

**U.S. District Court**  
**District of Vermont (Rutland)**  
**CIVIL DOCKET FOR CASE #: 5:04-cv-00335-gwc**

McGee et al v. Gold, et al  
Assigned to: Judge Geoffrey W. Crawford  
Demand: \$0  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 12/08/2004  
Date Terminated: 07/14/2017  
Jury Demand: Both  
Nature of Suit: 555 Prisoner Petitions  
(Prison Condition)  
Jurisdiction: Federal Question

**Plaintiff**

**David McGee**

#330290

CCA/Lee Adjustment Center  
2648 Fairground Ridge Road  
Beattyville, KY 41311

*and all other inmates similarly situated*

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**Plaintiff**

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**Plaintiff**

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**Intervenor Plaintiff**

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**Intervenor Plaintiff**

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**Intervenor Plaintiff**

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**Intervenor Plaintiff**

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**Intervenor Plaintiff**

**Ronald Real**

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**Intervenor Plaintiff**

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**Intervenor Plaintiff**

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**Intervenor Plaintiff**

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LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Matthew F. Valerio**  
(See above for address)  
*TERMINATED: 02/24/2016  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Todd D. Schlossberg , Esq.**  
(See above for address)  
*TERMINATED: 02/10/2006  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Seth E. Lipschutz**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Intervenor Plaintiff**

**Steven Gay**  
*TERMINATED: 10/16/2006*

represented by **Gary L. Franklin**  
(See above for address)  
*TERMINATED: 12/12/2005  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Matthew F. Valerio**  
(See above for address)  
*TERMINATED: 02/24/2016  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*



**Todd D. Schlossberg , Esq.**  
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*TERMINATED: 02/10/2006*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Seth E. Lipschutz**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Intervenor Plaintiff**

**Timothy J Arbuckle**  
*TERMINATED: 08/08/2006*

represented by **Gary L. Franklin**  
(See above for address)  
*TERMINATED: 12/12/2005*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Matthew F. Valerio**  
(See above for address)  
*TERMINATED: 02/24/2016*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Todd D. Schlossberg , Esq.**  
(See above for address)  
*TERMINATED: 02/10/2006*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Intervenor Plaintiff**

**Ervin Snide**  
*TERMINATED: 10/16/2006*

represented by **Gary L. Franklin**  
(See above for address)  
*TERMINATED: 12/12/2005*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Matthew F. Valerio**  
(See above for address)  
*TERMINATED: 02/24/2016*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Todd D. Schlossberg , Esq.**  
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*TERMINATED: 02/10/2006*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Seth E. Lipschutz**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Intervenor Plaintiff**

**David Haselton**

*TERMINATED: 10/16/2006*

represented by **Gary L. Franklin**

(See above for address)

*TERMINATED: 12/12/2005*

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Matthew F. Valerio**

(See above for address)

*TERMINATED: 02/24/2016*

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Todd D. Schlossberg , Esq.**

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*TERMINATED: 02/10/2006*

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Seth E. Lipschutz**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Intervenor Plaintiff**

**Brian Coyle**

*TERMINATED: 10/16/2006*

represented by **Gary L. Franklin**

(See above for address)

*TERMINATED: 12/12/2005*

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Matthew F. Valerio**

(See above for address)

*TERMINATED: 02/24/2016*

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*ATTORNEY TO BE NOTICED*

**Todd D. Schlossberg , Esq.**

(See above for address)

*TERMINATED: 02/10/2006*

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Seth E. Lipschutz**

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*ATTORNEY TO BE NOTICED*

**Intervenor Plaintiff**

**Arthur Magoon**

*TERMINATED: 10/16/2006*

represented by **Gary L. Franklin**

(See above for address)

*TERMINATED: 12/12/2005*

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Matthew F. Valerio**

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*TERMINATED: 02/24/2016*  
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*ATTORNEY TO BE NOTICED*

**Todd D. Schlossberg , Esq.**  
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*TERMINATED: 02/10/2006*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Seth E. Lipschutz**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Intervenor Plaintiff**

**Amos Wallen**  
*TERMINATED: 10/16/2006*

represented by **Gary L. Franklin**  
(See above for address)  
*TERMINATED: 12/12/2005*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Matthew F. Valerio**  
(See above for address)  
*TERMINATED: 02/24/2016*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Todd D. Schlossberg , Esq.**  
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*TERMINATED: 02/10/2006*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Seth E. Lipschutz**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Intervenor Plaintiff**

**Stephen Bain**  
*TERMINATED: 10/16/2006*

represented by **Gary L. Franklin**  
(See above for address)  
*TERMINATED: 12/12/2005*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Matthew F. Valerio**  
(See above for address)  
*TERMINATED: 02/24/2016*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Todd D. Schlossberg , Esq.**  
(See above for address)  
*TERMINATED: 02/10/2006*  
*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Seth E. Lipschutz**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Intervenor Plaintiff**

**Richard Pahl**

*TERMINATED: 10/16/2006*

represented by **Dawn M. Seibert**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Gary L. Franklin**

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*TERMINATED: 12/12/2005*

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Matthew F. Valerio**

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*TERMINATED: 02/24/2016*

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Seth E. Lipschutz**

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*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Todd D. Schlossberg , Esq.**

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*TERMINATED: 02/10/2006*

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Intervenor Plaintiff**

**Lance Mason**

*TERMINATED: 10/16/2006*

represented by **Gary L. Franklin**

(See above for address)

*TERMINATED: 12/12/2005*

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Matthew F. Valerio**

(See above for address)

*TERMINATED: 02/24/2016*

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Todd D. Schlossberg , Esq.**

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*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Seth E. Lipschutz**  
(See above for address)  
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**Intervenor Plaintiff**

**Lane Gershameck**  
*TERMINATED: 10/16/2006*

represented by **Gary L. Franklin**  
(See above for address)  
*TERMINATED: 12/12/2005*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Matthew F. Valerio**  
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*TERMINATED: 02/24/2016*  
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*ATTORNEY TO BE NOTICED*

**Todd D. Schlossberg , Esq.**  
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*TERMINATED: 02/10/2006*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Seth E. Lipschutz**  
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*ATTORNEY TO BE NOTICED*

**Intervenor Plaintiff**

**Douglas Sargent**  
*TERMINATED: 10/16/2006*

represented by **Gary L. Franklin**  
(See above for address)  
*TERMINATED: 12/12/2005*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Matthew F. Valerio**  
(See above for address)  
*TERMINATED: 02/24/2016*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Todd D. Schlossberg , Esq.**  
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*TERMINATED: 02/10/2006*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Seth E. Lipschutz**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Intervenor Plaintiff**

**Dana Eaton**  
*TERMINATED: 10/16/2006*

represented by **Gary L. Franklin**  
(See above for address)

*TERMINATED: 12/12/2005*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Matthew F. Valerio**  
(See above for address)  
*TERMINATED: 02/24/2016*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Todd D. Schlossberg , Esq.**  
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*TERMINATED: 02/10/2006*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Seth E. Lipschutz**  
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*ATTORNEY TO BE NOTICED*

**Intervenor Plaintiff**

**Patrick Zivitski**  
*TERMINATED: 10/16/2006*

represented by **Gary L. Franklin**  
(See above for address)  
*TERMINATED: 12/12/2005*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Matthew F. Valerio**  
(See above for address)  
*TERMINATED: 02/24/2016*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Todd D. Schlossberg , Esq.**  
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*TERMINATED: 02/10/2006*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Seth E. Lipschutz**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Intervenor Plaintiff**

**Kevin Vargas**  
*TERMINATED: 08/08/2006*

represented by **Gary L. Franklin**  
(See above for address)  
*TERMINATED: 12/12/2005*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Matthew F. Valerio**  
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*TERMINATED: 02/24/2016*  
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*ATTORNEY TO BE NOTICED*

**Todd D. Schlossberg , Esq.**  
(See above for address)  
*TERMINATED: 02/10/2006*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Intervenor Plaintiff**

**Alfred Brochu**  
*TERMINATED: 10/16/2006*

represented by **Gary L. Franklin**  
(See above for address)  
*TERMINATED: 12/12/2005*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Matthew F. Valerio**  
(See above for address)  
*TERMINATED: 02/24/2016*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Todd D. Schlossberg , Esq.**  
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*TERMINATED: 02/10/2006*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Seth E. Lipschutz**  
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*ATTORNEY TO BE NOTICED*

**Intervenor Plaintiff**

**Jeremy Robitaille**  
*TERMINATED: 10/16/2006*

represented by **Gary L. Franklin**  
(See above for address)  
*TERMINATED: 12/12/2005*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Matthew F. Valerio**  
(See above for address)  
*TERMINATED: 02/24/2016*  
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*ATTORNEY TO BE NOTICED*

**Todd D. Schlossberg , Esq.**  
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*TERMINATED: 02/10/2006*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Seth E. Lipschutz**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Intervenor Plaintiff****Brian K. LeClair***TERMINATED: 10/16/2006*represented by **Gary L. Franklin**

(See above for address)

*TERMINATED: 12/12/2005**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Matthew F. Valerio**

(See above for address)

*TERMINATED: 02/24/2016**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Todd D. Schlossberg , Esq.**

(See above for address)

*TERMINATED: 02/10/2006**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Seth E. Lipschutz**

(See above for address)

*ATTORNEY TO BE NOTICED*

V.

**Defendant****Steven Gold***Commissioner, Vermont Department of  
Corrections, individually and in his official  
capacity**TERMINATED: 04/30/2009*represented by **April E. Schwendler**

Vermont Attorney General's Office

Department of Corrections

103 South Main Street

Waterbury, VT 05676

(802) 241-2608

*TERMINATED: 11/18/2008**LEAD ATTORNEY***Mathew L. Viens**

Vermont Office of the Attorney General

Department of Corrections

103 South Main Street

Waterbury, VT 05671-0701

(802) 241-2288

*TERMINATED: 03/28/2008**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***David R. McLean , Esq.**

Vermont Office of the Attorney General

109 State Street

Montpelier, VT 05609

(802) 828-5341

Email: David.McLean@vermont.gov

*ATTORNEY TO BE NOTICED*



**Defendant****Keith Tallon**

*Superintendent, Southern State Correctional Facility, individually and in his official capacity*

represented by **April E. Schwendler**  
(See above for address)  
*TERMINATED: 11/18/2008*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Mathew L. Viens**

(See above for address)  
*TERMINATED: 03/28/2008*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**David R. McLean , Esq.**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant****Celeste Girrell**

*Superintendent, Northern State Correctional Facility, individually and in her official capacity*

represented by **April E. Schwendler**  
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*TERMINATED: 11/18/2008*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Mathew L. Viens**

(See above for address)  
*TERMINATED: 03/28/2008*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**David R. McLean , Esq.**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant****Robert Hofmann**

represented by **April E. Schwendler**  
(See above for address)  
*TERMINATED: 11/18/2008*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Mathew L. Viens**

(See above for address)  
*TERMINATED: 03/28/2008*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**David R. McLean , Esq.**

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*ATTORNEY TO BE NOTICED*

**Defendant****John Gorczyk**

represented by **David R. McLean , Esq.**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Kathleen Lanman**

represented by **David R. McLean , Esq.**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Michael O'Malley**

represented by **David R. McLean , Esq.**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Anita Carbenelle**

represented by **David R. McLean , Esq.**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Stuart Gladding**

represented by **David R. McLean , Esq.**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Daniel Florentine**

represented by **David R. McLean , Esq.**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Raymond Flum**

represented by **David R. McLean , Esq.**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Carol Callea**

represented by **David R. McLean , Esq.**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Andrew Pallito**

*Commissioner, Vermont Department of  
Corrections, individually and in his official  
capacity*

*TERMINATED: 12/20/2010*

represented by **David R. McLean , Esq.**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**ENE Evaluator**

**ENE Evaluator**

*TERMINATED: 09/16/2016*

represented by **Richard T. Cassidy , Esq.**  
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 TERMINATED: 09/16/2016  
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/08/2004	<a href="#">1</a>	MOTION by pltf David McGee for Leave to Proceed in Forma Pauperis (law) (Entered: 12/08/2004)
12/08/2004	<a href="#">2</a>	APPLICATION TO PROCEED WITHOUT PREPAYMENT AND AFFIDAVIT of David McGee by pltf David McGee re: [1-1] motion for Leave to Proceed in Forma Pauperis (law) (Entered: 12/08/2004)
12/08/2004	<a href="#">3</a>	NOTICE OF PRO SE APPEARANCE by plaintiff David McGee (law) (Entered: 12/08/2004)
12/08/2004		File sent to Burlington (law) (Entered: 12/08/2004)
12/08/2004	15	CASE REFERRED to Magistrate Judge Jerome J. Niedermeier. (jjj, ) (Entered: 03/01/2005)
12/09/2004	<a href="#">4</a>	ORDER ON FEE PAYMENT re: [1-1] motion for Leave to Proceed in Forma Pauperis ; Cy to parties and Comr of Corrections (law) (Entered: 12/09/2004)
12/09/2004	<a href="#">5</a>	ORDER granting [1-1] motion for Leave to Proceed in Forma Pauperis ( District Judge J. G. Murtha ) [EOD Date 12/9/04] Cy to parties (law) (Entered: 12/09/2004)
12/09/2004	<a href="#">6</a>	COMPLAINT ; filing fee - IFP (waiver(s) Issued) (law) (Entered: 12/09/2004)
12/09/2004	<a href="#">7</a>	MOTION by pltf David McGee for Appointment of Counsel (law) (Entered: 12/09/2004)
01/12/2005	<a href="#">8</a>	NOTICE of Change of Address by David McGee (law, ) (Entered: 01/12/2005)
01/28/2005	<a href="#">9</a>	WAIVER OF SERVICE Returned Executed by David McGee. Celeste Girrell (Official Capacity) waiver sent on 12/27/2004, answer due 2/25/2005. (jlh, ) (Entered: 01/28/2005)
01/28/2005	<a href="#">10</a>	WAIVER OF SERVICE Returned Executed by David McGee, as to Celeste Girrell (Individual Capacity). (jlh, ) (Entered: 01/28/2005)
01/31/2005	<a href="#">11</a>	WAIVER OF SERVICE Returned Executed by David McGee. Steven Gold served in both individual and official capacities. Waiver sent on 12/27/2004, answer due 2/25/2005. (jse, ) (Entered: 02/03/2005)
02/04/2005	<a href="#">12</a>	SECOND SUPPLEMENT TO MOTION FOR APPOINTMENT OF COUNSEL by David McGee, in support of <a href="#">7</a> Motion to Appoint Counsel. (Attachments: # <a href="#">1</a> Attachment)(jlh, ) (Entered: 02/04/2005)
02/04/2005	<a href="#">13</a>	WAIVER OF SERVICE Returned Executed by David McGee as to Keith Tallon in both his individual and official capacity. Keith Tallon waiver sent on 12/27/2004, answer due 2/25/2005. (jlh, ) (Entered: 02/07/2005)
02/23/2005	<a href="#">14</a>	MOTION to Dismiss by Steven Gold, Keith Tallon, Celeste Girrell. Responses due by 3/9/2005 (jlh, ) (Entered: 02/23/2005)
03/14/2005	<a href="#">16</a>	MOTION for Extension of Time to File Response/Reply as to <a href="#">14</a> MOTION to Dismiss AND for Injunction to Allow Communication by David McGee. Responses due by 3/28/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 03/14/2005)

03/14/2005	<a href="#">17</a>	MOTION for Injunction to allow communication by David McGee. Responses due by 3/28/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 03/28/2005)
03/25/2005	<a href="#">18</a>	RESPONSE in Opposition in re <a href="#">17</a> MOTION for Injunction to allow communication filed by David McGee. (jlh, ) Additional attachment(s) added on 4/1/2005 (jse, ). (Entered: 03/28/2005)
03/25/2005	<a href="#">19</a>	MOTION to Be Added as a Co-Plaintiff by Frederick R Reed. Responses due by 4/8/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (law, ) (Entered: 03/29/2005)
03/25/2005	<a href="#">20</a>	MOTION to Be Added as a Co-Plaintiff by Leroy W. Hughes. Responses due by 4/8/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (law, ) (Entered: 03/29/2005)
03/25/2005	<a href="#">21</a>	MOTION to Be Added as a Co-Plaintiff by Alfonso Garcia. Responses due by 4/8/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (law, ) (Entered: 03/29/2005)
03/29/2005		MAILED copy of Document Numbers 19, 20 and 21 to Matthew Viens, Esq. for defendants. (law, ) (Entered: 03/29/2005)
03/29/2005	<a href="#">22</a>	MOTION to Be Added as a Co-Plaintiff by James Anderson. Responses due by 4/12/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 03/29/2005)
03/29/2005	<a href="#">23</a>	MOTION to Be Added as a Co-Plaintiff by Daniel Muir. Responses due by 4/12/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 03/29/2005)
03/29/2005	<a href="#">24</a>	MOTION to Be Added as Co-Plaintiff by Donald Cross. Responses due by 4/12/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 03/29/2005)
03/29/2005	<a href="#">25</a>	MOTION to be Added as Co-Plaintiff by Mark D Dunbar. Responses due by 4/12/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 03/29/2005)
03/29/2005		MAILED copy of Doc No. 22 through Doc No 25 to Matthew Viens, Esq on behalf of defendant. (jlh, ) (Entered: 03/29/2005)
03/30/2005	<a href="#">26</a>	ORDER granting <a href="#">16</a> Motion for Extension of Time to File Response/Reply re <a href="#">14</a> MOTION to Dismiss Responses due by 5/10/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1.. Signed by Judge Jerome J. Niedermeier on 3/30/05. (This is a text only Order.) (jjj, ) (Entered: 03/30/2005)
03/30/2005	<a href="#">27</a>	ORDER denying <a href="#">17</a> Motion to allow plaintiff to communicate with other inmates. Granting <a href="#">16</a> Motion for an extension of time to respond to the defendants' motion to dismiss. Plaintiff shall file his reply to the motion to dismiss by 5/13/2005. Signed by Judge Jerome J. Niedermeier on 3/30/2005. (jlh, ) (Entered: 03/30/2005)
05/02/2005	<a href="#">28</a>	MOTION for Extension of Time to File Response/Reply as to <a href="#">14</a> MOTION to Dismiss by David McGee. Responses due by 5/16/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 05/02/2005)
05/02/2005	<a href="#">29</a>	DECLARATION of David McGee in re: <a href="#">28</a> MOTION for Extension of Time to File Response/Reply as to <a href="#">14</a> MOTION to Dismiss by David McGee.. (jlh, ) Additional attachment(s) added on 5/2/2005 (jse, ). (Entered: 05/02/2005)

05/02/2005	<a href="#">30</a>	CERTIFICATE OF SERVICE by David McGee in re: Second Supplement to Motion for Appointment of Counsel, Second motion for an extension of time and declaration in support of motion for extension of time and claim of denial of access to courts with 23 attachments. (jlh, ) (Entered: 05/02/2005)
05/09/2005	31	ORDER granting <a href="#">19</a> Motion to Intervene, granting <a href="#">20</a> Motion to Intervene, granting <a href="#">21</a> Motion to Intervene, granting <a href="#">22</a> Motion to Intervene, granting <a href="#">23</a> Motion to Intervene, granting <a href="#">24</a> Motion to Intervene, granting <a href="#">25</a> Motion to Intervene . Signed by Judge Jerome J. Niedermeier on 05/09/05. (This is a text only Order.) (mld, ) (Entered: 05/09/2005)
05/11/2005	32	ORDER granting <a href="#">28</a> Motion for Extension of Time to File Response/Reply re <a href="#">14</a> MOTION to Dismiss. Signed by Judge Jerome J. Niedermeier on 05/11/05. (This is a text only Order.) (mld, ) (Entered: 05/11/2005)
05/11/2005		Reset Response Deadline as to <a href="#">14</a> MOTION to Dismiss. Responses due by 6/10/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 05/13/2005)
05/13/2005	<a href="#">33</a>	MOTION for Preliminary Injunction by David McGee. Responses due by 5/27/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 05/16/2005)
05/13/2005	<a href="#">34</a>	MEMORANDUM by David McGee in support of <a href="#">28</a> MOTION for Extension of Time to File Response/Reply as to <a href="#">14</a> MOTION to Dismiss. (This is the same filing as Doc No. 33). (jlh, ) (Entered: 05/16/2005)
05/13/2005	<a href="#">35</a>	MEMORANDUM by David McGee in support of <a href="#">28</a> MOTION for Extension of Time to File Response/Reply as to <a href="#">14</a> MOTION to Dismiss, <a href="#">33</a> MOTION for Preliminary Injunction. (Attachments: # <a href="#">1</a> Attachment 1# <a href="#">2</a> Attachment 2)(jlh, ) (Entered: 05/16/2005)
05/23/2005	<a href="#">37</a>	MOTION for Permissive Joinder by David McGee and Byron Martin to join case with 1:05-cv-28. Responses due by 6/7/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) Modified on 5/26/2005 (jse, ). (Entered: 05/25/2005)
06/07/2005	<a href="#">38</a>	RESPONSE in Opposition in re <a href="#">37</a> MOTION for Joinder filed by Steven Gold, Keith Tallon, Celeste Girrell. (jlh, ) (Entered: 06/08/2005)
06/21/2005	<a href="#">39</a>	REPORT AND RECOMMENDATIONS in re <a href="#">37</a> MOTION for Joinder filed by David McGee, <a href="#">33</a> MOTION for Preliminary Injunction filed by David McGee, <a href="#">14</a> MOTION to Dismiss filed by Celeste Girrell,, Keith Tallon,, Steven Gold, <a href="#">7</a> Motion to Appoint Counsel filed by David McGee. Objections to R&R due by 7/6/2005. Signed by Judge Jerome J. Niedermeier on 6/21/2005. (jlh, ) (Entered: 06/21/2005)
06/28/2005	<a href="#">40</a>	MOTION to Appoint Counsel by James Anderson. Responses due by 7/13/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 06/28/2005)
07/06/2005	<a href="#">41</a>	MOTION to be added as Co-Plaintiff by Christopher Alan Smith. Responses due by 7/20/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (No Certificate of Service provided with this filing. Copy of motion sent to Defendants)(jlh, ) (Entered: 07/08/2005)
07/08/2005	<a href="#">42</a>	OBJECTION to <a href="#">39</a> Report and Recommendations by David McGee. (jlh, ) (Entered: 07/08/2005)
07/08/2005	<a href="#">43</a>	MOTION to Appoint Counsel, MOTION for Class Action Certification in re <a href="#">6</a> Complaint by David McGee. Responses due by 7/22/2005. Note: 3 additional days will be allowed

		for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 07/08/2005)
07/08/2005	<a href="#">44</a>	DECLARATION of David McGee in support of <a href="#">43</a> MOTION to Appoint Counsel MOTION for Class Action Certification in re <a href="#">6</a> Complaint by David McGee. (Attachments: # <a href="#">1</a> Exhibit A# <a href="#">2</a> Exhibit B# <a href="#">3</a> Exhibit C# <a href="#">4</a> Exhibit D# <a href="#">5</a> Exhibit E)(jlh, ) (Entered: 07/08/2005)
07/08/2005	<a href="#">45</a>	RESPONSE in Opposition in re <a href="#">14</a> MOTION to Dismiss filed by David McGee. (THIS IS THE SAME IMAGE AS PREVIOUS ENTRY) (Attachments: # <a href="#">1</a> Exhibit A# <a href="#">2</a> Exhibit B# <a href="#">3</a> Exhibit C# <a href="#">4</a> Exhibit D# <a href="#">5</a> Exhibit E)(jlh, ) (Entered: 07/08/2005)
07/08/2005	<a href="#">46</a>	PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF JUSTICIABILITY OF CLAIMS AND CLASS ACTION ALLEGATIONS, AND IN OPPOSITION TO DEFENDANT'S MOTION TO DISMISS PURSUANT TO F.R.C.P. 12(b)(1) by David McGee in support of <a href="#">45</a> Response in Opposition to Motion, <a href="#">43</a> MOTION to Appoint Counsel MOTION for Class Action Certification in re <a href="#">6</a> Complaint. (Attachments: # <a href="#">1</a> Main Document - Part 2 of 2)(jlh, ) (Entered: 07/08/2005)
07/08/2005	<a href="#">47</a>	RESPONSE in Opposition in re <a href="#">14</a> MOTION to Dismiss filed by David McGee. (jlh, ) (Entered: 07/08/2005)
07/08/2005	<a href="#">48</a>	RESPONSE in Opposition in re <a href="#">14</a> MOTION to Dismiss filed by David McGee. (jlh, ) (Entered: 07/08/2005)
07/08/2005	<a href="#">49</a>	MOTION to Amend <a href="#">6</a> Complaint by David McGee. Responses due by 7/22/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 07/08/2005)
07/13/2005	<a href="#">50</a>	ORDER ADOPTING REPORT AND RECOMMENDATIONS <a href="#">39</a> - granting in part & denying in part <a href="#">37</a> Motion for Permissive Joinder filed by David McGee and Byron Martin (the Court will not consolidate this case brought by Martin but Martin will be added as an intervenor-pltf); denying as moot <a href="#">33</a> Motion for Preliminary Injunction filed by David McGee and <a href="#">7</a> Motion for Appointment of Counsel; granting <a href="#">14</a> Motion to Dismiss filed by Celeste Girrell, Keith Tallon, Steven Gold as to pltf McGee (this case shall not be dismissed w/respect to the intervenor-pltfs). Signed by Judge J. Garvan Murtha on 13th day of June, 2005. (law, ) (Entered: 07/13/2005)
08/12/2005	<a href="#">51</a>	NOTICE OF INTERLOCUTORY APPEAL as to <a href="#">50</a> Order Adopting Report and Recommendations, by David McGee, pro se. Filing fee: Not paid. Court Reporter: None. (cwb) (Entered: 08/12/2005)
08/12/2005	<a href="#">52</a>	MOTION for Reconsideration <a href="#">50</a> Order Adopting Report and Recommendations re: Appeal by David McGee. Responses due by 8/26/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (wjf, ) (Entered: 08/15/2005)
08/16/2005	<a href="#">53</a>	ORDER granting <a href="#">52</a> Motion for Reconsideration. Upon reconsideration, the Court's prior ruling is AFFIRMED. Signed by Judge J. Garvan Murtha on 8/16/2005. (This is a text only Order.) (kbl, ) (Entered: 08/16/2005)
08/16/2005	<a href="#">54</a>	ORDER granting <a href="#">41</a> Motion to Intervene, granting <a href="#">49</a> Motion to Amend. McGee shall file his amended complaint within 30 days of the date of this Order. The defendants shall provide to the Court, within 30 days of the date of this Order, facts pertaining to constant illumination in Vermont prisons as set forth in this order. Signed by Judge Jerome J. Niedermeier on 8/16/2005. (jlh, ) (Entered: 08/16/2005)
08/24/2005	<a href="#">55</a>	MOTION to Reconsider <a href="#">54</a> Order (granting <a href="#">41</a> Motion to Intervene, granting <a href="#">49</a> Motion to Amend) by Steven Gold, Keith Tallon, Celeste Girrell. Responses due by 9/8/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (law) (Entered: 08/25/2005)



08/29/2005	<a href="#">56</a>	Appeal Record Sent to USCA (Electronic File). Indexed record on Appeal Files for <a href="#">51</a> Notice of Interlocutory Appeal, were transmitted to the U.S. Court of Appeals. (cwb) (Entered: 08/29/2005)
09/12/2005	<a href="#">57</a>	MOTION to Intervene by Paul Mason. Responses due by 9/26/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/12/2005)
09/12/2005	<a href="#">58</a>	MOTION to Intervene by Daniel Wilder. Responses due by 9/26/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/12/2005)
09/12/2005	<a href="#">59</a>	MOTION to Intervene by Jake Desjadon. Responses due by 9/26/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/12/2005)
09/12/2005	<a href="#">60</a>	MOTION to Intervene by Jose M. Torres, Jr. Responses due by 9/26/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/12/2005)
09/12/2005	<a href="#">61</a>	MOTION to Intervene by Robert Phelps. Responses due by 9/26/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/12/2005)
09/12/2005	<a href="#">62</a>	RESPONSE in Opposition in re <a href="#">55</a> MOTION for Reconsideration in re <a href="#">54</a> Order on Motion to Intervene, Order on Motion to Amend, filed by David McGee. (jlh, ) (Entered: 09/12/2005)
09/13/2005	<a href="#">63</a>	MOTION to Intervene by Travis Marsh. Responses due by 9/27/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/13/2005)
09/13/2005	<a href="#">64</a>	MOTION to Intervene by Kevin Kimber. Responses due by 9/27/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/13/2005)
09/13/2005	<a href="#">65</a>	MOTION to Intervene by William Beattie. Responses due by 9/27/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/13/2005)
09/13/2005	<a href="#">66</a>	MOTION to Intervene by David Harrison. Responses due by 9/27/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/13/2005)
09/13/2005	<a href="#">67</a>	MOTION to Intervene by Ronald Real. Responses due by 9/27/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/13/2005)
09/13/2005	<a href="#">68</a>	MOTION to Intervene by Ernie Sinclair. Responses due by 9/27/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/13/2005)
09/13/2005	<a href="#">69</a>	MOTION to Intervene by Sean Duffey, Sr. Responses due by 9/27/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/13/2005)
09/13/2005	<a href="#">70</a>	MOTION to Intervene by Warren Thompson. Responses due by 9/27/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/13/2005)

09/13/2005	<a href="#">71</a>	MOTION to Intervene by Steven Gay. Responses due by 9/27/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/13/2005)
09/13/2005	<a href="#">72</a>	MOTION to Intervene by Timothy J Arbuckle. Responses due by 9/27/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/13/2005)
09/13/2005	<a href="#">73</a>	MOTION to Intervene by Ervin Snide. Responses due by 9/27/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/13/2005)
09/13/2005	<a href="#">74</a>	MOTION to Intervene by David Haselton. Responses due by 9/27/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/13/2005)
09/13/2005	<a href="#">75</a>	MOTION to Intervene by Brian Coyle. Responses due by 9/27/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/13/2005)
09/13/2005	<a href="#">76</a>	MOTION to Intervene by Arthur Magoon. Responses due by 9/27/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/13/2005)
09/13/2005	<a href="#">77</a>	MOTION to Intervene by Amos Wallen. Responses due by 9/27/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/13/2005)
09/13/2005	<a href="#">78</a>	MOTION to Intervene by Stephen Bain. Responses due by 9/27/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/13/2005)
09/13/2005	<a href="#">79</a>	MOTION to Intervene by Richard Pahl. Responses due by 9/27/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/13/2005)
09/13/2005	<a href="#">80</a>	MOTION to Intervene by Lance Mason. Responses due by 9/27/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/13/2005)
09/14/2005	<a href="#">81</a>	MOTION to Intervene by Lane Gershameck. Responses due by 9/28/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/14/2005)
09/15/2005	<a href="#">82</a>	MOTION to Intervene by Douglas Sargent. Responses due by 9/29/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/15/2005)
09/15/2005	<a href="#">83</a>	NOTICE OF CLASS ACTION LAWSUIT by Dana Eaton (jlh, ) (Entered: 09/15/2005)
09/15/2005	<a href="#">84</a>	MOTION to Intervene by Dana Eaton. Responses due by 9/29/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/15/2005)
09/15/2005	<a href="#">85</a>	MOTION to Intervene by Patrick Zivitski. Responses due by 9/29/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/15/2005)
09/15/2005	<a href="#">86</a>	MOTION to Intervene by Kevin vargas. Responses due by 9/29/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/15/2005)



		09/15/2005)
09/16/2005	<a href="#">87</a>	RESPONSE to <a href="#">54</a> Order by Steven Gold, Keith Tallon, Celeste Girrell. (jlh, ) (Entered: 09/16/2005)
09/20/2005	<a href="#">88</a>	MOTION to Intervene by Alfred Brochu. Responses due by 10/4/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/20/2005)
09/20/2005	<a href="#">89</a>	MOTION to Intervene by Jeremy Robitaille. Responses due by 10/4/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/20/2005)
09/22/2005	<a href="#">90</a>	MOTION to Extend Time to file Amended Complaint by David McGee. Responses due by 10/6/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/22/2005)
09/23/2005	91	ORDER granting <a href="#">90</a> Motion to Extend Time until October 5. Signed by Judge Jerome J. Niedermeier on 09/23/05. (This is a text only Order.) (mld) (Entered: 09/23/2005)
09/23/2005		Set Deadlines: Amended Complaint due by 10/5/2005. (jlh, ) (Entered: 09/23/2005)
09/26/2005	<a href="#">92</a>	ORDER denying <a href="#">40</a> Motion to Appoint Counsel. Denying <a href="#">43</a> Motion to Appoint Counsel. Denying <a href="#">43</a> Motion for Class Certification. Granting <a href="#">55</a> Motion for Reconsideration, and the Court's prior ruling (Doc No 54) is Affirmed. Granting the Motions to Intervene (Doc Nos 57-61, 63-82, 84-86, 88-89). Signed by Judge Jerome J. Niedermeier on 9/26/2005. (jlh, ) (Entered: 09/26/2005)
09/27/2005	<a href="#">93</a>	Mail Returned as Undeliverable in re: 91 Order on Motion to Extend Time. Mail sent to Lane Gershameck (jlh, ) (Entered: 09/28/2005)
09/29/2005	<a href="#">94</a>	MOTION to Intervene by Brian K. LeClair. Responses due by 10/14/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/29/2005)
09/29/2005	<a href="#">95</a>	MOTION to Intervene by Raymond Allard. Responses due by 10/14/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/29/2005)
09/29/2005	<a href="#">96</a>	MOTION to Intervene by Danual J. Morrow. Responses due by 10/14/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/29/2005)
09/30/2005	<a href="#">97</a>	MOTION to Intervene by Thomas N. Karov. Responses due by 10/17/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/30/2005)
09/30/2005	<a href="#">98</a>	MOTION to Intervene by Jared Lee Hoag. Responses due by 10/17/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 09/30/2005)
10/03/2005	<a href="#">99</a>	AMENDED COMPLAINT against Steven Gold, Keith Tallon, Celeste Girrell filed by David McGee. (Attachments: # <a href="#">1</a> Complaint (Part 2 of 3)# <a href="#">2</a> Complaint (Part 3 of 3))(jlh, ) (Entered: 10/03/2005)
10/04/2005	<a href="#">102</a>	Mail sent to Lane Gershaneck Returned as Undeliverable re: <a href="#">92</a> Order denying <a href="#">40</a> Motion to Appoint Counsel. Denying <a href="#">43</a> Motion to Appoint Counsel. Denying <a href="#">43</a> Motion for Class Certification. Granting <a href="#">55</a> Motion for Reconsideration, and the Court's prior ruling (Doc No 54) is Affirmed. Granting the Motions to Intervene (Doc Nos 57-61, 63-82, 84-

		86, 88-89). Mail resent to Lane Gershaneck at new address provided by DOC. (jlh, ) (Entered: 10/05/2005)
10/05/2005	<a href="#">100</a>	Mail sent to Robert Phelps Returned as Undeliverable in re: <a href="#">92</a> ORDER denying <a href="#">40</a> Motion to Appoint Counsel. Denying <a href="#">43</a> Motion to Appoint Counsel. Denying <a href="#">43</a> Motion for Class Certification. Granting <a href="#">55</a> Motion for Reconsideration, and the Court's prior ruling (Doc No 54) is Affirmed. Granting the Motions to Intervene (Doc Nos 57-61, 63-82, 84-86, 88-89). (jlh, ) (Entered: 10/05/2005)
10/05/2005	101	ADDRESS CHANGE: Robert Phelps address changed from Southern State Correctional Facility to 19 Henry St #3, Bellows Falls, VT 05101, pursuant to notification from DOC. Doc No <a href="#">92</a> resent to new address. (jlh, ) (Entered: 10/05/2005)
10/12/2005	<a href="#">103</a>	MOTION for Reconsideration in re <a href="#">92</a> ORDER denying 40 Motion to Appoint Counsel. Denying 43 Motion to Appoint Counsel. Denying 43 Motion for Class Certification. Granting 55 Motion for Reconsideration, and the Court's prior ruling (Doc No 54) is Affirmed. Granting the Motions to Intervene (Doc Nos 57-61, 63-82, 84-86, 88-89) by Steven Gold, Keith Tallon, Celeste Girrell. Responses due by 10/26/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 10/13/2005)
10/14/2005	<a href="#">104</a>	ANSWER to Amended Complaint by Steven Gold, Keith Tallon, Celeste Girrell.(jlh, ) (Entered: 10/14/2005)
10/19/2005	<a href="#">105</a>	ORDER denying <a href="#">94</a> Motion to Intervene, denying <a href="#">95</a> Motion to Intervene, denying <a href="#">96</a> Motion to Intervene, denying <a href="#">97</a> Motion to Intervene, denying <a href="#">98</a> Motion to Intervene, granting in part and denying in part <a href="#">103</a> Motion for Reconsideration. The Court will reconsider its rulings on the motions to intervene, but will first allow the defendants an opportunity to respond to those motions. To the extent that the defendants' motion asks the Court to deny based upon inadequate service, their motion is DENIED. Responses to the motions to intervene shall be filed within 10 days of the date of this order. Signed by Judge Jerome J. Niedermeier on 10/19/2005. (jlh, ) (Entered: 10/19/2005)
10/20/2005	<a href="#">178</a>	MOTION to Dismiss for Lack of Subject Jurisdiction by Keith Tallon, Robert Hofmann. (Transfer of pending motion from member case) (law) (Entered: 06/01/2006)
10/24/2005	<a href="#">106</a>	Mail Returned as Undeliverable in re: <a href="#">105</a> ORDER denying 94 Motion to Intervene, denying 95 Motion to Intervene, denying 96 Motion to Intervene, denying 97 Motion to Intervene, denying 98 Motion to Intervene, granting in part and denying in part 103 Motion for Reconsideration. Mail sent to Brian Coyle. (jlh, ) (Entered: 10/24/2005)
10/24/2005	107	Address change as to Brian Coyle from Southern State Correctional Facility to 151 Union Street, Springfield, VT pursuant to notification from Dept of Corrections. Copy of Doc No 105 resent to Intervenor Plaintiff Brian Coyle. (jlh, ) (Entered: 10/24/2005)
10/24/2005	<a href="#">108</a>	Mail Returned as Undeliverable in re: <a href="#">105</a> ORDER denying <a href="#">94</a> Motion to Intervene, denying <a href="#">95</a> Motion to Intervene, denying <a href="#">96</a> Motion to Intervene, denying <a href="#">97</a> Motion to Intervene, denying <a href="#">98</a> Motion to Intervene, granting in part and denying in part <a href="#">103</a> Motion for Reconsideration. Mail sent to Dana Eaton. (jlh, ) (Entered: 10/24/2005)
10/24/2005	109	Address change as to Dana Eaton from Southern State Correctional Facility to Sunderland Road, Sunderland, VT 05255, pursuant to notification from Dept of Corrections. Copy of Doc No 105 resent to Intervenor Plaintiff Dana Eaton. (jlh, ) (Entered: 10/24/2005)
10/26/2005	<a href="#">110</a>	MOTION to Intervene by Brian K. LeClair. Responses due by 11/9/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 10/26/2005)
10/26/2005	<a href="#">111</a>	Mail Returned as Undeliverable re: <a href="#">105</a> Order denying 94 Motion to Intervene, denying

		95 Motion to Intervene, denying 96 Motion to Intervene, denying 97 Motion to Intervene, denying 98 Motion to Intervene, granting in part and denying in part 103 Motion for Reconsideration. Mail sent to Christopher Alan Smith. No other address is available to resend to Movant. (jlh, ) (Entered: 10/26/2005)
10/28/2005	<a href="#">112</a>	OPPOSITION to <a href="#">103</a> MOTION for Reconsideration re <a href="#">92</a> Order filed by David McGee. (law ) (Entered: 10/28/2005)
10/31/2005	<a href="#">113</a>	MANDATE of USCA (Order entered 10/20/2005; certified copy issued 10/20/2005)Motion to withdraw appeal is GRANTED as to <a href="#">51</a> Notice of Interlocutory Appeal filed by David McGee. (gmg) (Entered: 10/31/2005)
11/02/2005	<a href="#">114</a>	RESPONSE in re <a href="#">105</a> ORDER denying 94 Motion to Intervene, denying 95 Motion to Intervene, denying 96 Motion to Intervene, denying 97 Motion to Intervene, denying 98 Motion to Intervene, granting in part and denying in part 103 Motion for Reconsideration by Steven Gold, Keith Tallon, Celeste Girrell. (jlh, ) (Entered: 11/03/2005)
11/14/2005	<a href="#">115</a>	MOTION for an Order Directing Service by U.S. Marshal re <a href="#">99</a> Amended Complaint by David McGee. Responses due by 11/29/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 11/14/2005)
11/15/2005	116	Waivers Issued as to Robert Hofmann, John Gorczyk, Kathleen Lanman, Michael O'Malley, Anita Carbenelle, Stuart Gladding, Daniel Florentine, Raymond Flum, Carol Callea. (jlh, ) (Entered: 11/15/2005)
11/17/2005	<a href="#">118</a>	Reply and Opposition to defendants' <a href="#">114</a> response to order by David McGee. (jlh, ) Additional attachment(s) added on 11/18/2005 (jse, ). (Entered: 11/18/2005)
11/18/2005	<a href="#">117</a>	AFFIDAVIT of Charles Remick. (jlh, ) (Entered: 11/18/2005)
12/01/2005	<a href="#">119</a>	ORDER: The Court hereby APPOINTS Gary L. Franklin, Esq. to represent the plaintiff and intervenor-plaintiffs in this matter. If Attorney Franklin declines this appointment, he should so inform the Court within 10 days of the date of this order. Signed by Judge Jerome J. Niedermeier on 12/1/2005. (Copy of Order to atty Franklin)(jlh, ) (Entered: 12/02/2005)
12/02/2005	120	ORDER granting <a href="#">110</a> Motion to Intervene. Signed by Judge Jerome J. Niedermeier on 12/02/05. (This is a text only Order.) (mld) (Entered: 12/02/2005)
12/06/2005	<a href="#">121</a>	MOTION to Intervene by James H Earle. Responses due by 12/20/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 12/06/2005)
12/06/2005	<a href="#">122</a>	MOTION to Intervene by Daniel Muller. Responses due by 12/20/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 12/06/2005)
12/06/2005	<a href="#">123</a>	(Second) Motion to Intervene by Paul Mason. Responses due by 12/20/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 12/06/2005)
12/06/2005	<a href="#">124</a>	(Second) Motion to Intervene by Kevin Vargas. Responses due by 12/20/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 12/06/2005)
12/06/2005	<a href="#">125</a>	(Second) Motion to Intervene by Timothy J Arbuckle. Responses due by 12/20/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 12/06/2005)
12/06/2005	<a href="#">126</a>	Mail Returned as Undeliverable in re: <a href="#">119</a> Order appointing counsel. Mail sent to Arthur

		Magoon. Mail resent to St. Johnsbury Regional Correctional Facility, 1270 US Route 5, St. Johnsbury, VT 05819. (jlh, ) (Entered: 12/07/2005)
12/06/2005	<a href="#">127</a>	Mail Returned as Undeliverable re: <a href="#">119</a> Order appointing counsel. Mail sent to Douglas Sargent. Mail resent to 92 Andover Street, Ludlow, VT 05149. (jlh, ) (Entered: 12/07/2005)
12/07/2005	<a href="#">128</a>	(Second) Motion to Intervene by Jose M. Torres, Jr. Responses due by 12/21/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 12/07/2005)
12/07/2005	<a href="#">132</a>	Mail Returned as Undeliverable in re: <a href="#">119</a> Order appointing counsel. Mail sent to Dana Eaton, no further information available. (jlh, ) (Entered: 12/08/2005)
12/08/2005	<a href="#">129</a>	MOTION to Intervene by Gregory Flake. Responses due by 12/22/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 12/08/2005)
12/08/2005	<a href="#">130</a>	MOTION to Intervene by George Arnold. Responses due by 12/22/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 12/08/2005)
12/08/2005	<a href="#">131</a>	MOTION to Intervene by Edward J Arnold. Responses due by 12/22/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 12/08/2005)
12/08/2005	<a href="#">134</a>	MOTION to Intervene by James Schofield. Responses due by 12/22/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 12/09/2005)
12/09/2005	<a href="#">133</a>	(Second) MOTION to Intervene by Thomas N. Karov. Responses due by 12/23/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 12/09/2005)
12/09/2005	<a href="#">135</a>	Mail Returned as Undeliverable re: <a href="#">119</a> Order appointing counsel. Mail sent to Mark Dunbar (Sent to wrong zip code, resent using correct zipcode.) (jlh, ) (Entered: 12/09/2005)
12/12/2005	<a href="#">136</a>	RESPONSE declining appointment in re <a href="#">119</a> Order appointing counsel by Gary Franklin Esq. (jlh, ) (Entered: 12/12/2005)
12/12/2005	<a href="#">138</a>	Mail Returned as Undeliverable re: <a href="#">119</a> Order appointing counsel. Mail sent to Lance Mason. Mail resent to address provided by DOC - 10 Catherine St., Burlington, VT. (jlh, ) (Entered: 12/13/2005)
12/12/2005	<a href="#">140</a>	Mail Returned as Undeliverable re: <a href="#">136</a> Response to appointment of counsel. Mail sent to Mark Dunbar. (jlh, ) (Entered: 12/19/2005)
12/13/2005	<a href="#">137</a>	MOTION to Intervene by Michael J. DeCato. Responses due by 12/28/2005. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 12/13/2005)
12/14/2005	<a href="#">139</a>	Mail Returned as Undeliverable re: <a href="#">119</a> Order appointing counsel. Mail sent to Mark D. Dunbar (no further information available). (jlh, ) Modified on 12/20/2005 (jse, ). (Entered: 12/15/2005)
12/19/2005	<a href="#">141</a>	Mail Returned as Undeliverable re: <a href="#">136</a> Response to appointment of counsel, mail sent to Arthur Magoon. Mail resent to address provided by DOC: 123 Railroad Street, Apt. #7 St. Johnsbury, VT 05819 (jlh, ) Modified on 12/22/2005 (jse, ). (Entered: 12/20/2005)

12/22/2005	<a href="#">142</a>	Mail Returned as Undeliverable. Mail sent to Daniel Muir. Mail resent to 166 East Allen Street, #2, Winooski, VT 05404 (jlh, ) (Entered: 12/27/2005)
12/27/2005	<a href="#">143</a>	Mail Returned as Undeliverable re: <a href="#">136</a> Response to appointment. Mail sent to Amos Wallen. No further information available. (jlh, ) (Entered: 12/27/2005)
12/27/2005	<a href="#">144</a>	Mail Returned as Undeliverable re: <a href="#">136</a> Response to appointment. Mail sent to Jeremy Robitaille. According to DOC website, mail resent to Northern State Correctional Facility. (jlh, ) (Entered: 12/27/2005)
12/27/2005	<a href="#">145</a>	Mail Returned as Undeliverable re: <a href="#">136</a> Response to Appointment. Mail sent to Jake Desjadon. Pursuant to DOC website mail resent to Northern State Correctional Facility. (jlh) (Entered: 12/27/2005)
12/27/2005	<a href="#">146</a>	Mail Returned as Undeliverable re: <a href="#">136</a> Response to Appointment. Mail sent to Patrick Zivitski, no further information available. (jlh, ) (Entered: 12/27/2005)
12/27/2005	<a href="#">147</a>	Mail Returned as Undeliverable re: <a href="#">136</a> Response to Appointment. Mail sent to Lance Mason, no further information available. (jlh, ) (Entered: 12/27/2005)
12/29/2005	<a href="#">148</a>	Second Motion to Intervene by Danual J. Morrow. Responses due by 1/13/2006. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 12/29/2005)
01/03/2006	<a href="#">149</a>	Mail Returned as Undeliverable re: <a href="#">136</a> Response to Appointment. Mail sent to Amos Wallen, no forwarding information available. (jlh, ) (Entered: 01/03/2006)
01/03/2006	<a href="#">150</a>	Mail Returned as Undeliverable re: <a href="#">119</a> Order appointing counsel. Mail sent to Amos Wallen. (jlh, ) (Entered: 01/04/2006)
01/10/2006	<a href="#">151</a>	WAIVER OF SERVICE Returned Executed as to Robert Hofmann. Waiver sent on 11/17/2005, answer due 1/17/2006. (jlh, ) (Entered: 01/11/2006)
01/10/2006	<a href="#">152</a>	WAIVER OF SERVICE Returned Executed as to John Gorczyk. Waiver sent on 11/17/2005, answer due 1/17/2006. (jlh, ) Modified on 1/12/2006 (jse, ). (Entered: 01/11/2006)
01/10/2006	<a href="#">153</a>	WAIVER OF SERVICE Returned Executed as to Anita Carbenelle. Waiver sent on 11/17/2005, answer due 1/17/2006. (jlh, ) (Entered: 01/11/2006)
01/10/2006	<a href="#">154</a>	WAIVER OF SERVICE Returned Executed as to Stuart Gladding. Waiver sent on 11/17/2005, answer due 1/17/2006. (jlh, ) (Entered: 01/11/2006)
01/10/2006	<a href="#">155</a>	WAIVER OF SERVICE Returned Executed as to Michael O'Malley. Waiver sent on 11/17/2005, answer due 1/17/2006. (jlh, ) (Entered: 01/11/2006)
01/10/2006	<a href="#">156</a>	WAIVER OF SERVICE Returned Executed as to Carol Callea. Waiver sent on 11/17/2005, answer due 1/17/2006. (jlh, ) (Entered: 01/11/2006)
01/10/2006	<a href="#">157</a>	WAIVER OF SERVICE Returned Executed as to Raymond Flum. Waiver sent on 11/17/2005, answer due 1/17/2006. (jlh, ) (Entered: 01/11/2006)
01/10/2006	<a href="#">158</a>	WAIVER OF SERVICE Returned Executed as to Daniel Florentine. Waiver sent on 11/17/2005, answer due 1/17/2006. (jlh, ) (Entered: 01/11/2006)
01/10/2006	<a href="#">159</a>	WAIVER OF SERVICE Returned Executed as to Kathleen Lanman. Waiver sent on 11/17/2005, answer due 1/17/2006. (jlh, ) (Entered: 01/11/2006)
01/13/2006	<a href="#">160</a>	MOTION to Intervene by Clovis Yergeau. Responses due by 1/30/2006. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 01/13/2006)



01/24/2006	<a href="#">161</a>	ORDER: The Court hereby APPOINTS Todd Schlossberg, Esq. to represent the plaintiff and intervenor-plaintiffs in this matter. See 28 U.S.C. 1915(e). Attorney Schlossberg may file additional briefing on the class certification question as he deems appropriate . Signed by Judge Jerome J. Niedermeier on 1/24/06. (gmg, ) (Entered: 01/24/2006)
01/25/2006	<a href="#">162</a>	Letter from Mathew Viens re: pro-se filings. (jlh, ) (Entered: 01/25/2006)
02/06/2006	<a href="#">163</a>	MOTION to Withdraw as Appointed Attorney. Responses due by 2/21/2006. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 02/06/2006)
02/07/2006	<a href="#">164</a>	(Third) Motion to Intervene by Thomas N. Karov. Responses due by 2/22/2006. Note: 3 additional days will be allowed for mailing in accordance with L.R. 6.1. (jlh, ) (Entered: 02/07/2006)
02/07/2006	<a href="#">165</a>	Mail Returned as Undeliverable re: <a href="#">161</a> Order appointing Attorney Schlossberg. Mail resent to new address provided by VT DOC. (jlh, ) (Entered: 02/08/2006)
02/10/2006	166	ORDER granting <a href="#">163</a> Motion to Withdraw as Attorney. Signed by Judge Jerome J. Niedermeier on 02/10/06. (This is a text only Order.) (mld) (Entered: 02/10/2006)
02/10/2006	<a href="#">167</a>	ORDER appointing the Office of the Vermont Defender General, Prisoner's Rights Office to represent the plaintiff and intervenor-plaintiffs in this matter. Signed by Judge Jerome J. Niedermeier on 2/10/2006. (jlh, ) (Entered: 02/10/2006)
02/16/2006	<a href="#">168</a>	Mail sent to George Arnold returned as Undeliverable as to 166 Order on Motion to Withdraw as Attorney and <a href="#">167</a> Order Appointing Todd Schlossberg. Mail has been resent to address provided by VT DOC. (jlh) Modified on 2/16/2006 (jse, ). (Entered: 02/16/2006)
02/16/2006	<a href="#">169</a>	Mail sent to George Arnold Returned as Undeliverable re: <a href="#">161</a> Order. Order appointing Todd Schlossberg. Mail resent to address provided by VT DOC. (gmg, ) (Entered: 02/16/2006)
02/16/2006	<a href="#">170</a>	Mail sent to Ernie Sinclair Returned as Undeliverable re: 166 Order on Motion to Withdraw as Attorney, <a href="#">167</a> Order appointing Todd Schlossberg. Mail re-sent to Ernie Sinclair to address provided by VT DOC. (gmg, ) (Entered: 02/16/2006)
02/16/2006	<a href="#">171</a>	Mail sent to Ernie Sinclair Returned as Undeliverable re: <a href="#">161</a> Order appointing Todd Schlossberg. Mail re-sent to Ernie Sinclair to address provided by VT DOC. (gmg, ) (Entered: 02/16/2006)
03/10/2006	<a href="#">172</a>	MAIL RETURNED as Undeliverable as to Christopher Alan Smith re: 166 text only order granting <a href="#">163</a> Motion to Withdraw as Attorney and <a href="#">167</a> Order appointing office of VT Defender General. (gmg, ) (Entered: 03/13/2006)
04/04/2006	<a href="#">173</a>	NOTICE of Hearing: Status Conference set for 4/17/2006 10:00 AM in Burlington Chambers 408 before Jerome J. Niedermeier. (jjj, ) (Entered: 04/04/2006)
04/17/2006	174	MINUTE ENTRY for proceedings held before Judge Jerome J. Niedermeier : Status Conference held on 4/17/2006. Seth Lipschutz, Esq. and Dawn Seibert, Esq. for pltf's; Matthew Viens, Esq. for defts. Informal discovery to be conducted and a further telephone status conference to be conducted 6/20/06. (Court Reporter taped.) (jjj, ) (Entered: 04/17/2006)
04/17/2006	<a href="#">175</a>	NOTICE of Hearing: Telephone Status Conference set for 6/20/2006 10:00 AM in Burlington Chambers 408 before Jerome J. Niedermeier. (Cy to non-NEF parties)(jjj, ) (Entered: 04/17/2006)
04/24/2006	<a href="#">176</a>	REPORT AND RECOMMENDATIONS recommending that Count 2 in <a href="#">99</a> Amended

		Complaint be denied. Objections to R&R due by 5/8/2006. The remainder of the case is hereby CONSOLIDATED with 1:05-cv-231 (1:04-cv-335 is designated as the lead case). Signed by Judge Jerome J. Niedermeier on 21st day of April, 2006. (law) (Entered: 04/24/2006)
05/17/2006	<a href="#">177</a>	ORDER AFFIRMING, APPROVING and ADOPTING the Magistrate Judge's <a href="#">176</a> Report and Recommendations. Plaintiff David MCGee's claim that he has been denied access to the courts (Amended Complaint, Count Two) is DISMISSED without prejudice. Further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. Matter is returned to the Magistrate Judge for further proceedings. Signed by Judge J. Garvan Murtha on 05/17/2006. Cy to all parties.(wjf, ) (Entered: 05/17/2006)
06/05/2006	<a href="#">179</a>	MAIL Returned as Undeliverable re: <a href="#">177</a> Order Adopting Report and Recommendations. Mail sent to Edward J. Arnold. Re-mailed to: Edward J. Arnold, North Fork Correctional Facility, 1605 East Main, Sayre, OK 73662-3122. (gmg, ) (Entered: 06/05/2006)
06/20/2006	180	MINUTE ENTRY for proceedings held before Judge Jerome J. Niedermeier : Telephone Conference held on 6/20/2006. Present via phone are attorneys Mat Viens and Dawn Scheber. Parties update the court on discovery and status of case. <a href="#">178</a> Motion to Dismiss for Lack of Subject Jurisdiction is withdrawn at this time. (Court Reporter taped.) (jlh) (Entered: 06/20/2006)
07/11/2006	<a href="#">181</a>	MOTION for Class Certification by plaintiffs. Responses due by 7/25/2006. Note: 3 additional days will be allowed for mailing. See 2005 Amendment to Fed. R. Civ. P. 6e, effective Dec. 1, 2005. (jlh) (Entered: 07/11/2006)
07/26/2006	<a href="#">182</a>	RESPONSE in Opposition to <a href="#">181</a> MOTION for Class Action Certification filed by Steven Gold, Keith Tallon, Celeste Girrell,and Robert Hofmann. (jlh) (Entered: 07/27/2006)
08/08/2006	183	ORDER denying <a href="#">121</a> Motion to Intervene as to James H. Earle, denying <a href="#">122</a> Motion to Intervene as to Daniel Muller, denying <a href="#">123</a> Motion to Intervene as to Paul Mason, denying <a href="#">124</a> Motion to Intervene as to Kevin Vargas, denying <a href="#">125</a> Motion to Intervene as to Timothy J. Arbuckle, denying <a href="#">128</a> Motion to Intervene as to Jose M. Torres, Jr., denying <a href="#">129</a> Motion to Intervene as to Gregory Flake, denying <a href="#">130</a> Motion to Intervene as to George Arnold, denying <a href="#">131</a> Motion to Intervene as to Edward J. Arnold, denying <a href="#">133</a> Motion to Intervene as to Thomas N. Karov, denying <a href="#">134</a> Motion to Intervene as to James Schofield, denying <a href="#">137</a> Motion to Intervene as to Michael J. DeCato, denying <a href="#">148</a> Motion to Intervene as to Danual J. Morrow, denying <a href="#">160</a> Motion to Intervene as to Clovis Yergeau, denying <a href="#">164</a> Motion to Intervene as to Thomas N. Karov. Motions DENIED subject to reconsideration after the Court decides the plaintiffs' motion for class certification. Signed by Judge Jerome J. Niedermeier on 08/08/06. (This is a text only Order.) (mld) Modified on 8/9/2006 (jmm). (Entered: 08/08/2006)
08/15/2006	<a href="#">184</a>	REPLY to <a href="#">182</a> Response to <a href="#">181</a> MOTION for Class Certification filed by plaintiffs. (jlh) (Entered: 08/15/2006)
08/23/2006	<a href="#">185</a>	RESPONSE to Plaintiffs' <a href="#">184</a> Reply to Defendant's <a href="#">182</a> Opposition to <a href="#">181</a> MOTION for Class Action Certification by Robert Hofmann. (jlh) (Entered: 08/23/2006)
08/28/2006	<a href="#">186</a>	DECLARATION of David McGee. (jlh) (Entered: 08/28/2006)
09/05/2006	<a href="#">187</a>	RESPONSE to defendant's <a href="#">185</a> Response to <a href="#">181</a> Motion for Class Action Certification by plaintiffs. (Attachments: # 1 Exhibits)(jlh) Additional attachment(s) added on 9/6/2006 (jmm). (Entered: 09/05/2006)
09/25/2006	<a href="#">188</a>	REPORT AND RECOMMENDATION re <a href="#">181</a> Motion for Class Certification and <a href="#">187</a> Amended Motion for Class Certification. It is recommended that the plaintiffs' motion for

		class certification (Paper 181) and amended motion for class certification (Paper 187) be GRANTED. I further recommend that the class consist of inmates who have been subjected, are currently being subjected, or who will be subjected to constant illumination in Vermont prison cells and who suffer injuries as a result. The Court has already appointed the Office of the Defender General to represent the plaintiffs, and that office should continue as counsel for the class. Finally, pursuant to Fed. R. Civ. P. 23(c)(2)(A), the Court should not order that notice be provided to the class. Objections to R&R due by 10/10/2006. Signed by Judge Jerome J. Niedermeier on 9/25/06. (jjj) Modified on 9/26/2006 (jmm). (Entered: 09/25/2006)
10/16/2006	<a href="#">189</a>	ORDER AFFIRMING, APPROVING and ADOPTING <a href="#">188</a> Magistrate Judge's REPORT AND RECOMMENDATIONS for granting <a href="#">181</a> Motion for Class Certification and <a href="#">187</a> Amended Motion for Class Certification. The class shall consist of inmates who have been subjected, are currently being subjected, or who will be subjected to constant illumination in Vermont prison cells and who suffer injuries as a result. The Office of the Defender General shall continue as counsel for the class. The Court declines to order direct appropriate notice to the class. This matter is returned to the Magistrate Judge for further proceedings. Signed by Judge J. Garvan Murtha on 10/13/2006. Cys to counsel. (kak) (Entered: 10/16/2006)
02/08/2007	<a href="#">190</a>	NOTICE of Hearing:Telephone Status Conference set for 2/14/2007 10:00 AM in Burlington Chambers 408 before Hon. Jerome J. Niedermeier. (jjj) (Entered: 02/08/2007)
02/16/2007	<a href="#">191</a>	NOTICE of Hearing: telephone Status Conference set for 2/21/2007 11:00 AM in Burlington Chambers 408 before Hon. Jerome J. Niedermeier. (jjj) (Entered: 02/16/2007)
02/21/2007	192	MINUTE ENTRY for proceedings held before Judge Jerome J. Niedermeier : Telephone Status Conference held on 2/21/2007. Dawn Seibert, Esq. for pltf's; Matthew Viens, Esq. for defts. ORDERED: Amended complaint to be filed by 3/16/07 and a stipulated discovery schedule by 4/1/07. (Court Reporter: none) (jjj) (Entered: 02/22/2007)
02/22/2007		Set/Reset Deadlines: Amended Complaint due by 3/16/2007. Joint Proposed Discovery Schedule due by 4/2/2007. (jjj.) (Entered: 02/22/2007)
03/19/2007	<a href="#">193</a>	MOTION to Extend Time until April 15, 2007 to File Amended Complaint by David McGee, James Anderson, Daniel Muir, Jose M. Torres, Jr, Kevin Kimber, Richard Pahl, Jacob Sexton.(jmm) (Entered: 03/19/2007)
03/22/2007	194	ORDER granting <a href="#">193</a> Motion for Extension of Time to file Amended Complaint until 4/15/2007. Signed by Judge Jerome J. Niedermeier on 3/22/2007. (This is a text only Order.) (jlh) (Entered: 03/22/2007)
03/22/2007		Reset Deadlines: Amended Complaint due by 4/15/2007. (jlh) (Entered: 03/23/2007)
04/16/2007	<a href="#">195</a>	SECOND AMENDED COMPLAINT for Declaratory and Injunctive Relief by David McGee and Jacob Sexton against Steven Gold, Keith Tallon, Celeste Girrell, Robert Hofmann, John Gorczyk, Kathleen Lanman, Michael O'Malley, Anita Carbenelle, Stuart Gladding, Daniel Florentine, Raymond Flum, and Carol Callea.(jlh) Individual parties specified on 4/19/2007. (jmm) (Entered: 04/17/2007)
05/11/2007	<a href="#">196</a>	ANSWER to Second Amended Complaint by Robert Hofmann.(law) (Entered: 05/11/2007)
05/11/2007		Set Deadlines/Hearings: Joint Proposed Discovery due by 6/11/2007. (law) (Entered: 05/11/2007)
06/19/2007	<a href="#">197</a>	ORDER: Proposed Amended Discovery Schedule due within 10 days. Signed by Judge Jerome J. Niedermeier on 06/19/2007. (jlh) (Entered: 06/19/2007)



07/03/2007	<a href="#">198</a>	UNOPPOSED MOTION for Extension of Time to submit a Proposed Discovery Schedule by David McGee and Jacob Sexton.(jlh) (Entered: 07/03/2007)
07/10/2007	199	ORDER granting <a href="#">198</a> Motion for Extension of Time to Complete Discovery. Signed by Judge Jerome J. Niedermeier on 07/10/07. (This is a text only Order.) (mld) (Entered: 07/10/2007)
07/10/2007		Set Deadlines: Proposed Stipulated Discovery Schedule due by 9/20/2007. (jlh) (Entered: 07/10/2007)
09/10/2007	<a href="#">200</a>	LETTER from Kevin A. Kimber re: sleeping centers. (law) (Entered: 09/11/2007)
09/25/2007	<a href="#">201</a>	UNOPPOSED MOTION for Extension of Time to File Discovery Schedule by David McGee, Kevin Kimber and Jacob Sexton.(jlh) (Entered: 09/25/2007)
09/26/2007	202	ORDER granting <a href="#">201</a> Unopposed Motion for Extension of Time to Complete Discovery. Signed by Judge Jerome J. Niedermeier on 09/26/07. (This is a text only Order.) (mld) (Entered: 09/26/2007)
10/09/2007		RECEIVED (proposed) Stipulated Discovery Schedule/Order by David McGee, Steven Gold, Keith Tallon, Celeste Girrell, Kevin Kimber, Robert Hofmann, John Gorczyk, Kathleen Lanman, Michael O'Malley, Anita Carbenelle, Stuart Gladding, Daniel Florentine, Raymond Flum, Carol Callea, Jacob Sexton.(law) (Entered: 10/09/2007)
10/09/2007	<a href="#">203</a>	PROPOSED STIPULATED DISCOVERY SCHEDULE/ORDER by David McGee, Steven Gold, Keith Tallon, Celeste Girrell, Robert Hofmann, John Gorczyk, Kathleen Lanman, Michael O'Malley, Anita Carbenelle, Stuart Gladding, Daniel Florentine, Raymond Flum, Carol Callea, Jacob Sexton.(jlh) (Entered: 10/10/2007)
10/10/2007	204	STIPULATED DISCOVERY SCHEDULE/ORDER: Discovery due by 5/23/2008. Motions due by 7/18/2008. Ready for Trial by 10/1/2008. Signed by Judge Jerome J. Niedermeier on 10/10/2007. (This is a Text Only Order)(jlh) (Entered: 10/10/2007)
11/09/2007	<a href="#">205</a>	LETTER from Kevin A. Kimber re: proposals for the Dept of Corrections. (jlh) (Entered: 11/13/2007)
12/07/2007	<a href="#">206</a>	LETTER from Kevin A. Kimber re: proposals for the Dept of Corrections. (jlh) (Entered: 12/07/2007)
03/28/2008	<a href="#">207</a>	NOTICE of Attorney Substitution adding Attorney April E. Schwendler for Steven Gold, Keith Tallon, Celeste Girrell and Robert Hofmann and terminating Attorney Mathew L. Viens. (jlh) (Entered: 03/28/2008)
03/31/2008	<a href="#">208</a>	DISCOVERY CERTIFICATE - Disclosure of Experts by Robert Hofmann.(jlh) (Entered: 03/31/2008)
04/02/2008	<a href="#">209</a>	JOINT MOTION to Extend Discovery Schedule by David McGee and Jacob Sexton. (Attachments: # <a href="#">1</a> Proposed Stipulated Discovery Schedule)(jlh) Modified on 4/2/2008 (jmm). (Entered: 04/02/2008)
04/04/2008	<a href="#">210</a>	STIPULATED DISCOVERY SCHEDULE/ORDER: granting <a href="#">209</a> JOINT MOTION to Extend Discovery Schedule. Discovery due by 10/30/2008. Motions due by 11/15/2008. Ready for Trial by 1/15/2009. Signed by Judge Jerome J. Niedermeier on 4/2/2008. (jlh) (Entered: 04/04/2008)
04/07/2008	211	ENTRY REMOVED. Docketed erroneously (must be filed by attorney). (4/14/2008) (jmm) (Entered: 04/07/2008)
04/14/2008	212	NOTICE OF DOCKET ENTRY REMOVAL: #211 was docketed erroneously (party Kimber is not pro se; pleading must be filed by counsel) and has been removed. (jmm)

		(Entered: 04/14/2008)
04/18/2008	<a href="#">213</a>	MOTION to Take Deposition from David McGee, Jacob Sexton, Richard Pahl, Kevin Kimber, Daniel Muir, James Anderson by Robert Hofmann.(Schwendler, April) (Entered: 04/18/2008)
04/29/2008	<a href="#">214</a>	DISCOVERY CERTIFICATE - Initial Responses to Request for Production of Documents by Robert Hofmann.(jlh) (Entered: 04/29/2008)
04/29/2008	216	ENTRY REMOVED. Docketed erroneously (duplicate of <a href="#">214</a> ). (4/30/2008)(jmm) (Entered: 04/30/2008)
04/30/2008	<a href="#">215</a>	DISCOVERY CERTIFICATE - Supplemental Response to Plaintiff's letter dated 3/28/2008 seeking discovery by Robert Hofmann.(jlh) (Entered: 04/30/2008)
04/30/2008	217	NOTICE OF DOCKET ENTRY REMOVAL: Entry #216 was docketed erroneously (duplicate of <a href="#">214</a> ) and has been removed. (jmm) (Entered: 04/30/2008)
05/19/2008	<a href="#">218</a>	DISCOVERY CERTIFICATE - Supplemental Response to First Set of Interrogatories and Response to Request for Discovery filed by Robert Hofmann.(Schwendler, April) Modified on 5/19/2008 (jmm) (Entered: 05/19/2008)
05/19/2008	219	ORDER granting <a href="#">213</a> Motion to Take Deposition. Signed by Judge Jerome J. Niedermeier on 05/19/08. (This is a text only Order.) (mld) (Entered: 05/19/2008)
11/17/2008	<a href="#">220</a>	MOTION for Summary Judgment by Steven Gold, Keith Tallon, Celeste Girrell, Robert Hofmann, John Gorczyk, Kathleen Lanman, Michael O'Malley, Anita Carbenelle, Stuart Gladding, Daniel Florentine, Raymond Flum, Carol Callea. (Attachments: # <a href="#">1</a> Statement of Undisputed Material Facts, # <a href="#">2</a> Affidavit of David McLean, Esq., # <a href="#">3</a> Exhibit A, # <a href="#">4</a> Certificate of Service)(McLean, David) (Entered: 11/17/2008)
11/18/2008	<a href="#">221</a>	NOTICE of Attorney Substitution by David R. McLean, Esq as to Robert Hofmann. (Attachments: # <a href="#">1</a> Certificate of Service)(McLean, David) Text Modified on 11/19/2008 (jlh). (Entered: 11/18/2008)
12/15/2008	<a href="#">222</a>	MOTION for Review of Appointed Counsel by David McGee. (Image same as next entry)(hbc) (Entered: 12/15/2008)
12/15/2008	<a href="#">223</a>	MOTION for Extension of Time to File Response as to <a href="#">220</a> MOTION for Summary Judgment by David McGee. (Image same as previous entry)(hbc) (Entered: 12/15/2008)
12/24/2008	<a href="#">224</a>	MOTION to Enlarge Time to Respond to <a href="#">220</a> MOTION for Summary Judgment. (hbc) (Entered: 12/24/2008)
12/30/2008	<a href="#">225</a>	RESPONSE in Opposition re <a href="#">224</a> MOTION for Extension of Time to File Response/Reply as to <a href="#">220</a> MOTION for Summary Judgment filed by Steven Gold, Keith Tallon, Celeste Girrell, Robert Hofmann, John Gorczyk, Kathleen Lanman, Michael O'Malley, Anita Carbenelle, Stuart Gladding, Daniel Florentine, Raymond Flum, Carol Callea. (Attachments: # <a href="#">1</a> Certificate of Service)(McLean, David) (Entered: 12/30/2008)
12/30/2008	<a href="#">226</a>	ORDER REFERRING CASE to Magistrate Judge John M. Conroy. Signed by Judge J. Garvan Murtha on 12/30/08. (hbc) (Entered: 12/30/2008)
01/08/2009	<a href="#">227</a>	NOTICE of Hearing: Status Conference set for 1/16/2009 11:00 AM in Burlington Courtroom 440 before Judge John M. Conroy. (jjj) (Entered: 01/08/2009)
01/16/2009	228	MINUTE ENTRY for proceedings held before Judge John M. Conroy.Status Conference held on 1/16/2009. Seth Lipschutz, Esq. present for pltfs and David McLean, Esq. present for defts. ORDERED: Parties are to file a stipulated statement of facts and accompanying memoranda within 45 days. (Court Reporter: none) (jjj) (Entered: 01/20/2009)

01/20/2009		Set Deadlines Simplification of Issues (Stipulated Statement of Facts) due by 3/2/2009. (jjj) (Entered: 01/20/2009)
02/23/2009	<a href="#">229</a>	NOTICE of Hearing: Status Conference set for 3/10/2009 01:30 PM in Burlington Courtroom 440 before Judge John M. Conroy. (jjj) (Entered: 02/23/2009)
03/03/2009	<a href="#">230</a>	MOTION to Continue Status Conference by David McGee, James Anderson, Kevin Kimber, Richard Pahl and Jacob Sexton.(hbc) (Entered: 03/03/2009)
03/04/2009	231	ORDER granting <a href="#">230</a> Motion to Continue. Signed by Judge John M. Conroy on 3/4/2009. (This is a text only Order.) (jjj) (Entered: 03/04/2009)
03/04/2009	<a href="#">232</a>	REVISED NOTICE of Hearing: Status Conference set for 3/19/2009 10:00 AM in Burlington Chambers 408 before Judge John M. Conroy. (jjj) (Entered: 03/04/2009)
03/19/2009	233	MINUTE ENTRY for proceedings held before Judge John M. Conroy. Status Conference held on 3/19/2009. Dawn Seibert, Esq. present for pltfs and David McLean, Esq. present for defts. ORDERED: <a href="#">223</a> Motion for Extension of Time to File Response/Reply deemed moot; <a href="#">220</a> Motion for Summary Judgment withdrawn by defts with leave to refile and <a href="#">224</a> Motion for Extension of Time to File Response/Reply deemed moot. It is further ORDERED that defts have 30 days to file renewed motion for summary judgment and pltfs shall file a response to Doc 222 Motion to Review Appointed Counsel within 10 days. (Court Reporter: none) (jjj) (Entered: 03/19/2009)
03/19/2009		Scheduling Order Deadlines: Defts Motion for Summary Judgment due by 4/16/2009. (jjj) (Entered: 03/19/2009)
03/19/2009		Set Response Deadline as to <a href="#">222</a> Motion Review of Appointed Counsel until 4/6/2009. (jjj) (Entered: 03/19/2009)
03/19/2009	<a href="#">234</a>	LETTER dated 2/19/2009 from David McLean re: status conference. (hbc) Filed date corrected on 3/23/2009 (jlh). (Entered: 03/20/2009)
03/30/2009	<a href="#">235</a>	WITHDRAWAL of <a href="#">222</a> MOTION for Review of Appointed Counsel by David McGee. (hbc) (Entered: 03/30/2009)
04/15/2009	<a href="#">236</a>	STIPULATED MOTION for Extension of Time <i>to file Motion for Summary Judgment</i> by Keith Tallon, Michael O'Malley. (Attachments: # <a href="#">1</a> Certificate of Service)(McLean, David) (Entered: 04/15/2009)
04/21/2009	237	ORDER granting <a href="#">236</a> STIPULATED MOTION for Extension of Time to file Motion for Summary Judgment. Signed by Judge John M. Conroy on 04/21/2009. (This is a text only Order.) (mld) (Entered: 04/21/2009)
04/21/2009		Reset Scheduling Order Deadlines: Defendant's Motion for Summary Judgment due by 4/30/2009. (hbc) (Entered: 04/22/2009)
04/30/2009	<a href="#">238</a>	MOTION for Summary Judgment by Andrew Pallito. (Attachments: # <a href="#">1</a> Certificate of Service)(McLean, David) Filers removed on 8/25/2009 (jlh). (Entered: 04/30/2009)
04/30/2009	<a href="#">239</a>	STATEMENT OF UNDISPUTED FACTS by Andrew Pallito re: <a href="#">238</a> MOTION for Summary Judgment. (Attachments: # <a href="#">1</a> Affidavit of Robert Kupec, # <a href="#">2</a> Affidavit of Delores Burroughs-Biron, M.D.)(McLean, David) Filers removed on 8/25/2009 (jlh). (Entered: 04/30/2009)
05/29/2009	<a href="#">240</a>	MOTION for Extension of Time to File Response/Reply as to <a href="#">238</a> Motion for Summary Judgment by David McGee, James Anderson, Kevin Kimber, Richard Pahl, Jacob Sexton. (jjj) (Entered: 05/29/2009)
06/02/2009	241	ORDER granting <a href="#">240</a> MOTION for Extension of Time to File Response/Reply as to <a href="#">238</a>

		Motion for Summary Judgment. Signed by Judge John M. Conroy on 06/02/2009. (This is a text only Order.) (mld) (Entered: 06/02/2009)
06/02/2009		Reset Response Deadline to 7/30/09 as to <a href="#">238</a> MOTION for Summary Judgment. (hbc) (Entered: 06/02/2009)
08/12/2009	<a href="#">242</a>	MOTION for Extension of Time to File Response/Reply re: <a href="#">238</a> MOTION for Summary Judgment by David McGee, Kevin Kimber, Jacob Sexton.(Seibert, Dawn) Text clarified on 8/13/2009 (jlh) (Entered: 08/12/2009)
08/19/2009	243	ORDER granting <a href="#">242</a> Motion for Extension of Time to File Response re: <a href="#">238</a> MOTION for Summary Judgment. Signed by Judge John M. Conroy on 8/19/09. (This is a text only Order.) (hbc) (Entered: 08/19/2009)
08/21/2009	<a href="#">244</a>	MOTION for Extension of Time to File Response/Reply as to <a href="#">238</a> MOTION for Summary Judgment by David McGee, Kevin Kimber, Jacob Sexton.(Seibert, Dawn) (Entered: 08/21/2009)
08/21/2009	<a href="#">245</a>	MOTION for the Court to Contribute to Expert Fees expert fees by David McGee, Kevin Kimber, Jacob Sexton.(Seibert, Dawn) Text clarified on 8/28/2009 (jlh). (Entered: 08/21/2009)
08/24/2009	<a href="#">246</a>	SECOND MOTION for Review of Appointed Counsel by <i>pro se</i> David McGee.(hbc) (Entered: 08/24/2009)
08/24/2009	<a href="#">247</a>	RESPONSE in Opposition re <a href="#">244</a> MOTION for Extension of Time to File Response/Reply as to <a href="#">238</a> MOTION for Summary Judgment, <a href="#">245</a> MOTION contribution to expert fees filed by Andrew Pallito. (Attachments: # <a href="#">1</a> Certificate of Service)(McLean, David) Filers removed on 8/25/2009 (jlh). (Entered: 08/24/2009)
09/23/2009	<a href="#">248</a>	MOTION to Appoint Experts (entitled: Plaintiff's Pro Se Supplemental Motion for Appointment of Expert Witnesses) by <i>pro se</i> David McGee. (Attachments: # <a href="#">1</a> Attachment A)(hbc) (Entered: 09/23/2009)
10/01/2009	<a href="#">249</a>	ORDER: plaintiffs' <a href="#">244</a> Motion for Extension of Time to File Response re: <a href="#">238</a> Motion for Summary Judgment to 11/21/2009 is GRANTED, and plaintiffs' <a href="#">245</a> Motion for the Court to Contribute to Expert Fees is GRANTED in part. McGee's <i>pro se</i> <a href="#">246</a> Second Motion for Review of Appointed Counsel is DENIED, and <a href="#">248</a> Motion to Appoint Experts is DENIED as moot. Signed by Judge John M. Conroy on 10/1/09. (hbc) (Entered: 10/01/2009)
10/01/2009		Reset Deadline as to <a href="#">238</a> MOTION for Summary Judgment. Response due by 11/21/2009. (hbc) (Entered: 10/02/2009)
10/05/2009	<a href="#">250</a>	MOTION for Reconsideration re <a href="#">249</a> Order on <a href="#">244</a> Motion for Extension of Time to File Response/Reply and <a href="#">245</a> Motion for Contribution to Expert Fees by Keith Tallon, Celeste Girrell, Robert Hofmann, Kathleen Lanman, Michael O'Malley, Anita Carbenelle, Stuart Gladding, Daniel Florentine, Raymond Flum, Carol Callea, Andrew Pallito. (Attachments: # <a href="#">1</a> Affidavit of Russel J. Reiter, # <a href="#">2</a> Certificate of Service)(McLean, David) (Same Images as next entry) Modified on 10/6/2009 (jlh). (Entered: 10/05/2009)
10/05/2009	<a href="#">251</a>	RENEWED MOTION for Summary Judgment by Robert Hofmann. (Attachments: # <a href="#">1</a> Affidavit of Russel J. Reiter, # <a href="#">2</a> Certificate of Service) (Images same as previous entry) (hbc) (Entered: 10/05/2009)
10/16/2009	<a href="#">252</a>	RESPONSE in Opposition re <a href="#">250</a> MOTION for Reconsideration re <a href="#">249</a> Order on <a href="#">244</a> Motion for Extension of Time to File Response/Reply and <a href="#">245</a> Motion for Contribution to Expert Fees filed by <i>pro se</i> David McGee. (Attachments: # <a href="#">1</a> Attachment A) (Same images as next entry)(hbc) (Entered: 10/16/2009)



10/16/2009	<a href="#">253</a>	RESPONSE in Opposition to <a href="#">251</a> RENEWED MOTION for Summary Judgment filed by pro se David McGee. (Attachments: # <a href="#">1</a> Attachment A)(Same images as previous entry) (hbc) (Entered: 10/16/2009)
10/21/2009	<a href="#">254</a>	RESPONSE in Opposition re <a href="#">250</a> MOTION for Reconsideration re <a href="#">249</a> Order on <a href="#">244</a> Motion for Extension of Time to File Response/Reply and <a href="#">245</a> Motin for Contribution to Expert Fees filed by David McGee, Kevin Kimber, Jacob Sexton. (Attachments: # <a href="#">1</a> Certificate of Service)(Seibert, Dawn) Links added, text clarified on 10/21/2009 (jlh). (Entered: 10/21/2009)
10/21/2009	<a href="#">255</a>	RESPONSE in Opposition to <a href="#">251</a> MOTION for Summary Judgment filed by David McGee, Kevin Kimber, Jacob Sexton. (Attachments: # <a href="#">1</a> Certificate of Service)(Seibert, Dawn) (Entered: 10/21/2009)
10/21/2009	<a href="#">256</a>	MOTION for Extension of Time to <i>Accomplish Expert Disclosure</i> by David McGee, Kevin Kimber, Jacob Sexton. (Attachments: # <a href="#">1</a> Certificate of Service)(Seibert, Dawn) (Entered: 10/21/2009)
10/21/2009	<a href="#">257</a>	MOTION for Extension of Time to File Response/Reply as to <a href="#">238</a> MOTION for Summary Judgment by David McGee, Kevin Kimber, Jacob Sexton. (Attachments: # <a href="#">1</a> Certificate of Service)(Seibert, Dawn) (Entered: 10/21/2009)
10/21/2009	<a href="#">258</a>	MOTION for Extension of Time to <i>File Stipulated Discovery Schedule</i> by David McGee, Kevin Kimber, Jacob Sexton. (Attachments: # <a href="#">1</a> Certificate of Service)(Seibert, Dawn) (Entered: 10/21/2009)
10/22/2009	<a href="#">259</a>	REPLY to Response to <a href="#">250</a> MOTION for Reconsideration and OPPOSITION to <a href="#">257</a> MOTION for Extension of Time to File Response/Reply as to <a href="#">238</a> MOTION for Summary Judgment, <a href="#">256</a> MOTION for Extension of Time to <i>Accomplish Expert Disclosure</i> filed by Keith Tallon, Celeste Girrell, Robert Hofmann, John Gorczyk, Kathleen Lanman, Michael O'Malley, Anita Carbenelle, Stuart Gladding, Daniel Florentine, Raymond Flum, Carol Callea, Andrew Pallito. (Attachments: # <a href="#">1</a> Certificate of Service)(McLean, David) Text clarified on 10/22/2009 (jlh) (Entered: 10/22/2009)
11/17/2009	<a href="#">260</a>	NOTICE of Hearing re: <a href="#">256</a> Motion for Extension of Time to Accomplish Expert Disclosure and status conference. Motion Hearing set for 12/2/2009 01:30 PM in Burlington Courtroom 440 before Judge John M. Conroy. (jjj) (Entered: 11/17/2009)
11/24/2009	<a href="#">261</a>	ORDER granting <a href="#">250</a> Motion for Reconsideration re: <a href="#">249</a> Order on <a href="#">244</a> Motion for Extension of Time to File Response/Reply and <a href="#">245</a> Motion for Contribution to Expert Fees. It is hereby ORDERED that the Court's prior ruling <a href="#">249</a> is AFFIRMED. Signed by Judge John M. Conroy on 11/24/09. (hbc) Additional text/links added on 11/25/2009 (jlh). (Entered: 11/24/2009)
12/02/2009	262	MINUTE ENTRY for proceedings held before Judge John M. Conroy. Motion Hearing held on 12/2/2009. Dawn Seibert, Esq. and Seth Lipschutz, Esq. present for pltf's and David McLean, Esq. present for defts. ORDERED <a href="#">258</a> Motion for Extension of Time to File Stipulated Discovery Schedule is deemed moot, <a href="#">257</a> Motion for Extension of Time to File Response/Reply as to <a href="#">238</a> Motion for Summary Judgment is granted. Response due 4/30/2010 and <a href="#">256</a> Motion for Extension of Time to Accomplish Expert Disclosure is granted. All expert disclosures to be disclosed by 1/30/2010 and depositions to be completed by 2/28/2010.(Court Reporter: taped) (jjj) (Entered: 12/04/2009)
02/01/2010	<a href="#">263</a>	DISCOVERY CERTIFICATE - Disclosure of Experts by plaintiffs.(hbc) (Entered: 02/01/2010)
04/30/2010	<a href="#">264</a>	RESPONSE in Opposition to <a href="#">238</a> MOTION for Summary Judgment filed by James Anderson, Kevin Kimber, David McGee, Richard Pahl, Jacob Sexton. (Attachments: # <a href="#">1</a>

		Certificate of Service)(Seibert, Dawn) (Entered: 04/30/2010)
04/30/2010	<a href="#">265</a>	STATEMENT OF DISPUTED FACTS by James Anderson, Kevin Kimber, David McGee, Richard Pahl, Jacob Sexton re: <a href="#">238</a> Motion for Summary Judgment. (Attachments: # <a href="#">1</a> Certificate of Service)(Seibert, Dawn) Link corrected on 4/30/2010 (jlh). (Entered: 04/30/2010)
04/30/2010	<a href="#">266</a>	STATEMENT OF UNDISPUTED FACTS by James Anderson, Kevin Kimber, David McGee, Richard Pahl, Jacob Sexton re: <a href="#">238</a> Motion for Summary Judgment. (Attachments: # <a href="#">1</a> Certificate of Service, # <a href="#">2</a> Affidavit of Walter L. Kautzky, # <a href="#">3</a> Affidavit of Philip R. Burke, MD, MPH, # <a href="#">4</a> Affidavit of Stacey Colson, # <a href="#">5</a> Affidavit of Michael Myers, # <a href="#">6</a> Affidavit of Jonathan L. Weker, M.D., # <a href="#">7</a> Affidavit of Jacob Sexton)(Seibert, Dawn) Link corrected on 4/30/2010 (jlh). (Entered: 04/30/2010)
05/04/2010	<a href="#">267</a>	STIPULATED MOTION for Extension of Time to File Response/Reply as to <a href="#">264</a> Response in Opposition to Motion for Summary Judgment by Carol Callea, Anita Carbenelle, Daniel Florentine, Raymond Flum, Celeste Girrell, Stuart Gladding, Steven Gold, John Gorczyk, Robert Hofmann, Kathleen Lanman, Michael O'Malley, Andrew Pallito, Keith Tallon. (Attachments: # <a href="#">1</a> Certificate of Service)(McLean, David) (Entered: 05/04/2010)
05/06/2010	268	ORDER granting <a href="#">267</a> STIPULATED MOTION for Extension of Time to File Reply to <a href="#">238</a> Motion for Summary Judgment to 5/31/2010. Signed by Judge John M. Conroy on 5/5/2010. (This is a text only Order.)(hbc) (Entered: 05/06/2010)
05/26/2010	<a href="#">269</a>	REPLY to Response to <a href="#">238</a> MOTION for Summary Judgment filed by Carol Callea, Anita Carbenelle, Daniel Florentine, Raymond Flum, Celeste Girrell, Stuart Gladding, Steven Gold, John Gorczyk, Robert Hofmann, Kathleen Lanman, Michael O'Malley, Andrew Pallito, Keith Tallon. (Attachments: # <a href="#">1</a> Attachment A, # <a href="#">2</a> Certificate of Service) (McLean, David) Text clarified on 5/27/2010 (jlh). (Entered: 05/26/2010)
06/04/2010	<a href="#">270</a>	Entry has been removed. (law) (Entered: 06/04/2010)
07/15/2010	<a href="#">271</a>	NOTICE of Hearing re: <a href="#">251</a> Motion for Summary Judgment and <a href="#">238</a> Motion for Summary Judgment. Motion Hearing set for 7/26/2010 10:00 AM in Burlington Courtroom 440 before Judge John M. Conroy. (jjj) (Entered: 07/15/2010)
07/15/2010	<a href="#">272</a>	MOTION to Continue Hearing on <a href="#">251</a> , <a href="#">238</a> Motions for Summary Judgment by Carol Callea, Anita Carbenelle, Daniel Florentine, Raymond Flum, Celeste Girrell, Stuart Gladding, Steven Gold, John Gorczyk, Robert Hofmann, Kathleen Lanman, Michael O'Malley, Andrew Pallito, Keith Tallon. (Attachments: # <a href="#">1</a> Certificate of Service) (McLean, David) Links added on 7/16/2010 (jlh). (Entered: 07/15/2010)
07/19/2010	273	ORDER granting <a href="#">272</a> MOTION to Continue Hearing on <a href="#">251</a> , <a href="#">238</a> Motions for Summary Judgment. Signed by Judge John M. Conroy on 7/19/2010. (This is a text only Order.) (hbc) (Entered: 07/19/2010)
07/19/2010	<a href="#">274</a>	REVISED NOTICE of Hearing re: <a href="#">251</a> Motion for Summary Judgment and <a href="#">238</a> Motion for Summary Judgment. Motion Hearing set for 7/27/2010 01:30 PM in Burlington Courtroom 440 before Judge John M. Conroy. (jjj) (Main Document 274 replaced on 7/21/2010) (jlh). (Entered: 07/19/2010)
07/27/2010	275	MINUTE ENTRY for proceedings held before Judge John M. Conroy. Motion Hearing held on 7/27/2010 re <a href="#">238</a> and <a href="#">251</a> MOTIONS for Summary Judgment. Dawn Seibert, Esq. present on behalf of plfs and David McLean, Esq. present on behalf of dfts. Statements by counsel. ORDERED: Motions Taken Under Advisement. (Court Reporter: Taped) (hbc) (Entered: 07/27/2010)
08/03/2010	<a href="#">276</a>	REPORT AND RECOMMENDATION recommending that defendants' <a href="#">238</a> MOTION for

		Summary Judgment be granted, and that the plaintiffs' Eighth Amendment claims be dismissed and state law claims be dismissed without prejudice. It is further recommended that defendants' <a href="#">251</a> RENEWED MOTION for Summary Judgment be denied as moot. Objections to R&R due by 8/20/2010. Signed by Judge John M. Conroy on 8/3/2010. (hbc) (Entered: 08/03/2010)
09/30/2010	<a href="#">277</a>	ORDER: Office of the Defender General shall mail immediately to each of the class representatives a copy of <a href="#">276</a> the Report & Recommendation, as well as this Order and file a Certificate of Service with the Court. Any objection to the R&R by Plaintiffs shall be filed within 14 days after service of the R&R. Objections shall be filed with the Clerk of the Court and served the on the Magistrate Judge and all parties. Objections shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for such objections. Failure to file objections within the specified time waives the right to appeal the District Courts order. Signed by Judge J. Garvan Murtha on 9/30/2010. (kak) (Entered: 09/30/2010)
10/04/2010	<a href="#">278</a>	CERTIFICATE OF SERVICE by Dawn Seibert as to Jacob Sexton re <a href="#">277</a> Order, and <a href="#">276</a> REPORT AND RECOMMENDATION. (kak) (Entered: 10/04/2010)
10/04/2010	<a href="#">279</a>	CERTIFICATE OF SERVICE by Dawn Seibert as to Daniel Muir re <a href="#">277</a> Order,, <a href="#">276</a> REPORT AND RECOMMENDATION. (kak) (Entered: 10/04/2010)
10/04/2010	<a href="#">280</a>	CERTIFICATE OF SERVICE by Dawn Seibert at to David McGee re <a href="#">277</a> Order and <a href="#">276</a> REPORT AND RECOMMENDATION. (kak) (Entered: 10/04/2010)
10/04/2010	<a href="#">281</a>	CERTIFICATE OF SERVICE by Dawn Seibert as to Kevin Kimber re <a href="#">277</a> Order and <a href="#">276</a> REPORT AND RECOMMENDATION. (kak) (Entered: 10/04/2010)
10/04/2010	<a href="#">282</a>	CERTIFICATE OF SERVICE by Dawn Seibert as to James Anderson re <a href="#">277</a> Order and <a href="#">276</a> REPORT AND RECOMMENDATION. (kak) (Entered: 10/04/2010)
10/06/2010	<a href="#">283</a>	CERTIFICATE OF SERVICE by Dawn Seibert as to Richard Pahl re <a href="#">277</a> Order and <a href="#">276</a> REPORT AND RECOMMENDATION re: <a href="#">238</a> MOTION For Summary Judgment filed by Steven Gold, Andrew Pallito, <a href="#">251</a> MOTION for Summary Judgment. (wjf) Links added on 10/13/2010 (jlh). (Entered: 10/06/2010)
10/06/2010	<a href="#">284</a>	OBJECTION to <a href="#">276</a> REPORT AND RECOMMENDATION filed by Kevin Kimber re <a href="#">238</a> MOTION for Summary Judgment filed by Steven Gold, Andrew Pallito, <a href="#">251</a> MOTION for Summary Judgment filed by Robert Hofmann. (kak) (Entered: 10/12/2010)
10/12/2010	<a href="#">285</a>	NOTICE of Presenting New Evidence Court by Kevin Kimber. (law) (Entered: 10/12/2010)
10/22/2010	<a href="#">286</a>	OBJECTIONS to <a href="#">276</a> REPORT AND RECOMMENDATION re <a href="#">238</a> MOTION for Summary Judgment and <a href="#">251</a> MOTION for Summary Judgment filed by David McGee. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E) (kak) (Entered: 10/22/2010)
10/29/2010	<a href="#">287</a>	RESPONSE to Objection to <a href="#">276</a> REPORT AND RECOMMENDATION re <a href="#">238</a> MOTION for Summary Judgment, <a href="#">251</a> MOTION for Summary Judgment filed by Andrew Pallito. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Certificate of Service)(McLean, David) Text clarified on 11/1/2010 (jlh). Filers removed on 12/16/2010 (jlh). (Entered: 10/29/2010)
12/20/2010	<a href="#">288</a>	ORDER: Affirming, Approving and Adopting <a href="#">276</a> Magistrate Judge's Report and Recommendation. Dft's <a href="#">238</a> Motion for Summary Judgment on claims contained in the Second Amended Complaint is GRANTED. The Eighth Amendment Class claim for declaratory and injunctive relief is DISMISSED with prejudice. The state law Class claim is DISMISSED without prejudice. <a href="#">251</a> Dfts' Renewed Motion to Reconsider the Court's

		October 1, 2009 Order and Renewed Motion for Summary Judgment is DENIED as moot. The remaining Dfts may file a motion for summary judgment on the Pltfs' individual claims for damages on or before January 31, 2011. The caption of any pleading filed with the Court shall identify the remaining parties as set forth in this Order. Signed by Judge J. Garvan Murtha on 12/20/2010. (kak) Text clarified on 12/21/2010 (jlh). (Entered: 12/20/2010)
12/20/2010		Judge John M. Conroy no longer referred. (law) (Entered: 01/13/2011)
01/03/2011	<a href="#">289</a>	MOTION to Appoint Counsel by Kevin Kimber. (Attachments: # <a href="#">1</a> Attachment 1, # <a href="#">2</a> Attachment 2, # <a href="#">3</a> Attachment 3, # <a href="#">4</a> Attachment 4)(law) (Entered: 01/03/2011)
01/04/2011	<a href="#">290</a>	MOTION to Appoint Counsel by Kevin Kimber.(law) (Entered: 01/04/2011)
01/04/2011	<a href="#">291</a>	MOTION for Appeal by Kevin Kimber.(law) (Entered: 01/04/2011)
01/05/2011	<a href="#">292</a>	NOTICE of Change of Address by Stephen Bain. (law) (Entered: 01/05/2011)
01/11/2011	<a href="#">293</a>	EVIDENCE (Motion for Appeal) by Kevin Kimber. (Attachments: # <a href="#">1</a> Evidence - Request for Court Hearing, Evidence, # <a href="#">2</a> Evidence - Request for Appointment of Legal Representative)(hbc) (Entered: 01/12/2011)
01/12/2011	<a href="#">294</a>	EVIDENCE by Kevin Kimber. (hbc) (Entered: 01/12/2011)
01/31/2011	<a href="#">295</a>	MOTION for Summary Judgment on Plaintiffs' Claims for Damages by Carol Callea, Anita Carbenelle, Daniel Florentine, Raymond Flum, Celeste Girrell, Stuart Gladding, Steven Gold, John Gorczyk, Robert Hofmann, Kathleen Lanman, Michael O'Malley, Andrew Pallito, Keith Tallon. (Attachments: # <a href="#">1</a> Notice to Pro Se Litigant, # <a href="#">2</a> Certificate of Service)(McLean, David) (Entered: 01/31/2011)
02/08/2011	<a href="#">296</a>	RESPONSE in Opposition to <a href="#">295</a> MOTION for Summary Judgment on Plaintiffs' Claims for Damages filed by Kevin Kimber. (Attachments: # <a href="#">1</a> Affidavit of Kevin A. Kimber) (kak) (Entered: 02/08/2011)
02/22/2011	<a href="#">297</a>	RESPONSE in Opposition to <a href="#">295</a> MOTION for Summary Judgment on Plaintiffs' Claims for Damages filed by David McGee. (Attachments: # <a href="#">1</a> Attachment A, # <a href="#">2</a> Attachment B, # <a href="#">3</a> Attachment C, # <a href="#">4</a> Attachment D)(hbc) (Entered: 02/22/2011)
03/30/2011	<a href="#">298</a>	MEMORANDUM AND ORDER denying plaintiff Kevin Kimber's Motions <a href="#">289</a> and <a href="#">290</a> to Appoint Counsel and <a href="#">291</a> and <a href="#">293</a> Motions for Appeal. It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. Signed by Senior Judge J. Garvan Murtha on 3/30/2011. (kak) Text clarified on 3/31/2011 (jlh). (Entered: 03/30/2011)
03/30/2011	<a href="#">299</a>	MEMORANDUM and ORDER: Defendants' <a href="#">295</a> Motion for Summary Judgment on Plaintiffs' Claims for Damages is GRANTED with respect to Plaintiffs' individual claims for damages; Plaintiffs' state law claim is dismissed without prejudice. It is further certified that any appeal taken in forma pauperis would not be taken in good faith because such an appeal would be frivolous. Signed by Senior Judge J. Garvan Murtha on 3/30/2011. (kak) Text clarified on 3/31/2011 (jlh). (Entered: 03/30/2011)
04/01/2011	<a href="#">300</a>	***VACATED pursuant to <a href="#">321</a> on 3/25/14*** JUDGMENT: <a href="#">295</a> Motion for Summary Judgment on Plaintiffs' Claims for individual federal damages claims is GRANTED; Plaintiffs' state law claim is dismissed without prejudice. JUDGMENT is hereby entered for defendants Andrew Pallito, Robert Hofmann, Keith Tallon, Celeste Girrell, John Gorczyk, Kathleen Lanman, Michael OMalley, Anita Carbonnel, Stuart Gladding, Daniel Florentine, Raymond Flum and Carol Callea against palintiffs David McGee, Jacob Sexton, Richard Pahl, Jose Torres, Kevin Kimber, Daniel Muir and James Anderson. The Eighth Amendment Class claim for declaratory and injunctive relief was DISMISSED



		with prejudice. The state law Class claim was DISMISSED without prejudice. It is further certified that any appeal taken in forma pauperis would not be taken in good faith because such an appeal would be frivolous. Signed by Deputy Clerk on 3/31/2011. (Attachments: # <a href="#">1</a> Notice to Litigants - Appeal to be filed by 5/2/2011)(wjf) (Main Document 300 replaced on 4/1/2011) (jlh). Text clarified on 4/2/2011 (law). (Main Document 300 replaced on 3/26/2014) (jlh). (Entered: 04/01/2011)
04/01/2011	<a href="#">301</a>	NOTICE OF DOCKET ENTRY CORRECTION re: <a href="#">300</a> Judgment. The main document image has been replaced to correct the case caption. The corrected document is also attached to this entry. (jlh) (Entered: 04/01/2011)
04/01/2011	<a href="#">302</a>	NOTICE OF DOCKET ENTRY CORRECTION re: <a href="#">300</a> Judgment. The document contained an error in listing of party names within the body of the document and has been replaced on the docket. The corrected document is also attached to this entry. (jlh) (Entered: 04/01/2011)
04/11/2011	<a href="#">303</a>	NOTICE OF APPEAL as to <a href="#">300</a> Judgment by Kevin Kimber. Filing Fee: <a href="#">5</a> In Forma Pauperis granted in USDC-VT. (Attachments: # <a href="#">1</a> Letter of Dawn Siebert, # <a href="#">2</a> Letter of Kevin Kimber)(gmg) Text clarified on 4/12/2011 (jlh). (Entered: 04/11/2011)
04/18/2011	<a href="#">304</a>	NOTICE OF APPEAL as to <a href="#">300</a> Judgment by David McGee. Filing Fee: In Forma Pauperis granted. (gmg) Filing date corrected on 4/19/2011 (jlh). (Entered: 04/19/2011)
04/19/2011	<a href="#">305</a>	NOTICE OF DOCKET ENTRY CORRECTION re: <a href="#">304</a> Notice of Appeal filed by David McGee. Filing date has been corrected on the docket to indicate the filing was filed with the court on 4/18/2011. (jlh) (Entered: 04/19/2011)
07/29/2011	<a href="#">306</a>	MANDATE of USCA Circuit No. 11-1554 as to <a href="#">303</a> Notice of Appeal filed by Kevin Kimber, <a href="#">304</a> Notice of Appeal filed by David McGee. Appeal is dismissed effective June 29, 2011. (gmg) (Entered: 08/01/2011)
04/02/2012	<a href="#">308</a>	TRANSCRIPT of Telephone Conference hearing held on 6/20/2006, before Judge Jerome J. Niedermeier. Court Reporter/Transcriber Connie M. Walker, Telephone number (716) 853-5600. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 4/23/2012. Redacted Transcript Deadline set for 5/3/2012. Release of Transcript Restriction set for 7/2/2012. (law) (Entered: 04/03/2012)
04/02/2012	<a href="#">309</a>	TRANSCRIPT of Status Conference held on 7/27/2010, before Judge John M. Conroy. Court Reporter/Transcriber Connie M. Walker, Telephone number (716) 853-5600. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 4/23/2012. Redacted Transcript Deadline set for 5/3/2012. Release of Transcript Restriction set for 7/2/2012. (law) (Entered: 04/03/2012)
04/02/2012	<a href="#">310</a>	TRANSCRIPT of Status Conference held on 12/2/2009, before Judge John M. Conroy. Court Reporter/Transcriber Connie M. Walker, Telephone number (716) 853-5600. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 4/23/2012. Redacted Transcript Deadline set for 5/3/2012. Release of Transcript Restriction set for 7/2/2012. (law) (Entered: 04/03/2012)
04/03/2012	<a href="#">307</a>	TRANSCRIPT of Status Conference hearing held on 4/17/2006, before Judge Jerome J. Niedermeier. Court Reporter/Transcriber Connie M. Walker, Telephone number (716) 853-5600. Transcript may be viewed at the court public terminal or purchased through the

		Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 4/26/2012. Redacted Transcript Deadline set for 5/4/2012. Release of Transcript Restriction set for 7/2/2012. (law) (Entered: 04/03/2012)
08/24/2012	<a href="#">311</a>	CERTIFIED ORDER of USCA as to <a href="#">303</a> Appeal filed by Kevin Kimber; consideration of Appellees' motion to strike portions of the Appellant's brief is DEFERRED until such time as the District Court has ruled on Appellant's motion to enlarge the record. (kac) (Entered: 08/24/2012)
09/06/2012	<a href="#">312</a>	NOTICE OF APPEARANCE by Timothy W. Hoover, Esq on behalf of Kevin Kimber. (law) (Entered: 09/06/2012)
09/06/2012	<a href="#">313</a>	MOTION to Allow Timothy W. Hoover to Appear for the Limited Purpose of Making this Motion and MOTION for Supplementation of the Record filed by Kevin Kimber. (Attachments: # <a href="#">1</a> Affidavit of Timothy W. Hoover, # <a href="#">2</a> Exhibit A, # <a href="#">3</a> Exhibit B, # <a href="#">4</a> Exhibit C, # <a href="#">5</a> Exhibit D, # <a href="#">6</a> Exhibit E, # <a href="#">7</a> Exhibit F, # <a href="#">8</a> Exhibit G, # <a href="#">9</a> Exhibit H, # <a href="#">10</a> Exhibit I, # <a href="#">11</a> Exhibit J, # <a href="#">12</a> Exhibit K, # <a href="#">13</a> Exhibit L, # <a href="#">14</a> Text of Proposed Order) (law) (Main Document 313 replaced on 9/7/2012 to remove extra page) (law). (Entered: 09/06/2012)
09/12/2012	<a href="#">314</a>	MOTION for Extension of Time to File Response/Reply as to <a href="#">313</a> MOTION for Supplementation of the Record filed by Carol Callea, Anita Carbenelle, Daniel Florentine, Raymond Flum, Celeste Girrell, Stuart Gladding, Steven Gold, John Gorczyk, Robert Hofmann, Kathleen Lanman, Michael O'Malley, Andrew Pallito, Keith Tallon. (Attachments: # <a href="#">1</a> Certificate of Service)(McLean, David) Text clarified on 10/3/2012 (jlh). (Entered: 09/12/2012)
09/18/2012	315	ORDER granting <a href="#">313</a> Motion to Appear re: Timothy W. Hoover, Esq. on behalf of Plaintiff Kevin Kimber, for the Limited Purpose of Making Motion to Supplement the Record. Signed by District Judge J. Garvan Murtha on 9/18/2012. (This is a text only Order.) (kbl) (Entered: 09/18/2012)
09/18/2012	316	ORDER granting <a href="#">314</a> Motion to Enlarge Time to File Response re <a href="#">313</a> MOTION for Supplementation of the Record. Defendants' response shall be filed on or before 10/4/2012. Signed by District Judge J. Garvan Murtha on 9/18/2012. (This is a text only Order.) (kbl) (Entered: 09/18/2012)
10/04/2012	<a href="#">317</a>	RESPONSE in Opposition re <a href="#">313</a> MOTION for Supplementation of the Record filed by Carol Callea, Anita Carbenelle, Daniel Florentine, Raymond Flum, Celeste Girrell, Stuart Gladding, Steven Gold, John Gorczyk, Robert Hofmann, Kathleen Lanman, Michael O'Malley, Andrew Pallito, Keith Tallon. (Attachments: # <a href="#">1</a> Certificate of Service) (McLean, David) Text clarified on 10/4/2012 (law). (Entered: 10/04/2012)
10/12/2012	<a href="#">318</a>	MAIL RETURNED as Undeliverable re: 316 Order on Motion for Extension of Time to File Response/Reply, 315 Order on Motion to Appoint Counsel. Mail sent to David McGee. (Attachments: # <a href="#">1</a> Doc 315 , # <a href="#">2</a> Doc. 316 ) (kak) (Entered: 10/12/2012)
01/08/2013	<a href="#">319</a>	ORDER: denying <a href="#">313</a> MOTION for Supplementation of the Record. Signed by District Judge J. Garvan Murtha on 1/8/2013. (wjf) (Entered: 01/08/2013)
01/09/2013	<a href="#">320</a>	TRANSMITTED Index on Appeal Circuit No. 11-1430 re: <a href="#">304</a> Notice of Appeal. (gmg) (Entered: 01/09/2013)
03/25/2014	<a href="#">321</a>	MANDATE/Summary Order of USCA Circuit No. 11-1430(L); 11-1554(Con) as to <a href="#">303</a> Notice of Appeal filed by Kevin Kimber, <a href="#">304</a> Notice of Appeal filed by David McGee. It is ORDERED that the <a href="#">300</a> judgment of the district court be VACATED and REMANDED. (gmg) (Entered: 03/25/2014)

06/25/2014	<a href="#">322</a>	NOTICE of Hearing: Telephone Status Conference set for 7/16/2014 at 1:30 PM in Brattleboro Chambers before District Judge J. Garvan Murtha. (pac) (Entered: 06/25/2014)
07/16/2014	323	MINUTE ENTRY as to proceedings held before Judge J. Garvan Murtha: Telephone status conference held in chambers on 7/16/2014. Participating were Timothy Hoover, Esq. and William Simon, Esq., on behalf of pltf, and David McLean, Esq. for dfts. Statements by counsel re: status on remand and respective positions on how to proceed. ORDERED: Atty Hoover shall submit memorandum of re: qualifications for app't as class counsel by 8/1/2014. After app't, counsel shall confer with each other and agree on a proposed scheduling order; in the event they cannot reach an agreement, each shall submit a memorandum stating their position. Atty Hoover is in the process of filing an application for full admission to the district court; Attys Simon and Manning will file pro hac vice motions. (Court Reporter: none) (kak (Entered: 07/16/2014)
07/16/2014		Set Deadline: Supplemental/Post Hearing Memorandum due by 8/1/2014 pursuant to 323 minute entry. (kak) (Entered: 07/16/2014)
08/01/2014	<a href="#">324</a>	MEMORANDUM by Kevin Kimber <i>Regarding Phillips Lytle LLP's Capabilities as Potential Class Counsel</i> . (Hoover, Timothy) Link removed on 8/2/2014 (law). (Entered: 08/01/2014)
08/18/2014	<a href="#">325</a>	ORDER APPOINTING CLASS COUNSEL. It is hereby ORDERED that the firm of Phillips Lytle LLP is appointed as class counsel for Plaintiffs. Proposed stipulated discovery schedule/order due by 9/19/2014. Signed by District Judge J. Garvan Murtha on 8/18/2014. (esb) (Entered: 08/18/2014)
09/17/2014	<a href="#">326</a>	NOTICE of Withdrawal as a plaintiff by Jacob Sexton. (esb) (Entered: 09/17/2014)
09/19/2014	<a href="#">327</a>	PROPOSED Stipulated Discovery Schedule/Order by James Anderson, Kevin Kimber, David McGee, Daniel Muir, Richard Pahl, Jacob Sexton, Jose Torres. (Attachments: # <a href="#">1</a> Memorandum in Support, # <a href="#">2</a> Certificate of Service)(Hoover, Timothy) (Entered: 09/19/2014)
12/02/2014	<a href="#">328</a>	NOTICE of Hearing: Status Conference and Hearing re: Proposed Stipulated Discovery Schedule/Order (Doc. 327) set for 12/11/2014 11:30 AM in Brattleboro Courtroom before District Judge J. Garvan Murtha. Timothy W. Hoover, Esq. will participate by video conference from Robert H. Jackson U.S. Courthouse, Buffalo, NY.(kak) (Main Document 328 replaced on 12/2/2014) (jlh). Text clarified on 12/2/2014 (jlh). (Entered: 12/02/2014)
12/02/2014	<a href="#">329</a>	NOTICE OF DOCKET ENTRY CORRECTION re: <a href="#">328</a> Notice of Hearing. The document image has been replaced and docket text corrected to indicate that the case is scheduled for a Status Conference and Hearing re: Stipulated Discovery Schedule/Order. The corrected document is now attached to <a href="#">328</a> as well as this entry. (jlh) (Entered: 12/02/2014)
12/05/2014	<a href="#">330</a>	ORDER: re <a href="#">327</a> Proposed Stipulated Discovery Schedule/Order. Signed by District Judge J. Garvan Murtha on 12/5/2014. (esb) (Entered: 12/05/2014)
12/11/2014	331	MINUTE ENTRY as to proceedings held before Judge J. Garvan Murtha: Status conference and review of proposed stipulated discovery schedule held on 12/11/2014. Participating were Timothy Hoover, Esq. and William Simon, Esq., by video conference on behalf of pltf, and David McLean, Esq. present in the courtroom on behalf of the dfts. Statements by counsel re: respective positions on how to proceed. ORDERED: Counsel to submit another agreed-upon proposed discovery schedule with a shortened time frame by 12/30/2014. Counsel may request an extension of time for submission if needed. If no agreement can be reached, counsel shall submit individual proposed schedules. (Court Reporter: Recorded) (kak) (Entered: 12/11/2014)

12/29/2014	<a href="#">332</a>	MAIL RETURNED as Undeliverable re: <a href="#">330</a> Order. Sent to Daniel Muir. (Attachments: # <a href="#">1</a> Doc. 330 Order) (esb) Text clarified on 12/30/2014 (jlh). (Entered: 12/29/2014)
12/30/2014	<a href="#">333</a>	STIPULATED MOTION to Enlarge Time to File Proposed Discovery Schedule filed by James Anderson, Kevin Kimber, David McGee, Daniel Muir, Richard Pahl, Jose Torres. (Attachments: # <a href="#">1</a> Memorandum in Support, # <a href="#">2</a> Text of Proposed Order, # <a href="#">3</a> Certificate of Service)(Hoover, Timothy) (Entered: 12/30/2014)
01/07/2015	334	ORDER granting <a href="#">333</a> Motion to Enlarge Time to file Proposed Discovery Schedule. The parties shall file a proposed joint schedule or, if they are unable to agree, separate schedules for the Court's consideration, on or before 1/9/2015. Signed by District Judge J. Garvan Murtha on 1/7/2015. (This is a text-only Order.) (kbl) (Entered: 01/07/2015)
01/09/2015	<a href="#">335</a>	PROPOSED Amended Stipulated Discovery Schedule/Order by James Anderson, Kevin Kimber, David McGee, Daniel Muir, Richard Pahl, Jose Torres. (Attachments: # <a href="#">1</a> Certificate of Service)(Hoover, Timothy) (Entered: 01/09/2015)
01/09/2015	<a href="#">336</a>	MEMORANDUM by James Anderson, Kevin Kimber, David McGee, Daniel Muir, Richard Pahl, Jose Torres in support of <a href="#">335</a> Proposed Stipulated Discovery Schedule/Order <i>Class Counsel's Memorandum in Support of Amended Proposed Joint Stipulated Discovery Schedule Order</i> (Attachments: # <a href="#">1</a> Certificate of Service)(Hoover, Timothy) (Entered: 01/09/2015)
01/13/2015	<a href="#">337</a>	AMENDED JOINT/STIPULATED DISCOVERY SCHEDULE/ORDER Discovery due by 4/15/2016. Motions due by 5/13/2016. Ready for Trial by 6/15/2016. Signed by District Judge J. Garvan Murtha on 1/13/2015. (esb) Text clarified on 1/14/2015 (jlh). (Entered: 01/13/2015)
01/30/2015	<a href="#">338</a>	DISCOVERY CERTIFICATE - Initial Disclosures by James Anderson, Kevin Kimber, David McGee, Daniel Muir, Richard Pahl, Jacob Sexton, Jose Torres. (Attachments: # <a href="#">1</a> Certificate of Service)(Hoover, Timothy) (Entered: 01/30/2015)
01/30/2015	<a href="#">339</a>	DISCOVERY CERTIFICATE - First Set of Interrogatories by James Anderson, Kevin Kimber, David McGee, Daniel Muir, Richard Pahl, Jacob Sexton, Jose Torres. (Attachments: # <a href="#">1</a> Certificate of Service)(Hoover, Timothy) (Entered: 01/30/2015)
02/02/2015	<a href="#">340</a>	DISCOVERY CERTIFICATE - Initial Disclosures by Carol Callea, Anita Carbenelle, Daniel Florentine, Raymond Flum, Celeste Girrell, Stuart Gladding, John Gorczyk, Robert Hofmann, Kathleen Lanman, Michael O'Malley, Keith Tallon.(McLean, David) (Entered: 02/02/2015)
02/05/2015	<a href="#">341</a>	DISCOVERY CERTIFICATE - First Interrogatories by Carol Callea, Anita Carbenelle, Daniel Florentine, Raymond Flum, Celeste Girrell, Stuart Gladding, John Gorczyk, Robert Hofmann, Kathleen Lanman, Michael O'Malley.(McLean, David) Text clarified on 2/5/2015 (jlh). (Entered: 02/05/2015)
03/12/2015	<a href="#">342</a>	DISCOVERY CERTIFICATE - Answer to Interrogatories and Requests to Produce by James Anderson, Kevin Kimber, David McGee, Daniel Muir, Richard Pahl, Jacob Sexton, Jose Torres.(Hoover, Timothy) (Entered: 03/12/2015)
03/17/2015	<a href="#">343</a>	DISCOVERY CERTIFICATE - Response to Interrogatories by Carol Callea, Anita Carbenelle, Daniel Florentine, Raymond Flum, Celeste Girrell, Stuart Gladding, John Gorczyk, Robert Hofmann, Kathleen Lanman, Michael O'Malley, Keith Tallon.(McLean, David) Text clarified on 3/17/2015 (jlh). (Entered: 03/17/2015)
06/12/2015	<a href="#">344</a>	MOTION to Decertify the Class filed by Carol Callea, Anita Carbenelle, Daniel Florentine, Raymond Flum, Celeste Girrell, Stuart Gladding, John Gorczyk, Robert Hofmann, Kathleen Lanman, Michael O'Malley, Andrew Pallito, Keith Tallon.



		(Attachments: # <a href="#">1</a> Attachment A, # <a href="#">2</a> Attachment B)(McLean, David) Text clarified on 6/12/2015 (law). (Entered: 06/12/2015)
06/26/2015	<a href="#">345</a>	MOTION for Extension of Time to File Response/Reply as to 334 MOTION to Decertify the Class filed by James Anderson, Kevin Kimber, David McGee, Daniel Muir, Richard Pahl, Jacob Sexton, Jose Torres. (Attachments: # <a href="#">1</a> Memorandum in Support, # <a href="#">2</a> Certificate of Service)(Hoover, Timothy) Link added on 6/26/2015 (law). (Entered: 06/26/2015)
06/29/2015	<a href="#">346</a>	SUPPLEMENTAL AFFIDAVIT in Support re <a href="#">345</a> MOTION for Extension of Time to File Response/Reply as to 334 MOTION to Decertify the Class filed by James Anderson, Kevin Kimber, David McGee, Daniel Muir, Richard Pahl, Jacob Sexton, Jose Torres. (Attachments: # <a href="#">1</a> Certificate of Service)(Hoover, Timothy) (Entered: 06/29/2015)
06/30/2015	347	ORDER granting <a href="#">345</a> Motion to Enlarge Time to Submit Opposition Papers re: 334 Motion to Decertify Class. Plaintiffs' response shall be filed on or before 7/17/2015. Signed by District Judge J. Garvan Murtha on 6/30/2015. (This is a text-only Order.) (kbl) (Entered: 06/30/2015)
07/10/2015	<a href="#">348</a>	MOTION for Extension of Time to File Response/Reply as to <a href="#">344</a> MOTION to Decertify the Class filed by James Anderson, Kevin Kimber, David McGee, Daniel Muir, Richard Pahl, Jacob Sexton, Jose Torres. (Attachments: # <a href="#">1</a> Memorandum in Support, # <a href="#">2</a> Certificate of Service)(Hoover, Timothy) (Entered: 07/10/2015)
07/14/2015	349	ORDER granting <a href="#">348</a> Motion to Enlarge Time to Submit Opposition re <a href="#">344</a> Defendants' Motion to Decertify the Class. Plaintiffs' response shall be filed on or before 7/24/2015. Signed by District Judge J. Garvan Murtha on 7/14/2015. (This is a text-only Order.) (kbl) (Entered: 07/14/2015)
07/23/2015	<a href="#">350</a>	MOTION for Leave to Exceed Page Limit filed by James Anderson, Kevin Kimber, David McGee, Daniel Muir, Richard Pahl, Jacob Sexton, Jose Torres. (Attachments: # <a href="#">1</a> Memorandum in Support, # <a href="#">2</a> Text of Proposed Order, # <a href="#">3</a> Certificate of Service)(Hoover, Timothy) (Entered: 07/23/2015)
07/24/2015	<a href="#">351</a>	AFFIDAVIT of Timothy W. Hoover, Esq. in Opposition re <a href="#">344</a> MOTION to Decertify the Class filed by James Anderson, Kevin Kimber, David McGee, Daniel Muir, Richard Pahl, Jacob Sexton, Jose Torres. (Attachments: # <a href="#">1</a> Affidavit of Steven W. Lockley, # <a href="#">2</a> Memorandum in Support, # <a href="#">3</a> Certificate of Service)(Hoover, Timothy) (Main Document 351 replaced on 7/26/2015) (law). (Additional attachment(s) added on 7/26/2015: # <a href="#">4</a> Exhibit A, # <a href="#">5</a> Exhibit B, # <a href="#">6</a> Exhibit C, # <a href="#">7</a> Exhibit D, # <a href="#">8</a> Exhibit E, # <a href="#">9</a> Exhibit F) (law). (Entered: 07/24/2015)
07/26/2015	<a href="#">352</a>	NOTICE OF DOCKET ENTRY CORRECTION re: <a href="#">351</a> Affidavit in Opposition to Motion filed by Daniel Muir, David McGee, Jacob Sexton, James Anderson, Richard Pahl, Kevin Kimber, Jose Torres. The main document image contained that of Exhibits A through F. The images have been broken apart and replaced on the docket. The corrected images are now attached to <a href="#">351</a> and this entry. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E, # <a href="#">6</a> Exhibit F) (law) (Entered: 07/26/2015)
07/27/2015	353	ORDER granting <a href="#">350</a> Motion for Leave to Exceed Page Limit. Signed by District Judge J. Garvan Murtha on 7/27/2015. (This is a text-only Order.) (kbl) (Entered: 07/27/2015)
08/06/2015	<a href="#">354</a>	STIPULATED MOTION for Extension of Time to File Response/Reply as to <a href="#">344</a> MOTION to Decertify the Class filed by Carol Callea, Anita Carbenelle, Daniel Florentine, Raymond Flum, Celeste Girrell, Stuart Gladding, John Gorczyk, Robert Hofmann, Kathleen Lanman, Michael O'Malley, Keith Tallon.(McLean, David) Link corrected on 8/6/2015 (law). (Entered: 08/06/2015)

08/11/2015	<a href="#">355</a>	ORDER granting <a href="#">354</a> Stipulated Motion to Enlarge Time to File Reply re: <a href="#">344</a> MOTION to Decertify the Class. Defendant's reply shall be filed on or before 8/17/2015. Signed by District Judge J. Garvan Murtha on 8/11/2015. (This is a text-only Order.) (kbl) (Entered: 08/11/2015)
08/14/2015	<a href="#">356</a>	DISCOVERY CERTIFICATE re: Plaintiffs' First Request to Admit by James Anderson, Kevin Kimber, David McGee, Daniel Muir, Richard Pahl, Jacob Sexton, Jose Torres. (Hoover, Timothy) (Entered: 08/14/2015)
08/14/2015	<a href="#">357</a>	DISCOVERY CERTIFICATE re: Plaintiffs' First Request for Production of Documents by James Anderson, Kevin Kimber, David McGee, Daniel Muir, Richard Pahl, Jacob Sexton, Jose Torres.(Hoover, Timothy) (Entered: 08/14/2015)
08/14/2015	<a href="#">358</a>	DISCOVERY CERTIFICATE re: Plaintiffs' First Request to Inspect by James Anderson, Kevin Kimber, David McGee, Daniel Muir, Richard Pahl, Jacob Sexton, Jose Torres. (Hoover, Timothy) (Entered: 08/14/2015)
08/14/2015	<a href="#">359</a>	DISCOVERY CERTIFICATE re: Plaintiffs' Second Set of Interrogatories by James Anderson, Kevin Kimber, David McGee, Daniel Muir, Richard Pahl, Jacob Sexton, Jose Torres.(Hoover, Timothy) (Entered: 08/14/2015)
08/18/2015	<a href="#">360</a>	REPLY to Response to <a href="#">344</a> MOTION to Decertify the Class filed by Carol Callea, Anita Carbenelle, Daniel Florentine, Raymond Flum, Celeste Girrell, Stuart Gladding, Steven Gold, John Gorczyk, Robert Hofmann, Kathleen Lanman, Michael O'Malley, Andrew Pallito, Keith Tallon. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B)(McLean, David) Attachment descriptions clarified on 8/18/2015 (law). (Attachment 1 replaced on 8/20/2015) (law). (Attachment 1 replaced on 8/24/2015) (jlh). (Entered: 08/18/2015)
08/20/2015	<a href="#">361</a>	NOTICE OF DOCKET ENTRY CORRECTION re: <a href="#">360</a> Reply to Response to Motion, filed by Kathleen Lanman, Stuart Gladding, Anita Carbenelle, Carol Callea, Raymond Flum, John Gorczyk, Robert Hofmann, Steven Gold, Michael O'Malley, Celeste Girrell, Keith Tallon, Andrew Pallito, Daniel Florentine. The document image of Exhibit A has been replaced as the <i>Curriculum Vitae</i> of the unsigned affidavit was excluded. The complete image is now attached as Exhibit A to <a href="#">360</a> and this entry. (law) (Main Document 361 replaced on 8/24/2015) (jlh). (Entered: 08/20/2015)
09/04/2015	<a href="#">362</a>	MEMORANDUM AND ORDER re: <a href="#">344</a> Dft's Motion to Decertify Class is DENIED. Signed by District Judge J. Garvan Murtha on 9/4/2015. (kak) (Entered: 09/04/2015)
09/11/2015	<a href="#">363</a>	DISCOVERY CERTIFICATE - Response to Request for Admissions by Carol Callea, Anita Carbenelle, Daniel Florentine, Raymond Flum, Celeste Girrell, Stuart Gladding, John Gorczyk, Robert Hofmann, Kathleen Lanman, Michael O'Malley, Andrew Pallito, Keith Tallon.(McLean, David) (Entered: 09/11/2015)
09/15/2015	<a href="#">364</a>	MOTION for Appearance Pro Hac Vice of William J. Simon, Esq. filed by James Anderson, Kevin Kimber, David McGee, Daniel Muir, Richard Pahl, Jose Torres. (Attachments: # <a href="#">1</a> Declaration of Timothy W. Hoover, Esq., # <a href="#">2</a> Text of Proposed Order, # <a href="#">3</a> Affidavit of William J. Simon, Esq., # <a href="#">4</a> Certificates of Good Standing)(jlh) (Entered: 09/15/2015)
09/15/2015	<a href="#">365</a>	MOTION for Appearance Pro Hac Vice of Kenneth A. Manning filed by James Anderson, Kevin Kimber, David McGee, Daniel Muir, Richard Pahl, Jose Torres. (Attachments: # <a href="#">1</a> Declaration of Timothy W. Hoover, Esq., # <a href="#">2</a> Text of Proposed Order, # <a href="#">3</a> Affidavit of Kenneth A. Manning, Esq., # <a href="#">4</a> Certificate of Good Standing)(jlh) (Entered: 09/16/2015)
09/16/2015	<a href="#">366</a>	ORDER granting <a href="#">364</a> and <a href="#">365</a> Motions for Admission Pro Hac Vice re: William J. Simon, Esq. and Kenneth A. Manning, Esq. on behalf of Plaintiffs. Signed by District Judge J.

		Garvan Murtha on 9/16/2015. (This is a text-only Order.) (kbl) (Entered: 09/16/2015)
09/17/2015	<a href="#">367</a>	MOTION for Quarterly Accounting of Attorney Fees and Litigation Costs filed by Carol Callea, Anita Carbenelle, Daniel Florentine, Raymond Flum, Celeste Girrell, Stuart Gladding, John Gorczyk, Robert Hofmann, Kathleen Lanman, Michael O'Malley, Andrew Pallito, Keith Tallon. (Attachments: # <a href="#">1</a> Attachment A)(McLean, David) (Attachment 1 replaced on 9/17/2015) (law). (Entered: 09/17/2015)
09/17/2015	<a href="#">368</a>	NOTICE OF DOCKET ENTRY CORRECTION re: <a href="#">367</a> MOTION for Quarterly Accounting of Attorney Fees and Litigation Costs filed by Kathleen Lanman, Stuart Gladding, Anita Carbenelle, Carol Callea, Raymond Flum, John Gorczyk, Robert Hofmann, Michael O'Malley, Celeste Girrell, Keith Tallon, Andrew Pallito, Daniel Florentine. The document image of the Attachment has been replaced to remove the PDF double-header. The corrected document is now attached to <a href="#">367</a> and this entry. (law) Text clarified on 9/18/2015 (law). (Entered: 09/17/2015)
09/29/2015	<a href="#">369</a>	ORDER REASSIGNING CASE. Case reassigned to Judge Geoffrey W. Crawford for all further proceedings. District Judge J. Garvan Murtha no longer assigned to case. Signed by District Judge J. Garvan Murtha on 9/29/2015. (law) (Entered: 09/29/2015)
10/01/2015	<a href="#">370</a>	RESPONSE in Opposition re <a href="#">367</a> MOTION for Quarterly Accounting of Attorney Fees and Litigation Costs filed by James Anderson, Kevin Kimber, David McGee, Daniel Muir, Richard Pahl, Jacob Sexton, Jose Torres. (Hoover, Timothy) (Entered: 10/01/2015)
10/05/2015	<a href="#">371</a>	REPLY to Response to <a href="#">367</a> MOTION for Quarterly Accounting of Attorney Fees and Litigation Costs filed by Carol Callea, Anita Carbenelle, Daniel Florentine, Raymond Flum, Celeste Girrell, Stuart Gladding, Steven Gold, John Gorczyk, Robert Hofmann, Kathleen Lanman, Michael O'Malley, Andrew Pallito, Keith Tallon. (McLean, David) (Entered: 10/05/2015)
10/22/2015	<a href="#">372</a>	OPINION AND ORDER denying <a href="#">367</a> Motion for Quarterly Accounting of Attorney Fees and Litigation Costs. The ENE Administrator is requested to correspond with the parties regarding proposed evaluators. Signed by Judge Geoffrey W. Crawford on 10/22/2015. (esb) (Entered: 10/22/2015)
10/26/2015	<a href="#">373</a>	ENE LETTER re: Potential Evaluators sent; responses due by 11/12/2015. (hbc) (Entered: 10/26/2015)
11/04/2015	<a href="#">374</a>	DISCOVERY CERTIFICATE - Answer to Interrogatories by Carol Callea, Anita Carbenelle, Daniel Florentine, Raymond Flum, Celeste Girrell, Stuart Gladding, John Gorczyk, Robert Hofmann, Kathleen Lanman, Michael O'Malley, Andrew Pallito, Keith Tallon.(McLean, David) (Entered: 11/04/2015)
11/12/2015	<a href="#">375</a>	NOTICE of Attorney Substitution by William J. Simon, Esq as to James Anderson, Kevin Kimber, David McGee, Daniel Muir, Richard Pahl, Jacob Sexton, Jose Torres(Simon, William) (Entered: 11/12/2015)
11/12/2015	<a href="#">376</a>	ENE By Stipulation re: Evaluator Selection by all parties.(Simon, William) (Entered: 11/12/2015)
11/12/2015	<a href="#">377</a>	PROPOSED Second Amended Stipulated Discovery Schedule/Order by James Anderson, Kevin Kimber, David McGee, Daniel Muir, Richard Pahl, Jose Torres (Simon, William) Text clarified on 11/13/2015 (law). (Entered: 11/12/2015)
11/13/2015	<a href="#">378</a>	ENE Evaluator Richard T. Cassidy, Esq. assigned. (hbc) (Entered: 11/13/2015)
11/16/2015	<a href="#">379</a>	SECOND AMENDED STIPULATED DISCOVERY SCHEDULE/ORDER Discovery due by 7/29/2016. Motions due by 8/31/2016. Ready for Trial by 9/30/2016. Signed by Judge Geoffrey W. Crawford on 11/16/2015. (esb) (Entered: 11/16/2015)

11/17/2015	<a href="#">380</a>	DISCOVERY CERTIFICATE - Response to Request to Produce by Carol Callea, Anita Carbenelle, Daniel Florentine, Raymond Flum, Celeste Girrell, Stuart Gladding, John Gorczyk, Robert Hofmann, Kathleen Lanman, Michael O'Malley, Andrew Pallito, Keith Tallon.(McLean, David) (Entered: 11/17/2015)
12/03/2015	<a href="#">381</a>	ENE LETTER to counsel re: date certain for ENE session due by 12/10/2015. (hbc) (Entered: 12/03/2015)
12/10/2015	<a href="#">382</a>	ENE LETTER : <i>ENE session set for 1/27/2016 at 10:00 am</i> by Carol Callea, Anita Carbenelle, Daniel Florentine, Raymond Flum, Celeste Girrell, Stuart Gladding, John Gorczyk, Robert Hofmann, Kathleen Lanman, Michael O'Malley, Keith Tallon (Attachments: # <a href="#">1</a> Certificate of Service)(McLean, David) Text clarified on 12/11/2015 (law). (Entered: 12/10/2015)
12/30/2015	<a href="#">383</a>	DISCOVERY CERTIFICATE - Notice of Deposition of <i>David McGee, Richard Pahl, Jose Torres, Kevin Kimber, Daniel Muir and James Anderson</i> by Carol Callea, Anita Carbenelle, Daniel Florentine, Raymond Flum, Celeste Girrell, Stuart Gladding, John Gorczyk, Robert Hofmann, Kathleen Lanman, Michael O'Malley, Andrew Pallito, Keith Tallon.(McLean, David) (Entered: 12/30/2015)
02/12/2016	<a href="#">384</a>	STIPULATED MOTION for a Transport Order filed by James Anderson, Carol Callea, Anita Carbenelle, Daniel Florentine, Raymond Flum, Celeste Girrell, Stuart Gladding, Steven Gold, John Gorczyk, Robert Hofmann, Kathleen Lanman, Michael O'Malley, Andrew Pallito, Keith Tallon.(McLean, David) Filer added on 2/16/2016 (jlh). (Entered: 02/12/2016)
02/12/2016	<a href="#">385</a>	ORDER granting <a href="#">384</a> Stipulated Motion for a Transport Order. Signed by Judge Geoffrey W. Crawford on 2/12/2016. (esb) (Entered: 02/12/2016)
02/12/2016	<a href="#">386</a>	ORDER to Transport James Anderson re <a href="#">384</a> STIPULATED MOTION Transport Order . Signed by Judge Geoffrey W. Crawford on 2/12/2016. (esb) (Entered: 02/12/2016)
02/16/2016	<a href="#">387</a>	REPORT of Early Neutral Evaluation by ENE Evaluator(Cassidy, Richard) (Main Document 387 replaced on 2/17/2016) (jlh). (Entered: 02/16/2016)
02/17/2016	<a href="#">388</a>	NOTICE OF DOCKET ENTRY CORRECTION re: <a href="#">387</a> Report of ENE filed by ENE Evaluator. The document was in edit mode and has been replaced on the docket. The corrected document is now attached to <a href="#">387</a> as well as this entry. (jlh) (Entered: 02/17/2016)
02/23/2016	<a href="#">389</a>	MOTION to Withdraw as Attorney filed by James Anderson, Kevin Kimber, David McGee, Daniel Muir, Richard Pahl, Jose Torres. (Attachments: # <a href="#">1</a> Certificate of Service) (esb) (Entered: 02/23/2016)
02/24/2016	<a href="#">390</a>	ORDER granting <a href="#">389</a> MOTION to Withdraw as Attorney. Signed by Judge Geoffrey W. Crawford on 2/24/2016. (This is a text-only Order.) (jal) (Entered: 02/24/2016)
05/03/2016	<a href="#">391</a>	THIRD AMENDED PROPOSED Stipulated Discovery Schedule/Order by James Anderson, Kevin Kimber, David McGee, Daniel Muir, Richard Pahl, Jose Torres (Simon, William) Text clarified on 5/3/2016 (jlh) (Entered: 05/03/2016)
05/04/2016	<a href="#">392</a>	THIRD AMENDED STIPULATED DISCOVERY SCHEDULE/ORDER Discovery due by 1/29/2017. Motions due by 2/28/2017. Early Neutral Evaluation set for 6/8/2016 at 10:00 AM. Ready for Trial by 3/30/2017. Signed by Judge Geoffrey W. Crawford on 5/4/2016. (esb) (Entered: 05/04/2016)
06/06/2016	<a href="#">393</a>	STIPULATED MOTION for a Transport Order filed by James Anderson, Kevin Kimber, David McGee, Daniel Muir, Richard Pahl, Jose Torres.(Manning, Kenneth) Text clarified on 6/7/2016 (jlh). (Entered: 06/06/2016)



06/07/2016	<a href="#">394</a>	ORDER granting <a href="#">393</a> Stipulated Motion for a Transport Order. Signed by Judge Geoffrey W. Crawford on 6/7/2016. (esb) (Entered: 06/07/2016)
06/07/2016	<a href="#">395</a>	TRANSPORT ORDER re: James Anderson attendance at the ENE session scheduled for Wednesday, June 8, 2016 at 10:00 a.m.. Signed by Judge Geoffrey W. Crawford on 6/7/2016. (esb) (Entered: 06/07/2016)
09/01/2016	<a href="#">396</a>	ENE LETTER to counsel re: past-due second ENE session date. Responses due by 9/12/2016. (hbc) (Entered: 09/01/2016)
09/01/2016	<a href="#">397</a>	THIRD REPORT of Early Neutral Evaluation by ENE Evaluator (Attachments: # <a href="#">1</a> Certificate of Service)(Cassidy, Richard) Text clarified on 9/19/2016 (law). (Entered: 09/01/2016)
09/16/2016	<a href="#">398</a>	SECOND REPORT of Early Neutral Evaluation by ENE Evaluator (Attachments: # <a href="#">1</a> Certificate of Service)(Cassidy, Richard) (Main Document 398 replaced, text clarified on 9/19/2016) (law). (Entered: 09/16/2016)
09/19/2016	<a href="#">399</a>	NOTICE OF DOCKET ENTRY CORRECTION re: <a href="#">398</a> Report of ENE filed by ENE Evaluator. The document image has been replaced as it was still in edit mode. The correct document image is now attached to <a href="#">398</a> and this entry. (law) (Entered: 09/19/2016)
01/18/2017	<a href="#">400</a>	MOTION for Preliminary Approval of Proposed Settlement with Defendants filed by James Anderson, Kevin Kimber, David McGee, Daniel Muir, Richard Pahl, Jacob Sexton, Jose Torres. (Attachments: # <a href="#">1</a> Memorandum in Support, # <a href="#">2</a> Appendix, # <a href="#">3</a> Declaration of Kenneth A. Manning, Esq., # <a href="#">4</a> Exhibit A, # <a href="#">5</a> Exhibit B, # <a href="#">6</a> Exhibit C)(Manning, Kenneth) Event/text, attachment description clarified on 1/19/2017 (law). (Entered: 01/18/2017)
01/30/2017	<a href="#">401</a>	NOTICE of Hearing re: <a href="#">400</a> MOTION for Preliminary Approval of Proposed Settlement and the Scope of the Fairness Hearing. Hearing set for 3/8/2017 at 1:30 PM in Rutland Courtroom before Judge Geoffrey W. Crawford. (pjl) (Entered: 01/30/2017)
02/06/2017	<a href="#">402</a>	NOTICE OF APPEARANCE by Todd A. Ritschdorff, Esq on behalf of James Anderson, Kevin Kimber, David McGee, Daniel Muir, Richard Pahl, Jose Torres.(Ritschdorff, Todd) (Entered: 02/06/2017)
02/06/2017	<a href="#">403</a>	Entry has been removed from the docket. (Entered: 02/06/2017)
02/06/2017	404	NOTICE OF DOCKET ENTRY REMOVAL. Document 403 has been removed from the docket as it can not be filed electronically. (jlh) (Entered: 02/06/2017)
02/14/2017	<a href="#">405</a>	MOTION for Appearance Pro Hac Vice of Daniel R. Maguire filed by James Anderson, Kevin Kimber, David McGee, Daniel Muir, Richard Pahl, Jose Torres. (Attachments: # <a href="#">1</a> Declaration of Todd A. Ritschdorff, # <a href="#">2</a> Declaration of Daniel R. Maguire, # <a href="#">3</a> Exhibit A, # <a href="#">4</a> Exhibit B, # <a href="#">5</a> Text of Proposed Order, # <a href="#">6</a> Affidavit of Service)(jlh) (Entered: 02/21/2017)
02/22/2017	406	ORDER granting <a href="#">405</a> MOTION for Admission Pro Hac Vice of Daniel R. Maguire. Signed by Judge Geoffrey W. Crawford on 2/22/2017. (This is a text-only Order.) (jal) (Entered: 02/22/2017)
03/08/2017	407	MINUTE ENTRY for proceedings held before Judge Geoffrey W. Crawford: Motion Hearing held on 3/8/2017 re: <a href="#">400</a> MOTION for Preliminary Approval of Proposed Settlement. K. Manning, Esq. & D. Maguire, Esq. present for pltfs. D. McLean, AAG present for dfts. Court makes inquiries and counsel make statements re: delivery of notice of settlement, language barriers, time frame for responses, process of final judgment, publication of settlement and final Fairness Hearing. ORDERED: The court will issue an

		order granting preliminary approval of settlement. (Court Reporter: Anne Henry) (pjl) (Entered: 03/08/2017)
03/08/2017	<a href="#">408</a>	ORDER granting <a href="#">400</a> MOTION for Preliminary Approval of Proposed Settlement. Signed by Judge Geoffrey W. Crawford on 3/8/2017. (pjl) (Entered: 03/08/2017)
03/10/2017	<a href="#">409</a>	NOTICE of Hearing: Fairness Hearing re: Settlement set for 6/5/2017 at 1:00 PM in Rutland Courtroom before Judge Geoffrey W. Crawford. (pjl) (Entered: 03/10/2017)
04/18/2017	<a href="#">410</a>	REVISED NOTICE of Hearing: Fairness Hearing re: Settlement reset for 7/10/2017 at 10:30 AM in Rutland Courtroom before Judge Geoffrey W. Crawford. (pjl) (Entered: 04/18/2017)
07/10/2017	411	MINUTE ENTRY for proceedings held before Judge Geoffrey W. Crawford: Final Fairness Hearing held on 7/10/2017. D. Maguire, Esq. present for pltfs. D. McLean, AAG present for dfts. Court makes inquiries and counsel make statements as to any objections re: preliminary settlement agreement. Counsel report no objections have been filed. ORDERED: The parties are to file a proposed stipulated order for final settlement for the court's review. (Court Reporter: Barry Cohen, O'Brien Court Reporters) (pjl) (Entered: 07/10/2017)
07/12/2017	<a href="#">412</a>	PROPOSED Order re: Proposed Settlement by James Anderson, Kevin Kimber, David McGee, Daniel Muir, Richard Pahl, Jose Torres (Attachments: # <a href="#">1</a> Appendix A) (Manning, Kenneth) Attachment name clarified on 7/12/2017 (jlh). (Entered: 07/12/2017)
07/12/2017	<a href="#">413</a>	ORDER Granting Final Approval of Proposed Settlement. Signed by Judge Geoffrey W. Crawford on 7/12/2017. (Attachments: # <a href="#">1</a> Appendix A) (esb) (Entered: 07/12/2017)
07/14/2017	<a href="#">414</a>	STIPULATION of Dismissal With Prejudice filed by Carol Callea, Anita Carbenelle, Daniel Florentine, Raymond Flum, Celeste Girrell, Stuart Gladding, John Gorczyk, Robert Hofmann, Kathleen Lanman, Michael O'Malley, Andrew Pallito, Keith Tallon. (McLean, David) Event/Text clarified on 7/14/2017 (jlh) (Entered: 07/14/2017)
07/14/2017	<a href="#">415</a>	STIPULATION AND ORDER OF DISMISSAL. Signed by Judge Geoffrey W. Crawford on 7/14/2017. (pjl) (Entered: 07/14/2017)

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