal Aid Society, Inc.. (Levine, James Harry) (Entered: 10/14/2015)
10/16/2015		SO ORDERED – re <u>8</u> Stipulation Briefing Schedule. Set Briefing Schedule: re <u>6</u> MOTION to Dismiss for Lack of Jurisdiction Over the Subject Matter, MOTION to Dismiss for Failure to State a Claim . (Answering Brief due 10/21/2015., Reply Brief due 11/2/2015.). Ordered by Judge Gregory M. Sleet on 10/16/2015. (mdb) (Entered: 10/16/2015)
10/16/2015	<u>9</u>	Joint STATUS REPORT by Community Legal Aid Society, Inc.. (Attachments: # <u>1</u> Exhibit A)(Levine, James Harry) (Entered: 10/16/2015)
10/16/2015	<u>10</u>	PROPOSED Scheduling Order by Community Legal Aid Society, Inc.. (Levine, James Harry) Modified on 11/2/2015 (mdb). (Entered: 10/16/2015)
10/21/2015	<u>11</u>	ANSWERING BRIEF in Opposition re <u>6</u> MOTION to Dismiss for Lack of Jurisdiction Over the Subject Matter MOTION to Dismiss for Failure to State a Claim filed by Community Legal Aid Society, Inc..Reply Brief due date per Local Rules is 11/2/2015. (Attachments: # <u>1</u> Certificate of Service)(Levine, James Harry) (Entered: 10/21/2015)

10/21/2015	<u>12</u>	DECLARATION re <u>11</u> Answering Brief in Opposition, / <i>Declaration of Daniel G. Atkins</i> by Community Legal Aid Society, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Certificate of Service)(Levine, James Harry) (Entered: 10/21/2015)
11/02/2015	<u>13</u>	REPLY BRIEF re <u>6</u> MOTION to Dismiss for Lack of Jurisdiction Over the Subject Matter MOTION to Dismiss for Failure to State a Claim filed by Robert M. Coupe. (Handlon, Joseph) (Entered: 11/02/2015)
11/02/2015		CORRECTING ENTRY: The Proposed Scheduling Order (DI <u>10</u>) has been replaced per request from counsel. (mdb) (Entered: 11/02/2015)
11/11/2015	<u>14</u>	NOTICE of Subsequent Authority in Support of Answering Brief in Opposition to Defendant's Motion to Dismiss (<u>11</u>) by Community Legal Aid Society, Inc. (Attachments: # <u>1</u> Exhibit)(Levine, James Harry) Modified on 11/12/2015 (mdb). (Entered: 11/11/2015)
11/16/2015		ORAL ORDER re <u>9</u> Joint Status Report – The parties' proposed schedule is ADOPTED, with the following additions: The Proposed Final Pretrial Order is due by the close of business on 10/24/2016, the Final Pretrial Conference is set for 12/21/2016 at 10:00 AM via telephone, and a 5–day Bench Trial is set for 1/2/2017 at 9:00 AM in Courtroom 4A. Case is referred to the Magistrate Judge for exploring ADR. The plaintiff shall file an amended proposed scheduling order that includes the additions above by 11/23/2015. Ordered by Judge Gregory M. Sleet on 11/16/2015. (mdb) (Entered: 11/16/2015)
11/19/2015	<u>15</u>	PROPOSED ORDER Scheduling Order by Community Legal Aid Society, Inc.. (Levine, James Harry) (Entered: 11/19/2015)
11/20/2015		SO ORDERED – re <u>15</u> Proposed Scheduling Order. Case referred to the Magistrate Judge for the purpose of exploring ADR. Joinder of Parties due by 2/29/2016., Amended Pleadings due by 2/29/2016., Discovery due by 6/3/2016., Fact Discovery completed by 4/18/2016., Opening Expert Reports due by 4/18/2016., Rebuttal Expert Reports due by 5/18/2016., Expert Discovery due by 6/3/2016., Dispositive Motions due by 7/22/2016., Proposed Pretrial Order due by 10/24/2016., A Final Pretrial Conference is set for 12/21/2016 at 10:00 AM via telephone., A 5–day Bench Trial is set for 1/2/2017 at 9:00 AM. Ordered by Judge Gregory M. Sleet on 11/20/2015. (mdb) (Entered: 11/20/2015)
11/23/2015		CASE REFERRED to Judge Thyng for Mediation. (cak) (Entered: 11/23/2015)
11/23/2015	<u>16</u>	ORDER Setting Teleconference: Plaintiff's counsel to initiate the call. A Telephone Conference is set for 1/13/2016 at 8:30 AM EASTERN TIME before Judge Mary Pat Thyng to discuss ADR. Signed by Judge Mary Pat Thyng on 11/23/15. (cak) (Entered: 11/23/2015)
11/24/2015	<u>17</u>	NOTICE OF SERVICE of Initial Disclosures of Commissioner Robert M. Coupe Pursuant to Fed. R. Civ. P. 26(a)(1) filed by Robert M. Coupe.(Handlon, Joseph) (Entered: 11/24/2015)
12/01/2015	<u>18</u>	NOTICE OF SERVICE of Plaintiff's Initial Disclosures Pursuant to Federal Rule of Civil Procedure 26(A)(1) filed by Community Legal Aid Society, Inc..(Levine, James Harry) (Entered: 12/01/2015)
01/06/2016	<u>19</u>	STIPULATION and Confidentiality Order by Community Legal Aid Society, Inc.. (Attachments: # <u>1</u> Exhibit A)(Levine, James Harry) Modified on 1/8/2016 (mdb). (Entered: 01/06/2016)
01/06/2016	<u>20</u>	NOTICE OF SERVICE of Plaintiff's First Set of Interrogatories of Documents filed by Community Legal Aid Society, Inc..(Levine, James Harry) (Entered: 01/06/2016)
01/06/2016	<u>21</u>	NOTICE OF SERVICE of Plaintiff's First Set of Requests for Production of Documents filed by Community Legal Aid Society, Inc..(Levine, James Harry) (Entered: 01/06/2016)
01/08/2016		SO ORDERED – re <u>19</u> Stipulation and Confidentiality Order filed by Community Legal Aid Society, Inc. Ordered by Judge Gregory M. Sleet on 1/8/2016. (mdb) (Entered: 01/08/2016)

01/14/2016	<u>22</u>	ORDER Setting Mediation Conferences: A Telephone Conference is set for 6/2/2016 at 09:30 AM EASTERN TIME before Judge Mary Pat Thyng. A Mediation Conference is set for 6/21/2016 at 10:00 AM in Courtroom 2B before Judge Mary Pat Thyng. SEE ORDER FOR DETAILS. Signed by Judge Mary Pat Thyng on 1/14/16. (cak) (Entered: 01/14/2016)
02/03/2016	<u>23</u>	NOTICE OF SERVICE of First Set of Document Requests Directed to Plaintiff and First Set of Interrogatories Directed to Plaintiff filed by Robert M. Coupe.(Connell, Ryan) (Entered: 02/03/2016)
02/05/2016	<u>24</u>	NOTICE OF SERVICE of Commissioner Coupe's Responses to Plaintiff's First Set of Interrogatories and Commissioner Coupe's Responses to Plaintiff's First Set of Requests for Production of Documents re <u>21</u> Notice of Service, <u>20</u> Notice of Service filed by Robert M. Coupe.(Handlon, Joseph) (Entered: 02/05/2016)
03/08/2016	<u>25</u>	NOTICE OF SERVICE of Plaintiff's Responses to Defendant's First Set of Document Requests filed by Community Legal Aid Society, Inc..(Levine, James Harry) (Entered: 03/08/2016)
03/08/2016	<u>26</u>	NOTICE OF SERVICE of Plaintiff's Answers to First Set of Interrogatories filed by Community Legal Aid Society, Inc..(Levine, James Harry) (Entered: 03/08/2016)
03/10/2016	<u>27</u>	NOTICE OF SERVICE of Plaintiff's Second Set of Interrogatories of Documents filed by Community Legal Aid Society, Inc..(McMillan, James) (Entered: 03/10/2016)
03/10/2016	<u>28</u>	NOTICE OF SERVICE of Plaintiff's Second Set of Requests for Production of Documents filed by Community Legal Aid Society, Inc..(McMillan, James) (Entered: 03/10/2016)
03/15/2016	<u>29</u>	STIPULATION TO EXTEND TIME Discovery Deadline and dispositive motion deadline to – filed by Robert M. Coupe. (Handlon, Joseph) (Entered: 03/15/2016)
03/16/2016		SO ORDERED – re <u>29</u> STIPULATION TO EXTEND TIME Discovery Deadline and dispositive motion deadline. Set/Reset Scheduling Order Deadlines: (All Discovery due by 7/13/2016., Fact Discovery completed by 5/18/2016., Opening Expert Reports due by 5/18/2016., Rebuttal Expert Reports due by 6/17/2016.). Ordered by Judge Gregory M. Sleet on 3/16/2016. (mdb) (Entered: 03/16/2016)
03/16/2016	<u>30</u>	MEMORANDUM. Signed by Judge Gregory M. Sleet on 3/16/2016. (mdb) (Entered: 03/16/2016)
03/16/2016	<u>31</u>	ORDER – re <u>30</u> Memorandum: The Defendants' motion to dismiss (D.I. <u>6</u>) is DENIED, except for Count II of the Complaint. Count II of the Complaint is DISMISSED. Signed by Judge Gregory M. Sleet on 3/16/2016. (mdb) (Entered: 03/16/2016)
03/21/2016	32	ORAL ORDER re <u>22</u> Order Setting Mediation Conferences: The mediation set for 6/21/16 at 10:00 AM has been rescheduled to 4/11/16 at 10:30 AM. Submissions of the parties originally due on 6/2/16 shall now be due on or before 4/5/16. The submissions shall include expert reports and any proposed settlement negotiations. All other provisions in the Court's 1/14/16 Order remain in full force and effect. Ordered by Judge Mary Pat Thyng on 3/21/16. (cak) (Entered: 03/21/2016)
04/07/2016	33	ORAL ORDER: Counsel are to provide a letter to the Court listing all of the attendees from each side to the mediation being held on Monday, April 11, 2016. The letter IS NOT to be e–filed, but shall be Hand Delivered to the Clerk's Office addressed to Judge Thyng by no later than 12:00 NOON Friday, April 8, 2016. Ordered by Judge Mary Pat Thyng on 4/7/16. (cak) (Entered: 04/07/2016)
05/06/2016		ORAL ORDER SCHEDULING A TELECONFERENCE: A Teleconference to discuss the schedule in this case has been set for Tuesday, May 17, 2016, at 9:30 AM. Counsel for the plaintiff is directed to arrange the call and contact chambers at (302) 573–4559 once all the participants are on the line. Ordered by Judge Gregory M. Sleet on 5/6/2016. (ctd) (Entered: 05/06/2016)
05/16/2016	<u>34</u>	Letter to The Honorable Gregory M. Sleet from Joseph C. Handlon, Deputy Attorney General regarding tomorrow's call with the Court – re Oral Order,. (Handlon, Joseph) (Entered: 05/16/2016)

05/17/2016		Minute Entry for proceedings held before Judge Gregory M. Sleet – Telephone Conference regarding the schedule held on 5/17/2016. Discussion regarding this case's schedule. The parties were directed to file a stipulation OR a request for a subsequent telephone conference regarding the extension of certain deadlines, by Friday, May 20, 2016. (Court Reporter Kevin Maurer.) (mdb) (Entered: 05/17/2016)
05/20/2016	<u>35</u>	PROPOSED ORDER Stipulation and Order Modifying Scheduling Order re Telephone Conference, by Robert M. Coupe. (Handlon, Joseph) (Entered: 05/20/2016)
05/25/2016	<u>36</u>	SO ORDERED – re <u>35</u> Stipulation and Order Modifying Scheduling Order filed by Robert M. Coupe, Set/Reset Scheduling Order Deadlines: (Fact Discovery completed by 9/30/2016., Opening Expert Reports due by 9/30/2016., Rebuttal Expert Reports due by 11/7/2016., All Discovery due by 11/21/2016.). Signed by Judge Gregory M. Sleet on 5/25/2016. (mdb) (Entered: 05/25/2016)
06/21/2016	37	ORAL ORDER: The continued mediation in this matter has been scheduled for 8/8/16 at 10:00 AM with Judge Thyng. There shall be no further submissions by the parties. All other provisions of the Court's 1/14/16 Order remain in full force and effect. Ordered by Judge Mary Pat Thyng on 6/21/16. (cak) (Entered: 06/21/2016)
08/31/2016	<u>38</u>	PROPOSED ORDER Proposed Agreement and Order by Community Legal Aid Society, Inc.. (Morse, Richard) (Entered: 08/31/2016)
08/31/2016	<u>39</u>	Letter to Judge Sleet from Richard H. Morse regarding enclosing proposed Agreement and Order – re <u>38</u> Proposed Order. (Morse, Richard) (Entered: 08/31/2016)
09/01/2016	<u>40</u>	SO ORDERED – re <u>38</u> Proposed Agreement and Order. All deadlines and hearings have been terminated (re <u>39</u>). Signed by Judge Gregory M. Sleet on 9/1/2016. (mdb) (Entered: 09/02/2016)
09/09/2016		CASE CLOSED (mdb) (Entered: 09/09/2016)
01/30/2017	<u>41</u>	Letter to Honorable Gregory M. Sleet from Christopher R. Desmond regarding Appointment of Independent Arbitrator. (Imm) (Entered: 01/31/2017)
02/07/2017	<u>42</u>	MOTION for Preliminary Injunction – filed by Christopher Desmond. (sar) (Entered: 02/08/2017)
02/08/2017	<u>43</u>	MOTION for Writ of Mandamus – filed by Christopher Desmond. (Attachments: # <u>1</u> Cover Letter)(nmg) (Entered: 02/08/2017)
02/10/2017	<u>44</u>	MOTION for Preliminary Injunction – re D.I. <u>40</u> Order – filed by Christopher Desmond. (Attachments: # <u>1</u> Letter) (Entered: 02/13/2017)
02/10/2017	<u>45</u>	Letter to Judge Sleet from Christopher Desmond re Writ of Mandamus. (jcs) (Entered: 02/13/2017)
02/13/2017	<u>46</u>	ORDER dismissing <u>42</u> Motion for Preliminary Injunction; dismissing <u>43</u> Motion for Writ of Mandamus; dismissing <u>44</u> Motion for Preliminary Injunction. The letters and motions are not considered and will be dismissed as moot. Christopher Desmond is placed on notice that future filings in this case will be docketed, and not considered. Signed by Judge Gregory M. Sleet on 2/13/2017. (Imm) (Entered: 02/13/2017)
02/14/2017	<u>47</u>	Letter to Honorable Gregory M. Sleet from Christopher Desmond regarding Modification of Agreement of D.I. 40, page 12, section B – re <u>40</u> SO ORDERED, Terminate Scheduling Order Deadlines. (nmg) (Entered: 02/14/2017)
02/17/2017	<u>48</u>	(FILED BUT NOT CONSIDERED per Order <u>46</u>) MOTION for Preliminary Injunction – filed by Christopher Desmond. (jcs) (Entered: 02/17/2017)
08/18/2017	<u>49</u>	MOTION for Immediate Release – filed by Joshua Stephenson, Robert Figgs, Juan Restrepo, Angelo Clark, David Watson, Gary Stuart. (jcs) (Entered: 08/18/2017)
08/18/2017	<u>50</u>	MOTION to Appoint Counsel – filed by Angelo Clark, Robert Figgs, Juan Restrepo, Joshua Stephenson, Gary Stuart, David Watson. (jcs) (Entered: 08/18/2017)
08/23/2017	<u>51</u>	MOTION to Reopen Case – filed by Angelo Clark, Robert Figgs, Juan Restrepo, Joshua Stephenson, Gary Stuart, David Watson. (crb) (Entered: 08/23/2017)

08/25/2017	<u>52</u>	CERTIFICATE OF SERVICE of <u>51</u> Motion to Reopen Case by David Watson (jcs) (Entered: 08/25/2017)
08/29/2017	<u>53</u>	MOTION to Dissolve Trust – filed by Gary Stuart. (sar) (Entered: 08/30/2017)
09/13/2017	<u>54</u>	Letter to Clerk from Joshua Stephenson regarding request for personal copy of civil suit. (fms) (Entered: 09/13/2017)
09/14/2017	<u>55</u>	Letter to Joshua Stephenson from Clerk regarding request for copywork – re <u>54</u> Letter. The docket sheet in this case is seven (7) pages (\$3.50). (fms) (Entered: 09/14/2017)
09/28/2017	<u>56</u>	MOTION Supplementary Relief Including Appointment of Counsel – filed by Christopher H. West. (fms) (Entered: 09/28/2017)
10/06/2017	<u>57</u>	[SEALED] AFFIDAVIT of Angelo Clark with Medical Documents re <u>51</u> MOTION to Reopen Case filed by Angelo Clark. (jcs) (Entered: 10/06/2017)
10/10/2017	<u>58</u>	[SEALED] EXHIBITS re <u>51</u> MOTION to Reopen Case by Angelo Clark, Robert Figgs, Juan Restrepo, Gary Stuart, David Watson. (Affidavits with sealed medical records) (nmfn) (Entered: 10/11/2017)
10/13/2017	<u>59</u>	AFFIDAVIT of Joshua Stephenson re <u>51</u> MOTION to Reopen Case. (ceg) Modified on 10/18/2017 (ceg). (Entered: 10/13/2017)
10/18/2017	<u>60</u>	CERTIFICATE OF SERVICE by Joshua Stephenson re <u>59</u> Affidavit (ceg) (Entered: 10/18/2017)
11/06/2017	<u>61</u>	NOTICE of Change of Address by Richard H. Morse (Morse, Richard) (Entered: 11/06/2017)
11/06/2017	<u>62</u>	NOTICE of Appearance by Ryan R. Tack–Hooper on behalf of All Plaintiffs (Tack–Hooper, Ryan) (Entered: 11/06/2017)
12/20/2017	<u>63</u>	ORDER dismissing Motions and Letters (DI #'s <u>49</u> , <u>50</u> , <u>51</u> , <u>53</u> , <u>56</u> , <u>57</u> , <u>58</u> , <u>59</u>) as moot.. Signed by Judge Gregory M. Sleet on 12/20/2017. (crb) (Entered: 12/20/2017)
01/05/2018	<u>64</u>	Letter to Clerk of Court from Juan Restrepo regarding copywork. (crb) (Entered: 01/08/2018)
01/08/2018	<u>65</u>	Letter to Juan Restrepo from Clerk of Court re <u>64</u> Letter requesting copywork. (crb) (Entered: 01/08/2018)