

**U.S. District Court  
EASTERN DISTRICT OF NORTH CAROLINA (Western Division)  
CIVIL DOCKET FOR CASE #: 5:09-ct-03187-D**

Etters et al v. Bennett et al  
Assigned to: Chief Judge James C. Dever, III  
Case in other court: 11-06515  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 11/18/2009  
Date Terminated: 03/04/2013  
Jury Demand: Both  
Nature of Suit: 550 Prisoner: Civil Rights  
Jurisdiction: Federal Question

**Plaintiff**

**Sandra Etters**

represented by **Michele R. Luecking-Sunman**  
North Carolina Prisoner Legal Services,  
Inc.  
P. O. Box 25397  
Raleigh, NC 27611  
919-856-2200  
Fax: 856-2223  
Email: [mluecking-sunman@ncpls.org](mailto:mluecking-sunman@ncpls.org)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**April Marie Giancola**  
N. C. Prisoner Legal Services, Inc.  
P. O. Box 25397  
1110 Wake Forest Rd.  
Raleigh, NC 27611  
919-865-4807  
Fax: 919-856-2223  
Email: [agiancola@ncpls.org](mailto:agiancola@ncpls.org)  
*ATTORNEY TO BE NOTICED*

**Elizabeth Albiston**  
N. C. Prisoner Legal Services, Inc.  
P. O. Box 25397  
1110 Wake Forest Rd.  
Raleigh, NC 27611  
919-856-2200  
Fax: 919-856-2223  
Email: [ealbiston@ncpls.org](mailto:ealbiston@ncpls.org)  
*ATTORNEY TO BE NOTICED*

**J. Phillip Griffin , Jr.**  
N. C. Prisoner Legal Services, Inc.  
P. O. Box 25397  
Raleigh, NC 27611-5397  
919-856-2200  
Fax: 856-2223  
Email: [pgriffin@ncpls.org](mailto:pgriffin@ncpls.org)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Ronda Singletary**  
*TERMINATED: 03/16/2011*

represented by **Michele R. Luecking-Sunman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**April Marie Giancola**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Elizabeth Albiston**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**J. Phillip Griffin , Jr.**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Deven Deal**  
*TERMINATED: 05/30/2012*

represented by **Michele R. Luecking–Sunman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**April Marie Giancola**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Elizabeth Albiston**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**J. Phillip Griffin , Jr.**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Louretha King**  
*TERMINATED: 03/16/2011*

represented by **Michele R. Luecking–Sunman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**April Marie Giancola**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Elizabeth Albiston**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**J. Phillip Griffin , Jr.**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Intervenor Plaintiff**

**Sabrina Phillips**  
*TERMINATED: 08/01/2011*

represented by **Elizabeth Albiston**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Secretary Boyd Bennett**  
*in his individual capacity*

represented by **Joseph Finarelli**  
N.C. Dept. of Justice  
P.O. Box 629  
Raleigh, NC 27602  
919–716–6531  
Fax: 919–716–6761  
Email: [jfinarelli@ncdoj.gov](mailto:jfinarelli@ncdoj.gov)

*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Kimberly D. Grande**  
N. C. Dept. of Justice  
114 West Edenton St.  
P. O. Box 629  
Raleigh, NC 27602-0629  
919-716-6567  
Email: [kgrande@ncdoj.gov](mailto:kgrande@ncdoj.gov)  
*ATTORNEY TO BE NOTICED*

**Yvonne Bulluck Ricci**  
N.C. Department of Justice  
P.O. Box 629  
Raleigh, NC 27602-0629  
919-716-6540  
Fax: 919-716-6761  
Email: [yricci@ncdoj.gov](mailto:yricci@ncdoj.gov)  
*TERMINATED: 07/14/2011*

**Defendant**

**Alvin Keller**  
*in his official capacity*

represented by **Joseph Finarelli**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Kimberly D. Grande**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Yvonne Bulluck Ricci**  
(See above for address)  
*TERMINATED: 07/14/2011*

**Defendant**

**Administrator Annie Harvey**  
*in her individual and official capacities*

represented by **Joseph Finarelli**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Kimberly D. Grande**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Yvonne Bulluck Ricci**  
(See above for address)  
*TERMINATED: 07/14/2011*

**Defendant**

**Administrator Timothy Kimble**  
*in his individual and official capacities*

represented by **Joseph Finarelli**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Kimberly D. Grande**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Unit Manager Moore**  
*in his individual capacity*

represented by **Joseph Finarelli**  
(See above for address)

TERMINATED: 03/16/2011

LEAD ATTORNEY  
ATTORNEY TO BE NOTICED**Yvonne Bulluck Ricci**  
(See above for address)  
ATTORNEY TO BE NOTICED**Defendant****Asst Unit Manager Ford**  
*in her individual capacity*  
TERMINATED: 03/16/2011represented by **Joseph Finarelli**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED**Yvonne Bulluck Ricci**  
(See above for address)  
ATTORNEY TO BE NOTICED**Defendant****Correctional Officer Wiggins**  
*in his individual capacity*  
TERMINATED: 03/16/2011**Defendant****Correctional Officer Sims**  
*in his official capacity***Defendant****Nurse Barbosa**  
*in his individual capacity*represented by **Barbosa**  
116 Patterson Rd.  
Durham, NC 27704  
PRO SE**Defendant****Unit Manager Lamar Blalock**  
*in his individual capacity*represented by **Joseph Finarelli**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED**Kimberly D. Grande**  
(See above for address)  
ATTORNEY TO BE NOTICED**Yvonne Bulluck Ricci**  
(See above for address)  
TERMINATED: 07/14/2011**Defendant****Correctional Officer Jessica Jones**  
*in her individual capacity*  
TERMINATED: 03/16/2011represented by **Joseph Finarelli**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/18/2009	<u>1</u>	COMPLAINT against all defendants ( Filing fee \$ 350 receipt number 0417000000001031436.), filed by Sandra Etters, Ronda Singletary, Deven Deal, Louretha King. (Attachments: # <u>1</u> Exhibit Exhibit A – Sandra Etters Grievance, # <u>2</u> Exhibit Exhibit B – Ronda Singletary Grievance, # <u>3</u> Exhibit Exhibit C – Deven Deal Grievance, # <u>4</u> Exhibit Exhibit D – Louretha King Grievance) (Luecking–Sunman, Michele) (Entered: 11/18/2009)

11/18/2009	<u>2</u>	MOTION to Certify Class by Sandra Etters, Ronda Singletary, Deven Deal, Louretha King. (Luecking-Sunman, Michele) (Entered: 11/18/2009)
11/18/2009	<u>3</u>	Memorandum in Support re <u>2</u> MOTION to Certify Class filed by Sandra Etters, Ronda Singletary, Deven Deal, Louretha King. (Attachments: # <u>1</u> Affidavit of James Aiken, Exhibit A) (Luecking-Sunman, Michele) (Entered: 11/18/2009)
11/19/2009		Motions Submitted to Staff Counsel III re: <u>2</u> MOTION to Certify Class and case submitted for frivolity review. (Indig, A.) (Entered: 11/19/2009)
12/15/2009	<u>4</u>	NOTICE of Appearance by Joseph Finarelli on behalf of Ford, Lamar Blalock, Boyd Bennett, Alvin Keller, Annie Harvey, Timothy Kimble, Moore (Finarelli, Joseph) (Entered: 12/15/2009)
12/15/2009	<u>5</u>	WAIVER OF SERVICE Returned Executed by Sandra Etters, Ronda Singletary, Deven Deal, Louretha King. Boyd Bennett waiver sent on 11/19/2009 (Albiston, Elizabeth) (Entered: 12/15/2009)
12/15/2009	<u>6</u>	WAIVER OF SERVICE Returned Executed by Sandra Etters, Ronda Singletary, Deven Deal, Louretha King. Alvin Keller waiver sent on 11/19/2009 (Albiston, Elizabeth) (Entered: 12/15/2009)
12/15/2009	<u>7</u>	WAIVER OF SERVICE Returned Executed by Sandra Etters, Ronda Singletary, Deven Deal, Louretha King. Annie Harvey waiver sent on 11/19/2009 (Albiston, Elizabeth) (Entered: 12/15/2009)
12/15/2009	<u>8</u>	WAIVER OF SERVICE Returned Executed by Sandra Etters, Ronda Singletary, Deven Deal, Louretha King. Timothy Kimble waiver sent on 11/19/2009 (Albiston, Elizabeth) (Entered: 12/15/2009)
12/15/2009	<u>9</u>	WAIVER OF SERVICE Returned Executed by Sandra Etters, Ronda Singletary, Deven Deal, Louretha King. Moore waiver sent on 11/19/2009. (Albiston, Elizabeth) (Entered: 12/15/2009)
12/15/2009	<u>10</u>	WAIVER OF SERVICE Returned Executed by Sandra Etters, Ronda Singletary, Deven Deal, Louretha King. Ford waiver sent on 11/19/2009. (Albiston, Elizabeth) (Entered: 12/15/2009)
12/15/2009	<u>11</u>	WAIVER OF SERVICE Returned Executed by Sandra Etters, Ronda Singletary, Deven Deal, Louretha King. Lamar Blalock waiver sent on 11/19/2009. (Albiston, Elizabeth) (Entered: 12/15/2009)
12/16/2009	<u>12</u>	NOTICE of Appearance by Yvonne Bulluck Ricci on behalf of Ford, Lamar Blalock, Boyd Bennett, Alvin Keller, Annie Harvey, Timothy Kimble, Moore (Ricci, Yvonne) (Entered: 12/16/2009)
12/16/2009		NOTICE OF DEFICIENCY re: <u>12</u> Notice of Appearance. Filing attorney's name does not appear on the docket sheet. Please refile notice and be sure to choose which defendants you are representing and that there is a check mark in the appropriate box(es). Thank you. (Indig, A.) (Entered: 12/16/2009)
12/16/2009	<u>13</u>	NOTICE of Appearance by Yvonne Bulluck Ricci on behalf of Ford, Lamar Blalock, Louretha King, Boyd Bennett, Alvin Keller, Annie Harvey, Moore (Ricci, Yvonne) (Entered: 12/16/2009)
12/17/2009		NOTICE OF CORRECTION re: <u>13</u> Notice of Appearance. Attorney Ricci was accidentally listed as attorney for plaintiff King. She has now been deleted as attorney for plaintiff King. (Indig, A.) (Entered: 12/17/2009)
12/18/2009	<u>14</u>	ORDER DIRECTING CLERK TO CONTINUE MANAGEMENT OF CASE. Signed by Judge James C. Dever, III on 12/18/2009. (Indig, A.) (Entered: 12/18/2009)
12/22/2009	<u>15</u>	MOTION for Extension of Time to File Answer <i>or Otherwise Plead</i> by Ford, Lamar Blalock, Boyd Bennett, Alvin Keller, Annie Harvey, Timothy Kimble, Moore. (Finarelli, Joseph) (Entered: 12/22/2009)
12/22/2009	<u>16</u>	MOTION for Extension of Time to File Response/Reply as to Motions Submitted by Ford, Lamar Blalock, Boyd Bennett, Alvin Keller, Annie Harvey, Timothy Kimble, Moore. (Finarelli, Joseph) (Entered: 12/22/2009)

12/23/2009	<u>17</u>	ORDER granting <u>15</u> Motion for Extension of Time to Answer Ford answer due 2/17/2010; Lamar Blalock answer due 2/17/2010; Boyd Bennett answer due 2/17/2010; Alvin Keller answer due 2/17/2010; Annie Harvey answer due 2/17/2010; Timothy Kimble answer due 2/17/2010; Moore answer due 2/17/2010.. Signed by Iavarone, Clerk of Court on 12/23/2009. (McDowell, G.) (Entered: 12/23/2009)
12/23/2009	<u>18</u>	ORDER granting <u>16</u> Motion for Extension of Time to File Response – up to and including 30 days from the date of the filing of an Answer or other responsive pleading to the Class Action Complaint. Signed by Iavarone, Clerk of Court on 12/23/2009. (McDowell, G.) (Entered: 12/23/2009)
02/05/2010	<u>26</u>	Summons Issued as to Wiggins, Sims, Barbosa, Jessica Jones. (McDowell, G.) (Entered: 02/17/2010)
02/16/2010	<u>19</u>	ANSWER to <u>1</u> Complaint, with Jury Demand by Alvin Keller. (Finarelli, Joseph) (Entered: 02/16/2010)
02/16/2010	<u>20</u>	ANSWER to <u>1</u> Complaint, with Jury Demand by Annie Harvey. (Finarelli, Joseph) (Entered: 02/16/2010)
02/16/2010	<u>21</u>	ANSWER to <u>1</u> Complaint, with Jury Demand by Timothy Kimble. (Finarelli, Joseph) (Entered: 02/16/2010)
02/16/2010	<u>22</u>	ANSWER to <u>1</u> Complaint, with Jury Demand by Boyd Bennett. (Finarelli, Joseph) (Entered: 02/16/2010)
02/16/2010	<u>23</u>	ANSWER to <u>1</u> Complaint, with Jury Demand by Lamar Blalock. (Finarelli, Joseph) (Entered: 02/16/2010)
02/16/2010	<u>24</u>	ANSWER to <u>1</u> Complaint, with Jury Demand by Ford. (Finarelli, Joseph) (Entered: 02/16/2010)
02/16/2010	<u>25</u>	ANSWER to <u>1</u> Complaint, with Jury Demand by Moore. (Finarelli, Joseph) (Entered: 02/16/2010)
02/24/2010	<u>27</u>	NOTICE of Appearance by Joseph Finarelli on behalf of Jessica Jones (Finarelli, Joseph) (Entered: 02/24/2010)
02/24/2010	<u>28</u>	ANSWER to <u>1</u> Complaint, with Jury Demand by Jessica Jones. (Finarelli, Joseph) (Entered: 02/24/2010)
03/09/2010	<u>29</u>	MOTION for Extension of Time to File Answer by Charlie Simms. (Attachments: # <u>1</u> Envelope) (Indig, A.) (Entered: 03/09/2010)
03/17/2010	<u>30</u>	MOTION for Judgment on the Pleadings by Ford, Lamar Blalock, Jessica Jones, Boyd Bennett, Alvin Keller, Annie Harvey, Timothy Kimble, Moore. (Finarelli, Joseph) (Entered: 03/17/2010)
03/17/2010	<u>31</u>	AFFIDAVIT re <u>30</u> MOTION for Judgment on the Pleadings of <i>Franklin E. Rogers</i> by Ford, Lamar Blalock, Jessica Jones, Boyd Bennett, Alvin Keller, Annie Harvey, Timothy Kimble, Moore. (Finarelli, Joseph) (Entered: 03/17/2010)
03/17/2010	<u>32</u>	Memorandum in Support re <u>30</u> MOTION for Judgment on the Pleadings filed by Ford, Lamar Blalock, Jessica Jones, Boyd Bennett, Alvin Keller, Annie Harvey, Timothy Kimble, Moore. (Finarelli, Joseph) (Entered: 03/17/2010)
03/17/2010	<u>33</u>	RESPONSE to Motion re <u>2</u> MOTION to Certify Class <i>in Opposition</i> filed by Ford, Lamar Blalock, Jessica Jones, Boyd Bennett, Alvin Keller, Annie Harvey, Timothy Kimble, Moore. (Finarelli, Joseph) (Entered: 03/17/2010)
03/26/2010	<u>34</u>	MOTION for Extension of Time to File Response/Reply as to <u>33</u> Response to Motion, <u>30</u> MOTION for Judgment on the Pleadings by Sandra Etters, Ronda Singletary, Deven Deal, Louretha King. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order) (Albiston, Elizabeth) (Entered: 03/26/2010)
03/26/2010	<u>35</u>	NOTICE of Appearance by J. Phillip Griffin, Jr on behalf of all plaintiffs (Griffin, J.) (Entered: 03/26/2010)

03/29/2010	<u>36</u>	ORDER granting <u>34</u> MOTION for Extension of Time to File Response as to <u>33</u> Response to Motion, <u>30</u> MOTION for Judgment on the Pleadings. Responses due by 6/7/2010. Signed by Clerk of Court by J. Skinner on 3/29/2010. (Shannon, K.) (Entered: 03/29/2010)
05/24/2010	<u>37</u>	First MOTION for Extension of Time to <i>Effect Service on Defendant Barbosa</i> by Deven Deal. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order to Extend Time to Effect Service on Defendant Barbosa) (Luecking-Sunman, Michele) (Entered: 05/24/2010)
05/24/2010	<u>38</u>	AFFIDAVIT of Service for Summons and Complaint served on Alberto Barbosa on May 18, 2010, filed by Deven Deal. (Luecking-Sunman, Michele) (Entered: 05/25/2010)
06/02/2010	<u>39</u>	ORDER granting <u>37</u> Motion for Extension of Time to effect service on Defendant Barbosa. Signed by Judge James C. Dever, III on 6/2/2010. (Indig, A.) (Entered: 06/02/2010)
06/07/2010	<u>40</u>	RESPONSE in Opposition – re: <u>30</u> MOTION for Judgment on the Pleadings filed by Deven Deal, Sandra Eters, Louretha King, Ronda Singletary. (Attachments: # <u>1</u> Exhibit Copy of Mitchell v. Rappahannock Regional Jail Authority, unpublished opinion) (Luecking-Sunman, Michele) (Entered: 06/07/2010)
06/07/2010	<u>41</u>	REPLY to Response to Motion – re: <u>2</u> MOTION to Certify Class filed by Deven Deal, Sandra Eters, Louretha King, Ronda Singletary. (Attachments: # <u>1</u> Index of Affidavits, # <u>2</u> Affidavit of Judith Bell, # <u>3</u> Affidavit of Crystal Benson, # <u>4</u> Affidavit of Athana Gamble, # <u>5</u> Affidavit of Teresa Halsey, # <u>6</u> Affidavit of Tia Jones, # <u>7</u> Affidavit of Andrea Maxwell, # <u>8</u> Affidavit of Tara McCullough, # <u>9</u> Affidavit of Adrienne Smith, # <u>10</u> Affidavit of Cathy Lopez, # <u>11</u> Affidavit of Derrick Oliver, # <u>12</u> Affidavit of Wendy Hardin) (Luecking-Sunman, Michele) (Entered: 06/07/2010)
06/09/2010	<u>42</u>	REPLY to Response to Motion – re: <u>30</u> MOTION for Judgment on the Pleadings filed by Boyd Bennett, Lamar Blalock, Ford, Annie Harvey, Jessica Jones, Alvin Keller, Timothy Kimble, Moore. (Finarelli, Joseph) (Entered: 06/09/2010)
06/10/2010	<u>43</u>	AMENDED DOCUMENT by Boyd Bennett, Lamar Blalock, Ford, Annie Harvey, Jessica Jones, Alvin Keller, Timothy Kimble, Moore. Amendment to <u>42</u> Reply to Response to Motion <i>Corrected Certificate of Service</i> . (Finarelli, Joseph) (Entered: 06/10/2010)
06/10/2010	<u>44</u>	MOTION to Strike by Boyd Bennett, Lamar Blalock, Ford, Annie Harvey, Jessica Jones, Alvin Keller, Timothy Kimble, Moore. (Finarelli, Joseph) (Entered: 06/10/2010)
06/10/2010	<u>45</u>	Memorandum in Support – re: <u>44</u> MOTION to Strike filed by Boyd Bennett, Lamar Blalock, Ford, Annie Harvey, Jessica Jones, Alvin Keller, Timothy Kimble, Moore. (Finarelli, Joseph) (Entered: 06/10/2010)
06/30/2010	<u>46</u>	RESPONSE in Opposition re <u>44</u> MOTION to Strike filed by Deven Deal, Sandra Eters, Louretha King, Ronda Singletary. (Attachments: # <u>1</u> Exhibit Text of Unpublished Opinion, Signature Flight Support v. Landow Aviation Ltd. Partnership) (Luecking-Sunman, Michele) (Entered: 06/30/2010)
07/07/2010		Motions Submitted to Staff Counsel III re: <u>2</u> MOTION to Certify Class, <u>44</u> MOTION to Strike, <u>30</u> MOTION for Judgment on the Pleadings, <u>29</u> MOTION for Extension of Time to File Answer (Indig, A.) (Entered: 07/07/2010)
08/24/2010	<u>47</u>	Notice to Counsel of Failure to Make Service within 120 Days regarding defendants Correctional Officer Wiggins and Correctional Officer Sims. (Indig, A.) (Entered: 08/24/2010)
08/27/2010	<u>48</u>	AFFIDAVIT of Service for Summons and Complaint served on Charlie Cortez Simms on 2/18/2010, filed by Sandra Eters. (Attachments: # <u>1</u> Exhibit Certified Mail Receipt) (Luecking-Sunman, Michele) (Entered: 08/27/2010)
09/10/2010	<u>49</u>	ORDER – denying without prejudice <u>2</u> Motion to Certify Class. Granting <u>29</u> Motion for Extension of Time to Answer. Not later than September 27, 2010, the Office of the Attorney General shall notify the court whether it will represent

		Simms and Barbosa. Signed by Judge James C. Dever III on 9/10/2010. (Indig, A.) (Entered: 09/10/2010)
09/17/2010	<u>50</u>	RESPONSE by Defendants Boyd Bennett, Lamar Blalock, Ford, Annie Harvey, Jessica Jones, Alvin Keller, Timothy Kimble, Moore – re: <u>49</u> Order on Motion for Extension of Time to Answer, Order on Motion to Certify Class. (Finarelli, Joseph) (Entered: 09/17/2010)
09/30/2010	<u>51</u>	RESPONSE to Order – re: <u>49</u> Order on Motion for Extension of Time to Answer, Order on Motion to Certify Class, <i>Supplemental Response</i> filed by Boyd Bennett, Lamar Blalock, Ford, Annie Harvey, Jessica Jones, Alvin Keller, Timothy Kimble, Moore. (Finarelli, Joseph) (Entered: 09/30/2010)
10/06/2010	<u>52</u>	MOTION for Extension of Time to File Answer – re: <u>1</u> Complaint, and MOTION to Appoint Counsel by Alberto Barbosa. (Indig, A.) (Entered: 10/07/2010)
10/07/2010		Motion Submitted to Judge Dever re: <u>52</u> MOTION for Extension of Time to File Answer re <u>1</u> Complaint, MOTION to Appoint Counsel. (Indig, A.) (Entered: 10/07/2010)
11/01/2010	<u>53</u>	ORDER granting <u>52</u> Motion for Extension of Time to Answer. Defendant Barbosa's answer due 11/10/2010. Signed by Judge James C. Dever III on 11/1/2010. (Indig, A.) (Entered: 11/01/2010)
11/10/2010	<u>54</u>	ANSWER to <u>1</u> Complaint (and all other documents) by Alberto Barbosa. (Indig, A.) (Entered: 11/10/2010)
02/14/2011	<u>55</u>	First MOTION for Entry of Default <i>Against Defendant Simms</i> by Sandra Etters. (Luecking–Sunman, Michele) (Entered: 02/14/2011)
02/24/2011		Motion Submitted to Clerk of Court re: <u>55</u> First MOTION for Entry of Default <i>Against Defendant Simms</i> . (McDowell, G.) (Entered: 02/24/2011)
02/25/2011	<u>56</u>	ORDER granting <u>55</u> Motion for Entry of Default against defendant Correctional Officer Sims. Signed by Dennis P. Iavarone, Clerk of Court on 2/25/2011. (Taylor, B.) (Entered: 02/25/2011)
03/16/2011	<u>57</u>	ORDER granting in part and denying in part <u>30</u> Motion for Judgment on the Pleadings; the claims of plaintiffs Singletary and King are DISMISSED; defendants Moore, Ford, Wiggins, and Jones are DISMISSED; plaintiff Etter's claims against Simms and the supervisory defendants (except Kimble) under the Fourth and the Eighth Amendment survive, but her Fourteenth Amendment claim fails; plaintiff Deal, her Fourth and Eighth Amendment claims against Barbosa and the supervisory defendants (except Kimble) survive, her Fourth Amendment claim against Blalock and the supervisory defendants (except Harvey) survives, but her Eighth Amendment claim against Blalock fails as does her Fourteenth Amendment claim; dismissing Etters and Deal's First Amendment and Fourteenth Amendment class claims; and denying as moot <u>44</u> Motion to Strike. Signed by District Judge James C. Dever, III on 3/16/2011. (McDowell, G.) (Entered: 03/16/2011)
03/16/2011	<u>58</u>	Request for Discovery Stipulation. (McDowell, G.) (Entered: 03/16/2011)
04/05/2011	<u>59</u>	STIPULATION OF DISCOVERY <i>BY PLAINTIFFS AND DEFENDANTS BENNETT, KELLER, HARVEY, KIMBLE AND BLALOCK</i> by Deven Deal, Sandra Etters. (Luecking–Sunman, Michele) (Entered: 04/05/2011)
04/06/2011		NOTICE OF DEFICIENCY re: <u>59</u> Stipulation of Discovery; Pursuant to Local Civil Rule 6.1, or the judges practice preferences on the courts website, counsel must submit a proposed order. The order must be filed electronically using the event PROPOSED ORDER located in the RESPONSES AND REPLIES category. Additionally, the judge's practice preferences MAY require counsel to email the proposed order in a word processing format. (King, K.) (Entered: 04/06/2011)
04/07/2011	<u>60</u>	Proposed Order re <u>59</u> Stipulation of Discovery filed by Deven Deal, Sandra Etters. (Luecking–Sunman, Michele) (Entered: 04/07/2011)
04/12/2011	<u>61</u>	NOTICE OF INTERLOCUTORY APPEAL as to <u>57</u> Order on Motion for Judgment on the Pleadings by Louretha King. (Attachments: # <u>1</u> Letter from Court of Appeals # <u>2</u> Envelope) (Indig, A.) (Entered: 04/13/2011)



04/13/2011	<u>62</u>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>61</u> Notice of Interlocutory Appeal. (Indig, A.) (Entered: 04/13/2011)
04/18/2011	<u>63</u>	ORDER – The court shall hold a scheduling conference on Thursday, 28 April 2011, at 2:30 p.m. in the Sixth Floor Courtroom of the Terry Sanford Federal Building, 310 New Bern Avenue, Raleigh, North Carolina. Signed by Magistrate Judge James E. Gates on 4/18/2011. (Taylor, B.) (Entered: 04/18/2011)
04/21/2011	<u>64</u>	US Court of Appeals Case Number 11–6515 (Joy Moore) for <u>61</u> Notice of Interlocutory Appeal filed by Louretha King. (Indig, A.) (Entered: 04/21/2011)
04/28/2011	<u>65</u>	Minute Entry for proceedings held before Magistrate Judge James E. Gates re: Scheduling Conference held on 4/28/2011. (Court Reporter FTR Gold) (Indig, A.) (Entered: 04/28/2011)
04/29/2011	<u>66</u>	SCHEDULING ORDER: Plaintiffs' renewed motion for class certification shall be filed by 28 June 2011. Discovery due by 4/6/2012. Dispositive Motions due by 5/7/2012. The first status conference with the parties shall be held on Thursday, 16 June 2011, at 2:30 p.m. in the 6th Floor Courtroom, 310 New Bern Avenue, Raleigh, NC. Counsel is advised to refer to entire Scheduling Order for critical deadlines and other provisions. Signed by Magistrate Judge James E. Gates on 4/29/2011. (Indig, A.) (Entered: 04/29/2011)
04/29/2011		**** Set Hearings: Status Conference set for 6/16/2011 at 02:30 PM in Raleigh – 6th Floor Courtroom before Magistrate Judge James E. Gates. (Indig, A.) (Entered: 04/29/2011)
05/02/2011		Assembled Electronic Record on Appeal transmitted to 4th Circuit Court of Appeals re <u>61</u> Notice of Interlocutory Appeal. (Indig, A.) (Entered: 05/02/2011)
05/09/2011	<u>67</u>	ORDER of US Court of Appeals as to <u>61</u> Notice of Interlocutory Appeal filed by Louretha King – The court grants appellant leave to proceed without full prepayment of fees. (McDowell, G.) (Entered: 05/09/2011)
05/09/2011	<u>68</u>	ORDER – directing Barbosa to file a (1) financial affidavit on CJA Form 23 and (2) declaration stating the efforts he has made to secure counsel. Response due by 5/31/2011. Signed by US District Judge James C. Dever, III on 5/9/2011. CJA 23 sent to defendant. (McDowell, G.) (Entered: 05/09/2011)
05/18/2011	<u>69</u>	Mail Returned as Undeliverable. Mail sent to Alberto Barbosa. Notation on envelope states "Not Deliverable as Addressed – Unable to Forward." (Attachments: # <u>1</u> Envelope) (Indig, A.) (Entered: 05/20/2011)
05/24/2011	<u>70</u>	Mail Returned as Undeliverable. Mail sent to Alberto Barbosa. Notation on envelope states "No Such Number." No forwarding address provided. (Attachments: # <u>1</u> Envelope) (Indig, A.) (Entered: 05/31/2011)
06/13/2011	<u>71</u>	ORDER – GRANTING request to continue status conference. Status Conference reset for 7/21/2011 at 2:30 PM in Raleigh – 6th Floor Courtroom before Magistrate Judge James E. Gates. Signed by Magistrate Judge James E. Gates on 6/13/2011. (Indig, A.) (Entered: 06/13/2011)
06/28/2011	<u>72</u>	Second MOTION to Certify Class by Sandra Eppers. (Luecking–Sunman, Michele) (Entered: 06/28/2011)
06/28/2011	<u>73</u>	MOTION to Intervene by Sabrina Phillips. (Attachments: # <u>1</u> Exhibit Intervening Complaint, # <u>2</u> Exhibit A of Intervening Complaint) (Albiston, Elizabeth) (Entered: 06/28/2011)
06/28/2011	<u>74</u>	Memorandum in Support re <u>73</u> MOTION to Intervene by Sabrina Phillips. (Albiston, Elizabeth) (Entered: 06/28/2011)
06/28/2011	<u>75</u>	REQUEST FOR WAIVER of Service sent to Bianca Harris on 6/28/11 by Sabrina Phillips. Waiver of Service due by 8/27/2011. (Albiston, Elizabeth) (Entered: 06/28/2011)
06/28/2011	<u>76</u>	REQUEST FOR WAIVER of Service sent to Bennie Moore on 6/28/2011 by Sabrina Phillips. Waiver of Service due by 8/27/2011. (Albiston, Elizabeth) (Entered: 06/28/2011)

06/28/2011	<u>77</u>	Memorandum in Support re <u>72</u> Second MOTION to Certify Class filed by Sandra Etters. (Attachments: # <u>1</u> Index of Affidavits, # <u>2</u> Affidavit of Sabrina Phillips, # <u>3</u> Affidavit of Barbara Covington, # <u>4</u> Affidavit of Eva Barlowe, # <u>5</u> Affidavit of Lauren Crowe, # <u>6</u> Affidavit of Melissa Strange, # <u>7</u> Affidavit of Lisa Dunlap, # <u>8</u> Affidavit of Patricia Smith, # <u>9</u> Affidavit of Victoria Ross, # <u>10</u> Affidavit of Cathy Phillips, # <u>11</u> Affidavit of Elizabeth Adams, # <u>12</u> Affidavit of Kathy Thompson, # <u>13</u> Affidavit of April Harris, # <u>14</u> Affidavit of Shaheedah Rushdan, # <u>15</u> Affidavit of Linda Smith) (Luecking-Sunman, Michele) (Entered: 06/28/2011)
06/28/2011	<u>78</u>	REQUEST FOR WAIVER of Service sent to Supervisor John Doe on 6/28/2011 by Sabrina Phillips. Waiver of Service due by 8/27/2011. (Albiston, Elizabeth) (Entered: 06/28/2011)
06/29/2011	<u>79</u>	Mail Returned as Undeliverable. Mail sent to Alberto Barbosa. No forwarding address provided. (Attachment: # <u>1</u> Envelope) (Blankenship, T.) Modified on 7/15/2011 to correct name of sent mail.(Blankenship, T.) (Entered: 06/29/2011)
07/01/2011	<u>80</u>	NOTICE of Appearance by Kimberly D. Grande on behalf of Boyd Bennett, Lamar Blalock, Annie Harvey, Alvin Keller and Timothy Kimble. (Grande, Kimberly) (Entered: 07/01/2011)
07/14/2011	<u>81</u>	Notice of Substitution of Counsel by Yvonne Bulluck Ricci on behalf of Boyd Bennett, Lamar Blalock, Annie Harvey and Alvin Keller. (Ricci, Yvonne) (Entered: 07/14/2011)
07/14/2011	<u>82</u>	MOTION for Extension of Time to File Response/Reply as to <u>72</u> Second MOTION to Certify Class by Boyd Bennett, Lamar Blalock, Annie Harvey, Alvin Keller and Timothy Kimble. (Grande, Kimberly) (Entered: 07/14/2011)
07/15/2011	<u>83</u>	ORDER granting <u>82</u> Motion for Extension of Time to File Response re: <u>72</u> Second MOTION to Certify Class. Response is due by August 8, 2011. Signed by Dennis P. Iavarone, Clerk of Court on 7/14/2011. (Taylor, B.) (Entered: 07/15/2011)
07/19/2011	<u>84</u>	RESPONSE in Opposition re <u>73</u> MOTION to Intervene filed by Boyd Bennett, Lamar Blalock, Annie Harvey, Alvin Keller and Timothy Kimble. (Finarelli, Joseph) (Entered: 07/19/2011)
07/19/2011	<u>85</u>	Memorandum in Opposition re <u>84</u> Response in Opposition to Motion, <u>73</u> MOTION to Intervene filed by Boyd Bennett, Lamar Blalock, Annie Harvey, Alvin Keller and Timothy Kimble. (Finarelli, Joseph) (Entered: 07/19/2011)
07/20/2011	<u>86</u>	NOTICE of Appearance by April Marie Giancola on behalf of All Plaintiffs. (Giancola, April) (Entered: 07/20/2011)
07/21/2011	<u>87</u>	Minute Entry for proceedings held before Magistrate Judge James E. Gates in Raleigh – Status Conference held on 7/21/2011. Parties from both sides present. Oral arguments made. Parties are given until August 4th to either file a joint proposed protective order or separate motions advocating for their particular proposed protective order. Response, if necessary, to be filed by August 18th. Next status conference set for August 25th at 2:30 am in the 6th Floor Courtroom. Written Order to Follow. (Court Reporter – FTR) (Powers, S.) (Entered: 07/21/2011)
07/25/2011	<u>88</u>	Order Setting Hearings – Status Conference set for 8/25/2011 at 2:30 PM in Raleigh – 5th Floor Courtroom before Magistrate Judge James E. Gates. Signed by Magistrate Judge James E. Gates on 7/25/2011. Counsel should read the entire order for critical dates and deadlines. (Indig, A.) (Entered: 07/25/2011)
08/01/2011	<u>89</u>	MOTION for Protective Order by Boyd Bennett, Lamar Blalock, Annie Harvey, Alvin Keller and Timothy Kimble. (Attachments: # <u>1</u> Defendants' Proposed Protective Order) (Finarelli, Joseph) (Entered: 08/01/2011)
08/01/2011	<u>90</u>	Memorandum in Support re <u>89</u> MOTION for Protective Order filed by Boyd Bennett, Lamar Blalock, Annie Harvey, Alvin Keller and Timothy Kimble. (Attachments: # <u>1</u> Plaintiffs' Proposed Protective Order, # <u>2</u> E-Mail Communications) (Finarelli, Joseph) (Entered: 08/01/2011)

08/01/2011	<u>91</u>	ORDER denying <u>52</u> Motion to Appoint Counsel ; denying <u>73</u> Motion to Intervene. Signed by US District Judge James C. Dever, III on 8/1/2011. Copy mailed to defendant Barbosa. (McDowell, G.) (Entered: 08/01/2011)
08/01/2011	<u>93</u>	Mail Returned as Undeliverable. Mail (order DE# 83) sent to Alberto Barbosa. No forwarding address provided. (Attachment: # <u>1</u> Envelope) (Indig, A.) (Entered: 08/02/2011)
08/01/2011	<u>94</u>	Mail Returned as Undeliverable. Mail (order DE# 88) sent to Alberto Barbosa. No forwarding address provided. (Attachment: # <u>1</u> Envelope) (Indig, A.) (Entered: 08/02/2011)
08/02/2011	<u>92</u>	ORDER – Referred to Magistrate Judge James E. Gates re <u>89</u> Motion for Protective Order. Signed by District Judge James C. Dever III on 8/1/2011. (Indig, A.) (Entered: 08/02/2011)
08/02/2011		MOTION REFERRED to Magistrate Judge James E. Gates re: <u>89</u> MOTION for Protective Order. (Indig, A.) (Entered: 08/02/2011)
08/02/2011	<u>95</u>	First MOTION for Protective Order by Deven Deal, Sandra Etters. (Attachments: # <u>1</u> Text of Proposed Order) (Griffin, J.) (Entered: 08/02/2011)
08/02/2011	<u>96</u>	Memorandum in Support of <i>Plaintiffs' Motion for Protective Order</i> filed by Deven Deal and Sandra Etters. (Attachments: # <u>1</u> Exhibit Order entered in McDonald v. Suggs, No. 5:07-CV-339-D) (Griffin, J.) (Entered: 08/02/2011)
08/03/2011	<u>97</u>	ORDER REFERRING MOTION to Magistrate Judge James E. Gates re: <u>95</u> First MOTION for Protective Order filed by Sandra Etters and Deven Deal. Signed by District Judge James C. Dever III on 8/2/2011. (Indig, A.) (Entered: 08/03/2011)
08/08/2011	<u>98</u>	RESPONSE in Opposition re <u>72</u> Second MOTION to Certify Class filed by Boyd Bennett, Lamar Blalock, Annie Harvey, Alvin Keller and Timothy Kimble. (Finarelli, Joseph) (Entered: 08/08/2011)
08/08/2011	<u>99</u>	Memorandum in Opposition re <u>98</u> Response in Opposition to Motion, <u>72</u> Second MOTION to Certify Class filed by Boyd Bennett, Lamar Blalock, Annie Harvey, Alvin Keller and Timothy Kimble. (Attachments: # <u>1</u> Exhibit Inmate Sexual Abuse and Harassment Policy) (Finarelli, Joseph) (Entered: 08/08/2011)
08/16/2011	<u>100</u>	RESPONSE in Opposition re <u>95</u> First MOTION for Protective Order filed by Boyd Bennett, Lamar Blalock, Annie Harvey, Alvin Keller and Timothy Kimble. (Finarelli, Joseph) (Entered: 08/16/2011)
08/16/2011	<u>101</u>	Memorandum in Opposition re <u>95</u> First MOTION for Protective Order, <u>100</u> Response in Opposition to Motion filed by Boyd Bennett, Lamar Blalock, Annie Harvey, Alvin Keller and Timothy Kimble. (Attachments: # <u>1</u> Exhibit Griffith v. Keller, 2010 N.C. App. LEXIS 412, # <u>2</u> Exhibit Protective Order in Buyer's Direct, Inc. v. Belk, Inc., 2011 U.S. Dist. LEXIS 41005) (Finarelli, Joseph) (Entered: 08/16/2011)
08/16/2011	<u>102</u>	Mail Returned as Undeliverable. Mail (order DE# 91) sent to Alberto Barbosa. No forwarding address provided. (Attachment: # <u>1</u> Envelope) (Blankenship, T.) (Entered: 08/16/2011)
08/16/2011	<u>103</u>	REPLY to Response to Motion re <u>72</u> Second MOTION to Certify Class filed by Deven Deal, Sandra Etters. (Attachments: # <u>1</u> Exhibit Division Of Prisons Policy & Procedure Manual Chapter F.3401-.3407 (Superceded June 11, 2010, # <u>2</u> Affidavit of Ciarra Carnes, # <u>3</u> Affidavit of Joquette Rawlings, # <u>4</u> Affidavit of Tammy Long, # <u>5</u> Exhibit ACIS Printout re Bruce O'Neill) (Griffin, J.) (Entered: 08/16/2011)
08/17/2011		Motion referred to US Magistrate Judge James E. Gates re: <u>72</u> Second MOTION to Certify Class. (Blankenship, T.) (Entered: 08/17/2011)
08/17/2011		Motions No Longer Referred: <u>72</u> Second MOTION to Certify Class. (Blankenship, T.) (Entered: 08/17/2011)
08/17/2011		Motion Submitted to Staff Counsel III re: <u>72</u> Second MOTION to Certify Class. (Blankenship, T.) (Entered: 08/17/2011)

08/24/2011	<u>104</u>	Order – The status conference that had been scheduled in this case for 25 August 2011 (see D.E. 88) is CANCELLED. The next Status Conference is set for 9/29/2011 2:00 PM in Raleigh – 5th Floor Courtroom before Magistrate Judge James E. Gates. Signed by US Magistrate Judge James E. Gates on 8/24/2011. (Taylor, B.) (Entered: 08/24/2011)
08/30/2011	<u>105</u>	Unpublished Opinion from Fourth Circuit Court of Appeals – DISMISSED. (McDowell, G.) (Entered: 08/30/2011)
08/30/2011	<u>106</u>	US Court of Appeals Judgment as to <u>61</u> Notice of Interlocutory Appeal filed by Louretha King. (McDowell, G.) (Entered: 08/30/2011)
08/31/2011	<u>107</u>	Mail – Order filed 8/24/2011 – Returned as Undeliverable which was sent to Barbosa. (McDowell, G.) (Entered: 09/01/2011)
09/21/2011	<u>108</u>	MANDATE of US Court of Appeals (certified copy) as to <u>61</u> Notice of Interlocutory Appeal filed by Louretha King. (Indig, A.) (Entered: 09/21/2011)
09/26/2011	<u>109</u>	Order Re–Setting Hearing – Status Conference reset for 10/27/2011 at 2:00 PM in Raleigh – 5th Floor Courtroom before Magistrate Judge James E. Gates. Signed by Magistrate Judge James E. Gates on 9/26/2011. (Indig, A.) (Entered: 09/26/2011)
10/03/2011	<u>110</u>	Mail Returned as Undeliverable. Mail (Order DE#109) sent to Alberto Barbosa. No forwarding address provided. (Attachment: # <u>1</u> Envelope) (Blankenship, T.) (Entered: 10/03/2011)
10/27/2011	<u>111</u>	Minute Entry for proceedings held before US Magistrate Judge James E. Gates: Status Conference held on 10/27/2011. (Court Reporter FTR Gold) (McDowell, G.) (Entered: 10/27/2011)
11/01/2011	<u>112</u>	ORDER – GRANTING IN PART and DENYING IN PART <u>89</u> Motion for Protective Order and <u>95</u> Motion for Protective Order. The court will enter an appropriate protective order contemporaneously with this order. Signed by Magistrate Judge James E. Gates on 10/31/2011. (Indig, A.) (Entered: 11/01/2011)
11/01/2011	<u>113</u>	PROTECTIVE ORDER. Signed by Magistrate Judge James E. Gates on 10/31/2011. (Indig, A.) (Entered: 11/01/2011)
11/09/2011	<u>114</u>	Mail Returned as Undeliverable. Mail (Order DE# 112 and Protective Order DE# 113) sent to Alberto Barbosa. No forwarding address provided. (Attachments: # <u>1</u> Protective Order, # <u>2</u> Envelope) (Blankenship, T.) (Entered: 11/09/2011)
12/02/2011	<u>115</u>	Order Setting Hearing – Status Conference set for 1/5/2012 at 3:30 PM in Raleigh – 6th Floor Courtroom before Magistrate Judge James E. Gates. Signed by Magistrate Judge James E. Gates on 12/2/2011. (Indig, A.) (Entered: 12/02/2011)
12/29/2011	<u>116</u>	Joint MOTION to Amend/Correct <u>66</u> Scheduling Order by Deven Deal and Sandra Eppers. (Attachments: # <u>1</u> Text of Proposed Order) (Albiston, Elizabeth) (Entered: 12/29/2011)
12/29/2011		MOTION REFERRED to US Magistrate Judge James E. Gates re: <u>116</u> Joint MOTION to Amend <u>66</u> Scheduling Order . (Blankenship, T.) (Entered: 12/29/2011)
01/05/2012	<u>117</u>	Minute Entry for proceedings held in Raleigh before US Magistrate Judge James E. Gates: Status Conference held on 1/5/2012. Counsel for plaintiff and defendant present for proceedings. (Court Reporter FTR Gold) (McDowell, G.) (Entered: 01/05/2012)
01/06/2012	<u>118</u>	ORDER – GRANTING <u>116</u> Motion to Amend the Scheduling Order. The next status conference is scheduled for 2/9/2012 at 2:00 pm in the Sixth Floor Courtroom, Raleigh, NC. Signed by Magistrate Judge James E. Gates on 1/5/2012. Counsel should read the entire order for critical dates and deadlines. (Indig, A.) (Entered: 01/06/2012)
01/06/2012	<u>119</u>	NOTICE of Hearing – Status Conference set for 2/9/2012 at 2:00 PM in Raleigh – 6th Floor Courtroom before Magistrate Judge James E. Gates. (Indig, A.) (Entered: 01/06/2012)

01/09/2012	<u>120</u>	ORDER – DENYING WITHOUT PREJUDICE <u>72</u> Motion to Certify Class. Signed by Chief Judge James C. Dever III on 1/9/2012. (Indig, A.) (Entered: 01/09/2012)
02/07/2012	<u>121</u>	Order – The status conference scheduled for 9 February 2012 is CANCELLED. The next Status Conference is set for 3/8/2012 at 1:30 PM in Raleigh – 6th Floor Courtroom before Magistrate Judge James E. Gates. Signed by Magistrate Judge James E. Gates on 2/7/2012. (Indig, A.) (Entered: 02/07/2012)
03/08/2012	<u>122</u>	Minute Entry for proceedings held before Magistrate Judge James E. Gates – Status Conference held on 3/8/2012. Counsel for plaintiffs and defendants present. (Court Reporter FTR Gold) (Indig, A.) (Entered: 03/08/2012)
03/09/2012	<u>123</u>	Order – The parties' request for an extension of the discovery deadline is ALLOWED and the Scheduling Order (D.E. 66, amended at D.E. 118) is modified. The parties shall participate in a court-hosted settlement conference on plaintiffs' damages claims in accordance with Local ADR Rule 101.2, E.D.N.C. to be held no later than 30 April 2012 before Magistrate Judge David W. Daniel. The next Status Conference is set for 4/19/2012 at 1:30 PM in Raleigh – 6th Floor Courtroom before Magistrate Judge James E. Gates. Signed by Magistrate Judge James E. Gates on 3/8/2012. Attorneys should read the entire order for critical dates and deadlines. (Indig, A.) (Entered: 03/09/2012)
03/14/2012	<u>124</u>	MOTION to Take Deposition from Sandra Etters by Boyd Bennett, Lamar Blalock, Annie Harvey, Alvin Keller, Timothy Kimble. (Attachments: # <u>1</u> Text of Proposed Order Attachment A, "Proposed Order") (Grande, Kimberly) (Entered: 03/14/2012)
03/14/2012		MOTION REFERRED to Magistrate Judge James E. Gates re: <u>124</u> MOTION to Take Deposition from Sandra Etters. (Indig, A.) (Entered: 03/14/2012)
03/19/2012	<u>125</u>	WITHDRAWAL of Motion by Boyd Bennett, Lamar Blalock, Annie Harvey, Alvin Keller, Timothy Kimble. re <u>124</u> MOTION to Take Deposition from Sandra Etters filed by Annie Harvey, Alvin Keller, Timothy Kimble, Lamar Blalock, Boyd Bennett. (Grande, Kimberly) (Entered: 03/19/2012)
04/19/2012	<u>127</u>	Minute Entry for proceedings held before Magistrate Judge James E. Gates – Status Conference held on 4/19/2012 in Raleigh, NC. Attorneys for Plaintiff and Defendant present. (Court Reporter FTR Gold) (Indig, A.) (Entered: 04/19/2012)
04/19/2012	<u>128</u>	TEXT ORDER – Status conference held with counsel for the parties. Parties had previously advised court that all claims had been settled and that they needed until 3 May 2012 to finalize their settlement. (See D.E. 126). At the conference, parties requested 30 days from today in which to complete the settlement. The motion is ALLOWED. The parties shall file no later than 21 May 2012 all documents necessary to effect termination of this case, including dismissals of claims for damages and a proposed consent judgment providing for equitable relief. Signed by Magistrate Judge James E. Gates on 4/19/2012. (Indig, A.) (Entered: 04/19/2012)
05/18/2012	<u>129</u>	NOTICE of Voluntary Dismissal by Deven Deal. (Luecking–Sunman, Michele) (Entered: 05/18/2012)
05/21/2012	<u>130</u>	Joint MOTION to Expedite <i>Entry of Order and Agreement</i> by Annie Harvey. (Attachments: # <u>1</u> Text of Proposed Order) (Finarelli, Joseph) (Entered: 05/21/2012)
05/21/2012		Motion Submitted to Staff Counsel III regarding <u>130</u> Joint MOTION to Expedite <i>Entry of Order and Agreement</i> . (Blankenship, T.) (Entered: 05/21/2012)
05/21/2012	<u>131</u>	NOTICE of Voluntary Dismissal by Deven Deal. (Luecking–Sunman, Michele) (Entered: 05/21/2012)
05/21/2012	<u>132</u>	First MOTION for Default Judgment as to by Sandra Etters. (Luecking–Sunman, Michele) (Entered: 05/21/2012)
05/22/2012		Motion Submitted to Staff Counsel III regarding <u>132</u> First MOTION for Default Judgment by Sandra Etters. (Blankenship, T.) (Entered: 05/22/2012)
05/30/2012	<u>133</u>	ORDER – GRANTING plaintiff Deal's requests for a voluntary dismissal with prejudice [D.E. 129, 131], and DISMISSES WITH PREJUDICE plaintiff Deal's

		claims. GRANTING <u>132</u> Motion for Default Judgment and REFERS the motion to Magistrate Judge James E. Gates for a hearing and recommendation on damages. GRANTING <u>130</u> Motion to expedite approval of settlement agreement and hereby APPROVES the settlement agreement [D.E. 130-1], subject to the limitations of 18 U.S.C. § 3626. Signed by Chief Judge James C. Dever III on 5/30/2012. (Indig, A.) (Entered: 05/30/2012)
10/23/2012	<u>134</u>	Order Setting Hearing – Hearing set for 11/7/2012 at 2:30 PM in Raleigh – 6th Floor Courtroom before Magistrate Judge James E. Gates. Signed by Magistrate Judge James E. Gates on 10/23/2012. Counsel is reminded to read the entire order for critical dates and deadlines. (Indig, A.) (Entered: 10/23/2012)
10/25/2012	<u>135</u>	First MOTION for Writ of Habeas Corpus ad testificandum by Sandra Etters. (Attachments: # <u>1</u> Text of Proposed Order) (Luecking–Sunman, Michele) (Entered: 10/25/2012)
10/25/2012		MOTION REFERRED to Magistrate Judge James E. Gates as to <u>135</u> First MOTION for Writ of Habeas Corpus ad testificandum. (Indig, A.) (Entered: 10/25/2012)
10/31/2012	<u>136</u>	Mail Returned as Undeliverable. Mail (Order DE# 134) sent to defendant Alberto Barbosa. No forwarding address provided. (Blankenship, T.) (Entered: 10/31/2012)
11/01/2012	<u>137</u>	ORDER – granting <u>135</u> Motion for Writ of Habeas Corpus ad testificandum. Signed by US Magistrate Judge James E. Gates on 11/1/2012. (McDowell, G.) (Entered: 11/01/2012)
11/01/2012	<u>138</u>	WRIT of of Habeas Corpus issued to produce Sandra Etters on 11/7/2012 at 2:30 p.m. in Raleigh. (McDowell, G.) (Entered: 11/01/2012)
11/02/2012	<u>139</u>	SEALED Document: ( <i>Selected Participants Only</i> )by Sandra Etters (available to: Defendants Boyd Bennett, Lamar Blalock, Annie Harvey, Alvin Keller, Timothy Kimble, Sims, Plaintiff Sandra Etters) regarding <u>134</u> Set Deadlines/Hearings,. (Attachments: # <u>1</u> Exhibit BS22112, # <u>2</u> Exhibit BS22116, # <u>3</u> Exhibit BS22231, # <u>4</u> Exhibit BS22206, # <u>5</u> Exhibit BS22207, # <u>6</u> Exhibit BS22226) (Luecking–Sunman, Michele) Modified on 2/1/2013 to remove the word "proposed". (Indig, A.) (Entered: 11/02/2012)
11/05/2012		NOTICE OF DEFICIENCY regarding: <u>139</u> PROPOSED SEALED Document. A Motion to Seal the document was not filed. Please file the motion in accordance with Section T of the Administrative Policies and Procedure Manual. (McDowell, G.) (Entered: 11/05/2012)
11/05/2012	<u>140</u>	MOTION to Seal Document <u>139</u> PROPOSED SEALED Document, by Sandra Etters. (Attachments: # <u>1</u> Text of Proposed Order) (Albiston, Elizabeth) (Entered: 11/05/2012)
11/05/2012		MOTION REFERRED to US Magistrate Judge James E. Gates regarding <u>140</u> MOTION to Seal Document <u>139</u> PROPOSED SEALED Document. (Blankenship, T.) (Entered: 11/05/2012)
11/07/2012	<u>141</u>	PRETRIAL ORDER. Signed by Magistrate Judge James E. Gates on 11/6/2012. (Indig, A.) (Entered: 11/07/2012)
11/07/2012	<u>142</u>	Minute Entry for proceedings held before Magistrate Judge James E. Gates in Raleigh Hearing to determined damages held on 11/7/2012. Plaintiff Etters present with counsel. Testimony presented. Written Order to follow. (Court Reporter – FTR) (Powers, S.) (Entered: 11/07/2012)
11/07/2012	<u>143</u>	Exhibit List for hearing on damages as to Sandra Etters. (Powers, S.) (Additional attachment(s) added on 1/29/2013: # <u>1</u> Amended Exhibit List ( Amendment made to Exhibit P5 description)) (Powers, S.). (Entered: 11/07/2012)
11/08/2012	<u>144</u>	ORDER – As discussed at the hearing, plaintiff shall file a supplemental memorandum. Defendant may also file a memorandum addressing these issues. Plaintiff's memorandum and any memorandum by defendant shall be filed no later than 15 November 2012. Signed by Magistrate Judge James E. Gates on 11/8/2012. Copy sent to defendant Sims via US Mail. (Indig, A.) (Entered: 11/08/2012)

11/13/2012	<u>145</u>	Mail Returned as Undeliverable. Mail (Order DE# 137) sent to Alberto Barbosa. No forwarding address provided. (Attachment: # <u>1</u> Envelope) (Blankenship, T.) (Entered: 11/13/2012)
11/13/2012	<u>146</u>	Mail Returned as Undeliverable. Mail (Pretrial Order DE# 141) sent to Alberto Barbosa. No forwarding address provided. (Attachment: # <u>1</u> Envelope) (Blankenship, T.) (Entered: 11/13/2012)
11/15/2012	<u>147</u>	Memorandum in Support re <u>144</u> Order, filed by Sandra Etters. (Luecking-Sunman, Michele) (Entered: 11/15/2012)
11/29/2012	<u>148</u>	OFFICIAL TRANSCRIPT OF HEARING TO DETERMINE DAMAGES held on November 7, 2012 before Magistrate Judge James E. Gates. Transcriber Janice Russell. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Please review Attorney obligations regarding the redaction of electronic transcripts of court proceedings available on the court's <a href="#">website</a> . Redaction Request due 12/23/2012. Redacted Transcript Deadline set for 1/2/2013. Release of Transcript Restriction set for 3/2/2013. (Thuemmel Proctor, S.) (Entered: 11/30/2012)
11/29/2012		NOTICE of Filing of Official Transcript <u>148</u> Transcript. The parties have seven calendar days from the filing of the transcript to file a Notice of Intent to Request Redaction. The parties must also serve a copy on the court reporter or transcriber. After filing the Notice of Intent to Request Redaction, a party must submit to the court reporter or transcriber, within 21 calendar days of the filing of the transcript, a written statement indicating where the personal data identifiers to be redacted appear in the transcript. (Thuemmel Proctor, S.) (Entered: 11/30/2012)
12/17/2012	<u>149</u>	Mail Returned as Undeliverable. Mail (Order DE# 144) sent to defendant Alberto Barbosa. No forwarding address provided. (Attachment: # <u>1</u> Envelope) (Blankenship, T.) (Entered: 12/17/2012)
02/01/2013	<u>150</u>	ORDER – GRANTING <u>140</u> Motion to Seal Document <u>139</u> PROPOSED SEALED Document. The Clerk shall retain the filings at Docket Entries 139–1 through 139–6 under permanent seal in accordance with Local Civil Rule 79.2, E.D.N.C. Signed by Magistrate Judge James E. Gates on 1/31/2013. (Indig, A.) (Entered: 02/01/2013)
02/06/2013	<u>151</u>	MEMORANDUM AND RECOMMENDATIONS – on the issue of damages due plaintiff from Simms; Objections to Memorandum and Recommendations due by 2/20/2013. Signed by US Magistrate Judge James E. Gates on 2/6/2013. Copy mailed via US Postal service to defendants Simms and Barbosa. (McDowell, G.) (Entered: 02/06/2013)
02/19/2013	<u>152</u>	Mail Returned as Undeliverable. Mail (Memorandum and Recommendation DE# 151) sent to defendant Alberto Barbosa. No forwarding address provided. (Attachment: # <u>1</u> Envelope) (Blankenship, T.) (Entered: 02/19/2013)
02/26/2013	<u>153</u>	ORDER for correction of a clear typographical error in <u>151</u> MEMORANDUM AND RECOMMENDATIONS. Signed by US Magistrate Judge James E. Gates on 2/25/2013. (McDowell, G.) (Entered: 02/26/2013)
03/04/2013	<u>154</u>	ORDER – the court accepts the Memorandum and Recommendation <u>151</u> . Etters is awarded \$100,000 in compensatory damages and \$100,000 in punitive damages, for a total damages award of \$200,000 from defendant Charlie Cortez Simms. Signed by Chief Judge James C. Dever III on 3/4/2013. Copy sent to Defendant Simms via US Mail. (Indig, A.) (Entered: 03/04/2013)
03/04/2013	<u>155</u>	CLERK'S JUDGMENT – IT IS ORDERED AND ADJUDGED that the court grants in parts and denies in part the motion for judgment on the pleadings. The claims of plaintiffs Singletary and King are dismissed and defendants Moore, Ford, Wiggins and Jones are dismissed. IT IS FURTHER ORDERED AND ADJUDGED that defendants Keller, Bennett, Kimble, Harvey, Blalock and Barbosa are dismissed as to plaintiff Deal. Plaintiff Etters' motion for entry of default judgment against defendant Simms is granted. IT IS FURTHER ORDERED AND ADJUDGED that the court accepts the Memorandum and Recommendation of Magistrate Judge James E. Gates. Plaintiff Etters is awarded

		\$100,000 in compensatory damages and \$100,000 in punitive damages, for a total damages award of \$200,000 from defendant Correctional Officer Sims (Charlie Cortez Simms). Signed by Julie A. Richards, Clerk of Court on 3/4/2013. (Indig, A.) (Entered: 03/04/2013)
03/08/2013	<u>156</u>	Mail Returned as Undeliverable. Mail sent to Charlie Cortez Simms. Mail will be resent to address provided by US Postal Service as indicated on the envelope. (Attachment: # <u>1</u> Envelope) (Indig, A.) (Entered: 03/08/2013)
03/13/2013	<u>157</u>	Mail Returned as Undeliverable. Mail (Order DE# 154) sent to Alberto Barbosa. No forwarding address provided. (Attachment: # <u>1</u> Envelope) (Blankenship, T.) (Entered: 03/13/2013)