

**U.S. District Court
District of South Carolina (Florence)
CIVIL DOCKET FOR CASE #: 4:17-cv-03301-BHH-TER**

Northcutt et al v. South Carolina Department of Corrections et al Date Filed: 12/07/2017
Assigned to: Honorable Bruce Howe Hendricks Jury Demand: Both
Referred to: Magistrate Judge Thomas E Rogers, III Nature of Suit: 555 Prison:Prison
Cause: 42:1983 Prisoner Civil Rights, State Filers Condition
Jurisdiction: Federal Question

Plaintiff

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Date Filed	#	Docket Text
12/07/2017	<u>1</u>	COMPLAINT against Joel Anderson, James Bryant, Luzenski Cottrell, Taylor Cross, Willie D. Davis, William Dickerson, Jr, Ron Finklea, Jana Hollis, Jerry Inman, Joseph McFadden, Richard Moore, Clinton Northcutt, James Robertson, Brad Sigmon, South Carolina Department of Corrections, Stephen Stanko, Norman Starnes, Bryan P. Stirling, Sammie Stokes, Bobby Stone, Gary Terry, John Weik, Randall Williams, Louis Winkler (Filing fee \$400 receipt number 0420-7499889), filed by Bayan Aleksey. Service due by 3/7/2018. (Attachments: # <u>1</u> SCDC Policy)(dsto,) (Entered: 12/08/2017)

12/07/2017	<u>3</u>	Local Rule 26.01 Answers to Interrogatories by Bayan Aleksey.(dsto,) (Entered: 12/08/2017)
12/07/2017	<u>4</u>	Summons Issued as to Joel Anderson, Willie D. Davis, Jana Hollis, Joseph McFadden, South Carolina Department of Corrections, Bryan P. Stirling, Randall Williams. Service due by 3/7/2018.(dsto,) (Entered: 12/08/2017)
12/22/2017	<u>6</u>	MOTION for Preliminary Injunction by Bayan Aleksey, James Bryant, Luzenski Cottrell, Taylor Cross, William Dickerson, Jr, Ron Finklea, Jerry Inman, Richard Moore, Clinton Northcutt, James Robertson, Brad Sigmon, Stephen Stanko, Norman Starnes, Sammie Stokes, Bobby Stone, Gary Terry, John Weik, Louis Winkler. Response to Motion due by 1/5/2018. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Exhibit SCDC Policy 22.16: Death Row, # <u>2</u> Exhibit SCDC Policy 22.38: Restricted Housing Unit)No proposed order.Motions referred to Thomas E Rogers, III.(Jophlin, Aaron) (Entered: 12/22/2017)
01/04/2018	<u>7</u>	NOTICE of Appearance by Daniel R Settana, Jr on behalf of Joel Anderson, Willie D. Davis, Jana Hollis, Joseph McFadden, South Carolina Department of Corrections, Bryan P. Stirling, Randall Williams (Settana, Daniel) (Entered: 01/04/2018)
01/04/2018	<u>8</u>	NOTICE of Appearance by Janet Brooks Holmes on behalf of Joel Anderson, Willie D. Davis, Jana Hollis, Joseph McFadden, South Carolina Department of Corrections, Bryan P. Stirling, Randall Williams (Holmes, Janet) (Entered: 01/04/2018)
01/04/2018	<u>9</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>6</u> MOTION for Preliminary Injunction by Joel Anderson, Willie D. Davis, Jana Hollis, Joseph McFadden, South Carolina Department of Corrections, Bryan P. Stirling, Randall Williams. Response to Motion due by 1/18/2018. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Proposed Order granting Consent Motion for Extension of Time)Proposed order is being emailed to chambers with copy to opposing counsel.Motions referred to Thomas E Rogers, III.(Holmes, Janet) (Entered: 01/04/2018)
01/09/2018	<u>10</u>	TEXT ORDER granting <u>9</u> Motion for Extension of Time to File Response to <u>6</u> MOTION for Preliminary Injunction. Response to Motion is now due up to and including January 19, 2018. Signed by Magistrate Judge Thomas E Rogers, III on 01/09/2018.(dsto,) (Entered: 01/09/2018)
01/11/2018	<u>11</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint,, by Joel Anderson, Willie D. Davis, Jana Hollis, Joseph McFadden, South Carolina Department of Corrections, Bryan P. Stirling, Randall Williams. Response to Motion due by 1/25/2018. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.Motions referred to Thomas E Rogers, III.(Holmes, Janet) (Entered: 01/11/2018)
01/18/2018	<u>12</u>	TEXT ORDER granting <u>11</u> Motion for Extension of Time to Answer. The Answer is now due February 2, 2018 for all defendants. Signed by Magistrate Judge Thomas E Rogers, III on 01/18/2018.(dsto,) (Entered: 01/18/2018)
01/19/2018	<u>14</u>	RESPONSE in Opposition re <u>6</u> MOTION for Preliminary Injunction Response filed by Joel Anderson, Willie D. Davis, Jana Hollis, Joseph McFadden, South Carolina Department of Corrections, Bryan P. Stirling, Randall Williams.Reply to Response to Motion due by 1/26/2018 Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6. (Attachments: # <u>1</u> Affidavit of Dennis Patterson, SCDC Assistant Deputy Director, Office of the Deputy Director for Operations)(Holmes, Janet) (Entered: 01/19/2018)
01/22/2018	<u>15</u>	DELETION OF DOCKET ENTRY NUMBER Entry #15 Reason: filed in duplicate by attorney (dsto,) (Entered: 01/22/2018)
01/26/2018	<u>16</u>	REPLY to Response to Motion re <u>6</u> MOTION for Preliminary Injunction Response filed by Bayan Aleksey, James Bryant, Luzenski Cottrell, Taylor Cross, William Dickerson, Jr, Ron Finklea, Jerry Inman, Richard Moore, Clinton Northcutt, James Robertson, Brad Sigmon, Stephen Stanko, Norman Starnes, Sammie Stokes, Bobby Stone, Gary Terry, John Weik, Louis Winkler. (Jophlin, Aaron) (Entered: 01/26/2018)

01/26/2018	<u>17</u>	MOTION to Appear Pro Hac Vice by Brian R. Richichi (Filing fee \$ 250 receipt number 0420-7578742) by Bayan Aleksey, James Bryant, Luzenski Cottrell, Taylor Cross, William Dickerson, Jr, Ron Finklea, Jerry Inman, Richard Moore, Clinton Northcutt, James Robertson, Brad Sigmon, Stephen Stanko, Norman Starnes, Sammie Stokes, Bobby Stone, Gary Terry, John Weik, Louis Winkler. Response to Motion due by 2/9/2018. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Supporting Documents Pro Hac Application, # <u>2</u> Supporting Documents Certificate of Good Standing, # <u>3</u> Proposed Order)No proposed order.Motions referred to Thomas E Rogers, III.(Jophlin, Aaron) (Entered: 01/26/2018)
02/02/2018	18	TEXT ORDER granting <u>17</u> Motion to Appear Pro Hac Vice for Brian R. Richichi. Signed by Magistrate Judge Thomas E Rogers, III on 02/02/2018.(dsto,) (Entered: 02/02/2018)
02/02/2018	<u>20</u>	ANSWER to <u>1</u> Complaint,, by Joel Anderson, Willie D. Davis, Jana Hollis, Joseph McFadden, South Carolina Department of Corrections, Bryan P. Stirling, Randall Williams.(Holmes, Janet) (Entered: 02/02/2018)
02/20/2018	<u>21</u>	CONFERENCE AND SCHEDULING ORDER: Rule 26(f) Conference Deadline 3/13/2018, 26(a) Initial Disclosures due by 3/27/2018, Rule 26 Report due by 3/27/2018, Motions to Amend Pleadings due by 4/17/2018, Plaintiffs ID of Expert Witness due by 5/17/2018, Defendants ID of Expert Witnesses Due by 6/18/2018, Records Custodian Affidavit due by 6/18/2018, Discovery due by 8/16/2018, Motions due by 9/17/2018, Jury Selection Deadline 12/17/2018, Mediation Due by 8/16/2018. Signed by Magistrate Judge Thomas E Rogers, III on 02/20/2018. (dsto,) (Entered: 02/20/2018)
03/20/2018	<u>23</u>	NOTICE of Appearance by Melissa J Arnold on behalf of Joel Anderson, Willie D. Davis, Jana Hollis, Joseph McFadden, South Carolina Department of Corrections, Bryan P. Stirling, Randall Williams (Arnold, Melissa) (Entered: 03/20/2018)
03/27/2018	<u>24</u>	Local Rule 26.03 Answers to Interrogatories by Bayan Aleksey, James Bryant, Luzenski Cottrell, Taylor Cross, William Dickerson, Jr, Ron Finklea, Jerry Inman, Richard Moore, Clinton Northcutt, James Robertson, Brad Sigmon, Stephen Stanko, Norman Starnes, Sammie Stokes, Bobby Stone, Gary Terry, John Weik, Louis Winkler.(Jophlin, Aaron) (Entered: 03/27/2018)
03/27/2018	<u>25</u>	<i>Defendants'</i> Local Rule 26.03 Answers to Interrogatories by Joel Anderson, Willie D. Davis, Jana Hollis, Joseph McFadden, South Carolina Department of Corrections, Bryan P. Stirling, Randall Williams.(Settana, Daniel) (Entered: 03/27/2018)
03/27/2018	<u>26</u>	Rule 26(f) Report by Joel Anderson, Willie D. Davis, Jana Hollis, Joseph McFadden, South Carolina Department of Corrections, Bryan P. Stirling, Randall Williams.(Settana, Daniel) Modified on 3/27/2018 to delete attachments. (dsto) (Entered: 03/27/2018)
03/29/2018	<u>27</u>	AMENDED CONFERENCE AND SCHEDULING ORDER: Motions to Amend Pleadings due by 4/17/2018, Plaintiffs ID of Expert Witness due by 7/19/2018, Defendants ID of Expert Witnesses Due by 9/17/2018, Records Custodian Affidavit due by 9/17/2018, Discovery due by 11/16/2018, Motions due by 12/17/2018, Jury Selection Deadline 1/17/2019, Mediation Due by 11/16/2018. Signed by Magistrate Judge Thomas E Rogers, III on 03/29/2018. (dsto,) (Entered: 03/29/2018)
04/16/2018	<u>30</u>	AMENDED COMPLAINT against All Defendants, filed by Marion Bowman, Gary Terry, Luzenski Cottrell, Norman Starnes, Brad Sigmon, Clinton Northcutt, Richard Moore, Bobby Stone, Jerry Inman, Sammie Stokes, Louis Winkler, Bayan Aleksey, Taylor Cross, William Dickerson, Jr, Ron Finklea, James Robertson, John Weik, Stephen Stanko, James Bryant. Service due by 7/16/2018 (Attachments: # <u>1</u> Exhibit SCDC Policy OP-22-16: Death Row) (Jophlin, Aaron) Modified on 4/17/2018 to correct filing date. (dsto) (Entered: 04/17/2018)
04/17/2018	31	DELETION OF DOCKET ENTRY NUMBER Entry #29 Reason: to correct filing error. Corrected Filing Document Number <u>30</u> . (dsto,) (Entered: 04/17/2018)
04/30/2018	<u>33</u>	ANSWER to <u>30</u> Amended Complaint,, by Joel Anderson, Willie D. Davis, Jana Hollis, Joseph McFadden, South Carolina Department of Corrections, Bryan P. Stirling,

		Randall Williams.(Holmes, Janet) (Entered: 04/30/2018)
06/01/2018	<u>34</u>	Joint MOTION to Amend/Correct <u>21</u> Scheduling Order., by Bayan Aleksey, Marion Bowman, James Bryant, Luzenski Cottrell, Taylor Cross, William Dickerson, Jr, Ron Finklea, Jerry Inman, Richard Moore, Clinton Northcutt, James Robertson, Brad Sigmon, Stephen Stanko, Norman Starnes, Sammie Stokes, Bobby Stone, Gary Terry, John Weik, Louis Winkler. Response to Motion due by 6/15/2018. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Proposed Order Proposed Amended Scheduling Order)Proposed order is being emailed to chambers with copy to opposing counsel.Motions referred to Thomas E Rogers, III.(Jophlin, Aaron) (Entered: 06/01/2018)
06/06/2018	<u>35</u>	MOTION to Take Deposition from Northcutt, Aleskey, Bowman, Bryant, Cottrell, Cross, Dickerson, Finklea, Inman, Moore, Robertson, Sigmon, Stanko, Starnes, Stokes, Stone, Terry, Weik, Winkler by Joel Anderson, Willie D. Davis, Jana Hollis, Joseph McFadden, South Carolina Department of Corrections, Bryan P. Stirling, Randall Williams. Response to Motion due by 6/20/2018. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.Motions referred to Thomas E Rogers, III.(Arnold, Melissa) (Entered: 06/06/2018)
06/15/2018	<u>36</u>	ORDER granting <u>35</u> Motion to Take Deposition. Signed by Magistrate Judge Thomas E Rogers, III on 06/15/2018.(dsto,) (Entered: 06/15/2018)
06/15/2018	<u>37</u>	TEXT ORDER granting <u>34</u> Motion to Amend/Correct. Signed by Magistrate Judge Thomas E Rogers, III on 06/15/2018.(dsto,) (Entered: 06/15/2018)
06/15/2018	<u>38</u>	AMENDED SCHEDULING ORDER: Plaintiffs ID of Expert Witness due by 11/16/2018, Defendants ID of Expert Witnesses Due by 1/15/2019, Records Custodian Affidavit due by 1/15/2019, Discovery due by 3/18/2019, Motions due by 4/17/2019, Jury Selection Deadline 5/20/2019, Mediation Due by 3/18/2019. Signed by Magistrate Judge Thomas E Rogers, III on 06/15/2018. (dsto,) (Entered: 06/15/2018)
06/20/2018	<u>39</u>	NOTICE of Appearance by Patrick John Frawley on behalf of Joseph McFadden (Frawley, Patrick) (Entered: 06/20/2018)
06/20/2018	<u>40</u>	NOTICE of Appearance by Evan Markus Gessner on behalf of Joseph McFadden (Gessner, Evan) (Entered: 06/20/2018)
06/21/2018	<u>41</u>	Consent MOTION to Substitute Attorney by Joel Anderson, Willie D. Davis, Jana Hollis, Joseph McFadden, South Carolina Department of Corrections, Bryan P. Stirling, Randall Williams. Response to Motion due by 7/5/2018. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. No proposed order.Motions referred to Thomas E Rogers, III.(Arnold, Melissa) (Entered: 06/21/2018)
06/26/2018	<u>42</u>	REPORT AND RECOMMENDATION recommending that Plaintiffs' Motion for Preliminary Injunction (ECF No. <u>6</u>) be denied. Signed by Magistrate Judge Thomas E Rogers, III on 06/26/2018. (Attachments: # <u>1</u> Notice of Right to File Objections)(dsto,) (Entered: 06/26/2018)
06/26/2018	<u>43</u>	TEXT ORDER granting <u>41</u> Motion to Substitute Attorney. Signed by Magistrate Judge Thomas E Rogers, III on 06/26/2018.(dsto,) (Entered: 06/26/2018)
07/13/2018	<u>45</u>	MOTION to Appear Pro Hac Vice by Laura Ferguson (Filing fee \$ 250 receipt number 0420-7885762) by Bayan Aleksey, Marion Bowman, James Bryant, Luzenski Cottrell, Taylor Cross, William Dickerson, Jr, Ron Finklea, Jerry Inman, Richard Moore, Clinton Northcutt, James Robertson, Brad Sigmon, Stephen Stanko, Norman Starnes, Sammie Stokes, Bobby Stone, Gary Terry, John Weik, Louis Winkler. Response to Motion due by 7/27/2018. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Supporting Documents Ferguson Pro Hac Vice Application, # <u>2</u> Supporting Documents Ferguson Certificate of Good Standing, # <u>3</u> Proposed Order Proposed Order)Proposed order is being emailed to chambers with copy to opposing counsel.Motions referred to Thomas E Rogers, III.(Jophlin, Aaron) (Entered: 07/13/2018)

		07/13/2018)
07/19/2018	<u>48</u>	STIPULATION of Dismissal Without Prejudice of <i>John Weik</i> by John Weik. (Jophlin, Aaron) (Entered: 07/19/2018)
07/23/2018	<u>50</u>	MOTION to Appear Pro Hac Vice by Kyle Druding (Filing fee \$ 250 receipt number 0420-7901144) by Bayan Aleksey, Marion Bowman, James Bryant, Luzenski Cottrell, Taylor Cross, William Dickerson, Jr, Ron Finklea, Jerry Inman, Richard Moore, Clinton Northcutt, James Robertson, Brad Sigmon, Stephen Stanko, Norman Starnes, Sammie Stokes, Bobby Stone, Gary Terry, Louis Winkler. Response to Motion due by 8/6/2018. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Supporting Documents Pro Hac Vice Application, # <u>2</u> Supporting Documents Certificate of Good Standing) Proposed order is being emailed to chambers with copy to opposing counsel.Motions referred to Thomas E Rogers, III.(Jophlin, Aaron) Modified on 7/23/2018 to delete proposed order. (dsto) (Main Document 50 and Attachment 1 replaced on 7/24/2018 to correct filing errors) (dsto) (Entered: 07/23/2018)
07/23/2018	<u>51</u>	MOTION to Appear Pro Hac Vice by Nicole E. Schiavo (Filing fee \$ 250 receipt number 0420-7901244) by Bayan Aleksey, Marion Bowman, James Bryant, Luzenski Cottrell, Taylor Cross, William Dickerson, Jr, Ron Finklea, Jerry Inman, Richard Moore, Clinton Northcutt, James Robertson, Brad Sigmon, Stephen Stanko, Norman Starnes, Sammie Stokes, Bobby Stone, Gary Terry, Louis Winkler. Response to Motion due by 8/6/2018. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Supporting Documents Pro Hac Vice Application, # <u>2</u> Supporting Documents Certificate of Good Standing) Proposed order is being emailed to chambers with copy to opposing counsel.Motions referred to Thomas E Rogers, III.(Jophlin, Aaron) Modified on 7/23/2018 to delete proposed order. (dsto) (Main Document 51 and Attachment 1 replaced on 7/24/2018 to correct filing errors) (dsto) (Entered: 07/23/2018)
07/24/2018	<u>52</u>	STIPULATION <i>Joint Stipulation and Agreement re Confidential Materials signed by all parties</i> by Joel Anderson, Willie D. Davis, Jana Hollis, South Carolina Department of Corrections, Bryan P. Stirling, Randall Williams. (Holmes, Janet) (Entered: 07/24/2018)
07/24/2018	53	TEXT ORDER granting <u>45</u> Motion to Appear Pro Hac Vice; granting <u>50</u> Motion to Appear Pro Hac Vice; granting <u>51</u> Motion to Appear Pro Hac Vice. Signed by Magistrate Judge Thomas E Rogers, III on 07/24/2018.(dsto,) (Entered: 07/24/2018)
08/08/2018	<u>57</u>	MOTION to Appear Pro Hac Vice by Pieter Van Tol (Filing fee \$ 250 receipt number 0420-7933735) by Bayan Aleksey, Marion Bowman, James Bryant, Luzenski Cottrell, Taylor Cross, William Dickerson, Jr, Ron Finklea, Jerry Inman, Richard Moore, Clinton Northcutt, James Robertson, Brad Sigmon, Stephen Stanko, Norman Starnes, Sammie Stokes, Bobby Stone, Gary Terry, Louis Winkler. Response to Motion due by 8/22/2018. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Supporting Documents Pro Hac Vice Application, # <u>2</u> Supporting Documents Certificate of Good Standing)Proposed order is being emailed to chambers with copy to opposing counsel.Motions referred to Thomas E Rogers, III.(Jophlin, Aaron) (Entered: 08/08/2018)
08/08/2018	<u>58</u>	MOTION to Appear Pro Hac Vice by Darcy Hansen (Filing fee \$ 250 receipt number 0420-7933763) by Bayan Aleksey, Marion Bowman, James Bryant, Luzenski Cottrell, Taylor Cross, William Dickerson, Jr, Ron Finklea, Jerry Inman, Richard Moore, Clinton Northcutt, James Robertson, Brad Sigmon, Stephen Stanko, Norman Starnes, Sammie Stokes, Bobby Stone, Gary Terry, Louis Winkler. Response to Motion due by 8/22/2018. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Supporting Documents Pro Hac Vice Application, # <u>2</u> Supporting Documents Certificate of Good Standing)Proposed order is being emailed to chambers with copy to opposing counsel.Motions referred to Thomas E Rogers, III.(Jophlin, Aaron) (Entered: 08/08/2018)

08/08/2018	<u>59</u>	MOTION to Appear Pro Hac Vice by Emily Goldman (Filing fee \$ 250 receipt number 0420-7933770) by Bayan Aleksey, Marion Bowman, James Bryant, Luzenski Cottrell, Taylor Cross, William Dickerson, Jr, Ron Finklea, Jerry Inman, Richard Moore, Clinton Northcutt, James Robertson, Brad Sigmon, Stephen Stanko, Norman Starnes, Sammie Stokes, Bobby Stone, Gary Terry, Louis Winkler. Response to Motion due by 8/22/2018. Add an additional 3 days only if served by mail or otherwise allowed under Fed. R. Civ. P. 6 or Fed. R. Crim. P. 45. (Attachments: # <u>1</u> Supporting Documents Pro Hac Vice Application, # <u>2</u> Supporting Documents Certificate of Good Standing)Proposed order is being emailed to chambers with copy to opposing counsel.Motions referred to Thomas E Rogers, III.(Jophlin, Aaron) (Entered: 08/08/2018)
08/09/2018	60	TEXT ORDER granting <u>57</u> Motion to Appear Pro Hac Vice; granting <u>58</u> Motion to Appear Pro Hac Vice; granting <u>59</u> Motion to Appear Pro Hac Vice. Signed by Magistrate Judge Thomas E Rogers, III on 08/09/2018.(dsto,) (Entered: 08/09/2018)
08/09/2018	<u>62</u>	ORDER RULING ON REPORT AND RECOMMENDATION: The Court adopts the Magistrate Judge's Report (ECF No. <u>42</u>) and denies Plaintiffs' Motion for Preliminary Injunction (ECF No. <u>6</u>). IT IS SO ORDERED. Signed by Honorable Bruce Howe Hendricks on 08/09/2018. (dsto,) (Entered: 08/09/2018)