

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION

SEP 19 2000

PHILLIP JOHNSON, et al., )  
 )  
 Plaintiffs, )  
 )  
 v. ) Master File No. 98-7330-TX-C-5  
 )  
 BRAZORIA COUNTY, TEXAS, et al., ) Case No. 99-4021-CV-C-5  
 )  
 Defendants. )

**PLAINTIFFS' MOTION FOR AN ORDER REQUIRING PAYMENT OF  
THE SETTLEMENT FUNDS PURSUANT TO THE JOINT MOTION  
FOR APPROVAL OF SETTLEMENT AGREEMENT**

Pursuant to Paragraph No. 13 of the Joint Motion for Approval of Settlement Agreement Texas Inmate Litigation Settlement Agreement, plaintiffs move the Court for an order requiring the payment to Financial Support Services of the following amounts: (1) \$2,100,000.00 by Acceptance Insurance Company; (2) \$100,000.00 by Agricultural Excess and Surplus Insurance Company; and (3) \$20,000.00 by TransCor America, Inc. In support of this motion, plaintiffs state that:

1. On June 25, 1999, plaintiffs and defendants filed their Joint Motion for Approval of Settlement ("Settlement Agreement").

2. Paragraph No. 13 of the Settlement Agreement provides that after final approval of the Settlement Agreement and final appeal of the class certification, the following sums will be paid to Financial Support Services, P.O. Box 50348, St. Louis, Missouri 63105-5348:

(a) \$2,100,000.00 by Acceptance Insurance Company;

In re: Texas Prison Litigation



PC-MO-0003-0006

(b) \$100,000.00 by Agricultural Excess and Surplus Insurance Company; and

(c) \$20,000.00 by TransCor America, Inc.

3. On January 14, 2000, the District Court entered a Judgment certifying the class and approving the Settlement Agreement.

4. On February 4, 2000, Dwight E. Cofer filed a Notice of Appeal from the Judgment of January 14, 2000.

5. On February 16, 2000, Casey Damous filed a Notice of Appeal from the Judgment of January 14, 2000.

6. On April 12, 2000, Woodrow Lawson and Gary Sanders filed a Notice of Appeal from the Judgment of January 14, 2000.

7. On May 10, 2000, the United States Court of Appeals for the Eighth Circuit entered a judgment dismissing the appeals of Dwight E. Cofer and Casey Damous, see Exhibit A attached hereto.

8. On July 7, 2000, the United States Court of Appeals for the Eighth Circuit entered an order denying the petition for rehearing filed by Dwight E. Cofer, see Exhibit B attached hereto.

9. On July 12, 2000, the United States Court of Appeals for the Eighth Circuit entered an order denying the petition for rehearing filed by Casey Damous, see Exhibit C attached hereto.

10. On August 10, 2000, the United States Court of Appeals for the Eighth Circuit entered an order dismissing the appeal filed by Woodrow Lawson and Gary Sanders, see Exhibit D attached hereto.

11. Woodrow Lawson and Gary Sanders did not file a petition for rehearing of the order dismissing their appeal.

12. The time for filing a petition for rehearing of the order dismissing the appeal filed by Woodrow Lawson and Gary Sanders has expired.

13. All appeals arising out of the Judgment entered on January 14, 2000, have been finally resolved.

Accordingly, plaintiffs move the Court for an order requiring the payment to Financial Support Services of the following amounts: (1) \$2,100,000.00 by Acceptance Insurance Company; (2) \$100,000.00 by Agricultural Excess and Surplus Insurance Company; and (3) \$20,000.00 by TransCor America, Inc.

By

  
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of all Class Counsel

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was mailed, U.S. Mail, postage pre-paid, this 18<sup>th</sup> day of September, 2000, to:

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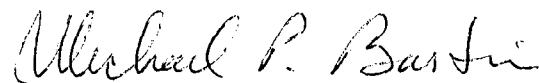
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1246067

UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

FILED

MAY 10 2000

MICHAEL GANS  
CLERK OF COURT

No. 00-1998WMJC  
No. 00-2007WMJC

In re: TEXAS PRISONER LITIGATION  
Limestone County

(See attached complete caption)

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Appeal from the United States  
District Court for the  
Western District of Missouri

JUDGMENT

The court has carefully reviewed the original file of the United States District Court and the state's motion to dismiss. It is hereby ordered that the motion to dismiss is granted; these appeals are dismissed for lack of jurisdiction on the ground that Cofer and Damous do not have standing.

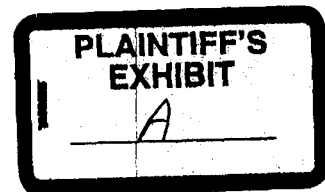
(5361-010199)

May 10, 2000

Order Entered at the Direction of the Court

*Michael E. Gans*

Clerk, U.S. Court of Appeals, Eighth Circuit



UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

No. 00-1998WMJC

In re: TEXAS PRISONER LITIGATION  
Limestone County, etc.

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\*  
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Appeal from the United States  
District Court for the  
Western District of Missouri

The petition for rehearing filed by Dwight E. Cofer has been  
considered by the court and is denied.

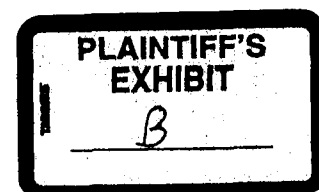
(5193-010199)

July 7, 2000

Order Entered at the Direction of the Court:

*Michael E. Gaus*

Clerk, U.S. Court of Appeals, Eighth Circuit





UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

No. 00-2007WMJC

In re: Texas Prisoner Litigation, \*  
Limestone County, \*

Casey Damous, \*

Appellant, \*

v. \*

Brazoria County, Texas, et al., \*

Appellees. \*

Appeal from the United States  
District Court for the  
Western District of Missouri

The petition for rehearing by the panel filed by Casey Damous  
is denied.

(5193-010199)

July 12, 2000

Order Entered at the Direction of the Court:

*Michael E. Gaus*

Clerk, U.S. Court of Appeals, Eighth Circuit



UNITED STATES COURT OF APPEALS

FOR THE EIGHTH CIRCUIT

No. 00-2524WMJC

In re: Texas Prisoner Litigation,  
Limestone County

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Phillip Johnson; Shawn Armstrong;  
Joseph Cornejo; Neely Milner;  
Gerald Farrell; Keenon Giles;  
Brent Murphy, Individually and on  
Behalf of a Class of Persons  
Similarly Situated;

Plaintiffs

Woodrow Lawson; Gary Sanders,

Appellants

vs.

Brazoria County, Texas; Gregg  
County, Texas; Dove Development  
Corp.; The Bobby Ross Group, Inc.;  
Transcor America, Inc.,

Defendants - Appellees

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Phillip Johnson; Von Wesley Watson;

Plaintiffs

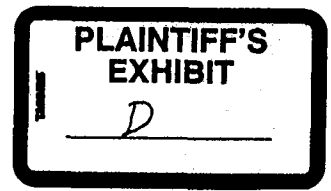
Woodrow Lawson; Gary Sanders

Appellants

vs.

Brazoria County, Texas; Officer  
Sykura; Gregg Cuntty, Texas;  
Corporal Gilbert; Dove Development  
Corp.; Kirgan; The Bobby Ross  
Group, Inc.; Transcor America, Inc.  
Nurse Sherman; Carl White, the  
parties above are engaged  
individually and his or her  
official capacity; Limestone County

Appeal from the United States  
District Court for the  
Western District of Missouri



Detention Center; Dora Schriro; \*  
Limestone County, Texas; Michael \*  
Groose; Gary Allen; Officer \*  
Bedford; Alan Earls; George \*  
Lombardi; Bryan Goeke; Gilbert \*  
De La Cruz; Charles Turner; Karen \*  
Cunningham, parties immediately \*  
above are engaged individually and \*  
in his or her official capacity; \*  
Capital Correctional Resource, \*  
Defendants - Appellees. \*

**JUDGMENT**

The motion of appellee for dismissal of this appeal is granted.  
The appeal is hereby dismissed on the ground that Lawson and Sanders lack  
standing. See Eighth Circuit Rule 47A(b).

(5361-010199)

August 10, 2000

Order entered at the Direction of the Court

*Michael E. Gans*  
Clerk, U. S. Court of Appeals, Eighth Circuit