

**U.S. District Court
District of Nebraska (4 Lincoln)
CIVIL DOCKET FOR CASE #: 4:87-cv-00607-RGK**

Jensen v. Gunter, et al
Assigned to: Senior Judge Richard G. Kopf
Demand: \$0
Case in other court: USDC-NE, CV87-L-377
USDC-NE, CV87-L-476
USDC-NE, CV87-L-497

Date Filed: 12/01/1987
Date Terminated: 12/01/1994
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Cause: 42:1983 Prisoner Civil Rights

Plaintiff

Jerry Jensen
*on behalf of himself and all others
similarly situated*

represented by **Jerry Jensen**
1229 North 26th Street
Lincoln, NE 68503-1726
PRO SE

Scott D. Freese
SCOTT FREESE
P.O. Box 752
Norfolk, NE 68702-0752
(402) 371-7191
Fax: (402) 371-7998
ATTORNEY TO BE NOTICED

V.

Defendant

Frank O. Gunter
*individually and in his official capacity as
Director of the Nebraska Department of
Correctional Services*

represented by **Terri M. Weeks**
BOWMAN, KRIEGER LAW FIRM
1045 Lincoln Mall
Suite 100
Lincoln, NE 68508
(402) 476-8005
Fax: (402) 476-8235
Email: tweeks@bowmanandkrieger.com
ATTORNEY TO BE NOTICED

Defendant

Harold W. Clarke
*individually and in his official capacity as
Warden of the Nebraska State
Penitentiary*

represented by **Terri M. Weeks**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Mario Peart
*individually and in his official capacity as
Unit Administrator of the Nebraska State
Penitentiary*

represented by **Terri M. Weeks**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Donn Beaver
*individually and in his official capacity as
Manager of Housing Unit Two of the
Nebraska State Penitentiary*

represented by **Terri M. Weeks**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Scott Marshall
*individually and in his official capacity as
 Acting Manager of Housing Unit Two at
 the Nebraska State Penitentiary*

represented by **Terri M. Weeks**
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

Maximino Gonzales
*individually and in his official capacity as
 Unit Counselor of Housing Unit Two at
 the Nebraska State Penitentiary*

represented by **Terri M. Weeks**
 (See above for address)
ATTORNEY TO BE NOTICED

Interested Party

Thomas Nesbitt

represented by **Thomas Nesbitt**
 36998
 SPR-NEBRASKA, Nebraska State
 Penitentiary
 Address Updated 11/7/2006
 P.O. Box 2500
 Lincoln, NE 68542
 PRO SE

Date Filed	#	Docket Text
12/04/1987	2	COMPLAINT: with attchts & req for class action (ICMSUSER) (Entered: 01/29/1992)
06/12/1992	186	REPORT AND RECOMMENDATION by Mag. 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 claims; 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	187	MOTION by defendant Frank O. Gunter, defendant Harold W. Clarke, defendant Mario Peart, defendant Donn Beaver, defendant Scott Marshall, defendant Maximino Gonzales to extend time to obj to r & r , w afdt of Terri M. Weeks atch'd (ICMSUSER) (Entered: 06/16/1992)
06/18/1992	188	ORDER by Judge Warren K. Urbom granting motion to extend time to obj to r & r [187-1] to 7-21-92 – CCAP (6-19-92) (ICMSUSER) (Entered: 06/19/1992)
07/01/1992	189	NOTICE that case has been reassigned to WGC (ICMSUSER) (Entered: 07/02/1992)
07/20/1992		FILE SENT to Mary in Judge Cambridge's office (CCB) (Entered: 07/20/1992)
07/21/1992	190	OBJECTION in part by plaintiff to RR [186-1] (CCB) (Entered: 07/22/1992)
07/21/1992	191	OBJECTION by defendants to RR [186-1] with attachments (CCB) Modified on 07/22/1992 (Entered: 07/22/1992)
08/11/1992		ALL EXHIBITS AND TRANSCRIPTS SENT to Omaha for WGC (ICMSUSER) (Entered: 08/11/1992)
08/16/1992	235	Proposed Remedial Plan and MOTION by defendant Harold W. Clarke request for evidentiary hearing (ICMSUSER) (Entered: 08/19/1993)
08/17/1992	192	MOTION by defendant to strike resp to Ds' obj to R & R (ICMSUSER) (Entered: 08/18/1992)
08/24/1992	193	MOTION by defendant Harold W. Clarke, defendant Mario Peart, defendant Donn Beaver, defendant Scott Marshall, defendant Maximino Gonzales to withdraw motion to strike (ICMSUSER) (Entered: 08/26/1992)
09/09/1992	194	ORDER by Judge William G. Cambridge granting motion to withdraw motion to strike [193-1] withdrawing motion to strike resp to Ds' obj to R & R [192-1] – CCAP (CJS) (Entered: 09/14/1992)

09/09/1992	195	MEMORANDUM, OPINION, AND ORDER: by Judge William G. Cambridge granting report and recommendation by Mag. 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 claims; giving Ds time to subm plan to correct deficiency & this Ct hold all proceedings necessary to ensure inj relief is promptly implemented [186-1] denying motion OBJECTION in part by plaintiff to RR [186-1] [190-1] denying motion OBJECTION by defendants to RR [186-1] [191-1] – CCAP STAYED PER ORDER DTD 10/28/92 (CJS) (Entered: 09/14/1992)
09/09/1992	196	JUDGMENT: by Judge William G. Cambridge granting report and recommendation by Mag. 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 claims; giving Ds time to subm plan to correct deficiency & this Ct hold all proceedings necessary to ensure inj relief is promptly implemented [186-1] denying motion OBJECTION in part by plaintiff to RR [186-1] [190-1] denying motion OBJECTION by defendants to RR [186-1] [191-1] 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)
09/18/1992		FILE SENT to Omaha (3 Vols) for Lawrence Brodkey 342-5300 (ICMSUSER) (Entered: 09/18/1992)
09/28/1992		FILE SENT to Clerk's Office in Lincoln (Vols. I, II & III) (PLW) (Entered: 09/28/1992)
10/09/1992	197	NOTICE OF APPEAL by defendants from Dist. Court decision [196-2] (fil fee pd, receipt filed in CV87-L-377) – CCAP (ICMSUSER) (Entered: 10/09/1992)
10/09/1992	198	ORDER for transcript (already prepared & filed) – Copy mld to Linda Swanson & Kathy Scheer, Ct Rptrs, 528 S. 13th St. #1, Lincoln, NE 68508, ph (402) 476-1153 (ICMSUSER) (Entered: 10/09/1992)
10/09/1992	199	MOTION by defendant for ord dir clk to temp retain record (ICMSUSER) (Entered: 10/09/1992)
10/09/1992	200	MOTION by defendant to stay injunction pending appeal (ICMSUSER) (Entered: 10/09/1992)
10/15/1992	201	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) (Entered: 10/15/1992)
10/21/1992	202	NOTICE OF CROSS APPEAL by plaintiff Jerry Jensen from Dist. Court decision [196-2] (fil fee not pd) – CCAP (ICMSUSER) (Entered: 10/22/1992)
10/23/1992	203	AMENDED NOTICE OF APPEAL by plaintiff Jerry Jensen from Dist. Court decision [196-2], entered 9/9/92, w certif of serv dated 10/23/92 (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	204	ORDER by Judge William G. Cambridge granting motion for ord dir clk to temp retain record [199-1] granting motion to stay injunction pending appeal [200-1]; clk shall, if appropriate, certify to the clerk of the court of appeals 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 the clerk of the court to transmit the record to the 8th Circuit Court of Appeals, crts order entered on 9/9/92 granting the Plaintiffs injunction is hereby stayed pndg appeal 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	205	COPY of Appellate Court Order: Scott Freese appoint counsel for P Jensen (ICMSUSER) (Entered: 11/03/1992)

10/30/1992	206	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	207	REVISED SCHEDULING ORDER from USCA; Appellate Docket Number 92-3390 trans desgn set for 12/14/92 [203-1], [202-1], [197-1], joint appendix (3 copies) due 12/23/92, etc. (CCB) (Entered: 11/27/1992)
11/25/1992	208	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	209	CERTIFICATE AND ORDER by Judge William G. Cambridge – that the appeal is taken in good faith and is not frivolous, 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 28:USC753(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	210	2 CERTIFIED COPIES OF NOTICE OF CROSS APPEAL filed 10/21/93, RR filed 6/11/92, memo opin & ord & jdg filed 9/9/92 & ord filed 1/21/93, together with 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	211	SCHEDULING ORDER from USCA; Appellate Cross Appeal Docket Number 93-1234 [202-1] (ICMSUSER) (Entered: 02/02/1993)
02/01/1993	212	Copy of ORDER USCA-8 appt Robert Shively to represent El-Tabech, Barry Hemmerling to represent Luna, Gregory Barton to represent Pierce, Duff, Wilson, Crisp, Dittrich, Dawson, V Carter, G Carter, Kane & Sims & Scott Freese to represent Jensen (ICMSUSER) (Entered: 02/02/1993)
05/03/1993	213	COPY OF OPINION of USCA, 8th Circuit, dismissing appeal (CCB) (Entered: 05/05/1993)
05/24/1993	214	MOTION by plaintiff Jerry Jensen to lift stay , for order to establish schedule for D's to submit proposed remedial plan and for Ps' to submit a response thereto (ICMSUSER) Modified on 03/14/1994 (Entered: 05/26/1993)
05/26/1993	215	MANDATE from USCA 8th Circuit dismissing the appeal – CCAP (ICMSUSER) (Entered: 05/28/1993)
05/26/1993	216	COSTS taxed (USCA-8) for plaintiff Jerry Jensen in the amount of \$322.00 against defendants Frank O. Gunter, Harold W. Clarke, Mario Peart, Donn Beaver, Scott Marshall, Maximino Gonzales – CCAP (ICMSUSER) Modified on 05/28/1993 (Entered: 05/28/1993)
05/27/1993	217	MOTION by defendants to extend time to respond to motion to lift stay & for proposed order (ICMSUSER) (Entered: 05/28/1993)
05/27/1993	218	AFFIDAVIT of Marie C. Pawol regarding motion to extend time to respond to motion to lift stay & for proposed order [217-1] (ICMSUSER) (Entered: 05/28/1993)
06/01/1993	219	ORDER by Judge William G. Cambridge granting motion to extend time to respond to motion to lift stay & for proposed order [217-1] motion to lift stay [214-1], and motion for order to establish schedule for D's to submit proposed remedial plan and for Ps' to submit a response thereto [214-2] ready to rule date changed to 6/21/93 – CCAP (PCV) (Entered: 06/03/1993)
06/01/1993	220	ORDER by Judge William G. Cambridge referring to Magistrate David L. Piester the motion to lift stay [214-1], referring to Magistrate David L. Piester the motion for order to establish schedule for D's to submit proposed remedial plan and for Ps' to submit a response thereto [214-2]; original brief to WGC, copy to DLP – CCAP (PCV) (Entered: 06/03/1993)

06/04/1993	221	ORDER (USCA-8) remanding mot for atty fees to dist ct & dir clk to place this order in prev iss'd mandage – CCAP (ICMSUSER) (Entered: 06/08/1993)
06/04/1993	221	MOTION by plaintiff Jerry Jensen 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	222	ORDER by Judge William G. Cambridge, Ps allowed 30 days from the date of this order to make an appropriate showing with regard to attorney fees; Ds allowed 15 days from 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	223	MOTION by plaintiff Jerry Jensen for temporary restraining order w afdt atch (ICMSUSER) (Entered: 08/02/1993)
07/30/1993	224	MOTION by plaintiff Jerry Jensen for preliminary injunction w afdt atch (ICMSUSER) (Entered: 08/02/1993)
07/30/1993	225	CERTIFICATE by plaintiff Jerry Jensen of serv mots for tro & prelinj (ICMSUSER) (Entered: 08/02/1993)
08/06/1993	226	MOTION by plaintiff Jerry Jensen for attorney fees & exp attrib to premature appeal (ICMSUSER) (Entered: 08/06/1993)
08/06/1993	227	AFFIDAVIT of Gregory D. Barton regarding motion for attorney fees & exp attrib to premature appeal [226-1] w atchts (ICMSUSER) (Entered: 08/06/1993)
08/06/1993	228	INDEX by plaintiff Jerry Jensen re: motion for attorney fees & exp attrib to premature appeal [226-1] (ICMSUSER) (Entered: 08/06/1993)
08/06/1993	229	AFFIDAVIT of Robert W. Shively regarding motion for attorney fees & exp attrib to premature appeal [226-1] (ICMSUSER) (Entered: 08/06/1993)
08/06/1993	230	AFFIDAVIT of Jack L.Shultz regarding motion for attorney fees & exp attrib to premature appeal [226-1] (ICMSUSER) (Entered: 08/06/1993)
08/09/1993	231	MINUTES before Judge Richard G. Kopf on 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	232	WITNESS LIST by P (CCB) (Entered: 08/10/1993)
08/09/1993	233	EXHIBIT LIST by P (CCB) (Entered: 08/10/1993)
08/09/1993	234	MEMORANDUM AND ORDER: by Judge Richard G. Kopf granting motion for preliminary injunction [224-1] in part and giving cnsl for Ds time to file and serve proposed remedial plan & Ps time to resp, etc., finding the motion for temporary restraining order [223-1] moot. – CCAP (CCB) (Entered: 08/10/1993)
08/19/1993	236	MOTION by defendants Harold Clarke and Frank Hopkins to extend time to resp to Ps' applic for atty fees with afdt of Terri Weeks atchd (CCB) (Entered: 08/20/1993)
08/24/1993	237	ORDER by Magistrate David L. Piester gv Ps to 9/3/93 to resp to Ds' proposed remedial plan & finding the motion for order to establish sched for D's to submit proposed remedial plan and for Ps' to subm a resp thereto [214-2] moot. – CCAP (ICMSUSER) (Entered: 08/25/1993)
08/24/1993	238	ORDER by Judge William G. Cambridge granting motion to extend time to resp to Ps' applic for atty fees [236-1]; motion for attorney fees & exp attrib to premature appeal [226-1], motion for attorney fees [221-1] ready to rule dates changed to 9/8/93 – CCAP (CJS) (Entered: 08/25/1993)
09/01/1993	239	NOTICE by defendants of amendment to proposed remedial plan with attachments (CCB) (Entered: 09/07/1993)
09/02/1993	240	CLERK'S ORDER Case reassigned to Judge Richard G. Kopf , Case reopened – CCAP 9/2/93 (CCB) (Entered: 09/07/1993)
09/02/1993	241	MEMORANDUM AND ORDER: by Judge Richard G. Kopf Case reassigned to Judge Richard G. Kopf – CCAP 9/2/93 (CCB) (Entered: 09/07/1993)

09/02/1993	242	MOTION by plaintiff to extend time to resp to Ds' proposed remedial plan (CCB) (Entered: 09/07/1993)
09/02/1993	243	AFFIDAVIT of Gregory D. Barton regarding motion to extend time to resp to Ds' proposed remedial plan [242-1] (CCB) (Entered: 09/07/1993)
09/02/1993	244	CERTIFICATE of service by plaintiff of afdt of Gregory Barton (CCB) (Entered: 09/07/1993)
09/08/1993	245	ORDER by Judge Richard G. Kopf granting motion to extend time to resp to Ds' proposed remedial plan [242-1] to 9/22/93 - CCAP (ICMSUSER) (Entered: 09/09/1993)
11/24/1993	246	MOTION by plaintiff for authorization of expenses for cost in retention of an expert prison condition justice consultant with afdt of Robert Shively and exhs attached (CCB) (Entered: 11/26/1993)
12/02/1993	247	ORDER by Magistrate David L. Piester granting motion for authorization of expenses of \$1,834.50 for cost in retention of an expert prison condition justice consultant [246-1] - CCAP (ICMSUSER) (Entered: 12/02/1993)
12/08/1993	248	MAIL Returned [247-1] addressed to plaintiff Jerry Jensen (ICMSUSER) (Entered: 12/10/1993)
03/17/1994	249	MEMORANDUM, OPINION, AND ORDER: by Judge Richard G. Kopf denying motion for attorney fees [221-1]; denying motion for attorney fees & exp attrib to premature appeal [226-1]; granting motion request for evidentiary hearing [235-1] in part and otherwise denying; granting motion to lift stay [214-1] stay lifted, Case referred to Magistrate David L. Piester - CCAP (ICMSUSER) (Entered: 03/17/1994)
03/22/1994	250	MEMORANDUM, OPINION, AND ORDER: by Magistrate David L. Piester that rep of counsl contact this office to coordinate time and date for evid hring - CCAP (ICMSUSER) (Entered: 03/22/1994)
03/22/1994	251	MOTION by plaintiff for reimbursement of authorized expert prison conditions consultant costs, w atchmt (ICMSUSER) (Entered: 03/23/1994)
03/23/1994	252	MAIL Returned [249-3] addressed to plaintiff Jerry Jensen (ICMSUSER) (Entered: 03/23/1994)
03/23/1994	253	NOTICE by clk of ret of mail on pla Jensen (ICMSUSER) (Entered: 03/23/1994)
03/28/1994	254	MAIL Returned [250-1] addressed to plaintiff Jerry Jensen, w clk's certif atch'd (ICMSUSER) (Entered: 03/29/1994)
03/30/1994		FILE SENT to Omaha - 3 Vols - for Denise (ICMSUSER) (Entered: 03/30/1994)
04/01/1994	255	ORDER by Chief Judge Lyle E. Strom re: motion for reimbursement of authorized expert prison conditions consultant costs [251-1]; clerk to reimburse cnsl for P in the amnt of \$1,834.50 from the Fed Practice Fund - CCAP (ADB) (Entered: 04/04/1994)
04/05/1994	256	MOTION by defendants Clarke and Hopkins for leave to file amended remedial plan, w atchmts (ICMSUSER) (Entered: 04/06/1994)
04/06/1994		FILE SENT to Clk's ofc in L--returning file (Vol. I-III) (PLW) (Entered: 04/06/1994)
04/07/1994	257	MAIL Returned [255-1] addressed to plaintiff Jerry Jensen (remailed this date to forwarding address) (ADB) (Entered: 04/07/1994)
05/02/1994	259	GENERAL ORDER 94-19 re Federal Practice Fund - CC pla's atty (ICMSUSER) Modified on 05/11/1994 (Entered: 05/10/1994)
05/02/1994	260	GENERAL ORDER 94-20 re Federal Practice Fund - CC pla's atty (ICMSUSER) (Entered: 05/10/1994)
05/04/1994	258	MEMORANDUM, OPINION, AND ORDER: by Magistrate David L. Piester granting motion for leave to file amended remedial plan [256-1] - CCAP (ICMSUSER) (Entered: 05/04/1994)
05/04/1994	258	REPORT AND RECOMMENDATION that dftrs be permanently enjoined to adopt 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	261	MOTION by plaintiff for reconsideration of interlocutory rulings (ICMSUSER) (Entered: 05/19/1994)
05/18/1994	262	OBJECTION by plaintiff to RR [258–1] (ICMSUSER) (Entered: 05/19/1994)
06/07/1994	263	MOTION by plaintiff for leave to submit reply brf in resp to dfts' objn to pl's mtn for reconsid and dfts' resp to plas' objn to r and r (ICMSUSER) (Entered: 06/08/1994)
06/07/1994	264	ORDER by Judge Richard G. Kopf granting motion for leave to submit reply brf in resp to dfts' objn to pl's mtn for reconsid and dfts' resp to plas' objn to r and r [263–1] – CCAP (ICMSUSER) (Entered: 06/09/1994)
07/25/1994	265	MEMORANDUM AND ORDER: by Judge Richard G. Kopf giving ptys 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 for such hrg by 8/5/94 – CCAP (CCB) (Entered: 07/25/1994)
07/29/1994		FILE SENT to Clk's ofc in L--returning file, Vol. III only (PLW) (Entered: 07/29/1994)
08/05/1994	266	CERTIFICATE of service by defendants of brief pursuant to Court's 7/25/94 order (CCB) (Entered: 08/08/1994)
08/12/1994	267	CERTIFICATE of service by defendants of resp to Ps' 8/5/94 brief (CCB) (Entered: 08/15/1994)
08/23/1994	268	MEMORANDUM, OPINION, AND ORDER: by Judge Richard G. Kopf granting in part motion OBJECTION by plaintiff to RR [258–1] [262–1]; granting in part motion REPORT AND RECOMMENDATION that dfts be permanently enjoined to adopt proposed amd remedial plan, and giv parties 10 days to obj [258–1] denying motion for reconsideration of interlocutory rulings [261–1] giv plas until 9/6/94 to file applicn for atty fees, and dfts until 9/20/94 to respond – CCAP (ICMSUSER) (Entered: 08/23/1994)
09/02/1994	269	MOTION by plaintiff to extend time for pla to file applicn for atty fees, and for dfts to respd (ICMSUSER) (Entered: 09/02/1994)
09/02/1994	270	ORDER by Judge Richard G. Kopf granting motion to extend time for pla to file applicn for atty fees, and for dfts to respd [269–1] ; Motion Filing and resp ddl 9/23/94 – CCAP (ICMSUSER) (Entered: 09/02/1994)
09/08/1994	271	MOTION by plaintiff to extend time to file application for atty's fees and expenses & giving Ds time to respond (CCB) (Entered: 09/09/1994)
09/09/1994	272	ORDER by Judge Richard G. Kopf advising counsl of provsns of section 20409 and sending them a summary of same – CCAP (ICMSUSER) (Entered: 09/09/1994)
09/09/1994	273	ORDER by Judge Richard G. Kopf granting motion to extend time to file application for atty's fees and expenses & giving Ds time to respond [271–1] ;plas given until 9/16/94 to file applicn and dfts until 9/30/94 to respd – CCAP to counsl only (ICMSUSER) (Entered: 09/09/1994)
09/15/1994	274	MOTION by defendants Harold W. Clarke and Frank Hopkins to extend time to determine whether a filing is needed in the above-captioned case with afdt attached (CCB) Modified on 09/15/1994 (Entered: 09/15/1994)
09/16/1994	275	ORDER by Judge Richard G. Kopf granting motion by Dfs to extend time to determine whether a filing is needed in the above-captioned case [274–1] – CCAP (CCB) (Entered: 09/16/1994)
09/16/1994	277	INDEX by plaintiff re: motion for attorney fees and expenses with afdts of Gregory Barton, Jack Shultz, Tim Engler, Robert Shively, Scott Freese and Barry Hemmerling with exhs attached [276–1] (CCB) (Entered: 09/19/1994)
09/19/1994	276	MOTION by plaintiff for attorney fees and expenses (CCB) (Entered: 09/19/1994)
09/23/1994	278	MOTION by plaintiff for leave to submit suppl evidence 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	279	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	280	MOTION by defendants Harold W. Clarke and Frank Hopkins for time to resp to P's application for atty fees with afdt of Terri Weeks (CCB) (Entered: 09/26/1994)
10/11/1994	281	ORDER by Judge Richard G. Kopf granting motion for leave to submit suppl evidence index with accompanying evidence [278-1] - CCAP (CCB) (Entered: 10/12/1994)
10/11/1994	282	ORDER by Judge Richard G. Kopf granting motion for time to resp to P's application for atty fees [280-1], Dfs are granted until 10/21/94 to resp to motion for attorney fees and expenses [276-1] - CCAP (CCB) (Entered: 10/12/1994)
10/17/1994	283	MOTION by plaintiff for leave to make second supplemental evidentiary submission in support of Ps' applic for atty's fees and expenses with evid index attached including afdt of Gregory Barton (CCB) (Entered: 10/17/1994)
10/19/1994	284	MOTION by defendants to extend time to respd to pla's applicn for atty fees to 10/31/94 (ICMSUSER) (Entered: 10/20/1994)
10/24/1994	285	ORDER by Judge Richard G. Kopf granting P's motion for leave to make second supplemental evidentiary submission in support of Ps' applic for atty's fees and expenses [283-1] and giving Dfs to 10/31/94 to file resp afdts and brief re motion for attorney fees and expenses [276-1] - CCAP (CCB) (Entered: 10/24/1994)
10/24/1994	286	ORDER by Judge Richard G. Kopf granting Ds' motion to extend time to respd to pla's applicn for atty fees to 10/31/94 [284-1] - CCAP (CCB) (Entered: 10/24/1994)
10/31/1994	287	RESPONSE by defendants to Ps' fee applicationj (CCB) (Entered: 10/31/1994)
12/01/1994	288	MEMORANDUM, OPINION, AND ORDER: by Judge Richard G. Kopf denying motion that 8/23/94 order be revoked [279-1] granting motion for attorney fees and expenses [276-1] in part and denying in part; pla awarded \$168,543.27 in fees, plus expenses of \$10,321.83, for total award of \$178,865.10 - CCAP (ICMSUSER) (Entered: 12/02/1994)
12/01/1994	289	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 amount of \$178,865.10, to be paid to clerk of court, for distribution to plas' counsl dismissing case , terminating case referral to Magistrate David L. Piester - CCAP and appeal form sent (ICMSUSER) (Entered: 12/02/1994)
12/27/1994	290	NOTICE OF APPEAL by defendant Harold W. Clarke and Frank Hopkins from Dist. Court judgment [289-3] entered 12/1/94 - CCAP, RGK, with certificate of service dated 12/27/94 (ICMSUSER) (Entered: 12/28/1994)
12/27/1994	291	RECEIPT for Appeal fee in the amount of \$ 105.00 re: appeal [290-1]; 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	292	2 CERTIFIED COPIES OF NOTICE OF APPEAL, re: Appeal [290-1] along 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	293	NOTICE OF CROSS-APPEAL by plaintiff Jerry Jensen from Dist. Court decision re: Judgment [289-3] entered 12/1/94 with 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	294	RECEIPT for Appeal fee in the amount of \$ 105.00 [293-1] for case number: 4:87-377, 4:87-476; 4:87-497; 4:87-607 (ICMSUSER) (Entered: 01/06/1995)
01/06/1995	295	2 CERTIFIED COPIES OF NOTICE OF CROSS-APPEAL, re: cross appeal [293-1] 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	296	TRANSCRIPT DESIGNATION and Ordering Form for dates: any and all hearings conducted by the Court since 9/9/92 re: [290-1] – Court Reporter: David Francis (ICMSUSER) (Entered: 01/09/1995)
01/09/1995	297	CERTIFICATE of service of order for transcript by defendant (ICMSUSER) (Entered: 01/09/1995)
01/11/1995	298	TRANSCRIPT of TRO and Injunction Hearing for the following date(s): 8/9/92 (Re: Appeals [293-1], [290-1]) for case nos. 4:87-L-497, 4:87-L-377; 4:87-L-476 (under separate folder) (ICMSUSER) (Entered: 01/11/1995)
01/26/1995	299	SCHEDULING ORDER from USCA; Appellate Docket Number 95-1105 Cross Appeal No. 95-1115; trans desgn set for 2/27/95 ; appnt desgn ddl set for 3/9/95 ; appe desgn ddl set for 4/10/95 [293-1] Method of appendix preparation notification set 1/30/95 (ICMSUSER) Modified on 01/27/1995 (Entered: 01/27/1995)
01/26/1995	300	COPY OF ORDER FROM USCA 8th CIRCUIT [Appeal No. 95-1105] that Scott D. Freese is appointed to represent appellee on appeal. (ICMSUSER) (Entered: 01/27/1995)
01/26/1995	301	COPY OF ORDER FROM USCA 8th CIRCUIT [Appeal No. 95-1115] that Scott Freese is hereby appointed to represent the appellant on appeal. district court is (ICMSUSER) (Entered: 01/27/1995)
02/17/1995	302	MOTION by plaintiff to stay execution and enforcement of the jgm (ICMSUSER) (Entered: 02/22/1995)
02/23/1995	303	MEMORANDUM, OPINION, AND ORDER: by Judge Richard G. Kopf denying motion to stay execution and enforcement of the jgm [302-1] – CCAP (ICMSUSER) (Entered: 02/23/1995)
05/18/1995	304	TRANSCRIPT SENT to USCA 8th Circuit; sent 18 volumes of proceedings (volumes 1-18) 5/18/95 – CCAP (ICMSUSER) (Entered: 05/18/1995)
05/22/1995	305	TRANSCRIPT SENT to USCA 8th Circuit; sent 1 volume of transcript of TRO and Injunction Hearing held 8/9/92 – CCAP (ICMSUSER) (Entered: 05/22/1995)
11/07/1995		NOTICE by USCA 8th Cir. that Argument is set for 10/16/95 at 9:00 a.m. (NCD) (Entered: 11/07/1995)
01/16/1996	306	OPINION of USCA, 8th Circuit, (ICMSUSER) (Entered: 01/17/1996)
01/29/1996	307	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 will 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 [307-1] sent 2 certified copies of this order and 2 certified copies of the docket sheet – COPIES MAILED (ICMSUSER) (Entered: 01/29/1996)
03/28/1996	308	MEMORANDUM AND ORDER: I certify to the USCA for the 8th 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 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) Modified on 04/24/1996 (Entered: 03/28/1996)
03/28/1996		TRANSMITTAL LETTER to USCA 8th Circuit re: Memorandum and Order [308-1] forwarded 2 certified copies – COPIES MAILED (ICMSUSER) (Entered: 03/28/1996)
04/10/1996		FILE (Volume VI) SENT to Omaha for Attorney Fred Cassman 392-1250 to check out (CCB) (Entered: 04/10/1996)
04/12/1996		FILE SENT to Lincoln Clk's office -- returning Vol. VI only (PLW) (Entered: 04/12/1996)

04/24/1996	310	MOTION by plaintiff Jerry Jensen petition of plf's class for redress of retaliatory grievances (CCB) (Entered: 04/29/1996)
04/29/1996	311	MOTION by plaintiff to withdraw motion of unauthorized pleading entitled "Petition of Plfs' class for redress of retaliatory grievances" (CCB) (Entered: 04/30/1996)
04/30/1996	312	ORDER by Judge Richard G. Kopf granting plf's motion to withdraw motion of unauthorized pleading [311-1], withdrawing motion petition of plf's class for redress of retaliatory grievances [310-1] – COPIES MAILED (CCB) (Entered: 04/30/1996)
09/09/1996	313	COPY OF OPINION from USCA, 8th Circuit; The order of the District Court is affirmed in all respects. (ICMSUSER) (Entered: 09/09/1996)
09/25/1996	314	SATISFACTION OF JUDGMENT acknowledge receipt of payment from defendants Harold Clake and Frank Hopkins in the sum of \$235,063.50 on 9/25/96. (ICMSUSER) (Entered: 09/26/1996)
10/31/1996	315	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 amount 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's fees and expenses is denied as moot. The Clerk of the USDC is directed to pklace these costs in the previously issued mandate. district court is (ICMSUSER) (Entered: 10/31/1996)
10/31/1996	316	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	317	MANDATE from USCA 8th Circuit affirming the decision of the District Court [293-1] [290-1] in accordance with the opinion of this court – COPIES MAILED, RGK (NCD) (Entered: 11/04/1996)
11/04/1996		TRANSMITTAL of documents [316-1] (NCD) (Entered: 11/04/1996)
11/04/1996		TRANSMITTAL of documents [317-1] (NCD) (Entered: 11/04/1996)
03/24/1997	318	SATISFACTION OF JUDGMENT re satisfy/satisfaction judgment [314-1] 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	319	NOTICE by Clerk of intent to destroy exhibits – COPIES MAILED (CAR) (Entered: 10/31/2000)
01/03/2001	320	RECEIPT FOR EXHIBITS by Linda Willard re defendants Maximino Gonzales, Scott Marshall, Donn Beaver, Mario Peart, Harold W. Clarke, and Frank O. Gunter (BMH) (Entered: 01/03/2001)
01/04/2001	321	RECEIPT FOR EXHIBITS by plf's counsel (ICMSUSER) (Entered: 01/04/2001)
01/09/2001	322	RECEIPT FOR EXHIBITS (COPY—for original see 4:87CV377) by Brent Krauter for Linda Willard, Assistant Attorney General, for defendants Maximino Gonzales, Scott Marshall, Donn Beaver, Mario Peart, Harold W. Clarke, and Frank O. Gunter of all plfs' exhibits pursuant to receipt by plf's counsel (filing 321) which requested release of said exhibits to the NE Attorney General (BMH) (Entered: 01/10/2001)
02/13/2006	<u>323</u>	MOTION FOR CONTEMPT OF COURT filed by Patrick Ronald Russell. (GJG,) (Entered: 02/17/2006)

07/06/2006	<u>324</u>	MEMORANDUM AND ORDER denying <u>323</u> Motion for Contempt of Court. The subject matter of Mr. Russell's motion exceeds the scope of the injunction entered in the final judgment of this case. Signed by Judge Richard G. Kopf on 7/6/2006. (Copy mailed to PATRICK RONALD RUSSELL #29333, PO BOX 900 UNIT 3-C-31, TECUMSEH NE 68450-0900.)(JAR) (Entered: 07/06/2006)
11/06/2006	<u>325</u>	MOTION to Show Cause for Willful Contempt of Court filed by Thomas Nesbitt.(JAR) (Entered: 11/06/2006)
01/24/2007	<u>326</u>	ORDER denying <u>325</u> Motion to Show Cause for Willful Contempt. Ordered by Judge Richard G. Kopf.(KLL,) (Entered: 01/24/2007)