

**U.S. District Court
North Carolina Middle District (NCMD)
CIVIL DOCKET FOR CASE #: 1:12-cv-01349-TDS-JLW**

UNITED STATES OF AMERICA v. JOHNSON
Assigned to: JUDGE THOMAS D. SCHROEDER
Referred to: MAG/JUDGE JOE L. WEBSTER
Case in other court: FOURTH CIRCUIT, 15-02190
Cause: 28:1331 Fed. Question: Civil Rights Violation

Date Filed: 12/20/2012
Date Terminated: 08/11/2015
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Plaintiff

Plaintiff

UNITED STATES OF AMERICA

represented by **MICHAEL J. SONGER**
U. S. DEPARTMENT OF JUSTICE
950 PENNSYLVANIA AVE., N.W.
WASHINGTON, DC 20530
202-514-6255
Fax: 202-514-4883
Email: michael.songer@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

SAMANTHA K. TREPTEL
U. S. DEPARTMENT OF JUSTICE
950 PENNSYLVANIA AVE., N.W.
WASHINGTON, DC 20530
202-514-6255
Fax: 202-514-4883
Email: samantha.trepel@usdoj.gov
TERMINATED: 09/08/2013
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

AARON S. FLEISHER
UNITED STATES DEPARTMENT OF
JUSTICE
950 PENNSYLVANIA AVE., NW
WASHINGTON, DC 20530
202-307-6457
Fax: 202-514-6903
Email: aaron.fleisher@usdoj.gov
TERMINATED: 07/10/2014
ATTORNEY TO BE NOTICED

ANIKA GZIFA
UNITED STATES DEPARTMENT OF
JUSTICE
950 PENNSYLVANIA AVE., NW
WASHINGTON, DC 20530
202-305-3216
Fax: 202-514-0212
Email: anika.gzifa@usdoj.gov
ATTORNEY TO BE NOTICED

JUDE VOLEK
UNITED STATES DEPARTMENT OF
JUSTICE
950 PENNSYLVANIA AVE., NW
WASHINGTON, DC 20530
202-353-1077
Fax: 202-514-4883
Email: jude.volek@usdoj.gov
ATTORNEY TO BE NOTICED

SILVIA J. DOMINGUEZ-REESE
UNITED STATES DEPARTMENT OF
JUSTICE
950 PENNSYLVANIA AVE., NW
WASHINGTON, DC 20530
202-616-8547
Fax: 202-514-4883
Email: Silvia.Dominguez-Reese@usdoj.gov
ATTORNEY TO BE NOTICED

TIMOTHY MYGATT
UNITED STATES DEPARTMENT OF
JUSTICE
950 PENNSYLVANIA AVE., NW
WASHINGTON, DC 20530
202-305-3334
Fax: 202-514-4883
Email: timothy.mygatt@usdoj.gov
ATTORNEY TO BE NOTICED

V.

Defendant

TERRY S. JOHNSON
*in his official capacity as Alamance
County Sheriff*

represented by **S. C. KITCHEN**
Stark Law Group, PLLC
6011 Farrington Road
Suite 300
Chapel Hill, NC 27517
919-490-5550
Fax: 919-490-5551
Email: chuck@starklawgroup.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

KARLENE S. TURRENTINE
TURRENTINE LAW FIRM, PLLC
920-B PAVERSTONE DR.
RALEIGH, NC 27615
888-308-3708
Fax: 888-308-3614
Email: kturrentine@turrentinelaw.com
ATTORNEY TO BE NOTICED

Movant

BONEY PUBLISHERS, INC.
TERMINATED: 06/13/2014

represented by **C AMANDA MARTIN**
STEVENS MARTIN VAUGHN &
TADYCH, PLLC
1101 Haynes Street
Suite 100
RALEIGH, NC 27604-1455
919-582-2300
Fax: 866-593-7695
Email: amartin@smvt.com
TERMINATED: 06/13/2014
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/20/2012	<u>1</u>	COMPLAINT against TERRY S. JOHNSON, filed by UNITED STATES OF AMERICA. (TREPPEL, SAMANTHA) (Entered: 12/20/2012)

12/21/2012	<u>2</u>	Summons Issued as to TERRY S. JOHNSON. (Garland, Leah) (Entered: 12/21/2012)
12/21/2012	<u>3</u>	Notice of Right to Consent. Counsel shall serve the attached form on all parties. (Garland, Leah) (Entered: 12/21/2012)
01/02/2013	<u>4</u>	NOTICE of Appearance by attorney S. C. KITCHEN on behalf of Defendant TERRY S. JOHNSON (KITCHEN, S.) (Entered: 01/02/2013)
01/09/2013	<u>5</u>	Declaration of Proof of Service served on Terry S. Johnson on January 2, 2013, filed by UNITED STATES OF AMERICA. (TREPEL, SAMANTHA) (Entered: 01/09/2013)
01/15/2013	<u>6</u>	ANSWER to <u>1</u> Complaint by TERRY S. JOHNSON. (KITCHEN, S.) (Entered: 01/15/2013)
01/15/2013	<u>7</u>	NOTICE of Initial Pretrial Conference Hearing: Initial Pretrial Conference Hearing set for 2/21/2013 09:30 AM in Winston-Salem Courtroom #3 before MAG/JUDGE JOI ELIZABETH PEAKE. (Garrett, Kim) (Entered: 01/15/2013)
01/30/2013	<u>8</u>	Rule 26(f) Report (Joint) filed by all parties by UNITED STATES OF AMERICA.(TREPEL, SAMANTHA) (Entered: 01/30/2013)
01/31/2013		Motions Referred: RE: <u>8</u> Rule 26(f) Report (Joint) filed by all parties, to MAG/JUDGE JOI ELIZABETH PEAKE (Garrett, Kim) (Entered: 01/31/2013)
02/05/2013	<u>9</u>	ORDER APPROVING JOINT RULE 26(f) REPORT signed by MAG/JUDGE JOI ELIZABETH PEAKE on 2/5/13, that the parties' Joint Rule 26(f) Report [Doc. # <u>8</u>] is approved as submitted and as noted herein. Plaintiff's Amended Pleadings due by 3/7/2013. Defendant's Amended Pleadings due by 3/7/2013. Discovery due by 12/20/2013. Joinder of Parties for Plaintiff due by 3/7/2013. Joinder of Parties for Defendant due by 3/7/2013. Discovery shall be placed on a case-management track established as: Exceptional. Should the parties agree to conduct mediation, they shall select a mediator according to the process described in the Local Rules. The parties do not consent to referral to a Magistrate Judge. Trial of the action is expected to take approximately 15 days. Neither party has demanded a jury trial. (Law, Trina) (Entered: 02/05/2013)
02/20/2013	<u>10</u>	MOTION for Judgment on the Pleadings by TERRY S. JOHNSON. Responses due by 3/13/2013 (KITCHEN, S.) (Entered: 02/20/2013)
02/20/2013	<u>11</u>	BRIEF re <u>10</u> MOTION for Judgment on the Pleadings by TERRY S. JOHNSON. (Attachments: # <u>1</u> Exhibit Amended Complaint from prior case, # <u>2</u> Exhibit Motion to Dismiss from prior case, # <u>3</u> Exhibit DOJ Letter, # <u>4</u> Exhibit Order in prior case)(KITCHEN, S.) (Entered: 02/20/2013)
02/25/2013		MAG/JUDGE JOE L. WEBSTER added as referral judge. MAG/JUDGE JOI ELIZABETH PEAKE no longer assigned to case. (Powell, Gloria) (Entered: 02/25/2013)
03/12/2013	<u>12</u>	STIPULATION <i>Regarding Discovery</i> by UNITED STATES OF AMERICA. (TREPEL, SAMANTHA) (Entered: 03/12/2013)
03/13/2013	<u>13</u>	RESPONSE entitled "MEMORANDUM IN OPPOSITION TO DEFENDANT'S <u>10</u> MOTION FOR JUDGMENT ON THE PLEADINGS" filed by UNITED STATES OF AMERICA. Replies due by 4/1/2013. (TREPEL, SAMANTHA) Modified on 3/14/2013 to edit text. (Lloyd, Donna) (Entered: 03/13/2013)
03/14/2013		NOTICE TO FILER OF DEFICIENCIES IN ELECTRONICALLY FILED DOCUMENT(S) re <u>12</u> Stipulation: Document must be filed as a Motion for Stipulation and Order Regarding Discovery. Please refile document as a motion. (Lloyd, Donna) (Entered: 03/14/2013)
03/15/2013	<u>14</u>	JOINT MOTION <i>for Order Regarding Discovery</i> by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Stipulation Regarding Discovery) (TREPEL, SAMANTHA) (Entered: 03/15/2013)
03/15/2013		ELECTRONIC NOTICE to Samantha Trepel, Esq re <u>14</u> JOINT MOTION <i>for Order Regarding Discovery</i> . Counsel is requested to submit the Stipulation in an editable format compatible with WordPerfect to jschroeder@ncmd.uscourts.gov. (Solomon,

		Dianne) (Entered: 03/15/2013)
03/18/2013		Motions Referred: RE: <u>14</u> JOINT MOTION for Order Regarding Discovery, to MAG/JUDGE JOE L. WEBSTER (Solomon, Dianne) (Entered: 03/18/2013)
03/19/2013	<u>15</u>	REPLY BRIEF IN SUPPORT OF <u>10</u> MOTION FOR JUDGMENT ON THE PLEADINGS filed by TERRY S. JOHNSON. (KITCHEN, S.) Modified on 3/21/2013 to edit text. (Lloyd, Donna) (Entered: 03/19/2013)
03/25/2013	<u>16</u>	STIPULATION AND ORDER REGARDING DISCOVERY as set out herein signed by MAG/JUDGE JOE L. WEBSTER on 03/25/2013. Re <u>14</u> Joint Motion for Order Regarding Discovery (Taylor, Abby) (Entered: 03/25/2013)
03/26/2013		Motions Submitted: <u>10</u> MOTION for Judgment on the Pleadings to JUDGE THOMAS D. SCHROEDER– (Solomon, Dianne) (Entered: 03/26/2013)
04/19/2013	<u>17</u>	Joint MOTION for Protective Order by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Proposed Order)(TREPTEL, SAMANTHA) (Entered: 04/19/2013)
04/23/2013		Motions Referred: RE: <u>17</u> Joint MOTION for Protective Order , to MAG/JUDGE JOE L. WEBSTER (Solomon, Dianne) (Entered: 04/23/2013)
04/23/2013	<u>18</u>	JOINT CONFIDENTIALITY AND PROTECTIVE ORDER signed by MAG/JUDGE JOE L. WEBSTER on 4/23/2013, re: Confidential information, as set out herein. (Lloyd, Donna) (Entered: 04/23/2013)
04/29/2013	<u>19</u>	MEMORANDUM ORDER signed by JUDGE THOMAS D. SCHROEDER on 4/29/2013, that for the reasons set forth above, Johnson's motion for judgment on the pleadings (Doc. <u>10</u>) is DENIED. (Lloyd, Donna) (Entered: 04/29/2013)
05/07/2013	<u>20</u>	JOINT MOTION for a Court Order by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Text of Proposed Order) (TREPTEL, SAMANTHA) (Entered: 05/07/2013)
05/08/2013		Motions Referred: RE: <u>20</u> JOINT MOTION for a Court Order, to MAG/JUDGE JOE L. WEBSTER. (Solomon, Dianne) (Entered: 05/08/2013)
05/08/2013	<u>21</u>	ORDER signed by MAG/JUDGE JOE L. WEBSTER on 5/8/2013, granting <u>20</u> Joint Motion for a Court Order; that the Defendant provide the information requested by the United States in Requests 26 and 27 of its First Request for Production. (Lloyd, Donna) (Entered: 05/08/2013)
05/13/2013	<u>22</u>	NOTICE of Hearing: Bench Trial set for 7/7/2014 09:30 AM in Unassigned Courtroom before UNASSIGNED. Trial Briefs, etc. due 6/16/2014.(Solomon, Dianne) (Entered: 05/13/2013)
05/31/2013	<u>23</u>	MOTION to Compel Discovery by TERRY S. JOHNSON. Responses due by 6/24/2013. (Attachments: # <u>1</u> Exhibit – Interrogatories) (KITCHEN, S.) Modified on 6/4/2013 to edit text. (Lloyd, Donna) (Entered: 05/31/2013)
05/31/2013	<u>24</u>	SEALED Attachments to <u>23</u> MOTION to Compel Discovery. (Attachments: # <u>1</u> Supplemental Response) (KITCHEN, S.) Modified on 6/4/2013 to edit text. (Lloyd, Donna) (Entered: 05/31/2013)
05/31/2013	<u>25</u>	DEFENDANT'S BRIEF IN SUPPORT OF <u>23</u> MOTION to Compel Discovery. (KITCHEN, S.) (Entered: 05/31/2013)
06/24/2013	<u>26</u>	MOTION for Extension of Time to File Response/Reply as to <u>25</u> Brief by UNITED STATES OF AMERICA. (TREPTEL, SAMANTHA) (Entered: 06/24/2013)
06/25/2013		ELECTRONIC NOTICE to Samantha Trepel, Esq. re <u>26</u> MOTION for Extension of Time to File Response/Reply as to <u>25</u> Brief . Counsel is reminded to submit a Proposed Order in an editable format compatible with WordPerfect to jschroeder@ncmd.uscourts.gov. (Solomon, Dianne) (Entered: 06/25/2013)
06/25/2013		Motions Submitted: <u>26</u> MOTION for Extension of Time to File Response/Reply as to <u>25</u> Brief to MAG/JUDGE JOE L. WEBSTER– (Solomon, Dianne) (Entered: 06/25/2013)

06/25/2013	<u>27</u>	ORDER signed by MAG/JUDGE JOE L. WEBSTER on 6/25/2013, that the United States of America shall submit its response to Defendant's Motion to Compel no later than July 1, 2013 . Responses due by 7/1/2013. (Lloyd, Donna) (Entered: 06/25/2013)
07/01/2013	<u>28</u>	MOTION to Seal by UNITED STATES OF AMERICA. Responses due by 7/25/2013 (Attachments: # <u>1</u> Exhibit U.S. Opposition to Def's Motion to Compel, # <u>2</u> Exhibit Exhibit A to U.S. Opposition, # <u>3</u> Exhibit Exhibit C to U.S. Opposition, # <u>4</u> Exhibit Exhibit E to U.S. Opposition)(SONGER, MICHAEL) (Entered: 07/01/2013)
07/01/2013	<u>29</u>	RESPONSE entitled "MEMORANDUM IN OPPOSITION TO DEFENDANT'S <u>23</u> MOTION TO COMPEL" filed by UNITED STATES OF AMERICA. Replies due by 7/18/2013. (Attachments: # <u>1</u> Exhibit A – Declaration of Gregory Friel, # <u>2</u> Exhibit C – Def's interrogatories, # <u>3</u> Exhibit E – U.S. Supp Response to Interrogatories, # <u>4</u> Exhibit – In re Kleberg, # <u>5</u> Exhibit – U.S. v. Lakin, # <u>6</u> Exhibit – U.S. v. Bond) (SONGER, MICHAEL) Modified on 7/3/2013 to edit text to accurately reflect document title. (Lloyd, Donna) (Entered: 07/01/2013)
07/03/2013	<u>30</u>	REPLY BRIEF to <u>29</u> RESPONSE to <u>23</u> MOTION to Compel filed by TERRY S. JOHNSON. (KITCHEN, S.) Modified on 7/8/2013 to remove duplicate text. (Lloyd, Donna) (Entered: 07/03/2013)
07/05/2013		Motions Referred: RE: <u>28</u> MOTION to Seal , <u>23</u> MOTION to Compel , to MAG/JUDGE JOE L. WEBSTER (Solomon, Dianne) (Entered: 07/05/2013)
07/19/2013	<u>31</u>	Joint MOTION to Modify <u>9</u> Rule 26f (Joint) by UNITED STATES OF AMERICA. Responses due by 8/12/2013. (SONGER, MICHAEL) (Entered: 07/19/2013)
07/19/2013		Motions Referred: RE: <u>31</u> Joint MOTION to Modify <u>9</u> Rule 26f (Joint) to MAG/JUDGE JOE L. WEBSTER. (Solomon, Dianne) (Entered: 07/19/2013)
07/23/2013	<u>32</u>	ORDER signed by MAG/JUDGE JOE L. WEBSTER on 7/22/2013, granting <u>31</u> Motion to Modify Rule 26f (Joint) as set out. Completion of general discovery period: October 4, 2013; Simultaneous submission of expert reports: November 8, 2013; Submission of rebuttal expert reports: December 20, 2013; Depositions of expert witnesses: December 20, 2013 – January 24, 2013; Completion of expert discovery period: January 24, 2014. (Lloyd, Donna) (Entered: 07/23/2013)
07/23/2013		Reset Discovery Deadline: Discovery due by 1/24/2014. (Lloyd, Donna) (Entered: 07/23/2013)
07/30/2013	<u>33</u>	ORDER signed by MAG/JUDGE JOE L. WEBSTER on 7/30/2013, granting <u>28</u> Motion to Seal; that the Court hereby grants the United States' motion to file Exhibits B and D under seal and to file a redacted version of its Response in Opposition. The Clerk of Court is directed to file the exhibits in accordance with this order. (Lloyd, Donna) (Entered: 07/30/2013)
07/30/2013	<u>34</u>	ORDER signed by MAG/JUDGE JOE L. WEBSTER on 7/30/2013, that Defendant's Motion to Compel (Docket Entry <u>23</u>) be GRANTED . Within twenty-one (21) days of the entry of this Order, Plaintiff shall provide full and complete responses to Defendant's Interrogatories No. 14, 15 and 16. Pursuant to the Joint Confidentiality and Protective Order in place, all confidential information shall be filed under seal. (Lloyd, Donna) (Entered: 07/30/2013)
08/13/2013	<u>35</u>	MOTION to Seal by UNITED STATES OF AMERICA. Responses due by 9/6/2013 (Attachments: # <u>1</u> Exhibit Motion for Reconsideration, # <u>2</u> Exhibit Exhibit C to Motion for Reconsideration)(SONGER, MICHAEL) (Entered: 08/13/2013)
08/13/2013	<u>36</u>	MOTION FOR RECONSIDERATION OF THE MAGISTRATE'S ORDER (doc. <u>34</u>) TO DISCLOSE CONFIDENTIAL INFORMANTS by UNITED STATES OF AMERICA. Responses due by 9/6/2013. (Attachments: # <u>1</u> Exhibit C – Def's First Interrogatories) (SONGER, MICHAEL) Modified on 9/4/2013 to edit text. (Lloyd, Donna) (Entered: 08/13/2013)
08/14/2013	<u>37</u>	MOTION to Stay by UNITED STATES OF AMERICA. Responses due by 9/9/2013. (Attachments: # <u>1</u> Exhibit – Motion for Reconsideration) (SONGER, MICHAEL) (Entered: 08/14/2013)

09/03/2013	<u>38</u>	RESPONSE IN OPPOSITION to <u>36</u> MOTION FOR RECONSIDERATION OF THE MAGISTRATE'S ORDER (doc. <u>34</u>) TO DISCLOSE CONFIDENTIAL INFORMANTS filed by TERRY S. JOHNSON. Replies due by 9/17/2013. (KITCHEN, S.) Modified on 9/4/2013 to add text. (Lloyd, Donna) (Entered: 09/03/2013)
09/03/2013	<u>39</u>	SEALED EXHIBITS to <u>38</u> RESPONSE IN OPPOSITION to <u>36</u> MOTION FOR RECONSIDERATION OF THE MAGISTRATE'S ORDER (doc. <u>34</u>) TO DISCLOSE CONFIDENTIAL INFORMANTS by TERRY S. JOHNSON. (Attachments: # <u>1</u> Exhibit B, # <u>2</u> Exhibit C, # <u>3</u> Exhibit D, # <u>4</u> Exhibit E, # <u>5</u> Exhibit F, # <u>6</u> Exhibit G, # <u>7</u> Cert. of Service) (KITCHEN, S.) Modified on 9/4/2013 to add text. (Lloyd, Donna) (Entered: 09/03/2013)
09/04/2013	<u>40</u>	NOTICE of Appearance by attorney C AMANDA MARTIN on behalf of Movant Boney Publishers, Inc. (MARTIN, C) (Entered: 09/04/2013)
09/04/2013	<u>41</u>	MOTION to Intervene by Boney Publishers, Inc. Responses due by 9/30/2013. (MARTIN, C) (Additional attachment(s) added on 9/4/2013: # <u>1</u> Text of Proposed Order) (Israel, Lisa). (Entered: 09/04/2013)
09/04/2013	<u>42</u>	MEMORANDUM IN SUPPORT OF <u>41</u> MOTION to Intervene entitled "MEMORANDUM IN SUPPORT OF ACCESS TO PUBLIC RECORDS AND JUDICIAL RECORDS" filed by Boney Publishers, Inc. (Attachments: # <u>1</u> Appendix) (MARTIN, C) Modified on 9/5/2013 to edit text. (Lloyd, Donna) (Entered: 09/04/2013)
09/08/2013	<u>43</u>	RESPONSE in Opposition re <u>37</u> MOTION to Stay filed by TERRY S. JOHNSON. Replies due by 9/23/2013. (KITCHEN, S.) (Entered: 09/08/2013)
09/08/2013	<u>44</u>	NOTICE OF SUBSTITUTION OF COUNSEL by UNITED STATES OF AMERICA. (SONGER, MICHAEL) Modified on 9/9/2013 to edit text. (Lloyd, Donna) (Entered: 09/08/2013)
09/09/2013		Reset Reply Deadline to <u>43</u> RESPONSE in Opposition to <u>37</u> MOTION to Stay: Replies due by 9/25/2013. (Lloyd, Donna) Modified on 9/9/2013 to add text. (Lloyd, Donna) (Entered: 09/09/2013)
09/12/2013	<u>45</u>	AMENDED CERTIFICATE OF SERVICE TO <u>44</u> NOTICE OF SUBSTITUTION OF COUNSEL by UNITED STATES OF AMERICA. (SONGER, MICHAEL) Modified on 9/13/2013 to edit text. (Lloyd, Donna) (Entered: 09/12/2013)
09/15/2013	<u>46</u>	*** WITHDRAWN *** MOTION for Sanctions by TERRY S. JOHNSON. Responses due by 10/10/2013. (KITCHEN, S.) Modified on 11/14/2013 – See <u>67</u> Order for Court's ruling. (Lloyd, Donna) (Entered: 09/15/2013)
09/15/2013	<u>47</u>	BRIEF IN SUPPORT OF <u>46</u> MOTION for Sanctions. (KITCHEN, S.) (Entered: 09/15/2013)
09/17/2013	<u>48</u>	NOTICE of Appearance by attorney AARON S. FLEISHER on behalf of Plaintiff UNITED STATES OF AMERICA (FLEISHER, AARON) (Entered: 09/17/2013)
09/17/2013	<u>49</u>	MOTION to Seal by UNITED STATES OF AMERICA. Responses due by 10/11/2013 (Attachments: # <u>1</u> Exhibit Reply in Support of Motion for Reconsideration)(SONGER, MICHAEL) (Entered: 09/17/2013)
09/17/2013	<u>50</u>	REPLY to <u>38</u> RESPONSE to <u>36</u> MOTION for Reconsideration re <u>34</u> Order on Motion to Compel filed by UNITED STATES OF AMERICA. (SONGER, MICHAEL) Modified on 9/20/2013 to edit text. (Lloyd, Donna) (Entered: 09/17/2013)
09/24/2013	<u>51</u>	REPLY to <u>43</u> RESPONSE to <u>37</u> MOTION TO STAY THE MAGISTRATE'S JULY 30, 2013 ORDER filed by UNITED STATES OF AMERICA. (SONGER, MICHAEL) Modified on 9/25/2013 to edit text. (Lloyd, Donna) (Entered: 09/24/2013)
09/26/2013		Motions Submitted: <u>35</u> MOTION to Seal , <u>37</u> MOTION to Stay , <u>36</u> MOTION for Reconsideration re <u>34</u> Order on Motion to Compel, to JUDGE THOMAS D. SCHROEDER– (Solomon, Dianne) (Entered: 09/26/2013)
09/30/2013	<u>52</u>	RESPONSE re <u>41</u> MOTION to Intervene filed by UNITED STATES OF AMERICA. Replies due by 10/18/2013. (SONGER, MICHAEL) (Entered: 09/30/2013)

10/08/2013	<u>53</u>	RESPONSE in Opposition re <u>49</u> MOTION to Seal filed by TERRY S. JOHNSON. Replies due by 10/25/2013. (Attachments: # <u>1</u> Affidavit Declaration of Albright, # <u>2</u> Exhibit A — News Story, # <u>3</u> Exhibit D — Newspaper Article on e-mails, # <u>4</u> Supplement Allergan v Apotex)(KITCHEN, S.) (Entered: 10/08/2013)
10/08/2013	<u>54</u>	SEALED EXHIBITS re <u>49</u> MOTION to Seal by Defendant TERRY S. JOHNSON, Plaintiff UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Exhibit C — Public Records Letter)(KITCHEN, S.) (Entered: 10/08/2013)
10/09/2013	<u>55</u>	CERTIFICATE re <u>54</u> SEALED Exhibits by Defendant TERRY S. JOHNSON. (KITCHEN, S.) (Entered: 10/09/2013)
10/09/2013	<u>56</u>	MOTION to Seal <i>Four Exhibits to United States' Opposition to Defendant's Motion for Sanctions</i> by UNITED STATES OF AMERICA. Responses due by 11/4/2013. (Attachments: # <u>1</u> Exhibit – Opposition to Motion for Sanctions, # <u>2</u> Exhibit B to Opposition to Motion for Sanctions) (SONGER, MICHAEL) Modified on 10/10/2013 to edit text. (Lloyd, Donna) (Entered: 10/09/2013)
10/09/2013	<u>57</u>	RESPONSE in Opposition to <u>46</u> MOTION for Sanctions [Redacted] filed by UNITED STATES OF AMERICA. Replies due by 10/28/2013. (Attachments: # <u>1</u> Exhibit B) (SONGER, MICHAEL) Modified on 10/10/2013 to edit text. (Lloyd, Donna) (Entered: 10/09/2013)
10/10/2013	<u>58</u>	ORDER signed by JUDGE THOMAS D. SCHROEDER on 10/10/2013, that the motion to stay is GRANTED to allow sufficient time for the court to consider the merits of the Motion for Reconsideration (Doc. <u>36</u>) filed by the United States. (Daniel, J) (Entered: 10/10/2013)
10/16/2013	<u>59</u>	REPLY to <u>52</u> RESPONSE to <u>41</u> MOTION to Intervene filed by BONEY PUBLISHERS, INC. (MARTIN, C) Modified on 10/17/2013 to edit text. (Lloyd, Donna) (Entered: 10/16/2013)
10/17/2013		Motions Submitted: <u>41</u> MOTION to Intervene to JUDGE THOMAS D. SCHROEDER– (Solomon, Dianne) (Entered: 10/17/2013)
10/18/2013	<u>60</u>	NOTICE of Hearing: Motion Hearing set for 11/8/2013 02:00 PM in Winston–Salem Courtroom #2 before JUDGE THOMAS D. SCHROEDER. (Solomon, Dianne) (Entered: 10/18/2013)
10/18/2013		Set/Reset Deadlines/Hearings: Motion Hearing set for 11/8/2013 02:00 PM in Winston–Salem Courtroom #2 before JUDGE THOMAS D. SCHROEDER. (Solomon, Dianne) (Entered: 10/18/2013)
10/21/2013	<u>61</u>	MOTION FOR ORDER TO SHOW CAUSE by TERRY S. JOHNSON. Responses due by 11/15/2013. (Attachments: # <u>1</u> Exhibit A – Subpoena, # <u>2</u> Exhibit B – Transcript) (KITCHEN, S.) (Entered: 10/21/2013)
10/21/2013	<u>62</u>	BRIEF IN SUPPORT OF <u>61</u> MOTION FOR ORDER TO SHOW CAUSE by TERRY S. JOHNSON. (Attachments: # <u>1</u> Appendix – Dunkin Donuts v. Three Rivers Entertainment) (KITCHEN, S.) Modified on 10/22/2013 to edit text. (Lloyd, Donna) (Entered: 10/21/2013)
10/25/2013	<u>63</u>	MOTION to Seal by UNITED STATES OF AMERICA. Responses due by 11/18/2013 (Attachments: # <u>1</u> Exhibit U.S. Reply in Support of Motion to Seal)(SONGER, MICHAEL) (Entered: 10/25/2013)
10/25/2013	<u>64</u>	REPLY to <u>53</u> RESPONSE to <u>49</u> MOTION to Seal filed by UNITED STATES OF AMERICA. (SONGER, MICHAEL) Modified on 10/29/2013 to edit text. (Lloyd, Donna) (Entered: 10/25/2013)
10/28/2013	<u>65</u>	RESPONSE in Opposition re <u>63</u> MOTION to Seal filed by TERRY S. JOHNSON. Replies due by 11/15/2013. (KITCHEN, S.) (Entered: 10/28/2013)
10/31/2013		Motions Submitted: <u>49</u> MOTION to Seal , <u>46</u> MOTION for Sanctions to JUDGE THOMAS D. SCHROEDER– (Solomon, Dianne) (Entered: 10/31/2013)
11/05/2013	<u>66</u>	Joint MOTION TO MODIFY EXPERT DISCLOSURE DEADLINES by UNITED STATES OF AMERICA. Responses due by 11/29/2013. (SONGER, MICHAEL) (Entered: 11/05/2013)

11/08/2013		Motions Submitted: <u>63</u> MOTION to Seal , <u>49</u> MOTION to Seal , <u>56</u> MOTION to Seal <i>United States' Opposition to Defendant's Motion for Sanctions</i> , <u>66</u> Joint MOTION to Modify <i>Expert Disclosure Schedule</i> to JUDGE THOMAS D. SCHROEDER– (Solomon, Dianne) (Entered: 11/08/2013)
11/08/2013		Minute Entry for proceedings held before JUDGE THOMAS D. SCHROEDER: Motion Hearing held on 11/8/2013 re <u>63</u> MOTION to Seal filed by UNITED STATES OF AMERICA, <u>35</u> MOTION to Seal filed by UNITED STATES OF AMERICA, <u>56</u> MOTION to Seal <i>United States' Opposition to Defendant's Motion for Sanctions</i> filed by UNITED STATES OF AMERICA, <u>46</u> MOTION for Sanctions filed by TERRY S. JOHNSON, <u>36</u> MOTION for Reconsideration re <u>34</u> Order on Motion to Compel, filed by UNITED STATES OF AMERICA, <u>41</u> MOTION to Intervene filed by BONEY PUBLISHERS, INC., <u>49</u> MOTION to Seal filed by UNITED STATES OF AMERICA, <u>61</u> MOTION for Order to Show Cause filed by TERRY S. JOHNSON. Michael Songer, Esq. appeared on behalf of the Government, S. C. Kitchen, Esq. and C. Amanda Martin, Esq. appeared for Boney Publishers, Inc. The court heard from the parties on the various motions; written order to follow. (Court Reporter Nesbit.) (Solomon, Dianne) (Entered: 11/18/2013)
11/14/2013	<u>67</u>	ORDER signed by JUDGE THOMAS D. SCHROEDER on 11/14/2013. On November 8, 2013, the court heard argument on several motions filed by the parties. The purpose of this Order is to memorialize the court's rulings during the hearing. During the hearing, the parties reached agreement on the Government's motion for reconsideration (Doc. <u>36</u>) of the Magistrate Judge's ruling on discovery (Doc. <u>34</u>) as set out herein; that given the resolution of the motion for reconsideration (Doc. <u>36</u>), the court need not consider the motions to seal (Docs. <u>35</u> , <u>49</u> , <u>56</u> , and <u>63</u>) insofar as none of those materials was necessary, and the motions and documents are deemed withdrawn upon the request of the filing party. The materials subject to the motions to seal shall be returned to the appropriate party. The court accepts the parties' redacted briefs; that the Defendant has also withdrawn the motion for sanctions (Doc. <u>46</u>). Therefore, the court need not consider it further. The Defendant shall have until and through November 15, 2013, to review the list of former deputies/officers identified by the Government in response to interrogatory 16 to determine whether additional depositions will be required. The Defendant's request to reopen fact discovery for the limited reasons noted during the hearing is allowed, and the deadline for completion of that limited fact discovery and for all expert discovery shall now be January 24, 2014. That the parties' joint motion to modify expert disclosure deadlines (Doc. <u>66</u>) will be granted, and the deadline for expert disclosures and reports is extended through November 15, 2013. That the court will refer disposition of the motion for order to show cause (Doc. <u>61</u>) to Magistrate Judge Webster, who is overseeing discovery in the case. Finally, the motion of Boney Publishers, Inc. to intervene (Doc. <u>41</u>) is GRANTED. Boney's counsel acknowledged that the motion for access to the documents filed with the motions to seal (Doc. <u>42</u>) was moot in light of the agreement of the parties as to the claimed informants, as noted above. As to Boney's request to modify the Confidentiality Order entered into by the parties and approved by the Magistrate Judge (Doc. <u>18</u>), such motion should be addressed by the Magistrate Judge in the first instance as he is overseeing discovery in this case and approved the parties' Confidentiality Order. Therefore, the court will coordinate with Magistrate Judge Webster for further proceedings as to this motion. (Lloyd, Donna) (Entered: 11/14/2013)
11/15/2013	<u>68</u>	MOTION TO MODIFY EXPERT DISCLOSURE DEADLINE AS TO A SINGLE EXPERT by UNITED STATES OF AMERICA. Responses due by 12/9/2013. (SONGER, MICHAEL) Modified on 11/18/2013 to edit text. (Lloyd, Donna) (Entered: 11/15/2013)
11/25/2013	<u>69</u>	RESPONSE in Opposition re <u>68</u> MOTION to Modify <u>67</u> Order on Motion to Seal, Order on Motion for Reconsideration, Order on Motion to Intervene, Order on Motion for Sanctions,,,, Order on Motion to Modify, filed by TERRY S. JOHNSON. Replies due by 12/12/2013. (Attachments: # <u>1</u> Appendix EEOC v Dolgencorp)(KITCHEN, S.) (Entered: 11/25/2013)
11/26/2013	<u>70</u>	REPLY, filed by Plaintiff UNITED STATES OF AMERICA, to Response to <u>68</u> MOTION to Modify <u>67</u> Order on Motion to Seal, Order on Motion for Reconsideration, Order on Motion to Intervene, Order on Motion for Sanctions, Order on Motion to Modify, filed by UNITED STATES OF AMERICA. (Attachments: # <u>1</u>

		Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(SONGER, MICHAEL) (Entered: 11/26/2013)
11/27/2013		Motions Submitted: <u>68</u> MOTION to Modify <u>67</u> Order on Motion to Seal, Order on Motion for Reconsideration, Order on Motion to Intervene, Order on Motion for Sanctions, Order on Motion to Modify to JUDGE THOMAS D. SCHROEDER–(Solomon, Dianne) (Entered: 11/27/2013)
11/27/2013	<u>71</u>	NOTICE of Appearance by attorney SILVIA J. DOMINGUEZ–REESE on behalf of Plaintiff UNITED STATES OF AMERICA (DOMINGUEZ–REESE, SILVIA) (Entered: 11/27/2013)
12/05/2013		Motions Referred: RE: <u>61</u> MOTION for Order to Show Cause , to MAG/JUDGE JOE L. WEBSTER (Solomon, Dianne) (Entered: 12/05/2013)
12/11/2013	<u>72</u>	ORDER TO SHOW CAUSE signed by MAG/JUDGE JOE L. WEBSTER on 12/11/2013, that JESSICA FLORES ROSALES appear before the United States District Court for the Middle District of North Carolina on the 22nd day of January, 2014, at 9:30 a.m., Courtroom No. 1, Second Floor, 323 East Chapel Hill Street, Durham, North Carolina, to show cause why she should not be held in civil contempt for disobeying a subpoena to appear and testify at a deposition served upon her on September 25, 2013. FURTHER, that a copy of this Order together with the Motion for Order to Show Cause (Docket Entry <u>61</u>) and exhibits thereto, be personally served on JESSICA FLORES ROSALES before January 12, 2014, and that such service shall constitute notice thereof. (Lloyd, Donna) Modified on 12/11/2013 to add text. (Lloyd, Donna) (Entered: 12/11/2013)
12/11/2013		Set/Reset Deadlines/Hearings: Show Cause Hearing set for 1/22/2014 at 9:30 AM in Durham Courtroom #1 before MAG/JUDGE JOE L. WEBSTER. (Lloyd, Donna) (Entered: 12/11/2013)
12/17/2013		TEXT ORDER re: <u>68</u> Motion to Modify filed by the UNITED STATES OF AMERICA. Before the court is the motion of the United States for an extension of time to file its expert report of Margo Frasier. (Doc. <u>68</u> .) The matter is fully briefed. (Docs. <u>69</u> , <u>70</u> .) For the reasons set forth in the Government's motion, the court finds good cause for allowing the extension. Therefore, the Government's motion to extend until November 25, 2013, the time to produce the report of expert Frasier is GRANTED, and the Defendant's time to respond is extended to January 6, 2014. SO ORDERED. Signed by JUDGE THOMAS D. SCHROEDER on 12/17/2013. (Solomon, Dianne) (Entered: 12/17/2013)
12/20/2013		Telephone Conference with Amanda Martin, Esq., S. C. Kitchen, Esq. and Michael Songer, Esq. held on 12/20/2013. Counsel notified that Judge Webster will address issues related to the Protective Order on 1/22/2014 09:30 AM in Durham, Courtroom No. 1. The court also requests that counsel file a motion addressing specific concerns with the protective order by 12/30/2013. Responses, if any, should be filed 1/7/2014 and Replies, if any, will be due 1/14/13. (Solomon, Dianne) (Entered: 12/20/2013)
12/20/2013	<u>73</u>	Joint MOTION TO MODIFY THE EXPERT DISCOVERY SCHEDULE re <u>32</u> Order by UNITED STATES OF AMERICA. Responses due by 1/13/2014. (SONGER, MICHAEL) Modified on 12/26/2013 to edit text. (Lloyd, Donna) (Entered: 12/20/2013)
12/30/2013	<u>74</u>	MOTION to Modify <i>Joint Confidentiality and Protective Order</i> by BONEY PUBLISHERS, INC. Responses due by 1/24/2014 (Attachments: # <u>1</u> Text of Proposed Order)(MARTIN, C) Modified on 1/7/2014 to remove duplicate text. (Garland, Leah) (Entered: 12/30/2013)
12/30/2013	<u>75</u>	MEMORANDUM filed by Movant BONEY PUBLISHERS, INC. re <u>74</u> MOTION to Modify <i>Joint Confidentiality and Protective Order</i> filed by BONEY PUBLISHERS, INC.. (MARTIN, C) (Entered: 12/30/2013)
01/02/2014	<u>76</u>	USMS Return of Service for Order to Show Cause served on Jessica Flores Rosales in person on 12/30/2013, filed by UNITED STATES OF AMERICA. (Taylor, Abby) (Entered: 01/02/2014)
01/06/2014	<u>77</u>	RESPONSE in Opposition re <u>74</u> MOTION to Modify <i>Joint Confidentiality and Protective Order</i> filed by UNITED STATES OF AMERICA. Replies due by 1/24/2014. (SONGER, MICHAEL) (Entered: 01/06/2014)

01/07/2014	<u>78</u>	NOTICE of Appearance by attorney KARLENE S. TURRENTINE on behalf of Defendant TERRY S. JOHNSON (TURRENTINE, KARLENE) (Entered: 01/07/2014)
01/08/2014		Motions Referred: RE: <u>73</u> Joint MOTION to Modify <u>32</u> Order on Motion to Modify, <i>Expert Discovery Schedule</i> , to MAG/JUDGE JOE L. WEBSTER (Solomon, Dianne) (Entered: 01/08/2014)
01/09/2014		TEXT ORDER granting <u>73</u> Motion to Modify the expert discovery schedule. For good cause shown, the parties shall have up to and including January 31, 2014 to complete expert discovery. Issued by MAG/JUDGE JOE L. WEBSTER on 1/9/2014. (Lee, Pedra) (Entered: 01/09/2014)
01/10/2014		Set Deadlines. Discovery due by 1/31/2014. (Contreras, Jamie) (Entered: 01/10/2014)
01/14/2014	<u>79</u>	REPLY, filed by Movant BONEY PUBLISHERS, INC., to Response to <u>74</u> MOTION to Modify <i>Joint Confidentiality and Protective Order</i> filed by BONEY PUBLISHERS, INC.. (MARTIN, C) (Entered: 01/14/2014)
01/14/2014		Motions Referred: RE: <u>74</u> MOTION to Modify <i>Joint Confidentiality and Protective Order</i> , to MAG/JUDGE JOE L. WEBSTER (Solomon, Dianne) (Entered: 01/14/2014)
01/22/2014		Minute Entry for proceedings held before MAG/JUDGE JOE L. WEBSTER: Show Cause Hearing held on 1/22/2014. For the reasons stated in open court, BONEY PUBLISHERS, INC.'s MOTION to Modify Joint Confidentiality and Protective Order shall be taken under advisement and the parties will be notified of the Court's ruling at a later date; the Court finds that Jessica Flores Rosales shall be held in contempt for failure to appear for deposition; the Court orders that Ms. Rosales shall appear for the next scheduled deposition and the parties are instructed to notify the Court in the event Ms. Rosales fails to appear; the Court will not require Ms. Rosales to pay Attorneys fees or any other costs at this time. (Attorney(s) Michael Songer and Silvia Dominguez-Reese appeared on behalf of plaintiff; Attorney(s) S.C. Kitchen and Karlene Turrentine appeared on behalf of defendant TERRY S. JOHNSON; Attorney C. Amanda Martin appeared on behalf of movant BONEY PUBLISHERS, INC.; Appearance made by Jessica Flores Rosales pursuant to the Order to Show Cause entered 12/11/2013; Max Roy Stawsky sworn as Spanish Interpreter; Proceedings Recorded) (Kemp, Donita) (Entered: 01/22/2014)
02/04/2014	<u>80</u>	NOTICE of Intent to File Dispositive Motions by Plaintiff UNITED STATES OF AMERICA. (SONGER, MICHAEL) (Entered: 02/04/2014)
02/04/2014	<u>81</u>	MOTION for Leave to File Excess Pages by UNITED STATES OF AMERICA. Responses due by 2/28/2014. (SONGER, MICHAEL) (Entered: 02/04/2014)
02/05/2014	<u>82</u>	NOTICE of Intent to File Dispositive Motions by Defendant TERRY S. JOHNSON (KITCHEN, S.) (Entered: 02/05/2014)
02/10/2014	<u>83</u>	ORDER signed by MAG/JUDGE JOE L. WEBSTER on 2/10/2014, that Intervenor's Motion to Modify Joint Confidentiality and Protective Order (Docket Entry <u>74</u>) be DENIED . Although the pre-trial discovery documents are not exempted under the North Carolina General Statutes, the documents are not 'judicial records' that garner presumptive public access, nor does state law bind this Court. Thus, this Court had the power to issue the Protective Order, and continues to have the power to uphold it. The Protective Order is, however, MODIFIED , in the following ways. Paragraph 3(a) of the Protective Order will no longer implement an automatic confidential designation, but rather it is the responsibility of the parties to seal, redact, and/ or designate as confidential any documents they wish to keep from public access due to any "personally identifiable information". Paragraph 8 of the Protective Order only applies to non-judicial records, and does not shield documents used to adjudicate substantive rights or attached to dispositive motions. Upon a proper motion by a party to seal, redact, and/ or designate judicial records as confidential, a court "must (1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives." ⁸ (Lloyd, Donna) (Entered: 02/10/2014)

02/24/2014	<u>84</u>	INTERVENOR'S OBJECTIONS TO MAGISTRATE JUDGE'S FEBRUARY 10, 2014 <u>83</u> Order by Movant BONEY PUBLISHERS, INC. (MARTIN, C) Modified on 2/26/2014 to edit text. (Lloyd, Donna) (Entered: 02/24/2014)
02/28/2014		Motions Referred: RE: <u>81</u> MOTION for Leave to File Excess Pages , to MAG/JUDGE JOE L. WEBSTER (Solomon, Dianne) (Entered: 02/28/2014)
02/28/2014	<u>85</u>	RESPONSE in Opposition re <u>81</u> MOTION for Leave to File Excess Pages filed by TERRY S. JOHNSON. Replies due by 3/17/2014. (Attachments: # <u>1</u> Supplement unpublished case, # <u>2</u> Supplement unpublished case)(TURRENTINE, KARLENE) (Entered: 02/28/2014)
03/02/2014	<u>86</u>	MOTION for Summary Judgment by TERRY S. JOHNSON. Responses due by 4/4/2014 (Attachments: # <u>1</u> Exhibit A – Response to Interrogatories, # <u>2</u> Exhibit B – Dep of Allen, # <u>3</u> Exhibit C – Dep of Harrison, # <u>4</u> Exhibit D – Dep of Johnson, # <u>5</u> Exhibit E – Dep of Britt, # <u>6</u> Exhibit F – Transcript of Meeting, # <u>7</u> Exhibit G – Dep of Serniak, # <u>8</u> Exhibit H – Presentation of Serniak, # <u>9</u> Exhibit I – Dep of Fichou, # <u>10</u> Exhibit J – Dep of Culler, # <u>11</u> Exhibit K – Dep of Guevara, # <u>12</u> Exhibit L – Complaint to BPD, # <u>13</u> Exhibit M – ICE Memo, # <u>14</u> Exhibit N – Dep of Cobb, # <u>15</u> Exhibit O – CV of Banks, # <u>16</u> Exhibit P – Expert Report of Banks, # <u>17</u> Exhibit Q – Dep of Crisp, # <u>18</u> Exhibit R – Dec of Dockery, # <u>19</u> Exhibit R – Ex 1, # <u>20</u> Exhibit R – Ex 2, # <u>21</u> Exhibit R – Ex 3, # <u>22</u> Exhibit R – Ex 4, # <u>23</u> Exhibit R – Ex 5, # <u>24</u> Exhibit R – Ex 6, # <u>25</u> Exhibit R – Ex 7, # <u>26</u> Exhibit R – Ex 8, # <u>27</u> Exhibit S – Dec of Anthony, # <u>28</u> Exhibit T – Dep of Anthony, # <u>29</u> Exhibit U – Dep of Rosales, # <u>30</u> Exhibit V – Dep of Coleman, # <u>31</u> Exhibit W – Dep of Arzola, # <u>32</u> Exhibit X – Dep of Crofts, # <u>33</u> Exhibit Y – Dep of Crofts, # <u>34</u> Exhibit Z – Dep of Keller, # <u>35</u> Exhibit AA – Dep of Wilson, # <u>36</u> Exhibit BB – Dec of Longamore, # <u>37</u> Exhibit CC – Dep of Fortner) (KITCHEN, S.) Modified on 3/3/2014 to remove duplicate text. (Lloyd, Donna) (Entered: 03/02/2014)
03/02/2014	<u>87</u>	BRIEF IN SUPPORT OF <u>86</u> MOTION for Summary Judgment. (KITCHEN, S.) Modified on 3/5/2014 to edit text. (Lloyd, Donna) (Entered: 03/02/2014)
03/03/2014	<u>88</u>	MOTION for Summary Judgment by UNITED STATES OF AMERICA. Responses due by 4/7/2014. (SONGER, MICHAEL) (Entered: 03/03/2014)
03/03/2014	<u>89</u>	BRIEF IN SUPPORT OF <u>88</u> MOTION for Summary Judgment by UNITED STATES OF AMERICA. Responses due by 4/7/2014 (Attachments: # <u>1</u> Affidavit Songer Declaration, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8, # <u>10</u> Exhibit 9, # <u>11</u> Exhibit 10, # <u>12</u> Exhibit 11, # <u>13</u> Exhibit 12, # <u>14</u> Exhibit 13, # <u>15</u> Exhibit 14, # <u>16</u> Exhibit 15, # <u>17</u> Exhibit 16, # <u>18</u> Exhibit 17, # <u>19</u> Exhibit 18, # <u>20</u> Exhibit 19, # <u>21</u> Exhibit 20, # <u>22</u> Exhibit 21, # <u>23</u> Exhibit 22, # <u>24</u> Exhibit 23, # <u>25</u> Exhibit 24, # <u>26</u> Exhibit 25, # <u>27</u> Exhibit 26, # <u>28</u> Exhibit 27, # <u>29</u> Exhibit 28, # <u>30</u> Exhibit 29, # <u>31</u> Exhibit 30, # <u>32</u> Exhibit 31, # <u>33</u> Exhibit 32, # <u>34</u> Exhibit 33, # <u>35</u> Exhibit 34, # <u>36</u> Exhibit 35, # <u>37</u> Exhibit 36, # <u>38</u> Exhibit 37, # <u>39</u> Exhibit 38, # <u>40</u> Exhibit 39, # <u>41</u> Exhibit 40, # <u>42</u> Exhibit 41, # <u>43</u> Exhibit 42, # <u>44</u> Exhibit 43, # <u>45</u> Exhibit 44, # <u>46</u> Exhibit 45, # <u>47</u> Exhibit 46, # <u>48</u> Exhibit 47, # <u>49</u> Exhibit 48, # <u>50</u> Exhibit 49, # <u>51</u> Exhibit 50, # <u>52</u> Exhibit 51, # <u>53</u> Exhibit 52, # <u>54</u> Exhibit 53, # <u>55</u> Exhibit 54, # <u>56</u> Exhibit 55, # <u>57</u> Exhibit 56, # <u>58</u> Exhibit 57, # <u>59</u> Exhibit 58, # <u>60</u> Exhibit 59, # <u>61</u> Exhibit 60, # <u>62</u> Exhibit 61, # <u>63</u> Exhibit 62, # <u>64</u> Exhibit 63) (SONGER, MICHAEL) Modified on 3/5/2014 to edit text. (Lloyd, Donna) (Entered: 03/03/2014)
03/03/2014	<u>90</u>	REPLY to <u>85</u> RESPONSE to <u>81</u> MOTION for Leave to File Excess Pages filed by UNITED STATES OF AMERICA. (SONGER, MICHAEL) Modified on 3/5/2014 to edit text. (Lloyd, Donna) (Entered: 03/03/2014)
03/04/2014		Motions Referred: RE: <u>81</u> MOTION for Leave to File Excess Pages , to MAG/JUDGE JOE L. WEBSTER (Solomon, Dianne) (Entered: 03/04/2014)
03/05/2014		Motions Submitted: <u>81</u> MOTION for Leave to File Excess Pages to JUDGE THOMAS D. SCHROEDER– (Solomon, Dianne) (Entered: 03/05/2014)
03/05/2014		NOTICE of Docket Text/Event Modification re <u>89</u> MOTION for Summary Judgment <i>Brief in Support</i> : Incorrect event was selected when document was filed setting this document as a motion. Event has been corrected and docket text has been modified to reflect document is "BRIEF IN SUPPORT OF <u>88</u> MOTION for Summary Judgment." (Lloyd, Donna) (Entered: 03/05/2014)

03/05/2014	<u>91</u>	ORDER signed by JUDGE THOMAS D. SCHROEDER on 3/5/2014, as to <u>81</u> Motion for Leave to File Excess Pages; that the motion is GRANTED, and each party is permitted to file principal summary judgment briefs of no more than 40 pages. (Lloyd, Donna) (Entered: 03/05/2014)
03/17/2014	<u>92</u>	RESPONSE TO INTERVENOR'S <u>84</u> OBJECTIONS TO MAGISTRATE JUDGE'S FEBRUARY 10, 2014 <u>83</u> ORDER filed by UNITED STATES OF AMERICA. (FLEISHER, AARON) Modified on 3/18/2014 to edit text and remove reply deadline. (Lloyd, Donna) (Entered: 03/17/2014)
03/17/2014		CASE REFERRED to JUDGE THOMAS D. SCHROEDER <u>83</u> Order, <u>84</u> Objection, and <u>92</u> Response. (Solomon, Dianne) (Entered: 03/17/2014)
03/27/2014	<u>93</u>	MOTION FOR ORDER REQUIRING PLAINTIFF TO PAY FEES FOR EXPERT DEPOSITION by TERRY S. JOHNSON. Responses due by 4/21/2014. (Attachments: # <u>1</u> Exhibit 1 – Expert Deposition Invoice)(TURRENTINE, KARLENE) Modified on 3/31/2014 to edit text to accurately reflect document title. (Lloyd, Donna) (Entered: 03/27/2014)
03/27/2014	<u>94</u>	BRIEF IN SUPPORT OF <u>93</u> MOTION FOR ORDER REQUIRING PLAINTIFF TO PAY EXPERT DEPOSITION FEES. (TURRENTINE, KARLENE) Modified on 3/31/2014 to edit text. (Lloyd, Donna) (Entered: 03/27/2014)
04/04/2014	<u>95</u>	RESPONSE in Opposition to <u>86</u> MOTION for Summary Judgment filed by UNITED STATES OF AMERICA. Replies due by 4/21/2014. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8)(SONGER, MICHAEL) (Entered: 04/04/2014)
04/07/2014	<u>96</u>	RESPONSE in Opposition re <u>88</u> MOTION for Summary Judgment filed by TERRY S. JOHNSON. Replies due by 4/24/2014. (Attachments: # <u>1</u> Exhibit A – Dep of Crain, # <u>2</u> Exhibit B – Dep of Allen, # <u>3</u> Exhibit C – Dep of Coleman, # <u>4</u> Exhibit D – Dep of Crowder, # <u>5</u> Exhibit E – Dep of Hoover, # <u>6</u> Exhibit F – Dep of Rossi, # <u>7</u> Exhibit G – Operation Plan, # <u>8</u> Exhibit H – Dep of Britt, # <u>9</u> Exhibit I – Dep of Lloyd, # <u>10</u> Exhibit J – Dep of Johnson, # <u>11</u> Exhibit K – Dep of Williams, # <u>12</u> Exhibit L – Dep of Wilson, # <u>13</u> Exhibit M – Dep of Evans, # <u>14</u> Exhibit N – Dep of Fortner, # <u>15</u> Exhibit O – Dep of Nicholson, # <u>16</u> Exhibit P – Dep of Randleman, # <u>17</u> Affidavit Q – Dec of Johnson, # <u>18</u> Exhibit R – Dep of Crotts, # <u>19</u> Exhibit S – Letter from Crotts, # <u>20</u> Exhibit T – Letter from Crotts, # <u>21</u> Exhibit U – Dep of Wiley, # <u>22</u> Affidavit V – Dep of Britt, # <u>23</u> Exhibit W – E-mail, # <u>24</u> Exhibit X – Dep of Snyder, # <u>25</u> Exhibit Y – Dep of Ray, # <u>26</u> Exhibit Z – Dep of Miles, # <u>27</u> Exhibit AA – Dep of Crabtree, # <u>28</u> Exhibit BB – Dep of Helms, # <u>29</u> Exhibit CC – Dep of Cobb, # <u>30</u> Exhibit DD – Dep of Lankford, # <u>31</u> Affidavit EE – Dec of Anthony, # <u>32</u> Exhibit FF – Dep of Lamberth, # <u>33</u> Affidavit GG – Dec of Dockery, # <u>34</u> Exhibit HH – Report of Banks, # <u>35</u> Exhibit II – Dep of Conklin, # <u>36</u> Affidavit JJ – Dec of Hall, # <u>37</u> Affidavit KK – Dec of Herron, # <u>38</u> Exhibit LL – Dep of Cruz, # <u>39</u> Exhibit MM – Dep of Davis, # <u>40</u> Exhibit NN – Dep of Mowbray, # <u>41</u> Exhibit OO – Dep of Terrell, # <u>42</u> Exhibit PP – Dep of Crisp, # <u>43</u> Exhibit QQ – Dep of Culler, # <u>44</u> Exhibit RR – Dep of Husser, # <u>45</u> Exhibit SS – Dep of Serniak, # <u>46</u> Exhibit TT – Dep of Fichou, # <u>47</u> Exhibit UU – Dep of Frasier, # <u>48</u> Affidavit VV – Dec of Welch, # <u>49</u> Affidavit WW – Dec of Marshall, # <u>50</u> Affidavit XX – Dec of Page, # <u>51</u> Affidavit YY – Dec of Jones, # <u>52</u> Affidavit ZZ – Dec of Carter, # <u>53</u> Exhibit AAA – Harassment Policy, # <u>54</u> Exhibit BBB – Complaint Policy, # <u>55</u> Exhibit CCC – Dep of Guevara, # <u>56</u> Exhibit DDD – Dep of Banks, # <u>57</u> Exhibit EEE – Alpert Group Report, # <u>58</u> Exhibit FFF – Travis County Web Page, # <u>59</u> Exhibit GGG – Dep of Lafferty, # <u>60</u> Exhibit HHH – Checkpoint Notice, # <u>61</u> Exhibit III – Scott v Cohen)(KITCHEN, S.) (Entered: 04/07/2014)
04/08/2014	<u>97</u>	WITHDRAWAL of <u>93</u> MOTION FOR ORDER REQUIRING PLAINTIFF TO PAY FEES FOR EXPERT DEPOSITION filed by TERRY S. JOHNSON. (Attachments: # <u>1</u> Exhibit 1 – Plaintiff's Agreement to Pay) (TURRENTINE, KARLENE) Modified on 4/9/2014 to edit text. (Lloyd, Donna) (Entered: 04/08/2014)
04/11/2014	<u>98</u>	MOTION TO EXTEND PAGE LIMITATION filed by UNITED STATES OF AMERICA. Responses due by 5/5/2014. (SONGER, MICHAEL) Modified on 4/14/2014 to edit text. (Lloyd, Donna) (Entered: 04/11/2014)

04/15/2014		ELECTRONIC NOTICE to Michael Songer, Esq. re <u>98</u> MOTION for Leave to File Excess Pages . Counsel is reminded to submit a Proposed Order in an editable format compatible with Word/WordPerfect to jschroeder@ncmd.uscourts.gov. (Solomon, Dianne) (Entered: 04/15/2014)
04/20/2014	<u>99</u>	REPLY to <u>95</u> RESPONSE to <u>86</u> MOTION for Summary Judgment filed by TERRY S. JOHNSON. (Attachments: # <u>1</u> Exhibit A – Dep of Arndt, # <u>2</u> Exhibit Robinson v Bowser) (KITCHEN, S.) Modified on 4/21/2014 to remove duplicate text. (Lloyd, Donna) (Entered: 04/20/2014)
04/22/2014		Motions Submitted: <u>98</u> MOTION for Leave to File Excess Pages to JUDGE THOMAS D. SCHROEDER– (Solomon, Dianne) (Entered: 04/22/2014)
04/22/2014	<u>100</u>	ORDER signed by JUDGE THOMAS D. SCHROEDER on 4/22/2014, that the motion (doc. <u>98</u>) is GRANTED, and the United States of America is permitted to file a reply brief of no more than 20 pages. (Lloyd, Donna) (Entered: 04/22/2014)
04/24/2014	<u>101</u>	REPLY to <u>96</u> RESPONSE to <u>88</u> MOTION for Summary Judgment filed by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19) (SONGER, MICHAEL) Modified on 4/28/2014 to edit text. (Lloyd, Donna) (Entered: 04/24/2014)
04/29/2014		Motions Submitted: <u>86</u> MOTION for Summary Judgment , <u>88</u> MOTION for Summary Judgment to JUDGE THOMAS D. SCHROEDER– (Solomon, Dianne) (Entered: 04/29/2014)
05/06/2014	<u>102</u>	MOTION FOR SPECIAL SETTING filed by UNITED STATES OF AMERICA. Responses due by 5/30/2014. (SONGER, MICHAEL) Modified on 5/7/2014 to edit text to accurately reflect document title. (Lloyd, Donna) (Entered: 05/06/2014)
05/06/2014		Motions Submitted: <u>102</u> MOTION FOR SPECIAL SETTING to JUDGE THOMAS D. SCHROEDER– (Solomon, Dianne) (Entered: 05/06/2014)
05/08/2014		Motions No Longer Submitted <u>102</u> MOTION for Trial <i>Special Setting for Trial</i> to JUDGE THOMAS D. SCHROEDER. (Solomon, Dianne) (Entered: 05/08/2014)
05/08/2014	<u>103</u>	ORDER signed by JUDGE THOMAS D. SCHROEDER on 5/8/2014, that before the court are cross–motions for summary judgment. (Docs. <u>86</u> , <u>88</u> .) The motions have been fully briefed. (Docs. <u>87</u> , <u>89</u> , <u>95</u> , <u>96</u> , <u>99</u> , <u>101</u> .) Defendant Terry S. Johnson asserted a statute of limitations defense in his answer (Doc. <u>6</u> at 8), and referred to that fact in his motion for summary judgment (Doc. <u>87</u> at 1). He provided argument regarding that defense for the first time in his reply. (Doc. <u>99</u> at 6–10.) Should the United States wish to reply to that argument, it may file a limited surreply of up to five pages by May 22, 2014. (Lloyd, Donna) (Entered: 05/08/2014)
05/19/2014	<u>104</u>	MEMORANDUM ORDER signed by JUDGE THOMAS D. SCHROEDER on 5/19/2014, Boney's objections <u>84</u> are overruled, and the Magistrate Judge's Amended Protective Order is affirmed.(Powell, Gloria) (Entered: 05/19/2014)
05/20/2014	<u>105</u>	RESPONSE IN OPPOSITION TO <u>102</u> MOTION FOR SPECIAL SETTING filed by TERRY S. JOHNSON. Replies due by 6/6/2014. (Attachments: # <u>1</u> Exhibit 1 – Emails b/n Counsel) (TURRENTINE, KARLENE) Modified on 5/21/2014 to add text to identify exhibit. (Lloyd, Donna) (Entered: 05/20/2014)
05/21/2014	<u>106</u>	SURREPLY IN SUPPORT OF <u>88</u> MOTION for Summary Judgment filed by UNITED STATES OF AMERICA. (SONGER, MICHAEL) (Entered: 05/21/2014)
05/22/2014	<u>107</u>	NOTICE of Trial Calendar Bench Trial set for 7/7/2014 09:30 AM in Winston–Salem Courtroom #2 before JUDGE THOMAS D. SCHROEDER. (Williamson, Wanda) (Entered: 05/22/2014)
05/22/2014	<u>108</u>	REPLY to <u>105</u> RESPONSE IN OPPOSITION TO <u>102</u> MOTION FOR SPECIAL SETTING filed by UNITED STATES OF AMERICA. (SONGER, MICHAEL) Modified on 5/27/2014 to edit text. (Lloyd, Donna) (Entered: 05/22/2014)

05/27/2014		Motions Submitted: <u>102</u> MOTION for Trial <i>Special Setting for Trial</i> to JUDGE THOMAS D. SCHROEDER– (Solomon, Dianne) (Entered: 05/27/2014)
05/29/2014	<u>109</u>	NOTICE of Hearing: Motion Hearing re: <u>86</u> MOTION for Summary Judgment filed by TERRY S. JOHNSON, <u>88</u> MOTION for Summary Judgment and <u>102</u> MOTION for Special Setting filed by UNITED STATES OF AMERICA set for 6/13/2014 10:00 AM in Winston–Salem Courtroom #2 before JUDGE THOMAS D. SCHROEDER. (Solomon, Dianne) (Entered: 05/29/2014)
05/29/2014		Set/Reset Deadlines/Hearings: Motion Hearing set for 6/13/2014 10:00 AM in Winston–Salem Courtroom #2 before JUDGE THOMAS D. SCHROEDER. (Solomon, Dianne) (Entered: 05/29/2014)
06/02/2014	<u>110</u>	NOTICE of Hearing: Settlement Conference set for 6/17/2014 01:30 PM in Durham Courtroom #1 before MAG/JUDGE JOE L. WEBSTER. (Garrett, Kim) (Entered: 06/02/2014)
06/06/2014	<u>111</u>	Proposed Exhibit List of <i>Defendant</i> by TERRY S. JOHNSON. (KITCHEN, S.) (Entered: 06/06/2014)
06/06/2014	<u>112</u>	Witness List by TERRY S. JOHNSON. (KITCHEN, S.) (Entered: 06/06/2014)
06/09/2014	<u>113</u>	Proposed Exhibit List by UNITED STATES OF AMERICA. (SONGER, MICHAEL) (Entered: 06/09/2014)
06/09/2014	<u>114</u>	Witness List by UNITED STATES OF AMERICA. (SONGER, MICHAEL) (Entered: 06/09/2014)
06/13/2014		Minute Entry for proceedings held before JUDGE THOMAS D. SCHROEDER in Winston–Salem: Hearing held on 6/13/2014 re <u>88</u> MOTION for Summary Judgment filed by UNITED STATES OF AMERICA, <u>86</u> MOTION for Summary Judgment filed by TERRY S. JOHNSON, <u>102</u> MOTION for Trial <i>Special Setting for Trial</i> filed by UNITED STATES OF AMERICA. Attorneys Songer, Mygatt, Kitchen and Turrentine present. Arguments presented. Court advises trial will be in August, 2014 (plan on 8/4/2014) and will decide if in need of Final Pretrial Hearing. Extension granted to 6/27/2014 to file trial briefs, etc. Written Order forthcoming. (Court Reporter Briana Nesbit.) (Powell, Gloria) (Entered: 06/13/2014)
06/13/2014		Set/Reset Trial Brief deadline to 6/27/2014. (see 6/13/2014 Minute Entry) (Powell, Gloria) (Entered: 06/13/2014)
06/17/2014		Minute Entry for proceedings held before MAG/JUDGE JOE L. WEBSTER: Settlement Conference held on 6/17/2014. Attorneys present for plaintiff, Michael Songer, Timothy MyGatt and Anika Gzifa and for defendant S.C. Kitchen and Karlene Turrentine. Parties reached an impasse. (Garrett, Kim) (Entered: 06/17/2014)
06/20/2014	<u>115</u>	MOTION to Exclude <i>Expert report and testimony from Dr. David Banks</i> by UNITED STATES OF AMERICA. Responses due by 7/14/2014. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E) (SONGER, MICHAEL) (Entered: 06/20/2014)
06/20/2014	<u>116</u>	MOTION to Exclude <i>Expert testimony from Mark Dockery</i> by UNITED STATES OF AMERICA. Responses due by 7/14/2014. (Attachments: # <u>1</u> Exhibit A) (SONGER, MICHAEL) (Entered: 06/20/2014)
06/20/2014	<u>117</u>	OBJECTION TO DEFENDANT'S <u>111</u> TRIAL EXHIBIT LIST filed by Plaintiff UNITED STATES OF AMERICA. (SONGER, MICHAEL) Modified on 6/25/2014 to edit text. (Lloyd, Donna) (Entered: 06/20/2014)
06/20/2014	<u>118</u>	MEMORANDUM OPINION AND ORDER re: <u>86</u> MOTION for Summary Judgment filed by TERRY S. JOHNSON and <u>88</u> MOTION for Summary Judgment filed by the UNITED STATES OF AMERICA as set out herein. Signed by JUDGE THOMAS D. SCHROEDER on 6/20/2014. (Solomon, Dianne) . (Entered: 06/20/2014)
06/22/2014	<u>119</u>	OBJECTION TO PLAINTIFF'S <u>113</u> TRIAL EXHIBIT LIST filed by Defendant TERRY S. JOHNSON. (KITCHEN, S.) Modified on 6/25/2014 to edit text. (Lloyd, Donna) (Entered: 06/22/2014)

06/24/2014	<u>120</u>	Transcript of Proceedings held on 6/13/2014, before Judge Thomas D.Schroeder. Court Reporter Briana L. Nesbit, Telephone number 336-734-2514. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. <P> NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER. <P> Redaction Request due 7/18/2014. Redacted Transcript Deadline set for 7/28/2014. Release of Transcript Restriction set for 9/25/2014. (Nesbit, Brianna) (Entered: 06/24/2014)
06/27/2014	<u>121</u>	Proposed Findings of Fact and Conclusions of Law by TERRY S. JOHNSON. (KITCHEN, S.) (Entered: 06/27/2014)
06/27/2014	<u>122</u>	TRIAL BRIEF by Defendant TERRY S. JOHNSON. (KITCHEN, S.) (Entered: 06/27/2014)
06/27/2014	<u>123</u>	Proposed Findings of Fact and Conclusions of Law by UNITED STATES OF AMERICA. (SONGER, MICHAEL) (Entered: 06/27/2014)
06/29/2014	<u>124</u>	MOTION to Exclude <i>Testimony by Undisclosed Witnesses</i> by TERRY S. JOHNSON. Responses due by 7/24/2014. (KITCHEN, S.) (Entered: 06/29/2014)
06/29/2014	<u>125</u>	BRIEF IN SUPPORT OF <u>124</u> MOTION to Exclude <i>Testimony by Undisclosed Witnesses</i> . (Attachments: # <u>1</u> Exhibit A -- Dep of Roselle) (KITCHEN, S.) Modified on 6/30/2014 to remove duplicate text. (Lloyd, Donna) (Entered: 06/29/2014)
07/03/2014	<u>126</u>	NOTICE of Appearance by attorney ANIKA GZIFA on behalf of Plaintiff UNITED STATES OF AMERICA. (GZIFA, ANIKA) (Entered: 07/03/2014)
07/06/2014	<u>127</u>	MOTION IN LIMINE TO EXCLUDE EXPERT REPORTS AND TESTIMONY BY DR. JOHN LAMBERTH filed TERRY S. JOHNSON. Responses due by 7/31/2014. (KITCHEN, S.) Modified on 7/7/2014 to edit text. (Lloyd, Donna) (Entered: 07/06/2014)
07/06/2014	<u>128</u>	BRIEF IN SUPPORT OF <u>127</u> MOTION IN LIMINE TO EXCLUDE EXPERT REPORTS AND TESTIMONY BY DR. JOHN LAMBERTH. (Attachments: # <u>1</u> Exhibit A By the Numbers, # <u>2</u> Exhibit B Dep of Frasier) (KITCHEN, S.) Modified on 7/7/2014 to edit text. (Lloyd, Donna) (Entered: 07/06/2014)
07/10/2014	<u>129</u>	NOTICE OF WITHDRAWAL AND SUBSTITUTION OF COUNSEL on behalf of Plaintiff UNITED STATES OF AMERICA. TIMOTHY MYGATT is substituted as counsel for Plaintiff. Attorney AARON S. FLEISHER terminated. (MYGATT, TIMOTHY) (Entered: 07/10/2014)
07/11/2014	<u>130</u>	NOTICE of Appearance by attorney JUDE VOLEK on behalf of Plaintiff UNITED STATES OF AMERICA. (VOLEK, JUDE) (Entered: 07/11/2014)
07/11/2014	<u>131</u>	MOTION in Limine for <i>Adverse Inference</i> by UNITED STATES OF AMERICA. Responses due by 8/4/2014. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G) (SONGER, MICHAEL) (Entered: 07/11/2014)
07/13/2014	<u>132</u>	RESPONSE in Opposition re <u>116</u> MOTION to Exclude <i>Expert testimony from Mark Dockery</i> filed by TERRY S. JOHNSON. Replies due by 7/31/2014. (Attachments: # <u>1</u> Exhibit A – Disclosure of Dockery) (KITCHEN, S.) (Entered: 07/13/2014)
07/13/2014	<u>133</u>	RESPONSE in Opposition re <u>115</u> MOTION to Exclude <i>Expert report and testimony from Dr. David Banks</i> filed by TERRY S. JOHNSON. Replies due by 7/31/2014. (KITCHEN, S.) (Entered: 07/13/2014)
07/14/2014	<u>134</u>	NOTICE of Hearing: Status and Pretrial Conference and Hearing on all Pending Motions set for 8/8/2014 10:00 AM in Winston-Salem Courtroom #2 before JUDGE THOMAS D. SCHROEDER. (Solomon, Dianne) (Entered: 07/14/2014)

07/14/2014	<u>135</u>	NOTICE of Rescheduling: Bench Trial reset for 8/12/2014 09:30 AM in Winston-Salem Courtroom #2 before JUDGE THOMAS D. SCHROEDER. (Solomon, Dianne) (Entered: 07/14/2014)
07/18/2014	<u>136</u>	Consent MOTION FOR LEAVE TO AMEND ITS WITNESS LIST by UNITED STATES OF AMERICA. Responses due by 8/11/2014. (Attachments: # <u>1</u> Exhibit A) (GZIFA, ANIKA) Modified on 7/21/2014 to add text. (Lloyd, Donna) (Entered: 07/18/2014)
07/18/2014	<u>137</u>	BRIEF IN SUPPORT OF <u>136</u> UNOPPOSED MOTION FOR LEAVE TO AMEND ITS WITNESS LIST. (GZIFA, ANIKA) (Entered: 07/18/2014)
07/18/2014	<u>138</u>	RESPONSE TO DEFENDANT'S <u>124</u> MOTION TO EXCLUDE TESTIMONY BY UNDISCLOSED WITNESSES filed by UNITED STATES OF AMERICA. Replies due by 8/4/2014. (GZIFA, ANIKA) Modified on 7/21/2014 to edit text. (Lloyd, Donna) (Entered: 07/18/2014)
07/23/2014		TEXT ORDER granting <u>136</u> Consent Motion for Leave to Amend its Witness List filed by the United States of America. Based on the representations to the court and for good cause shown, IT IS ORDERED that the motion is GRANTED, and the United States of America is GRANTED leave to amend its witness list. (See Exhibit A). IT IS FURTHER ORDERED that Defendant's motion to exclude testimony by undisclosed witnesses [Doc. 124] is DENIED as moot. Signed by JUDGE THOMAS D. SCHROEDER on 7/23/2014. (Solomon, Dianne) (Entered: 07/23/2014)
07/25/2014	<u>139</u>	RESPONSE in Opposition re <u>131</u> MOTION in Limine for Adverse Inference filed by TERRY S. JOHNSON. Replies due by 8/11/2014. (Attachments: # <u>1</u> Affidavit Dec of Albright, # <u>2</u> Exhibit Ex A – Notice of Appearance of Albright, # <u>3</u> Exhibit Ex B – Notice of Appearance of Kitchen, # <u>4</u> Exhibit Ex C – Notice of Appearance of Kitchen, # <u>5</u> Exhibit Ex D – Trepel e-mail, # <u>6</u> Exhibit Ex E – Kitchen e-mail, # <u>7</u> Exhibit Ex F – Crotts e-mail)(KITCHEN, S.) (Entered: 07/25/2014)
07/30/2014	<u>140</u>	REPLY, filed by Plaintiff UNITED STATES OF AMERICA, to Response to <u>116</u> MOTION to Exclude <i>Expert testimony from Mark Dockery</i> filed by UNITED STATES OF AMERICA. (VOLEK, JUDE) (Entered: 07/30/2014)
07/30/2014	<u>141</u>	REPLY, filed by Plaintiff UNITED STATES OF AMERICA, to Response to <u>115</u> MOTION to Exclude <i>Expert report and testimony from Dr. David Banks</i> filed by UNITED STATES OF AMERICA. (SONGER, MICHAEL) (Entered: 07/30/2014)
07/31/2014	<u>142</u>	RESPONSE filed by Plaintiff UNITED STATES OF AMERICA re <u>127</u> MOTION to Exclude <i>Expert Reports and Testimony of Lamberth</i> filed by TERRY S. JOHNSON filed by UNITED STATES OF AMERICA. Replies due by 8/18/2014. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Errata B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H)(SONGER, MICHAEL) (Entered: 07/31/2014)
08/03/2014	<u>143</u>	REPLY, filed by Defendant TERRY S. JOHNSON, to Response to <u>127</u> MOTION to Exclude <i>Expert Reports and Testimony of Lamberth</i> filed by TERRY S. JOHNSON. (KITCHEN, S.) (Entered: 08/03/2014)
08/04/2014		Motions Submitted: <u>116</u> MOTION to Exclude <i>Expert testimony from Mark Dockery</i> , <u>127</u> MOTION to Exclude <i>Expert Reports and Testimony of Lamberth</i> , <u>115</u> MOTION to Exclude <i>Expert report and testimony from Dr. David Banks</i> , <u>131</u> MOTION in Limine for Adverse Inference to JUDGE THOMAS D. SCHROEDER– (Solomon, Dianne) (Entered: 08/04/2014)
08/04/2014	<u>144</u>	SURREPLY filed by Plaintiff UNITED STATES OF AMERICA re <u>127</u> MOTION to Exclude <i>Expert Reports and Testimony of Lamberth</i> filed by UNITED STATES OF AMERICA. (SONGER, MICHAEL) (Entered: 08/04/2014)
08/05/2014	<u>145</u>	REPLY, filed by Plaintiff UNITED STATES OF AMERICA, to Response to <u>131</u> MOTION in Limine for Adverse Inference filed by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(VOLEK, JUDE) (Entered: 08/05/2014)
08/07/2014	<u>146</u>	MOTION in Limine by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Supplement Memorandum, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C)(VOLEK, JUDE) (Entered: 08/07/2014)

08/08/2014		Motions Submitted: <u>146</u> MOTION in Limine to JUDGE THOMAS D. SCHROEDER– (Solomon, Dianne) (Entered: 08/08/2014)
08/08/2014		Minute Entry for proceedings held before JUDGE THOMAS D. SCHROEDER: Motion Hearing held on 8/8/2014 re <u>116</u> MOTION to Exclude <i>Expert testimony from Mark Dockery</i> , <u>146</u> MOTION in Limine re: authentication of documents , <u>115</u> MOTION to Exclude <i>Expert report and testimony from Dr. David Banks</i> , and <u>131</u> MOTION in Limine for <i>Adverse Inference</i> filed by UNITED STATES OF AMERICA and <u>127</u> MOTION to Exclude <i>Expert Reports and Testimony of Lamberth</i> filed by TERRY S. JOHNSON. Attorneys Songer, Volek, Gzifa and Mygatt appeared on behalf of the Plaintiff and Attorneys Kitchen and Turrentine appeared on behalf of the Defendant. The motions regarding Drs. Banks and Lamberth will be held in abeyance until the time of trial. The motion related to Mark Dockery will be taken on a question by question basis during the trial. The motion for adverse inference was taken under advisement at the conclusion of the evidence (See Exhibit and Witness List). Defense entered a stipulation on the record related to the documents discussed n <u>146</u> Motion in Limine. Estimated length of trial and procedures discussed with the parties; Bench Trial set for Tuesday, August 12, 2014 09:30 AM in Winston–Salem, Courtroom No. 2. (Court Reporter Nesbit.) (Solomon, Dianne) . (Entered: 08/08/2014)
08/12/2014		Minute Entry for proceedings held before JUDGE THOMAS D. SCHROEDER: Bench Trial (Day #1) held on 8/12/2014. Attorneys Songer, Mygatt, Gzifa and Volek appeared for the Government and Attorneys Kitchen and Turrentine appeared for the Defendant. Defendant was also present. The representation of Mr. Kitchen was again addressed on the record; Opening Statements made; Evidence presented (See Exhibit and Witness List); request for Governemnt witness to appear in person held, the court ruled that the witness is to appear pursuant to the subpoena issued. Use of certain demonstrative exhibits held on the record, the parties to work to resolve and advise the court. Bench trial continues 08/13/2014 09:00 AM in Winston–Salem, Courtroom No. 2. (Court Reporter Nesbit.) (Solomon, Dianne) (Entered: 08/12/2014)
08/12/2014		Set/Reset Deadlines/Hearings: Bench Trial continues on 8/13/2014 09:00 AM in Winston–Salem Courtroom #2 before JUDGE THOMAS D. SCHROEDER. (Solomon, Dianne) (Entered: 08/12/2014)
08/13/2014		Minute Entry for proceedings held before JUDGE THOMAS D. SCHROEDER: Bench Trial (Day #2) held on 8/13/2014. Attorneys Songer, Mygatt, Gzifa, and Volek appeared for the Government. Attorneys Kitchen and Turrentine appeared for the Defendant. Motion to Strike Testimony of Dr. Lamberth taken under advisement. Bench Trial continues 8/14/2014 09:00 AM in Winston–Salem, Courtroom No. 2. (Court Reporter Nesbit.) (Solomon, Dianne) (Entered: 08/13/2014)
08/13/2014		Set/Reset Deadlines/Hearings: Bench Trial continues on 8/14/2014 09:00 AM in Winston–Salem Courtroom #2 before JUDGE THOMAS D. SCHROEDER. (Solomon, Dianne) (Entered: 08/13/2014)
08/14/2014		Minute Entry for proceedings held before JUDGE THOMAS D. SCHROEDER: Bench Trial (Day #3) held on 8/14/2014. Attorneys Songer, Mygatt, Gzifa, and Volek for the Government. Attorneys Kitchen and Turrentine for the Defendant. Evidence entered (See Exhibit and Witness List). Matter continued to 8/15/2014 09:00 AM in Winston–Salem, Courtroom No. 2. (Court Reporter Nesbit.) (Solomon, Dianne) (Entered: 08/14/2014)
08/14/2014		Set/Reset Deadlines/Hearings: Bench Trial continues on 8/15/2014 09:00 AM in Winston–Salem Courtroom #2 before JUDGE THOMAS D. SCHROEDER. (Solomon, Dianne) (Entered: 08/14/2014)
08/15/2014		Minute Entry for proceedings held before JUDGE THOMAS D. SCHROEDER: Bench Trial (Day #4) held on 8/15/2014. Attorneys Songer, Gzifa, Volek and Mygatt appeared for the Plaintiff. Attorneys Kitchen and Turrentine for the Defendant. Evidence presented (See Exhibit and Witness List); due to lack of availability, no additional witnesses called; pending motions, potential witnesses and length of case discussed; court to reconvene on Monday, August 18, 2014 09:00 AM in Winston–Salem, Courtroom No. 2. (Court Reporter Nesbit.) (Solomon, Dianne) (Entered: 08/15/2014)

08/15/2014		Set/Reset Deadlines/Hearings: Bench Trial continues on Monday, 8/18/2014 09:00 AM in Winston-Salem Courtroom #2 before JUDGE THOMAS D. SCHROEDER. (Solomon, Dianne) (Entered: 08/15/2014)
08/16/2014	<u>147</u>	Transcript of Proceedings held on 8/12/2014, before Judge Thomas D. Schroeder. Court Reporter Briana L. Nesbit, Telephone number 336-734-2514. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. <P> NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER. <P> Redaction Request due 9/11/2014. Redacted Transcript Deadline set for 9/19/2014. Release of Transcript Restriction set for 11/17/2014. (Nesbit, Brianna) (Main Document 147 replaced on 8/18/2014) (Contreras, Jamie). (Entered: 08/16/2014)
08/17/2014	<u>148</u>	Transcript of Proceedings held on 8/13/2014, before Judge Thomas D. Schroeder. Court Reporter Briana L. Nesbit, Telephone number 336-734-2514. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. <P> NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER. <P> Redaction Request due 9/11/2014. Redacted Transcript Deadline set for 9/22/2014. Release of Transcript Restriction set for 11/20/2014. (Nesbit, Brianna) (Entered: 08/17/2014)
08/18/2014		Minute Entry for proceedings held before JUDGE THOMAS D. SCHROEDER: Bench Trial (Day #5) held on 8/18/2014. Attorneys Songer, Volek, Mygatt and Gzifa appeared for the Government. Attorneys Kitchen and Turrentine appeared for the Defendant. Evidence presented (See Exhibit and Witness List); Defendant objected to testimony of a witness; the court allowed the testimony subject to later motion by the Defendant. Government rested its case at 4:27 PM; Rule 52(c) motion made by Defendant; the court commenced hearing Defendant's motion to strike the testimony of Dr. Lamberth; the court indicated that a ruling from the bench is unlikely in a case of this nature and that the hearings would continue on Tuesday, 8/19/2014 09:00 AM. The parties to discuss witness issues and to be prepared to discuss 287(g) and its involvement in the case. (Court Reporter Nesbit.) (Solomon, Dianne) Modified to edit text on 8/19/2014 (Solomon, Dianne). (Entered: 08/18/2014)
08/18/2014		Set/Reset Deadlines/Hearings: Bench Trial continues on 8/19/2014 09:00 AM in Winston-Salem Courtroom #2 before JUDGE THOMAS D. SCHROEDER. (Solomon, Dianne) (Entered: 08/18/2014)
08/19/2014		Minute Entry for proceedings held before JUDGE THOMAS D. SCHROEDER: Bench Trial (Day #6) held on 8/19/2014. Attorneys Songer, Volek, Gzifa and Mygatt for the Plaintiff. Attorneys Turrentine and Kitchen for the Defendant. Defendant's motion to strike the testimony of Dr. Lamberth and Rule 52(c) motion heard by the court and taken under advisement; Defendant presented evidence (See Exhibit and Witness List); Bench trial set for 8/20/2014 09:00 AM in Winston-Salem, Courtroom No. 2. (Court Reporter Nesbit.) (Solomon, Dianne) (Entered: 08/20/2014)
08/19/2014		Set/Reset Deadlines/Hearings: Bench Trial continues on 8/20/2014 09:00 AM in Winston-Salem Courtroom #2 before JUDGE THOMAS D. SCHROEDER. (Solomon, Dianne) (Entered: 08/20/2014)
08/20/2014		Minute Entry for proceedings held before JUDGE THOMAS D. SCHROEDER: Bench Trial (Day #7) held on 8/20/2014. Attorneys Songer, Volek, Gzifa and Mygatt present on behalf of the Plaintiff. Attorneys Turrentine and Kitchen present on behalf of the Defendant. Defendant continued to present evidence (See Exhibit and Witness List); Bench trial set for 8/21/2014 09:00 AM in Winston-Salem, Courtroom No. 2.

		(Court Reporter Briana Nesbit.) (Welch, Kelly) (Entered: 08/20/2014)
08/21/2014	<u>149</u>	Transcript of Proceedings held on 8/14/2014, before Judge Thomas D. Schroeder. Court Reporter Briana L. Nesbit, Telephone number 336-734-2514. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. <P> NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER. <P> Redaction Request due 9/15/2014. Redacted Transcript Deadline set for 9/25/2014. Release of Transcript Restriction set for 11/24/2014. (Nesbit, Brianna) (Entered: 08/21/2014)
08/21/2014		Minute Entry for proceedings held before JUDGE THOMAS D. SCHROEDER: Bench Trial (Day #8) held on 8/21/2014. Attorneys Songer, Gzifa, Volek and Mygatt appeared for the Government. Attorneys Kitchen and Turrentine for the Defendant. Evidence presented (See Exhibit and Witness List); objection to Government's rebuttal exhibit made; Objection sustained for reasons stated on the record; Defense rested; Government presented Rebuttal evidence. Matter continues on 8/22/2014 09:00 AM in Winston-Salem, Courtroom No. 2. (Court Reporter Nesbit.) (Solomon, Dianne) (Entered: 08/22/2014)
08/21/2014		Set/Reset Deadlines/Hearings: Bench Trial continues on 8/22/2014 09:00 AM in Winston-Salem Courtroom #2 before JUDGE THOMAS D. SCHROEDER. (Solomon, Dianne) (Entered: 08/22/2014)
08/22/2014		Minute Entry for proceedings held before JUDGE THOMAS D. SCHROEDER: Bench Trial (Day #9) completed on 8/22/2014. Attorneys Songer, Volek, Gzifa and Mygatt for the Government and Attorneys Kitchen and Turrentine for the Defendant. The Government completed rebuttal evidence and rested; Closing Arguments made including motions to strike the testimony of Drs. Banks and Lamberth and multiple witnesses; counsel to submit Proposed Findings of Fact and Conclusions of Law by 10/17/2014. The question of what inference the court should draw based on the evidence before it to be addressed. Written opinion forthcoming. (Court Reporter Nesbit.) (Solomon, Dianne) (Entered: 08/25/2014)
08/25/2014	<u>150</u>	Transcript of Proceedings held on 8/15/2014, before Judge Thomas D. Schroeder. Court Reporter Briana L. Nesbit, Telephone number 336-734-2514. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. <P> NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER. <P> Redaction Request due 9/18/2014. Redacted Transcript Deadline set for 9/29/2014. Release of Transcript Restriction set for 11/28/2014. (Nesbit, Brianna) (Entered: 08/25/2014)
08/26/2014	<u>151</u>	Transcript of Proceedings held on 8/18/2014, before Judge Thomas D. Schroeder. Court Reporter Briana L. Nesbit, Telephone number 336-734-2514. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. <P> NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER. <P> Redaction Request due 9/19/2014. Redacted Transcript Deadline set for 9/29/2014. Release of Transcript Restriction set for 11/28/2014. (Nesbit, Brianna) (Entered: 08/26/2014)

08/26/2014	<u>152</u>	<p>Transcript of Proceedings held on 8/19/2014, before Judge Thomas D. Schroeder. Court Reporter Briana L. Nesbit, Telephone number 336-734-2514. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. <P>NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER.<P> Redaction Request due 9/19/2014. Redacted Transcript Deadline set for 9/29/2014. Release of Transcript Restriction set for 11/28/2014. (Nesbit, Brianna) (Entered: 08/26/2014)</p>
08/28/2014	<u>153</u>	<p>Transcript of Proceedings held on 8/20/2014, before Judge Thomas D. Schroeder. Court Reporter Briana L. Nesbit, Telephone number 336-734-2514. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. <P>NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER.<P> Redaction Request due 9/22/2014. Redacted Transcript Deadline set for 10/2/2014. Release of Transcript Restriction set for 12/1/2014. (Nesbit, Brianna) (Entered: 08/28/2014)</p>
08/29/2014	<u>154</u>	<p>Transcript of Proceedings held on 8/21/2014, before Judge Thomas D. Schroeder. Court Reporter Briana L. Nesbit, Telephone number 336-734-2514. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. <P>NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER.<P> Redaction Request due 9/22/2014. Redacted Transcript Deadline set for 10/2/2014. Release of Transcript Restriction set for 12/1/2014. (Nesbit, Brianna) (Entered: 08/29/2014)</p>
09/01/2014	<u>155</u>	<p>Transcript of Proceedings held on 8/22/2014, before Judge Thomas D. Schroeder. Court Reporter Briana L. Nesbit, Telephone number 336-734-2514. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. <P>NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be obtained through PACER.<P> Redaction Request due 9/25/2014. Redacted Transcript Deadline set for 10/6/2014. Release of Transcript Restriction set for 12/4/2014. (Nesbit, Brianna) (Entered: 09/01/2014)</p>
09/18/2014	<u>156</u>	<p>Transcript of Proceedings held on 8/8/2014, before Judge Thomas D.Schroeder. Court Reporter Briana L. Nesbit, Telephone number 336-734-2514. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. <P>NOTICE RE: REDACTION OF TRANSCRIPTS: The parties have 5 business days to file a Notice of Intent to Request Redaction and 21 calendar days to file a Redaction Request. If no notice is filed, this transcript will be made electronically available to the public without redaction after 90 calendar days. Transcript may be viewed at the court public terminal or purchased through the court reporter before the 90 day deadline. After that date it may be</p>

		obtained through PACER. <P> Redaction Request due 10/14/2014. Redacted Transcript Deadline set for 10/23/2014. Release of Transcript Restriction set for 12/22/2014. (Nesbit, Brianna) (Entered: 09/18/2014)
10/17/2014	<u>157</u>	Proposed Findings of Fact and Conclusions of Law by TERRY S. JOHNSON.(KITCHEN, S.) (Entered: 10/17/2014)
10/17/2014	<u>158</u>	Proposed Findings of Fact and Conclusions of Law by UNITED STATES OF AMERICA.(SONGER, MICHAEL) (Entered: 10/17/2014)
08/07/2015	<u>159</u>	MEMORANDUM OPINION AND ORDER signed by JUDGE THOMAS D. SCHROEDER on 08/07/2015. IT IS ORDERED that the claims of the United states be DENIED. The judgment entered for Defendant Sheriff Johnson, and the Complaint <u>1</u> be DISMISSED WITH PREJUDICE. Any request for costs must be filed within thirty (30) days. A judgment in conformance with this Order will be entered simultaneously. (Coyne, Michelle) (Entered: 08/07/2015)
08/07/2015	<u>160</u>	JUDGMENT Signed by JUDGE THOMAS D. SCHROEDER on 08/07/2015. IT IS ORDERED AND ADJUDGED that the claims of the United States be DENIED. The Judgment entered for Defendant Sheriff Johnson, and that the complaint <u>1</u> be DISMISSED WITH PREJUDICE. As per the Memorandum Opinion and Order entered on this date, any request for costs must be filed within thirty (30) days. (Coyne, Michelle) (Entered: 08/07/2015)
09/02/2015	<u>161</u>	MOTION for Attorney Fees <i>EAJA</i> by TERRY S. JOHNSON. Responses due by 9/28/2015 (Attachments: # <u>1</u> Affidavit Johnson, # <u>2</u> Affidavit Roberts, # <u>3</u> Affidavit Turrentine, # <u>4</u> Exhibit Billing of Turrentine, # <u>5</u> Exhibit Paralegal Billing, # <u>6</u> Affidavit Kitchen, # <u>7</u> Exhibit billing of Kitchen, # <u>8</u> Exhibit Banks Invoices, # <u>9</u> Exhibit Heard Invoices, # <u>10</u> Affidavit Pierce, # <u>11</u> Exhibit Statement of Consultation)(KITCHEN, S.) (Entered: 09/02/2015)
09/02/2015	<u>162</u>	BRIEF re <u>161</u> MOTION for Attorney Fees <i>EAJA</i> . (Attachments: # <u>1</u> Exhibit Internal Controls Article)(KITCHEN, S.) (Entered: 09/02/2015)
09/02/2015	<u>163</u>	BILL OF COSTS by Defendant TERRY S. JOHNSON. Objection to Bill of Costs due by 9/21/2015. (Attachments: # <u>1</u> Exhibit Explanation of Transcript Cost, # <u>2</u> Exhibit Transcript and Witness Fees, # <u>3</u> Exhibit Transcript Bill for Graham Erlacher, # <u>4</u> Exhibit Bills for Pace Reporting, # <u>5</u> Exhibit Bills for Nesbit Reporting, # <u>6</u> Exhibit Bills for Powell Reporting, # <u>7</u> Exhibit Subpoenas showing witness fees, # <u>8</u> Exhibit Explanation of Interpreter Fees, # <u>9</u> Exhibit Summary of Interpreter Fees, # <u>10</u> Exhibit Interpreter Invoices, # <u>11</u> Affidavit Bruce Walker – Exemplification costs)(KITCHEN, S.) (Entered: 09/02/2015)
09/15/2015	<u>164</u>	MOTION to Stay <i>Defendant's Motions for Fees and Costs</i> by UNITED STATES OF AMERICA. Responses due by 10/9/2015 (SONGER, MICHAEL) (Entered: 09/15/2015)
09/15/2015	<u>165</u>	MOTION to Expedite <i>Consideration of the United States' Motion for Stay</i> by UNITED STATES OF AMERICA. (SONGER, MICHAEL) (Entered: 09/15/2015)
09/16/2015		Motion Submitted to JUDGE THOMAS D. SCHROEDER: <u>165</u> MOTION to Expedite <i>Consideration of the United States' Motion for Stay</i> . (Engle, Anita) (Entered: 09/16/2015)
09/17/2015	<u>166</u>	ORDER signed by JUDGE THOMAS D. SCHROEDER on 09/16/2015; that the motion to expedite (Doc. <u>165</u>) is GRANTED, and Defendant shall file any response to the United States' motion to stay (Doc. <u>164</u>) by noon on Friday, September 18, 2015, and that the United States shall file any reply by noon on Saturday, September 19, 2015. The previous deadline of September 21 for the United States' bill of costs is extended to and through Tuesday September 22, 2015, so the court can timely consider the motion to stay. (Garland, Leah) (Entered: 09/17/2015)
09/17/2015		Reset Response/Reply Deadline re: <u>164</u> MOTION to Stay <i>Defendant's Motions for Fees and Costs</i> : Defendant's Responses due by noon 9/18/2015. United States Reply due by noon 9/19/2015. (Garland, Leah) (Entered: 09/17/2015)
09/17/2015		Reset Deadline: Objection to Bill of Costs due by 9/22/2015. (See <u>166</u> Order) (Garland, Leah) (Entered: 09/17/2015)

09/17/2015	<u>167</u>	RESPONSE in Opposition re <u>164</u> MOTION to Stay <i>Defendant's Motions for Fees and Costs</i> filed by TERRY S. JOHNSON. Replies due by 9/19/2015. (KITCHEN, S.) (Entered: 09/17/2015)
09/19/2015	<u>168</u>	REPLY, filed by Plaintiff UNITED STATES OF AMERICA, to Response to <u>164</u> MOTION to Stay <i>Defendant's Motions for Fees and Costs</i> filed by UNITED STATES OF AMERICA. (SONGER, MICHAEL) (Entered: 09/19/2015)
09/21/2015		Motion Submitted to JUDGE THOMAS D. SCHROEDER: <u>164</u> MOTION to Stay <i>Defendant's Motions for Fees and Costs</i> . (Engle, Anita) (Entered: 09/21/2015)
09/21/2015		Set Hearing: Telephone Conference set for 9/21/2015 at 04:00 PM in Winston-Salem Courtroom #2 before JUDGE THOMAS D. SCHROEDER on <u>164</u> MOTION to Stay Defendant's Motions for Fees and Costs. (Engle, Anita) (Entered: 09/21/2015)
09/21/2015		Minute Entry for proceedings held before JUDGE THOMAS D. SCHROEDER: Telephone Conference held on 9/21/2015 on <u>164</u> MOTION to Stay Defendant's Motions for Fees and Costs. (Court Reporter Briana Nesbit.) (Engle, Anita) (Entered: 09/21/2015)
09/21/2015	<u>169</u>	ORDER granting in part <u>164</u> Motion to Stay Defendant's Motions for Fees and Costs. Time to respond to Defendants cost petition and motion for attorneys fees is STAYED until 10/13/2015. The court resets the deadlines for Plaintiffs Objection to Bill of Costs to 10/16/2015, and Plaintiffs Response to Defendants Motion for Attorney Fees to 10/22/2015. Signed by JUDGE THOMAS D. SCHROEDER on 9/21/2015. (Engle, Anita) (Entered: 09/21/2015)
09/21/2015		Reset Deadlines: Plaintiffs Objection to <u>163</u> Bill of Costs due 10/16/2015 and Plaintiffs Response to <u>161</u> Defendants Motion for Attorney Fees due 10/22/2015. (Engle, Anita) (Entered: 09/21/2015)
10/02/2015	<u>170</u>	NOTICE OF APPEAL as to <u>160</u> Judgment, <u>159</u> Memorandum and Opinion, Order,, by UNITED STATES OF AMERICA. (Attachments: # <u>1</u> Final Judgment, # <u>2</u> Memorandum Opinion)(SONGER, MICHAEL) (Entered: 10/02/2015)
10/05/2015	<u>171</u>	Electronic Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>170</u> Notice of Appeal as to <u>160</u> Judgment, <u>159</u> Memorandum and Opinion, Order. (Coyne, Michelle) (Entered: 10/05/2015)
10/07/2015	<u>172</u>	NOTICE of Docketing Appeal from USCA re <u>170</u> Notice of Appeal filed by UNITED STATES OF AMERICA. USCA Case Number 15-2190. USCA Case Manager: T. Fischer. (Coyne, Michelle) (Entered: 10/07/2015)
10/16/2015	<u>173</u>	RESPONSE re <u>163</u> Bill of Costs,, filed by UNITED STATES OF AMERICA. Replies due by 11/2/2015. (SONGER, MICHAEL) (Entered: 10/16/2015)
10/20/2015	<u>174</u>	RESPONSE by Defendant TERRY S. JOHNSON re <u>163</u> Bill of Costs,, . (KITCHEN, S.) (Entered: 10/20/2015)
10/22/2015	<u>175</u>	RESPONSE in Opposition re <u>161</u> MOTION for Attorney Fees <i>EAJA</i> filed by UNITED STATES OF AMERICA. Replies due by 11/9/2015. (Attachments: # <u>1</u> Exhibit A)(SONGER, MICHAEL) (Entered: 10/22/2015)
10/23/2015		ORDER Staying Clerk's Consideration of <u>163</u> Bill of Costs. The Clerk will delay consideration of the Bill of Costs pending resolution of the <u>170</u> Notice of Appeal filed 10/2/2015. As a matter of practice, the Clerk in the Middle District of North Carolina stays consideration of all bill of costs pending appeal. Signed by John Brubaker, Clerk of Court, on 10/23/2015. (Brubaker, John) (Entered: 10/23/2015)
10/28/2015	<u>176</u>	MOTION re Order, <i>Staying Consideration of Bill of Costs</i> by TERRY S. JOHNSON. Responses due by 11/23/2015 (KITCHEN, S.) (Entered: 10/28/2015)
10/28/2015	<u>177</u>	<i>Defendant's</i> BRIEF re Order, <i>Staying Consideration of Bill of Costs</i> . (KITCHEN, S.) (Entered: 10/28/2015)
11/04/2015	<u>178</u>	REPLY, filed by Defendant TERRY S. JOHNSON, to Response to <u>161</u> MOTION for Attorney Fees <i>EAJA</i> filed by TERRY S. JOHNSON. (KITCHEN, S.) (Entered: 11/04/2015)

11/06/2015	<u>179</u>	RESPONSE in Opposition re <u>176</u> MOTION re Order, <i>Staying Consideration of Bill of Costs</i> filed by UNITED STATES OF AMERICA. Replies due by 11/23/2015. (SONGER, MICHAEL) (Entered: 11/06/2015)
11/17/2015		Telephonic Notice From Attorney Kitchen on 11/17/2015. Defendant does not plan to file a Reply to <u>179</u> United States' Response to <u>176</u> Motion re Order Staying Consideration of Bill of Costs. (Engle, Anita) (Entered: 11/17/2015)
11/17/2015		Motions Submitted to JUDGE THOMAS D. SCHROEDER: <u>176</u> MOTION re Order <i>Staying Consideration of Bill of Costs</i> and <u>161</u> MOTION for Attorney Fees under <i>EAJA</i> . (Engle, Anita) (Entered: 11/17/2015)
12/08/2015	<u>180</u>	MEMORANDUM ORDER signed by JUDGE THOMAS D. SCHROEDER on 12/8/2015. Government's <u>164</u> motion to stay Defendant's petition for fees and costs is DENIED; Clerk's order staying consideration of bill of costs is LIFTED, Defendant's <u>161</u> motion for costs is GRANTED, and Defendant awarded \$23,297.20 in costs; Defendant's <u>161</u> motion for attorney fees is DENIED.(Powell, Gloria) (Entered: 12/08/2015)
01/12/2016	<u>181</u>	ORDER re <u>170</u> Notice of Appeal filed by UNITED STATES OF AMERICA. The court grants the motion to withdraw from further representation on appeal. USCA Case No.: 15-2190. (Coyne, Michelle) (Entered: 01/13/2016)
08/19/2016	<u>182</u>	MANDATE of USCA as to <u>170</u> Notice of Appeal filed by UNITED STATES OF AMERICA. This constitutes the formal mandate of this court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure. (Coyne, Michelle) (Entered: 08/19/2016)
05/25/2018	<u>183</u>	Exhibit Letter to Parties regarding Trial Exhibits Pursuant to Local Rule 79.4. (Engle, Anita) (Entered: 05/25/2018)
06/13/2018		EXHIBITS from Bench Trial held 8/12/2014 – 8/22/2014 Destroyed Pursuant to to LR 79.4(c) and Letter filed 5/25/2018.(Engle, Anita) (Entered: 06/13/2018)