

CLOSED, PRISNR

**United States District Court  
Middle District of Pennsylvania (Scranton)  
CIVIL DOCKET FOR CASE #: 3:83-cv-01024-EMK**

Beehler v. Jeffes  
Assigned to: Honorable Edwin M. Kosik  
Demand: \$0  
Case in other court: 92-07391  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 07/25/1983  
Date Terminated: 06/24/1992  
Jury Demand: None  
Nature of Suit: 550 Prisoner: Civil Rights  
Jurisdiction: Federal Question

**Plaintiff**

**Pauletta Beehler**

represented by **Daniel R. Dolan**  
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**Plaintiff**

**Sharon Wiggins**

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**Plaintiff**

**Patricia Smith**

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**Plaintiff**

**Toni Anderson**

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**Plaintiff**

**Marie Scott**

represented by **Daniel R. Dolan**  
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V.

**Defendant**

**Glen Jeffes**

represented by **Amy Zapp**

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**Defendant**

**Ronald J Marks**represented by **Amy Zapp**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED***Daniel J. Doyle**  
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*ATTORNEY TO BE NOTICED***Defendant****Ann M Goolsby**represented by **Amy Zapp**  
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*ATTORNEY TO BE NOTICED***Defendant****Carolyn Hill**represented by **Amy Zapp**  
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*ATTORNEY TO BE NOTICED***Daniel J. Doyle**  
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*ATTORNEY TO BE NOTICED***Defendant****Richard Nierle**represented by **Daniel J. Doyle**  
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*ATTORNEY TO BE NOTICED***Defendant****Robert C Wilburn**represented by **Daniel J. Doyle**  
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Date Filed	#	Docket Text
07/10/1989	177	Written status report from Theodore Otto, Bureau of Corrections, with exhibits, copies to all counsel. (bs) (Entered: 07/13/1989)
08/08/1989	179	Written status report from Theodore Otto with attachments. cc to all counsel. (bs) (Entered: 08/10/1989)
08/18/1989	180	MOTION by plaintiffs, for partial dismissal w/ attachments and c of s. (cd) (Entered: 08/18/1989)

08/18/1989		Proposed Order by plaintiffs re motion for partial dismissal. (cd) (Entered: 08/18/1989)
08/18/1989	180	Notice by plaintiffs of partial dismissal (cd) (Entered: 08/18/1989)
08/18/1989	180	Memorandum of Law by plaintiffs re motion for partial dismissal w/ exhibits. (cd) Modified on 08/18/1989 (Entered: 08/18/1989)
08/21/1989	181	MOTION with brief in support by plaintiff Toni Anderson, plaintiff Pauletta Beehler, plaintiff Marie Scott, plaintiff Patricia Smith, plaintiff Sharon Wiggins, for partial dismissal of class action , with exhibit, C of S 8/16/89. (bs) (Entered: 08/21/1989)
08/21/1989		Proposed Order by plaintiff Toni Anderson, plaintiff Pauletta Beehler, plaintiff Marie Scott, plaintiff Patricia Smith, plaintiff Sharon Wiggins granting partial dismissal of class action. (bs) (Entered: 08/21/1989)
08/30/1989	182	ORDER by Judge Edwin M. Kosik granting order proposed [0-0] granting motion for partial dismissal of class action [181-1] It is ordered that the 1st, 3rd, 5th, 7th, 9th, 12th, 13th, 14th, 15th, & 16th claims of plaintiffs' complaint are voluntarily dismissed w/o prejudice and 11th claim is dismissed without prejudice. Dismissal of above claims does not prejudice plaintiffs' claims for attorney fees and costs for the claims dismissed. (cc: all counsel) (bs) (Entered: 08/31/1989)
09/12/1989	184	Mail Returned containing order of 8/30/89 to Susan Carey Nicholas, Esq. – forwarding address expired. (bs) (Entered: 09/20/1989)
09/19/1989	183	ORDER by Judge Edwin M. Kosik vacating [182-1] order granting plaintiff's motion for partial dismissal. Notice shall be given to members of the class in the form proposed by plaintiffs. (cc: all counsel) original in security. (bs) (Entered: 09/19/1989)
09/27/1989	185	Mail Returned addressed to Atty. Nicholas with copy of order dated 9/19/89. – No forwarding address. (bs) (Entered: 10/11/1989)
11/22/1989		Proposed Order by plaintiff Toni Anderson, plaintiff Pauletta Beehler, plaintiff Marie Scott, plaintiff Patricia Smith, plaintiff Sharon Wiggins granting partial dismissal of class action. (bs) (Entered: 11/24/1989)
11/27/1989	186	ORDER by Judge Edwin M. Kosik granting order proposed Partial dismissal of Class Action [0-0] (cc: all counsel) (bs) (Entered: 11/27/1989)
12/04/1989	187	Mail Returned addressed to Atty. Nicholas containing order order of 11/27/89 – not remailed. (bs) (Entered: 12/11/1989)
12/11/1989	188	Written status report from DAG Amy Zapp. cc to all cnsl. (bs) (Entered: 12/11/1989)
12/11/1989		Proposed Order (Stip) by plaintiffs and defendants, re: 6 mos. continuation of stip of 6/8/89. (bs) (Entered: 12/13/1989)
12/15/1989	190	Written status report by Atty. Otto. cc to all cnsl. (bs) (Entered: 12/19/1989)
12/18/1989	189	ORDER by Judge Edwin M. Kosik granting order proposed granting continuation of stip of parties which was approved 6/8/89. [0-0] (cc: all counsel) (bs) (Entered: 12/18/1989)
01/17/1990	191	Written monthly status report by defendant cnsl. Theodore Otto. C of S per letter. (bs) (Entered: 01/18/1990)
04/23/1990	192	Written status report by defendant Glen Jeffes. cc to all cnsl. (bs) (Entered: 04/23/1990)
06/18/1990	193	Written status report by plaintiffs w/exh. cc to all cnsl. (bs) (Entered: 06/18/1990)
06/29/1990	194	Stipulation of all parties for 2nd 6 month continuation of stip filed on 6/5/89 (attached) w/following amendments: 1. doc. which appears as Exh. A is replaced by Appendix B (attached). 2. The reported provisions specified in Part IV sec. K of stip are eliminated; the info. ordinarily reported therein will be included instead of monthly reports to be supplied. (bs) (Entered: 07/02/1990)

07/02/1990	195	MOTION by plaintiffs for trial . C of S 6/27/90. (bs) (Entered: 07/02/1990)
07/09/1990	194	ORDER by Judge Edwin M. Kosik granting stipulation [194-1] that doc. Exh. A filed 6/5/89 is replaced w/appex. B attached; reporting provisions specified in Part IV K of stip are eliminated instead monthly reports will be supplied. (cc: all counsel) (bs) (Entered: 07/09/1990)
07/19/1990	196	Mail Returned containing stip order of 6/29/90 to Atty. Dolan. (bs) (Entered: 07/19/1990)
07/19/1990	197	Mail Returned containing stip & order of 6/29/90 addressed to Susan Cary Nicholas, Esq. (bs) (Entered: 07/19/1990)
07/23/1990	198	ORDER by Judge Edwin M. Kosik ;pretrial conference on issue of Medical Monitoring is scheduled for 1:00 9/6/90 (cc: all counsel) (bs) (Entered: 07/23/1990)
07/27/1990	199	Written status report by Theooore Otto cnsl. or defendant Glen Jeffes. C of S per letter. (bs) (Entered: 07/30/1990)
07/30/1990	200	Mail Returned containing order of 7/23/90 to Atty. Dolan – no forwarding address. (bs) (Entered: 07/31/1990)
07/30/1990	201	Mail Returned containing order of 7/23/90 addressed to Atty. Susan Cary Nicholas. (bs) (Entered: 08/02/1990)
09/04/1990	202	Pre-Trial Memorandum submitted by plaintiff Toni Anderson, plaintiff Pauletta Beehler, plaintiff Marie Scott, plaintiff Patricia Smith, plaintiff Sharon Wiggins (bs) (Entered: 09/05/1990)
09/04/1990	203	Proposed Findings of Fact and Conclusions of Law by plaintiff Toni Anderson, plaintiff Pauletta Beehler, plaintiff Marie plaintiff Patricia Smith, plaintiff Sharon Wiggins. C of S 9/4/90. (bs) (Entered: 09/05/1990)
09/04/1990	204	Pre-Trial Memorandum submitted by defendant Ann M Goolsby, defendant Carolyn Hill, defendant Glen Jeffes, defendant Ronald J Marks, defendant Richard Nierle, defendant Robert C Wilburn. C of S 9/4/90. (bs) (Entered: 09/06/1990)
09/06/1990		PRE-TRIAL CONF. HELD on 9/6/90. Tentative trial date for October. Cnsl. to advise Court re: transcripts and availability of witnesses. (bs) (Entered: 09/07/1990)
09/14/1990	205	ORDER by Judge Edwin M. Kosik Nonjury trial on medical monitoring is set 9:00 10/11/90 (cc: all counsel, Warden & USM) (bs) Modified on 09/14/1990 (Entered: 09/14/1990)
09/24/1990		Substitution of counsel: terminating attorney Rebecca Borden for Sharon Wiggins, attorney Susan Cary Nicholas for Sharon Wiggins, attorney Rebecca Borden for Patricia Smith, attorney Susan Cary Nicholas for Patricia Smith, attorney Rebecca Borden for Marie Scott, attorney Susan Cary Nicholas for Marie Scott, attorney Rebecca Borden for Pauletta Beehler, attorney Susan Cary Nicholas for Pauletta Beehler, attorney Rebecca Borden for Toni Anderson, attorney Susan Cary Nicholas for Toni Anderson and substituting attorney Linda Wharton. (bs) (Entered: 09/24/1990)
09/25/1990	206	Transcript filed of preliminary injunction hearing held 12/16/88 – Testimony of John Emerich. (Spearing). (bs) (Entered: 10/01/1990)
09/25/1990	207	Transcript filed of Preliminary Inj. Hearing held 12/16/88 – Testimony of Jerry Roseman. (Spearing) (bs) (Entered: 10/01/1990)
09/25/1990	208	Transcript filed of Preliminary Inj. Hearing held 12/16/88– Testimony of Donald Miller. (Spearing) (bs) (Entered: 10/01/1990)
09/26/1990	209	Transcript filed of Preliminary Inj. Hearing held 12/16/88 – Testimony of Sharon Wiggins. (Spearing) (bs) (Entered: 10/01/1990)
10/05/1990	210	RETURN OF SERVICE of Subpoena executed upon Donald E. Miller on 10/1/90 by USM (MFE \$7.80) (bs) (Entered: 10/11/1990)

10/11/1990	211	Minute Sheet (Final) of nonjury trial held 10/11/90. Testimony completed. Briefs to be filed. (Kunigiel) (bs) (Entered: 10/11/1990)
10/11/1990	212	ENTRY OF ATTORNEY APPEARANCE for defendant Carolyn Hill, defendant Glen Jeffes, defendant Ronald J Marks, defendant Richard Nierle, defendant Robert C Wilburn of DAG Daniel Doyle. C of S 10/11/90. (bs) (Entered: 10/11/1990)
11/07/1990	213	Transcript filed of non jury trial held 10/11/90. (Kunigiel) (bs) (Entered: 11/07/1990)
01/28/1991	214	Letter to court from Atty. Thomas Place re: briefing schedule concerning issue on med. monitoring. cc: Zapp (bs) (Entered: 01/28/1991)
01/29/1991	215	Steno notes of proceedings – non jury trial held 10/11/90 (Kunigiel) (bs) (Entered: 01/29/1991)
02/01/1991	216	Stipulation of all parties re: a third 6 month continuation of stip filed 6/5//89. Attached are replacements to said stipulation of 6/5/89. (bs) (Entered: 02/04/1991)
02/08/1991	216	ORDER by Judge Edwin M. Kosik granting stipulation that the doc. which appears as Exh. A to the stip filed on 6/5/89 is replaced by that which appears in Appendix B hereto. That reporting provisions specified in Part IV, K of the Stip are eliminated; the information ordinarily reported therein will be included instead in the monthly reports to be supplied [216–1] (cc: all counsel) (bs) (Entered: 02/08/1991)
02/12/1991	217	Undisputed Facts by plaintiffs, &defendants. (bs) (Entered: 02/13/1991)
02/13/1991	218	Undisputed facts (corrected copy) by plaintiff &defendant. (bs) (Entered: 02/14/1991)
02/27/1991	219	Brief by plaintiffs in support of req. for an order establishing a plan for medical monitoring. (bs) (Entered: 02/28/1991)
03/19/1991	220	Brief by defendant Ann M Goolsby, defendant Carolyn Hill, defendant Glen Jeffes, defendant Ronald J Marks, defendant Richard Nierle, defendant Robert C Wilburn in opposition to pltf's req. for asbestos–related medical monitoring w/exh. C of S 3/19/91. (bs) (Entered: 03/22/1991)
04/02/1991	221	Reply brief by plaintiffs'. C of S 4/1/91. (bs) (Entered: 04/03/1991)
04/15/1991	222	Proposed FINDINGS OF FACT AND CONCLUSIONS OF LAW by plaintiffs. C of S 4/10/91. (bs) (Entered: 04/16/1991)
05/06/1991	223	Transcript filed of prelimin. inj. hearing held 12/16/88 – Testimony of Gregory White. (Spearing) (bs) (Entered: 05/08/1991)
05/06/1991	224	Transcript filed of prelim. inj. hearing held 12/16/88 – Testimony of Jack Follweiler (Spearing) (bs) (Entered: 05/08/1991)
06/18/1991	225	MOTION with brief in support by plaintiffs for an interim award of cnsl fees and costs . C of S 6/14/91. (bs) (Entered: 06/18/1991)
06/18/1991	226	Appendix to pltf's mot. for interim award of cnsl. fees and costs. (bs) (Entered: 06/18/1991)
07/05/1991	227	MOTION by defendants to extend time to file resp. to pltf's mot. for interim Attys. fees Cert. of noncon. C of S 7/5/91. (bs) (Entered: 07/11/1991)
07/11/1991	228	Brief by plaintiffs in opposition to motion to extend time to file resp. to pltf's mot. for interim Attys. fees [227–1] ;reply brief due 7/24/91. C of S 7/9/91. (bs) (Entered: 07/15/1991)
07/15/1991	229	ORDER by Judge Edwin M. Kosik granting motion to extend time to file resp. to pltf's mot. for interim Attys. fees [227–1] re motion for an interim award of cnsl fees and costs [225–1] 8/31/91 (cc: all counsel) (bs) (Entered: 07/15/1991)
09/03/1991	230	MOTION by defendants to extend time in which to file their br. in oppos. to pltf's mot. for interim award of Attys' fees , Cert. of con. C of S 9/3/91. (bs) (Entered: 09/03/1991)



		09/06/1991)
09/03/1991	231	Amendment by defendants to Ntc. of Depos. upon oral exam of Thomas Place on 9/4/91 at 9:30 am in Hbg. C of S 9/3/91. (bs) (Entered: 09/06/1991)
09/10/1991	232	ORDER by Judge Edwin M. Kosik granting motion to extend time in which to file their br. in oppos. to pltf's mot. for interim award of Attys' fees [230-1] [225-1] until 9/13/91 (cc: all counsel) (bs) (Entered: 09/10/1991)
09/12/1991	233	Stipulation of parties to a 6 month continuation of stip of 6/5/89 and 2/8/91. (bs) (Entered: 09/16/1991)
09/16/1991	235	MOTION by defendants to strike Cert. of noncon. C of S 9/16/91. (bs) (Entered: 09/19/1991)
09/17/1991	234	Brief by defendant in opposition to motion for an interim award of cnsl fees and costs [225-1] w/exh. ;reply brief due 9/30/91. C of S 9/16/91. (bs) (Entered: 09/19/1991)
09/19/1991	233	ORDER by Judge Edwin M. Kosik granting stipulation [233-1] that a 4th 6 month continuation of stip that was initially filed w/ct. on 6/5/89 and most recently contiued on 2/9/91, (cc: all counsel) (bs) (Entered: 09/19/1991)
09/20/1991	236	Brief (Corrected Copy) by defendants in opposition to motion for an interim award of cnsl fees and costs [225-1] ; reply brief due 10/3/91. C of S 9/20/91. (bs) (Entered: 09/24/1991)
09/30/1991	237	Brief by defendants in support of motion to strike [235-1] w/exh. C of S 9/30/91. (bs) (Entered: 10/02/1991)
10/11/1991	238	Letter to court from cnsl. for plaintiffs asking for ext. of time to file reply br. re: pending mot. for interim award of cnsl. fees and costs. copy to DAG Zapp. (bs) (Entered: 10/11/1991)
10/11/1991	239	ORDER by Judge Edwin M. Kosik granting ext. of time to file reply br. in supp. of their motion for an interim award of cnsl fees and costs [225-1] (cc: all counsel) (bs) (Entered: 10/11/1991)
10/17/1991	240	Brief by plaintiff in opposition to motion to strike [235-1] ;reply brief due 10/30/91. C of S 10/16/91. (bs) (Entered: 10/17/1991)
11/04/1991	241	Reply brief by defendants in support of motion to strike [235-1]. C of S 11/4/91. (bs) (Entered: 11/07/1991)
11/04/1991	242	NOTICE of change of address for Atty. Dolan. (bs) (Entered: 11/12/1991)
11/14/1991	243	RETURN OF SERVICE of Depos. Subpoena executed on 11/14/91 upon Morey Myers. (bs) (Entered: 11/15/1991)
11/20/1991	244	MOTION by Atty. Morey Myers to quash subpoena w/exh. Cert. of con/noncon. C of S 11/20/91. (bs) (Entered: 11/21/1991)
11/27/1991	245	MOTION with brief in support by plaintiff for payment of an interlocutory counsel fee pending disposition of their main fees motion Cert. of noncon. C of S 11/26/91. (bs) (Entered: 12/03/1991)
12/05/1991	246	Brief by unknown Morey M. Myers in support of motion to quash subpoena [244-1]. C of S 12/5/91/. (bs) (Entered: 12/09/1991)
12/05/1991	247	Affidavit of Richard Spiegelman (bs) (Entered: 12/09/1991)
12/05/1991	248	Notice by plaintiff of taking deposition of Morey Myers on 10/22/91 at 10:00 am. C of S 10/7/91. (bs) (Entered: 12/13/1991)
12/16/1991	249	MEMORANDUM – by defendants in opposition to motion for payment of an interlocutory counsel fee pending disposition of their main fees motion; C of S (jb) (Entered: 12/17/1991)
12/17/1991		Remark; Doc #249 to K. (jb) (Entered: 12/17/1991)

12/23/1991	250	MEMORANDUM – OF defts in response to the Motion to Quash by Morey M. Myers, Esq.; C of S (jb) (Entered: 12/26/1991)
12/27/1991	251	BRIEF – by plaintiff in opposition to motion to quash subpoena; C of S (jb) (Entered: 12/30/1991)
01/06/1992	252	Reply brief by plaintiff in support of motion for payment of an interlocutory counsel fee pending disposition of their main fees motion [245–1]. C of S 1/3/92. (bs) (Entered: 01/06/1992)
01/10/1992	253	MEMORANDUM AND ORDER: by Judge Edwin M. Kosik [245–1] motion for payment of an interlocutory counsel fee pending disposition of their main fees motion, the ct. concludes (that the interlocutory fee dispute the defts shall pay to cnsl. for pltfs. uncontested amt. of \$175,147.59 as partial payment of fees until the ct. determines otherwise) ; denying motion to quash subpoena [244–1] (cc: all counsel) (bs) (Entered: 01/14/1992)
01/13/1992	254	REPLY BRIEF FILED by Morey M. Myers regarding motion to quash subpoena [244–1] and C of S (ls) (Entered: 01/16/1992)
01/16/1992		Remark doc 254 to Kosik (ls) (Entered: 01/16/1992)
04/20/1992		Proposed Stipulation of the Parties for a 5th 6 months Stipulation (ls) (Entered: 04/22/1992)
04/24/1992	255	Stipulation and ORDER by Judge Edwin M. Kosik :that parties hereby stipulate a 5th 6 month continuation of the stip of the parties that was initially filed w/the ct. on 6/5/89 and most recently continued on 9/19/91. (cc: all counsel) (bs) (Entered: 04/27/1992)
05/07/1992	256	Letter to court fr DAG Zapp dated 5/6/92 re discussion of case & attaching copies various record docs from Rauser (jw) (Entered: 05/07/1992)
05/12/1992	257	Reply brief by plaintiff in further support of their motion for an interim award of cnsl fees and costs [225–1] and c/s (jw) (Entered: 05/13/1992)
06/24/1992	258	MEMORANDUM AND ORDER: by Judge Edwin M. Kosik The Ct concludes the 8th Amendment constitutional right of pltfs was not violated. Accordingly, the claim for equitable relief will be denied. (cc: all counsel and pltfs) (jw) (Entered: 06/24/1992)
07/23/1992	259	MOTION by plaintiffs to proceed in forma pauperis on appeal (bs) (Entered: 07/29/1992)
07/23/1992	260	Notice of appeal by plaintiff Pauletta Beehler, plaintiff Toni Anderson, plaintiff Sharon Wiggins, plaintiff Patricia Smith from District Court order filed 6/24/92 [258–1] (TPO handed to attorney, certified copies, notice of appeal, order being appealed, with info/ack to USCA. (cc: all counsel, C/R and Judge Kosik) (bs) (Entered: 07/29/1992)
07/30/1992	261	ORDER by Judge Edwin M. Kosik granting motion to proceed in forma pauperis on appeal [259–1] (cc: all counsel) (bs) (Entered: 07/30/1992)
07/31/1992	262	Transcript Purchase Order for dates: Already on file in D.C. Court TPO filed by attorney Place. (bs) (Entered: 08/03/1992)
08/03/1992		RECORD COMPLETE FOR PURPOSES OF APPEAL (bs) (Entered: 08/03/1992)
08/03/1992		Certified copy of docket in lieu of record on appeal transmitted to USCA (bs) (Entered: 08/03/1992)
08/04/1992	263	Notification by Circuit Court of Appellate Docket Number 92–7391 (bs) (Entered: 08/04/1992)
08/11/1992	264	Acknowledgement Received from USCA for cert. list in lieu of record on appeal – ack. 8/4/92. (bs) (Entered: 08/11/1992)
10/22/1992		Proposed Stipulation of the parties to a sixth six–month continuation of previously stipulation (ls) (Entered: 10/26/1992)

10/30/1992	265	Stipulation of the parties approved by Judge Edwin M. Kosik for sixth six-month continuation of Stipulation of the Parties that was initially filed with ct on 6/5/92 (cc: all counsel) (ls) (Entered: 11/02/1992)
02/01/1993	266	MEMORANDUM AND ORDER: by Judge Edwin M. Kosik 1. pltf's motion for award of counsel fees and costs is granted in part; 2. ptf's are awarded counsel fees and costs from defts in the amt of \$545,327.49; and 3. the awarded counsel fees and costs are to be distributed in accordance with the attached Memorandum. (cc: all counsel) (ls) (Entered: 02/01/1993)
02/01/1993		Remark doc 266 to Kosik (ls) (Entered: 02/01/1993)
02/25/1993	267	Notice from USCA a petition for rehearing obo of Appellant was file on 2/22/93 (ls) (Entered: 02/25/1993)
03/08/1993	268	INFORMATION SHEET ON POST DECISION MATTERS – fr Ct of Appeals. An order was filed on 3/2/93 denying the petn for rehearing. (jw) (Entered: 03/08/1993)
03/12/1993	269	Certified copy of judgment from USCA affirming the decision of the District Court [260–1]. Costs taxed against the appellants and in favor of the appellees as follows: Total for brief – \$72.80. Total for Supplemental Appendix – \$96.60. Total – \$169.40. Certified as a true copy and issued in lieu of a formal mandate on March 10, 1993. (Info ciopy to J. Kosik) (cc: all counsel) (ps) (Entered: 03/15/1993)
06/07/1994		Case file to FRUS. (ep) (Entered: 06/07/1994)
06/10/1994	270	Letter from Judge Kosik to Atty. Thomas place, re: letter from Marie Scott – pltf. (bs) (Entered: 06/10/1994)