

**U.S. District Court
Western District of Wisconsin (Madison)
CIVIL DOCKET FOR CASE #: 3:03-cv-00021-bbc**

FREEMAN, BERRELL v. BERGE, GERALD
Assigned to: District Judge Barbara B. Crabb
Referred to: Magistrate Judge Stephen L. Crocker
Demand: \$0
Cause: No cause code entered

Date Filed: 01/23/2003
Date Terminated: 12/30/2004
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Berrell Freeman

represented by **David J. Harth**
Perkins Coie LLP
One East Main St., Ste. 201
Madison, WI 53703
608-663-7470
Fax: 608-663-7499
Email: DHarth@perkinscoie.com
ATTORNEY TO BE NOTICED

V.

Defendant

Gerald Berge

represented by **Charles David Hoornstra**
Wisconsin Department of Justice
P.O. Box 7857
Madison, WI 53707-7857
608-267-2775
Fax: 608-267-8906
Email: hoornstracd@doj.state.wi.us
ATTORNEY TO BE NOTICED

Defendant

Jon E. Litscher
TERMINATED: 01/25/2008

represented by **Charles David Hoornstra**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Gary Boughton

represented by **Charles David Hoornstra**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

John Sharpe

represented by **Charles David Hoornstra**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Brad Hompe

represented by **Charles David Hoornstra**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Peter Huibregtse

represented by **Charles David Hoornstra**
(See above for address)
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----|---|
| 01/23/2003 | | Jams Import Utility Entry (Entered: 01/23/2003) |
| 01/23/2003 | | Case Note: BRIEFING FOR MOT #216, JUDGMENT AS A MATTER OF LAW;AFTER TRIAL TRANSCRIPTS ARE FILED, SET 30/30/10 BRFG.JUDGMENT NEEDS REFERENCE TO #2, #129 (Entered: 01/23/2003) |
| 01/23/2003 | 1 | ORDER REQUIRING PARTIAL FILING FEE OF \$2.11 BY 02/03/2003 OR ACTION SUBJECT TO DISMISSAL (Entered: 01/23/2003) |
| 01/28/2003 | | RECD. INITIAL PARTIAL FILING FEE OF \$2.21. (Entered: 01/28/2003) |
| 02/13/2003 | 2 | ORDER TO PROCEED ifp – GRANTED IN PART; PETR. MOTION FOR APPOINTMENT OF COUNSEL DENIED. (Entered: 02/13/2003) |
| 02/13/2003 | 3 | COMPLAINT (Entered: 02/13/2003) |
| 02/13/2003 | 4 | MOTION BY PLTF./ FOR APPOINTMENT OF COUNSEL. (Entered: 02/13/2003) |
| 02/13/2003 | | MATERIALS MLD. TO ATTY. GENERAL FOR ACCEPTANCE OF SERVICE. (JMD) (Entered: 02/14/2003) |
| 02/20/2003 | 5 | NOTICE OF APPEARANCE OF AAG URDAN ON BEHALF OF RESPTS. (Entered: 02/20/2003) |
| 02/21/2003 | 6 | ACCEPTANCE OF SERVICE ON BEHALF OF DEFTS. (Entered: 02/24/2003) |
| 03/18/2003 | 7 | MOTION BY PLTF. FOR DEFAULT JUDGMENT. (Entered: 03/18/2003) |
| 03/18/2003 | 8 | AFFIDAVIT OF BERRELL FREEMAN. (Entered: 03/18/2003) |
| 03/20/2003 | 9 | ORDER DENYING PLTF. MOTION FOR DEFAULT JUDGMENT. (Entered: 03/20/2003) |
| 03/21/2003 | 10 | ANSWER (Entered: 03/21/2003) |
| 03/21/2003 | 11 | MOTION BY DEFTS. TO DISMISS. (Entered: 03/21/2003) |
| 03/21/2003 | 12 | BRIEF IN SUPPORT OF DEFTS. MOTION TO DISMISS. (Entered: 03/21/2003) |
| 03/21/2003 | 13 | AFFIDAVIT OF JOHN RAY. (Entered: 03/21/2003) |
| 03/25/2003 | 14 | BRIEF IN OPPOSITION BY PLTF. TO DEFTS. MOTION TO DISMISS. (Entered: 03/25/2003) |
| 03/25/2003 | 15 | MOTION BY PLTF. TO EXPUNGE TESTIMONY/AFFIDAVIT OF JOHN RAY AND BAR HIS FUTURE TESTIMONY. (Entered: 03/25/2003) |
| 04/18/2003 | 16 | BRIEF IN REPLY IN SUPPORT OF DEFTS. MOTION TO DISMISS. (Entered: 04/18/2003) |
| 04/18/2003 | 17 | MOTION BY DEFTS. FOR PROTECTIVE ORDER. (Entered: 04/18/2003) |
| 04/18/2003 | 18 | BRIEF IN SUPPORT OF DEFTS. MOTION FOR PROTECTIVE ORDER. (Entered: 04/18/2003) |
| 04/18/2003 | 19 | AFFIDAVIT OF SANDRA J. HUTAMAKI. (Entered: 04/18/2003) |
| 04/18/2003 | 20 | AFFIDAVIT OF JOELY URDAN. (Entered: 04/18/2003) |
| 04/25/2003 | 21 | PTC ORDER (SLC) (Entered: 04/25/2003) |
| 05/02/2003 | 22 | ORDER GRANTING DEFTS. MOTION FOR PROTECTIVE ORDER; DISCOVERY STAYED PENDING RESOLUTION OF MOTION TO DISMISS. (SLC) (Entered: 05/02/2003) |
| 05/30/2003 | 23 | MOTION FOR APPOINTMENT OF COUNSEL BY PLTF. (Entered: 05/30/2003) |
| 06/04/2003 | 24 | ORDER GRANTING IN PART DEFTS. MOTION TO DISMISS; DENYING PLTF. MOT. TO APPT. CNSL. (Entered: 06/04/2003) |

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| 06/12/2003 | 25 | NOTICE OF APPEARANCE FOR DEFTS. (Entered: 06/12/2003) |
| 06/13/2003 | 26 | MOTION BY PLTF. FOR RECONSIDERATION. (Entered: 06/13/2003) |
| 06/13/2003 | 27 | MOTION BY PLTF. FOR COURT ORDER/INTERVENTION. (Entered: 06/13/2003) |
| 06/20/2003 | 28 | ORDER DENYING IN PART PLTF. MOTION FOR RECONSIDERATION; DEFTS. TO ADVISE STATUS OF PLTF. LEGAL MATERIAL BY 6/26/03. (Entered: 06/20/2003) |
| 06/23/2003 | 29 | MOTION BY PLTF. TO COMPEL DISCOVERY. (Entered: 06/23/2003) |
| 06/23/2003 | 30 | MOTION BY PLTF. THAT MATTER IS ADMITTED OR THAT AN AMENDED ANSWER BE SERVED. (Entered: 06/23/2003) |
| 06/25/2003 | 31 | MOTION BY PLTF. FOR ORDER TO PRODUCE DOCUMENTS. (Entered: 06/25/2003) |
| 06/25/2003 | 32 | MOTION BY PLTF. TO TURN OVER/SUBMIT EVIDENCE. (Entered: 06/25/2003) |
| 06/26/2003 | 33 | DEFTS. RESPONSE TO PLTF. MOTION TO COMPEL. (Entered: 06/26/2003) |
| 06/26/2003 | 34 | DEFTS. RESPONSE TO PLTF. REQUEST FOR ADMISSIONS. (Entered: 06/26/2003) |
| 06/26/2003 | 35 | DEFTS. RESPONSE TO PLTF. 1ST REQUEST FOR PRODUCTION OF DOCUMENTS. (Entered: 06/26/2003) |
| 06/27/2003 | 36 | DEFTS. RESPONSE TO 6/19/03 ORDER. (Entered: 06/30/2003) |
| 06/30/2003 | 37 | PLTF. REPLY TO DEFTS. RESPONSE TO MOTION TO COMPEL AND MOTION TO ADMIT. (Entered: 06/30/2003) |
| 06/30/2003 | 38 | ORDER DENYING PLTF. MOT. FOR CT. ORDER/INTERVENTION; CT. PROVIDING PLTF. W/COPIES OF RECORD FOR PROSECUTION OF CLMS. (Entered: 06/30/2003) |
| 07/09/2003 | 39 | PLTF. RESPONSE TO COURT ORDER OF 6/30/03. (Entered: 07/09/2003) |
| 07/21/2003 | 40 | MOTION BY PLTF. FOR COURT APPOINTED EXPERTS. (Entered: 07/21/2003) |
| 07/28/2003 | 41 | ORDER DENYING PLTF. REQUEST THAT THE COURT APPOINT EXPERT WITNESSES TO TESTIFY ON HIS BEHALF. (Entered: 07/28/2003) |
| 07/31/2003 | 42 | ORDER DENYING MOTS. BY PLTF. TO COMPEL; GRANTING MOT. BY PLTF. THAT DEFT. PRODUCE RECORDS OF TEMPERATURES AT SMCI. (SLC) (Entered: 07/31/2003) |
| 08/01/2003 | 43 | MOTION BY PLTF. FOR ORDER TO COMPEL DISCOVERY. (Entered: 08/01/2003) |
| 08/04/2003 | 44 | MOTION BY PLTF. FOR RECONSIDERATION OF COURT ORDER OF 7/25/03. (Entered: 08/04/2003) |
| 08/05/2003 | 45 | MOTION BY PLTF. FOR RECONSIDERATION OF COURT ORDER OF 7/30/03. (Entered: 08/05/2003) |
| 08/06/2003 | 46 | ORDER DENYING PLTF. MOTION FOR RECONSIDERATION OF 7/25/03 ORDER. (Entered: 08/06/2003) |
| 08/07/2003 | 47 | MOTION BY PLTF. TO RECONSIDER 7/30/03 ORDER. (Entered: 08/07/2003) |
| 08/07/2003 | 48 | PLTF. DISCLOSURE OF EXPERT TESTIMONY. (Entered: 08/07/2003) |
| 08/07/2003 | 49 | MOTION BY PLTF. FOR COURT ORDER THAT WITNESSES BE BROUGHT TO COURT AT TIME OF TRIAL. (Entered: 08/07/2003) |
| 08/07/2003 | 50 | AFFIDAVIT OF BERRELL FREEMAN. (Entered: 08/07/2003) |

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| 08/11/2003 | 51 | MOTION BY PLTF. TO CEASE AND DESIST RETALIATION. (Entered: 08/11/2003) |
| 08/13/2003 | 52 | ORDER DENYING PLTF. MOT. TO STOP/CEASE AND DESIST RETALIATION. (Entered: 08/13/2003) |
| 08/14/2003 | 53 | MOTION BY PLTF. FOR FILING AND INFORMATION. (Entered: 08/14/2003) |
| 08/14/2003 | 54 | MOTION FOR SUMMARY JUDGMENT BY PLTF. (Entered: 08/14/2003) |
| 08/14/2003 | 55 | BRIEF IN SUPPORT OF PLTF. MOTION FOR SUMMARY JUDGMENT. (Entered: 08/14/2003) |
| 08/14/2003 | 56 | PLTF. PROPOSED FINDINGS OF FACT. (Entered: 08/14/2003) |
| 08/14/2003 | 57 | AFFIDAVIT OF BERRELL FREEMAN. (Entered: 08/14/2003) |
| 08/14/2003 | 58 | AFFIDAVIT OF JONATHAN P. COLE. (Entered: 08/14/2003) |
| 08/14/2003 | 59 | AFFIDAVIT OF A'KINHO J.S. HASHIM-TIGGS. (Entered: 08/14/2003) |
| 08/14/2003 | 60 | AFFIDAVIT OF JEREMY S. DAUBON. (Entered: 08/14/2003) |
| 08/14/2003 | 61 | AFFIDAVIT (2ND) OF JEREMY S. DAUBON. (Entered: 08/14/2003) |
| 08/14/2003 | 62 | AFFIDAVIT OF NORMAN C. GREEN. (Entered: 08/14/2003) |
| 08/14/2003 | 63 | AFFIDAVIT OF RAYNELL D. MORGAN. (Entered: 08/14/2003) |
| 08/14/2003 | 64 | AFFIDAVIT OF EDDIE JOHNIKIN. (Entered: 08/14/2003) |
| 08/14/2003 | 65 | AFFIDAVIT (2ND) OF EDDIE JOHNIKIN. (Entered: 08/14/2003) |
| 08/14/2003 | 66 | AFFIDAVIT OF JOHN SPICER. (Entered: 08/14/2003) |
| 08/14/2003 | 67 | AFFIDAVIT OF ONTARIO DAVIS. (Entered: 08/14/2003) |
| 08/15/2003 | 68 | PLTF. NOTICE OF CLARIFICATION TO COURT. (Entered: 08/15/2003) |
| 08/19/2003 | 69 | MOTION BY PLTF. FOR ORDER TO COMPEL DISCOVERY. (Entered: 08/19/2003) |
| 08/20/2003 | 70 | MOTION BY PLTF. TO WITHDRAW ACCESS AND PERMISSION TO USE MEDICAL/CLINICAL RECORDS. (Entered: 08/20/2003) |
| 08/21/2003 | 71 | AFFIDAVIT OF GLEN T. TURNER. (Entered: 08/21/2003) |
| 08/21/2003 | 72 | AFFIDAVIT OF ANDRAE ROBERTS. (Entered: 08/21/2003) |
| 08/21/2003 | 73 | AFFIDAVIT OF RODOSVALDO C. POZO. (Entered: 08/21/2003) |
| 08/21/2003 | 74 | AFFIDAVIT OF NATE LINDELL. (Entered: 08/21/2003) |
| 08/21/2003 | 75 | AFFIDAVIT OF DENNIS GONZALEZ. (Entered: 08/21/2003) |
| 08/21/2003 | 76 | AFFIDAVIT OF WAYNE L. BREWER. (Entered: 08/21/2003) |
| 08/21/2003 | 77 | AFFIDAVIT OF DENNIS E. JONES-EL. (Entered: 08/21/2003) |
| 08/21/2003 | 78 | AFFIDAVIT OF JOSEPH D. KOUTNIK. (Entered: 08/21/2003) |
| 08/21/2003 | 79 | AFFIDAVIT OF KARRY D. HILLEY, JR. (Entered: 08/21/2003) |
| 08/21/2003 | 80 | AFFIDAVIT OF PRESLEY HUBANKS. (Entered: 08/21/2003) |
| 08/21/2003 | 81 | AFFIDAVIT OF LEE A. WOFFORD. (Entered: 08/21/2003) |
| 08/21/2003 | 82 | AFFIDAVIT OF KEEYON BARKER. (Entered: 08/21/2003) |
| 08/21/2003 | 83 | AFFIDAVIT OF CARLOS G. ROSA (Entered: 08/21/2003) |
| 08/21/2003 | 84 | AFFIDAVIT OF THOMAS EDWARD DEERING. (Entered: 08/21/2003) |

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| 08/21/2003 | 85 | PLTF. NOTICE TO COURT WITH PROOF OF OBSTRUCTION BY DEFTS. (Entered: 08/21/2003) |
| 08/21/2003 | 86 | MOTION BY PLTF. FOR APPOINTMENT OF COUNSEL. (Entered: 08/21/2003) |
| 08/21/2003 | 87 | MOTION BY PLTF. TO ADMIT MATTER. (Entered: 08/21/2003) |
| 08/21/2003 | 88 | MOTION BY PLTF. FOR ORDER COMPELLING DISCOVERY. (Entered: 08/21/2003) |
| 08/21/2003 | 89 | MOTION BY PLTF. FOR SUBPOENAS. (Entered: 08/21/2003) |
| 08/21/2003 | 90 | MOTION BY PLTF. TO ADMIT MATTER AND FOR CONTEMPT OF COURT. (Entered: 08/21/2003) |
| 08/26/2003 | 91 | MOTION BY PLTF. FOR ORDER TO STOP/CEASE AND DESIST RETALIATION. (Entered: 08/26/2003) |
| 08/27/2003 | 92 | ORDER RULING ON MOTIONS NOS. 45, 47, 49, 53, 86 AND 91; BRFG. SET ON PLTF. MOTION FOR S/J. (Entered: 08/27/2003) |
| 08/27/2003 | 93 | MOTION BY PLTF. FOR MENTAL HEALTH AND MEDICAL RECORDS. (Entered: 08/27/2003) |
| 08/29/2003 | 94 | ORDER GRANTING MOTS. 43, 69, 87, AND 88; DENYING MOTS. 70, 90 AND 93; GRANTING IN PART MOT. 89. (SLC) (Entered: 08/29/2003) |
| 09/03/2003 | 95 | MOTION BY PLTF. FOR RECONSIDERATION. (Entered: 09/03/2003) |
| 09/03/2003 | 96 | PLTF. STATEMENT TO THE COURT. (Entered: 09/03/2003) |
| 09/04/2003 | 97 | AFFIDAVIT OF BERRELL FREEMAN. (Entered: 09/04/2003) |
| 09/05/2003 | 98 | MOTION FOR SUMMARY JUDGMENT BY DEFTS. (Entered: 09/05/2003) |
| 09/05/2003 | 99 | BRIEF IN SUPPORT OF DEFTS. MOTION FOR S/J. (Entered: 09/05/2003) |
| 09/05/2003 | 100 | PROPOSED FINDINGS/CONCL. BY DEFTS. (Entered: 09/05/2003) |
| 09/05/2003 | 101 | AFFIDAVIT OF GERALD A. BERGE. (Entered: 09/05/2003) |
| 09/05/2003 | 102 | AFFIDAVIT OF SAMUEL A. NELSON. (Entered: 09/05/2003) |
| 09/05/2003 | 103 | AFFIDAVIT OF ELLEN RAY. (Entered: 09/05/2003) |
| 09/05/2003 | 104 | RESPONSE TO PROPOSED S/J FINDINGS/CONCL. BY DEFTS. (Entered: 09/05/2003) |
| 09/15/2003 | 105 | BRIEF IN OPPOSITION BY PLTF. TO DEFTS. MOTION FOR SUMMARY JUDGMENT. (Entered: 09/15/2003) |
| 09/15/2003 | 106 | AFFIDAVIT OF BERRELL FREEMAN. (Entered: 09/15/2003) |
| 09/15/2003 | 107 | RESPONSE TO PROPOSED S/J FINDINGS/CONCL. BY PLTF. (Entered: 09/15/2003) |
| 09/15/2003 | 108 | MOTION BY PLTF. FOR SANCTIONS AND TO STRIKE AFFIDAVIT. (Entered: 09/15/2003) |
| 09/15/2003 | 109 | MOTION BY PLTF. FOR RESPONSE PURSUANT TO 8/29/03 ORDER. (Entered: 09/15/2003) |
| 09/15/2003 | 110 | MOTION BY PLTF. FOR ORDER COMPELLING DISCOVERY. (Entered: 09/15/2003) |
| 09/18/2003 | 111 | MOTION BY PLTF. FOR CLARIFICATION. (Entered: 09/18/2003) |
| 09/18/2003 | 112 | MOTION BY PLTF. FOR JOINDER. (Entered: 09/18/2003) |
| 09/22/2003 | 113 | MOTION BY PLTF. TO REVISIT DENIAL OF CLAIM. (Entered: 09/22/2003) |

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| 09/22/2003 | 114 | ORDER DENYING PLTF. MOTIONS FOR CLARIFICATION AND JOINDER. (Entered: 09/22/2003) |
| 09/24/2003 | 115 | ORDER DENYING PLTF. MOTION TO REVISIT DENIAL OF CLAIM. (Entered: 09/24/2003) |
| 09/25/2003 | 116 | ORDER DENYING PLTF. MOTION FOR RECONSIDERATION OF 8/26/03 ORDER DENYING MOTION FOR TRIAL WITNESSES. (Entered: 09/25/2003) |
| 10/06/2003 | 117 | MOTION BY PLTF. TO ORDER DEFT. TO CEASE INTERFERING WITH MAIL. (Entered: 10/06/2003) |
| 10/22/2003 | 118 | MOTION BY PLTF. TO COMPEL DISCOVERY. (Entered: 10/22/2003) |
| 10/23/2003 | 119 | MOTION BY PLTF. TO STRIKE ALL EXHIBITS PRODUCED BY DEFTS. RE: MOTIONS FOR S/J. (Entered: 10/23/2003) |
| 10/23/2003 | 120 | MOTION BY PLTF. FOR SANCTIONS AND TO HOLD DEFTS. IN CONTEMPT. (Entered: 10/23/2003) |
| 10/23/2003 | 121 | MOTION (FIRST) BY PLTF. TO COMPEL. (Entered: 10/23/2003) |
| 10/23/2003 | 122 | MOTION (SECOND) BY PLTF. TO COMPEL. (Entered: 10/23/2003) |
| 10/29/2003 | 123 | MOTION BY PLTF. TO COMPEL DISCOVERY. (Entered: 10/29/2003) |
| 12/04/2003 | 124 | MOTION BY PLTF. TO WITHDRAW ACCESS AND PERMISSION TO USE MEDICAL/CLINICAL RECORDS. (Entered: 12/04/2003) |
| 12/04/2003 | 125 | ORDER DENYING PLTF. MOTIONS DOCKETED AS 108, 109, 110, 117, 118, 119, 120, 121, 122 AND 123. (Entered: 12/04/2003) |
| 12/15/2003 | 126 | MOTION BY PLTF. FOR RECONSIDERATION. (Entered: 12/15/2003) |
| 12/16/2003 | 127 | ORDER GRANTING IN PART PLTF. MOTION FOR RECONSIDERATION. (SLC) (Entered: 12/16/2003) |
| 12/17/2003 | 128 | MOTION BY PLTF. FOR JUDICIAL NOTICE. (Entered: 12/17/2003) |
| 12/17/2003 | 129 | ORDER PARTIALLY GRANTING DEFTS. MOTION FOR S/J; DENYING PLTF. MOTION FOR S/J; DMSG. DEFT. LITSCHER FROM CASE. (Entered: 12/17/2003) |
| 01/06/2004 | 130 | MOTION BY PLTF. FOR PROTECTIVE ORDER AND TO REVISIT MOTION TO PRODUCE WITNESSES. (Entered: 01/06/2004) |
| 01/07/2004 | 131 | ORDER DENYING PLTF. MOTION FOR PROTECTIVE ORDER AND TO REVISIT RULING ON WITNESS PRODUCTION AS MOOT. (SLC) (Entered: 01/07/2004) |
| 01/07/2004 | 132 | ORDER APPOINTING ATTYS. DAVID HARTH AND SARAH WALKENHORST AS COUNSEL FOR PLTF; TRIAL DATE RESCINDED. (Entered: 01/07/2004) |
| 02/02/2004 | 133 | ORDER ON 1/29/04 TELE. SCHEDULING CONF.; AMENDED COMPLAINT DUE 2/9/04; SCHEDULE AMENDED. (SLC) (Entered: 02/02/2004) |
| 02/09/2004 | 134 | COMPLAINT – AMENDED. (Entered: 02/09/2004) |
| 02/13/2004 | 135 | ORDER THAT AMENDED COMPLAINT OPERATIVE PLEADING IN CASE; DEFT. LITSCHER DISMISSED. (Entered: 02/13/2004) |
| 02/23/2004 | 136 | ANSWER TO AMENDED COMPLAINT. (Entered: 02/23/2004) |
| 05/03/2004 | 137 | ORDER – 2ND AMENDED SCHEDULING; SCHEDULE SET FOR FILING AND BRIEFING OF MOTION TO AMEND COMPLT.; SCHEDULE RESET. (SLC) (Entered: 05/03/2004) |
| 05/24/2004 | 138 | DEPOSITION OF GERALD A. BERGE, TAKEN 4/27/04. (Entered: 05/24/2004) |
| 05/24/2004 | 139 | DEPOSITION OF GARY A. BOUGHTON, TAKEN 4/27/04 AND 4/28/04. (Entered: 05/24/2004) |

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| 05/24/2004 | 140 | DEPOSITION OF ELLEN KAY RAY, TAKEN 4/28/04. (Entered: 05/24/2004) |
| 05/24/2004 | 141 | DEPOSITION OF MICHAEL J. SLANEY, TAKEN 4/28/04. (Entered: 05/24/2004) |
| 05/24/2004 | 142 | DEPOSITION OF JOHN S. SPICER, TAKEN 4/29/04. (Entered: 05/24/2004) |
| 05/24/2004 | 143 | DEPOSITION OF HIPOLITO CLAUDIO, JR., TAKEN 4/29/04. (Entered: 05/24/2004) |
| 05/24/2004 | 144 | DEPOSITION OF KEITH A. JONES, TAKEN 4/29/04. (Entered: 05/24/2004) |
| 05/24/2004 | 145 | DEPOSITION OF COLETTE CULLEN, TAKEN 4/30/04. (Entered: 05/24/2004) |
| 05/24/2004 | 146 | DEPOSITION OF JOSEPH PETER MAIER, M.D., TAKEN 4/30/04. (Entered: 05/24/2004) |
| 07/02/2004 | 147 | PLTF. EXPERT REPORT OF LINDA FARLEY. (Entered: 07/02/2004) |
| 07/02/2004 | 148 | PLTF. EXPERT REPORT OF CHARLES M. MONTGOMERY. (Entered: 07/02/2004) |
| 07/09/2004 | 149 | MOTION BY PLTF. FOR LEAVE TO AMEND COMPLAINT. (Entered: 07/09/2004) |
| 07/09/2004 | 150 | BRIEF IN SUPPORT OF MOTION FOR LEAVE TO AMEND COMPLAINT BY PLTF. (Entered: 07/09/2004) |
| 07/16/2004 | 151 | MOTION BY PLTF. FOR LEAVE TO TAKE ADDITIONAL DEPOSITIONS. (Entered: 07/16/2004) |
| 07/20/2004 | 152 | DEPOSITION OF LINDA FARLEY, TAKEN 7/15/04. (Entered: 07/20/2004) |
| 07/20/2004 | 153 | EXPERT REPORT OF LINDA FARLEY. (Entered: 07/20/2004) |
| 07/22/2004 | 154 | BRIEF IN OPPOSITION BY DEFT. TO PLTF. MOTION TO AMEND COMPLAINT. (Entered: 07/22/2004) |
| 07/23/2004 | 155 | SUPPLEMENT TO DEFTS. OPPOSITION TO PLTF. MOTION TO AMEND COMPLAINT. (Entered: 07/23/2004) |
| 07/26/2004 | 156 | PLTF. RULE 26 DISCLOSURES. (Entered: 07/26/2004) |
| 07/26/2004 | 157 | DEFT. RULE 26 DISCLOSURES. (Entered: 07/26/2004) |
| 07/27/2004 | 158 | ORDER GRANTING PLTF. LEAVE TO TAKE ADDITIONAL DEPOSITIONS. (SLC) (Entered: 07/27/2004) |
| 07/29/2004 | 159 | ORDER GRANTING PLTF MOT/AMEND COMPLT; TRIAL DATE RESCINDED; PLTF TO SERVE AMENDED COMPLT; SCHED CONF. TO BE SET. (Entered: 07/29/2004) |
| 07/29/2004 | 160 | COMPLAINT – SECOND AMENDED (Entered: 07/29/2004) |
| 08/05/2004 | 161 | WAIVER OF SERVICE OF SUMMONS. (Entered: 08/05/2004) |
| 08/12/2004 | 162 | DEPOSITION OF CHARLES W. MONTGOMERY, TAKEN 7/27/04. (Entered: 08/12/2004) |
| 08/19/2004 | 163 | ANSWER TO SECOND AMENDED COMPLAINT. (Entered: 08/19/2004) |
| 09/01/2004 | 164 | PTC ORDER (SLC) (Entered: 09/01/2004) |
| 09/02/2004 | | TELE. SCHEDULING CONFERENCE SET FOR 9/7/04, 11:00 AM. (SLC) (Entered: 09/02/2004) |
| 09/07/2004 | 165 | MOTION BY RESPTS. TO DISMISS. (Entered: 09/07/2004) |
| 09/07/2004 | 166 | BRIEF IN SUPPORT OF DEFTS. MOTION TO DISMISS. (Entered: 09/07/2004) |
| 09/08/2004 | 167 | ORDER ON 9/7/04 TELE. SCHEDULING CONFERENCE; BRIEFING SET ON RESPTS. MOT. TO DMS. (SLC) (Entered: 09/08/2004) |

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| 09/08/2004 | 168 | PLTF. RESPONSE THAT DEFTS. MOTION TO DISMISS SHOULD BE DISMISSED WITHOUT FULL RESPONSIVE BRIEFING. (Entered: 09/10/2004) |
| 09/09/2004 | 169 | DEFTS. RESPONSE RE: MOTION TO DISMISS. (Entered: 09/10/2004) |
| 09/15/2004 | 170 | ORDER FINDING THAT DEFTS. ARE ENTITLED TO PURSUE MOTION TO DISMISS; BRIEFING TO PROCEED AS PREVIOUSLY SET. (Entered: 09/15/2004) |
| 10/01/2004 | 171 | BRIEF IN OPPOSITION BY PLTF. TO DEFTS. MOTION TO DISMISS. (Entered: 10/05/2004) |
| 10/08/2004 | 172 | BRIEF IN REPLY IN SUPPORT OF DEFTS. MOTION TO DISMISS. (Entered: 10/08/2004) |
| 10/13/2004 | 173 | MOTION BY DEFTS. TO STAY DISCOVERY PENDING RESOLUTION OF THEIR MOTION TO DISMISS. (Entered: 10/14/2004) |
| 10/13/2004 | 174 | BRIEF IN SUPPORT OF DEFTS. MOTION TO STAY DISCOVERY PENDING RESOLUTION OF THEIR MOTION TO DISMISS. (Entered: 10/14/2004) |
| 10/13/2004 | 175 | AFFIDAVIT OF COREY F. FINKELMEYER. (Entered: 10/14/2004) |
| 10/18/2004 | 176 | BRIEF IN OPPOSITION BY PLTF. TO RESPTS. MOTION TO STAY DISCOVERY PENDING RESOLUTION OF THEIR MOTION TO DISMISS. (Entered: 10/19/2004) |
| 10/21/2004 | 177 | ORDER DENYING DEFTS. MOTION TO STAY DISCOVERY PENDING RESOLUTION OF MOTION TO DISMISS. (SLC) (Entered: 10/21/2004) |
| 10/25/2004 | 178 | MOTION BY PLTF. FOR ISSUANCE OF WRIT OF H/C FOR APPEARANCE AT TRIAL ON 11/29/04 AND 11/30/04. (Entered: 10/25/2004) |
| 11/01/2004 | 179 | NOTICE OF APPEARANCE OF JAMES MCCAMBRIDGE IN PLACE OF COREY FINKELMEYER FOR DEFTS. (Entered: 11/02/2004) |
| 11/01/2004 | 180 | DEFTS. PRETRIAL DISCLOSURES. (Entered: 11/02/2004) |
| 11/10/2004 | 181 | ORDER DENYING DEFTS. MOTION TO DISMISS. (Entered: 11/10/2004) |
| 11/10/2004 | | WRIT ISSUED FOR PLTF. APPEARANCE AT TRIAL; DELIVERED TO WSPF FOR SERVICE. (BBC) (Entered: 11/10/2004) |
| 11/12/2004 | 182 | PROPOSED VOIR DIRE BY DEFTS. (Entered: 11/12/2004) |
| 11/12/2004 | 183 | PROPOSED JURY INSTRUCTIONS BY DEFTS. (Entered: 11/12/2004) |
| 11/12/2004 | 184 | PROPOSED SPECIAL VERDICT BY DEFTS. (Entered: 11/12/2004) |
| 11/12/2004 | 185 | MOTION IN LIMINE BY DEFTS. (Entered: 11/12/2004) |
| 11/15/2004 | 186 | PLTF. AMENDED PRETRIAL DISCLOSURES. (Entered: 11/15/2004) |
| 11/15/2004 | 187 | MOTION IN LIMINE BY PLTF. TO EXCLUDE ANY EXPERT TESTIMONY BY DEFENSE WITNESSES. (Entered: 11/15/2004) |
| 11/15/2004 | 188 | PROPOSED VOIR DIRE BY PLTF. (Entered: 11/15/2004) |
| 11/15/2004 | 189 | PROPOSED JURY INSTRUCTIONS BY PLTF. (Entered: 11/15/2004) |
| 11/15/2004 | 190 | PROPOSED SPECIAL VERDICT BY PLTF. (Entered: 11/15/2004) |
| 11/16/2004 | 191 | DEPOSITION OF JOHN W. SHARPE, TAKEN 11/10/04. (VIDEOTAPE) (Entered: 11/16/2004) |
| 11/16/2004 | 192 | DEPOSITION OF JOHN MURRAY, TAKEN 11/10/04. (SEALED) (Entered: 11/16/2004) |
| 11/16/2004 | 193 | DEPOSITION OF PETER HUIBREGTSE, TAKEN 11/10/04. (VIDEOTAPE) (Entered: 11/16/2004) |

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| 11/16/2004 | 194 | DEPOSITION OF PETER HUIBREGTSE, TAKEN 11/11/04. (SEALED) (VIDEOTAPE FILED 11/18/04) (Entered: 11/16/2004) |
| 11/16/2004 | 195 | DEPOSITION OF BERRELL FREEMAN, TAKEN 11/11/04. (VIDEOTAPE FILED 11/18/04) (Entered: 11/16/2004) |
| 11/17/2004 | 196 | DEPOSITION OF BRAD HOMPE, TAKEN 11/15/04. (VIDEOTAPE) (Entered: 11/17/2004) |
| 11/18/2004 | 197 | PLTF. 2ND AMENDED PRETRIAL DISCLOSURES. (Entered: 11/18/2004) |
| 11/18/2004 | 198 | CTRM. MIN. FINAL PRETRIAL CONFERENCE; CONFERENCE ADJOURNED TO 11/19/04 AT 2:00. (SLC) 10 (Entered: 11/19/2004) |
| 11/19/2004 | 199 | CTRM. MIN. FINAL PRETRIAL CONFERENCE; 3 DAY TRIAL EST; MOTIONS IN LIMINE, VOIR DIRE, VERDICT FORM DISCUSSED. 22 (Entered: 11/19/2004) |
| 11/26/2004 | 200 | ORDER ON FPTC; PLTF. AND DEFTS. MOTIONS IN LIMINE GRANTED. (Entered: 11/26/2004) |
| 11/26/2004 | 201 | MOTION BY DEFTS. TO VOIR DIRE PLTF. EXPERTS. (Entered: 11/26/2004) |
| 11/29/2004 | 202 | JURY SELECTION SHEET (Entered: 11/29/2004) |
| 11/29/2004 | 203 | CTRM. MIN. JURY SELECTION AND FIRST DAY JURY TRIAL. (Entered: 11/30/2004) |
| 11/30/2004 | 204 | CTRM. MIN. ; SECOND DAY JURY TRIAL. (Entered: 12/01/2004) |
| 12/01/2004 | 205 | CTRM. MIN. ; THIRD DAY JURY TRIAL; JURY DELIBERATES; LIABILITY FOUND; DAMAGES AWARDED; BRFG. SET ON P/I RELIEF. (Entered: 12/02/2004) |
| 12/01/2004 | 206 | JURY INSTRUCTIONS RE: LIABILITY. (Entered: 12/02/2004) |
| 12/01/2004 | 207 | SPECIAL VERDICT RE: LIABILITY. (Entered: 12/02/2004) |
| 12/01/2004 | 208 | JURY INSTRUCTIONS RE: DAMAGES. (Entered: 12/02/2004) |
| 12/01/2004 | 209 | SPECIAL VERDICT RE: DAMAGES. (Entered: 12/02/2004) |
| 12/01/2004 | | MOTION FOR ENTRY OF PERMANENT INJUNCTIION. (Entered: 12/02/2004) |
| 12/03/2004 | 210 | PLTF. PROPOSED PERMANENT INJUNCTION ORDER. (Entered: 12/03/2004) |
| 12/07/2004 | 211 | DEFTS. OPPOSITION TO PLTF. PROPOSED PERMANENT INJUNCTION ORDER. (Entered: 12/08/2004) |
| 12/07/2004 | 212 | AFFIDAVIT OF GERALD BERGE. (Entered: 12/08/2004) |
| 12/13/2004 | 213 | BRIEF IN REPLY IN SUPPORT OF PLTF. PROPOSED PERMANENT INJUNCTION. (Entered: 12/14/2004) |
| 12/23/2004 | 214 | ORDER GRANTING PLTF. MOTION FOR PERMANENT INJUNCTION. (Entered: 12/23/2004) |
| 12/30/2004 | 215 | JUDGMENT DMSG. CERTAIN CLAIMS; AWARDED PLTF. INJ. RELIEF AND \$1,250,000 AGNST. DEFTS. BERGE, HUIBREGTSE &HOMPE. CC MLD (Entered: 12/30/2004) |
| 01/10/2005 | 216 | MOTION BY DEFTS. FOR JUDGMENT AS A MATTER OF LAW, TO AMEND JUDGMENT OR FOR A NEW DAMAGES TRIAL. (Entered: 01/10/2005) |
| 01/12/2005 | 217 | ORDER SETTING BRIEFING ON DEFTS. MOTION FOR JUDGMENT AS A MATTER OF LAW, TO AMEND JUDGMENT OR FOR A NEW TRIAL. (Entered: 01/12/2005) |
| 01/12/2005 | 218 | TRANSCRIPT OF FIRST DAY JURY TRIAL (VOLUME 1-A), HELD 11/29/04. (Entered: 01/12/2005) |

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| 01/12/2005 | 219 | TRANSCRIPT OF THIRD DAY JURY TRIAL (VOLUME 3), HELD 12/1/04. (Entered: 01/12/2005) |
| 01/13/2005 | 220 | MOTION BY PLTF. FOR AWARD OF ATTORNEYS FEES, COSTS AND OUT OF POCKET EXPENSES. (Entered: 01/14/2005) |
| 01/13/2005 | 221 | BRIEF IN SUPPORT OF PLTF. MOT. FOR AWARD OF ATTYS. FEES, COSTS AND OUT OF POCKET EXPENSES. (Entered: 01/14/2005) |
| 01/13/2005 | 222 | AFFIDAVIT OF DAVID J. HARTH. (Entered: 01/14/2005) |
| 01/18/2005 | 223 | AAG MCCAMBRIDGE WITHDRAWAL OF APPEARANCE FOR DEFTS; AAG HOORNSTRA WILL CONTINUE TO REPRESENT. (Entered: 01/19/2005) |
| 01/20/2005 | 224 | TRANSCRIPT OF FIRST DAY JURY TRIAL (VOLUME 1-B), HELD 11/29/04. (Entered: 01/21/2005) |
| 01/20/2005 | 225 | TRANSCRIPT OF SECOND DAY JURY TRIAL (VOLUME 2-A), HELD 11/30/04. (Entered: 01/21/2005) |
| 01/20/2005 | 226 | TRANSCRIPT OF SECOND DAY JURY TRIAL AFTERNOON SESSION, HELD 11/30/04. (Entered: 01/21/2005) |
| 01/20/2005 | 227 | MOTION (AMENDED) BY PLTF. FOR AWARD OF ATTY. FEES, COSTS AND OUT OF POCKET EXPENSES. (Entered: 01/21/2005) |
| 01/25/2005 | 228 | ORDER GRANTING PLTF. REQUEST TO FILE AMENDED MOT. FOR ATTY. FEES; OPPOSITION DUE 2/11/05; REPLY DUE 2/23/05. (SLC) (Entered: 01/25/2005) |
| 01/28/2005 | 229 | TRANSCRIPT OF JURY INSTRUCTIONS HELD 12/1/04. (Entered: 01/28/2005) |
| 02/07/2005 | 230 | BRIEF IN OPPOSITION BY DEFTS. TO PLTF. MOTION FOR AWARD OF ATTY. FEES, COSTS AND OUT OF POCKET EXPENSES. (Entered: 02/07/2005) |
| 02/07/2005 | 231 | AFFIDAVIT OF CHARLES D. HOORNSTRA. (Entered: 02/07/2005) |
| 02/17/2005 | 232 | STIPULATION AND ORDER IN RE: PLTF. MOTION FOR ATTY. FEES, COSTS AND OUT OF POCKET EXPENSES. (Entered: 02/17/2005) |
| 02/18/2005 | 233 | BRIEF IN SUPPORT OF DEFTS. POST JUDGMENT MOTIONS. (Entered: 02/18/2005) |
| 02/23/2005 | 234 | BRIEF IN REPLY IN SUPPORT OF PLTF. MOTION FOR ATTY. FEES. (Entered: 02/24/2005) |
| 03/22/2005 | 235 | STIPULATION AND ORDER EXTENDING TIME FOR PLTF. TO FILE RESPONSE TO DEFTS. POST JUDGMENT MOTS. UNTIL 3/23/05.(TMO) CC MLD (Entered: 03/22/2005) |
| 03/23/2005 | 236 | BRIEF IN OPPOSITION BY PLTF. TO DEFTS. POST JUDGMENT MOTIONS. (Entered: 03/23/2005) |
| 03/30/2005 | 237 | BRIEF IN REPLY IN SUPPORT OF DEFTS. POST JUDGMENT MOTIONS. (Entered: 03/30/2005) |
| 04/18/2005 | 238 | ORDER REQUESTING PARTIES TO SUPPLEMENT POST-JUDGMENT BRIEFS; DEFTS. SUPPORT 4/29/05; PLTF. OPPO. 5/9/05; NO REPLY. (Entered: 04/18/2005) |
| 04/29/2005 | 239 | BRIEF IN SUPPORT (SUPPLEMENT) OF DEFTS. POST JUDGMENT MOTIONS. (Entered: 04/29/2005) |
| 05/09/2005 | <u>240</u> | BRIEF IN OPPOSITION (SUPPLEMENTAL) BY PLTF. TO DEFTS. POST JUDGMENT MOTIONS. (Entered: 05/10/2005) |
| 05/10/2005 | 241 | PLTF. NOTICE OF CHANGE OF FIRM NAME. (Entered: 05/10/2005) |
| 05/17/2005 | <u>242</u> | ORDER GRANTING DEFTS. MOTION FOR JUDGMENT AS A MATTER OF LAW; JUDGMENT VACTED; PLTF. MOT./ATTY FEES DENIED AS MOOT. |

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| | | (Entered: 05/17/2005) |
| 05/19/2005 | 243 | JUDGMENT – AMENDED VACATING 12/30/04 JUDGMENT; DISMISSING CASE AS TO ALL DEFTS. (BBC/TMO) CC MLD (Entered: 05/19/2005) |
| 05/23/2005 | 244 | NOTICE OF APPEAL BY PLTF. NO FEE PAID, NO DS FILED, SR SENT CC:PARTIES (05–2512) (Entered: 05/24/2005) |
| 05/24/2005 | 245 | AFFIDAVIT (PETITION) OF PLTF TO APPEAL IFP. (Entered: 05/24/2005) |
| 06/20/2005 | 246 | NOTICE OF APPEAL BY PLTF. FEE PAID, DS FILED, SR SENT CC:PARTIES (05–2820) (Entered: 06/20/2005) |
| 06/22/2005 | <u>247</u> | ORDER THAT PLTF'S APPEAL OF 5–23–05 W/BE DISREGARDED BECAUSE PLTF HAS APPTD ATTY. TRANS OF TRIAL PROD &FEES PAID BY US. (Entered: 06/22/2005) |
| 07/01/2005 | | RECORD PREPARED (Entered: 07/01/2005) |
| 08/15/2005 | 248 | ORDER FROM USCA DISMISSING #05–2512 AS DUPLICATIVE AND WAIVING THE APPEAL FEE FOR THIS APPEAL. (Entered: 08/15/2005) |
| 10/03/2005 | | Certified and Transmitted Record on Appeal to US Court of Appeals re 246 Notice of Appeal (Entered: 10/03/2005) |
| 10/03/2005 | | RECORD SENT (Entered: 09/29/2005) |
| 04/17/2006 | 249 | JUDGMENT FROM USCA AFFIRMING DIST CRT. (05–2820) RECORD NOT RETURNED (Entered: 04/17/2006) |
| 04/19/2006 | | RECORD RETURNED (Entered: 04/19/2006) |