

APPEAL, TERMED

U.S. District Court
Eastern District of Missouri (LIVE) (Hannibal)
CIVIL DOCKET FOR CASE #: 2:81-cv-00019-DDN

Parton, et al v. White, et al
Assigned to: Mag Judge David D. Noce
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 05/11/1981
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff**Michael Parton**

represented by **Kenneth M. Chackes**
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TERMINATED: 06/17/1998
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ATTORNEY TO BE NOTICED

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Plaintiff**Jack Babcock**

represented by **Diana M. Wagner-Hilliard**
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Kenneth M. Chackes

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Michael A. Ferry
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Plaintiff

Donald Yates

represented by **Kenneth M. Chackes**
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TERMINATED: 06/17/1998
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Michael A. Ferry
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TERMINATED: 07/17/1996
LEAD ATTORNEY
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Plaintiff

Terry Walls

represented by **Kenneth M. Chackes**
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TERMINATED: 06/17/1998
LEAD ATTORNEY
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Michael A. Ferry
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Plaintiff

William Leonard

represented by **Kenneth M. Chackes**
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TERMINATED: 06/17/1998
LEAD ATTORNEY
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Michael A. Ferry
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TERMINATED: 07/17/1996
LEAD ATTORNEY
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Plaintiff**James Bridgewater**

represented by **Kenneth M. Chackes**
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TERMINATED: 06/17/1998
LEAD ATTORNEY
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Michael A. Ferry
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TERMINATED: 07/17/1996
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Plaintiff**Robert Smith**

represented by **Kenneth M. Chackes**
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TERMINATED: 06/17/1998
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael A. Ferry
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TERMINATED: 07/17/1996
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ATTORNEY TO BE NOTICED

Plaintiff**Ronald L. Boyer**

represented by **Kenneth M. Chackes**
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TERMINATED: 06/17/1998
LEAD ATTORNEY
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Michael A. Ferry
(See above for address)
TERMINATED: 07/17/1996
LEAD ATTORNEY
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Plaintiff**James King**

represented by **Kenneth M. Chackes**
(See above for address)
TERMINATED: 06/17/1998
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael A. Ferry
(See above for address)
TERMINATED: 07/17/1996

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

V.

Defendant

Carl White

*in his official capacity as
Superintendent and Chief
Administrative Officer at Missouri
Training Center for Men at Moberly,
Missouri*

represented by **David A. Johnston**
ATTORNEY GENERAL OF
MISSOURI
Assistant Attorney General
221 W. High Street
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573-751-3321
Fax: 573-751-9456
Email: David.Johnston@ago.mo.gov
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

Clarence D. Smith

*in his official capacity as the Food
Service manager at the Missouri
Training Center for Men at Moberly
Missouri*

represented by **David A. Johnston**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

W. David Blackwell

*in his official capacity as as Director of
the Division of Adult Institutions,
Missouri Department of Corrections*

represented by **David A. Johnston**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

Lee Roy Black

*in his official capacity as the Director
of the Missouri Department of
Corrections and Human Resources*

represented by **David A. Johnston**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Movant

Brian Bruce Bey

Movant

Larry Schaal

represented by **Larry Schaal**
162892
MCC
Moberly Correctional Ctr
P.O. Box 7
Moberly, MO 65270
PRO SE

Movant**William Cooper**represented by **William Cooper**

Reg. No. 42908

MCC

Moberly Correctional Ctr

P.O. Box 7

Moberly, MO 65270

PRO SE

Movant**Gerald W. Bereuter**represented by **Gerald W. Bereuter**

160237

MCC

Moberly Correctional Ctr

P.O. Box 7

Moberly, MO 65270

PRO SE

Date Filed	#	Docket Text
11/21/1983	1	ORDER for notice to class of settlement (JKR)-w/Consent Decree filed by all parties and Judge Regan. Ordered that the defendants shall continuously between November 28, 1983 and December 9, post copies of this Order and the attached proposed Consent Decree at the Missouri Training Center for Men in all housing unit rotundas in the dining room, in the library, and in any other place necessary to afford all inmates an opportunity to read this Order and proposed Consent Decree. The defendants shall provide a separate copy of this Order and proposed Decree to each inmate who, for whatever reason, is unable to receive notice of the proposed Decree at the aforesaid places. Further Ordered that not later than December 19, 1983 any member of the aforesaid class may comment in writing on the proposed Consent Decree by filing by mail said written comments with the Clerk of this Court at the following address. Any such comment shall reference the Civil cause number of this action and shall be clear and concise (cc: all counsel) (FCE) (Entered: 10/31/1995)
12/08/1983	2	CONSENT DECREE filed by all parties and Judge John K. Regan (cc: all counsel) (FCE) (Entered: 10/31/1995)
12/30/1983	3	ORDER (JKR) filed; Ordered that the Consent Decree previously filed of record be and it is approved terminating case (cc: all counsel) (FCE) (Entered: 10/31/1995)
10/25/1993	4	MOTION by defendant Carl White to withdraw attorney Deborah Neff SO ORDERED-DDNi; David Johnston has undertaken representation of the defts. (FCE) (Entered: 11/01/1995)
10/25/1993	4	RULED DOCUMENT by Mag Judge David D. Noce granting motion to withdraw attorney Deborah Neff [4-1] David Johnston has undertaken

		representation of the defts. (cc: all counsel) (FCE) Modified on 11/01/1995 (Entered: 11/01/1995)
01/10/1994	6	ORDER by Mag Judge David D. Noce the motion of defts. to sever Cause No. N81-19-C from Cause No. N89-18C is sustained (cc: all counsel) (FCE) (Entered: 11/01/1995)
07/28/1995	6	MOTION by movant Brian Bruce Bey to intervene -LEAVE TO FILE GRANTED-DDN cc:parties (FCE) (Entered: 11/01/1995)
08/11/1995	7	MOTION by defendants' to examine documents under seal (FCE) (Entered: 11/01/1995)
08/16/1995	8	RESPONSE by defendants' to movant Bey's motion to intervene [6-1] (FCE) (Entered: 11/01/1995)
08/22/1995	9	MINUTES: before Mag Judge David D. Noce; parties present for status hearing. Plaintiff's to file response to court re: inmate letters. Response due 30 days thereafter. Judge and attys to hold telephone conference at a later date audio reporter: Laura Dreon (FCE) (Entered: 11/01/1995)
09/06/1995		MOTION by pro se plaintiffs' Michael Parton, plaintiff Jack Babcock, plaintiff Donald Yates, plaintiff Terry Walls, plaintiff William Leonard, plaintiff James Bridgewater, plaintiff Robert Smith, plaintiff Ronald L. Boyer for temporary restraining order , for preliminary injunction (FCE) (Entered: 05/21/1996)
10/19/1995		MOTION by plaintiff Michael Parton, plaintiff Jack Babcock, plaintiff Donald Yates, plaintiff Terry Walls, plaintiff William Leonard, plaintiff James Bridgewater, plaintiff Robert Smith, plaintiff Ronald L. Boyer for leave to file plaintiff's opposition to defts' motion for emergency modification (FCE) (Entered: 05/21/1996)
10/30/1995		MOTION by plaintiff Michael Parton, plaintiff Jack Babcock, plaintiff Donald Yates, plaintiff Terry Walls, plaintiff William Leonard, plaintiff James Bridgewater, plaintiff Robert Smith, plaintiff Ronald L. Boyer to intervene (FCE) (Entered: 05/21/1996)
10/30/1995		MOTION by plaintiff Michael Parton, plaintiff Jack Babcock, plaintiff Donald Yates, plaintiff Terry Walls, plaintiff William Leonard, plaintiff James Bridgewater, plaintiff Robert Smith, plaintiff Ronald L. Boyer to amend , to alter judgment [2-1] (FCE) (Entered: 05/21/1996)
11/08/1995		AMENDED MOTION by plaintiff Michael Parton, plaintiff Jack Babcock, plaintiff Donald Yates, plaintiff Terry Walls, plaintiff William Leonard, plaintiff James Bridgewater, plaintiff Robert Smith, plaintiff Ronald L. Boyer to amend , to alter judgment [2-1] (FCE) (Entered: 05/21/1996)
11/14/1995		MOTION by plaintiff Michael Parton, plaintiff Jack Babcock, plaintiff Donald Yates, plaintiff Terry Walls, plaintiff William Leonard, plaintiff James Bridgewater, plaintiff Robert Smith, plaintiff Ronald L. Boyer for leave to supplement plaintiffs' Rule 59(e) motions (FCE) (Entered: 05/21/1996)

11/24/1995		LETTER request to supply copies of exhibits to counsel for both sides (FCE) (Entered: 05/21/1996)
12/22/1995		MOTION by plaintiff Michael Parton, plaintiff Jack Babcock, plaintiff Donald Yates, plaintiff Terry Walls, plaintiff William Leonard, plaintiff James Bridgewater, plaintiff Robert Smith, plaintiff Ronald L. Boyer to vacate order modifying consent decree (FCE) (Entered: 05/21/1996)
01/25/1996	10	MINUTES: before Mag Judge David D. Noce court reporter: David Braun. Hearing to modify consent judgment. Testimony given. Court orders that the compliance report be submitted to Court on or about the 1st of the month, instead of bi-weekly. Parties shall file memoranda on the issue within 30 days. Parties to file responses within 10 days. (FCE) (Entered: 02/01/1996)
01/25/1996	11	STATUS REPORT (Fourth Compliance Report - 12/14/95 through 1/4/96) by defendant Carl White, defendant Clarence D. Smith, defendant W. David Blackwell, defendant Lee Roy Black (FCE) (Entered: 02/01/1996)
02/02/1996	12	LETTER (USCA) re: petition for writ of mandamus; Your case will be referred to a panel of judges for review. We will promptly advise you of the court's ruling in that regard. By copy of this letter, the district court clerk is requested to forward to this office a certified copy of the docket entries and order filed 10/20/95 in case number [2:81-CV-019]. (FCE) (Entered: 02/08/1996)
02/07/1996	13	APPLICATION (copy) FOR WRIT OF MANDAMUS/PROHIBITION by plaintiff -- Judge's copy to be added to file. (FCE) (Entered: 02/09/1996)
02/09/1996	14	ORDER by Mag Judge David D. Noce IT IS HEREBY ORDERED that the Clerk of the Court is directed to prepare a transcript of the hearing on the motion for a permanent modification of the consent decree held on January 25, 1996, in Moberly, Missouri. (cc: all counsel & Court Recorder) (FCE) (Entered: 02/14/1996)
02/23/1996		POST HEARING BRIEF submitted by plaintiff Michael Parton, plaintiff Jack Babcock, plaintiff Donald Yates, plaintiff Terry Walls, plaintiff William Leonard, plaintiff James Bridgewater, plaintiff Robert Smith, plaintiff Ronald L. Boyer (FCE) (Entered: 05/21/1996)
02/27/1996	15	RESPONSE to court by defendant Carl White, defendant Clarence D. Smith, defendant W. David Blackwell, defendant Lee Roy Black [10-1] titled Post-Hearing Memorandum in Support of Defts' Motion for Modification to Consent Decree (FCE) (Entered: 03/04/1996)
02/27/1996		POST HEARING BRIEF submitted by defendant Carl White, defendant Clarence D. Smith, defendant W. David Blackwell, defendant Lee Roy Black (FCE) (Entered: 05/21/1996)
02/28/1996	16	SUPPLEMENTAL affidavit of Ralf Salke by all defendants re response [15-1] to be added as exhibit B. (FCE) (Entered: 03/08/1996)

03/08/1996	17	REPLY by defendant Carl White, defendant Clarence D. Smith, defendant W. David Blackwell, defendant Lee Roy Black re [10-1] (FCE) (Entered: 03/11/1996)
03/11/1996		LETTER from United States Court of Appeals to District Clerk's Office RE: certified copies of docket sheets and Order dated 10/20/95-COPIES FORWARDED ON 3/15/96 (FCE) (Entered: 03/15/1996)
03/18/1996		RESPONSE to court by defendant Carl White, defendant Clarence D. Smith, defendant W. David Blackwell, defendant Lee Roy Black fifth compliance report from January 4, 1996 thru 2/27/96 (FCE) (Entered: 05/22/1996)
03/21/1996	18	TRANSCRIPT filed from Hearing on the motion for permanent modification held on 1/25/96 at the Moberly Correctional Center; audio reporter: dbraun (DLB) (Entered: 03/25/1996)
03/28/1996	19	ORDER FROM USCA copy filed denying application for writ of mandamus [13-1] USCA number: 96-8015EMSL (FCE) (Entered: 04/08/1996)
03/28/1996	20	FINANCIAL ENTRY re [14-1], re [18-1] Voucher No. 4460603554, paid \$1,035.00 to Carter Transcription Services (FCE) (Entered: 04/08/1996)
03/29/1996		ORDER by Mag Judge David D. Noce; the motion of inmate Brian Bruce for leave to intervene in this action is denied without prejudice. Further Ordered that the motion of inmates Jack Babcock, Larry Schaal, Kenneth Charron, Gerald Bereuter and William Cooper for the appointment of class representatives is denied without prejudice. Further that the motion of depts for leave to examine documents filed under seal is denied as moot. Further that the motion of inmates Jack Babcock, Larry Schaal, Kenneth Charron, Gerald Bereuter, and William Cooper for leave to file objections to the motion for modification is denied as moot. SEE ORDER FOR PARTICULARS (cc: all counsel) (FCE) (Entered: 05/22/1996)
04/16/1996	21	REQUEST by witness Michael D. Moll for certified copy of transcript of his testimony on 1/25/96 in this case. Witness further requests that the court wave the "fifty cents per page copying charge". (FCE) Modified on 04/24/1996 (Entered: 04/17/1996)
04/16/1996		RULED DOCUMENT by Mag Judge David D. Noce granting request for copy of witness testimony free of charge [21-1] (Judge Noce "OK'd" request on separate piece of paper that is attached to request, Certified copy of transcript pps 1, 314-335 of 1/25/96 hearing forwarded to pltf). (cc: all counsel) (FCE) (Entered: 04/24/1996)
04/19/1996		RESPONSE to court by defendant Carl White, defendant Clarence D. Smith, defendant W. David Blackwell, defendant Lee Roy Black sixth compliance report for February 27, 1996 through March 27, 1996 with exhibits in support attached (FCE) (Entered: 05/22/1996)

05/06/1996	22	ORDER FROM USCA copy filed USCA number: 96-8015EMSL The suggestion for rehearing en banc is denied. The petition for rehearing by the panel is also denied. (FCE) (Entered: 05/08/1996)
05/13/1996	23	RESPONSE to court titled (Def't's seventh compliance report for March 27, 1996 through April 27, 1996) by defendant Carl White, defendant Clarence D. Smith, defendant W. David Blackwell, defendant Lee Roy Black (FCE) (Entered: 05/20/1996)
06/05/1996	24	MOTION by plaintiff Michael Parton, plaintiff Jack Babcock, plaintiff Donald Yates, plaintiff Terry Walls, plaintiff William Leonard, plaintiff James Bridgewater, plaintiff Robert Smith, plaintiff Ronald L. Boyer, plaintiff James King to withdraw attorney , for appointment of substitute counsel (FCE) (Entered: 06/10/1996)
06/17/1996	25	STATUS REPORT EIGHTH COMPLIANCE REPORT FOR APRIL 27, 1996 THROUGH MAY 28, 1996 by defendant Carl White, defendant Clarence D. Smith, defendant W. David Blackwell, defendant Lee Roy (FCE) (Entered: 06/19/1996)
07/17/1996	26	ORDER by Mag Judge David D. Noce granting motion to withdraw attorney [24-1] attorney Michael A. Ferry for King, attorney Michael A. Ferry for Ronald L. Boyer, attorney Michael A. Ferry for Robert Smith, attorney A. Ferry for James Bridgewater, attorney Michael A. Ferry for William Leonard, attorney Michael A. Ferry for Terry Walls, attorney Michael A. Ferry for Donald Yates, attorney Michael A. Ferry for Jack Babcock, attorney Michael A. Ferry for Michael Parton, granting motion for appointment of substitute counsel [24-2] IT IS FURTHER ORDERED that Kenneth M. Chackes is appointed to represent pltf's in this action. (cc: all counsel) (FCE) (Entered: 07/22/1996)
07/23/1996	27	9TH STATUS REPORT by defendant Carl White, defendant Clarence D. Smith, defendant W. David Blackwell, defendant Lee Roy covering 5/28/96 through 6/28/96. (FCE) (Entered: 07/26/1996)
08/16/1996	28	STATUS REPORT by all defendants covering 6/27/96 through 7/30/96 w/ attached affidavit of Michael R. Wright. (FCE) Modified on 08/21/1996 (Entered: 08/21/1996)
08/26/1996	29	NOTICE by defendants' of emergency transport of inmates resulting in transcendence of population cap at MCC. (LGK) (Entered: 08/28/1996)
09/20/1996	30	STATUS REPORT with attachments (placed in expansion folder) by defendant Carl White, defendant Clarence D. Smith, defendant W. David Blackwell, defendant Lee Roy Black (LSD) (Entered: 09/25/1996)
09/24/1996	31	NOTICE of Emergency transport of inmates resulting in transcendence of population cap at MCC by defendants (LSD) (Entered: 09/26/1996)
09/26/1996	32	LETTER from inmate Billy Mudd (FCE) (Entered: 09/26/1996)
10/15/1996	33	ORDER by Mag Judge David D. Noce finding the motion to vacate order modifying consent decree [0-1] moot., finding the motion for leave to supplement plaintiffs' Rule 59(e) motions [0-1] moot., finding the motion

		to amend [0-1] moot., finding the motion to alter judgment [2-1] [0-2] moot., finding the motion to amend [0-1] moot., finding the motion to alter judgment [2-1] [0-2] moot., finding the motion to intervene [0-1] moot., finding the motion for leave to file plaintiff's opposition to defts' motion for emergency modification [0-1] moot., finding the motion for temporary restraining order [0-1] moot., finding the motion for preliminary injunction [0-2] moot. IT IS HEREBY ORDERED that the motion of the defendants for a permanent modification of the consent decree entered in this action is sustained. The MO Department of Corrections is hereby authorized to increase the inmate population at the Moberly Correctional Center to no greater number than 1,800, subject to the requirement that the Missouri Department of Corrections continue to make its written reports, as previously ordered, on a quarterly basis (every 3 months, beginning in January 1997), until December 31, 1997. Unless otherwise ordered by the court, the reporting condition shall cease. (cc: all counsel) (FCE) (Entered: 10/16/1996)
10/15/1996	34	MEMORANDUM re: order [33-1] (FCE) (Entered: 10/16/1996)
10/22/1996	35	DEFENDANTS' TWELFTH COMPLIANCE REPORT FOR 8/28/96 THROUGH 9/30/96 (FILED IN EXPANSION FOLDER) by defendant Carl White, defendant Clarence D. Smith, defendant W. David Blackwell, defendant Lee Roy w/ Affidavit of Michael R. Wright in Support marked Exhibit 1. (ARL) (Entered: 10/28/1996)
10/25/1996	36	MOTION by plaintiff for new trial , or to alter or amend judgment [2-1] w/ memo in support (ARL) (Entered: 10/28/1996)
11/06/1996	37	RESPONSE (INITIAL REPLY) by defendant Carl White, defendant Clarence D. Smith, defendant W. David Blackwell, defendant Lee Roy to motion for new trial [36-1], to motion to alter or amend judgment [2-1] [36-2] w/ Proposed Order attached. (ARL) (Entered: 11/07/1996)
11/08/1996	38	ORDER by Mag Judge David D. Noce - plttf's mtn. for new trial is held in abeyance for 60 days from the date of this order with the parties directed to submit further information to the Court at the end of said period. taking under advisement on 1/8/97 the motion for new trial [36-1], taking under advisement on the motion to alter or amend judgment [2-1] [36-2] (cc: all counsel) (LAH) (Entered: 11/13/1996)
11/21/1996	39	RESPONSE to court (Thirteenth Compliance Report For Sept. 30, 1996 through Oct. 28, 1996) fld. by defendant [38-1] (LAH) (Entered: 11/21/1996)
11/22/1996	40	AFFIDAVIT of Ralph Weatherwax fld. (LAH) (Entered: 11/25/1996)
12/16/1996	41	STATUS REPORT for Oct. 28, 1996 through Nov. 27, 1996 by defendant Carl White, defendant Clarence D. Smith, defendant W. David Blackwell, defendant Lee Roy Black (ARL) (Entered: 12/16/1996)
12/23/1996	42	NOTICE OF EMERGENCY TRANSPORT OF INMATES RESULTING IN TRANSDENCE OF POPULATION CAP AT MCC by defendant Carl White, defendant Clarence D. Smith, defendant W. David

		Blackwell w/ Affidavit of George Lombardi in Support as Exhibit A. (ARL) (Entered: 12/24/1996)
12/24/1996	43	REQUEST by plaintiffs for an investigation into the illegal medical matters taking place at the Moberly Correctional Center w/attached affidavit of G.W. Bereuter. (LAH) (Entered: 12/30/1996)
01/10/1997	44	MOTION by plaintiffs and defendants to extend time by an additional 30 days in which to hold in abeyance pltffs' mtn. for new trial. (LAH) (Entered: 01/10/1997)
01/10/1997	45	ORDER by Mag Judge David D. Noce granting motion to extend time by an additional 30 days in which to hold in abeyance pltffs' mtn. for new trial. [44-1] (cc: all counsel) (LAH) (Entered: 01/15/1997)
01/22/1997	46	STATUS REPORT/COMPLIANCE REPORT for Nov. 27, 1996 through Dec. 30, 1996 fld. by defendants. (LAH) (Entered: 01/23/1997)
02/12/1997	47	MOTION by plaintiffs and defendants to extend time by an additional 30 days in which to hold in abeyance pltffs' mtn. for new trial. (LAH) (Entered: 02/12/1997)
02/13/1997	48	ORDER by Mag Judge David D. Noce granting motion to extend time by an additional 30 days in which to hold in abeyance pltffs' mtn. for new trial. [47-1] (cc: all counsel) (LAH) (Entered: 02/19/1997)
03/03/1997	49	MOTION by plaintiffs for order to obtain a copy of hearing transcript (LAH) (Entered: 03/04/1997)
03/05/1997	49	RULED DOCUMENT by Mag Judge David D. Noce granting motion for order to obtain a copy of hearing transcript [49-1]; SUSTAINED, THE CLERK SHALL PROVIDE PLTF'S CAOUNSEL WITH A COPY OF THE TRANSCRIPT, DDN 3/5/97. (cc: all counsel) (BDC) (Entered: 03/06/1997)
03/18/1997	50	MOTION by plaintiffs' to file memo one day late with attached memo in support of their mtn for new trial or to alter or amend jgm; stipulation; exhibits 1-5,(no 6 or 7), 8-23 (KKS) (Entered: 03/21/1997)
03/19/1997		RULED DOCUMENT by Mag Judge David D. Noce granting plaintiffs' motion to file memo one day late [50-1] (cc: all counsel) (KKS) (Entered: 03/21/1997)
03/19/1997	51	MEMORANDUM in support by plaintiffs re: motion for new trial [36-1], re: motion to alter or amend judgment [2-1] [36-2] (KKS) (Entered: 03/21/1997)
03/19/1997	52	JOINT STIPULATION of facts re [36-1], re [36-2] (defts' atty signature on faxed page) with attached exh 1-5, no 6 or 7, 8-23 (KKS) (Entered: 03/21/1997)
03/20/1997	53	ORDER by Mag Judge David D. Noce IT IS HEREBY ORDERED that defts may have 30 days from the date of this order in which to file a response to pltffs' pending motion for a new trial and supplemental

		memorandum. Pltffs' may have 15 days after receipt of defts' response in which to file a reply. Resp to court ddl 4/21/97 (cc: all counsel) (LAH) (Entered: 03/24/1997)
03/31/1997	54	AFFIDAVIT of James Gilmore fld. (LAH) (Entered: 03/31/1997)
04/22/1997	55	REPLY by defendant to response to motion for new trial [36-1], motion to alter or amend judgment [2-1] [36-2] (BDC) (Entered: 04/22/1997)
05/01/1997	56	STATUS/COMPLIANCE REPORT for Dec. 30, 1996 through March 31, 1997 fld. by defendants. (LAH) (Entered: 05/01/1997)
05/15/1997	57	MOTION by plaintiffs for leave to file reply memorandum out of time (LAH) (Entered: 05/15/1997)
05/15/1997	58	NOTICE/MEMROANDUM TO CLERK by defendant with atatched Affidavit in opposition to pltf's Motion for New Trial or to Alter or Amend Judgment. (BDC) (Entered: 05/15/1997)
05/20/1997		RULED DOCUMENT by Mag Judge David D. Noce granting motion for leave to file reply memorandum out of time [57-1] SUSTAINED (cc: all counsel) (ARL) (Entered: 05/22/1997)
05/20/1997	59	REPLY by plaintiff to response to motion for new trial [36-1], motion to alter or amend judgment [2-1] [36-2] LEAVE TO FILE GRANTED (DDN) (ARL) (Entered: 05/22/1997)
06/03/1997	60	LETTER from deputy clerk to Terry Walls in re: return of his document because it had no certificate of service, and this pltf has counsel. (BDC) (Entered: 06/03/1997)
07/21/1997	61	SEVENTEENTH COMPLIANCE REPORT by defendant Carl White, defendant Clarence D. Smith, defendant W. David Blackwell, defendant Lee Roy for April 1, 1997 through 6/30/97 (ARL) (Entered: 07/22/1997)
09/30/1997	62	MEMORANDUM AND ORDER: by Mag Judge David D. Noce denying motion for new trial [36-1], denying motion to alter or amend judgment [2-1] [36-2] (cc: all counsel) (BDC) (Entered: 10/01/1997)
10/17/1997	63	STATUS REPORT for July 1, 1997 through September 30, 1997 fld. by defendants (LAH) (Entered: 10/20/1997)
10/28/1997	64	NOTICE OF APPEAL filed by plaintiff Michael Parton, plaintiff Jack Babcock, plaintiff Donald Yates, plaintiff Terry Walls, plaintiff William Leonard, plaintiff James Bridgewater, plaintiff Robert Smith, plaintiff Ronald L. Boyer, plaintiff James King re: the District Court decision of October 15, 1996 #[34-1] and [33-1]; and the District Court decision of September 30, 1997, [62-1] fee: \$ no fee paid. (BDC) (Entered: 10/29/1997)
10/28/1997	65	MOTION by plaintiff Michael Parton, plaintiff Jack Babcock, plaintiff Donald Yates, plaintiff Terry Walls, plaintiff William Leonard, plaintiff James Bridgewater, plaintiff Robert Smith, plaintiff Ronald L. Boyer, plaintiff James King to proceed in forma pauperis on appeal (BDC)

		(Entered: 10/29/1997)
11/20/1997	66	ORDER by Mag Judge David D. Noce granting motion to proceed in forma pauperis on appeal [65-1]. It Is Further Ordered that the \$105.00 filing and docketing fees for an appeal are waived. (cc: all counsel) (LAH) (Entered: 11/20/1997)
12/04/1997		DELIVERED TO USCA - 1 Civil Appeal Cover Sheet, 2 Certified Copies of Notice of Appeal filed by Plaintiffs, 2 Certified Copies of Clerk's Docket entries 2 copies of ORDER (DDN) filed 11/20/97, 2 copies of ORDER/MEMO (DDN) filed 9/30/97 and 2 copies of ORDER/MEMO (DDN) filed 10/15/96. Copy of NOA to Judge Noce. cc: NOA, Clerk's Docket entries and USCA letter to parties. (FCE) (Entered: 12/04/1997)
12/08/1997	67	MOTION by plaintiffs for new trial , or, to amend (BDC) (Entered: 12/09/1997)
01/13/1998	68	NOTIFICATION AND BRIEFING SCHEDULE (USCA) FILED USCA #: 98-1074 - receipt of certified copies of notice of appeal and docket entries from the Clerk of USDC, together with the USDC's order granting leave to proceed on appeal in forma pauperis, and waiving payment of the filing and docketing fees. This is not the type of case in which district court counsel is automatically appointed. If you desire to apply for appointment of counsel, you should file a motion with this office by January 27, 1998. If no motion is filed, we will assume that appellants are proceeding pro se and will establish a briefing schedule. (LAH) (Entered: 01/23/1998)
01/23/1998	69	DEFENDANTS' NINETEENTH AND FINAL COMPLIANCE REPORT FOR 10/1/97 THROUGH 12/31/97 w/ Exhibit 1 (ARL) (Entered: 01/27/1998)
03/06/1998	70	LETTER from USCA: USCA # 98-1074EMSL sent with attached amended case caption. (BDC) (Entered: 03/09/1998)
06/17/1998	71	ORDER FROM USCA copy filed Mr. Kenneth Chackes' mtn. to withdraw as counsel for the appellants is granted. Ms. diana Wagner of St. Louis, MO is hereby appointed to represent the appellants on appeal. (terminating attorney Kenneth M. Chackes for James King, attorney Kenneth M. Chackes for Ronald L. Boyer, attorney Kenneth M. Chackes for Robert Smith, attorney Kenneth M. Chackes for James Bridgewater, attorney Kenneth M. Chackes for William Leonard, attorney Kenneth M. Chackes for Terry Walls, attorney Kenneth M. Chackes for Donald Yates, attorney Kenneth M. Chackes for Jack Babcock, attorney Kenneth M. Chackes for Michael Parton) , adding attorney Diana M. Wagner for Jack Babcock, William Cooper, Larry Schall, Gerald Bereuteri. USCA number: 98-1074 (LAH) (Entered: 06/19/1998)
06/17/1998	71	NOTIFICATION AND BRIEFING SCHEDULE (USCA) FILED USCA #: 98-1074 Mthd of Appndx Prep Due: 6/26/98 Transcript Due: 7/27/98 Designations Due: 6/26/98 from appellant & 7/6/98 from appellee and Briefs Due: 8/5/98 from appellant & appellee on 9/4/98; reply brief due

		9/19/98. (LAH) (Entered: 06/19/1998)
07/21/1998	72	ORDER FROM USCA copy filed USCA number: 98-1074EMSL - Appellants' motion for copies of hearing exhibits is granted. The Clerk of the District Court is directed to prepare the exhibits on or before 7/27/98. On the court's own motion , the deadline for appellants' brief is extended to 8/3/98. (DLB) (Entered: 07/28/1998)
07/27/1998	73	EXHIBIT RECEIPT by plaintiffs of copies of exhibits filed in connection with consent judgment hearing held on 1/25/96 except for exhibit F (videotape). (DLB) (Entered: 07/28/1998)
07/27/1998		TRANSCRIPT FORWARDED TO (USCA) - # of Volumes: 1 PROCEEDINGS: Consent Judgment Hearing held on 1/25/96 at the request of plaintiffs' counsel (DLB) (Entered: 07/28/1998)
08/03/1998	74	Transmittal Acknowledgment from USCA, 1 transcript volumes USCA number: 98-1074EMSL (DLB) (Entered: 08/04/1998)
09/14/1998	75	ORDER by Mag Judge David D. Noce denying plntf's motion for new trial [67-1] or to alter and amend the jgm [67-2] (cc: all counsel) (KKS) (Entered: 09/14/1998)
11/12/1998	76	MOTION by plaintiff Jack Babcock, Larry Schaal, William Cooper, Gerald Bereuter for order an order to show cause why defendants should not be adjudged in contempt of court (DLB) (Entered: 11/13/1998)
11/19/1998	77	RESPONSE by defendants to motion for order an order to show cause why defendants should not be adjudged in contempt of court [76-1] (DLB) (Entered: 11/23/1998)
12/01/1998	78	REPLY by plaintiff to defendants' response to motion for order an order to show cause why defendants should not be adjudged in contempt of court [76-1] w/unnotorized affidavits of Larry Schaal and William Cooper. (DLB) (Entered: 12/01/1998)
12/21/1998	79	MOTION by plaintiff for leave to supplement mtn for contempt with exhibits with attached exhibits A,B&C (KKS) (Entered: 12/22/1998)
08/27/1999	80	MEMORANDUM AND ORDER: by Mag Judge David D. Noce denying without prejudice plntf's motion for leave to supplement mtn for contempt with exhibits [79-1] and plntf's motion for an order to show cause why defendants should not be adjudged in contempt of court [76-1]; Case Stayed until disposition of pending appellate proceedings (cc: all counsel) (KKS) (Entered: 09/01/1999)
09/08/1999	81	ENTIRE FILE SENT TO (USCA) - # of Volumes: 7,8,9 (LGK) (Entered: 09/09/1999)
09/09/1999	82	Transmittal Acknowledgment from USCA; acknowledging receipt of 3 files: volumes 7,8,&9 (KKS) (Entered: 09/13/1999)
09/14/1999	83	Transmittal Acknowledgment from USCA 4 file volumes, transcript volumes USCA number: 98-1074EMSL (DLB) (Entered: 09/16/1999)

02/14/2000	84	Opinion from USCA on USCA number 98-1074 Opinion of USCA: Judgment of the District Court affirmed. (DLB) (Entered: 02/15/2000)
04/19/2000	85	MOTION by plaintiff for an order to show cause why defendants should not be adjudged in contempt of court w/attachments. (DLB) (Entered: 04/20/2000)
04/19/2000	86	RULED DOCUMENT by Mag Judge David D. Noce LEAVE TO FILE GRANTED re [85-1] (cc: all counsel) (DLB) (Entered: 04/20/2000)
04/26/2000	87	MANDATE W/OPINION ATTACHED from (USCA) affirming the decision of the District Court [64-1] USCA number: 98-1074 (cc: all counsel) (LGK) (Entered: 04/27/2000)
05/03/2000	88	ENTIRE FILE SENT TO (USCA) - # of Volumes: 7; # of transcripts: 1. (DLB) (Entered: 05/04/2000)
05/05/2000	89	MOTION by movant Larry Schaal, movant William Cooper, movant Gerald W. Bereuter to recuse the Hon. Judge David D. Noce recuse himself (KKS) (Entered: 08/04/2000)
05/05/2000	90	RULED DOCUMENT by Mag Judge David D. Noce ; granting leave to file plntfs' mtn for recusal [89-1] (cc: all counsel) (KKS) (Entered: 08/04/2000)
09/18/2000	91	LETTER from USCA regarding Writ of Certiorari; the petition for a writ of certiorari was filed 7/10/00 and placed on the docket 8/22/00 as no. 00-5824 (USCA #98-1074) (KKS) (Entered: 09/20/2000)
11/03/2000	92	LETTER from USCA: USCA # 98-1074 re: letter from U.S. Supreme Court denying certiorari (LGK) (Entered: 11/07/2000)
03/21/2001	93	MEMORANDUM AND ORDER: by Mag Judge David D. Noce denying motion to recuse the Hon. Judge David D. Noce recuse himself [89-1], denying motion for an order to show cause why defendants should not be adjudged in contempt of court [85-1] (cc: all counsel) (LGK) (Entered: 03/21/2001)
04/02/2001	94	MAIL Returned [93-1] addressed to movant Larry Schaal (KKS) (Entered: 04/03/2001)
04/23/2001	95	NOTICE OF APPEAL filed by movant William Cooper re: the District Court decision [93-1] w/in forma pauperis affidavit incorporated therein. fee: \$ no fee paid (DLB) Modified on 04/24/2001 (Entered: 04/24/2001)
05/22/2001	96	ORDER by Mag Judge David D. Noce ; plntf's mtn for leave to proceed ifp on appeal is denied re [95-1]; with 30 days from the date of this order, plntf shall pay to this court the full \$105 filing and docketing fees for filing an appeal (see order for particulars); plntf shall file any future documents or pleadings in connection with his appeal directly with the USCA for the Eighth Circuit , (cc: all counsel) (KKS) (Entered: 05/23/2001)

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