

CLOSED, PROSEDOCKET, PROTECTIVEORDER

Version 2.4**U.S. District Court of Nebraska (4 Lincoln)
CIVIL DOCKET FOR CASE #: 4:72-cv-00156-WKU**

Indian Inmates of the Nebraska Penitentiary v. Wolff
(PAPER FILE)
Assigned to: Senior Judge Warren K. Urbom
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 04/12/1972
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff

**Indian Inmates of the Nebraska
Penitentiary**

represented by **Bassel F. El-Kasaby**
300 South 19th Street
Suite 212
Omaha, NE 68102
(402) 884-0700
Fax: (402) 614-5926
Email: kasaby@el-kasaby.com
ATTORNEY TO BE NOTICED

Jonathan M. Cohn
300 South 19th Street
Suite 212, The Empire State Building
Omaha, NE 68102
(402) 342-2221
Fax: (402) 342-1113
Email: jcohn@cohnlaw.org
ATTORNEY TO BE NOTICED

Plaintiff

Richard Thomas Walker

represented by **Bassel F. El-Kasaby**
(See above for address)
ATTORNEY TO BE NOTICED

Jonathan M. Cohn
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Charles L. Wolff, Jr.

represented by **Jennifer M. Tomka**
ATTORNEY GENERAL'S OFFICE -
NEBRASKA
P.O. Box 98920
Lincoln, NE 68509-8920

(402) 471-2682
 Fax: (402) 471-3591
 Email: jtomka@notes.state.ne.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Les Auman**

represented by **Jennifer M. Tomka**
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant**Lynn Wright**

represented by **Jennifer M. Tomka**
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant**Teresa Predmore**

represented by **Jennifer M. Tomka**
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant**Michael Kenney**

represented by **Jennifer M. Tomka**
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant**Harold W. Clarke**

represented by **Jennifer M. Tomka**
 (See above for address)
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
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| 07/03/2003 | | Remark - Public - This case was converted to CM/ECF on 07/03/2003. All documents filed prior to this date are in paper and may be viewed at the Clerk's Office. All documents filed after this date will be available electronically. (CS,) (Entered: 07/07/2003) |
| 07/03/2003 | 248 | MOTION for Contempt of Order-Judgment Decree [48] on behalf of Plaintiff Indian Inmates of the Nebraska Penitentiary and Plaintiff Richard Thomas Walker(CS,) Modified on 7/7/2003 to change Document Number (CS,). (Entered: 07/07/2003) |
| 07/03/2003 | 249 | BRIEF in Support of Motion for Contempt of Order-Judgment Decree 248 with attached Order-Judgment Decree on behalf of Plaintiffs Indian Inmates of the Nebraska Penitentiary and Richard Thomas Walker - (PART 1 OF 2)(CS,) (Entered: 07/07/2003) |
| 07/03/2003 | | PART 2 OF 2 - MOTION to Appoint Counsel on behalf of Plaintiffs Indian Inmates of the Nebraska Penitentiary and Richard Thomas Walker |

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| | | (CS,) (Entered: 07/07/2003) |
| 07/21/2003 | 250 | MOTION to Extend <i>Time to File Response</i> to MOTION for Contempt of Order-Judgment Decree 248 by Attorney Jennifer Tomka (Tomka, Jennifer) (Entered: 07/21/2003) |
| 07/22/2003 | 251 | ORDER granting 250 Motion to Extend. Defendants are granted an additional twenty (20) days until August 11, 2003, to serve a response to the Plaintiffs' Motion for Contempt of Order- Judgment Decree under NELR 7.1(b). Signed by Judge Warren K. Urbom on 7/22/2003. (EJL) (Entered: 07/22/2003) |
| 07/31/2003 | 252 | MOTION for Injunctive Relief Prohibiting Retaliation filed by Plaintiffs Indian Inmates of the Nebraska Penitentiary and Richard Thomas Walker (CS,) (Entered: 07/31/2003) |
| 08/04/2003 | 253 | Order denying Motion for Injunctive Relief Prohibiting Retaliation, 252 , is denied without prejudice, because it is an inappropriate filing in the context of the existing lawsuit. Signed by Judge Warren K. Urbom on 8/4/2003. (EJL) (Entered: 08/04/2003) |
| 08/14/2003 | 254 | MOTION to Extend <i>Time</i> by Attorney Jennifer Tomka on behalf of Defendants Les Auman, Harold W. Clarke, Michael Kenney, Teresa Predmore, Lynn Wright (Tomka, Jennifer) (Entered: 08/14/2003) |
| 08/14/2003 | 255 | ORDER granting 254 Motion to Extend. The defendants are granted until August 22, 2003, to serve a response to the Plaintiffs' Motion for Contempt of Order--Judgment Decree. Signed by Judge Warren K. Urbom on 8/14/2003. (EJL) (Entered: 08/14/2003) |
| 08/22/2003 | 256 | MOTION Terminate Consent Decree by Attorney Jennifer Tomka on behalf of Defendant Harold W. Clarke (Tomka, Jennifer) (Entered: 08/22/2003) |
| 08/22/2003 | 257 | BRIEF In Support of Motion for Miscellaneous Relief 256 by Attorney Jennifer Tomka on behalf of Defendant Harold W. Clarke (Tomka, Jennifer) (Entered: 08/22/2003) |
| 08/22/2003 | 258 | EXHIBIT LIST by Attorney Jennifer Tomka on behalf of Defendant Harold W. Clarke. (Attachments: # 1 Exhibit 1# 2 Exhibit 1A# 3 Exhibit 1B# 4 Exhibit 1C# 5 Exhibit 1D# 6 Exhibit 1E# 7 Exhibit 1F# 8 Exhibit 1I# 9 Exhibit 1J# 10 Exhibit 1K# 11 Exhibit 1L# 12 Exhibit 1M)(Tomka, Jennifer) (Entered: 08/22/2003) |
| 09/26/2003 | 259 | MOTION for Leave to File <i>Supplemental Affidavit of Harold Clarke in Support of Motion to Terminate Consent Decree</i> by Attorney Jennifer Tomka on behalf of Defendant Harold W. Clarke (Tomka, Jennifer) (Entered: 09/26/2003) |
| 09/26/2003 | 260 | EXHIBIT LIST <i>in Support of Motion for Leave to File Supplemental Affidavit of Harold Clarke in Support of Motion to Terminate Consent Decree</i> by Attorney Jennifer Tomka on behalf of Defendant Harold W. Clarke. (Attachments: # 1 Exhibit 2# 2 Exhibit 2A)(Tomka, Jennifer) (Entered: 09/26/2003) |

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| 10/08/2003 | 261 | ORDER granting 259 Motion for Leave to File Supplemental Affidavit of Harold Clarke in Support of Motion to Terminate Consent Decree. Case Management Deadline set for 10/20/2003, date affidavit to be filed. Signed by Judge Warren K. Urbom on 10/8/2003.(EJL) (Entered: 10/08/2003) |
| 10/14/2003 | 262 | EXHIBIT LIST (<i>Supplemental</i>) in Support of Motion to Terminate Consent Decree and in Opposition to Plaintiffs' Motion to Cite for Contempt by Attorney Jennifer Tomka on behalf of Defendant Harold W. Clarke. (Attachments: # 1 Exhibit 2# 2 Exhibit 2A)(Tomka, Jennifer) (Entered: 10/14/2003) |
| 02/10/2004 | 263 | ORDER that the plaintiffs' motion for an order finding the defendants in contempt of the consent decree of October 31, 1974, filing 248 , remains under advisement pending further proceedings; the defendants' motion to terminate the consent decree, filing 256 , is granted to the extent that it seeks a stay of the consent decree pursuant to 18 U.S.C. Section 3626(b) (2)(A)(I), but remains under advisement in all other respects; and the plaintiffs' motion to appoint counsel to assist them in this matter, filing 249 , is granted.Signed by Judge Warren K. Urbom on 2/10/2004. (EJL) (Entered: 02/10/2004) |
| 02/10/2004 | 264 | PROTECTIVE ORDER. Administrative Regulation 112.05 and Operational Memorandum 112.005.101 shall be filed under seal; these documents are available to and for use by counsel only, and neither the document nor a copy shall be permitted to be in the possession of any inmate under the jurisdiction of the Department of Correctional Services of the State of Nebraska. Signed by Judge Warren K. Urbom on 2/10/2004. (EJL) (Entered: 02/10/2004) |
| 02/12/2004 | 266 | ORDER Appointing Counsel. Under the inherent authority of the court BASSEL FAROUK EL-KASABY, P.O. Box 8003, Omaha, NE 68108 is appointed counsel for plaintiffs in this matter. Signed by Judge Warren K. Urbom on 2/12/2004. (EJL) (Entered: 02/12/2004) |
| 03/26/2004 | 267 | NOTICE of Appearance of <i>co-counsel</i> by Attorney Jonathan M. Cohn on behalf of Plaintiffs Indian Inmates of the Nebraska Penitentiary, Richard Thomas Walker (Cohn, Jonathan) (Entered: 03/26/2004) |
| 08/11/2004 | 268 | ORDER Scheduling Hearing. Hearing set for 9/27/2004 at 09:00 AM in Courtroom 4 (Lincoln) before Senior Judge Warren K. Urbom. Signed by Judge Warren K. Urbom on 8/11/2004. (EJL) (Entered: 08/12/2004) |
| 09/20/2004 | 269 | NOTICE OF HEARING requesting the officials of the Nebraska Department of Corrections produce inmates Richard Walker, Michael Sims, Kevin White, Robert Grey Owl, Wayne Saul, Eric Scott, and Farrow Thunderhawk for the hearing scheduled to begin September 27, 2004 (copy forwarded to U.S. Marshal and copy faxed and mailed to Visa Perlinger at Records Office of Nebraska State Penitentiary)(BMH) (Entered: 09/20/2004) |
| 10/26/2004 | 270 | Joint STIPULATION FOR DISMISSAL <i>and approval of settlement agreement</i> by Attorney Bassel F. El-Kasaby on behalf of Plaintiff |

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| | | Richard Thomas Walker (Attachments: # 1 Settlement Agreement# 2 Affidavit)(El-Kasaby, Bassel) (Entered: 10/26/2004) |
| 12/01/2004 | 271 | LETTER by Brad Walton on behalf of Plaintiff Indian Inmates of the Nebraska Penitentiary (CS,) (Entered: 12/01/2004) |
| 12/22/2004 | 272 | MOTION for Leave to File Signed Settlement Agreement in Support of Joint Stipulation to Dismiss by Attorney Jennifer Tomka on behalf of Defendants Les Auman, Harold W. Clarke, Michael Kenney, Teresa Predmore, Charles L. Wolff Jr., Lynn Wright (Attachments: # 1)(Tomka, Jennifer) (Entered: 12/22/2004) |
| 12/22/2004 | 273 | ORDER Scheduling Hearing. Hearing on the Settlement Agreement set for 1/3/2005 at 10:00 AM in Courtroom 4 (Lincoln) before Senior Judge Warren K. Urbom. Signed by Judge Warren K. Urbom on 12/22/2004. (EJL) (Entered: 12/22/2004) |
| 12/23/2004 | 274 | NOTICE OF HEARING requesting the officials of the Nebraska Department of Corrections produce inmates Richard Walker, Michael Sims, Kevin White, and Robert Grey Owl for the hearing scheduled at 10:00 a.m. on January 3, 2005 (copy forwarded to U.S. Marshal and copy faxed and mailed to Visa Perlinger of the Records Office at the Nebraska State Penitentiary) (BMH) (Entered: 12/23/2004) |
| 12/29/2004 | 275 | ORDER granting 272 Motion for Leave to File Signed Settlement Agreement in Support of Joint Stipulation to Dismiss instanter. Signed by Judge Warren K. Urbom on 12/29/2004. (EJL) (Entered: 12/29/2004) |
| 01/03/2005 | 276 | Minute Entry for hearing held on 1/3/2005 before Senior Judge Warren K. Urbom regarding JOINT STIPULATION FOR DISMISSAL AND APPROVAL OF SETTLEMENT AGREEMENT 270 ; evidence by plaintiffs and defendants; settlement agreement is neither approval or disapproved at this time; counsel are to keep court informed regarding negotiations; Trial set for 3/14/2005 at 09:00 AM in Courtroom 4 (Lincoln) before Senior Judge Warren K. Urbom for 3 days; Hearing held in Lincoln; Courtroom Deputy: Beth Hansen; Reporter: Digital Recorder; Appearance for Plaintiff: Bassel F. El-Kasaby; Appearance for Defendant: Jennifer Tomka; Hearing held in Lincoln; Courtroom Deputy: Beth Hansen; Reporter: Digital Recorder; Time Start: 10:15 a.m.; Time Stop: 12:25 p.m. THIS IS A TEXT ONLY ENTRY. A PDF DOCUMENT IS NOT ATTACHED TO THIS ENTRY. (BMH) Modified on 1/4/2005 to include evidence language (BMH). (Entered: 01/03/2005) |
| 01/03/2005 | 277 | EXHIBIT LIST from settlement agreement hearing held on 1/3/05. (BMH) (Entered: 01/03/2005) |
| 01/03/2005 | 278 | WITNESS LIST from settlement agreement hearing held on 1/3/05. (BMH) Additional attachment(s) added on 1/4/2005 (BMH,). (Entered: 01/03/2005) |
| 01/04/2005 | | NOTICE of Docket Text Modification by Deputy Clerk regarding Minute Entry [276] and Witness List 278 ; minute entry edited to show evidence |

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| | | by plaintiffs and defendants and witness list edited to show witnesses for plaintiffs rather than defendants (BMH) (Entered: 01/04/2005) |
| 01/05/2005 | 279 | ORDER Scheduling Trial. Counsel and the inmate class shall review the revised NASCA articles and bylaws and conduct further negotiations; counsel shall keep the court informed on the progress of the negotiations; and in the event negotiations fail, trial is scheduled for three days starting Monday, March 14, 2005, at 9:00 a.m. in Courtroom No. 4, U. S Courthouse, 100 Centennial Mall North, Lincoln, Nebraska. Signed by Judge Warren K. Urbom on 1/5/2005. (EJL) (Entered: 01/05/2005) |
| 03/09/2005 | 280 | NOTICE OF HEARING requesting the officials of the Nebraska Department of Corrections produce inmates Richard Walker, Michael Sims, Kevin White, Robert Grey Owl, Jeffery Fremont, and Ralph Thomas for the hearing scheduled at 9:00 a.m. on March 14, 2005 (copy forwarded to U.S. Marshal and copy faxed and mailed to Visa Perlinger of the Records Office at the Nebraska State Penitentiary) (BMH) (Entered: 03/09/2005) |
| 03/14/2005 | 281 | Minute Entry for settlement hearing held 3/14/05 before Senior Judge Warren K. Urbom; evidence by Plaintiffs and Defendants; plaintiffs' motion for contempt 248 is denied; parties' joint stipulation for dismissal and approval of settlement agreement is accepted 270 ; Written order forthcoming; hearing held in Lincoln; courtroom Deputy: Beth Hansen; Reporter: Digital Recorder; Appearance for Plaintiffs: Bassel F. El-Kasaby; Appearance for Defendants: Jennifer Tomka; Time Start: 9:01-11:58 a.m. Time Stop: 1:01-2:22 p.m. THIS IS A TEXT ONLY ENTRY. A PDF DOCUMENT IS NOT ATTACHED TO THIS ENTRY. (BMH) (Entered: 03/14/2005) |
| 03/14/2005 | 282 | WITNESS LIST from settlement hearing held on 3/14/05. (BMH) (Entered: 03/14/2005) |
| 03/14/2005 | 283 | EXHIBIT LIST from settlement hearing held on 3/14/05. (BMH) (Entered: 03/14/2005) |
| 03/15/2005 | 284 | JUDGMENT - The Settlement Agreement, plaintiff's Exhibit 100, shall be filed and it is approved; the Motion for Contempt of Order-Judgment Decree, filing 248 , is denied; the Motion to Terminate Consent Decree, filing 256 , is granted; the Order-Judgment and Decree, filing [48], supplemented by the Supplemental Consent Decree, filing [51], is terminated; this action, CV72-L-156, is dismissed with prejudice and any right to attorneys' fees or costs has been waived. Signed by Judge Warren K. Urbom on 3/15/2005. (Copies mailed as directed)(CS,) (Entered: 03/15/2005) |
| 03/15/2005 | 285 | SETTLEMENT AGREEMENT (marked as Plaintiffs' Exhibit 100) by Bassel F. El-Kasaby and Jonathan M. Cohn, attorneys for plaintiffs and Jennifer Tomka, attorney for defendant. (CS,) (Entered: 03/15/2005) |

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