

CLOSED

**Version 2.4**  
**U.S. District Court of Nebraska (4 Lincoln)**  
**CIVIL DOCKET FOR CASE #: 4:87-cv-00497-RGK**

Pierce, et al v. Clarke, et al  
Assigned to: Judge Richard G. Kopf  
Demand: \$0  
Case in other court: USDC-NE, CV87-L-377  
USDC-NE, CV87-L-476  
USDC-NE, CV87-L-607  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 10/13/1987  
Jury Demand: None  
Nature of Suit: 550 Prisoner: Civil  
Rights  
Jurisdiction: Federal Question

**Plaintiff**

**Reginald Pierce**

represented by **Reginald Pierce**  
36484  
SPR-NEBRASKA, Nebraska State  
Penitentiary  
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PRO SE

**Gregory D. Barton**  
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*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Richard Duff**

represented by **Richard Duff**  
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**Gregory D. Barton**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Al Wilson**

represented by **Gregory D. Barton**  
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**Plaintiff**

**Harold Crisp**

represented by **Harold Crisp**  
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**Plaintiff**

**Laddie Dittrich**

represented by **Laddie Dittrich**  
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**Gregory D. Barton**  
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**Plaintiff**

**Gus Dawson**

represented by **Gregory D. Barton**  
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*ATTORNEY TO BE NOTICED*

**Plaintiff**

**William J. McClellen**

*TERMINATED: 01/27/1992*

**Plaintiff**

**Victor Carter**

represented by **Victor Carter**  
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**Gregory D. Barton**  
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*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Cary Henry**  
*TERMINATED: 04/12/1989*

**Plaintiff**

**George Carter**

represented by **George Carter**  
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**Gregory D. Barton**  
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**Plaintiff**

**Michael Kane**

represented by **Gregory D. Barton**  
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*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Ernest L. Sims**

represented by **Ernest L. Sims**  
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**Gregory D. Barton**  
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*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Harold W. Clarke**

represented by **Terri M. Weeks**  
BOWMAN, KRIEGER LAW FIRM  
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*ATTORNEY TO BE NOTICED*

**Defendant****Gary Grammer**represented by **Terri M. Weeks**  
(See above for address)  
*ATTORNEY TO BE NOTICED***Defendant****Frank O. Gunter**represented by **Terri M. Weeks**  
(See above for address)  
*ATTORNEY TO BE NOTICED***Defendant****Mario Peart**represented by **Terri M. Weeks**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
10/13/1987	2	COMPLAINT: with statement of P Pierce in support of req to proceed in forma pauperis (CCB) (Entered: 01/27/1992)
06/11/1992	179	REPORT AND RECOMMENDATION by Magistrate Judge Piester that Ct enter jgm in favor of Ps on clm for inj relief on failure to safeguard Ps fm threat of violent attacks, etc. and in favor of Ds on all other clms; giving Ds time to subm plan to correct deficiency & this Ct hold all proceedings necessary to ensure inj relief is promptly implemented unless obj made w/i 20 days - CCAP (CCB) Modified on 06/19/1992 (Entered: 06/12/1992)
06/15/1992	180	MOTION by defendant Harold W. Clarke, defendant Gary Grammer, defendant Frank O. Gunter, defendant Mario Peart to extend time to obj to r & r , w afdt of Terri M. Weeks in suppt (ICMSUSER) (Entered: 06/16/1992)
06/18/1992	181	ORDER by Judge Warren K. Urbom granting motion to extend time to obj to r & r [180-1] to 7-21-92 - CCAP (6-19-92) (ICMSUSER) (Entered: 06/19/1992)
07/01/1992	182	NOTICE that case has been reassigned to LES (CCB) (Entered: 07/01/1992)
07/02/1992	183	AMENDED NOTICE that case has been reassigned to WGC (CCB) (Entered: 07/02/1992)
07/20/1992		FILE SENT to Mary in Judge Cambridge's office (CCB) (Entered: 07/20/1992)
07/21/1992	184	OBJECTION in part by plaintiff to RR [179-1] (CCB) (Entered: 07/22/1992)
07/21/1992	185	OBJECTION by defendants to RR [179-1] with attachments (CCB) Modified on 07/22/1992 (Entered: 07/22/1992)

08/11/1992		ALL EXHIBITS & TRANSCRIPTS SENT to Omaha for WGC (ICMSUSER) (Entered: 08/11/1992)
08/17/1992	186	MOTION by defendant Frank O. Gunter, defendant Mario Peart to strike resp to D's obj to R & R (ICMSUSER) (Entered: 08/18/1992)
08/24/1992	187	MOTION by defendant Harold W. Clarke, defendant Gary Grammer, defendant Frank O. Gunter, defendant Mario Peart to withdraw motion to strike (ICMSUSER) (Entered: 08/26/1992)
09/09/1992	188	ORDER by Judge William G. Cambridge granting motion to withdraw motion to strike [187-1] withdrawing motion to strike resp to D's obj to R & R [186-1] - CCAP (CJS) (Entered: 09/14/1992)
09/09/1992	189	MEMORANDUM, OPINION, AND ORDER: by Judge William G. Cambridge granting report and recommendation by Magistrate Judge Piester that Ct enter jgm in favor of Ps on clm for inj relief on failure to safeguard Ps fm threat of violent attacks, etc. and in favor of Ds on all other clms; giving Ds time to subm plan to correct deficiency & this Ct hold all proceedings necessary to ensure inj relief is promptly implemented [179-1] denying motion OBJECTION in part by plaintiff to RR [179-1] [184-1] denying motion OBJECTION by defendants to RR [179-1] [185-1] - CCAP STAYED PER ORDER DTD 10/28/92 (CJS) (Entered: 09/14/1992)
09/09/1992	190	JUDGMENT: by Judge William G. Cambridge granting report and recommendation by Magistrate Judge Piester that Ct enter jgm in favor of Ps on clm for inj relief on failure to safeguard Ps fm threat of violent attacks, etc. and in favor of Ds on all other clms; giving Ds time to subm plan to correct deficiency & this Ct hold all proceedings necessary to ensure inj relief is promptly implemented [179-1] denying motion OBJECTION in part by plaintiff to RR [179-1] [184-1] denying motion OBJECTION by defendants to RR [179-1] [185-1] terminating case - CCAP and appeal form sent" (CJS) (Entered: 09/14/1992)
09/14/1992		FILE SENT to Clerk's Office in Lincoln - Vol. I, II and III [closed] (PLW) (Entered: 09/14/1992)
10/09/1992	191	NOTICE OF APPEAL by defendants from Dist. Court decision [190-2] (receipt for fil fee in CV87-L-377) - CCAP (ICMSUSER) (Entered: 10/09/1992)
10/09/1992	192	ORDER for transcript (already prepared & filed) - Copy mld to Linda Swanson & Kathy Scheer, Ct Rpt, 538 S. 13th St. #1, Lincoln, NE 68508 ph (402) 476-1153 (ICMSUSER) (Entered: 10/09/1992)
10/09/1992	193	MOTION by defendant for clk to temp retain record (ICMSUSER) (Entered: 10/09/1992)
10/09/1992	194	MOTION by defendant to stay injunction pending appeal (ICMSUSER) (Entered: 10/09/1992)
10/15/1992	195	2 CERTIFIED COPIES OF Ds' Clarke & Hopkins NOTICE OF APPEAL filed 10/9/92, together with R & R filed 6/11/92, Memo, Ord &

		Jgm filed 9/9/92 and clerk's docket entries mailed to Clerk, USCA 8th Circuit; docket entries also mailed to attys of record (ICMSUSER) Modified on 10/15/1992 (Entered: 10/15/1992)
10/21/1992	196	NOTICE OF CROSS APPEAL by plaintiffs from Dist. Court decision [190-2] (fil fee not pd) CCAP (ICMSUSER) (Entered: 10/22/1992)
10/23/1992	197	AMENDED NOTICE OF APPEAL by plaintiff from Dist. Court decision [190-2], entered 9/9/92, w certif of serv dated 10/23/92 (certif copy of last page of docket sheets mailed to USCA) (ICMSUSER) (Entered: 10/26/1992)
10/26/1992		FILE SENT to Omaha (Vol III) (ICMSUSER) (Entered: 10/26/1992)
10/28/1992	198	ORDER by Judge William G. Cambridge granting motion for clk to temp retain record [193-1] granting motion to stay injunction pending appeal [194-1]; clk shall, if appropriate, certify to the clerk of 8th circuit that the record is complete for purposes of appeal; upon receipt of the brf of the Appellee, or at such earlier time as the parties may agree, the Appellant shall request to the clerk to transfer record to the 8th Circuit; Courts order entered on 9/9/92 granting the Ps injunction is hereby stayed pending appeal to the 8th Circuit. - CCAP (PCV) (Entered: 10/30/1992)
10/30/1992		FILE SENT to Clerk's Office in Lincoln (Vol. III) [closed] (PLW) (Entered: 10/30/1992)
10/30/1992	199	COPY of Appellate Court Order: Gregory Barton appoint counsel to repres P Pierce, Duff, Wilson, Crisp, Dittrich, Dawson, V Carter, G Carter, Kane, Sims - CCAP (ICMSUSER) (Entered: 11/03/1992)
10/30/1992	200	SCHEDULING ORDER from USCA; Appellate Docket Number 92-3390 ; trans desgn set for 12/7/92 ; appnt desgn ddl set for 11/6/92 ; appe desgn ddl set for 11/16/92 (ICMSUSER) (Entered: 11/03/1992)
11/03/1992		FILE SENT to Omaha, c/o N. Vadnais, Vol III only (ICMSUSER) (Entered: 11/03/1992)
11/25/1992	201	REVISED SCHEDULING ORDER from USCA; Appellate Docket Number 92-3390 trans desgn set for 12/14/92 [197-1], [196-1], [191-1], joint appendix (3 copies) due 12/23/92, etc. (CCB) (Entered: 11/27/1992)
11/27/1992	202	COPY of Appellate Court Order: Appellees' mtn to dismiss the appeal is hereby ordered taken with the case for consideration by the panel to which this case is submitted for disposition on the merits (CCB) (Entered: 11/27/1992)
01/21/1993	203	CERTIFICATE AND ORDER by Judge William G. Cambridge - that the appeal is taken in good faith and is not frivolous, and the court reporter is directed to prepare and file a transcript of testimony in original copy only with expense thereof to be paid by the U.S. as provided in 28USC753(f). (NCD) (Entered: 01/21/1993)
01/21/1993		FILE SENT to Winnie Nichols in Lincoln (Vol. III only) (PLW) (Entered: 01/21/1993)

01/25/1993	204	2 CERTIFIED COPIES OF NOTICE OF CROSS APPEAL filed 10/21/93 , together with RR filed 6/11/92, memo, opin & ord & jgd filed 9/9/92 & 1/21/93 and clerk's docket entries mailed to Clerk, USCA 8th Circuit; (fil fee not pd) docket entries also mailed to attys of record (ICMSUSER) (Entered: 01/25/1993)
02/01/1993	205	SCHEDULING ORDER from USCA; Appellate Cross Appeal Docket Number 93-1234 [196-1] (ICMSUSER) (Entered: 02/02/1993)
02/01/1993	206	Copy of ORDER USCA-8 appt Robert Shively to represent El-Tabech, Barry Hemmerling to repres Luna, Gregory Barton to repres Pierce, Duff, Wilson, Crisp, Dittrich, Dawson, V Carter, G Carter, Kane & Sims, & Scott Freese to repres Jensen (ICMSUSER) (Entered: 02/02/1993)
05/03/1993	207	COPY OF OPINION of USCA, 8th Circuit, dismissing appeal (CCB) (Entered: 05/05/1993)
05/24/1993	208	MOTION by plaintiff to lift stay , for order to establish sched for Ds' to subm proposed plan and for Ps' to subm a response thereto (ICMSUSER) Modified on 03/14/1994 (Entered: 05/26/1993)
05/26/1993	209	MANDATE from USCA 8th Circuit dismissing the appeal - CCAP (ICMSUSER) (Entered: 05/28/1993)
05/26/1993	210	COSTS taxed (USCA-8) for plaintiff in the amount of \$322.00 against defendants Harold W. Clarke, Gary Grammer, Frank O. Gunter, Mario Peart - CCAP (ICMSUSER) Modified on 05/28/1993 (Entered: 05/28/1993)
05/27/1993	211	MOTION by defendants to extend time to resp to mot to lift stay & for progress sched (ICMSUSER) (Entered: 05/28/1993)
05/27/1993	212	AFFIDAVIT of Marie C. Pawol regarding motion to extend time to resp to mot to lift stay & for progress sched [211-1] (ICMSUSER) (Entered: 05/28/1993)
06/01/1993	213	ORDER by Judge William G. Cambridge granting motion to extend time to resp to mot to lift stay & for progress sched [211-1] motion to lift stay [208-1] and motion for order to establish sched for Ds' to subm proposed plan and for Ps' to subm a response thereto [208-2] ready to rule 6/21/93 - CCAP (PCV) (Entered: 06/03/1993)
06/01/1993	214	ORDER by Judge William G. Cambridge referring to Magistrate David L. Piester the motion to lift stay [208-1], referring to Magistrate David L. Piester the motion for order to establish sched for Ds' to subm proposed plan and for Ps' to subm a response thereto [208-2]; original brf to WGC, copy to DLP - CCAP (PCV) (Entered: 06/03/1993)
06/04/1993	215	ORDER (USCA-8) remanding mot for atty fees to dist ct & clk dir to place this order in prev iss'd mandate - CCAP (ICMSUSER) (Entered: 06/08/1993)
06/04/1993	215	MOTION by plaintiffs for attorney fees (ICMSUSER) (Entered: 06/08/1993)

06/18/1993		REMARK page 1 of opin USCA subst w correct name of Scott Marshall (ICMSUSER) (Entered: 06/18/1993)
07/07/1993	216	ORDER by Judge William G. Cambridge, Ps allowed 30 days from date of this order to make an appropriate showing with regard to attny fees; Ds allowed 15 days from the date of service of Ps showing to respond thereto. ; ddl to show cause set for 8/9/93 - CCAP (PCV) (Entered: 07/09/1993)
07/30/1993	217	MOTION by plaintiffs for temporary restraining order w afdt attach (ICMSUSER) (Entered: 08/02/1993)
07/30/1993	218	MOTION by plaintiffs for preliminary injunction w afdt attach (ICMSUSER) (Entered: 08/02/1993)
07/30/1993	219	CERTIFICATE by plaintiffs of serv mot for tro & prelinj (ICMSUSER) (Entered: 08/02/1993)
08/04/1993	232	ORDER by Judge William G. Cambridge granting motion to extend time to resp to Ps' application for atty fees [230-1] motion for attorney fees & expenses attrib to premature appeal [224-1] ready to rule date changed to 9/8/93 - CCAP (CJS) (Entered: 08/25/1993)
08/09/1993	220	MINUTES before Judge Richard G. Kopf that motion for TRO and prel inj granted in part and denied in part; written order to issue (CCB) (Entered: 08/10/1993)
08/09/1993	221	WITNESS LIST by P (CCB) (Entered: 08/10/1993)
08/09/1993	222	EXHIBIT LIST by P (CCB) (Entered: 08/10/1993)
08/09/1993	223	MEMORANDUM AND ORDER: by Judge Richard G. Kopf granting motion for preliminary injunction [218-1] in part and giving cnsl for Ds time to file and serve proposed remedial plan and P time to resp, etc., finding the motion for temporary restraining order [217-1] moot. - CCAP (CCB) (Entered: 08/10/1993)
08/09/1993	224	MOTION by plaintiff for attorney fees & expenses attrib to premature appeal filed 8/6/93 (CCB) Modified on 08/10/1993 (Entered: 08/10/1993)
08/09/1993	225	AFFIDAVIT of Gregory D. Barton regarding motion for attorney fees & expenses attrib to premature appeal [224-1] with exhs attached filed 8/6/93 (CCB) Modified on 08/10/1993 (Entered: 08/10/1993)
08/09/1993	226	INDEX by plaintiffs re: motion for attorney fees & expenses attrib to premature appeal [224-1] filed 8/6/93 (CCB) Modified on 08/10/1993 (Entered: 08/10/1993)
08/09/1993	227	AFFIDAVIT of Robert Shively regarding motion for attorney fees & expenses attrib to premature appeal [224-1] with exh attached filed 8/6/93 (CCB) (Entered: 08/10/1993)
08/09/1993	228	AFFIDAVIT of Jack L. Shultz regarding motion for attorney fees & expenses attrib to premature appeal [224-1] filed 8/6/93 (CCB) (Entered: 08/10/1993)



08/16/1993	229	Proposed Remedial Plan and MOTION by defendant Harold W. Clarke & Hopkins and request for evidentiary hearing (ICMSUSER) (Entered: 08/19/1993)
08/19/1993	230	MOTION by defendant Frank X. Hopkins, defendant Harold W. Clarke to extend time to resp to Ps' application for atty fees with afdt of Terri Weeks attached (CCB) (Entered: 08/20/1993)
08/24/1993	231	ORDER by Magistrate David L. Piester gv Ps to 9/3/93 to resp to proposed remedial plan & finding the motion for order to establish sched for Ds' to subm proposed plan and for Ps' to subm a response thereto [208-2] moot. - CCAP (ICMSUSER) (Entered: 08/25/1993)
08/31/1993	233	MAIL Returned [231-1] addressed to plaintiff Richard Duff (ICMSUSER) (Entered: 09/01/1993)
09/01/1993	234	NOTICE by defendants of amended proposed remedial plan (ICMSUSER) (Entered: 09/02/1993)
09/02/1993	235	ORDER Case reopened , Case reassigned to Judge Richard G. Kopf - CCAP (ICMSUSER) Modified on 09/02/1993 (Entered: 09/02/1993)
09/02/1993	236	MEMORANDUM AND ORDER: by Judge Richard G. Kopf Case reassigned to Judge Richard G.Kopf - CCAP (ICMSUSER) (Entered: 09/02/1993)
09/02/1993	237	MOTION by plaintiff to extend time to resp to Ds' proposed remedial plan (CCB) (Entered: 09/07/1993)
09/02/1993	238	AFFIDAVIT of Gregory D. Barton regarding motion to extend time to resp to Ds' proposed remedial plan [237-1] (CCB) (Entered: 09/07/1993)
09/02/1993	239	CERTIFICATE of service by plaintiffs of afdt of Gregory Barton (CCB) (Entered: 09/07/1993)
09/08/1993	240	ORDER by Judge Richard G. Kopf granting motion to extend time to resp to Ds' proposed remedial plan [237-1] to 9/22/93 - CCAP (ICMSUSER) (Entered: 09/09/1993)
09/13/1993	241	MAIL Returned [240-1] addressed to plaintiff Richard Duff (CCB) (Entered: 09/14/1993)
11/24/1993	242	MOTION by plaintiffs for authorization for expenses for cost in retention of an expert prison condition justice consultant (CCB) (Entered: 11/26/1993)
12/02/1993	243	ORDER by Magistrate David L. Piester granting motion for authorization for expenses in the amount of \$1,834.50 for for cost in retention of an expert prison condition justice consultant Patrick D. McManus [242-1] - CCAP (ICMSUSER) (Entered: 12/02/1993)
12/07/1993	244	MAIL Returned addressed to plaintiff Richard Duff returned, refused (ICMSUSER) (Entered: 12/08/1993)
03/17/1994	245	MEMORANDUM, OPINION, AND ORDER: by Judge Richard G. Kopf

		denying motion for attorney fees [215-1]; denying motion for attorney fees & expenses attrib to premature appeal [224-1]; granting motion request for evidentiary hearing [229-1] in part and otherwise denying; granting motion to lift stay [208-1]; granting mtn to lift stay [208] and stay lifted ; referring to Magistrate Judge Pieste for evid hring and issuing r & r; Case referred to Magistrate David L. Piester - CCAP (ICMSUSER) (Entered: 03/17/1994)
03/22/1994	246	MEMORANDUM, OPINION, AND ORDER: by Magistrate David L. Piester that rep of counsl to contact this office to coordinate a time and date for evid hring - CCAP (ICMSUSER) (Entered: 03/22/1994)
03/22/1994	247	MOTION by plaintiffs for reimbursement of authorized expert prison conditions consultant costs , w attchmt (ICMSUSER) (Entered: 03/23/1994)
04/01/1994	248	ORDER by Chief Judge Lyle E. Strom re: motion for reimbursement of authorized expert prison conditions consultant costs [247-1]; clerk to reimburse cnsl for P (Harding & Ogborn) in the amnt of \$1,834.50 from the Fed Practice Fund - CCAP (ADB) (Entered: 04/04/1994)
04/05/1994	249	MOTION by defendants Clarke and Hopkins for leave to file amended remedial plan , w attchmts (ICMSUSER) (Entered: 04/06/1994)
05/02/1994	251	ORDER 94-19 re Federal Practice Fund-CC to P's cnsl (CCB) (Entered: 05/11/1994)
05/02/1994	252	ORDER 94-20 re Federal Practice Fund-CC to P's cnsl (CCB) (Entered: 05/12/1994)
05/04/1994	250	MEMORANDUM, OPINION, AND ORDER: by Magistrate David L. Piester granting motion for leave to file amended remedial plan [249-1] - CCAP (ICMSUSER) (Entered: 05/04/1994)
05/04/1994	250	REPORT AND RECOMMENDATION that dfts be permanently enjoined to adopt and implement proposed amd remedial plan, and giv parties 10 days to obj by Magistrate David L. Piester - CCAP (ICMSUSER) (Entered: 05/04/1994)
05/18/1994	253	MOTION by plaintiffs for reconsideration of interlocutory rulings (ICMSUSER) (Entered: 05/19/1994)
05/18/1994	254	OBJECTION by plaintiff to RR [250-1] (ICMSUSER) (Entered: 05/19/1994)
06/07/1994	255	MOTION by plaintiffs for leave to submt brf in resp to dfts' objn to plas' mtn for reconsid and dfts' resp to plas' objn to r and r (ICMSUSER) (Entered: 06/08/1994)
06/08/1994	256	ORDER by Judge Richard G. Kopf granting motion for leave to submt brf in resp to dfts' objn to plas' mtn for reconsid and dfts' resp to plas' objn to r and r [255-1] - CCAP (ICMSUSER) (Entered: 06/09/1994)
07/25/1994	257	MEMORANDUM AND ORDER: by Judge Richard G. Kopf giving ptsy

		to 8/12/94 to submit simultaneous briefs and responsive briefs re issue injunctive relief; any pty desiring an evid hrg shall file a req by 8/5/94 - CCAP (CCB) (Entered: 07/25/1994)
07/29/1994		FILE SENT to Clk's ofc in L--returning file, Vol. IV only (PLW) (Entered: 07/29/1994)
08/05/1994	258	CERTIFICATE of service by defendants of brief pursuant to Court's 7/25/94 order (CCB) (Entered: 08/08/1994)
08/12/1994	259	CERTIFICATE of service by defendants of resp to Ps' 8/5/94 brief (CCB) (Entered: 08/15/1994)
08/23/1994	260	MEMORANDUM, OPINION, AND ORDER: by Judge Richard G. Kopf granting in part motion OBJECTION by plaintiff to RR [250-1] [254-1] granting in part motion REPORT AND RECOMMENDATION that dfts be permanently enjoined to adopt and implement proposed amd remedial plan, and giv parties 10 days to obj [250-1] denying motion for reconsideration of interlocutory rulings [253-1] giv pla until 9/6/94 to file applicn for atty fees, and dfts until 9/20/94 to respd - CCAP (ICMSUSER) (Entered: 08/23/1994)
08/29/1994	261	MAIL Returned [260-2] addressed to plaintiff Richard Duff with clerk's certificate attached (CCB) (Entered: 08/29/1994)
09/02/1994	262	MOTION by plaintiff to extend time to file applicn for atty fees and for dfts to respd (ICMSUSER) (Entered: 09/02/1994)
09/02/1994	263	ORDER by Judge Richard G. Kopf granting motion to extend time to file applicn for atty fees and for dfts to respd [262-1] ; Motion Filing and resp ddl 9/23/94 - CCAP (ICMSUSER) (Entered: 09/02/1994)
09/08/1994	264	MOTION by plaintiffs to extend time to file application for atty's fees and expenses and giving Ds time to respond (CCB) (Entered: 09/09/1994)
09/09/1994	265	ORDER by Judge Richard G. Kopf advising counsl of provsns of section 20409 and sending them the summary - CCAP (ICMSUSER) (Entered: 09/09/1994)
09/09/1994	266	ORDER by Judge Richard G. Kopf granting motion to extend time to file application for atty's fees and expenses and giving Ds time to respond [264-1] ;plas given until 9/16/94 to file applicn, and dfts to respd by 9/30/94 - CCAP to counsl only (ICMSUSER) (Entered: 09/09/1994)
09/15/1994	267	MOTION by defendants Harold W. Clarke and Frank Hopkins to extend time to determine whether a filing is needed in the case with afdt attached (CCB) Modified on 09/15/1994 (Entered: 09/15/1994)
09/16/1994	268	ORDER by Judge Richard G. Kopf granting Dfs' motion to extend time to determine whether a filing is needed in the case [267-1] - CCAP (CCB) (Entered: 09/16/1994)
09/16/1994	270	INDEX by plaintiff re: motion for attorney fees and expenses including

		afdts of Gregory Barton, Jack Shultz, Tim Engler, Robert Shively, Scott Freese and Barry Hemmerling with exhs. [269-1] (CCB) (Entered: 09/19/1994)
09/19/1994	269	MOTION by plaintiffs for attorney fees and expenses (CCB) (Entered: 09/19/1994)
09/23/1994	271	MOTION by plaintiffs for leave to submit suppl evid in support of Ps' application for allowance of atty fees and expenses with index and afdt of Fred Kauffman attached (CCB) (Entered: 09/23/1994)
09/23/1994	272	MOTION by defendants Harold W. Clarke and Frank Hopkins that 8/23/94 order be revoked re injunctive relief (CCB) (Entered: 09/26/1994)
09/23/1994	273	MOTION by defendants Harold W. Clarke and Frank Hopkins to extend time to resp to Ps' application for attys' fees with afdt of Terri Weeks (CCB) (Entered: 09/26/1994)
10/11/1994	274	ORDER by Judge Richard G. Kopf granting Ps' motion for leave to submit supplemental evid index with accompanying evidence [271-1] - CCAP (CCB) (Entered: 10/12/1994)
10/11/1994	275	ORDER by Judge Richard G. Kopf granting motion to extend time to resp to Ps' application for attys' fees [273-1], giving Dfs to 10/21/94 to respond to motion for attorney fees and expenses [269-1] - CCAP (CCB) (Entered: 10/12/1994)
10/14/1994	276	MAIL Returned [275-1], [274-1] addressed to plaintiff Richard Duff with clerk's certificate (CCB) (Entered: 10/17/1994)
10/17/1994	277	MOTION by plaintiffs for leave to make second suppl evid submission in support of Ps' application for atty's fees and expenses with second suppl evid index attached including suppl afdt of Gregory Barton attached (CCB) (Entered: 10/17/1994)
10/19/1994	278	MOTION by defendants to extend time to respd to pla's applicn for atty fees until 10/31/94 (ICMSUSER) (Entered: 10/20/1994)
10/24/1994	279	ORDER by Judge Richard G. Kopf granting Ps' motion for leave to make second suppl evid submission in support of Ps' application for atty's fees and expenses [277-1] and giving Dfs until 10/31/94 to file resp afdts and brief re motion for attorney fees and expenses [269-1] - CCAP (CCB) (Entered: 10/24/1994)
10/24/1994	280	ORDER by Judge Richard G. Kopf granting Dfs' motion to extend time to respd to pla's applicn for atty fees until 10/31/94 [278-1] - CCAP (CCB) (Entered: 10/24/1994)
10/31/1994	281	RESPONSE by defendants to Ps' fee application (CCB) (Entered: 10/31/1994)
12/01/1994	282	MEMORANDUM, OPINION, AND ORDER: by Judge Richard G. Kopf denying motion that 8/23/94 order be revoked [272-1] granting motion

		for attorney fees and expenses [269-1] in part and denying in part; plus awarded \$168,543.27 in fees, plus expenses of \$10,321.83, for a total of \$178,865.10 - CCAP (ICMSUSER) (Entered: 12/02/1994)
12/01/1994	283	JUDGMENT: by Judge Richard G. Kopf for dfts and against plas, and for plas and against dfts' Hopkins and Clarke, in their official capacities, in total amount of \$178,865.10, to be paid to clerk of court for distribution to counsl for plas dismissing case , terminating case referral to Magistrate David L. Piester - CCAP and appeal form sent (ICMSUSER) (Entered: 12/02/1994)
12/27/1994	284	NOTICE OF APPEAL by defendant Harold W. Clarke from Dist. Court judgment [283-3] entered 12/1/94 - CCAP, RGK with certificate of service dated 12/27/94 (ICMSUSER) (Entered: 12/28/1994)
12/27/1994	285	RECEIPT for Appeal fee in the amount of \$ 105.00 re: Appeal [284-1] for case numbers 4:87-CV-607; 4:87-CV-497; 4:87-CV-377 and 4:87-CV-476 (ICMSUSER) (Entered: 12/28/1994)
01/03/1995	286	2 CERTIFIED COPIES OF NOTICE OF APPEAL, re: Appeal [284-1] together with Judgment filed 12/1/94; Memorandum Opinion and ORder filed 12/1/94 and clerk's docket entries mailed to Clerk, USCA 8th Circuit; docket entries also mailed to attys of record (ICMSUSER) (Entered: 01/03/1995)
01/03/1995	287	NOTICE OF CROSS-APPEAL by plaintiff Reginald Pierce from Dist. Court decision re: Judgment [283-3] entered 12/1/94 w/certificate of service dated 1/3/95 - CCAP, RGK, Court reporter: David Francis, 589 Federal Building, 100 Centennial Mall North, Lincoln Ne 68508 (402) 438-2446 (ICMSUSER) (Entered: 01/06/1995)
01/03/1995	288	RECEIPT for Appeal fee in the amount of \$ 105.00 [287-1] for case numbers: 4:87-607; 4:87-497; 4:87-377; 4:87-476 (ICMSUSER) (Entered: 01/06/1995)
01/06/1995	289	2 CERTIFIED COPIES OF NOTICE OF CROSS-APPEAL, re: Cross-Appeal [287-1] together with judgment filed 12/1/94; Memorandum and Order filed 12/1/94 and clerk's docket entries mailed to Clerk, USCA 8th Circuit; docket entries also mailed to attys of record (ICMSUSER) (Entered: 01/06/1995)
01/09/1995	290	TRANSCRIPT DESIGNATION and Ordering Form for dates: any and all hearings conducted by the Court since 9/9/92 re: [284-1] - Court Reporter: David Francis (ICMSUSER) (Entered: 01/09/1995)
01/09/1995	291	CERTIFICATE of service of the order for transcript by defendant (ICMSUSER) (Entered: 01/09/1995)
01/11/1995		REMARK: Transcript of Tro and Injunction Hearing held 8/9/92 filed in 4:87-L-607 (under separate folder) (ICMSUSER) (Entered: 01/11/1995)
01/26/1995	292	SCHEDULING ORDER from USCA; Appellate Docket Number 95-1105 ;Cross Appeal No. [95-1115] trans desgn set for 2/7/95 ; appnt desgn ddl set for 3/9/95 ; appe desgn ddl set for 4/10/95 [287-1]; Method

		of appendix preparation notification 1/30/95 (ICMSUSER) (Entered: 01/27/1995)
01/26/1995	293	COPY OF ORDER FROM USCA 8th CIRCUIT [Appeal No. 95-1105] that Gregory Barton is hereby appointed to represent Pierce, Duff, Wilson, Crisp, Dittrich, Dawson, Carter, Carter, Kane and Sims, appellees on appeal. (ICMSUSER) (Entered: 01/27/1995)
01/26/1995	294	COPY OF ORDER FROM USCA 8th CIRCUIT [Appeal No. 95-1115] that Gregory Barton is hereby appointed to represent Pierce, Duff, Wilson, Crisp, Dittrich, Dawson, Carter, Carter, Kane and Sims appellants on appeal. district court is (ICMSUSER) (Entered: 01/27/1995)
02/17/1995	295	MOTION by plaintiff Reginald Pierce to stay the execution and enforcement of the jgm (ICMSUSER) (Entered: 02/22/1995)
02/23/1995	296	MEMORANDUM, OPINION, AND ORDER: by Judge Richard G. Kopf denying motion to stay the execution and enforcement of the jgm [295-1] - CCAP (ICMSUSER) (Entered: 02/23/1995)
01/16/1996	297	OPINION of USCA, 8th Circuit, (ICMSUSER) (Entered: 01/17/1996)
01/29/1996	298	MEMORANDUM AND ORDER: by Judge Richard G. Kopf that each party shall submit a brief addressing the question raised on or before 2/16/96; each party may submit a reply brief on or before 2/28/96; the court advises the parties that it will try to make its findings no later than 4/28/96; the Clk of court shall forward a copy of this memorandum and order to USCA - COPIES MAILED (ICMSUSER) (Entered: 01/29/1996)
01/29/1996		TRANSMITTAL LETTER to USCA 8th Circuit re: Memorandum and Order [298-1]; sent 2 certified copies of this memo & order and 2 certified copies of the docket sheet- COPIES MAILED (ICMSUSER) (Entered: 01/29/1996)
03/28/1996	299	MEMORANDUM AND ORDER: I certify to the USCA for the Eighth Circuit that I have found as fact and concluded as law that Clarke and Hopkins actually knew of and disregarded [the] substantial risk [from violence] to the safety of the plaintiffs by failing to use the classification information available to them in placing newly arriving inmates in double cells (see order for specifics) by Judge Richard G. Kopf - COPIES MAILED (ICMSUSER) (Entered: 03/28/1996)
03/28/1996		TRANSMITTAL LETTER to USCA 8th Circuit re: Memorandum and Order [299-1] forwarded 2 certified copies - COPIES MAILED (ICMSUSER) (Entered: 03/28/1996)
04/23/1996	301	MEMORANDUM AND ORDER: by Judge Richard G. Kopf the Clk of the USDC shall file the motion for a preliminary injunction & a temporary restraining order/motion to intervene and for damages; the motion submitted by Billy Roy Tyler is denied - COPIES MAILED (ICMSUSER) (Entered: 04/23/1996)
04/23/1996	302	MOTION for preliminary injunction , for temporary restraining order , to

		intervene and for damages (JLS) (Entered: 04/24/1996)
04/24/1996	303	MOTION by plaintiffs petition of plfs' class for redress of retaliatory grievances (CCB) (Entered: 04/29/1996)
04/29/1996	304	MOTION by plaintiffs to withdraw unauthorized pleading entitled "Petition of Plfs' class for redress of retaliatory grievances" (CCB) (Entered: 04/30/1996)
04/30/1996	305	ORDER by Judge Richard G. Kopf granting plfs' motion to withdraw unauthorized pleading [304-1], withdrawing motion petition of plfs' class for redress of retaliatory grievances [303-1] - COPIES MAILED (CCB) (Entered: 04/30/1996)
09/09/1996	306	COPY OF THE OPINION from USCA, 8th Circuit, The order of the District Court is affirmed in all respects. (ICMSUSER) (Entered: 09/09/1996)
09/25/1996	307	SATISFACTION OF JUDGMENT acknowledge receipt of payment from defendants Harold Clarke and Frank Hopkins in the sum of \$235,063.50 on 9/25/96. (ICMSUSER) (Entered: 09/26/1996)
10/31/1996	308	COPY OF ORDER FROM USCA 8th CIRCUIT that two motions are before the court, both filed by appellees/cross appellants: a motion to tax costs against appellants/cross-appellees in the amt of \$378, and a motion for attorney fees and expenses. The motion to tax costs is granted. In accordance with the stipulation of the parties filed 9/26/96, the motion for attorney fees and expenses is denied as moot. The Clerk of USDC is directed to place these costs in the previously issued mandate. (ICMSUSER) (Entered: 10/31/1996)
10/31/1996	309	(COPY) CERTIFIED COPY OF OPINION of USCA, 8th Circuit, the Nebraska Penitentiary (NSP) is forced to house many of its prisoners two men to a cell. This practice, known as "double celling," requires two men to share a 74 square-foot cell. The District Court held that, while this practice is not a per se constitutional violation, randomly placing two prisoners together under conditions as they exist at the NSP violates the plaintiffs' right to be free from cruel and unusual punishment. The defendants, the director of the Nebraska State Prison System and the Warden on the NSP, appeal the decision. The plaintiffs cross-appeal the portion of the order applicable to long-term inmates and the District Court's holding that the defendants are entitled to qualified immunity, shielding them from damages. We affirm the District Court's order. We also affirm the District Court's subsequent orders instructing the defendants to adopt a remedial plan, and granting the plaintiffs attorneys' fees. (NCD) (Entered: 11/04/1996)
10/31/1996	310	(COPY) MANDATE from USCA 8th Circuit affirming the decision of the District Court [287-1] [284-1] in accordance with the Opinion of this court - COPIES MAILED, RGK (NCD) (Entered: 11/04/1996)
11/04/1996		TRANSMITTAL of documents [310-1], [309-1] (NCD) (Entered: 11/04/1996)

11/07/1996	311	MAIL Returned [310-1] addressed to plaintiff Harold Crisp; no other address available. (NCD) (Entered: 11/12/1996)
11/12/1996		TRANSMITTAL of documents [311-1] to Lincoln (NCD) (Entered: 11/12/1996)
03/24/1997	312	SATISFACTION OF JUDGMENT re satisfy/satisfaction judgment [307-1] as to defendant Harold W. Clarke (ICMSUSER) (Entered: 03/24/1997)
05/21/1998		FILE SENT to Federal Record Center on 5/21/98 (SED) (Entered: 05/22/1998)
10/31/2000	313	NOTICE by Clerk of intent to destroy exhibits - COPIES MAILED (CAR) (Entered: 10/31/2000)
01/03/2001	314	RECEIPT FOR EXHIBITS by Linda Willard re defendants Harold W. Clarke, Gary Grammer, Frank O. Gunter, and Mario Peart (BMH) (Entered: 01/03/2001)
01/04/2001	315	RECEIPT FOR EXHIBITS by counsel for plaintiffs (ICMSUSER) (Entered: 01/04/2001)
01/09/2001	316	RECEIPT FOR EXHIBITS (COPY--for original see 4:87CV377) by Brent Krauter for Linda Willard, Assistant Attorney General, counsel for dfts Harold W. Clarke, Gary Grammer, Frank O. Gunter, and Mario Peart of all plfs' exhibits pursuant to receipt by plf's counsel (filing 321) which requested release of exhibits to the NE Attorney General (BMH) (Entered: 01/10/2001)

<b>PACER Service Center</b>			
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<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	4:87-cv-00497-RGK
<b>Billable Pages:</b>	9	<b>Cost:</b>	0.72