

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

SYLVESTER BUTLER, et al.,

Plaintiffs,

vs.

Case No. 3:04-cv-917-J-32JRK

WALTER A. McNEIL, etc., et al.,

Defendants.

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**ORDER**

Upon consideration of the parties' recent filings (Docs. 370, 371), it is hereby

**ORDERED:**

1. Plaintiff Sylvester Butler's Unopposed Motion for Voluntary Dismissal of his Remaining Claims (Doc. 370) is **GRANTED**. Plaintiff Butler's claims for injunctive and declaratory relief against Walter A. McNeil and Randall Bryant, each in their official capacities, are **DISMISSED** without prejudice.<sup>1</sup>

2. The parties' papers represent that all claims against the individual defendants have been settled and that settlement documents are presently being reviewed. Additionally, plaintiff Ulrath is intending to voluntarily dismiss his claims against all defendants. If the settling parties have not yet moved to dismiss or otherwise terminate the litigation between them by **June 10, 2008**, counsel for plaintiffs shall, by that date, file a notice regarding the status of those matters.

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<sup>1</sup>Plaintiff Butler's damages claims were dismissed earlier in the litigation. See Doc. 237.

3. By separate Order, the Court will issue its rulings on the three motions which the parties represent remain ripe for decision (2 summary judgment motions: Docs. 253, 306; and a Daubert motion: Doc. 296). In accordance with the parties' representations, the following motions may now be **TERMINATED**: Docs. 289, 294, 295, 297, 298, 303, 304, 305, 328, 329, 330, 331, 338, 342, 348, 359.

4. Although the Court is not prejudging its rulings as to the summary judgment motions, the parties should assume this case is going to trial on the remaining claims for equitable/injunctive relief according to the following schedule:

Telephone status conference: <sup>2</sup>	<b>August 1, 2008; 11:00 a.m.</b>
Filing of pretrial statement:	<b>August 12, 2008</b>
Final Pretrial Conference:	<b>August 18, 2008; 2:00 p.m.</b>
Non-Jury Trial (date certain): <sup>3</sup>	<b>September 3-10, 2008 (9:00 a.m. - 5:00 p.m)</b>

5. The Court's Third Amended Case Management and Scheduling Order (Doc. 236) shall continue to govern the remaining pretrial and trial procedures in accordance with the new dates above.

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<sup>2</sup>Counsel for plaintiffs shall initiate the conference call by calling counsel for defendants and then calling the Court's polycom telephone line: (904) 549-1949.

<sup>3</sup>The Court has reserved 6 trial days beginning on September 3, 2008. Barring some unforeseen emergency, the parties should expect the case to be tried on those dates.

**DONE AND ORDERED** at Jacksonville, Florida this 9th day of May, 2008.

  
TIMOTHY J. CORRIGAN  
United States District Judge

s.

Copies:

counsel of record