

CLOSED, NEBRASKA DOCKET, TRIAL – LINCOLN
U.S. District Court
District of Nebraska (4 Lincoln)
CIVIL DOCKET FOR CASE #: 4:04-cv-03231-JFB-TDT

El-Tabech v. Houston, et al
Assigned to: Judge Joseph F. Bataillon
Referred to: Magistrate Judge Thomas D. Thalken
Case in other court: USCA – 8th Circuit, 09–01554
Eighth Circuit Court of Appeals, 09–02691
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 06/28/2004
Date Terminated: 05/20/2011
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Mohamed A. El-Tabech

represented by **Justin W. Firestone**
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TERMINATED: 04/24/2007

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TERMINATED: 08/28/2007

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ATTORNEY TO BE NOTICED

V. Gene Summerlin , Jr.
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ATTORNEY TO BE NOTICED

V.

Defendant

Harold Clarke
in his individual and official capacity

represented by **David M. Handley**
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TERMINATED: 11/16/2006

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TERMINATED: 06/08/2005

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TERMINATED: 02/28/2006

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TERMINATED: 12/27/2006

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TERMINATED: 06/02/2009

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ATTORNEY TO BE NOTICED

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TERMINATED: 01/19/2006

Defendant

Mike Kenney
in his individual and official capacity

represented by **David M. Handley**
(See above for address)
TERMINATED: 11/16/2006

Eileen L. McBride
(See above for address)
TERMINATED: 06/08/2005

Kimberley R. Taylor-Riley
(See above for address)
TERMINATED: 02/28/2006

Linda L. Willard
(See above for address)
TERMINATED: 12/27/2006

Matthew A. Works
(See above for address)
TERMINATED: 06/02/2009

Ryan C. Gilbride
(See above for address)
ATTORNEY TO BE NOTICED

Timothy P. Sullivan
(See above for address)
TERMINATED: 01/19/2006

Defendant

Francis Britten
in his individual and official capacity

represented by **David M. Handley**
(See above for address)
TERMINATED: 11/16/2006

Eileen L. McBride
(See above for address)
TERMINATED: 06/08/2005

Kimberley R. Taylor-Riley
(See above for address)
TERMINATED: 02/28/2006

Linda L. Willard
(See above for address)
TERMINATED: 12/27/2006

Matthew A. Works
(See above for address)
TERMINATED: 06/02/2009

Ryan C. Gilbride
(See above for address)
ATTORNEY TO BE NOTICED

Timothy P. Sullivan
(See above for address)
TERMINATED: 01/19/2006

Defendant

Randy Cole

in his individual and official capacity

represented by **David M. Handley**
(See above for address)
TERMINATED: 11/16/2006

Eileen L. McBride
(See above for address)
TERMINATED: 06/08/2005

Kimberley R. Taylor–Riley
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TERMINATED: 02/28/2006

Linda L. Willard
(See above for address)
TERMINATED: 12/27/2006

Matthew A. Works
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TERMINATED: 06/02/2009

Ryan C. Gilbride
(See above for address)
ATTORNEY TO BE NOTICED

Timothy P. Sullivan
(See above for address)
TERMINATED: 01/19/2006

Defendant

Elizabeth Conley

in her individual and official capacity
TERMINATED: 08/31/2005

represented by **Travis P. O'Gorman**
CLINE, WILLIAMS LAW FIRM –
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ATTORNEY TO BE NOTICED

Defendant

Janssen Williams

in his individual and official capacity
TERMINATED: 08/31/2005

represented by **Travis P. O'Gorman**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Dave Thomas

in his individual and official capacity
TERMINATED: 08/31/2005

represented by **Travis P. O'Gorman**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Douglas Sell

in his individual and official capacity

represented by **David M. Handley**
(See above for address)
TERMINATED: 11/16/2006

Eileen L. McBride
(See above for address)
TERMINATED: 06/08/2005

Kimberley R. Taylor–Riley
(See above for address)

TERMINATED: 02/28/2006

Linda L. Willard
(See above for address)
TERMINATED: 12/27/2006

Matthew A. Works
(See above for address)
TERMINATED: 06/02/2009

Ryan C. Gilbride
(See above for address)
ATTORNEY TO BE NOTICED

Timothy P. Sullivan
(See above for address)
TERMINATED: 01/19/2006

Defendant

Brian Shipman
in his individual and official capacity
TERMINATED: 08/10/2004

Defendant

Mary Carmichael
in her individual and official capacity

represented by **David M. Handley**
(See above for address)
TERMINATED: 11/16/2006

Eileen L. McBride
(See above for address)
TERMINATED: 06/08/2005

Kimberley R. Taylor-Riley
(See above for address)
TERMINATED: 02/28/2006

Linda L. Willard
(See above for address)
TERMINATED: 12/27/2006

Matthew A. Works
(See above for address)
TERMINATED: 06/02/2009

Ryan C. Gilbride
(See above for address)
ATTORNEY TO BE NOTICED

Timothy P. Sullivan
(See above for address)
TERMINATED: 01/19/2006

Defendant

Paul Church
TERMINATED: 08/31/2005

Defendant

Robert Houston

represented by **David M. Handley**
(See above for address)
TERMINATED: 11/16/2006

Linda L. Willard

(See above for address)
TERMINATED: 12/27/2006

Matthew A. Works
(See above for address)
TERMINATED: 06/02/2009

Ryan C. Gilbride
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/28/2004	<u>1</u>	COMPLAINT against Francis Britten, Mary Carmichael, Harold Clarke, Randy Cole, Elizabeth Conley, Mike Kenney, Douglas Sell, Brian Shipman, Dave Thomas, Janssen Williams. No Summons issued filed by plaintiff Mohamed A. El-Tabech – (PAPER ATTACHMENT MAINTAINED IN CLERK'S OFFICE) (Attachments: # <u>1</u> # <u>2</u> # <u>3</u>) (PART 1 OF 2)(KBJ) (Entered: 06/29/2004)
06/28/2004		(PART 2 OF 2) MOTION for Preliminary (Temporary) Injunction filed by Plaintiff Mohamed A. El-Tabech (KBJ) (Entered: 06/29/2004)
06/28/2004	<u>2</u>	MOTION (APPLICATION) for Leave to Proceed in forma pauperis filed by Plaintiff Mohamed A. El-Tabech (KBJ) (Entered: 06/29/2004)
06/28/2004	<u>3</u>	MOTION to Appoint Counsel filed by Plaintiff Mohamed A. El-Tabech (KBJ) (Entered: 06/29/2004)
06/28/2004	<u>4</u>	PRISONER TRUST ACCOUNT STATEMENT by Plaintiff Mohamed A. El-Tabech (KBJ,) (Entered: 06/29/2004)
06/29/2004	<u>5</u>	NOTICE by Clerk acknowledging receipt of complaint filed by a pro se party. (KBJ,) (Entered: 06/29/2004)
07/09/2004	<u>6</u>	MOTION to Substitute Party filed by Plaintiff Mohamed A. El-Tabech (KBJ) (Entered: 07/12/2004)
07/14/2004	<u>7</u>	ORDER – The plaintiff's request to proceed in forma pauperis is granted, subject to payment of the initial partial filing fee and subsequent monthly partial filing fees; The plaintiff shall have until August 16, 2004, to pay an initial partial filing fee of \$8.57 to the Clerk of Court; After payment of the initial partial filing fee, the plaintiff's institution shall collect twenty (20) percent of each deposit made to the plaintiff's account; The plaintiff shall keep the court informed of the plaintiff's current address at all times while this case is pending; The motion for appointment of counsel filing no. <u>3</u> , is denied. Signed by Magistrate Judge F. A. Gossett on 7/14/2004. (TJS,) (Entered: 07/14/2004)
07/23/2004	<u>8</u>	MOTION to Appoint Counsel and Affidavit on behalf of Plaintiff Mohamed A. El-Tabech (MKR,) (Entered: 07/26/2004)
07/29/2004	<u>9</u>	FILING fee paid on behalf of Mohamed A. El-Tabech on 7/29/04. Receipt number 821165, in the amount of \$ 8.57. (TJS,) (Entered: 07/30/2004)
08/05/2004	<u>10</u>	ORDER ON INITIAL REVIEW – that the plaintiff shall obtain service of process on the defendants. Plaintiff shall have an extension of time of 120 days from the date of this order to complete service on the defendants. Signed by Judge Joseph F. Bataillon on 8/5/2004. – clerk has done as directed(KBJ) (Entered: 08/06/2004)
08/10/2004	<u>11</u>	ORDER – That filing no. <u>6</u> is granted as follows: a. Brian Shipman is dismissed from this litigation at the plaintiff's request; b. Leave to amend the complaint to add Paul Church as a defendant is granted instantly, and the Clerk of Court shall modify the records of this case accordingly; c. The allegations of the complaint against Brian Shipman are provisionally deemed applicable to Paul Church unless, after entering an appearance, Mr. Church objects to that procedure; and That filing no. <u>8</u> , the plaintiff's Motion for Appointment of Counsel, is denied at this time, without prejudice to

		reassertion of a similar motion after the defendants have entered their appearances and after the court is able to ascertain that no issue exists regarding the plaintiff's exhaustion of administrative remedies. Signed by Judge Joseph F. Bataillon on 8/10/2004. (TJS,) (Entered: 08/10/2004)
08/10/2004	<u>12</u>	Summons Issued (COPY) as to defendant Francis Britten, Mary Carmichael, Paul Church, Harold Clarke, Randy Cole, Elizabeth Conley, Mike Kenney, Douglas Sell, Dave Thomas, Janssen Williams. (TJS,) (Entered: 08/11/2004)
08/18/2004	<u>13</u>	SUMMONS Returned Executed upon defendant Harold Clarke at on 8/13/2004. (KBJ) (Entered: 08/19/2004)
08/18/2004	<u>14</u>	SUMMONS Returned Executed upon defendant Harold Clarke (official capacity). (KBJ) (Entered: 08/19/2004)
08/18/2004	<u>15</u>	SUMMONS Returned Executed upon defendant Mike Kenney on 8/13/2004. (KBJ) (Entered: 08/19/2004)
08/18/2004	<u>16</u>	SUMMONS Returned Executed upon defendant Paul Church on 8/13/2004. (KBJ) (Entered: 08/19/2004)
08/18/2004	<u>17</u>	SUMMONS Returned Executed upon defendant Mike Kenney (official capacity). (KBJ) (Entered: 08/19/2004)
08/18/2004	<u>18</u>	SUMMONS Returned Executed upon defendant Francis Britten (official capacity) on 8/13/2004. (KBJ) (Entered: 08/19/2004)
08/18/2004	<u>19</u>	SUMMONS Returned Executed upon defendant Mary Carmichael (official capacity) on 8/13/2004. (KBJ) (Entered: 08/19/2004)
08/18/2004	<u>20</u>	SUMMONS Returned Executed upon defendant Randy Cole (official capacity) on 8/13/2004. (KBJ) (Entered: 08/19/2004)
08/18/2004	<u>21</u>	SUMMONS Returned Executed upon defendant Douglas Sell (official capacity) on 8/13/2004. (KBJ) (Entered: 08/19/2004)
08/18/2004	<u>22</u>	SUMMONS Returned Executed upon defendant Dave Thomas (official capacity) on 8/13/2004. (KBJ) (Entered: 08/19/2004)
08/18/2004	<u>23</u>	SUMMONS Returned Executed upon defendant Elizabeth Conley (official capacity) on 8/13/2004. (KBJ) (Entered: 08/19/2004)
08/18/2004	<u>24</u>	SUMMONS Returned Executed upon defendant Janssen Williams (official capacity) on 8/13/2004. (KBJ) (Entered: 08/19/2004)
08/18/2004	<u>25</u>	SUMMONS Returned Executed upon defendant Randy Cole on 8/13/04. (KBJ) (Entered: 08/19/2004)
08/18/2004	<u>26</u>	SUMMONS Returned Executed upon defendant Paul Church on 8/13/04 (KBJ) (Entered: 08/19/2004)
08/18/2004	<u>27</u>	SUMMONS Returned Executed upon defendant Francis Britten. (KBJ) (Entered: 08/19/2004)
08/18/2004	<u>28</u>	SUMMONS Returned Executed upon defendant Janssen Williams. (KBJ,) (Entered: 08/19/2004)
08/18/2004	<u>29</u>	SUMMONS Returned Executed upon defendant Dave Thomas. (KBJ,) (Entered: 08/19/2004)
08/18/2004	<u>30</u>	SUMMONS Returned Executed upon defendant Mary Carmichael. (KBJ,) (Entered: 08/19/2004)
08/18/2004	<u>31</u>	SUMMONS Returned Executed upon defendant Douglas Sell. (KBJ,) (Entered: 08/19/2004)
08/19/2004	<u>32</u>	SUMMONS Returned Executed upon defendant Elizabeth Conley. (KBJ) (Entered: 08/19/2004)

08/31/2004	<u>33</u>	MOTION for Extension of Time to File Answer <i>to Complaint</i> by Attorney Travis P. O'Gorman on behalf of Defendants Elizabeth Conley, Dave Thomas, Janssen Williams (O'Gorman, Travis) (Entered: 08/31/2004)
09/02/2004	34	ORDER granting <u>33</u> Motion for Extension of Time to Answer. Elizabeth Conley answer due 10/1/2004; Dave Thomas answer due 10/1/2004; Janssen Williams answer due 10/1/2004. THIS IS A TEXT ONLY ENTRY. A PDF DOCUMENT IS NOT ATTACHED TO THIS ENTRY. Signed by Deputy Clerk on 9/2/2004. (JAE,) (Entered: 09/02/2004)
09/02/2004	<u>35</u>	MOTION for Extension of Time to File Answer <i>Motion for Enlargement of Time</i> by Attorney Eileen L. McBride on behalf of Defendants Francis Britten, Mary Carmichael, Harold Clarke, Randy Cole, Mike Kenney, Douglas Sell (McBride, Eileen) (Entered: 09/02/2004)
09/02/2004	36	ORDER granting <u>35</u> Motion for Extension of Time to Answer. Francis Britten answer due 10/4/2004; Mary Carmichael answer due 10/4/2004; Harold Clarke answer due 10/4/2004; Randy Cole answer due 10/4/2004; Mike Kenney answer due 10/4/2004; Douglas Sell answer due 10/4/2004. THIS IS A TEXT ONLY ENTRY. A PDF DOCUMENT IS NOT ATTACHED TO THIS ENTRY. Signed by Deputy Clerk on 9/2/2004. (DKM,) (Entered: 09/02/2004)
09/17/2004	<u>37</u>	MOTION for Clerk's Entry of Default against Dave Thomas, Elizabeth Conley, Janssen Williams, Paul Church on behalf of Plaintiff Mohamed A. El-Tabech (TJS) (Entered: 09/20/2004)
09/17/2004	<u>38</u>	AFFIDAVIT of MoHamed A. El-Tabech on behalf of Plaintiff Mohamed A. El-Tabech (TJS,) (Entered: 09/20/2004)
09/17/2004	<u>39</u>	MOTION for Default Judgment against Dave Thomas, Elizabeth Conley, Janssen Williams and Paul Church on behalf of Plaintiff Mohamed A. El-Tabech (TJS,) (Entered: 09/20/2004)
09/17/2004	<u>40</u>	BRIEF In Support of Motion for Default Judgment <u>39</u> on behalf of Plaintiff Mohamed A. El-Tabech (TJS,) (Entered: 09/20/2004)
10/01/2004	<u>41</u>	MOTION to Dismiss <i>Complaint</i> by Attorney Travis P. O'Gorman on behalf of Defendants Elizabeth Conley, Dave Thomas, Janssen Williams (O'Gorman, Travis) (Entered: 10/01/2004)
10/01/2004	<u>42</u>	STRICKEN – BRIEF In Support of Motion to Dismiss <u>41</u> <i>Complaint</i> by Attorney Travis P. O'Gorman on behalf of Defendants Elizabeth Conley, Dave Thomas, Janssen Williams (O'Gorman, Travis) Modified on 10/4/2004 to reflect striking of document per <u>43</u> (TJS). (Entered: 10/01/2004)
10/04/2004	<u>43</u>	ORDER striking Brief <u>42</u> filed by Janssen Williams, Elizabeth Conley, Dave Thomas; incomplete PDF attached. Signed by Magistrate Judge F. A. Gossett on 10/4/2004. (TJS,) (Entered: 10/04/2004)
10/04/2004	<u>44</u>	MOTION for Leave <i>to File Brief Outside of Time</i> by Attorney Travis P. O'Gorman on behalf of Defendants Elizabeth Conley, Dave Thomas, Janssen Williams (Attachments: # <u>1</u>)(O'Gorman, Travis) (Entered: 10/04/2004)
10/04/2004	<u>45</u>	MOTION to Dismiss by Attorney Eileen L. McBride on behalf of Defendants Francis Britten, Mary Carmichael, Harold Clarke, Randy Cole, Mike Kenney, Douglas Sell (McBride, Eileen) (Entered: 10/04/2004)
10/04/2004	<u>46</u>	BRIEF In Support of Motion to Dismiss <u>41</u> <i>Complaint</i> by Attorney Travis P. O'Gorman on behalf of Defendants Elizabeth Conley, Dave Thomas, Janssen Williams (O'Gorman, Travis) (Entered: 10/04/2004)
10/04/2004	<u>47</u>	BRIEF In Support Of Motion to Dismiss <u>45</u> by Attorney Eileen L. McBride on behalf of Defendants Francis Britten, Mary Carmichael, Harold Clarke, Randy Cole, Mike Kenney, Douglas Sell (McBride, Eileen) (Entered: 10/04/2004)
10/25/2004	<u>49</u>	MOTION to Extend time to respond to MOTION to Dismiss <u>45</u> filed by pro se Plaintiff Mohamed A. El-Tabech (JSF) (Entered: 10/26/2004)

10/26/2004	<u>48</u>	BRIEF In Opposition to Motion to Dismiss <u>45</u> on behalf of Plaintiff Mohamed A. El-Tabech (Attachments: # <u>1</u>)(TJS,) (Entered: 10/26/2004)
11/01/2004	<u>50</u>	MOTION for Temporary Restraining Order on behalf of Plaintiff Mohamed A. El-Tabech (ADB) (Entered: 11/02/2004)
11/03/2004	<u>52</u>	PARTIAL FILING fee paid on behalf of Mohamed A. El-Tabech on 11/3/2004. Receipt number 406346, in the amount of \$ 4.00. (GJG,) (Entered: 11/04/2004)
11/04/2004	<u>51</u>	MEMORANDUM AND ORDER – That <u>37</u> <u>39</u> , the plaintiff's motions for clerk's entry of default and default judgment, are denied. That <u>44</u> , the motion by defendants-Elizabeth Conley, Dave Thomas, and Janssen Williams for additional time to file their brief, is granted, and the brief(attachment to filing no. 44) is accepted for filing instanter. That <u>49</u> , the plaintiff's Motion for Enlargement of Time, is granted. That <u>50</u> , the plaintiff's Motion for a TRO, is denied, without prejudice to reassertion of the motion accompanied by a Certificate of Service demonstrating delivery of a copy of the motion by first-class mail to all defendants. Signed by Judge Joseph F. Bataillon on 11/4/2004. (JAE,) (Entered: 11/04/2004)
11/18/2004	<u>53</u>	BRIEF In Opposition to Motion to Dismiss <u>45</u> on behalf of Plaintiff Mohamed A. El-Tabech (Attachments: # <u>1</u> # <u>2</u>)(KBJ) (Entered: 11/19/2004)
11/18/2004	<u>54</u>	BRIEF In Opposition to Motion to Dismiss <u>45</u> on behalf of Plaintiff Mohamed A. El-Tabech (KBJ) (Entered: 11/19/2004)
11/24/2004	<u>55</u>	BRIEF In support of <i>Supplemental Brief in Support of Motion to Dismiss</i> by Attorney Eileen L. McBride on behalf of Defendants Francis Britten, Mary Carmichael, Harold Clarke, Randy Cole, Mike Kenney, Douglas Sell (McBride, Eileen) (Entered: 11/24/2004)
11/30/2004	<u>56</u>	RENEWED MOTION for Default Judgment against Paul Church on behalf of Plaintiff Mohamed A. El-Tabech.(ADB) (Entered: 12/01/2004)
12/14/2004	<u>57</u>	MOTION to Strike Defendants' Supplemental Brief <u>55</u> in support of Motion to Dismiss, on behalf of Plaintiff Mohamed A. El-Tabech (JAE,) (Entered: 12/14/2004)
03/07/2005	<u>58</u>	PARTIAL FILING fee paid on behalf of Mohamed El-Tabech on 3/7/2005. Receipt number 406677, in the amount of \$8.00. (GJG,) (Entered: 03/07/2005)
05/31/2005	<u>59</u>	MOTION for Preliminary Injunction and MOTION for Temporary Restraining Order on behalf of Plaintiff Mohamed A. El-Tabech.(ADB) (Entered: 06/01/2005)
05/31/2005	<u>60</u>	MOTION to Substitute Party Robert P. Houston for Harold Clarke on behalf of Plaintiff Mohamed A. El-Tabech.(ADB) (Entered: 06/01/2005)
06/02/2005	<u>61</u>	MEMORANDUM AND ORDER – That the Plaintiff's Motion to Substitute Party <u>60</u> is granted. Mr. Robert Houston added. By 6/30/05, the defendants shall respond to the plaintiff's Motion for Preliminary Injunction, and Motion for TRO <u>59</u> . By 7/15/05, unless a timely motion for extension of time is granted, the plaintiff may reply to the defendants' response. Signed by Judge Joseph F. Bataillon on 6/2/2005. (KBJ) Modified on 6/3/2005 to edit the text to reflect that Mr. Harold Clarke is a party. There was not a substitution of Mr. Clarke for Mr. Houston; but an addition of Mr. Robert Houston (KBJ). (Entered: 06/02/2005)
06/03/2005		Remark – Public: Mr. Harold Clarke is NOT terminated as a party; Mr. Robert Houston is added. There is no substitution of parties per JLG and the Memorandum and Order <u>61</u> (KBJ) (Entered: 06/03/2005)
06/03/2005		NOTICE of Docket Text Modification by Deputy Clerk regarding <u>61</u> MEMORANDUM AND ORDER – That the Plaintiff's Motion to Substitute Party <u>60</u> is granted. Mr. Robert Houston added. By 6/30/05, the defendants shall respond to the plaintiff's Motion for Preliminary Injunction, and Motion for TRO <u>59</u> . By 7/15/05, unless a timely motion for extension of time is granted, the plaintiff may reply to the defendants' response. Signed by Judge Joseph F. Bataillon on 6/2/2005. (KBJ) Modified on 6/3/2005 to edit the text to reflect that Mr. Harold Clarke is a party. There was not a substitution of Mr. Clarke for Mr. Houston; but an addition of Mr. Robert

		Houston (KBJ). (Entered: 06/03/2005)
06/08/2005	<u>62</u>	NOTICE of Appearance <i>Joint Motion to Withdraw and Entry of Appearance</i> by Attorney Eileen L. McBride on behalf of Defendants Douglas Sell, Mary Carmichael, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole (McBride, Eileen) (Entered: 06/08/2005)
06/08/2005	<u>63</u>	ORDER regarding Notice of Appearance <u>62</u> . The withdrawal of the appearance by Defendant's attorney Eileen L. McBride is approved and the entry of appearance by Timothy P. Sullivan on behalf of Defendants is recognized and approved. Attorney Timothy P. Sullivan added for Harold Clarke; Mike Kenney; Francis Britten; Randy Cole; Douglas Sell and Mary Carmichael. Attorney Eileen L. McBride terminated. Signed by Magistrate Judge F. A. Gossett on 6/8/2005. (JAR) (Entered: 06/08/2005)
06/30/2005	<u>64</u>	RESPONSE <i>Defendants' Brief in Response to Plaintiff's Motion for a Preliminary Injunction and Temporary Restraining Order</i> by Attorney Timothy P. Sullivan on behalf of Defendants Douglas Sell, Mary Carmichael, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole (Sullivan, Timothy) (Entered: 06/30/2005)
06/30/2005	<u>65</u>	OBJECTION TO PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION AND A TEMPORARY RESTRAINING ORDER by Attorney Travis P. O'Gorman on behalf of Defendants Elizabeth Conley, Janssen Williams, Dave Thomas (O'Gorman, Travis) (Entered: 06/30/2005)
07/15/2005	<u>66</u>	REPLY to Defendants' Response <u>64</u> filed by pro se Plaintiff Mohamed A. El-Tabech (JSF) (Entered: 07/18/2005)
07/22/2005	<u>67</u>	MOTION to Depose a Person Confined in Prison by Attorney Travis P. O'Gorman on behalf of Defendants Douglas Sell, Mary Carmichael, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole, Elizabeth Conley, Janssen Williams, Dave Thomas (O'Gorman, Travis) (Entered: 07/22/2005)
07/25/2005	<u>68</u>	ORDER granting <u>67</u> Motion to depose a person confined in prison. Defendants are granted leave of court to take the deposition of the plaintiff Mohamed A. El Tabech on 8/16/05 at 1:00 p.m. Signed by Magistrate Judge F. A. Gossett on 7/25/2005. (JSF) (Entered: 07/25/2005)
07/28/2005	<u>69</u>	OBJECTION to motion to depose a person confined in prison, on behalf of Plaintiff Mohamed A. El-Tabech. Postmark on envelope – 7/27/05. (JAE,) (Entered: 07/29/2005)
08/04/2005	<u>70</u>	PARTIAL PRISONER FILING fee paid on behalf of Mohamed A. El-Tabech on 8/4/2005. Receipt number 407090, in the amount of \$ 20.00. (GJG,) (Entered: 08/04/2005)
08/08/2005	<u>71</u>	OBJECTION to Order <u>68</u> on behalf of Plaintiff Mohamed A. El-Tabech. (ADB) (Entered: 08/22/2005)
08/31/2005	<u>72</u>	MEMORANDUM AND ORDER – The Motion to Dismiss <u>41</u> filed by defendants–Elizabeth Conley, M.D., Janssen Williams, M.D. and Dave Thomas (collectively "medical defendants"), is granted, and those defendants are dismissed from this litigation; the plaintiff's claims arising under the federal civil rights laws against defendants–Conley, Williams and Thomas are dismissed with prejudice; any claims arising under state law against those defendants are dismissed without prejudice. The Motion to Dismiss <u>45</u> filed by defendants–Francis Britten, Mary Carmichael, Harold W. Clarke, Randy Cole, Michael Kenney and Douglas Sell (collectively "DCS defendants"), is granted in part and denied in part as set forth in this Memorandum and Order. The plaintiff's Motion for Default Judgment against Defendant Paul Church <u>56</u> is denied. The plaintiff's Motion to Strike Defendants' Supplemental Brief <u>57</u> is denied, and leave to file the brief is granted nunc pro tunc. The plaintiff's Motion for a Preliminary Injunction <u>59</u> is denied. The Objection to Motion for Preliminary Injunction <u>65</u> filed by the medical defendants is granted insofar as the objection is consistent with this Memorandum and Order. The plaintiff's Objection to Motion to Depose a Confined Person <u>69</u> is denied. The plaintiff's Objection to Order granting the Motion to Depose a Confined Person <u>71</u> is denied. Magistrate Judge Gossett is requested to enter an Order Setting a Schedule for the Progression of this case. Signed by Judge Joseph F. Bataillon on 8/31/2005. (KBJ)

		(Entered: 09/01/2005)
09/01/2005	<u>73</u>	ORDER SETTING SCHEDULE FOR PROGRESSION OF CASE – The Deposition deadline is set for 3/15/06; Pretrial Conference will be handled in writing and Mr. Timothy P. Sullivan shall submit the proposed order of Final Pretrial Conference to the court by no later than 9/29/06. Trial will be set by further order of the court. The plaintiff shall keep the court informed of the plaintiff's address at all times while this case is pending. Signed by Magistrate Judge F. A. Gossett on 9/1/2005. (KBJ) (Entered: 09/01/2005)
09/08/2005	<u>74</u>	MOTION to Appoint Counsel on behalf of Plaintiff Mohamed A. El-Tabech(TJS) (Entered: 09/09/2005)
09/08/2005	<u>75</u>	MOTION to Certify Class on behalf of Plaintiff Mohamed A. El-Tabech(TJS,) (Entered: 09/09/2005)
09/08/2005	<u>76</u>	MOTION for Reconsideration regarding Memorandum and Order <u>72</u> on behalf of Plaintiff Mohamed A. El-Tabech(TJS) (Entered: 09/09/2005)
09/08/2005	<u>79</u>	MOTION to Progress on behalf of Plaintiff Mohamed A. El-Tabech.(ADB) Modified on 10/4/2005. When viewing the original document with the PDF header option turned on, the header appears in the middle of the document. Resaved and attached new PDF on 10/04/05(AST). (Entered: 09/13/2005)
09/09/2005	<u>77</u>	BRIEF Motion to Appoint Counsel <u>74</u> <i>Brief in Response to Plaintiff's Motion for Appointment of Counsel</i> by Attorney Timothy P. Sullivan on behalf of Defendants Douglas Sell, Mary Carmichael, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole(Sullivan, Timothy) (Entered: 09/09/2005)
09/12/2005	<u>78</u>	PARTIAL PRISONER FILING fee paid on behalf of Mohamed A. El-Tabech on 9/12/2005. Receipt number 407205, in the amount of \$ 10.00. (GJG,) (Entered: 09/13/2005)
09/14/2005	<u>80</u>	MOTION for Temporary Restraining Order and for a Preliminary Injunction, on behalf of Plaintiff Mohamed A. El-Tabech. Postmark on envelope – 9/13/05. (Attachments: # <u>1</u>)(JAE,) Modified on 10/5/2005, When viewing the original document with the PDF header option turned on, the header appears in the middle of the document. Resaved and attached new PDF on 10/05/05. (AST) (Entered: 09/15/2005)
09/14/2005	<u>81</u>	AFFIDAVIT of Mohamed A. El-Tabech regarding MOTION for Temporary Restraining Order and for a Preliminary Injunction <u>80</u> on behalf of Plaintiff Mohamed A. El-Tabech(JAE,) Modified on 10/5/2005, When viewing the original document with the PDF header option turned on, the header appears in the middle of the document. Resaved and attached new PDF on 10/05/05. (AST) (Entered: 09/15/2005)
09/15/2005	<u>82</u>	ANSWER to Complaint by Attorney Timothy P. Sullivan on behalf of Defendants Douglas Sell, Mary Carmichael, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole(Sullivan, Timothy) (Entered: 09/15/2005)
09/23/2005	<u>83</u>	ORDER denying <u>74</u> Motion to Appoint Counsel. Signed by Magistrate Judge F. A. Gossett on 9/23/2005. (ADB) (Entered: 09/26/2005)
09/29/2005	<u>84</u>	BRIEF In Opposition to <i>Defendants' Brief in Opposition to Plaintiff's Motion for Class Certification</i> by Attorney Timothy P. Sullivan on behalf of Defendants Douglas Sell, Mary Carmichael, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole(Sullivan, Timothy) (Entered: 09/29/2005)
09/30/2005	<u>85</u>	BRIEF <i>Defendants' Brief in Response to Plaintiff's Motion for a Preliminary Injunction and Temporary Restraining Order</i> by Attorney Timothy P. Sullivan on behalf of Defendants Douglas Sell, Mary Carmichael, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole(Sullivan, Timothy) (Entered: 09/30/2005)
09/30/2005	<u>86</u>	INDEX In support of <i>Index of Evidence in Support of Defendants' Brief in Response to Plaintiff's Motion for a Preliminary Injunction and Temporary Restraining Order</i> by Attorney Timothy P. Sullivan on behalf of Defendants Douglas Sell, Mary Carmichael, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole (Attachments: # <u>1</u> Exhibit 1)(Sullivan, Timothy) (Entered: 09/30/2005)

10/04/2005		NOTICE of Docket Text Modification by Deputy Clerk regarding <u>79</u> MOTION to Progress on behalf of Plaintiff Mohamed A. El-Tabech.(ADB) Modified on 10/4/2005. When viewing the original document with the PDF header option turned on, the header appears in the middle of the document. Resaved and attached new PDF on 10/04/05(AST). (Entered: 09/13/2005) (Entered: 10/04/2005)
10/05/2005		NOTICE of Docket Text Modification by Deputy Clerk regarding <u>80</u> MOTION for Temporary Restraining Order and for a Preliminary Injunction, on behalf of Plaintiff Mohamed A. El-Tabech. Postmark on envelope – 9/13/05. (Attachments: # 1)(JAE,) Modified on 10/5/2005, When viewing the original document with the PDF header option turned on, the header appears in the middle of the document. Resaved and attached new PDF on 10/05/05. (AST) (Entered: 09/15/2005) (Entered: 10/05/2005)
10/05/2005		NOTICE of Docket Text Modification by Deputy Clerk regarding <u>81</u> AFFIDAVIT of Mohamed A. El-Tabech regarding MOTION for Temporary Restraining Order and for a Preliminary Injunction <u>80</u> on behalf of Plaintiff Mohamed A. El-Tabech(JAE,) Modified on 10/5/2005, When viewing the original document with the PDF header option turned on, the header appears in the middle of the document. Resaved and attached new PDF on 10/05/05. (AST) (Entered: 09/15/2005) (Entered: 10/05/2005)
10/12/2005	<u>87</u>	BRIEF in reply to Defendants Brief in Response to Plaintiff's Motion for a Preliminary Injunction and Temporary Restraining Order, <u>85</u> on behalf of Plaintiff Mohamed A. El-Tabech(PCV,) (Entered: 10/12/2005)
10/12/2005	<u>88</u>	INDEX of Evidence in Support of Plaintiff's Brief in Response to Plaintiff's Motion for a Preliminary Injunction and Temporary Restraining Order <u>87</u> on behalf of Plaintiff Mohamed A. El-Tabech(PCV,) (Entered: 10/12/2005)
10/12/2005	<u>89</u>	AFFIDAVIT of Mohamed A. El-Tabech on behalf of Plaintiff Mohamed A. El-Tabech(PCV,) (Entered: 10/12/2005)
01/10/2006	<u>90</u>	PARTIAL FILING fee paid on behalf of Mohamed A. El-Tabech on 1/10/2006. Receipt number 407607, in the amount of \$ 6.00. (JAR) (Entered: 01/10/2006)
01/19/2006	<u>91</u>	MOTION to Withdraw as Attorney <i>Motion to Withdraw and Entry of Appearance</i> by Attorney Kimberley R. Taylor-Riley on behalf of Defendants Douglas Sell, Mary Carmichael, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole(Taylor-Riley, Kimberley) (Entered: 01/19/2006)
01/19/2006	<u>92</u>	ORDER – The Motion to withdrawal as attorney <u>91</u> filed by Timothy Sullivan is granted; the entry of appearance by Kimberley Taylor-Riley, on behalf of defendants is recognized and approved. Signed by Magistrate Judge F. A. Gossett on 1/19/2006. (KBJ) (Entered: 01/19/2006)
02/13/2006	<u>93</u>	MOTION for ruling regarding MOTION to Certify Class <u>75</u> , and MOTION for Reconsideration <u>76</u> filed by Plaintiff Mohamed A. El-Tabech(KBJ) (Entered: 02/24/2006)
02/27/2006	<u>94</u>	MOTION to Withdraw as Attorney <i>Joint Motion to Withdraw and Entry of Appearance</i> by Attorney Kimberley R. Taylor-Riley on behalf of Defendants Douglas Sell, Mary Carmichael, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole(Taylor-Riley, Kimberley) (Entered: 02/27/2006)
02/28/2006	<u>95</u>	ORDER granting <u>94</u> Defendants' attorney Kimberley Taylor-Riley's Motion to Withdraw as Attorney. The entry of appearance by David M. Handley on behalf of the defendants is recognized and approved. Signed by Magistrate Judge F. A. Gossett on 2/28/2006. (JSF) (Entered: 02/28/2006)
03/13/2006	<u>96</u>	NOTICE of Appearance by Attorney Marnie A. Jensen on behalf of Plaintiff Mohamed A. El-Tabech (Jensen, Marnie) (Entered: 03/13/2006)
03/13/2006	<u>97</u>	NOTICE of Appearance by Attorney V. Gene Summerlin, Jr on behalf of Plaintiff Mohamed A. El-Tabech (Summerlin, V.) (Entered: 03/13/2006)
03/15/2006	<u>98</u>	MOTION to Extend <i>All Dates in Order Setting Schedule for Progression of Case</i> by Attorney Marnie A. Jensen on behalf of Plaintiff Mohamed A. El-Tabech(Jensen, Marnie) (Entered: 03/15/2006)

03/16/2006	<u>99</u>	OBJECTION <i>TO PLAINTIFF'S MOTION TO EXTEND ALL DATES IN ORDER SETTING SCHEDULE FOR PROGRESSION OF CASE</i> by Attorney David M. Handley on behalf of Defendants Douglas Sell, Mary Carmichael, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole(Handley, David) (Entered: 03/16/2006)
04/14/2006		PARTIAL FILING fee paid on behalf of Mohamed El-Tabech on 4/14/2006. Receipt number 4-208, in the amount of \$ 10.00. THIS IS A TEXT ONLY ENTRY. A PDF DOCUMENT IS NOT ATTACHED TO THIS ENTRY. (JAR) (Entered: 04/14/2006)
05/01/2006	<u>100</u>	MOTION for Leave <i>To File Amended Complaint</i> by Attorney Marnie A. Jensen on behalf of Plaintiff Mohamed A. El-Tabech (Attachments: # <u>1</u>)(Jensen, Marnie) (Entered: 05/01/2006)
05/01/2006	<u>101</u>	BRIEF Support of MOTION for Leave <i>To File Amended Complaint</i> <u>100</u> by Attorney Marnie A. Jensen on behalf of Plaintiff Mohamed A. El-Tabech(Jensen, Marnie) (Entered: 05/01/2006)
05/08/2006	<u>102</u>	OBJECTION <i>to Plaintiff's Motion to Amend Complaint and Add Parties</i> by Attorney David M. Handley on behalf of Defendants Douglas Sell, Mary Carmichael, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole(Handley, David) (Entered: 05/08/2006)
05/26/2006	<u>103</u>	MOTION for Protective Order <i>and Return of Privileged Materials</i> by Attorney Marnie A. Jensen on behalf of Plaintiff Mohamed A. El-Tabech(Jensen, Marnie) (Entered: 05/26/2006)
05/26/2006	<u>104</u>	BRIEF In Support of MOTION for Protective Order <i>and Return of Privileged Materials</i> <u>103</u> by Attorney Marnie A. Jensen on behalf of Plaintiff Mohamed A. El-Tabech(Jensen, Marnie) (Entered: 05/26/2006)
05/26/2006	<u>105</u>	INDEX In Support of MOTION for Protective Order <i>and Return of Privileged Materials</i> <u>103</u> by Attorney Marnie A. Jensen on behalf of Plaintiff Mohamed A. El-Tabech (Attachments: # <u>1</u> Exhibit 1-3)(Jensen, Marnie) (Entered: 05/26/2006)
06/06/2006	<u>107</u>	ORDER denying <u>75</u> Motion to Certify Class; granting in part and denying in part <u>76</u> Motion for Reconsideration, i.e., the plaintiff's due process claim is reinstated but his claims against Conley, Williams, and Thomas are not; granting <u>79</u> Motion to Progress; denying <u>80</u> Motion for TRO and Preliminary Injunction; granting <u>93</u> Motion for Ruling; granting <u>98</u> Motion to Extend dates and directing Magistrate Judge Gossett to issue an amended progresion order; denying Motion <u>99</u> to extend dates in the progression order; granting Motion <u>100</u> for leave to file an amended complaint, accepting for filing instanter the amended complaint attached to <u>100</u> , but directing plaintiff to file the amended complaint as a new filing, separate from <u>100</u> ; and denying <u>102</u> defendants' Objection to motion to amend complaint. Signed by Judge Joseph F. Bataillon on 6/6/2006. (MTB,) (Entered: 06/07/2006)
06/07/2006	<u>106</u>	STRICKEN – MOTION for Extension of Time to File Answer <i>Motion for Enlargement of Time to File a Response</i> by Attorney David M. Handley on behalf of Defendants Douglas Sell, Mary Carmichael, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole(Handley, David) Modified on 6/8/2006 to add "stricken" text pursuant to Order <u>8</u> . (JAR) (Entered: 06/07/2006)
06/08/2006	108	STRIKE ORDER that Pursuant to General Order Number 2006-01, the Motion for Extension of Time to File Answer, <u>106</u> is stricken for the following reason: incomplete document. Party is directed to re-file the document. THIS IS A TEXT ONLY ENTRY. A PDF DOCUMENT IS NOT ATTACHED TO THIS ENTRY. Signed by Deputy Clerk on 6/8/2006. (JAR) (Entered: 06/08/2006)
06/08/2006	<u>109</u>	MOTION for Extension of Time to File Answer <i>Motion for Enlargement of Time to File a Response</i> by Attorney David M. Handley on behalf of Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole(Handley, David) (Entered: 06/08/2006)
06/08/2006		PARTIAL FILING fee paid on behalf of Mohamed El-Tabech on 6/8/2006. Receipt number 4-364, in the amount of \$ 30.00. THIS IS A TEXT ONLY ENTRY. A PDF DOCUMENT IS NOT ATTACHED TO THIS ENTRY. (JAR) (Entered: 06/08/2006)

06/09/2006	<u>110</u>	AMENDED COMPLAINT against Defendant all defendants, by Attorney Marnie A. Jensen on behalf of Mohamed A. El-Tabech(Jensen, Marnie) (Entered: 06/09/2006)
06/12/2006	<u>111</u>	MEMORANDUM AND ORDER – The Motion for an Extension of Time <u>109</u> to respond to the Motion for a Protective Order <u>103</u> is granted insofar as the defendants shall have the requested extension of time until June 22, 2006 to respond. Instead of the requested in camera hearing, however, I direct the parties' attorneys to find some realistic and reasonable solution to the problem of identifying the plaintiff's attorney-client privileged material for whatever level of protection such material is to be afforded in future searches of the plaintiff's cell. Signed by Magistrate Judge F. A. Gossett on 6/12/2006. (KBJ) (Entered: 06/12/2006)
06/12/2006	<u>112</u>	MOTION to Extend <i>Motion for Enlargement of Time to File Amended Answer</i> by Attorney David M. Handley on behalf of Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole(Handley, David) (Entered: 06/12/2006)
06/13/2006	<u>113</u>	ORDER denying <u>112</u> Motion to Extend. Signed by Magistrate Judge F. A. Gossett on 6/13/2006. (ADB) (Entered: 06/13/2006)
06/22/2006	<u>114</u>	RESPONSE regarding MOTION for Protective Order <i>and Return of Privileged Materials</i> <u>103</u> <i>Response to Motion for Return of Privileged Materials and for Protective Order</i> by Attorney David M. Handley on behalf of Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole(Handley, David) (Entered: 06/22/2006)
06/22/2006	<u>115</u>	INDEX in Support of Defendants' Response to Motion for Return of Privileged Materials and for Protective Order Response, <u>114</u> by Attorney David M. Handley on behalf of Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole (Attachments: # <u>1</u> Exhibit 1 # <u>2</u> Exhibit 2 # <u>3</u> Exhibit 3 # <u>4</u> Exhibit 4 # <u>5</u> Exhibit 5 # <u>6</u> Exhibit 6 # <u>7</u> Exhibit 7 # <u>8</u> Exhibit 8 # <u>9</u> Exhibit 9 # <u>10</u> Exhibit 10 # <u>11</u> Exhibit 11 # <u>12</u> Exhibit 12 # <u>13</u> Exhibit 13 # <u>14</u> Exhibit 14 # <u>15</u> Exhibit 15 # <u>16</u> Exhibit 16 # <u>17</u> Exhibit 17)(Handley, David) (Entered: 06/22/2006)
06/29/2006	<u>116</u>	ANSWER to Amended Complaint <i>Answer to the Amended Complaint</i> by Attorney David M. Handley on behalf of Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole Amended Complaint <u>110</u> filed by Mohamed A. El-Tabech, (Handley, David) (Entered: 06/29/2006)
06/30/2006	<u>117</u>	INDEX in Support of Index., <u>115</u> <i>Supplemental Evidence Index in Support of Defendants' Response to Motion for Return of Privileged Materials and for Protective Order</i> by Attorney David M. Handley on behalf of Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole (Attachments: # <u>1</u> Exhibit 18 # <u>2</u> Exhibit 19 # <u>3</u> Exhibit 20 # <u>4</u> Exhibit 21)(Handley, David) (Entered: 06/30/2006)
07/11/2006	<u>118</u>	ORDER SETTING SCHEDULE FOR PROGRESSION OF A CIVIL CASE – Depositions due 9/28/06. Planning Conference set for 9/28/2006 at 09:30 AM in Chambers before the undersigned Magistrate Judge. Trial in this matter will be set by

		further order of the court. Signed by Magistrate Judge F. A. Gossett on 7/11/2006. (KBJ) Modified on 7/12/2006 to edit text (KBJ). (Entered: 07/11/2006)
08/28/2006	<u>119</u>	Joint MOTION to Extend <i>Dates in Order Setting Schedule for Progression of Case</i> by Attorney Marnie A. Jensen on behalf of Plaintiff Mohamed A. El-Tabech(Jensen, Marnie) (Entered: 08/28/2006)
09/25/2006	<u>120</u>	SECOND AMENDED ORDER SETTING SCHEDULE FOR PROGRESSION OF CASE; granting <u>119</u> Motion to Extend; deposition deadline December 27, 2006; pretrial conference set for May 3, 2007 at 10:00a.m.; non-jury trial set for May 21, 2007 at 8:30a.m. Ordered Magistrate by Judge F. A. Gossett.(PCV,) (Entered: 09/25/2006)
09/27/2006	<u>121</u>	STIPULATION by Attorney David M. Handley on behalf of Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole(Handley, David) (Entered: 09/27/2006)
09/28/2006	<u>122</u>	ORDER – Pursuant to the Stipulation <u>121</u> ; The files of the State of Nebraska Department of Correctional Services (DCS) concerning Mohamed A. El-Tabech, #36752 and maintained pursuant to Neb. Rev. Stat. 83-178 (1994), be made available for inspection by Gene Summerlin, Marnie Jensen, and Justin Firestone, Attorneys at Law, of Ogborn, Summerlin & Ogborn, P.C., under the following conditions set forth in this Order. The entry into this Stipulation by the parties in no way relieves either party from complying with the Federal Rules of Civil Procedure. Ordered by Magistrate Judge F. A. Gossett. (KBJ) (Entered: 09/28/2006)
10/02/2006		PARTIAL PRISONER FILING fee paid on behalf of Mohamed El-Tabech on 10/2/2006. Receipt number 4-735, in the amount of \$ 11.00. THIS IS A TEXT ONLY ENTRY. A PDF DOCUMENT IS NOT ATTACHED TO THIS ENTRY. (GJG,) (Entered: 10/03/2006)
10/06/2006	<u>123</u>	Certificate of Service by Attorney David M. Handley on behalf of Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole(Handley, David) (Entered: 10/06/2006)
11/08/2006	<u>124</u>	Certificate of Serving Defendants' First Set of Interrogatories to Plaintiff by Attorney David M. Handley on behalf of Defendant Harold Clarke(Handley, David) (Entered: 11/08/2006)
11/08/2006	<u>125</u>	Certificate of Serving Defendants' First Set of Requests for Production by Attorney David M. Handley on behalf of Defendant Harold Clarke(Handley, David) (Entered: 11/08/2006)
11/09/2006		PARTIAL FILING fee paid on behalf of Mohamed El-Tabech on 11/9/06. Receipt number 4-863, in the amount of \$ 4.00. THIS IS A TEXT ONLY ENTRY. A PDF DOCUMENT IS NOT ATTACHED TO THIS ENTRY. (JAE,) (Entered: 11/13/2006)
11/16/2006	<u>126</u>	MOTION to Withdraw as Attorney <i>Joint Motion to Withdraw and Entry of Appearance</i> by Attorney David M. Handley on behalf of Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole(Handley, David) (Entered: 11/16/2006)
11/17/2006	<u>127</u>	Mail Returned as Undeliverable addressed to David Handley regarding MOTION to Withdraw as Attorney Joint Motion to Withdraw and Entry of Appearance <u>126</u> . Attorney no longer at firm. E-mail not resent. Notice has been turned off.(KMG) (Entered: 11/17/2006)
11/29/2006	<u>128</u>	MEMORANDUM AND ORDER – The Plaintiff's Motion for Protective Order and Return of Privileged Materials <u>103</u> is denied as moot for the reason set forth in this Order. Ordered by Magistrate Judge F. A. Gossett. (KBJ) (Entered: 11/29/2006)
11/29/2006	<u>129</u>	TEXT ORDER – granting <u>126</u> Motion to Withdraw as Attorney and Entry of Appearance by Attorney David M. Handley on behalf of Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole. Attorney Linda L. Willard for defendants added. Attorney David M. Handley terminated. Ordered by Magistrate Judge F.A. Gossett. (KBJ) (Entered: 11/29/2006)

12/08/2006	<u>130</u>	Joint MOTION to Extend <i>Dates in Order Setting Schedule for Progression of Case</i> by Attorney Marnie A. Jensen on behalf of Plaintiff Mohamed A. El-Tabech(Jensen, Marnie) (Entered: 12/08/2006)
12/15/2006	<u>131</u>	NOTICE of Appearance of <i>Justin Firestone</i> by Attorney V. Gene Summerlin, Jr on behalf of Plaintiff Mohamed A. El-Tabech (Summerlin, V.) (Entered: 12/15/2006)
12/15/2006	<u>132</u>	NOTICE of <i>Serving Discovery Responses</i> by Attorney V. Gene Summerlin, Jr on behalf of Plaintiff Mohamed A. El-Tabech (Summerlin, V.) (Entered: 12/15/2006)
12/18/2006	<u>133</u>	ORDER granting in part and denying in part Motion to Extend Dates <u>130</u> of the Second Amended Progression Order <u>120</u> . Trial shall remain as scheduled. All other dates will be rescheduled as set forth in this Order. Ordered by Magistrate Judge F. A. Gossett. (KBJ) (Entered: 12/19/2006)
12/21/2006	<u>134</u>	Joint MOTION to Withdraw as Attorney <i>and Entry of Appearance</i> by Attorney Matthew A. Works on behalf of Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole(Works, Matthew) (Entered: 12/21/2006)
12/27/2006	135	TEXT ORDER granting <u>134</u> Motion to Withdraw as Attorney and Entry of Appearance. Ordered by Magistrate Judge F. A. Gossett.(JSF) (Entered: 12/27/2006)
12/28/2006	136	TEXT MINUTE ENTRY for in chambers proceedings held on 12/28/2006 before Judge F.A. Gossett. Counsel for the parties, M. Jensen and M.Works, appeared telephonically. Status of case reviewed. Parties to submit a proposed order. (ARL,) (Entered: 12/28/2006)
12/28/2006	<u>137</u>	Joint MOTION to Extend <i>Dates</i> by Attorney Marnie A. Jensen on behalf of Plaintiff Mohamed A. El-Tabech(Jensen, Marnie) (Entered: 12/28/2006)
12/29/2006		TEXT ENTRY THAT A PARTIAL FILING fee paid on behalf of Mohamed El-Tabech on 12/29/2006. Receipt number 4-992, in the amount of \$ 20.00. (GJG,) (Entered: 12/29/2006)
12/29/2006	<u>138</u>	ORDER granting <u>137</u> Motion to Extend. All fact depositions shall be completed by March 16, 2007. The Final Pretrial Conference is set for Thursday, May 3, 2007 at 10:00 a.m., in2chambers, Suite 2210, Roman L. Hruska United States Courthouse, 111 South 18th Plaza,Omaha, Nebraska. A Non-Jury trial is set to commence at 8:30 a.m. on Monday, May 21, 2007, in Omaha,Nebraska, before the Honorable Joseph F. Bataillon, Chief Judge. Ordered by Magistrate Judge F. A. Gossett.(ADB) (Entered: 01/03/2007)
01/09/2007	<u>139</u>	Certificate of <i>Service</i> by Attorney Matthew A. Works on behalf of Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole(Works, Matthew) (Entered: 01/09/2007)
01/11/2007		TEXT ENTRY THAT PARTIAL FILING fee paid on behalf of Mohamed El-Tabech on 1/11/2007. Receipt number 4-1056, in the amount of \$ 8.00. (JAR) (Entered: 01/11/2007)
02/15/2007	<u>140</u>	Certificate of <i>Service</i> by Attorney Matthew A. Works on behalf of Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole(Works, Matthew) (Entered: 02/15/2007)
02/21/2007		TEXT ENTRY THAT PARTIAL FILING fee paid on behalf of Mohamed El-Tabech on 2/21/2007. Receipt number 4-1146, in the amount of \$ 10.43. (JAR) (Entered: 02/22/2007)
02/22/2007	<u>141</u>	NOTICE to Take Deposition of Steve Vodicka <i>Randy Cole, Francis Britten, Frank Hopkins, Douglas Sell, Robert Houston & Mary Carmichael</i> by Attorney Marnie A. Jensen on behalf of Plaintiff Mohamed A. El-Tabech (Jensen, Marnie) (Entered: 02/22/2007)
02/27/2007	<u>142</u>	NOTICE to Take Deposition of Harold Clarke <i>and Mike Kenney</i> by Attorney Marnie A. Jensen on behalf of Plaintiff Mohamed A. El-Tabech (Jensen, Marnie) (Entered: 02/27/2007)

03/13/2007	<u>143</u>	NOTICE to Take Deposition of Steve Vodicka by Attorney Marnie A. Jensen on behalf of Plaintiff Mohamed A. El-Tabech (Jensen, Marnie) (Entered: 03/13/2007)
03/16/2007	<u>144</u>	NOTICE re: depositions by Attorney Marnie A. Jensen. (MKR) (Entered: 03/16/2007)
03/27/2007	<u>145</u>	MOTION for Summary Judgment (<i>Partial Fourth Claim for Relief</i>) by Attorney Marnie A. Jensen on behalf of Plaintiff Mohamed A. El-Tabech.(Jensen, Marnie) (Entered: 03/27/2007)
03/27/2007	<u>146</u>	BRIEF in Support of MOTION for Summary Judgment (<i>Partial Fourth Claim for Relief 145</i>) by Attorney Marnie A. Jensen on behalf of Plaintiff Mohamed A. El-Tabech.(Jensen, Marnie) (Entered: 03/27/2007)
03/27/2007	<u>147</u>	INDEX in Support of MOTION for Summary Judgment (<i>Partial Fourth Claim for Relief 145 (Exhibits Filed Under Seal)</i>) by Attorney Marnie A. Jensen on behalf of Plaintiff Mohamed A. El-Tabech.(Jensen, Marnie) (Entered: 03/27/2007)
03/28/2007	<u>149</u>	Joint STIPULATION of <i>Facts</i> by Attorney Marnie A. Jensen on behalf of Plaintiff Mohamed A. El-Tabech.(Jensen, Marnie) (Entered: 03/28/2007)
03/30/2007	<u>150</u>	MOTION for Summary Judgment (<i>Partial First and Second Claims for Relief</i>) by Attorney Marnie A. Jensen on behalf of Plaintiff Mohamed A. El-Tabech.(Jensen, Marnie) (Entered: 03/30/2007)
03/30/2007	<u>151</u>	BRIEF In Support of MOTION for Summary Judgment (<i>Partial First and Second Claims for Relief 150</i>) by Attorney Marnie A. Jensen on behalf of Plaintiff Mohamed A. El-Tabech. (Attachments: # <u>1</u> Exhibit A)(Jensen, Marnie) (Entered: 03/30/2007)
03/30/2007	<u>152</u>	INDEX In Support of MOTION for Summary Judgment (<i>Partial First and Second Claims for Relief 150</i>) by Attorney Marnie A. Jensen on behalf of Plaintiff Mohamed A. El-Tabech.(Jensen, Marnie) (Entered: 03/30/2007)
04/13/2007	<u>156</u>	ORDER. On the court's own motion, the final pretrial conference is rescheduled to Wednesday, May 2, 2007 at 10:00 A.M., before Magistrate Judge David L. Piester in the chambers of the undersigned magistrate judge, Suite 2210, Roman L. Hruska U. S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska. Ordered by Judge F. A. Gossett. (ARL,) (Entered: 04/13/2007)
04/17/2007	<u>157</u>	LETTER to the parties regarding the Final Pretrial Conference on 5/2/2007 at 10:00 A.M., before Magistrate Judge David L. Piester. (ARL,) (Entered: 04/17/2007)
04/17/2007	<u>158</u>	BRIEF in support of <i>Defendants' Brief in Response to Plaintiff's Motion for Partial Summary Judgment: Fourth Claim for Relief</i> by Attorney Matthew A. Works on behalf of Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole.(Works, Matthew) (Entered: 04/17/2007)
04/19/2007	<u>159</u>	BRIEF In Opposition to MOTION for Summary Judgment (<i>Partial First and Second Claims for Relief 150 Defendants' Brief in Response to Plaintiff's Motion for Partial Summary Judgment: Fourth Claim for Relief</i>) by Attorney Matthew A. Works on behalf of Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole.(Works, Matthew) (Entered: 04/19/2007)
04/24/2007	<u>160</u>	REPLY BRIEF In Support Of MOTION for Summary Judgment (<i>Partial Fourth Claim for Relief 145</i>) by Attorney Marnie A. Jensen on behalf of Plaintiff Mohamed A. El-Tabech.(Jensen, Marnie) (Entered: 04/24/2007)
04/24/2007	<u>161</u>	MOTION to Withdraw as Attorney by Attorney Justin W. Firestone on behalf of Plaintiff Mohamed A. El-Tabech.(Firestone, Justin) (Entered: 04/24/2007)
04/24/2007	<u>162</u>	ORDER granting <u>161</u> Motion to Withdraw as Attorney; IT IS HEREBY ORDERED, that the appearance of Justin Firestone is withdrawn as counsel for the plaintiff. The court will cease further electronic notices to Mr. Firestone in this matter. Ordered by Magistrate Judge F. A. Gossett.(PCV,) (Entered: 04/24/2007)
04/26/2007	<u>163</u>	REPLY BRIEF In Support Of MOTION for Summary Judgment (<i>Partial First and Second Claims for Relief 150</i>) by Attorney Marnie A. Jensen on behalf of Plaintiff Mohamed A. El-Tabech.(Jensen, Marnie) (Entered: 04/26/2007)

04/26/2007	<u>164</u>	INDEX In Support Of MOTION for Summary Judgment (<i>Partial First and Second Claims for Relief 150 (SUPPLEMENTAL)</i>) by Attorney Marnie A. Jensen on behalf of Plaintiff Mohamed A. El-Tabech.(Jensen, Marnie) (Entered: 04/26/2007)
05/02/2007	<u>165</u>	PRETRIAL ORDER – estimated length of trial is 3 days; Non-Jury Trial set for 5/21/2007 09:00 AM in Courtroom 3 (Omaha) before Chief Judge Joseph F. Bataillon.Ordered by Magistrate Judge David L. Piester. (JAE,) (Entered: 05/02/2007)
05/10/2007	<u>166</u>	APPLICATION for Writ of Habeas Corpus Ad Testificandum by Attorney Marnie A. Jensen on behalf of Plaintiff Mohamed A. El-Tabech.(Jensen, Marnie) (Entered: 05/10/2007)
05/11/2007	<u>167</u>	ORDER granting <u>166</u> Application for Writ. IT IS HEREBY ORDERED as follows: (1) Defendants, or anyone in their control in the Nebraska Department of Correctional Services shall transport, or arrange for the transportation of, Plaintiff Mohamed A. El-Tabech to the Roman L. Hruska Federal Courthouse, Courtroom 3, on May 21, 2007 at 8:30 a.m., and each day thereafter as long as trial proceeds; (2) All costs of such transport shall be borne by Defendants. Ordered by Magistrate Judge David L. Piester. (Certified copies to USM)(JAR) (Entered: 05/11/2007)
05/11/2007		TEXT ENTRY THAT Writ of Habeas Corpus ad Testificandum Issued as to Mohamed A. El-Tabech. (JAR) (Entered: 05/11/2007)
05/16/2007	<u>168</u>	BRIEF in support of <i>Defendants' Trial Brief</i> by Attorney Matthew A. Works on behalf of Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole.(Works, Matthew) (Entered: 05/16/2007)
05/16/2007	<u>169</u>	NOTICE of Appearance by Attorney Theodore J. Lane on behalf of Plaintiff Mohamed A. El-Tabech (Lane, Theodore) (Entered: 05/16/2007)
05/16/2007	<u>170</u>	PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW by Attorney Marnie A. Jensen on behalf of Plaintiff Mohamed A. El-Tabech. (Jensen, Marnie) (Entered: 05/16/2007)
05/16/2007	<u>171</u>	BRIEF (<i>PRETRIAL</i>) by Attorney Marnie A. Jensen on behalf of Plaintiff Mohamed A. El-Tabech.(Jensen, Marnie) (Entered: 05/16/2007)
05/18/2007	<u>172</u>	MEMORANDUM AND ORDER denying <u>145</u> & <u>150</u> Motions for Summary Judgment. Summary judgment is granted in favor of the defendants on Claim IV, El-Tabechs Due Process Claim, as set forth herein. Trial will proceed on the remaining claims of the amended complaint, Claims I and II, pursuant to the terms of the pretrial order. Ordered by Judge Joseph F. Bataillon.(SMS,) (Entered: 05/18/2007)
05/21/2007	173	TEXT MINUTE ENTRY for Non-Jury Trial Proceedings held before Judge Joseph F. Bataillon in Omaha on 5/21/07. Opening Statements. Evidence by Plaintiff. Witness testimony on behalf of the plaintiff. Hearing held in Omaha. Courtroom Deputy: Kamala B. Jewett; Reporter: Allan Kuhlman; Appearance for Plaintiff: Ms. Marnie A. Jensen and Mr. Theodore J. Lane: Appearance for Defendant: Mr. Matthew Works ; Time Start: 9:15 am Time Stop: 4:30 pm for proceedings held before Judge Joseph F. Bataillon. (KBJ) (Entered: 05/21/2007)
05/22/2007	174	TEXT MINUTE ENTRY for Non-Jury Trial proceedings held before Judge Joseph F. Bataillon in Omaha on 5/22/07. Evidence by Plaintiff. Witness testimony on behalf of the plaintiff. Plaintiff rests. Defendant rests. Closing Arguments. Number of trial days with evidence-2. Hearing held in Omaha. Courtroom Deputy: Kamala B. Jewett; Reporter: Allan Kuhlman; Appearance for Plaintiff: Ms. Marnie A. Jensen and Mr. Theodore J. Lane: Appearance for Defendant: Mr. Matthew A. Works; Submitted. Written order forthcoming. Time Start: 9:15 am Time Stop: 12:25 pm (KBJ) (Entered: 05/22/2007)
05/22/2007	<u>175</u>	WITNESS LIST from Non-Jury Trial held On May 21-22, 2007. (KBJ) (Entered: 05/24/2007)
05/22/2007	<u>176</u>	EXHIBIT LIST from Trial hearing held on 5/21/07-5/22/07. (KBJ) (Entered: 06/01/2007)
07/03/2007	<u>177</u>	GENERAL ORDER 2007-09 concerning the management of pro se cases including supervision of pro se staff attorneys. Except for motions filed under 28 U.S.C. § 2255 and except for death penalty cases, Judge Kopf is assigned the overall responsibility

		for the management of pro se cases in the District of Nebraska and all previously filed pro se cases referred to Magistrate Judge Gossett or Magistrate Judge Thalken are herewith reassigned to Magistrate Judge Piester. The clerk's office shall file this order in each pending case referred to the Pro Se Docket in CM/ECF. Ordered by Judge Joseph F. Bataillon. (JSF) (Entered: 07/03/2007)
07/06/2007	178	TEXT ORDER The plaintiff is now represented by counsel. At the direction of the Court, this case is removed from the pro se docket. Magistrate Judge Thalken is now assigned to this case based upon the current pairing system for civil cases. This order does not change the assignment of the district judge. Ordered by Judge Richard G. Kopf. (DKM,) (Entered: 07/06/2007)
07/17/2007	<u>179</u>	MEMORANDUM AND ORDER – IT IS ORDERED that 1. Judgment will be entered for the plaintiff against the defendants on plaintiff's amended complaint (Filing No. 110) as set forth herein; 2. The parties are ordered to submit their negotiation results to this court within sixty (60) days as set forth herein; and 3. A separate judgment will be filed on this date in accordance with this Memorandum and Order. Ordered by Judge Joseph F. Bataillon. (KBJ) (Entered: 07/17/2007)
07/17/2007	<u>180</u>	JUDGMENT – Pursuant to the Memorandum and Order <u>179</u> entered on this date, judgment is entered in favor of the plaintiff and against the defendants. Civil Case Terminated. Ordered by Judge Joseph F. Bataillon. (KBJ) (Entered: 07/17/2007)
07/23/2007	<u>181</u>	Joint MOTION for Attorney Fees <i>Deadline Extension</i> by Attorney Theodore J. Lane on behalf of Plaintiff Mohamed A. El-Tabech.(Lane, Theodore) (Entered: 07/23/2007)
07/24/2007	<u>182</u>	ORDER – IT IS HEREBY ORDERED as follows: Negotiations between the Parties to determine the kosher dietary option(s) that will be instituted by Nebraska Department of Correctional Services shall conclude within 60 days of the entry of judgment. The Parties will report the result of these negotiations to the Court on or before September 14, 2007. The Plaintiff shall submit an application for attorney fees and costs, as prevailing party pursuant to 42 U.S.C. § 1988, within 14 days of the conclusion of negotiations, or by September 28, 2007, whichever date is earlier. Ordered by Judge Joseph F. Bataillon. (KBJ) (Entered: 07/24/2007)
08/28/2007	<u>183</u>	MOTION to Withdraw as Attorney <i>Marnie A. Jensen</i> by Attorney V. Gene Summerlin, Jr on behalf of Plaintiff Mohamed A. El-Tabech.(Summerlin, V.) (Entered: 08/28/2007)
08/28/2007	184	ORDER granting <u>183</u> Motion to Withdraw as Counsel. Ordered by Judge Thomas D. Thalken.(AMS) (Entered: 08/28/2007)
09/14/2007	<u>185</u>	Joint STIPULATION <i>Extending Deadlines for Negotiation and Motion for Attorney's Fees</i> by Attorney Theodore J. Lane on behalf of Plaintiff Mohamed A. El-Tabech.(Lane, Theodore) (Entered: 09/14/2007)
09/14/2007	<u>186</u>	ORDER – Defendants shall be granted an additional week to address issues raised by Plaintiff regarding the adequacy of Defendants' plan to provide a kosher diet to Plaintiff as set forth in this Order. In light of this one-week extension to reach a mutual agreement, the deadline for Mr. El-Tabech's motion for attorneys fees and costs <u>185</u> will be extended until fourteen days following the conclusion of negotiations, such conclusion being either by stipulation or by order if this Court. Ordered by Judge Joseph F. Bataillon. (KBJ) (Entered: 09/17/2007)
09/21/2007	<u>187</u>	Joint STIPULATION <i>on Feasibility of Defendant's Proposed Kosher Diet Option</i> by Attorney Theodore J. Lane on behalf of Plaintiff Mohamed A. El-Tabech. (Attachments: # <u>1</u> Submission From Sender Defendant's Kosher Equipment and Meal Preparation Process)(Lane, Theodore) (Entered: 09/21/2007)
10/02/2007	<u>188</u>	Joint MOTION to Extend <i>Date for Filing Motion for Costs and Attorney's Fees</i> by Attorney Theodore J. Lane on behalf of Plaintiff Mohamed A. El-Tabech.(Lane, Theodore) (Entered: 10/02/2007)
10/05/2007	<u>189</u>	ORDER granting <u>188</u> Motion to Extend; the deadline for Plaintiff to file his Motion for Attorneys Fees and Costs is extended from October 5, 2007, to and including December 5, 2007; this extension will allow the parties sufficient time to attempt to reach an agreement on attorneys' fees and costs and, should negotiations fail, for the

		parties to secure the necessary expert opinions in support of or in opposition to the Motion for Attorney's Fees. Ordered by Judge Joseph F. Bataillon.(CJP) (Entered: 10/05/2007)
10/05/2007	<u>190</u>	ORDER granting <u>187</u> Stipulation; defendants will implement the "Kosher Equipment and Meal Preparation Process" (the "Kosher Process") in compliance with this Court's July 17, 2007 Memorandum and Order to "provid[e] El-Tabech[,] and other prisoners similarly situated" who request a religious diet, with a nutritionally-sufficient kosher diet, in accordance with Nebraska Department of Corrections Services policies and procedures and subject to the following:a. Development and implementation of operational memoranda, protocols, postorders or other similar documents to ensure the adequacy of the Kosher Process to provide kosher meals that are nutritionally sufficient; and the allowance of a person with expertise in the area of kosher diet preparation and service to provide an independent verification of the adequacy of the Kosher Process, once implemented by the Nebraska Department of Corrections Services Food Services Division ("DCSFS"), to meet Defendants' stated commitment to never serve Mr. El-Tabech non-kosher food; the input of this person will be considered by DCSFS to ensure the Kosher Process is adequate. Ordered by Judge Joseph F. Bataillon.(CJP) (Entered: 10/05/2007)
12/05/2007	<u>191</u>	MOTION for Attorney Fees <i>and Extension of Date to File Supporting Brief and Index of Evidence</i> by Attorney Ted J. Lane on behalf of Plaintiff Mohamed A. El-Tabech.(Lane, Ted) (Entered: 12/05/2007)
12/05/2007	<u>192</u>	ORDER – The Plaintiff's Motion for Attorney's Fees and Costs and Extension of Date to File Brief and Index of Evidence in Support of Motion for Attorney's Fees and Costs <u>191</u> is granted. IT IS HEREBY ORDERED that Plaintiff shall file a brief and evidence in support of Motion for Attorney's Fees and Costs on or before December 14, 2007. Ordered by Chief Judge Joseph F. Bataillon. (KBJ) (Entered: 12/05/2007)
12/14/2007	<u>193</u>	INDEX in support of <i>Plaintiff's Motion for Attorney's Fees and Costs</i> by Attorney V. Gene Summerlin, Jr on behalf of Plaintiff Mohamed A. El-Tabech.(Summerlin, V.) (Entered: 12/14/2007)
12/14/2007	<u>194</u>	BRIEF in support of <i>Plaintiff's Motion for Attorney's Fees and Costs</i> by Attorney V. Gene Summerlin, Jr on behalf of Plaintiff Mohamed A. El-Tabech.(Summerlin, V.) (Entered: 12/14/2007)
12/27/2007	<u>195</u>	MOTION to Appoint ad Litem, MOTION to Extend <i>Request for Extension of Time to File Response to Plaintiff's Motion for Attorney Fees</i> by Attorney Matthew A. Works on behalf of Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole.(Works, Matthew) (Entered: 12/27/2007)
01/03/2008	<u>196</u>	ORDER granting defendants' motion for extension of time, <u>195</u> . Defendants shall have until January 31, 2008, to file their brief and index in opposition to plaintiff's motion for fees and costs <u>191</u> . Ordered by Chief Judge Joseph F. Bataillon. (JAE,) (Entered: 01/03/2008)
01/31/2008	<u>197</u>	MOTION to Extend <i>REQUEST FOR EXTENSION OF TIME TO FILE RESPONSE TO PLAINTIFF'S MOTION FOR ATTORNEY FEES</i> MOTION for Attorney Fees <i>and Extension of Date to File Supporting Brief and Index of Evidence</i> <u>191</u> by Attorney Matthew A. Works on behalf of Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole.(Works, Matthew) (Entered: 01/31/2008)
02/01/2008	<u>198</u>	ORDER granting <u>197</u> Defendants' Motion to Extend Time until 2/8/2008 to file response to <u>191</u> Plaintiff's Motion for Attorney Fees. Ordered by Chief Judge Joseph F. Bataillon. (SMS,) (Entered: 02/01/2008)
02/08/2008	<u>199</u>	RESPONSE to Plaintiff's Motion for Attorney's Fees and Costs by Attorney Matthew A. Works on behalf of Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole.(Works, Matthew) Modified on 2/13/2008 to change to a response rather than a motion (JSF). (Entered: 02/08/2008)

02/08/2008	<u>200</u>	BRIEF in support of <i>Defendants' Response to Plaintiff's Motion for Attorney's Fees and Costs</i> by Attorney Matthew A. Works on behalf of Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole.(Works, Matthew) (Entered: 02/08/2008)
02/11/2008	201	TEXT NOTICE OF INCORRECT EVENT used when filing the Motion for Attorney Fees (Defendant's Response to Plaintiff's Motion for Attorney's Fees and Costs) <u>199</u> by Deputy Clerk. In the future, use the event "response" found under civil > other documents > response. (JSF) (Entered: 02/11/2008)
02/15/2008	<u>202</u>	REPLY BRIEF in support of MOTION for Attorney Fees <i>and Extension of Date to File Supporting Brief and Index of Evidence</i> <u>191</u> by Attorney V. Gene Summerlin, Jr on behalf of Plaintiff Mohamed A. El-Tabech.(Summerlin, V.) (Entered: 02/15/2008)
05/05/2008	<u>203</u>	MEMORANDUM AND ORDER – Plaintiff's motion for attorneys' fees and costs <u>191</u> is granted. Attorney fees in the amount of \$196,605.90 are assessed in favor of plaintiff and against defendants. Costs in the amount of \$8,380.38 are taxed in favor of a plaintiff and against defendants. A judgment in conformity with this memorandum and order will be entered this date. Ordered by Chief Judge Joseph F. Bataillon. (KBJ) (Entered: 05/06/2008)
05/05/2008	<u>204</u>	JUDGMENT – Pursuant to the Memorandum and Order <u>203</u> entered on this date, Judgment for attorney fees in the amount of \$196,605.90 is entered in favor of the plaintiff and against the defendants. Costs in the amount of \$8,380.38 are taxed against defendants. Ordered by Chief Judge Joseph F. Bataillon. (KBJ) (Entered: 05/06/2008)
08/26/2008	<u>205</u>	MOTION <i>for Contempt</i> by Attorney Ted J. Lane on behalf of Plaintiff Mohamed A. El-Tabech.(Lane, Ted) (Entered: 08/26/2008)
08/26/2008	<u>206</u>	INDEX in support of <i>Motion for Contempt</i> by Attorney Ted J. Lane on behalf of Plaintiff Mohamed A. El-Tabech. (Attachments: # <u>1</u> Affidavit Ex. 1 – Aff. of M. El-tabech, # <u>2</u> Exhibit Ex. 1–A Daily Meal Log (pp 1–10), # <u>3</u> Exhibit Ex 1–A – Daily Meal Log (pp 11–22))(Lane, Ted) (Entered: 08/26/2008)
08/26/2008	<u>207</u>	INDEX – CONTINUED in support of <i>Motion for Contempt</i> by Attorney Ted J. Lane on behalf of Plaintiff Mohamed A. El-Tabech. (Attachments: # <u>1</u> Exhibit 1–A Daily Meal Log (pp 23–33), # <u>2</u> Exhibit 1–A Daily Meal Log (pp 34–42), # <u>3</u> Exhibit 1–B Canteen Receipts)(Lane, Ted) (Entered: 08/26/2008)
08/26/2008	<u>208</u>	INDEX – CONTINUED in support of <i>Motion for Contempt</i> by Attorney Ted J. Lane on behalf of Plaintiff Mohamed A. El-Tabech. (Attachments: # <u>1</u> Exhibit 1–C Grievance 2008–2987, # <u>2</u> Exhibit 1–D Torn Prayer Schedule, # <u>3</u> Exhibit 1–D Prayer Disruption Log, # <u>4</u> Exhibit 1–F Non–Kosher Cereal Labels, # <u>5</u> Exhibit 1–G Milk Carton, # <u>6</u> Exhibit 1–H – Anonymous Letter, # <u>7</u> Exhibit 1–I – KITE (July 6, 2008), # <u>8</u> Affidavit Ex 2 – Aff. of T. Lane, # <u>9</u> Exhibit 3 – Food Service Safety & Sanitation, # <u>10</u> Exhibit 4 – Food Service Menu Planning, # <u>11</u> Exhibit 5 – Evidence Handling Procedures, # <u>12</u> Exhibit 6 – Kosher Protocol 1–01, # <u>13</u> Exhibit 7 – Kosher Protocol 1–02, # <u>14</u> Exhibit 8 – Letter from Rabbi Gross, # <u>15</u> Exhibit 9 – GoodSource Product Information, # <u>16</u> Exhibit 10 – 2008 Islamic Prayer Schedule)(Lane, Ted) (Entered: 08/26/2008)
08/26/2008	<u>209</u>	BRIEF in support of MOTION <i>for Contempt</i> <u>205</u> by Attorney V. Gene Summerlin, Jr on behalf of Plaintiff Mohamed A. El-Tabech.(Summerlin, V.) (Entered: 08/26/2008)
09/23/2008	<u>210</u>	ORDER Setting Hearing on MOTION <i>for Contempt</i> <u>205</u> : Motion Hearing set for 10/8/2008 03:30 PM in Courtroom 3 – Omaha before Chief Judge Joseph F. Bataillon. Both counsel for the plaintiff and the defendants will be participating by phone. Plaintiff El-Tabech will not be present for this hearing. Ordered by Chief Judge Joseph F. Bataillon. (PCV,) (Entered: 09/23/2008)

10/06/2008	<u>211</u>	ORDER Setting Hearing on Motion for Contempt <u>205</u> : on the defendant's oral motion, the Motion Hearing is rescheduled for 10/24/2008 at 10:30 AM before Chief Judge Joseph F. Bataillon. Ordered by Chief Judge Joseph F. Bataillon. (JSF) Modified on 10/6/2008 to remove language indicating a copy was mailed to pro se party (JSF). (Entered: 10/06/2008)
10/21/2008	<u>212</u>	MOTION for Relief under Fed R Civ P 69 or 70 by Attorney V. Gene Summerlin, Jr on behalf of Plaintiff Mohamed A. El-Tabech.(Summerlin, V.) (Entered: 10/21/2008)
10/21/2008	<u>213</u>	INDEX in support of MOTION for Relief under Fed R Civ P 69 or 70 <u>212</u> with Exhibits by Attorney V. Gene Summerlin, Jr on behalf of Plaintiff Mohamed A. El-Tabech.(Summerlin, V.) (Entered: 10/21/2008)
10/21/2008	<u>214</u>	BRIEF in support of MOTION for Relief under Fed R Civ P 69 or 70 <u>212</u> by Attorney V. Gene Summerlin, Jr on behalf of Plaintiff Mohamed A. El-Tabech.(Summerlin, V.) (Entered: 10/21/2008)
10/23/2008	<u>215</u>	BRIEF in opposition to Brief <u>209</u> <i>Brief in Opposition to Plaintiff's Motion for Contempt</i> by Attorney Matthew A. Works on behalf of Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten.(Works, Matthew) (Entered: 10/23/2008)
10/23/2008	<u>216</u>	INDEX in opposition to Brief, <u>215</u> <i>Index of Evidence in Opposition to Plaintiff's Motion for Contempt</i> by Attorney Matthew A. Works on behalf of Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten. (Attachments: # <u>1</u> Exhibit 1 and Ex. A, # <u>2</u> Exhibit 2 – Affidavit of Scott Busboom, # <u>3</u> Exhibit 3 – Affidavit of Brian Kirkendall, # <u>4</u> Exhibit 4 – Affidavit of Dawn-Renee Smith and Ex. A & Ex. B, # <u>5</u> Exhibit 5 – Aff. of Dawn-Renee Smith and Ex. A & Ex. B, # <u>6</u> Exhibit 6 – Affidavit of Teresa Kalin)(Works, Matthew) (Entered: 10/23/2008)
10/23/2008	<u>217</u>	OBJECTION to Motion for Miscellaneous Relief <u>205</u> and <i>Objection to Defendants' Brief and Index of Evidence</i> by Attorney V. Gene Summerlin, Jr on behalf of Plaintiff Mohamed A. El-Tabech.(Summerlin, V.) (Entered: 10/23/2008)
10/24/2008	218	TEXT MINUTE ENTRY for proceedings held before Chief Judge Joseph F. Bataillon Motion Hearing held on 10/24/2008 regarding MOTION for Relief under Fed R Civ P 69 or 70 <u>212</u> , OBJECTION to Motion for Miscellaneous Relief <u>205</u> and <i>Objection to Defendants' Brief and Index of Evidence</i> <u>217</u> , MOTION for Contempt <u>205</u> . Briefs due by 10/31/08 at which time the court will set a hearing if necessary that will allow for oral testimony by the parties. Hearing held in Omaha. Courtroom Deputy: Tracy Slagle; Reporter: Allan Kuhlman; Appearance for Plaintiff: Gene Summerlin and Ted Lane; Appearance for Defendant: Matthew Works Time Start: 10:35 a.m. Time Stop: 10:55 a.m. (TJS) (Entered: 10/24/2008)
10/31/2008	<u>219</u>	Unopposed MOTION to Extend <i>Time to File Reply Brief and Index of Evidence in Support of Motion for Contempt</i> by Attorney Ted J. Lane on behalf of Plaintiff Mohamed A. El-Tabech.(Lane, Ted) (Entered: 10/31/2008)
10/31/2008	<u>220</u>	BRIEF in opposition to MOTION for Relief under Fed R Civ P 69 or 70 <u>212</u> by Attorney Matthew A. Works on behalf of Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten.(Works, Matthew) (Entered: 10/31/2008)
10/31/2008	<u>221</u>	INDEX in opposition to MOTION for Relief under Fed R Civ P 69 or 70 <u>212</u> by Attorney Matthew A. Works on behalf of Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 1-Ex. A, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3)(Works, Matthew) (Entered: 10/31/2008)
10/31/2008	<u>222</u>	ORDER granting <u>219</u> Motion to Extend. IT IS HEREBY ORDERED as follows:1. Plaintiff shall file Reply Brief and Index of Evidence in Support of Motion for Contempt on or before November 7, 2008. Ordered by Chief Judge Joseph F. Bataillon. (PCV,) (Entered: 10/31/2008)

11/06/2008	<u>223</u>	REPLY BRIEF in support of MOTION <i>for Contempt 205</i> by Attorney V. Gene Summerlin, Jr on behalf of Plaintiff Mohamed A. El-Tabech.(Summerlin, V.) (Entered: 11/06/2008)
11/06/2008	<u>224</u>	INDEX in support of MOTION <i>for Contempt 205 (Supplemental)</i> by Attorney Ted J. Lane on behalf of Plaintiff Mohamed A. El-Tabech. (Attachments: # <u>1</u> Exhibit 11, # <u>2</u> Exhibit 11-A, # <u>3</u> Exhibit 11-B, # <u>4</u> Exhibit 11-C, # <u>5</u> Exhibit 12)(Lane, Ted) (Entered: 11/06/2008)
02/04/2009	<u>225</u>	MEMORANDUM AND ORDER – Plaintiff's motion for relief under Fed. R. Civ. P. 69 or 70 <u>212</u> is granted. Judgment is entered for interest in the amount of \$4,839.90 for the period from May 5, 2008, to October 21, 2008, and for \$3,017.82 for the period from October 21, 2008, to the date of this order. Interest at the rate of 14% shall accrue on any outstanding judgment from the date of this order. Ordered by Chief Judge Joseph F. Bataillon. (KBJ) (Entered: 02/05/2009)
02/12/2009	<u>226</u>	ORDER 1. Plaintiffs objection to defendants brief and evidence <u>217</u> is overruled. 2. Plaintiffs motion for contempt is set for oral argument on February 19, 2009, at 3:00 p.m., Courtroom No. 3, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska. Ordered by Chief Judge Joseph F. Bataillon. (PCV,) (Entered: 02/12/2009)
02/19/2009	<u>227</u>	TEXT MINUTE ENTRY for proceedings held before Chief Judge Joseph F. Bataillon Motion Hearing held on 2/19/2009 regarding MOTION <i>for Contempt 205</i> . Argument by parties. Motion taken under advisement. Order forthcoming. Hearing held in Omaha. Courtroom Deputy: Tracy Slagle; Reporter: Allan Kuhlman; Appearance for Plaintiff: Gene Summerlin; Appearance for Defendant: Matthew Works; Time Start: 3:10 p.m. Time Stop: 3:32 p.m. (TJS) (Entered: 02/19/2009)
03/04/2009	<u>228</u>	ORDER granting <u>205</u> Motion for contempt. Defendants are adjudged to be in contempt of court. The courts previous order for injunctive relief on stipulation of the parties <u>190</u> is modified as follows: Defendants shall supply the plaintiff Mohamed A. El-Tabech with a nutritionally-sufficient kosher diet that consists of either prepackaged kosher meals or prepackaged kosher foods available in the Tecumseh State Correctional Institution kitchen.The plaintiff is awarded reasonable attorney fees in an amount to be laterdetermined by the court. The plaintiff shall file an application for fees within 14 days of the date of this order; defendants shall have 7 days thereafter in which to respond to the application. Ordered by Chief Judge Joseph F. Bataillon. (PCV,) (Entered: 03/04/2009)
03/06/2009	<u>229</u>	NOTICE OF APPEAL regarding Order on Motion for Miscellaneous Relief,, <u>225</u> by Attorney Matthew A. Works on behalf of Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole. (Works, Matthew) (Entered: 03/06/2009)
03/06/2009		TEXT ENTRY THAT APPEAL fee paid by the Nebraska Attorney General with receipt number 4-2913 in the amount of \$ 455 regarding Notice of Appeal to USCA, <u>229</u> . (JAB) (Entered: 03/06/2009)
03/10/2009	<u>230</u>	NOTIFICATION OF APPEAL AND NOA SUPPLEMENT by Clerk to USCA regarding Notice of Appeal to USCA, <u>229</u> , Order <u>225</u> . Notice of Appeal filed on 3/6/09 by Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole. NOTIFICATION TO COUNSEL AND PARTIES – FILE REQUEST FOR TRANSCRIPT WITH THE DISTRICT COURT CLERKS OFFICE.NOTIFICATION TO COUNSEL – SUBMIT FORMS A & B TO EIGHTH CIRCUIT CLERKS OFFICE. (KBJ) (Entered: 03/10/2009)
03/11/2009	<u>231</u>	Letter by Clerk USCA – 8th circuit acknowledging receipt of a Notice of Appeal in this matter. (PCV,) (Entered: 03/11/2009)
03/11/2009	<u>232</u>	APPEAL BRIEFING SCHEDULING LETTER from USCA – 8th Circuit as to Notice of Appeal to USCA, <u>229</u> ; (PCV,) (Entered: 03/11/2009)
03/18/2009	<u>233</u>	Supplemental MOTION for Attorney Fees by Attorney V. Gene Summerlin, Jr on behalf of Plaintiff Mohamed A. El-Tabech.(Summerlin, V.) (Entered: 03/18/2009)

03/18/2009	<u>234</u>	INDEX in support of Supplemental MOTION for Attorney Fees <u>233</u> by Attorney V. Gene Summerlin, Jr on behalf of Plaintiff Mohamed A. El-Tabech.(Summerlin, V.) (Entered: 03/18/2009)
03/18/2009	<u>235</u>	BRIEF in support of Supplemental MOTION for Attorney Fees <u>233</u> by Attorney V. Gene Summerlin, Jr on behalf of Plaintiff Mohamed A. El-Tabech.(Summerlin, V.) (Entered: 03/18/2009)
04/13/2009	<u>236</u>	RESPONSE <i>Defendants' Response to Plaintiff's Motion for Supplemental Attorney's Fees and Costs</i> by Attorney Matthew A. Works on behalf of Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole.(Works, Matthew) (Entered: 04/13/2009)
04/13/2009	<u>237</u>	BRIEF in support of Response, <u>236</u> <i>Defendants' Resopnse to Plaintiff's Motion for Supplemental Attorney's Fees and Costs</i> by Attorney Matthew A. Works on behalf of Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole.(Works, Matthew) (Entered: 04/13/2009)
04/20/2009	<u>238</u>	Unopposed MOTION to Extend <i>Time to File Reply Brief in Support of Motion for Attorneys Fees</i> by Attorney V. Gene Summerlin, Jr on behalf of Plaintiff Mohamed A. El-Tabech.(Summerlin, V.) (Entered: 04/20/2009)
04/20/2009	239	TEXT ORDER granting <u>238</u> Plaintiff's unopposed motion for extension of time until 5/4/2009 to file reply brief in support of <u>233</u> Motion for Attorney Fees. Ordered by Chief Judge Joseph F. Bataillon. (SMS,) (Entered: 04/20/2009)
05/10/2009	<u>240</u>	BRIEF in support of Supplemental MOTION for Attorney Fees <u>233</u> (<i>Reply Brief</i>) by Attorney V. Gene Summerlin, Jr on behalf of Plaintiff Mohamed A. El-Tabech.(Summerlin, V.) (Entered: 05/10/2009)
05/29/2009	<u>241</u>	MOTION to Withdraw as Attorney <i>Joint Motion to Withdraw and Entry of Appearance</i> by Attorney Matthew A. Works on behalf of Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole.(Works, Matthew) (Entered: 05/29/2009)
06/02/2009	<u>242</u>	ORDER – This matter is before the court on Assistant Attorney General Matthew A. Workss motion to withdraw as counsel <u>241</u> . Assistant Attorney General Ryan C. Gilbride has entered an appearance. Accordingly, Assistant Attorney General Matthew A. Works's motion to withdraw as counsel <u>241</u> is granted. Ordered by Chief Judge Joseph F. Bataillon. (KBJ) (Entered: 06/02/2009)
06/10/2009	<u>243</u>	MEMORANDUM AND ORDER – Plaintiff's supplemental motion for attorney's fees <u>233</u> is granted. Plaintiff is awarded an additional \$73,360.20 in attorney's fees and \$271.20 in recoverable costs. A separate judgment will be entered in accordance with this Memorandum and Order. Ordered by Chief Judge Joseph F. Bataillon. (KBJ) (Entered: 06/11/2009)
06/10/2009	<u>244</u>	JUDGMENT – In accordance with the Memorandum and Order <u>243</u> entered on this date, judgment is entered in favor of the plaintiff and against the defendant for additional attorney's fees in connection with plaintiff's motion for contempt <u>233</u> , in the amount of \$73,360.20 and \$271.20 in costs. Ordered by Chief Judge Joseph F. Bataillon. (KBJ) (Entered: 06/11/2009)
07/07/2009	<u>245</u>	NOTICE OF APPEAL regarding Order on Motion for Miscellaneous Relief,,,,,, <u>228</u> , Judgment, <u>244</u> by Attorney Ryan C. Gilbride on behalf of Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole. (Gilbride, Ryan) (Entered: 07/07/2009)
07/07/2009		TEXT ENTRY THAT APPEAL fee paid by Nebraska Department of Corrections for Defendants regarding Notice of Appeal to USCA, <u>245</u> . Receipt number 4–3140 in the amount of \$455.00. (JAB) (Entered: 07/07/2009)
07/08/2009	<u>246</u>	NOTIFICATION OF APPEAL AND NOA SUPPLEMENT by Clerk to USCA regarding Order <u>228</u> , Order on Motion for Attorney Fees, <u>243</u> , Judgment <u>244</u> and Notice of Appeal to USCA, <u>245</u> . Notice of Appeal filed on 7/7/09 by Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten and Randy Cole. NOTIFICATION TO COUNSEL AND PARTIES – FILE REQUEST FOR TRANSCRIPT WITH THE DISTRICT COURT CLERKS

		OFFICE. NOTIFICATION TO COUNSEL – SUBMIT FORMS A & B TO EIGHTH CIRCUIT CLERKS OFFICE. (MKR) (Entered: 07/08/2009)
07/21/2009	<u>247</u>	SCHEDULING LETTER from USCA – 8th Circuit as to Notice of Appeal to USCA, <u>245</u> . (Attachments: # <u>1</u> transmittal letter)(KBJ) (Entered: 07/21/2009)
08/18/2009	<u>248</u>	TRANSCRIPT (UNREDACTED) of motion for contempt proceedings before Chief Judge Joseph F. Bataillon held on February 19, 2009. Total Number of Billable Pages: 17. Total Number of Pages: 18. The transcript can only be viewed at the courts public terminal or purchased through Court Reporter/Transcriber Allan G. Kuhlman at (402) 661-7305 before the expiration of the Release of Transcript Restriction deadline. The parties have 5 business days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days. Click here to view the Transcript Redaction Procedure . Redaction Request due 9/8/2009. Redacted Transcript Deadline set for 9/18/2009. Release of Transcript Restriction set for 11/16/2009. (AGK,) (Entered: 08/18/2009)
08/18/2009	<u>249</u>	MOTION to Stay regarding Notice of Appeal to USCA, <u>245</u> , Judgment, <u>244 Motion to Stay Proceedings to Enforce Judgment</u> by Attorney Ryan C. Gilbride on behalf of Defendants Douglas Sell, Mary Carmichael, Robert Houston, Harold Clarke, Mike Kenney, Francis Britten, Randy Cole.(Gilbride, Ryan) (Entered: 08/18/2009)
09/01/2009	<u>250</u>	BRIEF in opposition to MOTION to Stay regarding Notice of Appeal to USCA, <u>245</u> , Judgment, <u>244 Motion to Stay Proceedings to Enforce Judgment</u> MOTION to Stay regarding Notice of Appeal to USCA, <u>245</u> , Judgment, <u>244 Motion to Stay Proceedings to Enforce Judgment</u> <u>249</u> by Attorney V. Gene Summerlin, Jr on behalf of Plaintiff Mohamed A. El-Tabech.(Summerlin, V.) (Entered: 09/01/2009)
09/01/2009	<u>251</u>	INDEX in support of Brief, <u>250 in Opposition to Motion to Stay Proceedings</u> by Attorney V. Gene Summerlin, Jr on behalf of Plaintiff Mohamed A. El-Tabech.(Summerlin, V.) (Entered: 09/01/2009)
10/16/2009	<u>252</u>	MEMORANDUM AND ORDER – The defendants' motion for a stay of enforcement of the judgment <u>249</u> is denied. Ordered by Chief Judge Joseph F. Bataillon. (KBJ) (Entered: 10/16/2009)
11/20/2009	<u>253</u>	MOTION Under Fed.R.Civ.P. 69a or 70 by Attorney V. Gene Summerlin, Jr on behalf of Plaintiff Mohamed A. El-Tabech. (Attachments: # <u>1</u> Exhibit Index of Evidence)(Summerlin, V.) (Entered: 11/20/2009)
11/20/2009	<u>254</u>	BRIEF in support of <i>Plaintiff's Motion for Relief under Fed.R.Civ.P. 69a or 70</i> by Attorney V. Gene Summerlin, Jr on behalf of Plaintiff Mohamed A. El-Tabech.(Summerlin, V.) (Entered: 11/20/2009)
11/23/2009	<u>255</u>	SURETY BOND in the amount of \$ 73,631.40. Bond Company: RLI Insurance Company. Bond filed by Defendants. (GJG) Modified on 11/23/2009 to reflect correct party who filed the bond(GJG). (Entered: 11/23/2009)
11/23/2009	<u>256</u>	ORDER – Plaintiff's motion for relief <u>253</u> is denied as moot. Ordered by Chief Judge Joseph F. Bataillon. (KBJ) (Entered: 11/23/2009)
08/13/2010	<u>257</u>	COPY of Opinion of USCA – 8th Circuit (09-1554 and 09-2691) remanding to district court for further proceedings regarding Notice of Appeal to USCA <u>229</u> , Notice of Appeal to USCA <u>245</u> . (Attachments: # <u>1</u> Cover Letter, # <u>2</u> Letter to Publishing)(ADB,) (Entered: 08/13/2010)
08/13/2010	<u>258</u>	COPY of Judgment from USCA – 8th Circuit (09-1554 and 09-2691) that the case is remanded to the district court for proceedings consistent with the opinion of this court. (ADB,) (Entered: 08/13/2010)
08/16/2010	<u>259</u>	Mailed COPY of Order (Judgment) of USCA – 8th Circuit (09-1554 and 09-2691) regarding Notice of Appeal to USCA, <u>229</u> , Notice of Appeal to USCA, <u>245</u> . Case is remanded to the District Court for further proceedings not inconsistent with the opinion of this court. (GJG) Modified on 8/16/2010 to correct entry (GJG). (Entered: 08/16/2010)

08/16/2010	<u>260</u>	Mailed COPY of Opinion of USCA – 8th Circuit (09–1554 and 09–2691) regarding Notice of Appeal to USCA, <u>229</u> , and Notice of Appeal to USCA, <u>245</u> remanding case to the District Court for further proceedings not inconsistent with this opinion. (GJG) (Entered: 08/16/2010)
09/27/2010	<u>261</u>	Notice by USCA Clerk (09–1554 and 09–2691) instructing attorney Ryan C. Gilbride to respond to appellee's petition for rehearing en banc. (JSF) (Entered: 09/27/2010)
10/21/2010	<u>262</u>	COPY of Order from USCA – 8th Circuit(09–1554/09–2691). The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied. (JAB) (Entered: 10/21/2010)
10/21/2010	<u>263</u>	Amended COPY of Order from USCA – 8th Circuit(09–1554/09–2691). The order entered this date is amended to read as follows: The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied. Judge Bye would grant the petition for rehearing en banc. (JAB) (Entered: 10/21/2010)
10/28/2010	<u>264</u>	MANDATE/JUDGMENT from USCA – 8th Circuit(09–1554/09–2691) remanding to district court for further proceedings regarding Notice of Appeal to USCA, <u>229</u> and Notice of Appeal to USCA, <u>245</u> . In accordance with the opinion <u>257</u> and judgment <u>258</u> of 08/13/2010, and pursuant to the provisions of Federal Rule of Appellate Procedure 41(a), the formal mandate is hereby issued in the above–styled matter. (JAB) (Entered: 10/28/2010)
11/03/2010	265	TEXT MINUTE ENTRY for proceedings held before Chief Judge Joseph F. Bataillon. Telephone Conference held on 11/3/2010 in Omaha. Plaintiff to submit a new fee application for outstanding fees by 12/6/2010. Defendant to respond by 12/20/2010. Courtroom Deputy: Jane Fischer; Reporter: Rogene Schroder; Appearance for Plaintiff: Gene Summerlin; Appearance for Defendants: Ryan Gilbride. Written order forthcoming. Time Start: 9:03 am Time Stop: 9:11 am. (JSF) (Entered: 11/03/2010)
11/04/2010	<u>266</u>	ORDER – This matter is before the court after a telephonic scheduling conference with the parties after remand from the Eighth Circuit Court of Appeals. IT IS ORDERED: 1. Plaintiff shall submit a fee application for the contested supplemental attorney fees on or before December 6, 2010. 2. Defendants shall respond thereto by December 20, 2010. 3. Plaintiff shall file a satisfaction of judgment (Filing No. <u>204</u>) on or before November 17, 2010. Ordered by Chief Judge Joseph F. Bataillon. (JAB) (Entered: 11/04/2010)
11/17/2010	<u>267</u>	SATISFACTION OF JUDGMENT (<i>Partial</i>) regarding Judgment, <u>204</u> by Mohamed A. El–Tabech by Attorney V. Gene Summerlin, Jr on behalf of Plaintiff Mohamed A. El–Tabech.(Summerlin, V.) (Entered: 11/17/2010)
12/02/2010	<u>268</u>	Joint MOTION to Extend <i>Date for Filing Motion for Costs and Attorney's Fees</i> Order, Set/Reset All Deadlines,, <u>266</u> by Attorney V. Gene Summerlin, Jr on behalf of Plaintiff Mohamed A. El–Tabech.(Summerlin, V.) (Entered: 12/02/2010)
12/02/2010	269	TEXT ORDER granting <u>268</u> Motion to Extend. The Order <u>266</u> is hereby amended to allow the plaintiff until January 7, 2011 , to file a fee application for the contested supplemental attorney fees. The defendants shall respond thereto by January 21, 2011 . Ordered by Magistrate Judge Thomas D. Thalken. (TRL) (Entered: 12/02/2010)
01/07/2011	<u>270</u>	MOTION for Attorney Fees <i>on Remand</i> by Attorney V. Gene Summerlin, Jr on behalf of Plaintiff Mohamed A. El–Tabech.(Summerlin, V.) (Entered: 01/07/2011)
01/07/2011	<u>271</u>	INDEX in support of MOTION for Attorney Fees <i>on Remand</i> <u>270</u> by Attorney V. Gene Summerlin, Jr on behalf of Plaintiff Mohamed A. El–Tabech.(Summerlin, V.) (Entered: 01/07/2011)
01/07/2011	<u>272</u>	BRIEF in support of MOTION for Attorney Fees <i>on Remand</i> <u>270</u> by Attorney V. Gene Summerlin, Jr on behalf of Plaintiff Mohamed A. El–Tabech.(Summerlin, V.) (Entered: 01/07/2011)
01/20/2011	<u>273</u>	MOTION to Extend <i>Date for Filing Response to Plaintiff's</i> MOTION for Attorney Fees <i>on Remand</i> <u>270</u> by Attorney Ryan C. Gilbride on behalf of Defendants Francis Britten, Mary Carmichael, Harold Clarke, Randy Cole, Robert Houston, Mike Kenney, Douglas Sell.(Gilbride, Ryan) (Entered: 01/20/2011)

01/20/2011	<u>274</u>	TEXT ORDER granting <u>273</u> Motion to Extend. The defendants shall have until February 11, 2011 , to file a response to the plaintiff's MOTION for Attorney Fees <i>on Remand</i> <u>270</u> . Ordered by Magistrate Judge Thomas D. Thalken. (TRL) (Entered: 01/20/2011)
02/11/2011	<u>275</u>	BRIEF in opposition to MOTION for Attorney Fees <i>on Remand</i> <u>270</u> by Attorney Ryan C. Gilbride on behalf of Defendants Francis Britten, Mary Carmichael, Harold Clarke, Randy Cole, Robert Houston, Mike Kenney, Douglas Sell.(Gilbride, Ryan) (Entered: 02/11/2011)
02/18/2011	<u>276</u>	REPLY BRIEF in support of <i>Motion for Attorney Fees and Costs on Remand</i> by Attorney V. Gene Summerlin, Jr on behalf of Plaintiff Mohamed A. El-Tabech.(Summerlin, V.) (Entered: 02/18/2011)
02/18/2011	<u>277</u>	INDEX in support of <i>Motion for Attorney Fees and Costs on Remand</i> by Attorney V. Gene Summerlin, Jr on behalf of Plaintiff Mohamed A. El-Tabech.(Summerlin, V.) (Entered: 02/18/2011)
05/18/2011	<u>278</u>	Amended MOTION for Attorney Fees by Attorney V. Gene Summerlin, Jr on behalf of Plaintiff Mohamed A. El-Tabech.(Summerlin, V.) (Entered: 05/18/2011)
05/20/2011	<u>279</u>	MEMORANDUM AND ORDER – Plaintiff's motion for attorneys' fees and costs (Filing No. <u>270</u>) is denied as moot. Plaintiff's amended motion for attorneys' fees and costs (Filing No. <u>278</u>) is granted. Attorneys' fees in the amount of \$73,209.67, plus interest at the legal rate under 28 U.S.C. § 1961 from and after this date, are assessed in favor of plaintiff and against defendants, payable to plaintiff's counsel. Costs in the amount of \$935.40, plus interest at the legal rate under 28 U.S.C. § 1961 from and after this date, are taxed in favor of a plaintiff and against defendants, payable to plaintiff's counsel. A judgment in conformity with this memorandum and order will be entered this date. Ordered by Chief Judge Joseph F. Bataillon. (JAB) (Entered: 05/20/2011)
05/20/2011	<u>280</u>	JUDGMENT regarding Memorandum and Order <u>279</u> . Judgment is entered in favor of the plaintiff and against the defendants in the amount of \$73,209.67, payable to plaintiff's counsel, for attorneys' fees. Costs in the amount of \$935.40 are taxed in favor of the plaintiff and against defendants, payable to plaintiff's counsel. Ordered by Chief Judge Joseph F. Bataillon. (JAB) (Entered: 05/20/2011)
06/20/2011	<u>281</u>	SATISFACTION OF JUDGMENT regarding Judgment, <u>280</u> by Mohamed A. El-Tabech by Attorney V. Gene Summerlin, Jr on behalf of Plaintiff Mohamed A. El-Tabech.(Summerlin, V.) (Entered: 06/20/2011)
11/07/2012	<u>282</u>	ORDER to Withdraw Exhibits or to Show Cause Why Exhibits Should Not be Destroyed. Ordered by Judge Joseph F. Bataillon. (MLF,) (Entered: 11/07/2012)
12/18/2012		TEXT ENTRY THAT EXHIBITS destroyed on 12/20/12 by Clerk of Court. (MLF,) (Entered: 12/18/2012)