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**U.S. District Court  
Northern District of Georgia (Atlanta)  
CIVIL DOCKET FOR CASE #: 1:02-cv-00479-JEC**

Fluellen, et al v. Wetherington, et al  
Assigned to: Judge Julie E. Carnes  
Demand: \$0  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 02/20/2002  
Date Terminated: 04/09/2003  
Jury Demand: None  
Nature of Suit: 555 Habeas Corpus (Prison Condition)  
Jurisdiction: Federal Question

**Plaintiff**

**LaCoya Fluellen**

represented by **Lisa L. Kung**  
Southern Center for Human Rights  
83 Poplar Street, N.W.  
Atlanta, GA 30303-2122  
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Email: lkung@schr.org  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Marion Dawn Chartoff**  
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**Stephen Brooks Bright**  
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**Tamara H. Serwer**  
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404-688-1202  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Franklin Allen***TERMINATED: 03/21/2003*represented by **Lisa L. Kung**

(See above for address)

*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Marion Dawn Chartoff**

(See above for address)

*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Stephen Brooks Bright**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Tamara H. Serwer**

(See above for address)

*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Plaintiff****Antares Banks***TERMINATED: 03/21/2003*represented by **Lisa L. Kung**

(See above for address)

*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Marion Dawn Chartoff**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Stephen Brooks Bright**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Tamara H. Serwer**

(See above for address)

*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Plaintiff**

**McKloyd Brooks***TERMINATED: 03/21/2003*represented by **Lisa L. Kung**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Marion Dawn Chartoff**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Stephen Brooks Bright**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Tamara H. Serwer**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Plaintiff****Rome Burnett***TERMINATED: 03/21/2003*represented by **Lisa L. Kung**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Marion Dawn Chartoff**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Stephen Brooks Bright**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Tamara H. Serwer**

(See above for address)

*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Plaintiff**

**Lane Cherry***TERMINATED: 03/21/2003*represented by **Lisa L. Kung**

(See above for address)

*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Marion Dawn Chartoff**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Stephen Brooks Bright**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Tamara H. Serwer**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Plaintiff****Chadwick Cochran***TERMINATED: 03/21/2003*represented by **Lisa L. Kung**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Marion Dawn Chartoff**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Stephen Brooks Bright**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Tamara H. Serwer**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Plaintiff**

**Albert Lee Ellison**

*TERMINATED: 03/21/2003*

represented by **Lisa L. Kung**

(See above for address)

*TERMINATED: 03/21/2003*

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Marion Dawn Chartoff**

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*TERMINATED: 03/21/2003*

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**Stephen Brooks Bright**

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**Tamara H. Serwer**

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*TERMINATED: 03/21/2003*

*LEAD ATTORNEY*

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**Plaintiff**

**Robert Hampton**

*TERMINATED: 03/21/2003*

represented by **Lisa L. Kung**

(See above for address)

*TERMINATED: 03/21/2003*

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Marion Dawn Chartoff**

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**Stephen Brooks Bright**

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*TERMINATED: 03/21/2003*

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**Tamara H. Serwer**

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*TERMINATED: 03/21/2003*

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*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Curtis Herring***TERMINATED: 03/21/2003*represented by **Lisa L. Kung**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Stephen Brooks Bright**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Tamara H. Serwer**

(See above for address)

*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Plaintiff****Jonas Hopkins***TERMINATED: 03/21/2003*represented by **Lisa L. Kung**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Marion Dawn Chartoff**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Stephen Brooks Bright**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Tamara H. Serwer**

(See above for address)

*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Plaintiff**

**Jeffrey Hughes***TERMINATED: 03/21/2003*represented by **Lisa L. Kung**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Stephen Brooks Bright**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Tamara H. Serwer**

(See above for address)

*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Plaintiff****Albert Jones***TERMINATED: 03/21/2003*represented by **Lisa L. Kung**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Stephen Brooks Bright**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Plaintiff**

**Norman Maddox**

*TERMINATED: 03/21/2003*

represented by **Lisa L. Kung**

(See above for address)

*TERMINATED: 03/21/2003*

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**Marion Dawn Chartoff**

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*TERMINATED: 03/21/2003*

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**Stephen Brooks Bright**

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*TERMINATED: 03/21/2003*

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**Tamara H. Serwer**

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*TERMINATED: 03/21/2003*

*LEAD ATTORNEY*

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**Plaintiff**

**Jeffrey McDonald**

*TERMINATED: 03/21/2003*

represented by **Lisa L. Kung**

(See above for address)

*TERMINATED: 03/21/2003*

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**Marion Dawn Chartoff**

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**Plaintiff**



**Richard Ralph***TERMINATED: 03/21/2003*represented by **Lisa L. Kung**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Marion Dawn Chartoff**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Plaintiff****Franklin Rivers***TERMINATED: 03/21/2003*represented by **Lisa L. Kung**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Marion Dawn Chartoff**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Plaintiff**

**Larry Smith***TERMINATED: 03/21/2003*represented by **Lisa L. Kung**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Plaintiff****Grady Vaughn***TERMINATED: 03/21/2003*represented by **Lisa L. Kung**

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*TERMINATED: 03/21/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Plaintiff**

**Tony Wise**

*on behalf of themselves and all persons  
similarly situated*

*TERMINATED: 03/21/2003*

represented by **Lisa L. Kung**

(See above for address)

*TERMINATED: 03/21/2003*

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**Marion Dawn Chartoff**

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**Stephen Brooks Bright**

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*TERMINATED: 03/21/2003*

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**Tamara H. Serwer**

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*TERMINATED: 03/21/2003*

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V.

**Defendant****Jim Wetherington**

*Commissioner of the Georgia Department  
of Corrections*

represented by **John C. Jones**

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*ATTORNEY TO BE NOTICED*

**Defendant**

**James DeGroot**

*Statewide Mental Health and Mental  
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Georgia Department of Corrections*

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**Kathleen Mary Pacious**

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*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Thurbert E. Baker**

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*LEAD ATTORNEY*

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**Defendant**

**Michelle Martin**

*Warden of Phillips State Prison*

represented by **John C. Jones**

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**Kathleen Mary Pacious**

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**Thurbert E. Baker**

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*LEAD ATTORNEY*

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**Defendant**

**Cynthia Nelson**

*Deputy Warden for Security at Phillips  
State Prison*

represented by **John C. Jones**

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**Kathleen Mary Pacious**

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*ATTORNEY TO BE NOTICED*

**Thurbert E. Baker**

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*ATTORNEY TO BE NOTICED*

**Defendant**

**James Brown**

*Deputy Warden for Care and Treatment at  
Phillips State Prison*

represented by **John C. Jones**  
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*ATTORNEY TO BE NOTICED*

**Kathleen Mary Pacious**  
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*ATTORNEY TO BE NOTICED*

**Thurbert E. Baker**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Bill Walton**

*Director of Mental Health at Phillips State  
Prison, in their official capacities*

represented by **John C. Jones**  
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*ATTORNEY TO BE NOTICED*

**Kathleen Mary Pacious**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Thurbert E. Baker**  
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**Plaintiff**

**Eddie Evans**

*TERMINATED: 03/21/2003*

represented by **Lisa L. Kung**  
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*TERMINATED: 03/21/2003*  
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**Marion Dawn Chartoff**  
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*LEAD ATTORNEY*  
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**Stephen Brooks Bright**  
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*TERMINATED: 03/21/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Eleanor Brown**

*Director of Mental Health at Phillips State  
 Prison, in their official capacities*

represented by **John C. Jones**

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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kathleen Mary Pacious**

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*LEAD ATTORNEY*  
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**Thurbert E. Baker**

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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
02/20/2002	1	CLASS ACTION COMPLAINT filed and summons(es) issued. Consent form to proceed before U.S. magistrate and pretrial instructions given to attorney FILING FEE \$ 150.00 RECEIPT # 484517 (syh) (Entered: 02/22/2002)
02/20/2002	2	MOTION by plaintiffs for class certification with brief in support. (syh) Modified on 02/28/2002 (Entered: 02/22/2002)
03/12/2002		SUBMITTED to Judge Julie E. Carnes on [2-1] motion for class certification (jph) (Entered: 03/12/2002)
03/13/2002	3	MOTION by defendants for a more definite statement with brief in support. (jph) (Entered: 03/14/2002)
03/15/2002	4	Response by plaintiff to [3-1] motion for a more definite statement (jph) (Entered: 03/18/2002)
03/15/2002	5	AMENDED COMPLAINT by plaintiff adding Eddie Evans, Eleanor Brown (jph) (Entered: 03/18/2002)
03/18/2002		SUBMITTED to Judge Julie E. Carnes on [3-1] motion for a more definite statement (FILE IN CHAMBERS) (jph) (Entered: 03/18/2002)
03/19/2002	6	ORDER by Judge Julie E. Carnes striking [1-1] complaint, [2-1] motion for class certification, [4-1] response, and [5-1] amended complaint. Pla is directed to refile them w/i 5 days. Parties are reminded to comply w/LR 5.1B regarding font (cc by CRD) (jph) Modified on 03/20/2002 (Entered: 03/20/2002)

03/20/2002	7	COMPLAINT refiled (jph) (Entered: 03/21/2002)
03/20/2002	8	REFILED MOTION by plaintiff for class certification with brief in support. (jph) Modified on 03/21/2002 (Entered: 03/21/2002)
03/20/2002	9	REFILED Response by plaintiffs to [3-1] motion for a more definite statement (jph) Modified on 03/21/2002 (Entered: 03/21/2002)
03/20/2002	10	REFILED AMENDED COMPLAINT by plaintiff adding Eddie Evans and Eleanor Brown (jph) (Entered: 03/21/2002)
03/21/2002		SUBMITTED to Judge Julie E. Carnes on [8-1] motion for class certification and [3-1] motion for a more definite statement (jph) (Entered: 03/21/2002)
04/01/2002	11	Objections by defendants to [8-1] motion for class certification (jph) (Entered: 04/02/2002)
04/08/2002	12	Reply brief to [3-1] motion for a more definite statement by defendants. (jph) (Entered: 04/09/2002)
04/08/2002	13	MOTION by defendants to dismiss with brief in support. (jph) (Entered: 04/09/2002)
04/09/2002	14	ORDER by Judge Julie E. Carnes directing dft to file a reply brief w/i 10 days to pla's response to [3-1] motion for a more definite statement setting out the specific info they seek (cc by CRD) (jph) (Entered: 04/10/2002)
04/09/2002		Terminated submissions. (jph) (Entered: 04/10/2002)
04/10/2002	15	Joint MOTION to extend time thru 4/26/02 for filing LR 16.2 Preliminary report and discovery schedule (to JEC) (jph) (Entered: 04/11/2002)
04/15/2002	16	REPLY by plaintiff to response to [8-1] motion for class certification (jph) (Entered: 04/16/2002)
04/16/2002		SUBMITTED to Judge Julie E. Carnes on [8-1] motion for class certification, [3-1] motion for a more definite statement (jph) (Entered: 04/16/2002)
04/16/2002	17	CONSENT ORDER by Judge Julie E. Carnes GRANTING [15-1] joint motion to extend time thru 4/26/02 for filing LR 16.2 Preliminary report and discovery schedule (cc) (jph) (Entered: 04/17/2002)
04/16/2002	18	Response by plaintiff to [13-1] motion to dismiss (jph) (Entered: 04/17/2002)
04/26/2002		SUBMITTED to Judge Julie E. Carnes on [13-1] motion to dismiss (FILE IN CHAMBERS) (jph) (Entered: 04/26/2002)
04/26/2002	19	Preliminary Report and Discovery Schedule. (to judge) (jph) (Entered: 04/29/2002)
05/24/2002	20	MOTION by plaintiff for leave to supplement the response to pre-answer motion to dismiss with supplement to response. (jph) (Entered: 05/30/2002)
05/29/2002	21	MOTION by defendants to dismiss plas Lane Cherry, Robert Hampton, and Norman Maddox based upon mootness with brief in support. (jph) (Entered: 05/31/2002)

06/13/2002	22	Response by plaintiffs to [21-1] motion to dismiss plas Lane Cherry, Robert Hampton, and Norman Maddox based upon mootness (jph) (Entered: 06/17/2002)
06/14/2002		SUBMITTED to Judge Julie E. Carnes on [20-1] motion for leave to supplement the response to pre-answer motion to dismiss (FILE IN CHAMBERS) (jph) (Entered: 06/14/2002)
06/18/2002		SUBMITTED to Judge Julie E. Carnes on [21-1] motion to dismiss plas Lane Cherry, Robert Hampton, and Norman Maddox based upon mootness (FILE IN CHAMBERS) (jph) (Entered: 06/18/2002)
08/23/2002	23	ENDORSED ORDER by Judge Julie E. Carnes APPROVING [19-1] preliminary statement (cc) (jph) (Entered: 08/27/2002)
08/27/2002	24	SCHEDULING ORDER by Judge Julie E. Carnes regarding request of discovery. The Court will determine when the discovery period begins when it issues an Order on the motions to dismiss. The Court directs the parties to present a joint status memorandum by 10/18/02. [24-1] order to be submitted on 10/21/02 (cc) (jph) (Entered: 08/28/2002)
10/18/2002	25	Joint MOTION to extend time for filing joint status memorandum (to JEC) (jph) (Entered: 10/21/2002)
10/28/2002	26	CONSENT ORDER by Judge Julie E. Carnes GRANTING [25-1] joint motion to extend time for filing joint status memorandum until 11/8/02 (cc) (jph) (Entered: 10/29/2002)
11/08/2002	27	STATUS REPORT by plaintiffs on Joint Status Memorandum. (jph) (Entered: 11/12/2002)
11/12/2002	28	UNILATERAL STATUS REPORT by defendants per order of 8/27/02 (jph) (Entered: 11/14/2002)
11/14/2002	29	Addendum to [27-1] status report by plaintiffs (jph) (Entered: 11/14/2002)
12/18/2002		SUBMITTED to Judge Julie E. Carnes on [24-1] order, [28-1] status report, and [27-1] status report (FILE IN CHAMBERS) (jph) (Entered: 12/18/2002)
02/20/2003	<a href="#">30</a>	MOTION by plaintiffs for preliminary injunction with brief in support. (jph) (Entered: 02/24/2003)
03/10/2003	31	Response by defendants to [30-1] motion for preliminary injunction. (jph) (Entered: 03/12/2003)
03/12/2003		SUBMITTED to Judge Julie E. Carnes on [30-1] motion for preliminary injunction (FILE IN CHAMBERS) (jph) (Entered: 03/12/2003)
03/13/2003		SUBMITTED to Judge Julie E. Carnes on (jph) (Entered: 03/13/2003)
03/21/2003	32	ORDER by Judge Julie E. Carnes DENYING without prejudice [3-1] motion for a more definite statement by defendants, DENYING without prejudice [8-1] motion for class certification by plaintiffs, DENYING without prejudice [13-1] motion to dismiss by defendants; Answer to complaint due 3/31/03 for all defendants, GRANTING [20-1] motion for leave to supplement the response to pre-answer motion to dismiss, DENYING without prejudice [21-1] motion to



		dismiss plas Lane Cherry, Robert Hampton, and Norman Maddox based upon mootness by defendants. Pla Fluellen shall file an amended complaint within 30 days from this order. The Court further severs the claims of the remaining twenty plas and directs these plas to file individual complaints, within 30 days of this order. The Clerk shall be directed to docket each such complaint under its own individual case number. A status conference is scheduled for 4/10/03 at 10:00am (cc by CRD) (jph) (Entered: 03/24/2003)
03/28/2003		Terminated submissions. (aar) (Entered: 03/28/2003)
04/07/2003	<a href="#">33</a>	MOTION by plaintiffs for reconsideration of [32-1] order denying class certification , and for leave to amend complaint with brief in support. (jph) (Entered: 04/09/2003)
04/07/2003	<a href="#">34</a>	VOLUNTARY DISMISSAL by plaintiff LaCoya Fluellen pursuant to Rule 41(a)(1)(i), FRCP. (to JEC) (jph) (Entered: 04/09/2003)
04/09/2003	<a href="#">35</a>	ORDER by Judge Julie E. Carnes GRANTING [34-1] voluntary dismissal without prejudice pursuant to FRCP 41(a)(1)(i). (cc) (jph) (Entered: 04/09/2003)
04/09/2003		Case terminated. (jph) (Entered: 04/09/2003)
04/10/2003	<a href="#">36</a>	Motion HEARING held before Judge Julie E. Carnes regarding [30-1] motion for preliminary injunction. Court directed pla to pick new pla and file an amended complaint and parties conduct discovery for 90 days. (jph) (Entered: 04/10/2003)
04/10/2003		VERBAL ORDER by Judge Julie E. Carnes DENYING W/O PREJUDICE [30-1] motion for preliminary injunction by plaintiffs. Motion for reconsideration will remain pending. (jph) (Entered: 04/10/2003)
04/18/2003	<a href="#">37</a>	Response by defendants to [33-1] motion for reconsideration of [32-1] order denying class certification, [33-2] motion for leave to amend complaint (jph) (Entered: 04/21/2003)
07/08/2003		Proposed Amended Complaint by plaintiff Richard Ralph. (to JEC) (jph) (Entered: 07/10/2003)
07/22/2003	<a href="#">38</a>	MOTION by defendants to dismissi as to Richard Ralph with brief in support. (jph) (Entered: 07/24/2003)
07/30/2003	<a href="#">39</a>	Response by plaintiff Richard Ralph to [38-1] motion to dismiss as to Richard Ralph. (jph) (Entered: 08/01/2003)
08/01/2003		SUBMITTED to Judge Julie E. Carnes on [32-1] order and [0-0] amended complaint(In chambers) (jph) (Entered: 08/01/2003)
08/04/2003	<a href="#">40</a>	REPLY by defendant to response to [38-1] motion to dismissi as to Richard Ralph (jph) (Entered: 08/05/2003)
08/12/2003		SUBMITTED to Judge Julie E. Carnes on [38-1] motion to dismiss as to Richard Ralph (FILE IN CHAMBERS) (jph) (Entered: 08/12/2003)
01/29/2004	<a href="#">41</a>	ORDER by Judge Julie E. Carnes DENYING the [38-1] motion to dismiss by defendants. The Court DIRECTS the clerk to assign the Amended Complaint a new civil action number to establish Richard Ralph v. Alan Adams and Michelle Martin as a new case. (See civil action number: 1:04-cv-257-JEC.) (cc by CRD)

		(aaq) Modified on 01/30/2004 (Entered: 01/30/2004)
01/30/2004		Terminated submissions. (aaq) (Entered: 01/30/2004)
02/03/2004	<a href="#">42</a>	MOTION by defendant for reconsideration of [41-1] order with brief in support. (jph) (Entered: 02/03/2004)
02/06/2004	<a href="#">43</a>	Dft's Withdrawal of [42-1] motion for reconsideration of [41-1] order due to mootness. (jlm) (Entered: 02/09/2004)
02/17/2004		Pla Richard Ralph's Response to [43-1] withdrawal filed in 1:04-257-JEC on 2/13/04) (jlm) (Entered: 02/19/2004)
05/14/2004	<a href="#">44</a>	Certificate of service as to defendants re: Dft's response to pla's first interrogatories. (jlm) (Entered: 05/18/2004)

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