

DIST.	OFF.	DOCKET		FILING DATE			J	N/S	O	D	R	23	\$ DEMAND	JUDGE/ MAG. NO.	COUNTY	JURY DEM.	DOCKET	
		YR.	NUMBER	MO	DAY	YEAR											YR.	NUMBER
417	5	85	987	07	08	85	3	550	1				Nearest \$1,000 1706		27047		85	987-CRT

PLAINTIFFS

DEFENDANTS

SMALL, James Lenard  
#11242-OS

ROBERT G. THORNE )  
STEVE HURLEY )  
ELWOOD SMITH )  
CLINTON JACOBS )  
~~FELICIANO-SAMIANA~~ )  
~~WAYNE-BROOKS~~ )

Intervenors

*JSP*  
*Peeler*  
*4/3/89*

JAMES E. MARTIN  
J. C. HARRIS  
AARON JOHNSON  
MR. ROSENFELD  
J. J. CLARK  
W. R. BARKER

Consolidated with 87-446-CRT  
Consolidated with 86-208-CRT

*NA. 2-4-93*  
*QCCA# 93-6354*

*6-15-88*

DISCOVERY EXPIRES ON ~~4-15-88~~

CAUSE

(CITE THE U.S. CIVIL STATUTE UNDER WHICH THE CASE  
IS FILED AND WRITE A BRIEF STATEMENT OF CAUSE)

42 U.S.C. 1983 - Conditions of confinement - Seeks injunctive relief and  
appointment of counsel.

lkp

ATTORNEYS

Melinda Lawrence  
Patterson, Harkavy and Lawrence  
200 West Morgan Street  
P. O. Box 27927  
Raleigh, NC 27611

James Peeler Smith  
NC Department of Justice  
P.O. Box 629  
Raleigh, NC 27602

Louis L. Lesesne, Jr.  
Lesesne and Connete  
1001 Elizabeth Ave., Suite 1-D  
Charlotte, NC 28204

Marvin Sparrow  
NC Prisoner Legal Services, Inc.  
P.O. Box 25397  
Raleigh, NC 27611

3

HERE  
IF CASE WAS  
FILED IN  
FORMA  
PAUPERIS

DATE	RECEIPT NUMBER	C.D. NUMBER

STATISTICAL CARDS

CARD	DATE MAILED
JB-5	
JS-6	

DATE	NR.	Small v Martin, et al	PROCEEDINGS	85-987-CRT
07/08/85	1	COMPLAINT - Conditions of confinement - Seeks injunctive relief and appointment of counsel.		lkp
	2	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS - by pltf.		lkp
08/07/85	3	INMATE'S TRUST FUND ACCOUNT - from N.C.D.O.C.		sbw
08/21/85	4	ORDER REQUIRING PARTIAL PAYMENT OF FILING FEES AND ALLOWING MOTION TO PROCEED IN FORMA PAUPERIS UPON PAYMENT -\$4.00 by 09/23/85 (Leonard) CRT OB #25 p.8 CC to pltf.		sbw
08/29/85	5	RESPONSE TO PARTIAL PAYMENT ORDER- by pltf		sbw
08/29/85		CASE FILE TO RICH		sbw
09/04/85	6	ORDER - rescinding partial payment order and granted to proceed IN FORMA PAUPERIS (Leonard) CRTOB#25 p.48 cc to pltf.		sbw
09/04/85	7	ISSUED SUMMONS AND COMPLAINT WITH 285 U.S.M. form- 6 copies to U.S.Marshall's office for service. cc to pltf w/Mag. consent form		sbw
09/25/85	8	MARSHAL'S RETURN ON SUMMONS AND COMPLAINT - served Gov James Martin by cert mail #24 Capitol bldg in Raleigh, NC on 9/23/85		sbw
		MARSHAL'S RETURN ON SUMMONS AND COMPLAINT - served W.R. Barker by cert mail #26 at Columbus County Unit at Brunswick, NC on 9/21/85		sbw
09/30/85	9	MARSHAL'S RETURN ON SUMMONS AND COMPLAINT - served J. J. Clark by cert. mail #19 at P.O. 86, McCain, NC on 9/23/85		
		MARSHAL'S RETURN ON SUMMONS AND COMPLAINT - served Aaron Johnson by cert. mail #25 at 840 W. Morgan St., Raleigh, NC on 9/23/85		
		MARSHAL'S RETURN ON SUMMONS AND COMPLAINT - served J. C. Harris by cert. mail #26 at P.O. Box 86, McCain, NC on 9/23/85		
		MARSHAL'S RETURN ON SUMMONS AND COMPLAINT - served Mr. Rosenfield by cert. mail #27 at Dept. of Corr, Raleigh, NC on 9/23/85.		lkp
10/10/85	10	MOTION TO EXTEND TIME - by def's cnsl. w/CS		sbw
10/16/85	11	ORDER - granting extension to & on Oct. 29, 1985 (Wade, deputy clerk)CRTOB#25 p242 cc to pltf & def's cnsl.		sbw
10/25/85	12	REQUEST FOR APPOINTMENT OF COUNSEL - by pltf.		sbw
10/25/85	13	FIRST SET OF INTERROGATORIES - from pltf		sbw
10/25/85	14	MOTION FOR DISCOVERY AND PRODUCTION OF DOCUMENTS AND THINGS - by pltf		sbw
10/30/85	15	DEFENDANTS' MOTIONS TO DISMISS AND FOR SUMMARY JUDGMENT WITH MEMORANDUM IN SUPPORT OF - by defts. W/CS (ent.11/5/85)		lkp
10/30/85	16	AFFIDAVIT of Hazel Keith in support of defts. (ent.11/5/85)		lkp
11/05/85	17	ISSUED RULE 56(e) letter to pltf. - Time up to reply - Nov. 29, 1985.		lkp
11/04/85	18	MOTION TO STAY DISCOVERY AND FOR PROTECTION ORDER - by defs' cnsl.		sbw
11/13/85	19	OBJECTION TO DEFENDANTS' MOTIONS TO STAY DISCOVERY/FOR PROTECTIVE ORDER AND PLAINTIFF'S MOTION TO COMPEL DISCOVERY OR REQUEST FOR ADMISSIONS - by pltf. W/CS.		lkp
	20	OBJECTION TO DEFENDANTS' MOTIONS TO DISMISS AND FOR SUMMARY JUDGMENT - by pltf. W/CS.		lkp
	21	PLAINTIFF'S MOTION TO ADD PARTY AND AMEND OR SUPPLEMENT COMPLAINT TO CORRECT ERROR AND EXPAND - by pltf. W/CS.		lkp
11/19/85		Case file to Judge Britt.		lkp
11/26/85	22	ORDER - that the motions by defts. to stay discovery is allowed and all discovery is stayed pending a resolution by the court of the other motions (BRITT) CRT OB #26, pg.192 cc to pltf. and Atty. Gen. of NC.		lkp
1/10/86	23	ORDER - pltf must particularize his complaint within 10 days. (Judge Britt) CRTOB#27 p127 cc to pltf and defs' cnsl. (1/10/86)		SBW
01/16/86	24	MOTION TO COMPLY WITH COURT ORDER - by pltf. W/CS.		lkp
01/16/86		Case file to Judge Britt.		lkp
1/22/86	25	ORDER - pltf must allege particular facts and circumstances to demonstrate that he is entitled to relief. Pltf has until 2/14/86 to respond.(Judge Britt) CRTOB#27 p190 cc to pltf and defs' cnsl.		sbw
01/30/86	26	PLAINTIFF'S PARTICULARIZED COMPLAINT - by pltf.		lkp
01/31/86		Case file to Judge Britt.		lkp
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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>85-987-CRT</u>
James Lenard Small	James E. Martin, et al	PAGE <u>2</u> OF <u>    </u> PAGES

DATE	NR.	PROCEEDINGS	
02/20/86	27	MOTION TO EXTEND TIME - by defts. W/CS cc to Judge Britt w/proposed order	lkp
2/21/86	28	ORDER - defts are allowed up to & on 3/31/86 to reply.(Judge Britt)cc to pltf and defts' cnsl.	sbw
3/12/86	29	MOTION TO VACATE AND COMPEL DISCOVERY - by pltf t/4/09/86 w/CS	sbw
03/20/86	30	MOTION FOR FURTHER EXTENSION OF TIME - by defts. W/CS.	lkp
	31	AFFIDAVIT of Ben G. Irons, II in support of defts.	lkp
03/25/86	32	ORDER -that the motion of defts for an extension of time within which to answer pltf's amended particularized complaint is allowed and such answer may be filed on or before April 15, 1986. (BRITT) CRT OB #28, pg.126 cc to pltf. and Atty. Gen. of NC	lkp
04/15/86	33	DEFENDANTS' MOTIONS TO DISMISS AND FOR SUMMARY JUDGMENT OF PLAINTIFF'S AMENDED PARTICULARIZED COMPLAINT - by defts W/CS	lkp
	34	AFFIDAVIT of W. R. Barber in support of defts. AFFIDAVIT of W. Vann Penninger, Jr. in support of defts. AFFIDAVIT of Jim Vaughn in support of defts.	lkp
04/16/86	35	ISSUED RULE 56(e) letter to pltf. - Time up to reply - May 9, 1986	lkp
05/12/86	36	MOTION FOR AN EXTENSION OF TIME TO RESPOND - by pltf. W/CS.	lkp
05/13/86	37	ORDER EXTENDING TIME TO ANSWER, MOVE, OR OTHERWISE PLEAD - pltf. is allowed up to and including July 14, 1986 in which to reply. (Leonard,Clerk) cc to pltf. and Atty. Gen. of NC.	lkp
06/20/86	38	NOTICE OF APPEARANCE - of Marvin Sparrow for pltf. W/CS.	lkp
	39	NOTICE OF APPEARANCE - of Melinda Lawrence, Louis L. Lesesne, Jr., Marvin Sparrow, Julius Levonne Chambers and Deborah Fins for pltf. W/CS	lkp
	40	MOTION FOR EXTENSION OF TIME - by pltf. W/CS	lkp
	41	<del>MOTION TO PERMIT DEFENDANT TO INTERVENE</del> W/CS.	lkp
	42	<del>MOTION FOR CLASS CERTIFICATION</del> by pltf. W/CS.	lkp
	43	PLAINTIFF'S MEMORANDUM IN SUPPORT OF MOTION FOR CLASS CERTIFICATION - by pltf. W/CS.	lkp
	44	<del>MOTION FOR PERMISSION TO INTERVENE</del> in Intervention - by pltf. W/CS.	lkp
	45	PLAINTIFF'S MEMORANDUM IN SUPPORT OF MOTION FOR PERMISSION TO INTERVENE - by pltf. W/CS.	lkp
06/20/86		Case file to Judge Britt.	lkp
7/11/86	46	ORDER - motion for an extension of time within which to respond to the motion to dismiss and for summary judgment is allowed. A hearing is hereby scheduled with Judge Britt in Raleigh at 2:00 p.m. on August 18 to hear arguments on motion for class certification and motion to intervene.(Judge Britt) CRTOB#30 p202 cc to all of plaintiff's counsels and defts' counsels.	sbw
7/14/86	47	<del>MOTION FOR PERMISSION TO INTERVENE</del> - by defts' counsel w/CS	sbw
7/17/86		Case file to Mag Denson.	sbw
7/22/86	48	<del>MOTION FOR PERMISSION TO INTERVENE</del> - by plaintiff's counsel.	sbw
7/24/86	49	ORDER - hearing on plaintiff's motion for class certification and motion to intervene currently scheduled for 8/18/86 is rescheduled for 10/14/86 at 2:00 PM in Raleigh, NC.(Judge Britt)CRTOB#30 p259 cc to all plaintiff's counsels and defts' counsel.	sbw
7/28/86	50	ORDER - motion for delay in discovery is denied. Inasmuch as pltf. now has counsel, defendants may ignore disovoery request submitted by pltf. when he was appearing <u>pro se</u> . should counsel desire to renew any such discovery request they may do so themselves. (BRITT) CC to pltf. & deft. CRT OB #30, pg. 278.	ele

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 85-987-CRT
JAMES LENARD SMALL, et al		GOV. JAMES MARTIN, et al	PAGE 3 OF _____ PAGES
DATE	NR.	PROCEEDINGS	
10/10/86	51	DEFTS' RESPONSE TO PLFF'S MOT. FOR CLASS CERTIFICATION - opposing - w/cs. Cy. to J. Britt. cgw	
10/14/86	52	<del>NOTICE TO STRIKE - by plff. - w/cs. Cy. to J. Britt. cgw</del>	
	53	MEMORANDUM IN SUPPORT OF PLFF'S MOT. TO STRIKE - w/cs. Cy. to J. Britt. cgw MOTION HEARING held before J. Britt in Raleigh. Melinda Lawrence, Louis L. Lesesne, Jr. & Marvin Sparrow for plff.: Jacob L. Safron & Jim Smith for defts. Class cert. & mot. to intervene as plffs. is allowed. Order to follow. Defts. have until 11/30/86 to suppl. their sum. judg. mot.: plffs. then have 60 days to respond. Orders to follow. Jo Bush, court reporter. Mot. to Strike - denied. cgw	
	54	ORDER REQUIRING NOTICE TO CLASS MEMBERS - each prison unit, each dorm or single room. If notice is defaced, it is to be replaced immediately. Notice to be posted during pendency of this action. (CRT. O.B. #32, p. 197) (BRITT, J.) CC to all counsel. cgw	
	55	NOTICE TO CLASS MEMBERS of this action. (CRT. O.B. #199)(BRITT, J.) CC to counsel. cgw	
File #2			
10/22/86	56	ORDER - In summary the court rules as follows: 1) The motion by plaint to strike the defendants' response to the motion for class certification is denied; 2) The motion to intervene is allowed and the clerk is directed to file the complaint in intervention; and 3) The motion for class certification is allowed and the class is designated as set out in order. It is hereby ORDERED that the defendants file all additional materials in support of the motions to dismiss or for summary judgment by 11/14/86. Plaintiffs are ORDERED to respond to motions on or before 1/13/87.(Judge Britt)CRTOB#33 p4 cc to plaintiffs' counsels and defs' counsel. sbw	
11/7/86	57	COMPLAINT IN INTERVENTION - by plaintiffs' counsels w/CS sbw	
	58	NOTICE OF DEPOSITION - plffs. to depose Ronald G. Godwin at 10:00 a.m. on 11/24/86 in Whiteville, N.C. - w/cs. cgw	
	59	NOTICE OF DEPOSITION - plffs. to depose Dr. D. G. Bunn at 10:00 a.m. on 11/24/86 in Whiteville, N.C. - w/cs. cgw	
	60	NOTICE OF DEPOSITION - plffs. to depose W. R. Barker at 10:00 a.m. on 11/24/86 in Whiteville, N.C. - w/cs. cgw	
	61	NOTICE OF DEPOSITION - plffs. to depose Don Inman at 10:00 a.m. on 11/24/86 in Whiteville, N.C. - w/cs. cgw	
11/14/86	62	SUPPLEMENTAL BRIEF IN SUPPORT OF MOTION TO DISMISS/MOTION FOR SUMMARY JUDGMENT - w/exhibits (in brown folder) - by defts. W/CS. lkp	
11/20/86	63	ANSWER - to Complaint In Intervention - by defts. Martin, Johnson and Patseavouras W/CS lkp	
11/21/86	64	RETURN OF SERVICE - served Dr. D. G. Bunn by personal service at 107 East Main St., Whiteville, NC on 11/17/86 RETURN OF SERVICE - served Don Inman by personal service at Pen Grill, Whiteville NC on 11/18/86. lkp	
12/12/86	65	PLAINTIFFS' ACCEPTANCE OF DEFENDANTS' OFFER TO LIMIT PROOF REGARDING LIABILITY - by plaintiffs' counsels w/CS sbw	
12/15/86		DEPOSITION OF JAMES LENARD SMALL - filed by defts. lkp	
12/23/86		TRANSCRIPT OF HEARING held Wed, Oct. 14, 1986 in Raleigh before Judge Britt lkp	
12/23/86	66	DEFENDANT'S REJECTION OF OFFER TO LIMIT PROOF REGARDING LIABILITY - by defendant's counsel w/CS EOD 12/41/86 lkp sbw	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. 85-987-CRT
JAMES LENARD SMALL, ET AL.	GOV. JAMES MARTIN, ET AL.	PAGE 4 OF _____ PAGES

DATE	NR.	PROCEEDINGS	
1/05/87	67	MOTION FOR EXTENSION OF TIME - by counsel for plaintiffs w/CS	sbw
1/06/87	68	ORDER - plaintiffs are granted to and on 2/28/87 to respond to defendants' motion for summary judgment.(Judge Britt)CRTOB#34 p216 Copy to <u>all</u> plaintiffs' counsels and defendants' counsel.	sbw
1/21/87	69	DEFENDANT'S RESPONSE TO FIRST INTERROGATORIES - from defendant's counsel w/CS	sbw
02/10/87		DEPOSITION OF DAVID G. BUNN - filed by pltf.	lcp
02/11/87	70	PLAINTIFF'S MEMORANDUM OPPOSING DEFENDANTS' SUMMARY JUDGMENT MOTION - by pltf. w/CS	lcp
	71	DECLARATION OF JESSICA SCHORR SAXE - in support of pltf. DECLARATION OF WILLIAM G. NAGEL - in support of pltf. DECLARATION OF JAMES L. SMALL - in support of pltf. DECLARATION OF JAMES A. CASHWELL - in support of pltf. DECLARATION OF DONALD BRACKETT - in support of pltf. DECLARATION OF ROBERT GEORGE THORNE - in support of pltf.	lcp
02/11/87		Case file to Judge Britt.	lcp
02/18/87	72	REQUEST TO AMEND COMPLAINT - by Alexander Johnson, member of class. cc to Judge Britt.	lcp
02/19/87	73	MOTION FOR AN EXTENSION OF TIME TO FILE REPLY - by defts. W/CS cc to Judge Britt w/proposed order	lcp
02/18/87*	74	REQUEST FOR A DISCOVERY CONFERENCE - by pltf. W/CS. cc to Judge Britt	lcp
2/25/87		ISSUED NOTICE OF HEARING ON MOTIONS FOR SUMMARY JUDGMENT at 9:00 a.m., Mon., 4/13/87 in Raleigh, US Ctrm. #2, 7th Floor, PO & Cthse., before J. Britt.	jwt
3/10/87	75	REPLY TO PLAINTIFF'S MEMORANDUM OPPOSING DEFENDANTS' SUMMARY JUDGMENT MOTION - by defendants' counsel with CS Copy to Judge Britt	
	76	RESPONSE FROM DR. E. SCOTT THOMAS - for defendants Copy to Judge Britt	
	77	EXHIBIT(Unpublished opinion from the 4th Circuit Court of Appeals) - from defendants counsel. Copy to Judge Britt	
	78	AFFIDAVIT of W.R.Barker for defendants Copy to Judge Britt	
3/12/87	79	AFFIDAVIT of Paul A. Skelton for defendants Copy to Judge Britt	sbw
3/13/87	80	ORDER - defendants' motion for extension of time is granted until 3/10/87.(Judge Britt)Copy to all of plaintiff's counsels and defendants' counsel.	sbw
3/25/87		CHANGE IN TIME OF HEARING ON APRIL 13, 1987 FROM 9:00 a.m. to 10:00 a.m.	ele
03/25/87	81	STATEMENT BY INMATE RAOUL EUGENE - cc to Judge Britt.	lcp
4/13/87		Hearing held before J. Britt, in Raleigh, N.C. on Motions for Summary Judgment. Counsel present for pltf.: Melinda Lawrence, Louis L. Lesesne & Marvin Sparrow. Counsel present for deft. Skip Capone. Court will take under advisement & will issue an order. Time: 1 Hr. Ct. Rptr.: Donna Tomawski.	
4/09/87	82	STATEMENT of Leonard Leach, Warren Co. Unit, member of class.	sbw
05/26/87	83	MOTION FOR PERMISSION TO INTERVENE - by pltf. consented to by defts. W/CS cc to Judge Britt w/proposed order and Complaint in Intervention	lcp
05/26/87	84	MOTION FOR CONSOLIDATION - this action with 87-446-CRT - by pltf. - consented to by defts. W/CS. cc to Judge Britt w/proposed order	lcp
05/29/87	85	ORDER - that this action is consolidated with 87-446-CRT. (BRITT) CRT OB #38, pg.36 cc to counsel.	lcp
05/29/87	86	ORDER - that pltf's motion for permission to intervene filed by pltf interveners Robert G. Thorne, Feliciano Samiana, Elwood Smith, Clinton Jacobs Steve Hurley and Wayne Brooks is allowed. (BRITT) CRT OB #38, pg.35 cc to counsel	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 85-987-CRT
James Lenard Small, et al		Governor James Martin, et al	PAGE ___ OF ___ PAGES
DATE	NR.	PROCEEDINGS	
05/29/87	87	COMPLAINT IN INTERVENTION - by pltf./intervenor Robert G. Thorne, Steve Hurley, Elwood Smith, Clinton Jacobs, Feliciano Samiana and Wayne Brooks W/CS. lkp	
6/01/87	88	NOTICE AND ACKNOWLEDGEMENT OF RECEIPT OF SUMMONS AND COMPLAINT - by plaintiff's counsel and signed by J. Patseavouras For 87-446-CRT sbw	
06/15/87	89	ORDER - that defts' motion to dismiss is moot. The motion for summary summary judgment is without merit. Accordingly, both motions are denied. (BRITT) CRT OB #38, pg.143 cc to counsel. lkp	
06/15/87	90	MOTION FOR EXTENSION OF TIME TO ANSWER, MOVE OR OTHERWISE PLEAD - by defts. W/CS. lkp	
06/18/87	91	ORDER EXTENDING TIME TO ANSWER, MOVE OR OTHERWISE PLEAD - defts. are allowed to and including July 13, 1987 in which to reply. (Leonard, Clerk by Pinnix, Dpt. Clerk) cc to counsel lkp	
7/14/87	92	DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION - by defts' counsel w/CS sbw	
7/15/87	93	ANSWER - by defendants' counsel w/CS sbw Case file to Judge Britt sbw	
7/14/87	94	ANSWER TO COMPLAINT IN INTERVENTION - by defendants' counsel w/CS Copy to Judge Britt sbw	
9/04/87	95	REQUEST OF MOTION FOR AN ORDER - by class member John J. White. Copy to Judge Britt sbw	
9/17/87		ISSUED NOTICE OF HEARING ON MOTION FOR CLASS CERTIFICATION Thurs., 10/15/87 in US Ctrm. #2, 7th Floor, PO & Cthse., Raleigh, before J. Britt. (w/consolidated case #87-446-CRT) jwt	
10/06/87		ISSUED NOTICE RESCHEDULING MOTION HEARING - the hearing currently set for 10/15/87 has been continued until 9:00 am on Wed. Oct. 21, 1987 before Judge Britt at the same place. (c/consolidated case #87-446-CRT) lkp Discovery Conference to held in 87-446-CRT immediately following Motion Hearing. lkp	
10/13/87	96	NOTICE OF DEPOSITION on officer assigned to dorm at Yadkin County Unit for 10/30/87 " " " on Officer assigned to dorm at Wilkes County Unit for 10/30/87 " " " on Superintendent of Wilkes County Unit for 10/30/87 " " " on Sargent on duty at Wilkes County unit for 10/30/87 " " " on Superintendent of Yadkin County unit for 10/30/87 " " " on Sargent on duty at Yadkin County unit for 10/30/87 " " " on officer assigned to dorm at Yadkin County unit for 10/30/87 NOTICE OF DEPOSITION on Superintendent at Alexander County for 10/30/87 " " " on Sargent on duty at Alexander County unit for 10/30/87 " " " on officer assigned to dorm of Alexander County unit for 10/30/87 " " " on Superintendent of Guilford unit for 10/29/87 " " " on Sergeant on duty at Guilford II unit for 10/29/87 " " " on officer assigned to cell at Guilford II unit for 10/29/87 " " " on officer assigned to dorm at Guilford II unit for 10/29/87 NOTICE OF DEPOSITION on Superintendent of Guilford I unit for 10/29/87 " " " on Sergeant on duty Guilford I unit for 10/29/87 " " " on officer assigned to dorm of Guilford I unit for 10/29/87 " " " on Superintendent of Davie unit for 10/29/87 " " " on Sergeant on duty at Davie unit for 10/29/87 " " " on officer assigned to dorm of Davie unit for 10/29/87 " " " on officer assigned to cell at Davie unit for 10/29/87 NOTICE OF DEPOSITION on Superintendant of Franklin unit for 10/26/87 " " " On Sergeant on duty at Franklin unit for 10/26/87 " " " on officer assigned to dorm at Franklin unit for 10/26/87 " " " on officer assigned to cell at Franklin unit for 10/26/87	

File #3

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>85-987-CRT</u>
JAMES LENARD SMALL, ET AL.	GOV. JAMES MARTIN, ET AL.	PAGE <u>6</u> OF <u>    </u> PAGES

DATE	NR.	PROCEEDINGS
cont'd 10/13/87	96	<p>NOTICE OF DEPOSITION on Superintendent of Vance unit for 10/26/87</p> <p>" " " on Sergeant on duty at Vance unit for 10/26/87</p> <p>" " " on officer assigned to dorm at Vance unit for 10/26/87</p> <p>" " " on Superintendent of Person Co. unit for 10/26/87</p> <p>" " " on Sergeant on duty at Person Co unit for 10/26/87</p> <p>" " " on officer assigned to dorm at Person Co unit for 10/26/87</p> <p>" " " on Superintendent at Orange unit for 10/27/87</p> <p>NOTICE OF DEPOSITION on Sergeant on duty at Orange unit for 10/27/87</p> <p>" " " on officer assigned to dorm at Orange unit for 10/27/87</p> <p>" " " on officer assigned to dorm at Alamance unit for 10/27/87</p> <p>" " " on Sergeant on duty at Alamance unit for 10/27/87</p> <p>" " " on Superintendent of Alamance unit for 10/27/87</p> <p>" " " on Superintendent of Rockingham unit for 10/27/87</p> <p>" " " on Sergeant on duty at Rockingham unit for 10/27/87</p> <p>NOTICE OF DEPOSITION on officer assigne to dorm at Rockingham unit for 10/27/87</p> <p>" " " on Superintendent of Johnston unit for 10/28/87</p> <p>" " " on Sergeant on duty at Johnston unit for 10/28/87</p> <p>" " " on officer assigned to dorm at Johnston unit for 10/28/87</p> <p>" " " on officer assigned to cell at Johnston unit for 10/28/87</p> <p>" " " on Superintendent of Wayne Co unit for 10/28/87</p> <p>" " " on Sergeant on duty at Wayne Co unit for 10/28/87</p> <p>NOTICE OF DEPOSITION on officer assigned to dorm at Wayne Co unit for 10/28/87</p> <p>" " " on Superintendent of Goldsboro unit for 10/28/87</p> <p>" " " on Sergeant on duty at Goldsboro unit for 10/28/87</p> <p>" " " on officer assigned to dorm at Goldsboro unit for 10/28/87</p> <p>" " " on officer assigned to cell at Yadkin unit for 10/30/87</p> <p>" " " on officer assigned to dorm at Wilkes unit on 10/30/87 sbw</p>
10/16/87	97	PLAINTIFF'S PROPOSALS FOR ADDITIONS TO DISCOVERY PLAN - by plaintiff's counsel sbw
10/21/87	98	DISCOVERY PLAN - by defendnats' counsel, plaintiff's counsel and signed by each and Judge Britt sbw
10/22/87	99	DISCOVERY PROTECTION ORDER - signed by Judge Britt and consent to by counsel. Filed copies to Lesesne, Lawrence, Sparrow, Capone & Smiley. lkp
10/23/87	100	ORDER - that the Discovery Plan is modified in regards to visits by pltf's experts as stated in the order. (BRITT) CRT OB #42, pg.14 cc to counsel. lkp
12/23/87	101	ORDER - plaintiff's claim for injunctive relief is DISMISSED as moot; plaintiff's action and his remaining claim for compensatory damages is TRANSFERRED to Judge Britt's docket for consolidation with <u>SMALL V. MARTIN</u> , #85-987-CRT E.D.N.C.; and the motion to entervine filed on behalf of Masie McLean and Moses Shelton White is DENIED.(Judge Fox)CRTOB#43 pl62 Copy to plaintiff's counsel and plaintiff's counsels in 85-987-CRT and defendants' counsels in both cases. sbw
01/29/88	102	ORDER - that defts. post the revised notice to class members under the same conditions as were ordered for the notice dated Oct. 14, 1986. (BRITT) CRT OB #44, pg.137 cc to counsel. lkp
03/16/88	103	REQUEST FOR EMERGENCY MEASURES - by sixty-eight inmates at Watauga County Unit. cc to Sparrow, NCPLS and Judge Britt. lkp
03/31/88	104	JOINT MOTION FOR EXTENSION OF TIME TO COMPLETE DISCOVERY - by defts. w/agreement of pltf's. W/CS cc to Judge Britt. lkp
04/01/88	105	ORDER - that the time for completion of discovery is extended to June 15, 1988. (BRITT) CRT OB #46, pg. 4 cc to counsel. lkp
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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT		DOCKET NO. 85-987-CRT
James Lenard Small, et al		Gov. James Martin, et al		PAGE ___ OF ___ PAGES
DATE	NR.	PROCEEDINGS		
04/07/88		Copy of March 16, 1988 Request sent to counsel Lawrence, Lesesne and Safron per instructions of Judge Britt.		lkp
4/11/88	106	VOLUNTARY DISMISSAL - by pltf. Feliciano Samiana.		bhg
4/11/88	107	STIPULATION OF VOLUNTARY DISMISSAL - by defts' attorney and pltf.'s attorney		bhg
4/14/88		ISSUED NOTICE OF JURY TRIAL Mon., 10/3/88 at 10:00 A.M., in Raleigh, US Ctrm. #2, 7th Floor, PO & Cthse., before J. Britt. (w/consol. #86-208-CRT 7 #87-446-CRT		jwt
5/18/88	108	MOTION TO COMPEL DISCOVERY - by defts W/CS.		bhg
5/19/88	109	SUPPLEMENT TO MOTION TO COMPEL - by defts. W/CS		bhg
5/23/88	110	PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION TO COMPEL - by pltf W/CS		bhg
5/24/88		Case file to Judge Britt.		bhg
5/26/88	111	ORDER COMPELLING DISCOVERY - at trial plaintiffs will be prohibited from testifying as to information which they refused to supply in response to any interrogatory or deposition question. (DENSON) CRT OB #47 page 35. cc to Atty. Lawrence, Atty. Lesesne, Atty. Sparrow, Atty. Chambers, Atty. Gen Safron, and Atty. Gen. Capone.		bhg
04/22/88	112	STIPULATION OF VOLUNTARY DISMISSAL - as to Wayne Brooks - signed by counsel.		lkp
04/22/88	113	VOLUNTARY DISMISSAL - by pltf. Wayne Brooks.		lkp
06/07/88		Case file to Mag. Denson per Judge Britt's instructions.		lkp
6/14/88	114	MOTION TO COMPLETE DEPOSITIONS OUTSIDE THE TIME FOR DISCOVERY - by deft. W/CS cc to Mag. Denson.		bhg
07/07/88	115	RESPONSE TO DEFENDANTS' MOTION TO COMPLETE DEPOSITIONS OUTSIDE THE TIME FOR DISCOVERY - by pltf. W/CS.		lkp
07/08/88		Case file (Vol. III) to Judge Britt.		lkp
07/13/88	116	ORDER - that the depositions of remaining class members, pltf's expert witnesses and defts' expert witnesses may be taken up to and including Aug. 31, 1988 (BRITT) cc to counsel.		lkp
07/13/88	117	MOTION FOR EXTENSION OF TIME - to file Motion to Compel - by pltf. W/CS. cc to Judge Britt w/proposed order.		lkp
07/14/88	118	REPLY TO DEFENDANTS' OBJECTION TO MOTION FOR EXTENSION OF TIME TO FILE A MOTION TO COMPEL - by pltf. W/CS cc to Judge Britt.		lkp
07/14/88	119	ORDER - pltf. have until Aug. 1, 1988 to file a motion to compel. (BRITT) cc to counsel		lkp
07/14/88	120	DEFENDANTS' MOTION TO EXTEND TIME FOR FILING MOTIONS UNDER LOCAL RULE 4.01 by defts. W/CS cc to Judge Britt.		lkp
07/15/88	121	DEFENDANTS' OBJECTION TO MOTION FOR EXTENSION OF TIME TO FILE MOTION TO COMPEL - by defts. W/CS cc to Judge Britt.		lkp
07/15/88	122	PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO EXTEND TIME FOR FILING MOTION UNDER LOCAL RULE 4.01 - by pltf. W/CS cc to Judge Britt.		lkp
07/18/88	123	ORDER - that the time within which dispositive motions may be filed is extended to and including July 22, 1988 (BRITT) cc to counsel		lkp
07/27/88	124	ORDER - that 86-208-CRT is held in abeyance pending resolution of the request for injunctive relief in <u>Small v Martin</u> and <u>Thorne v Martin</u> . Those two cases will now stand for trial as a nonjury matter. (BRITT) CRT OB #48, pg.57 cc to counsel in 85-987-CRT, 86-208-CRT and 87-446-CRT.		

4th  
File



CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>85-987-CRT</u>
JAMES LENARD SMALL et al		GOV. JAMES MARTIN et al	PAGE <u>8</u> OF <u>    </u> PAGES
DATE	NR.	PROCEEDINGS	
8/1/88	125	MOTION TO COMPEL WITH MEMORANDUM IN SUPPORT OF MOTION - by pltfs w/cs gnm cc to Judge Britt	
8/5/88	126	MOTION IN LIMINE TO EXCLUDE THE TESTIMONY OF CERTAIN WITNESSES NOT IDENTIFIED BY DEFENDANTS IN ACCORDANCE WITH THE DISCOVERY PLAN WITH MEMORANDUM IN SUPPORT OF MOTION - by pltfs w/cs cc to Judge Britt gnm	
8/5/88	127	MOTION TO LIMINE WITH MEMORANDUM IN SUPPORT OF MOTION - by plts w/cs gnm	
8/8/88		Case file to Judge Britt gnm	
8/8/88		<b>CALENDAR FOR PRE-TRIAL Mon., 9/19/88 at 10:30 A.M., in the USM Ctrm., 6th Floor, PO &amp; Cthse., before USM Denson.</b>	
		<b>CALENDAR FOR JURY TRIAL Mon., 10/3/88 in Raleigh, 10:00 A.M., US Ctrm. #2, 7th Floor, PO &amp; Cthse., before J. Britt. jwt</b>	
8/15/88	128	DEFENDANTS RESPONSE TO PLAINTIFFS' MOTION TO COMPEL-by defts w/cs gnm cc to Judge Britt by atty	
8/16/88	129	DEFENDANTS' BRIEF IN OPPOSITION TO MOTION IN LIMINE (EXCLUSION OF EVIDENCE) - by defts w/cs gnm cc to Judge Britt	
8/16/88	130	DEFENDANTS' BRIEF IN OPPOSITION TO PLAINTIFFS' MOTION IN LIMINE (EXCLUSION OF WITNESSES) - by defts w/cs gnm cc to Judge Britt	
8-19-88	131	REPLY TO DEFENDANTS' BRIEF IN OPPOSITION TO PLAINTIFF'S MOTION IN LIMINE REGARDING THE EXCLUSION OF WITNESSES - by defts. w/ cs cc to Judge Britt bll	
8/23/88		<b>Ltr. to counsel advising that J. Britt will do Pre-trial in Page, 9/19/88 at 2:00 p.m., if calendar doesn't fold up - if so will be in Ral., same date &amp; time. jwt</b>	
8/23/88	132	REPLY TO DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION TO COMPEL - by pltf w/cs gnm cc to Judge Britt	
8/23/88	133	PLAINTIFFS' REPLY MEMORANDUM IN SUPPORT OF MOTION IN LIMINE (EXCLUSION OF POST-FILING REMEDIAL EFFORTS - by pltfs w/cs gnm cc to Judge Britt	
9/2/88	134	RULING ON MOTION TO COMPEL - that the defendants' objections are OVERRULED and Plaintiff's Motion to Compel IS ALLOWED as to Requests Nos. 2,23,26 and 4 (as to documents experts will rely on) of Plaintiffs' Third Request for Production of Documents and as to Interrogatories Nos. 17 and 18 of Plaintiffs' Third Set of Interrogatories. Otherwise, the objections are SUSTAINED and the Motion to Compel is DENIED. (DENSON) CRT OB # 48, pg 285 cc to counsel gnm	
9-13-88	135	REQUEST FOR CLARIFICATION - by pltfs. w/ cs - cc to Mag. Denson bll	
9-14-88	136	RESPONSE TO "REQUEST FOR CLARIFICATION" - by defts. w/cs cc to Mag. Denson bll	
9/15/88	137	MOTION TO FILE SUPPLEMENTAL EXHIBIT LISTS WITH MEMORANDUM IN SUPPORT OF MOTION - by pltf w/cs gnm	
9/16/88	138	ORDER - that the motion in limine is granted. At the liability phase of the trial of this action, evidence as to the conditions shall be limited to conditions as they existed on or before 8 July 1985 (BRITT) CRT OB # 49, pg. 13 cc to all counsel gnm	
9/16/88	139	ORDER - that plaintiffs' motion in limine to exclude the testimony of non-expert witnesses is denied without prejudice. Should either party be able to prove with regard to any witness that the other party failed to exercise a good faith effort to identify the witness in accordance with the discovery plan, that witness will be excluded. The motion in limine is	

File

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>85-987-CFT</u>
JAMES LENARD SMALL et al		GOV. JAMES MARTIN et al	PAGE <u>9</u> OF <u>    </u> PAGES
DATE	NR.	PROCEEDINGS	
9/16/88	140	allowed with regard to expert witnesses (BRITT) CRT OB # 49, pg. 14 cc to all counsel gnm	ORDER - motion to file a supplemental exhibit list is allowed; and plaintiffs shall have to and including the 23rd of September 1988 within to serve on counsel for defendants a supplemental exhibit list to be attached to the pretrial order. Defendants shall have to and including the 30th day of September 1988 within which to note their objections on said list. Upon noting their objections, defendants shall file the supplemental exhibit list with the office of the clerk (BRITT) CRT OB # 49, pg. 15 cc to all counsel gnm
9/19/88		Case file to Judge Britt gnm	
9/19/88		Pre-Trial Conference held before J. Britt in Raleigh. Marvin Sparrow, Louis Lesesne and Melinda Lawrence for pltfs; Lucien Capone and Tiara Smiley for defts. Final Pre Trial Order due in J. Britt's office by 9:00 a.m. on Thurs. September 22, 1988 with defts' changes due in Atty. Lawrence's office by Noon on Wed. September 21, 1988. Defts made oral motion for continuance of trial - another 2 months; Pltfs oppose. Denied. Time: 1 1/2 hrs. Jo Bush, Ct. Reporter. gnm	
9/22/88	141	PRE-TRIAL ORDER - with Stipulation, Contentions, Exhibits and Witnesses; approved by Judge Britt, signed by counsel for the pltf and deft; ETT - 50 days gnm	
9/28/88	142	WRIT OF HABEAS CORPUS AD TESTIFICANDUM - to N.C.D.O.C. to produce inmates at trial beginning October 3, 1988 consistent with the schedule and procedures which have been arranged between the parties (BRITT) cc to all counsel gnm	
9/28/88	143	MOTION TO AMEND PRE-TRIAL ORDER - by pltf w/cs gnm	
9/29/88		Case file to Judge Britt gnm	
9/29/88	144	DEFENDANTS' TRIAL BRIEF - by defts w/cs cc to Judge Britt gnm	
9/29/88	145	PLAINTIFFS' TRIAL MEMORANDUM - by pltfs w/cs cc to Judge Britt gnm	
9/30/88	146	ORDER - that the pre-trial order is hereby amended to list the names of Quintis Dye and Lazarda Grady as witnesses for plaintiff (BRITT) CRT OB # 49, pg. 80 cc to all counsel gnm	
9/30/88	147	PLAINTIFF'S SUPPLEMENTAL EXHIBIT LIST - by pltf w/cs gnm	
10/3/88	148	MOTION IN LIMINE (PLAINTIFFS' SUPPLEMENTAL EXHIBIT LIST) - by defts w/cs gnm	
10/4/88	149	RESPONSE TO MOTION IN LIMINE - by pltfs w/cs gnm	
10/5/88	150	REPLY TO PLAINTIFFS' RESPONSE TO MOTION IN LIMINE - by defts w/cs gnm	
10/5/88	151	ORDER ESTABLISHING RULES FOR SETTLEMENT NEGOTIATIONS - including Settlement Committees, Meetings of the Settlement Committees, Approaches to Settlement and Confidentiality (DENSON) CRT OB # 49, pg. 101 cc to counsel by Mag. Denson gnm	
10/3/88 - 10/7/88		<b>NON-JURY TRIAL</b> - Jo Bush Court Reporter - Defendants' Motion In Limine (Plaintiffs' Supplemental Exhibit List) is denied. gnm	
10/11/88	152	PLAINTIFFS' DESIGNATION OF SETTLEMENT COMMITTEE - by pltfs w/cs cc to Mag. Denson gnm	
10/11/88 - 10/13/88		<b>NON-JURY TRIAL</b> - Cont'd Jo Bush Court Reporter gnm	

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PLAINTIFF		DEFENDANT	DOCKET NO. <u>85-987-CRT</u>
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DATE	NR.	PROCEEDINGS	
10/19/88	153	STATEMENT OF FACTS - by defts w/cs cc to Judge Britt	gnm
10-20-88	-		
10-21-88		<b>NON-JURY TRIAL CONT'D</b> - Jo Bush, Court Reporter - plaintiffs have up until October 27, 1988 to respond to defendants' Statement of Facts	gnm
10-24-88	-		
10-25-88		<b>NON-JURY TRIAL CONT'D</b> - Jo Bush, Court Reporter	gnm
10/27/88	154	PLAINTIFFS' MEMORANDUM OPPOSING MOTION TO STRIKE TESTIMONY OF JAMES CASHWELL by pltfs w/cs cc to Judge Britt	gnm
11-2-88			
11-3-88		<b>NON-JURY TRIAL CONT'D</b> - Carol Williams, Court Reporter	gnm
11/8/88		<b>NON-JURY TRIAL CONT'D</b> - Jo Bush, Court Reporter	gnm
11/15/88		TRANSCRIPT OF TESTIMONY OF WARD C. DUEL (2 VOLUMES)(OCTOBER 6-7 1988)	gnm
11/17/88		TRANSCRIPT OF TESTIMONY OF WARD C. DUEL (NOVEMBER 3, 1988)	gnm
11/23/88	155	MOTION TO SUPPLEMENT EXHIBITS AND WITNESS LIST - by defts w/cs cc to Judge Britt	gnm
11/28/88	156	PLAINTIFFS' DESIGNATION OF WITNESS DEPOSITION - by pltfs w/cs	gnm
11/28/88	157	LETTER FROM INMATES AT THE RUTHERFORD COUNTY UNIT - by pltfs cc to all counsel with memo from Judge Britt	gnm
12/2/88	158	RESPONSE TO DEFENDANTS' MOTION TO SUPPLEMENT EXHIBITS AND WITNESS LIST - by pltfs w/cs cc to Judge Britt	gnm
12/5/88	159	ORDER - that the motion of defendants is allowed. Plaintiffs may file a supplement to the exhibit list with objections within one week following resumption of the trial of this case (BRITT) CRT OB # 50, pg. 99 cc to all counsel	gnm
12/6/88	160	DEFENDANTS' OBJECTION TO THE INCLUSION IN THE TRIAL RECORD OF PLAINTIFFS' DESIGNATED WITNESS DEPOSITIONS - by defts w/cs cc to Judge Britt	gnm
12-21-88	161	ORDER - that said Settlement Agreement be sealed until further order of the court. It is further ORDERED that the resumption of the trial of this matter, currently scheduled for Dec. 27, 1988, be & the same is hereby cont'd. indefinitely. (BRITT) CRT OB #50, pg. 210, cc to Attys. Lawrence, Lesesne, M. Sparrow, Chambers, Safron and Capone and Joyce Todd.	b11
1/18/89	162	ORDER - that the court's previous orders that the settlement proposal be kept confidential are HEREBY RESCINDED. The proposed settlement is now a public document of record in this case (DENSON) CRT OB # 50, pg. 300 cc to all counsel	gnm
2/8/89	163	ORDER REQUIRING NOTICE TO CLASS MEMBERS - that within 10 days of the filing of this order, the defendants cause to be posted at each of the prison included in the class certifications the attached Notice of Proposed Settlement of Class Action, along with a copy of the proposed Settlement Agreement, and that the notice be prominently displayed for thirty days in all housing areas of the 49 prison units in such a way that the entire notice and agreement can be read. It is further ordered that defendants make copies of the Notice and Settlement Agreement available at each of the 49 prisons' libraries for review by class members (BRITT) CRT 51, pg. 124 cc to all counsel	gnm
2/8/89	164	NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION - the court will hold a hearing on 3 April, 1989 for the purpose of considering any comments and objections and for determining whether to approve the settlement. Comments should be received by 20 March, 1989 in order to be considered by the parties and by the court. (BRITT) CRT OB # 51, pg. 125 cc to all counsel	gnm

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PLAINTIFF		DEFENDANT	DOCKET NO.
JAMES LENARD SMALL et al		JAMES G. MARTIN et al	85-987-CRT-BR
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DATE	NR.	PROCEEDINGS	
2/13/89	165	CIVIL ACTION COMPLAINT BY ALTON VONO JOHNSON - treated as response to Notice of Proposed Settlement of Class Action - by pltf	gnm
2/17/89	166	MOTION TO STRIKE AND OBJECTION IN SMALL V. MARTIN - by Delton L. Dorty, Sr. w/cs	gnm
3/3/89	167	OBJECTIONS TO SETTLEMENT OF CLASS ACTION - by Melvin Swanson	gnm
3/15/89	168	LETTER REGARDING SMALL CASE - by Russell E. Williams	gnm
3/15/89	169	LETTER REGARDING LAW LIBRARY AT WATAUGA UNIT - by Richard D.C. Stines	gnm
3/15/89	170	MOTION OF OBJECTION TO THE SETTLEMENT AGREEMENT - by Edward Martin McKenna, Sr.	gnm
3/16/89	171	MOTION OF OBJECTION TO THE SETTLEMENT AGREEMENT - by Farron D. Holden	gnm
3/17/89	172	OBJECTION TO THE SETTLEMENT AGREEMENT - by Wilson Simms, Jr. et al	gnm
3/17/89	173	OBJECTION TO THE SETTLEMENT AGREEMENT - by W.M. Beale	gnm
3/17/89	174	OBJECTION TO THE SETTLEMENT AGREEMENT - by Thomas Lee Dunlap et al	gnm
3/17/89	175	OBJECTION TO THE SETTLEMENT AGREEMENT - by Charles Kirby	gnm
3/20/89	176	MOTION OF OBJECTION TO THE SETTLEMENT AGREEMENT - by Lee Odis Alford	gnm
3/20/89	177	OBJECTION TO THE SETTLEMENT AGREEMENT - by Harry M. Hicks	gnm
3/22/89	178	COMMENTS & OBJECTIONS TO PROPOSED SETTLEMENT OF CLASS ACTION - by Michael Curtis Miller w/cs	gnm
3/22/89	179	MOTION OF OBJECTION TO SETTLEMENT AGREEMENT - by Louis A. Dizor, Jr	gnm
3/23/89	180	RESPONSE TO PROPOSED SETTLEMENT AGREEMENT - by Fred B. Allen	gnm
3/23/89	181	MOTION OF OBJECTION TO SETTLEMENT AGREEMENT - by Lynn Edward Ransom	gnm
3/24/89	182	MOTION OF OBJECTION TO SETTLEMENT AGREEMENT - by Delayne Scally	gnm
3/24/89	183	REQUEST FOR A LIMITED REOPENING OF DISCOVERY WITH MEMORANDUM IN SUPPORT - by pltf w/cs	gnm
3/24/89	184	MOT. FOR PERMISSION TO FILE SUPPLEMENT COMPLAINT W/MEMORANDUM IN SUPPORT OF MOT. - by pltf w/cs	gnm
3/24/89		<b>ISSUED NOTICE OF HEARING ON COMMENTS &amp; OBJECTIONS TO PROPOSED SETTLEMENT AND FOR DETERMINING WHETHER TO APPROVE THE SETTLEMENT at 10:30 a.m., Mon., 4/3/89, Raleigh, N.C., US Ctrm. #2, 7th Floor, PO &amp; Cthse., before J. Britt. (Consolidated w/87-446-CRT)</b>	fw
3/29/89	185	SUBMISSION OF RATIFIED BILL - by defts w/cs cc to Judge Britt	gnm
4/3/89	186	RESPONSE TO PROPOSED SETTLEMENT AGREEMENT - by Jimmy W. Ashley	gnm
4/3/89		<b>HEARING ON PROPOSED SETTLEMENT AGREEMENT - Gayle McDowell, Deputy Clerk; Donna Tomawski, Court Reporter; Marvin Sparrow, Melinda Lawrence and Louis Lesesne, Jr - counsel of pltf; Lucien Capone, III and Tiare Smiley counsel for defts; Defts to submit certification of posting of Notice of Proposed Settlement Agreement; Settlement Approved - written order to follow</b>	gnm
4/3/89	187	ORDER - that the settlement agreement is hereby approved. The clerk is directed to remove this case from the active docket of this court. However, the court retains jurisdiction over the case to ensure that the agreement is implemented as specifically set forth in paragraph 14 of the settlement agreement (BRITT) CRT QB # 52, pg. 89 cc to all counsel	gnm
4/3/89	188	SETTLEMENT AGREEMENT - signed by all counsel	gnm
4/10/89	189	CERTIFICATION OF POSTING - by defts w/cs cc to Judge Britt	gnm
4/17/89	190	DEFTS' RESPONSE IN OPPOSITION TO MOT. FOR PERMISSION TO FILE SUPP. COMPLAINT - by defts w/cs	gnm
4/17/89	191	AFFIDAVIT OF EARL D. BESHEARS in support of motion AFFIDAVIT OF J.C. HARRIS in support of motion AFFIDAVIT OF MICHAEL BUMBARNER in support of motion	gnm
4/17/89	192	MEMORANDUM IN OPPOSITION TO PLTFs' REQUEST FOR A LIMITED REOPENING OF DISCOVERY - by defts w/cs	gnm
4/18/89	193	DEFTS' AMENDED RESPONSE IN OPPOSITION TO MOT. FOR PERMISSION TO FILE SUPP. COMPLAINT - by defts w/cs	gnm

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PLAINTIFF		DEFENDANT	DOCKET NO. <u>85-987-CRT</u>
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DATE	NR.	PROCEEDINGS	
4/27/89	194	JOINT MOT. FOR EXTENSION OF TIME - signed by both parties cc to Judge Britt	gnm
4/27/89		Case file to Judge Britt	gnm
04-28-89	195	ORDER - that the request for a limited reopening of discovery is hereby extended to & including May 8, 1989. (BRITT) CRT OB #52, pg. 200, cc to all counsel	b11
5/2/89	196	PLTF SMALL'S RESPONSE TO DEFTS' OPPOSITION TO MOT. FOR PERMISSION TO FILE SUPPLEMENTAL COMPLAINT - by pltf w/cs	gnm
5/5/89	197	REPLY TO DEFTS' OPPOSITION TO PLTF'S REQUEST FOR LIMITED REOPENING OF DISCOVERY - by pltf w/cs	gnm
5/9/89		Case file to Judge Britt	gnm
5/15/89	198	ORDER - the court deems it advisable to hold the request in abeyance until such time as pltf's have filed their petition for attys' fees & costs, defts have responded, and the court can determine just what facts are in dispute. The court would anticipate a conference w/counsel at that time in an attempt to narrow the focus of any dispute and, if warranted, permit discovery solely limited to those matters where there is a dispute (BRITT) CRT OB # 52, pg. 256 cc to all counsel	gnm
5/17/89	199	ORDER - mot. for permission to file a supplement complaint is denied (BRITT) CRT OB # 52, pg. 275 cc to all counsel	gnm
6/2/89	200	MOT. FOR AWARD OF ATTY FEES W/MEMORANDUM IN SUPPORT OF MOT. - by pltf w/cs	gnm
6/23/89	201	MOT. FOR EXTENSION OF TIME TO RESPOND TO PLTF'S PETITION FOR ATTY FEES - by defts w/cs	gnm
6/23/89		Case file to Judge Britt	gnm
6/27/89	202	ORDER EXTENDING TIME TO RESPOND TO PLTF'S PETITION FOR ATTY FEES - up to and including July 10, 1989 (BRITT) cc to all counsel	gnm
7/10/89	203	DEFTS' RESPONSE TO PLTF'S MOTION FOR ATTYS FEES - by defts w/cs	gnm
7/26/89	204	PLTF'S REPLY BRIEF IN SUPPORT OF MOT. FOR ATTY FEES - by pltf w/cs	gnm
11/17/89	205	ORDER - the court declines to enhance the fee because of its contingency nature beyond that arrived at by application of the Johnson factors of \$160 per hour for lead counsel and \$120 per hour for associate counsel. (BRITT) CRT OB # 55, pg. 200 cc to all counsel	gnm
11/20/89	206	JUDGMENT IN A CIVIL CASE - that attorneys' fees are awarded to the firm of Smith, Patterson, Follin, Curtis, James and Harkavy in the amount of \$263,535.00 and attorneys' fees are awarded to the firm of Gillespie, Lesesne and Connette in the amount of \$250,320.00 with interest to run from the date of judgment at the current rate of 7.69%. (Leonard, Clerk by McDowell, Deputy Clerk) cc to counsel (EOD: 11/20/89) CRT OB # 55, pg. 260	gnm
3/19/90	207	ORDER TO SHOW CAUSE AND TEMPORARY RESTRAINING ORDER - by pltf, w/cc	pmd
3/19/90	208	AFFIDAVIT - of Rickey Allen Bright in support pltf's. AFFIDAVIT - of William Ray Hyatt in support of pltf's.	pmd
8/2/90	209	FOURTH REPORT ON IMPLEMENTATION OF SETTLEMENT AGREEMENT - by defts w/cs cc to Judge Britt with box of attachments	gnm
8/1/91	210	FIFTH REPORT ON IMPLEMENTATION OF SETTLEMENT AGRRMNT - by defts w/cs cc to Judge Britt	gnm
12/9/92	211	PLAINTIFF'S MOTION FOR SUBSTITUTION AND INTERVENTION WITH COMPLAINT	p11
12/23/92	212	PLAINTIFF'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL PLEADING TO INTERVENOR'S COMPLAINT.	p11
12/28/92	213	PLAINTIFFS' RESPONSE TO MOTION FOR SUBSTITUTION AND INTERVENTION.	p11

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PLAINTIFF		DEFENDANT	DOCKET NO. 85-987-CRT
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DATE	NR.	PROCEEDINGS	
1/5/93	214	DEFENDANTS' RESPONSE TO INTERVENOR PLAINTIFFS' MOTION FOR SUBSTITUTION AND INTERVENTION WITH COMPLAINT & DEFENDANTS' RESPONSE TO GANEY'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL COMPLAINT (docket sheet to Judge Britt) p11	
1/7/93	215	PLAINTIFF'S MOTION OPPOSING PLAINTIFFS' RESPONSE AND DEFENDANTS' RESPONSE TO INTERVENORS MOTION AND COMPLAINT W/AFFIDAVIT. p11	
1/12/93		case file to Judge Britt p11	
1/7/93	216	PLAINTIFFS' RESPONSE TO MOTIN FOR SUBSTITUTION AND INTERVENTION - w/cs, cy to J. Britt b11	
1/22/93		Received ltr. fr. Ed Ganey re: Access to Staple Gun in Seg. at H.C.I. b11	
1/22/93	217	GANEY'S SECOND AFFIDAVIT IN SUPPORT OF GANEY'S FIRST AND SECOND MOTION FOR LEAVE TO FILE FIRST AND SECOND SUPPLEMENTAL COMPLAINT -by pltf. Ganey b11	
1/22/93	218	GANEY'S THIRD AFFIDAVIT IN SUPPORT OF GANEY'S SECOND AFFIDAVIT IN SUPPOART OF GANEY'S FIRST AND SECOND SUPPLEMENTAL COMPLAINT - by pltf.Ganey b11	
1/26/93	219	ORDER - that the motions by Edward Ganey, Rabah M. Ali, & Mack Fish seeking leave to file a motion for substitution and intervention and a separate motion by Edward Ganey for leave to file a supplemental complaint are DENIED. (BRITT,USDJ, OB#73, p. 274, cys: NCPLS, NCAG, Ganey, Ali, & Fish b11	
1/28/93	220	PLAINTIFF'S SUPPLEMENTAL RESPONSE TO PLAINTIFF'S RESPONSE DATED JANUARY 6, 1993 p11	
2/4/93	221	NOTICE OF APPEAL - by Rabah M. Ali. Cpy. to Judge Britt. (EOD: 4/5/93). tc	
4/5/93		MAILED NOTICE OF APPEAL and Record on Appeal to USCA including Vol. 1 - (pleadings), index, trans. ltr., cpy. of noa, and cpy. of order appealed from CC to pltf. and deft. w/4th Cir. pkt.	
2/2/93	222	NOTICE OF APPEAL by Edward A. Ganey. CC to Judge Britt. (EOD: 4/13/93) tc	
4/13/93		MAILED ADDITIONAL NOTICE OF APPEAL AND SUPPLEMENTAL RECORD TO US COURT OF APPEALS- including filed cpy. of notice, index and trans. ltr. CC to pltf. and deft. w/4th Cir. pkt.	
4/23/93	223	APPLICATION TO PROCEED IN FORMA PAUPERIS - by Edward A. Ganey. CC to Judge Denson for ruling. tc	
4/27/93	224	ORDER - Granting application to proceed in forma pauperis by Edward A. Ganey. CRT OB 75, p. 253. CC to USCA, pltf. and deft. tc	
4/28/93	225	APPLICATION TO PROCEED IN FORMA PAUPERIS by Rabah M. Ali. CC to Judge Denson for ruling. tc	
4/29/93	226	ORDER - Granting Application to Proceed In Forma Pauperis as to Rabah M. Ali. CC to pltf. and deft. and USCA.	
4/29/93		MAILED SUPPLEMENTAL RECORD ON APPEAL TO U. S. COURT including Vol. 3 - pleadings, index and trans. ltr. CC to pltf. and deft. tc	
5-19-93	227.	ORDER U.S. COURT OF APPEALS - The court consolidates the above cases for further appellate action. Bert Montague, Clerk. 1c Judge Britt. 9etn. 5-20-93) ms	
7-21-93	228	UNPUBLISHED OPINION U.S. COURTS - Affirmed by unpublished per curiam opinion. 1c Judge Britt (ent. 7-21-93) ms	
8-10-93	229.	JUDGMENT US. COURT OF APPEALS -The court affirms the judgment of the District Court. 1c Judge Britt. APPEAL RECORD RECEIVED THIS DATE FROM COURT OF APPEALS CONSISTING OF 3 VOLUMES	
8/2/93	230	SEVENTH REPORT ON IMPLEMENTATION OF SETTLEMENT AGREEMENT-by defts cc to Judge Britt p11	

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FPI-MAR-7-14-80-20N-4398

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE <u>13</u> OF _____ PAGES

DATE	NR.	PROCEEDINGS
10/13/93	231	CERTIFICATE OF SERVICE - by dfts.
	232	MOTION TO FILE A BRIEF IN SUPPORT OF PETITION IN EXCESS OF THIRTY PAGES - by dfts. w/cs, cy to J. Britt w/ prop. order
	233	PETITION TO MODIFY SETTLEMENT AGREEMENT - by dfts. w/cs
	234	AFFIDAVIT OF GEARY LOOMIS WOODARD -
	235	AFFIDAVIT OF WILLIAM FRED WATKINS
	236	AFFIDAVIT OF J. V. TURLINGTON
	237	AFFIDAVIT OF THEODORE C. SMILEY
	238	AFFIDAVIT OF LLOYD W. PARKER
	239	AFFIDAVIT OF DAVID L. MURPHY
	240	AFFIDAVIT OF TOMMY A. LEE, Sr.
	241	AFFIDAVIT OF J.R. HUNT, JR.
	242	AFFIDAVIT OF ROBERT O. ELLIOTT
	243	AFFIDAVIT OF CHARLES L. BENSON
	244	AFFIDAVIT OF WILLIAM D. LEEKE
	245	AFFIDAVIT OF THOMAS W. ROSS
	246	AFFIDAVIT OF DONALD E. JONES
	247	AFFIDAVIT OF JEFFREY W. CHEEK
	248	AFFIDAVIT OF FRANKLIN FREEMAN
	249	AFFIDAVIT OF SAM BOYD
	250	AFFIDAVIT OF KENNETH L. PARKER
	251	AFFIDAVIT OF JOSEPH L. HAMILTON
	252	AFFIDAVIT OF LYNN C. PHILLIPS
10-19-93		ISSUED NOTICE FOR INFORMAL STATUS CONFERENCE - set before J. Britt on 11-1-93 at 1pm, CtRm. #2; cys: M. Lawrence, NCAG, NCPLS, L. Lesesne, J. Todd, CtRptr and Dep. Clerk b11
10-20-93	253	ORDER - that upon motion of dfts. are allowed to file a brief in support of petition for modification not exceeding 31 pgs. of text (BRITT, USDJ) OB#78, p. 241, cys: NCAG, NCPLS, Attys. Lawrence & Lesesne b11
	254	BRIEF IN SUPPORT OF PETITION TO MODIFY SETTLEMENT AGREEMENT - by NCAG w/cs b11
10/25/93	255	MOTION FOR EXTENSION OF TIME TO RESPOND TO PETITION TO MODIFY SETTLEMENT AGREEMENT - by pltf's. w/cs, cy to J. Britt b11
11/3/93		ISSUED NOTICE FOR HEARING ON PLTF'S. RESPONSE TO PETITION FOR MODIFICATION OF CONSENT ORDER - set before J. Britt on 11/24/93 at 9 a.m. at Wil, NC; cys: J. Britt, NCAG, NCPLS, M. Lawrence, L. Lesesne, J. Todd, CtRptr & Wilm. Office b11
11/3/93	256	ORDER - pltf's. motion to extend time to respond to petition is granted to 11/12/93 12 noon.(BRITT, USDJ) OB79, p. 11, cys: NCAG, NCPLS, Lawrence & Lesesne b11
11/8/93	257	ORDER - the court hereby substitutes the public officer dfts. and amends the caption in this consolidated action accordingly. All documts. henceforth filed in this case shall bear the case style as forth above. (BRITT, USDJ) OB#79, p 49, cys: NCAG, NCPLS, Attys. Lawrence and Lesesne. b11
11/12/93	258	PLAINTIFF'S BRIEF SEEKING DISMISSAL OF PETITION TO MODIFY CONSENT AGREEMENT - cy to J. Britt. b11
11/19/93	259	STATE'S REPLY TO PLTF'S. BRIEF SEEKING DISMISSAL OF PETITION TO MODIFY CONSENT AGREEMENT - cy to J. Britt (ent. 11/19/93 ) b11
12/1/93	260	SCHEDULING ORDER - 1) Each pty. is limited to 25 Interr & Req. for Admiss. A response to all requests shall be dur w/in 14 days, 2) Each pty. limited to 20 deposit's. including those of expert witnesses, 3) Identity of all experts shall be disclosed on or before 1/17/94 4) Discov. concluded on or before 2/17/94 5) Pltf's. resp. to Dft's. Pet. shall be filed not later than 3/11/94 6) Dft's reply if any shall be filed not later than 3/21/94 7) respon. to discovery mot. shall be due w/in 10 days No replies permitted 8) For purpose of assisting undersigned in resolution of Discov. disputes, this proceeding is assigned to MJ Denson. CnsI instructed to

- cont'd -

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PLAINTIFF		DEFENDANT	DOCKET NO. 85-987-CRT-BR
JAMES LENARD SMALL, ET AL		JAMES HUNT, ET AL	PAGE 14 OF ___ PAGES
DATE	NR.	PROCEEDINGS	
		CONTINUED.....	
		contact J. Denson or the undersigned, by telephone if necessary, for the quick resolution of such disputes. (BRITT, USDJ) CRT OB#79, p. 134, cys: all cns1, NCAG & NCPLS) b11	
12/15/93	261	MOTION FOR ORDER COMPELLING PRODUCTION - by pltf's.w/cs, cy to J. Britt b11	
12/15/93	262	MEMORANDUM IN SUPPORT OF MOTION FOR ORDER COMPELLING PRODUCTION - by pltf's. w/cs, cy to J. Britt. b11	
*12/28/93	266	SUPPLEMENTAL MEMORANDUM IN SUPPORT OF MOTION FOR ORDER COMPELLING PRODUCTION - by pltf's w/cs, cy to J. Denson b11	
12/22/93	264	STATE'S BRIEF ON LEGISLATIVE IMMUNITY AS BARRING PLTF'S'. DISCOVERY REQUESTS - by NCAG w/cs, cy to J. Denson b11	
12/17/93	263	STATES'S RESPONSE TO PLAINTIFFS' MOTION FOR ORDER COMPELLING DISCOVERY - w/cs, cy to Judge Denson b11	
1/7/94	266	ORDER - accordingly, because the documents requested by plaintiffs are not protected by legislative immunity, or the atty-client privilege, pltf's. motion to compel production of the settlement materials specified in Requests 9 and 10 is allowed. Deft's. are order to produce these materials (DENSON, USDMJ) OB80, p. 9, cys: Lawrence, Lesesne, NCAG & NCPLS & J. Denson b11	
2/8/94	267	DEPT'S RESPONSE TO THIRD PARTIES' MOTION FOR JOINDER - w/cs, cy to J. Denson b11	
2/14/94	268	DEFT'S. MOTION FOR ORDER COMPELLING PLTF'S. TO PREPARE AND DISCLOSE EXPERT'S REPORT - w/cs, cy to J. Denson b11	
2/17/94	269	NOTICE OF WITHDRAWAL OF DEPTS'. MOTION FOR ORDER COMPELLING PLTF'S. TO PREPARE AND DISCLOSE EXPERT'S REPORT - by dft. w/cs, cy to J. Denson <i>Denson</i> p11	
3/10/94	270	Motion for Additional Pages for pla cc to Judge Britt w/order p11	
3/11/94	271	ORDER - that pltf's. are allowed to file a brief in opposition to dft's. petition up to & including 35 pgs; (DENSON, USDMJ) OB81, p. 57; cys: Atty. Lawrence, Atty. Lesesne, & J. Smith, NCAG b11	
3/11/94	272	PLTF'S. MEMORANDUM IN OPPOSITION TO DFT'S. PETITION TO MODIFY - w/ attached Appendix (Volumes I through IV) - cy to J. Denson b11	
3/16/94	273	DFT'S. MOTION FOR EXTENSION OF TIME TO REPLY TO PLTF'S. MEMORANDUM IN OPPOSITION - cy w/ prop. order to Judge Denson. b11	
3/16/94	274	RESPONSE TO DEFT'S. MOTION FOR EXTENSION OF TIME TO FILE A REPLY - by pltf's. w/cs, cy to J. Denson b11	
3/17/94	275	ORDER-extending time by defendants allowed to and including Wednesday, March 23, 1994 in which to serve their Reply to Plaintiffs' Memorandum in Opposition to Defendants' Petition to Modify cc to Lawrence, Lesesne, NCAG & NCPLS p11	
3/16/94		LETTER-from Warren H. Cox p11	
3/17/94	276	MOTION to extend length of the State's reply brief by NCAG p11	
3/17/93	277	ORDER- the state is authorized to extend the length of its Reply Brief from ten to twenty pages. cc to Lawrence, Lesense & Jim Smith OB # 81, pg.141 p11	
	21		
3/23/94	278	STATE'S REPLY BRIEF (w/ attached APPENDIX) - cy to J. Denson b11	
	279	DEPOSITION OF BARRY A. KRISBERG - 3/10/94 (Vol.I of I, pgs. 1-112) sent to J. Denson b11	
	280	DEPOSITION OF BARRY A. KRISBERG - (3/10/93, Col II, Pgs. 1-40) sent to Judge Denson. b11	



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PLAINTIFF		DEFENDANT		DOCKET NO.
Small, James Lenard		James Hunt et al		85-987-CRT-I
				PAGE 15 OF ___ PAGES
DATE	NR.	PROCEEDINGS		
4/7/94	281	<p><b>SCHEDULING ORDER</b> - 1. The prehr. order shall be filed not later than 4/22/94. In the prehr. order the parties shall designate which witnesses' testimony will be presented by affidavit. The opponent will designate which of those witnesses the opponent wishes to cross examine. Only those witnesses whose cross examin. is desired need be present at the hrg. 2. All proposed written testimony, whether by affidavit, deposition or other written form, shall be filed not later than 4/29/94. 3. The hrg. is scheduled for the session of court beginning in Raleigh on 5/9/94. 4. w/in 7 days of the conclusion of the hrg. the parties shall file w/ the court proposed findings of fact keyed to the record and proposed conclusions of law. (BRITT, USDJ) cys: NCAG, Lawrence &amp; Lesesne, OB81, p. 270 ; cy to J. Todd b11</p>		
4/27/94	282	PRE-HEARING ORDER - signed by all cnsl & J. Britt; OB82, p. 127; cyto all cnsl. b11		
5/3/94	283	<b>DEFT'S. MOTION TO SUBSTITUTE DOCUMENTS</b> - cy w/ prop. order to J. Britt b11		
5/5/94	284	<b>ORDER</b> - that the motion to substitute (by dfts) documts. in witness package Exh. Nos. 222 and 223 is hereby allowed. (BRITT, USDJ) OB82, p. 141, cy to all cnsl. b11		
5/5/94	285	<b>PETITION FOR WRIT OF HABEAS CORPUS</b> directing DOC to deliver James Lenard Small to court May 10, 1994 by Sparrow, Lawrence & Lesesne. p11		
5/5/94	286	<b>MEMORANDUM IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS</b> to deliver Lenard Small to court on May 10, 1994 by Sparrow, Lawrence & Lesesne. p11		
5/6/94	287	<b>WRIT OF HABEAS CORPUS AD TESTIFICANTUM</b> - to produce James Lenard Small in Raleigh on May 10, 1995 at 8:30 am Teresa Matthews @ NCODC and Supt., Wake Correctional Center gnm		
5/9/94	288	<b>MOTION TO QUASH WRIT OF HABEAS CORPUS AD TESTIFICANTUM FOR JAMES SMALL TO ATTEND THE EVIDENTIARY HRG.</b> - by NCAG w/cs; cy to J. Britt b11		
5/10/94		<p>Evidentiary hearing before Judge Britt - in Raleigh, N.C. - Courtroom #2 - 7th floor            C. R. Jo Bush 9:00 A.M. - 12:30 P.M.            C.R. Donna Tomawski 2:00 P.M. - 4:30 P.M.            (Deft. Small present from 9:00 A.M. until 12:30 P.M. not present in afternoon)</p>		
5/10/94		Deposition of Kenneth L. Parker - Volume 1 of 1 - Pages 1 - 131 at Raleigh on Monday, 12/13/93		
5/10/94		Deposition of Joseph Lee Hamilton, Jr. - Volume 1 of 1 - Pages 1-134 at Raleigh on Tuesday, 12/14/93		
5/10/94		Deposition of Sam Boyd - Volume 1 of 1 - Pages 1 - 115 at Raleigh, N.C. on Tuesday, 12/14/93 at Raleigh, N.C.		
5/10/94		Deposition of Lynn Craig Phillips - Volume 1 of 1 - Pags 1 - 204 at Raleigh, N.C. on Wednesday, December 15, 1993		
5/10/94		Deposition of Robin Lee Lubitz - Volume 1 of 1 - Pages 1 - 162 at Raleigh, N.C. on Monday, January 10, 1994		
5/10/94		Deposition of Kenneth L. Parker, Sam Boyd, Joseph L. Hamilton, Jr., Lynn C. Phillips, and Robin Lee Lubitz at Raleigh, N.C. on Monday, 12/13/93; Tuesday, 12/14/93, Wednesday, 12/15/93 and Monday, 1/10/94		
5/10/94		Deposition of Joseph Lee Hamilton, Jr. - Volume 2 of 2 - Pages 1 - 41 at Raleigh, N.C. on Thursday, 2/10/94		
5/10/94		Deposition of Lynn Craig Phillips Volume 2 of 2 - Pages 1 - 107 - at Raleigh, N.C. on Friday, February 11, 1994		
(Next page)				

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PLAINTIFF		DEFENDANT	DOCKET NO. <u>85-987-CRT-BR</u>
James Lenard Small		JAMES HUNT et al	PAGE <u>16</u> OF <u>    </u> PAGES
DATE	NR.	PROCEEDINGS	
5/11/94		Evidentiary hearing before Judge Britt in Raleigh, N. C. - Courtroom # 2 - 7th Floor - (continuing) (Def. present 9:00 A.M./12:30 P.M.) only (Small) C. R. Jo Bush 9:00 A.M./12:30 P.M. C. R. Donna Tomawski 2:00 P.M./7:00 P.M.	
5/12/94		Evidentiary hearing before Judge Britt in Raleigh, N.C. - Courtroom#2 - 7th Floor - (continuing) (Def. Small present - 9:00 A.M./12:30 P.M.) only C. R. Jo Bush 9 A.M./12:30 P.M. C. R. Donna Tomawski 2PM/4:45 P.M.	
5/13/94		Evidentiary hearing before Judge Britt in Raleigh, N.C. - Courtroom #2 - 7th Floor (continuing) (Def. Small present 9:00 A.M./12:30 P.M.) only C. R. Donna Tomawski - 9:00 A.M./12:30 P.M. 1:00 P.M./3:00 P.M.	
		Arguments to be held in Wilmington - one week from 5/13/94 (date to be Friday, May 20, 1994 at 3:00 P.M.) - Attorneys to bring with them - Proposed Findings of Fact and Conclusions of law - if same had not been filed prior to that date.	
5/20/94	289	The location changed by Judge Britt - Arguments will be held in Raleigh on Friday, May 20, 1994 at 3:00 P.M. At Raleigh - C. R. Donna Tomawski - Arguments before Judge Britt - Courtroom #2 Defendant's Proposed findings of fact and conclusions of law lc: Judge Britt	
	290	Plaintiffs' Proposed findings of fact and conclusions of law lc: Judge Britt	
		ORIGINAL PLAINTIFF & DEFENDANT'S EXHIBIT LIST IN FILE # 6 ON LEFT HAND SIDE OF FILE	
5/23/94		TRANSCRIPT - BENCH TRIAL - May 10, 1994 - Afternoon session before The Honorable W. Earl Britt, USDJ - Court reporter: Donna Tomawski Pages 1 - 82	
5/23/94		Transcript - BENCH TRIAL - May 11, 1994 - Afternoon Session before The Honorable W. Earl Britt, USDJ - Court reporter: Donna Tomawski Pages 1 - 144	
5/23/94		Transcript - BENCH TRIAL - May 12, 1994 - Afternoon session before The Honorable W. Earl Britt, USDJ - Court reporter: Donna Tomawski Pages 1 - 104	
5/23/94		Transcript - BENCH TRIAL - May 13, 1994 - Afternoon session before The Honorable W. Earl Britt, USDJ - Court reporter: Donna Tomawski Pages 1 - 85 - 85A - 161 w/Certification	
5/24/94		(transcripts - 5/10 through 5/13 - afternoon session w/Judge Britt)	
6/10/94		TRANSCRIPT OF BENCH TRIAL - before J. Britt at Raleigh, 5/10/94 (pgs. 1-121 Morning Session) CtRptr. Jo Bush	
6/10/94		TRANSCRIPT OF BENCH TRIAL - before J. Britt at Raleigh, 5/11/94 (pgs. 1-135 Morning Session) CtRptr. Jo Bush	
6/21/94		TRANSCRIPT - Trial before Judge Britt - May 12, 1994 - Pages 1 - 121 - C.R. Jo Bush	

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PLAINTIFF		DEFENDANT	DOCKET NO. _____
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DATE	NR.	PROCEEDINGS	
6/22/94	291	<b>UPDATED DEFT'S. PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW</b> - cy to J. Britt	b11
6/28/94	292	<b>ORDER</b> - that the Petition to Modify the Settlement Agreement to allow defts. to house inmates in the newer dorms at 130% of capacity is DENIED; however, the Settlement Agreement is MODIFIED to allow defts. to house inmates in the newer dorms at 125% of capacity. This modification is effective immediately. The Petition to modify the Settlement Agreement to allow defts. to house inmates in the older dorms at 140% of capacity is DENIED. However, defts. will be allowed an additional thirty days, until 1 August 1994, within which to comply with the Settlement Agreement in this respect. (BRITT, USDJ) OB83, p.129; cys: NCAG, NCPLS, Attys. Lawrence and Lesesne.	b11
6/30/94	293	<b>MOTION TO AMEND OR GRANT RELIEF FROM ORDER</b> by defendants	pl1
7/1/94	294	<b>PLAINTIFF'S RESPONSE TO DEFENDANTS' FIRST MOTION TO AMEND OR GRANT RELIEF FROM ORDER</b>	pl1
7/1/94	295	<b>AMENDED ORDER</b> -allowing defendants until August 1, 1994, within which to reduce the inmate populations in old and new dormitories to comply with the Settlement Agreement and the court's 28 June 1994 modification order. (Britt) OB# 83, pg. 151 cys to NCAG, NCPLS, Attys. Lawrence & Lesesne	pl1
7/5/94	296	<b>TRANSCRIPT</b> Deposition of William D. Leeke on April 21, 1994 Thursday 11:00 a.m.	pl1
7/13/94	297	<b>MOTION TO ALTER OR AMEND THE JUDGMENT OR FOR A PARTIAL TRIAL</b> by the plaintiff's	pl1
7/13/94	298	<b>PLAINTIFF'S BRIEF IN SUPPORT OF THEIR MOTION TO ALTER OR AMEND THE JUDGMENT OR FOR A PARTIAL NEW TRIAL</b>	pl1
7/13/94	299	<b>DEFENDANTS' MOTION TO ALTER OR AMEND ORDER</b>	pl1
7/13/94	300	<b>DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO ALTER OR AMEND ORDER</b>	pl1
7/13/94	301	<b>AFFIDAVIT OF LYNN C. PHILLIPS</b> submitted by deft's	pl1
7/13/94	302	<b>DEFENDANTS' MOTION TO SHORTEN TIME FOR PLAINTIFFS' RESPONSE</b>	pl1
7/14/94	303	<b>AMENDED CERTIFICATE OF SERVICE</b> by Lawrence	pl1
**7/8/94	304	<b>MOTION FOR ATTORNEY FEES</b> by the plaintiff's	pl1
7/18/94	305	<b>MEMORANDUM OPPOSING DEFENDANTS' MOTION TO SHORTEN TIME FOR RESPONSE</b> by the plaintiff's	pl1
7/19/94	306	<b>ORDER</b> - denying defendant's motion to shorten the time for response; the court's order of 28 June 1994 extended until 1 August 1994 the time within which defendants must comply with the Consent Decree; that time is now extended until 1 September 1994 to permit the court to consider the pending motions OB # 83, pg.224 cys to Lawrence, Lesesne, NCPLS & NCAG	pl1
**7/18/94	307	<b>ORDER</b> - plaintiff's have until July 25, to file a response to the Defendants' motion to alter or amend order. (Britt) OB# 83,pg.226 cys to Lawrence, Lesesne NCPLS & NCAG.	pl1
7/25/94	308	<b>DEFT'S. RESPNSE TO PLTS'S. RULE 59 MOTION</b> - cy to J. Britt	b11
8/2/94	309	<b>PLTF'S. BRIEF IN OPPOSITION TO DEFT'S. MOTION TO ALTER OR AMEND ORDER</b> - cy: J. Britt	b11
8/10/94	310	<b>ORDER</b> - that a hrg. on deft's, and pltf's. motions is set for 8/23/94 at 9am in Raleigh. (BRITT, USJD) cys: all encl, J. Todd	b11

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PLAINTIFF		DEFENDANT	DOCKET NO. _____
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DATE	NR.	PROCEEDINGS	
8/10/94	311	REQUEST FOR A CONTEMPT OF COURT HEARING AND RULING - file by Carl N. Patterson, an inmate at Brown Creek Corr. b11	
8/15/94	312	AFFIDAVIT By Roger D. Grubb p11	
8/16/94	313	PLAINTIFF'S RESPONSE TO ORDER FILED 8-10-94 cy to Judge Britt by cns1. p11	
8/17/94	314	Defendant's MOTION TO EXTEND TIME TO RESPOND TO PLAINTIFF'S MOTION FOR ATTY FEES. cy to Judge Britt p11	
<del>8/17/94</del>	<del>314</del>	<del>Defendant's OPPOSITION TO PLAINTIFF'S MOTION FOR EXTENSION OF TIME cy to Judge Britt p11</del>	
8/23/94		MOTION HEARING HELD - before J. Britt/CtRptr. Donna Tomawski; cns1 for pltf: Melinda Lawrence, Louis L. Lesesne, Marvin Sparrow; Cns1 for defts; T. Smiley, Jim Smith, A. Vanore; written order to follow. b11	
8/23/94		ISSUED NOTICE FOR MOTION HEARING - set for Friday, Sept. 2, 1994 at 9:00 a.m. before J. Britt, Ctrm. 2, 7th fl; cys: J. Britt,, J. Todd, CtRptr, M. Lawrence, NCPLS, L. Lesesne, J. Smith of NCAG b11	
8/26/94	315	ORDER - re: the state's motion to alter or amend judgmt. or for new trial - at the 8/23/94 hrg. the court announced that it would consider the State's 1st contention, but not its 2nd, and returned the drawings to cns1 for the State. Upon further consideration, that decision as it relates the 2nd contention, is rescinded. RE: Pltf's. Motion - to amend the courts order of June 28, 1994 - the order is amended by adding an additional paragraph on pg. 23 at the end of Section I as stated in this order on pg. 6. (BRITT, USDJ) OB84, p. 176; cys: all cns1. b11	
9-2-94		AT RALEIGH - Jo Bush Court Reporter - Hearing on Rule 59 Motion by both parties The court allows 90 days on limited discovery. Allowed only 10 depositions. Mag. Judge can be used as a mediator. Deft.s rule 25 in 2 weeks. Motion to only old untis with center row of bunks that have been removed. Maj. Judge Dixon to be used on Discory Conference, No hearing date set at this time.	
9/8/94	316	ORDER - that this order memorializes the schedule set at hrg. of 9/2/94 re: discovery: 1) that the state is allowed 2 weeks w/in which to provide to plts. the material required by RULE 26, Fed.RCivP.,, 2) all discovery shall be concluded w/in 90 days, 3) each side may take not more than 10 depositions. Mag. Judge Dixon is designated to hear any discovery disputes that may arise. (BRITT, USDJ) OB84, p. 232, cys: Lawrence, Sparrow, Lesesne and NCAG. b11	
9/1/94	317	Defendants' Eighth Report on Implementation of Settlement Agreement. p11	
9/13/94	318	ORDER- the motion by plaintiff's to alter or amend the judgment or for a partial new trial is denied.(Britt USDJ) OB #85, pg. 18 cys:Lawrence, Sparrow, Lesesne & NCAG. p11	
9/23/94	319	ORDER-Request for a comtempt of court hearing and ruling filed 8/10/94 by Carl N. Patterson (an inmate in the DOC) request denied by Judge Britt OB#85,pg.87 cys to all cns1 & Patterson p11	
8/22/94	320	MOTION TO TERMINATE THE COURT'S JURISDICTION OR, IN THE ALTERNATIVE TO REOPEN AND MODIFY THE SETTLEMENT AGREEMENT BY deft's p11	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
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DATE	NR.	PROCEEDINGS	
8/22/94	321	MEMORANDUM OF LAW IN SUPPORT OF MOTION TO TERMINATE THE COURT'S JURISDICTION OR, IN THE ALTERNATIVE, TO OPEN AND MODIFY THE SETTLEMENT AGREEMENT by deft's	pll
8/22/94	322	CERTIFICATE OF SERVICE by Melinda Lawrence	pll
8/22/94	323	DECLARATION OF MELINDA LAWRENCE	pll
8/22/94	324	DECLARATION OF LOUIS L. LESESNE, JR.	pll
8/23/94	325	MOTION TO COMPEL by pltf's	pll
8/23/94	326	MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION TO COMPEL	pll
12/2/94	327	MOTION TO COMPEL RESPONSES TO INTERROGATORIES BY pltf's	pll
12/2/94	328	MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION TO COMPEL RESPONSES TO INTERROGATORIES	pll
12/5/94	329	DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION TO COMPEL	pll
12/7/94	330	DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION TO COMPEL RESPONSES TO INTERROGATORIES	gnm
12/9/94	331	<b>ORDER</b> - Pltf's motion to compel is denied except as it relates to any drawings or information concerning the old dormitories. Deft's are directed to present to pltf's any drawings or information relating to the old dormitories. - A hearing on deft's motion to alter or amend the judgment will be held on December 20, 1994 at 10:00am. All parties are directed to submit to the court and opposing counsel the names of any witnesses they intend to call and a list of all documentary evidence they intend to present at that hearing no later than 4:30pm 12/16/94 - Pltf's will be allowed fourteen (14) days following the court's ruling on deft's motion to alter or amend the judgment to respond to deft's motion to terminate jurisdiction. Deft's shall have until 1/10/95 to respond to pltf's motion for attorney fees. (Judge Britt) <b>OB# 87, p. 1</b> lcc: NCPLS, Atty. Melinda Lawrence, Atty. Louis L. Lesesne, Jr, Atty. James P. Smith-NCAG.	fb
12/9/94		STATUS CONFERENCE - before Judge Britt.	
12/16/94	332	DEFENDANTS' WITNESS AND EXHIBIT LIST	gnm
12/16/94	333	AFFIDAVIT AND MOTION FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM to produce Chris A. Russell	gnm
12/16/94	334	AFFIDAVIT AND MOTION FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM to produce Michael Ray Britt	gnm
12/16/94	335	AFFIDAVIT AND MOTION FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM to produce Albert J. Vaillencourt	gnm
12/19/94	336	WRIT OF HABEAS CORPUS AD TESTIFICANDUM to produce Michael Ray Britt in Raleigh on December 20, 1994 at 9:00 am	
12/19/94	337	WRIT OF HABEAS CORPUS AD TESTIFICANDUM to produce Albert Vaillencourt in Raleigh on December 20, 1994 at 9:00 am	
12/19/94	338	WRIT OF HABEAS CORPUS AD TESTIFICANDUM to produce Christopher Aren Russell in Raleigh on December 20, 1994 at 9:00 am	
12/20/94	339	DEFENDANTS' PROPOSED AMENDMENTS cc to Judge Britt	gnm
12/20/94		<b>MOTION HEARING</b> - held before Judge Britt. Court Reporter - Terrence McGovern. Counsel for plaintiff Marvin Sparrow, Daniele Gerard, Susan Pollitt and Melinda Lawrence. Counsel for defendants: Tiara Smiley and James P. Smith Time: 1 day	gnm

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE <u>20</u> OF _____ PAGES
DATE	NR.	PROCEEDINGS	
12/29/94	340	MOTION FOR EXCLUSION by Ricky A. Pierce	pll
12/30/94	341	TRANSCRIPT Hearing before Judge Britt Tuseday 12/20/94	pll
1/10/95	342	DEFENDANTS' OBJECTION TO PLAINTIFFS' MOTION FOR ATTORNEY FEES	pll
1/13/95	343	MOTION TO SUBSTITUTE CORRECTED PAGES IN DEFENDANTS' OBJECTION TO PLAINTIFFS' MOTION FOR ATTORNEY FEES	pll
1/27/95	344	Declaration of Marvin Sparrow <i>cy to Britt</i>	pll
1/27/95	345	PLaintiff's Brief in Support of Motion for Attorney Fees. <i>cy to Britt</i>	pll
2/1/95	346	ORDER Motion by Ricky A. Pierce to be excluded from the class in this case was determinated long ago, the motion is clearly untimely and is denied. (Britt) <i>cys to Lawrence, Lesesne, NCAG &amp; NCPLS. OB#88,pg.8</i>	pll
2/10/95	347	RESPONSE TO PLAINTIFF'S BRIEF IN SUPPORT OF MOTION FOR ATTORNEY FEES - by dfts xx to Judge Britt	gnm
3/22/95	348	ORDER - that defendants are allowed to substitute the corrected pages in the above-reference action -(BRITT) OB# 89, p. 14 cc: all counsel	gnm
3/28/95	349	ORDER - the Motion of the defendants to Alter or Amend the Order of 28 June 1994 is <b>ALLOWED</b> . That order is hereby modified as follows: 1. On page 30, line 10 by striking therefrom the figure "125%" and in lieu thereof the figure "130%" sp that the sentence will read: "An increase to 130% of SOC in the newer dorms would not present any appreciable increased risk to inmates or significantly impact on any other terms of the settlement agreement." 2. On pages 31 and 32 by striking the last paragraph of the order and inserting in lieu thereof the following paragraph: "The Petition to Modify the Settlement Agreement to allow defendants to house inmates in the new dormitories at 130% of capacity is <b>allowed</b> and the Settlement Agreement is so modified. The petition to modify the Settlement Agreement to allow defendnants to house inmates in the old dormitories at 140% capacity is <b>denied</b> ; however, the Settlement Agreement is modified to allow defendants to house inmates in old dormitories at varying capacities greater than 100% of capacity, but not greater than 125% of capacity, so long as the unit does not have a center row of bunks and there is at least 32 inches of space between bunks." (Britt) <b>OB#89, p.62</b> c:Lawrence, Lesesne, NCPLS, NCAG	
4/7/95	350	Notice of Appeal by Plaintiffs (James Lenard Small, Stan Hoffman, & Steve Hurley) as representatives of the plaintiff class - (Appealing orders of 6/28/94, August 10, 1994, August 26, 1994, September 13, 1994, December 9, 1994 & March 27, 1995. lc: 4th Circuit Court of Appeals, lc: Judge Britt, lc: counsel of record. (allowed to proceed in forma pauperis)	
4/7/95	351	MOTION TO STAY CONSIDERATION OF DEFENDANTS' MOTION TO TERMINATE THE COURT'S JURISDICTION OR, IN THE ALTERNATIVE, TO REOPEN AND MODIFY THE SETTLEMENT AGREEMENT PURSUANT TO TITLE 18, U.S.C., Sec. 3626. lc: Judge Britt	
4/7/95	352	MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION TO STAY CONSIDERATION OF <del>DEFENDANTS'</del> NOVEMBER 22, 1994 MOTION. lc: Judge Britt.	
4/10/95		Appeal package mailed w/docketing statement & transcript purchase order	ag

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE <u>24</u> OF _____ PAGES
DATE	NR.	PROCEEDINGS	
4/7/95	353	<p>Notice of Appearance : Susan H. Pollitt Daniele Gerard N. C. Prisoner Legal Services, Inc. P. O. Box 25397 Raleigh, N.C. 27611</p> <p>Andrew A. Vanore, Jr. Esq. Chief Deputy Attorney General</p> <p>James Peeler Smith, Esq. Special Deputy Attorney General</p> <p>Tiare B. Smiley, Esq. Special Deputy Attorney General</p> <p>W. Dale Talbert, Esqp. Special Deputy Attorney General N. C. Department of Justice P. O. Box 629 Raleigh, N.C. 27602</p> <p>5/16/95 Per Melinda Lawrence - also serve Lawrence, Lesesne - as well as Marvin Sparrow</p> <p>Melinda Lawrence Patterson, Harkavy &amp; Lawrence P. O. Box 27927 Raleigh, N.C. 27611</p> <p>Mr. Louis L. Osesne, Jr. Lesesne &amp; Connette 1001 Elizabeth Ave. Suite 1-D Charlotte, N.C.</p>	
4/11/95	354	<p>ORDER - On 11/22/94, defendants moved to terminate the court's jurisdiction or, in the alternative, to reopen &amp; modify the settlement agreement. By order dated 12/9/94, the court allowed plaintiffs 14 days, following court's ruling on defts' motion to alter or amend judgment, to respond to the motion by defts. to terminate jurisdiction. The court's final order on the motion by defts. to alter or amend the judgment was filed 3/27/95. From that orders dealing w/the same question, plffs have given notice of appeal to USCA for the 4th Circuit. Plffs have moved to stay consideration of defts' motion to determinate, pending disposition of the appeal in 4th Circuit. Alternatively, plffs. have requested a six-month extension of time to respond to the defts.' motion . In the meantime, plffs' response to the defts.' motion to terminate is due on 4/11/95. The time within which plffs may respond to the motion by defts. to terminate is extended until the court has ruled on plffs' motion to stay That motion will be ruled on in due course after briefs have been filed. (W. Earl Britt, USDJ Crt OB #89 P 178) Cys. served. (ent. 4/11/95) ag</p>	
4/21/95	355	<p>DEFENDANTS' OBJECTION TO PLAINTIFF'S MOTION TO STAY CONSIDERATION OF DEFENDANTS' motion to terminate the court'S JURISDICTION OR IN THE ALTERNATIVE TO REOPEN AND MODIFY THE SETTLEMENT AGREEMENT PURSUANT TO TITLE 18, USC. Sec. 3626. lc: Judge Britt</p>	
5/2/95	356	<p>ORDER - Before court is plaintiffs' motion for attorneys fees and costs pursuant pursuant to 42 U.S.C. Sec. 1988. Plaintiff seek recovery of such fees and costs incurred during the period 1 January 1990 through 30 June 1994. Defendants responded w/objections to the motion. The court concludes the following fees and costs are reasonable. Plaintiffs are entitled to recover \$73,487.64 for Lawrence's services &amp; \$67,508.10 for Lesesne's services, or a total of \$140,995.74. Further they may recover \$12,329.12 in costs for Lawrence. It is therefore ORDERED that plaintiffs have and recover of defendants the sum of \$153,324.86 in Attorneys' fees and costs W. Earl Britt, Judge CRT OB # 90 P 43. Cys. served. (ent. 5/2/95) ag</p>	
5/1/95		<p>4th Circuit Court of Appeals- number - 95-6635 Court reporters - Jo Bush - Donns Tomawski ag</p>	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____
James Lenard Small et als		James E. Martin et als	PAGE 22 OF ____ PAGES
DATE	NR.	PROCEEDINGS	
5/3/95 5/4/95	357.	<p>TRANSCRIPT - Motions hearing - before Judge Britt on September 2, 1994 CR Jo Bush                      Plaintiffs' reply to defendants' suggestion that the court's rufo orders                      are not injunctive in nature. lc: Judge Britt                      (5/4/95 - forwarded to Judge Britt for ruling -</p> <ol style="list-style-type: none"> <li>1. Motion to stay consideration of defendants' motion to terminate the court's jurisdiction or, in the alternative, to reopen and modify the settlement agreement pursuant to Title 18 USC Sec. 3626</li> <li>2. Defendants' objection to plaintiffs' motion to stay consideration of defts.; motion to terminate the court's jurisdiction or, in the alternative to reopen &amp; modify the settlement agreement pursuant to Title 18 U.S.C. Sec. 3626</li> <li>3. Plaintiff's reply to defts' suggestion that the court's Rufo orders are not injunctive in nature.)</li> </ol>	
5/5/95	358.	<p><b>ORDER</b> - Pursuant to plaintiffs' motion, and for good cause shown, this court's consideration of defendants' motion to terminate this court's jurisdiction of this case, or alternatively to re-open and modify the settlement agreement pursuant to Title 18, U.S.C., Sec. 3626, is HEREBY STAYED until after the 4th Circuit's decision on plaintiffs appeal. lc: Marvin Sparrow, Mr. James Peeler Smith &amp; 4th Circuit Court of Appeals. (ent. 5/5/95)</p>	
5/11/95		<p><b>TRANSCRIPT</b> - Motions hearing August 23, 1994 before The Honorable W. Earl Britt U. S. District Judge - Pages 1 -70 - Court reporter: Donna J. Tomawski</p>	
5/11/95		<p><b>CERTIFICATE</b> - fowarded 4th Circuit Court of Appeals - available upon request</p>	
5/15/95	359.	<p><b>DECLARATION OF LOUIS L. LESESNE, JR. (RECAPITULATION OF EXPENSES)</b> lc: Judge Britt</p>	
5/17/95	360.	<p><b>ORDER</b> - On 5/2/95 court entered an order allowing plaintiffs to recover attorneys' fees and costs associated w/this action. Pursuant to order Louis Lesesne, filed detailed documentation in support of costs claimed. Upon review of such documentation, the court finds such documentation adequate to support costs claimed. However, the court notes Lesesne now claims \$6556.77 in expert witness fees; original declaration of 11/22/94 - Lesesne claimed \$5657.72 for expert witnesses. Plaintiffs not entitled to the additional amt. claimed, or \$899.05, as this request is untimely &amp; defts. have not had an opportunity to respond. In all other respects, costs claimed in Lesesne's recapitulation of expenses are allowed. Accordingly, it is ORDERED plaintiffs have &amp; recover of defendants the sum of \$7857.27. (W. Earl Britt, U.S.D.J OB #90 P 227. (ent. 5/17/95)</p>	
12/12/95	361.	<p><b>CERTIFICATION OF FULL IMPLEMENTATION OF THE SETTLEMENT AGREEMENT w/Cert. of Service</b> lc: Judge Britt</p>	
12/12/95	362	<p><b>DEFENDANTS' FINAL REPORT ON IMPLEMENTATION OF SETTLEMENT AGREEMENT - by dfts w/cs</b></p>	
4/11/96		<p>4th Circuit Court of Appeals - # 95-6635</p>	
4/11/96		<p>Per 4th Circuit Court of Appeals - case argued in 4th Circuit on 3/7/96 - no decision as of this date.</p>	
7/15/96	363	<p><b>MOTION FOR ORDER OF CIVIL COMTEMPT - by Stanley Shane Smith w/cs</b></p>	
08/23/95		<p>Case Submitted to Judge Britt:</p>	



CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO.
JAMES LENOARD SMALL		JAMES MARTIN	95-987-CRT-I
			PAGE <u>23</u> OF <u>    </u> PAGES
DATE	NR.	PROCEEDINGS	
8/2/96	364	DEFENDANTS' RESPONSE OPPOSING MOTION FOR CIVIL CONTEMPT - by def's w/cs	gnm
8/2/96	365	AFFIDAVIT OF PERRY BUPKE in support of response - by dfts w/cs	gnm
8/2/96	366	AFFIDAVIT OF MARGIE LAWLER in support of response - by dfts w/cs	gnm
8/26/96		Case submitted to Judge Britt	gnm
8/28/96	367	Plaintiff's RESPONSE TO DEFENDANTS' MOTION OPPOSING CIVIL CONTEMPT filed by Stanley S. Smith c:J. Britt	anh
09/13/96	368	ORDER - movant's motion is denied and defendants' request that movant be required to pay costs and attorneys' fees is also denied - Judge Britt CRT OB #103, p. 270 cc movant, and NCAG	gnm
10/01/96	369	ORDER - returning document per instruction from the court, no filings can be accepted in the action unless filed by counsel fo recrd (MJ DIXON) cc to movant w/original pleading	gnm
10/21/96	370	Opinion - published - affirmed by published opinion. lc: Judge Britt	ag
11/12/96	371	Judgment from 4th Circuit Court of Appeals - In accordance with the written opinion of this Court filed this day, the Court affirms the judgment of the District Court. lc: Judge Britt & David Daniel	ag
11/20/96	372	MOTION TO EXTEND TIME to respond to defendants' motion to dismiss c:w/po to J. Britt	ah
11/21/96	373	ORDER granting motion to extend time, response due 1/30/97 (J. BRITT) c:served.	ah
11/17/96	374	AMENDED MOTION TO TERMINATE THE COURT'S JURISDICTION by defendants w/cs	anh
12/17/96	375	MEMORANDUM IN SUPPORT OF THE AMENDED MOTION by defts w/cs	anh
12/30/96	376	ORDER - returning papers to movant per instructions of the court (MJ Dixon) cc movant w/returned papers	anh
01/07/97	377	PLAINTIFF'S MOTION TO EXTEND TIME TO RESPOND TO DEFENDANTS' AMENDED MOTION TO TERMINATE THE COURT'S JURISDICTION - by pltf w/cs cc to Judge Britt	anh
1/8/97		Per letter from 4th Circuit Court of Appeals - dated 1/6/97 - "The enclosed letter advising that a petition for writ of mandamus was filed - was inadvertently sent to Asheville. A copy of the letter should have been sent to David Daniel - Clerk USDC - rather than Frank Johns, Clerk, WDNC. Deborah A. Davenport, Deputy Clerk, USCA_ lc: David Daniels & lc: Judge Britt	ag
01/13/97	378	ORDER- granting motion for extension of time to January 30, 1997 (BRITT) cc: NCPLS, NCAG	gnm
01/29/97	379	PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION TO TERMINATE THE COURT'S JURISDICTION - by pltf w/cs	gnm
2/10/97	<del>380</del> 381	Per letter from 4th Circuit Court of Appeals dated 2/6/97 - "Notice of Intent to Dismiss" - The court will dismiss this appeal for want of prosecution on 2/21/97, unless you have paid the necessary filing and docketing fee of \$100 to the Clerk, U. S. Court of Appeals before that date or completed the financial affidavit, provided proof of service of your mandamus on the judge and also provided the requisite number of copies, We advised you on 12/31/96 what actions you needed to take. ag	
1/31/97	380	DEFENDANTS' REPLY BRIEF w/cs, to motion to terminate court's jurisdiction case submitted to Judge Britt	anh
2/14/97			
2/20/97	382	ORDER - pursuant to the terms of the Settlement Agreement, the court hereby determines that all provisions of the settlement agreement have been fully implemented; it is therefore ordered that the court's supervisory jurisdiction over these cases is terminated (Britt) OB#107, p.165 c/s	anh

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF JAMES LENARD SMALL	DEFENDANT JAMES MARTIN	DOCKET NO. 85-987-CRT-BR PAGE 24 OF _____ PAGES
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DATE	NR.	PROCEEDINGS
03/03/97	383	PLAINTIFF'S MOTION FOR ATTORNEY FEES - by pltf w/cs cc to Judge Britt gnm
3/19/97	384	DEFENDANT'S REQUEST FOR EXTENTION OF TIME to file objections or request for adversary submissions pursuant to Rule 54(d) w/cs anh
3/19/97	385	ORDER - defts. shall advise the court by March 28, 1997, whether they intend oppose the motion for attorney fees, if they do, the pltfs. shall file a brief in support by April 18, 1997, the defts. shall respond by May 9, 1997 -- (BRITT) OB#107, p.268 c:served. anh