

**U.S. District Court
Western District of Kentucky (Owensboro)
CIVIL DOCKET FOR CASE #: 4:07-cv-00105-JHM-ERG**

French v. Daviess County, Kentucky et al
Assigned to: Chief Judge Joseph H. McKinley, Jr
Referred to: Magistrate Judge E. Robert Goebel
Cause: 42:1983 Civil Rights Act

Date Filed: 08/20/2007
Date Terminated: 08/19/2009
Jury Demand: Both
Nature of Suit: 555 Civil Rights (Prison
Condition)
Jurisdiction: Federal Question

Plaintiff

Billy Joseph French

*Individually and on behalf of all others
similarly situated*

represented by **Gregory A. Belzley**
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Prospect, KY 40059
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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Sam Carl, PSC
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V.

Defendant

Daviess County, Kentucky

represented by **Marvin P. Nunley**
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ATTORNEY TO BE NOTICED

Defendant

David Osborne

*Individually, and in his official capacity
as the Daviess County Jailer*

represented by **Marvin P. Nunley**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

John and Jane Does Nos. 1, 2, and 3

*Individually and in their official capacity
as officers and employees of the Daviess
County Detention Center*

represented by **Marvin P. Nunley**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Carol Byrd
ARNP

represented by **Jeffrey D. Thompson**
Whonsetler & Johnson, PLLC

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TERMINATED: 07/03/2008
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Defendant

William Scott Chapman
MD

represented by **Joseph Charles Klausning**
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Date Filed	#	Docket Text
08/20/2007	<u>1</u>	CLASS ACTION COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF against Daviess County, Kentucky, David Osborne, John and Jane Does, Nos. 1, 2, and 3 Filing fee \$ 350, receipt number 583830., filed by Billy Joseph French. (Attachments: # <u>1</u> Cover Sheet # <u>2</u> Summons to Daviess Co KY# <u>3</u> Summons To David Osborne) (PRM) (Entered: 08/21/2007)
08/20/2007	<u>2</u>	Case Assignment (Random Selection): Case Assigned to Joseph H. McKinley, Jr.. (PRM) (Entered: 08/21/2007)
08/20/2007	<u>4</u>	Summons Issued as to Daviess County, Kentucky, David Osborne. (JBM) (Entered: 08/21/2007)
08/21/2007	<u>3</u>	ORDER [eboc] by Joseph H. McKinley Jr. on 8/21/07; Referring Case to Magistrate Judge E. Robert Goebel for determination of nondispositive matters. cc:Counsel (PRM) (Entered: 08/21/2007)
08/24/2007	<u>5</u>	SUMMONS Returned Executed by Billy Joseph French. David Osborne served on 8/22/2007, answer due 9/11/2007. (Belzley, Gregory) (Entered: 08/24/2007)

08/24/2007	<u>6</u>	SUMMONS Returned Executed by Billy Joseph French. Daviess County, Kentucky served on 8/22/2007, answer due 9/11/2007. (Belzley, Gregory) (Entered: 08/24/2007)
09/13/2007	<u>7</u>	ANSWER to Complaint by Daviess County, Kentucky, David Osborne, John and Jane Does, Nos. 1, 2, and 3. (Nunley, Marvin) (Entered: 09/13/2007)
09/25/2007	<u>8</u>	ORDER by Judge Joseph H. McKinley Jr.(EBOC) on 09/24/2007; Scheduling Conference set for 11/6/2007 11:00 AM in Teleconference before Magistrate Judge E. Robert Goebel. Rule 26 Meeting Report due by 10/30/2007. cc:Counsel, Case Mgr-Secy ERG (CSD) (Entered: 09/25/2007)
10/02/2007	<u>9</u>	REPORT of Rule 26(f) Planning Meeting by Billy Joseph French, Daviess County, Kentucky, David Osborne. (Belzley, Gregory) (Entered: 10/02/2007)
10/03/2007	<u>10</u>	ORDER by Magistrate Judge E. Robert Goebel on 10/3/07; Telephonic Scheduling Conference reset for 11/7/2007 at 11:00 AM before Magistrate Judge E. Robert Goebel. cc:Counsel, KL, PH (JBM) (Entered: 10/03/2007)
10/11/2007	<u>11</u>	Proposed Agreed Order/Stipulation for Production of KCPC Records. by Billy Joseph French and Daviess County, Kentucky. (Belzley, Gregory) (Entered: 10/11/2007)
10/23/2007	<u>12</u>	AGREED ORDER by Magistrate Judge E. Robert Goebel on 10/21/2007; ORDERED that Kentucky Correctional Psychiatric Center release to counsel for Plaintiff, Gregory A. Belzley, a complete copy of all documents in its files concerning Plaintiff, Billy Joseph French. cc: Counsel (CDF) (Entered: 10/23/2007)
11/13/2007	<u>13</u>	SCHEDULING ORDER for proceedings held before Magistrate Judge E. Robert Goebel: Telephonic Scheduling Conference held on 11/13/2007. Motions to Amend Pleadings due by 3/3/2008; Daubert Motion due by 6/2/2008; Discovery due by 5/1/2008; Dispositive Motions due by 6/2/2008; Expert Witness (Defendant) due by 4/1/2008; Expert Witness (Plaintiff) due by 3/3/2008; Motions to Join Additional Parties due by 3/3/2008; Telephone Conference set for 5/6/2008 at 10:30 AM before Magistrate Judge E. Robert Goebel. cc:Counsel, PH, KL (JBM) (Entered: 11/13/2007)
11/28/2007	<u>14</u>	MOTION for Leave to File First Amended Complaint by Plaintiff Billy Joseph French Responses due by 12/17/2007 (Attachments: # <u>1</u> Exhibit First Amended Complaint, # <u>2</u> Proposed Order) (Belzley, Gregory) (Entered: 11/28/2007)
01/11/2008	<u>15</u>	ORDER granting <u>14</u> Motion for Leave to File Amended Complaint. Signed by Magistrate Judge E. Robert Goebel on 1/10/08. cc:counsel, PH (JBM) (Entered: 01/11/2008)
01/11/2008	<u>16</u>	AMENDED COMPLAINT with Jury Demand against Daviess County, Kentucky, David Osborne, John and Jane Does, Nos. 1, 2, and 3, filed by Billy Joseph French. (JBM) (Entered: 01/11/2008)
01/17/2008	<u>17</u>	ANSWER to <u>16</u> Amended Complaint by Daviess County, Kentucky, David Osborne, John and Jane Does, Nos. 1, 2, and 3. (Nunley, Marvin) (Entered: 01/17/2008)
02/18/2008	<u>18</u>	Proposed Agreed Order/Stipulation for Extension of Pre-Trial Deadlines by Billy Joseph French. (Belzley, Gregory) (Entered: 02/18/2008)
02/26/2008	<u>19</u>	AGREED ORDER by Magistrate Judge E. Robert Goebel on 2/26/08; Motions to Amend Pleadings due by 4/1/2008. Expert Witness (Plaintiff) due by 4/1/2008. Motions to Join Additional Parties due by 4/1/2008. Expert Witness (Defendant) due by 5/1/2008. Discovery due by 6/2/2008. Dispositive Motions due by 6/2/2008. Telephone Conference reset for 6/6/2008 at 9:00 AM before Magistrate Judge E. Robert Goebel. cc:counsel, KL, PH (JBM) (Entered: 02/26/2008)
02/28/2008	<u>20</u>	ORDER by Magistrate Judge E. Robert Goebel on 2/27/08; Telephone Conference reset for 6/30/2008 at 10:30 AM before Magistrate Judge E. Robert Goebel. cc:counsel, PH, KL (JBM) (Entered: 02/28/2008)

03/24/2008	<u>21</u>	Proposed Agreed Order/Stipulation <i>Extending Deadlines for Experts and Setting Deadline for Motion for Class Certification</i> by the parties. (Belzley, Gregory) Modified filers on 3/24/2008 (JBM). (Entered: 03/24/2008)
03/26/2008	<u>22</u>	AGREED ORDER by Magistrate Judge E. Robert Goebel on 3/25/08; Motions to Amend Pleadings due by 5/1/2008. Expert Witness (Plaintiff) due by 5/1/2008. Motions to Join Additional Parties due by 5/1/2008. Expert Witness (Defendant) due by 6/2/2008. Plaintiff shall file motion for class certification by 7/1/2008, if warranted.cc:counsel, PH (JBM) (Entered: 03/26/2008)
04/25/2008	<u>23</u>	MOTION for Leave to <i>File Second Amended Complaint</i> by Plaintiff Billy Joseph French Responses due by 5/13/2008 (Attachments: # <u>1</u> Exhibit Second Amended Complaint, # <u>2</u> Summons for Carol Byrd, # <u>3</u> Summons for William Scott Chapman, M.D., # <u>4</u> Proposed Order) (Belzley, Gregory) (Entered: 04/25/2008)
04/25/2008	<u>24</u>	Proposed Agreed Order/Stipulation by the parties. (Belzley, Gregory) (Entered: 04/25/2008)
04/29/2008	<u>25</u>	Expert Witness Disclosure by Billy Joseph French. (Attachments: # <u>1</u> Exhibit 1, Eugene Miller Report, # <u>2</u> Exhibit 2, Part 1, John Clark Report, # <u>3</u> Exhibit 2, John Clark Curriculum Vitae, # <u>4</u> Exhibit 3, Gerald Rightmyer Report, # <u>5</u> Exhibit 4, John Gergen Report) (Belzley, Gregory) (Entered: 04/29/2008)
05/02/2008	<u>26</u>	AGREED ORDER by Magistrate Judge E. Robert Goebel on 5/2/08; Pretrial deadlines for discovery and dispositive motions are abated pending ruling on Plaintiff's anticipated motion for class certification.cc:counsel, PH (JBM) (Entered: 05/02/2008)
05/09/2008	<u>27</u>	Proposed Agreed Order/Stipulation <i>extending defendants' expert disclosure deadlline</i> by Billy Joseph French, Daviess County, Kentucky, David Osborne, John and Jane Does, Nos. 1, 2, and 3. (Nunley, Marvin) (Entered: 05/09/2008)
05/09/2008	<u>28</u>	MOTION to Compel <i>Production of Inmate Documents</i> by Plaintiff Billy Joseph French Responses due by 5/27/2008 (Attachments: # <u>1</u> Proposed Order) (Belzley, Gregory) (Entered: 05/09/2008)
05/13/2008	<u>29</u>	AGREED ORDER by Magistrate Judge E. Robert Goebel on 5/12/08; Expert Witness (Defendant) due by 8/1/2008.cc:counsel, PH (JBM) (Entered: 05/13/2008)
05/23/2008	<u>30</u>	RESPONSE to Motion re <u>28</u> MOTION to Compel <i>Production of Inmate Documents</i> filed by Daviess County, Kentucky, David Osborne, John and Jane Does, Nos. 1, 2, and 3. Replies due by 6/6/2008. (Attachments: # <u>1</u> Exhibit Affidavit of Joni Clark, # <u>2</u> Exhibit Transcript of Dr. Robert Byrd, # <u>3</u> Proposed Order) (Nunley, Marvin) (Entered: 05/23/2008)
05/29/2008	<u>31</u>	REPLY to Response to Motion re <u>28</u> MOTION to Compel <i>Production of Inmate Documents</i> filed by Billy Joseph French. (Attachments: # <u>1</u> Proposed Order) (Belzley, Gregory) (Entered: 05/29/2008)
05/30/2008	<u>32</u>	ORDER signed by Magistrate Judge E. Robert Goebel on 5/29/2008 granting <u>23</u> Motion for Leave to file Second Amended Complaint. cc: Counsel, Secretary to ERG (CDF) (Entered: 05/30/2008)
05/30/2008	<u>33</u>	SECOND AMENDED COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF against Daviess County, Kentucky; David Osborne; John and Jane Does, Nos. 1, 2, and 3; Carol Byrd, ARNP; William Scott Chapman, MD, filed by Billy Joseph French. (CDF) (Entered: 05/30/2008)
06/02/2008	<u>34</u>	Summons Issued as to William Scott Chapman. (JBM) (Entered: 06/02/2008)
06/02/2008	<u>35</u>	Summons Issued as to Carol Byrd. (JBM) (Entered: 06/02/2008)
06/02/2008	<u>36</u>	ORDER by Magistrate Judge E. Robert Goebel on 5/30/08;Defendant's shall submit a supplemental memorandum responding to Plaintiff's proposal to further limit the scope of the document request. Supplemental memorandum due by 6/10/2008.cc:counsel, PH (JBM) (Entered: 06/02/2008)
06/02/2008	<u>37</u>	ORDER by Magistrate Judge E. Robert Goebel on 6/2/08; Defendant's shall submit a supplemental memorandum responding to plaintiff's proposal to further limit the

		scope of the document request. Supplemental memorandum due by 6/17/2008.cc:counsel, PH (JBM) (Entered: 06/02/2008)
06/06/2008	<u>38</u>	SUMMONS Returned Executed by Billy Joseph French. Carol Byrd served on 6/5/2008, answer due 6/25/2008. (Belzley, Gregory) (Entered: 06/06/2008)
06/06/2008	<u>39</u>	SUMMONS Returned Executed by Billy Joseph French. William Scott Chapman served on 6/4/2008, answer due 6/24/2008. (Belzley, Gregory) (Entered: 06/06/2008)
06/09/2008	<u>40</u>	NOTICE of Appearance by Joseph Charles Klausing on behalf of William Scott Chapman (Klausing, Joseph) (Entered: 06/09/2008)
06/11/2008	<u>41</u>	ANSWER to <u>33</u> Amended Complaint (<i>Second</i>) by Daviess County, Kentucky, David Osborne, John and Jane Does, Nos. 1, 2, and 3. (Nunley, Marvin) (Entered: 06/11/2008)
06/13/2008	<u>42</u>	RESPONSE to Motion re <u>28</u> MOTION to Compel <i>Production of Inmate Documents (supplemental requested by Judge Goebel)</i> filed by Daviess County, Kentucky, David Osborne, John and Jane Does, Nos. 1, 2, and 3. Replies due by 6/27/2008. (Attachments: # <u>1</u> Exhibit French's DCDC inmate medical form) (Nunley, Marvin) (Entered: 06/13/2008)
06/19/2008	<u>43</u>	MOTION for More Definite Statement by Defendant William Scott Chapman Responses due by 7/7/2008 (Attachments: # <u>1</u> Proposed Order) (Klausing, Joseph) (Entered: 06/19/2008)
06/24/2008	<u>44</u>	ANSWER to <u>33</u> Amended Complaint (<i>Second</i>) by Carol Byrd. (Nunley, Marvin) (Entered: 06/24/2008)
06/24/2008	<u>45</u>	MOTION to Vacate <i>Deadline for Motion for Class Certification</i> by Plaintiff Billy Joseph French Responses due by 7/14/2008 (Attachments: # <u>1</u> Proposed Order) (Belzley, Gregory) (Entered: 06/24/2008)
06/24/2008	<u>46</u>	<i>Amended</i> ANSWER to <u>33</u> Amended Complaint (<i>Second</i>) by Daviess County, Kentucky, David Osborne, John and Jane Does, Nos. 1, 2, and 3. (Nunley, Marvin) (Entered: 06/24/2008)
06/30/2008	<u>47</u>	RESPONSE to Motion re <u>43</u> MOTION for More Definite Statement filed by Billy Joseph French. Replies due by 7/14/2008. (Attachments: # <u>1</u> Proposed Order) (Belzley, Gregory) (Entered: 06/30/2008)
07/01/2008	<u>48</u>	NOTICE of Appearance by Scott P. Whonsetler and Jeffrey D. Thompson on behalf of Carol Byrd (Whonsetler, Scott) Modified text on 7/2/2008 (CDF). (Entered: 07/01/2008)
07/01/2008	<u>49</u>	MOTION to Withdraw as Attorney by Defendant Carol Byrd Responses due by 7/21/2008 (Attachments: # <u>1</u> Proposed Order) (Nunley, Marvin) (Entered: 07/01/2008)
07/02/2008	<u>50</u>	ORDER by Magistrate Judge E. Robert Goebel on 6/30/2008 granting <u>45</u> Motion to Vacate deadline for motion for class certification; the 7/1/08 deadline for plaintiff to file motion for class certification is remanded from court's docket; telephonic status conference shall be rescheduled in the order ruling upon plaintiff's motion to compel production of inmate documents. cc:counsel, Pat Harralson (TLB) (Entered: 07/02/2008)
07/02/2008	<u>51</u>	ORDER by Magistrate Judge E. Robert Goebel on 7/1/2008 denying as moot <u>28</u> Motion to Compel production of inmate documents. IT IS FURTHER ORDERED that counsel for the parties shall confer for the purpose of setting a date and time for Plaintiff to review the inmate files that fall within the scope of Plaintiff's modified document requests. Telephonic Status Conference set for 8/4/2008 11:00 AM CDT before Magistrate Judge E. Robert Goebel. cc: Counsel, Secretary to ERG (CDF) (Entered: 07/02/2008)
07/03/2008	<u>52</u>	ORDER by Magistrate Judge E. Robert Goebel on 7/3/2008 granting <u>49</u> Motion to Withdraw as Attorney. IT IS HEREBY ORDERED that Marvin P. Nunley be permitted to withdraw as counsel for Carol Byrd, ARNP. cc: Counsel, Secretary to ERG (CDF) (Entered: 07/03/2008)

07/16/2008	<u>53</u>	ORDER by Magistrate Judge E. Robert Goebel on 7/16/08; Telephone Conference reset for 8/4/2008 at 10:00 AM before Magistrate Judge E. Robert Goebel.cc:counsel, KL, PH (JBM) (Entered: 07/16/2008)
07/24/2008	<u>54</u>	ORDER denying <u>43</u> Motion for More Definite Statement. Signed by Magistrate Judge E. Robert Goebel on 7/23/08. cc:counsel, PH (JBM) (Entered: 07/24/2008)
07/31/2008	<u>55</u>	ANSWER to <u>33</u> Amended Complaint (<i>Second Amended Class Action Complaint</i>) by William Scott Chapman. (Klausing, Joseph) (Entered: 07/31/2008)
08/04/2008	<u>56</u>	Proposed Agreed Order/Stipulation <i>regarding production of inmate records</i> by Carol Byrd, William Scott Chapman, Billy Joseph French, Daviess County, Kentucky, David Osborne, John and Jane Does, Nos. 1, 2, and 3. (Nunley, Marvin) (Entered: 08/04/2008)
08/05/2008	<u>57</u>	ORDER for proceedings held before Magistrate Judge E. Robert Goebel: Telephone Conference held on 8/4/2008. Rule 26 Meeting Report due by 8/29/2008. Telephonic Scheduling Conference set for 9/5/2008 at 10:30 AM before Magistrate Judge E. Robert Goebel. cc:counsel, KL, PH (JBM) (Entered: 08/05/2008)
08/05/2008	<u>58</u>	AGREED PROTECTIVE ORDER by Magistrate Judge E. Robert Goebel on 8/4/08 cc:counsel, PH (JBM) (Entered: 08/05/2008)
08/29/2008	<u>59</u>	REPORT of Rule 26(f) Planning Meeting by Carol Byrd. (Whonsetler, Scott) (Entered: 08/29/2008)
09/05/2008	<u>60</u>	ORDER by Magistrate Judge E. Robert Goebel on 9/4/08; Telephonic Scheduling Conference reset for 9/8/2008 at 1:15 PM before Magistrate Judge E. Robert Goebel.cc:counsel, PH, KL (JBM) (Entered: 09/05/2008)
09/09/2008	<u>61</u>	ORDER for proceedings held before Magistrate Judge E. Robert Goebel: Telephonic Scheduling Conference held on 9/8/2008. Discovery due by 12/31/2008. Rule 26(a)(1) Disclosure due by 9/30/2008; Plaintiff's shall file motions or other documents with the Court on the issue of Class Certification by 2/2/09; Telephone Conference set for 1/6/2009 at 9:00 AM before Magistrate Judge E. Robert Goebel. cc:counsel, KL, PH (JBM) (Entered: 09/09/2008)
09/30/2008	<u>62</u>	RULE 26 INITIAL DISCLOSURE STATEMENT by Carol Byrd. (Attachments: # <u>1</u> Exhibit Declaration Page) (Whonsetler, Scott) (Entered: 09/30/2008)
09/30/2008	<u>63</u>	RULE 26 INITIAL DISCLOSURE STATEMENT by William Scott Chapman. (Klausing, Joseph) (Entered: 09/30/2008)
10/08/2008	<u>64</u>	NOTICE to Take Deposition of Billy Joe French by Carol Byrd. (Whonsetler, Scott) (Entered: 10/08/2008)
10/08/2008	<u>65</u>	NOTICE to Take Deposition of Nurse Vicki Isom by Carol Byrd. (Whonsetler, Scott) (Entered: 10/08/2008)
10/17/2008	<u>66</u>	NOTICE to Take Deposition of Nurse Vicki Isom by Carol Byrd. (Whonsetler, Scott) (Entered: 10/17/2008)
11/14/2008	<u>67</u>	MOTION to Amend/Correct <i>Answer</i> by Defendant Carol Byrd Responses due by 12/2/2008 (Attachments: # <u>1</u> Proposed Order Granting Amended Answer) (Whonsetler, Scott) (Entered: 11/14/2008)
11/14/2008	<u>68</u>	<i>Amended</i> ANSWER to <u>33</u> Amended Complaint by Carol Byrd. (Whonsetler, Scott) (Entered: 11/14/2008)
11/17/2008	<u>69</u>	MOTION to Amend/Correct <i>Answer to Complaint</i> by Defendant Carol Byrd Responses due by 12/5/2008 (Attachments: # <u>1</u> Proposed Order granting motion to amend answer to complaint, # <u>2</u> Exhibit Amended Answer to Complaint) (Whonsetler, Scott) (Entered: 11/17/2008)
12/12/2008	<u>70</u>	RESPONSE to Discovery Request from plaintiff by Daviess County, Kentucky, David Osborne, John and Jane Does, Nos. 1, 2, and 3. (Nunley, Marvin) (Entered: 12/12/2008)

12/29/2008	<u>71</u>	ORDER by Magistrate Judge E. Robert Goebel on 12/24/2008 granting <u>67</u> <u>69</u> Carol Byrd's Motions to Amend Answer. cc: Counsel, PH (CDF) (Entered: 12/29/2008)
12/29/2008	<u>72</u>	AMENDED ANSWER to <u>33</u> Amended Complaint by Carol Byrd. (CDF) (Entered: 12/29/2008)
01/07/2009	<u>73</u>	REPORT for proceedings held before Magistrate Judge E. Robert Goebel: Telephonic Status Conference held on 1/6/2009. The Courtroom deputy will monitor Judge McKinley's ruling on the motion for class certification and schedule this matter for a status conference thereafter. cc:counsel, PH (JBM) (Entered: 01/07/2009)
01/21/2009	<u>74</u>	MOTION for Summary Judgment by Defendant William Scott Chapman Responses due by 2/9/2009 (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Memorandum in Support, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B) (Klausing, Joseph) (Entered: 01/21/2009)
01/23/2009	<u>75</u>	MOTION for Summary Judgment by Defendant Carol Byrd Responses due by 2/10/2009 (Attachments: # <u>1</u> Memorandum in Support of Motion for Summary Judgment, # <u>2</u> Proposed Order granting Summary Judgment) (Thompson, Jeffrey) (Additional attachment(s) added on 3/24/2009: # <u>3</u> Carol Byrd Depo, # <u>4</u> Billy French Depo 11/10/08, # <u>5</u> Billy French Depo 1/16/08, # <u>6</u> Dr. Neil Troost Depo, # <u>7</u> Vicki Osom Depo, # <u>8</u> David Osborne Depo) (KJS). (Entered: 01/23/2009)
02/02/2009	<u>76</u>	Proposed Agreed Order/Stipulation by Carol Byrd, William Scott Chapman, Billy Joseph French, Daviess County, Kentucky, David Osborne, John and Jane Does, Nos. 1, 2, and 3. (Belzley, Gregory) (Entered: 02/02/2009)
02/04/2009	<u>77</u>	AGREED ORDER by Magistrate Judge E. Robert Goebel on 2/3/09 re: <u>75</u> Defendant's MOTION for Summary Judgment, <u>74</u> Defendant's MOTION for Summary Judgment: Plaintiff's Response time extended to 2/16/2009; Deadline for Plaintiff's motion for class certification is extended to 2/9/2009. cc:counsel, PH (JBM) (Entered: 02/04/2009)
02/06/2009	<u>78</u>	MOTION for Summary Judgment by Defendants Daviess County, Kentucky, David Osborne, John and Jane Does, Nos. 1, 2, and 3 Responses due by 2/24/2009 (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A – David Osborne deposition testimony, # <u>3</u> Exhibit B – Dr. Robert Byrd deposition testimony, # <u>4</u> Exhibit C – Carol Byrd deposition testimony, # <u>5</u> Exhibit D – Dr. William Scott Chapman deposition testimony, # <u>6</u> Exhibit E – Dr. Neil Troost deposition testimony, # <u>7</u> Exhibit F – Vicki Isom 1/16/08 deposition testimony, # <u>8</u> Proposed Order) (Nunley, Marvin) (Entered: 02/06/2009)
02/09/2009	<u>79</u>	MOTION to Certify Class by Plaintiff Billy Joseph French Responses due by 2/27/2009 (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Memorandum in Support, # <u>3</u> Exhibit A, Vicki Isom 1/16/08 Depo Excerpts, # <u>4</u> Exhibit B, Carol Byrd Depo Excerpts, # <u>5</u> Exhibit C, Valium Protocol, # <u>6</u> Exhibit D, Vicki Isom 11/11/08 Depo Excerpts, # <u>7</u> Exhibit E, William Chapman Depo Excerpts, # <u>8</u> Exhibit F, Billy French Intake Sheet, # <u>9</u> Exhibit G, Inmate Medical Form, # <u>10</u> Exhibit H, Billy French Depo Excerpts, # <u>11</u> Exhibit I, Inmate Prescription History, # <u>12</u> Exhibit J, Physician's Orders, # <u>13</u> Exhibit K, Inmate Incident History, # <u>14</u> Exhibit L, Progress Notes, # <u>15</u> Exhibit N, Memorandum Opinion and Order) (Belzley, Gregory) (Entered: 02/09/2009)
02/09/2009	<u>80</u>	MOTION to Seal Document <u>79</u> MOTION to Certify Class by Plaintiff Billy Joseph French Responses due by 2/27/2009 (Attachments: # <u>1</u> Proposed Order) (Belzley, Gregory) (Entered: 02/09/2009)
02/09/2009	<u>81</u>	MOTION for Leave to <i>File Exhibits to Motion for Summary Judgment</i> by Defendant Carol Byrd Responses due by 2/27/2009 (Attachments: # <u>1</u> Exhibit Carol Byrd Depo, # <u>2</u> Exhibit Billy French 11-10-08 Depo, # <u>3</u> Exhibit Billy French 1-16-08 Depo, # <u>4</u> Exhibit Dr Neil Troost Depo, # <u>5</u> Exhibit Vicki Osom Depo, # <u>6</u> Exhibit David Osborne Depo, # <u>7</u> Proposed Order For leave to file exhibits to Motion for Summary Judgment) (Thompson, Jeffrey) (Entered: 02/09/2009)
02/09/2009	<u>82</u>	RESPONSE to Motion re <u>74</u> MOTION for Summary Judgment by <i>Defendant Chapman</i> filed by Billy Joseph French. Replies due by 2/23/2009. (Attachments: #

		<u>1</u> Exhibit Skinner v. Beemer, # <u>2</u> Proposed Order) (Belzley, Gregory) (Entered: 02/09/2009)
02/10/2009	<u>83</u>	Sealed Document re <u>80</u> Motion to Seal Document, <u>79</u> Motion to Certify Class. NOTICE: The original paper document will be shredded 60 days after the filed date. Filed by Billy Joseph French. (JBMS) (Entered: 02/11/2009)
02/11/2009	<u>84</u>	RESPONSE to Motion re <u>75</u> MOTION for Summary Judgment filed by Billy Joseph French. Replies due by 2/25/2009. (Attachments: # <u>1</u> Exhibit 1, Skinner v. Beemer, # <u>2</u> Exhibit 2, Vicki Isom Jan. 16, 2008 Depo Excerpts, # <u>3</u> Exhibit 3, Vicki Isom Nov. 11, 2008 Depo Excerpts, # <u>4</u> Exhibit 4, Physicians Orders, # <u>5</u> Exhibit 5, Carol Byrd Depo Excerpts, # <u>6</u> Exhibit 6, Dr. Knight Note, # <u>7</u> Exhibit 7, Dr. Knight Depo Excerpts, # <u>8</u> Exhibit 8, Dr. Rightmyer Ltr, # <u>9</u> Exhibit 9, Billy French Depo Excerpts, # <u>10</u> Exhibit 10, Inmate Intake Form, # <u>11</u> Exhibit 11, Inmate Prescription History, # <u>12</u> Exhibit 12, Dr. Gergen Ltr, # <u>13</u> Exhibit 13, Record of Seizures, # <u>14</u> Exhibit Exh. 14, Progress Notes, # <u>15</u> Exhibit 15, Dr. Troost Depo Excerpts, # <u>16</u> Exhibit 16, KCPC Records, # <u>17</u> Proposed Order) (Belzley, Gregory) (Entered: 02/11/2009)
02/11/2009	<u>85</u>	MOTION for Extension of Time to File Response/Reply as to <u>79</u> MOTION to Certify Class by Defendants Carol Byrd, William Scott Chapman, Daviess County, Kentucky, David Osborne, John and Jane Does, Nos. 1, 2, and 3 Responses due by 2/23/2009 (Attachments: # <u>1</u> Proposed Order) (Nunley, Marvin) (Entered: 02/11/2009)
02/13/2009	<u>86</u>	RESPONSE to Motion re <u>85</u> MOTION for Extension of Time to File Response/Reply as to <u>79</u> MOTION to Certify Class MOTION for Extension of Time to File Response/Reply as to <u>79</u> MOTION to Certify Class, <u>79</u> MOTION to Certify Class filed by Billy Joseph French. Replies due by 2/27/2009. (Attachments: # <u>1</u> Proposed Order) (Belzley, Gregory) (Entered: 02/13/2009)
02/18/2009	<u>87</u>	REPLY TO RESPONSE TO MOTION re <u>75</u> motion for summary judgment filed by Carol Byrd. (Attachments: # <u>1</u> Exhibit Vicki Isom depo – Jan 2008, # <u>2</u> Exhibit Vicki Isom Depo – Nov. 2008, # <u>3</u> Exhibit Carol Byrd Depo, # <u>4</u> Exhibit Dr Neil Troost Depo, # <u>5</u> Exhibit Admitting Report, KCPC, # <u>6</u> Exhibit Dr Robert Byrd depo, # <u>7</u> Exhibit Plaintiff's Discovery Response, # <u>8</u> Exhibit Billy French Depo – Nov. 2008, # <u>9</u> Exhibit Dr Robert Knight Depo, # <u>10</u> Exhibit David Osborne Depo) (Thompson, Jeffrey) Modified text/link on 2/18/2009 (Mayfield, Jason). (Entered: 02/18/2009)
02/18/2009	<u>88</u>	REPLY to Response to Motion re <u>85</u> MOTION for Extension of Time to File Response/Reply as to <u>79</u> MOTION to Certify Class MOTION for Extension of Time to File Response/Reply as to <u>79</u> MOTION to Certify Class filed by Carol Byrd, William Scott Chapman, Daviess County, Kentucky, David Osborne. (Thompson, Jeffrey) (Entered: 02/18/2009)
02/20/2009	<u>89</u>	RESPONSE to Motion re <u>78</u> MOTION for Summary Judgment filed by Billy Joseph French. Replies due by 3/6/2009. (Attachments: # <u>1</u> Exhibit 1, Vicki Isom Jan. 16, 2008 Depo, # <u>2</u> Exhibit 2, Vicki Isom Nov. 11, 2008 Depo, # <u>3</u> Exhibit 3, Physicians Orders, # <u>4</u> Exhibit 4, Carol Byrd's Depo, # <u>5</u> Exhibit 5, Victor Stephens Depo, # <u>6</u> Exhibit 6, Dr. Chapman Depo, # <u>7</u> Exhibit 7, Dr. Knight Note, # <u>8</u> Exhibit 8, Dr. Knight Depo, # <u>9</u> Exhibit 9, Dr. Rightmyer Ltr, # <u>10</u> Exhibit 10, Billy French Depo, # <u>11</u> Exhibit 11, Billy French Inmate Medical Form, # <u>12</u> Exhibit 12, Billy French Inmate Prescription History, # <u>13</u> Exhibit 13, Dr. Gergen Ltr, # <u>14</u> Exhibit 14, Billy French Inmate Incident History, # <u>15</u> Exhibit 15, Billy French Progress Notes, # <u>16</u> Exhibit 16, Dr. Troost Depo, # <u>17</u> Exhibit 17, Louis Haire Depo, # <u>18</u> Exhibit 18, David Osborne Depo, # <u>19</u> Proposed Order) (Belzley, Gregory) (Entered: 02/20/2009)
02/20/2009	<u>90</u>	MOTION for Hearing by Plaintiff Billy Joseph French Responses due by 3/10/2009 (Attachments: # <u>1</u> Proposed Order) (Belzley, Gregory) (Entered: 02/20/2009)
02/20/2009	<u>91</u>	RESPONSE to Motion re <u>90</u> MOTION for Hearing filed by Daviess County, Kentucky, David Osborne. Replies due by 3/6/2009. (Attachments: # <u>1</u> Proposed Order) (Nunley, Marvin) (Entered: 02/20/2009)

02/20/2009	<u>92</u>	ORDER granting in part and denying in part <u>85</u> Motion for Extension of Time to File Response to Plaintiff's motion for class certification. If the Court denies the Defendant's motion for summary judgment then the Defendant shall have 30 days from the entry of that ruling to file a response to Plaintiff's motion for class certification. Signed by Magistrate Judge E. Robert Goebel on 2/20/09. cc:counsel, PH (JBM) (Entered: 02/20/2009)
02/23/2009	<u>93</u>	REPLY to Response to Motion re <u>74</u> MOTION for Summary Judgment filed by William Scott Chapman. (Klausing, Joseph) (Entered: 02/23/2009)
02/25/2009	<u>94</u>	MOTION for Leave to <i>File Supplemental Response to County Defendants' Motion for Summary Judgment</i> by Plaintiff Billy Joseph French Responses due by 3/16/2009 (Attachments: # <u>1</u> Exhibit Supplemental Response, # <u>2</u> Exhibit Exhibit 1 to Supplemental Response, # <u>3</u> Proposed Order) (Belzley, Gregory) (Entered: 02/25/2009)
02/27/2009	<u>95</u>	RESPONSE to Motion re <u>90</u> MOTION for Hearing <i>Oral Argument</i> filed by Carol Byrd. Replies due by 3/13/2009. (Attachments: # <u>1</u> Proposed Order regarding oral argument hearing) (Thompson, Jeffrey) (Entered: 02/27/2009)
03/02/2009	<u>96</u>	MOTION for Leave to <i>File Surreply to Defendant Chapman's Motion for Summary Judgment</i> by Plaintiff Billy Joseph French Responses due by 3/20/2009 (Attachments: # <u>1</u> Exhibit Surreply, # <u>2</u> Proposed Order) (Belzley, Gregory) (Entered: 03/02/2009)
03/05/2009	<u>97</u>	REPLY to Response to Motion re <u>78</u> MOTION for Summary Judgment filed by Daviess County, Kentucky, David Osborne, John and Jane Does, Nos. 1, 2, and 3. (Attachments: # <u>1</u> Appendix Neil Troost, M.D. deposition testimony, # <u>2</u> Appendix Timothy S. Allen, M.D. deposition testimony, # <u>3</u> Appendix Billy Joseph French 1/16/08 deposition testimony, # <u>4</u> Appendix David Osborne deposition testimony, # <u>5</u> Proposed Order) (Nunley, Marvin) (Entered: 03/05/2009)
03/11/2009	<u>98</u>	MOTION for Leave to <i>File Surreply to Defendants' Motion for Summary Judgment</i> by Plaintiff Billy Joseph French Responses due by 3/30/2009 (Attachments: # <u>1</u> Exhibit Plaintiff's Surreply to County Defendants' Motion for Summary Judgment, # <u>2</u> Exhibit 1 to Surreply, Dr. Neil Troost Depo Excerpts, # <u>3</u> Exhibit 2 to Surreply, Dr. Timothy Allen Depo Excerpts, # <u>4</u> Exhibit 3 to Surreply, Dr. John Gergen Ltr, # <u>5</u> Proposed Order) (Belzley, Gregory) (Entered: 03/11/2009)
03/12/2009	<u>99</u>	REPLY to Response to Motion re <u>78</u> MOTION for Summary Judgment, <u>94</u> MOTION for Leave to <i>File Supplemental Response to County Defendants' Motion for Summary Judgment</i> filed by Daviess County, Kentucky, David Osborne, John and Jane Does, Nos. 1, 2, and 3. (Nunley, Marvin) (Entered: 03/12/2009)
03/24/2009	<u>100</u>	ORDER granting <u>80</u> Motion to Seal Document. Signed by Magistrate Judge E. Robert Goebel on 3/23/09. cc:counsel (KJS) (Entered: 03/24/2009)
03/24/2009	<u>101</u>	ORDER granting <u>81</u> Motion for Leave to Depo Excerpts. Signed by Judge Joseph H. McKinley, Jr on 3/24/09. cc:counsel (KJS) (Entered: 03/24/2009)
03/24/2009	<u>102</u>	ORDER granting <u>94</u> Motion for Leave to file supplemental response. Signed by Judge Joseph H. McKinley, Jr on 3/24/09. cc:counsel (KJS) (Entered: 03/24/2009)
03/24/2009	<u>103</u>	SUPPLEMENTAL RESPONSE to re <u>78</u> MOTION for Summary Judgment filed by Billy Joseph French. (Attachments: # <u>1</u> Exhibit 1 – Westlaw) (KJS) (Entered: 03/24/2009)
03/24/2009	<u>104</u>	ORDER granting <u>96</u> Motion for Leave to file Surreply. Signed by Judge Joseph H. McKinley, Jr on 3/24/09. cc:counsel (KJS) (Entered: 03/24/2009)
03/24/2009	<u>105</u>	SUR–REPLY re <u>74</u> MOTION for Summary Judgment filed by Billy Joseph French. (KJS) (Entered: 03/24/2009)
03/24/2009	<u>106</u>	ORDER granting <u>98</u> Motion for Leave to file Surreply. Signed by Judge Joseph H. McKinley, Jr on 3/24/09. cc:counsel (KJS) (Entered: 03/24/2009)
03/24/2009	<u>107</u>	SUR–REPLY re <u>78</u> MOTION for Summary Judgment filed by Billy Joseph French. (Attachments: # <u>1</u> Exhibit 1 – Dr. Neil Troost Depo Excerpts, # <u>2</u> Exhibit 2 – Dr. Timothy Allen Depo Excerpts, # <u>3</u> Exhibit 3 – Dr. John Gergen Letter) (KJS)

		(Entered: 03/24/2009)
06/23/2009	<u>108</u>	MEMORANDUM OPINION AND ORDER granting in part and reserving in part <u>74</u> Motion for Summary Judgment; granting in part and reserving in part <u>75</u> Motion for Summary Judgment; granting in part and reserving in part <u>78</u> Motion for Summary Judgment; denying <u>90</u> Motion for Hearing. Signed by Judge Joseph H. McKinley, Jr on 6/16/09. cc:counsel (JBM) (Entered: 06/23/2009)
06/30/2009	<u>109</u>	MOTION for Partial Summary Judgment by Defendant William Scott Chapman Responses due by 7/20/2009 (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Proposed Order) (Klausing, Joseph) (Entered: 06/30/2009)
07/07/2009	<u>110</u>	MOTION for Reconsideration by Plaintiff Billy Joseph French Responses due by 7/27/2009 (Attachments: # <u>1</u> Exhibit Inmate medical form, # <u>2</u> Exhibit Deposition of Billy French 11-10-08, # <u>3</u> Exhibit Deposition of Billy French 1-16-08, # <u>4</u> Exhibit Handwritten note of Dr. Knight, # <u>5</u> Exhibit Deposition of Dr. Knight 4-9-08, # <u>6</u> Exhibit Inmate incident history, # <u>7</u> Exhibit Progress notes, # <u>8</u> Exhibit Medical Request Forms, # <u>9</u> Exhibit Dr. Rightmyer note, # <u>10</u> Exhibit Deposition of Carol Byrd 8-22-08, # <u>11</u> Exhibit Deposition of Dr. Chapman 11-10-08, # <u>12</u> Exhibit Deposition of Dr. Allen 2-17-09, # <u>13</u> Exhibit Deposition of Vicki Isom 1-16-08, # <u>14</u> Exhibit Physicians Orders, # <u>15</u> Exhibit Deposition of Dr. Troost 11-11-08, # <u>16</u> Exhibit Deposition of Louis Haire 4-4-08, # <u>17</u> Exhibit Deposition of Jailer Osborne 3-20-08, # <u>18</u> Proposed Order) (Belzley, Gregory) (Entered: 07/07/2009)
07/07/2009	<u>111</u>	RESPONSE to Motion re <u>109</u> MOTION for Partial Summary Judgment by Defendant William Scott Chapman filed by Billy Joseph French. Replies due by 7/21/2009. (Attachments: # <u>1</u> Proposed Order) (Belzley, Gregory) (Entered: 07/07/2009)
07/21/2009	<u>112</u>	RESPONSE TO MOTION re <u>110</u> MOTION for Reconsideration filed by Carol Byrd. (Attachments: # <u>1</u> Exhibit 1 - Carol Byrd Depo, # <u>2</u> Exhibit 2 - Billy Joseph French depo, # <u>3</u> Exhibit 3 - Neil Troost, M.D. Depo, # <u>4</u> Exhibit 4 - Owensboro Med Health System Records, # <u>5</u> Exhibit 5 - Timothy Allen, M.D. Depo, # <u>6</u> Exhibit 6 - Vicki Osom depo) (Thompson, Jeffrey) Modified text on 7/22/2009. E-filer had used the event "reply." (JBM). (Additional attachment(s) added on 7/23/2009: # <u>7</u> Proposed Order) (JBM). (Entered: 07/21/2009)
07/21/2009	<u>113</u>	REPLY re <u>111</u> Response to Motion, <u>109</u> MOTION for Partial Summary Judgment filed by William Scott Chapman. (Klausing, Joseph) (Entered: 07/21/2009)
07/21/2009		RESPONSE to Motion re <u>110</u> MOTION for Reconsideration filed by Carol Byrd. Replies due by 8/4/2009. (NO PDF ATTACHED- E-filer had incorrectly filed this as a reply. The clerk has refiled this as a response to motion. Please see <u>112</u> for viewing.) (JBM) (Entered: 07/22/2009)
07/22/2009	<u>114</u>	Proposed Order <i>denying motion for reconsideration</i> re <u>112</u> Reply, by Carol Byrd. (Thompson, Jeffrey) (Entered: 07/22/2009)
07/22/2009	<u>115</u>	RESPONSE to Motion re <u>110</u> MOTION for Reconsideration filed by Daviess County, Kentucky, David Osborne, John and Jane Does, Nos. 1, 2, and 3. Replies due by 8/5/2009. (Attachments: # <u>1</u> Proposed Order) (Nunley, Marvin) (Entered: 07/22/2009)
07/24/2009	<u>116</u>	RESPONSE to Motion re <u>110</u> MOTION for Reconsideration filed by William Scott Chapman. Replies due by 8/7/2009. (Attachments: # <u>1</u> Proposed Order) (Klausing, Joseph) (Entered: 07/24/2009)
08/03/2009	<u>117</u>	REPLY to Response to Motion re <u>110</u> MOTION for Reconsideration filed by Billy Joseph French. (Belzley, Gregory) (Entered: 08/03/2009)
08/04/2009	<u>118</u>	MOTION for Leave to File Document Under Seal by Plaintiff Billy Joseph French. Responses due by 8/24/2009 (Attachments: # <u>1</u> Proposed Order) (JBM) (Entered: 08/04/2009)
08/04/2009	<u>119</u>	Sealed Document (Attachments: # <u>1</u> Part 2 of 3, # <u>2</u> part 3 of 3) (JBMS) (Entered: 08/04/2009)

08/07/2009	<u>120</u>	RESPONSE to Motion re <u>118</u> MOTION for Leave to filed by Carol Byrd. Replies due by 8/21/2009. (Attachments: # <u>1</u> Proposed Order Denying Motion to File Excel Spreadsheets) (Thompson, Jeffrey) (Entered: 08/07/2009)
08/07/2009	<u>121</u>	RESPONSE to Motion re <u>118</u> MOTION for Leave to <i>file under seal Excel spreadsheet</i> filed by Daviess County, Kentucky, David Osborne, John and Jane Does, Nos. 1, 2, and 3. Replies due by 8/21/2009. (Attachments: # <u>1</u> Proposed Order) (Nunley, Marvin) (Entered: 08/07/2009)
08/07/2009	<u>122</u>	ORDER granting <u>118</u> Motion for Leave to file Excel Spreadsheet under seal.. Signed by Judge Joseph H. McKinley, Jr on 8/6/09. cc:counsel (JBM) (Entered: 08/07/2009)
08/19/2009	<u>123</u>	MEMORANDUM OPINION AND ORDER by Judge Joseph H. McKinley, Jr on 8/18/09; Plaintiff's motion for reconsideration <u>110</u> is DENIED; Defendant's motion <u>109</u> for partial summary judgment is GRANTED; Reserved portions of defendant's motions for summary judgment <u>74</u> , <u>75</u> and <u>78</u> are GRANTED; Plaintiff's motion to certify class <u>79</u> is DENIED as moot. A Judgment will be entered consistent with this Memorandum Opinion and Order.cc:counsel (JBM) (Entered: 08/19/2009)
08/19/2009	<u>124</u>	JUDGMENT in favor of Defendants. Plaintiff's complaint is DISMISSED with prejudice, except for any state law claims which are dismissed without prejudice.cc:counsel (JBM) (Entered: 08/19/2009)
08/19/2009	<u>125</u>	NOTICE OF APPEAL as to <u>123</u> Memorandum & Opinion,, Order, <u>124</u> Judgment, <u>108</u> Order on Motion for Summary Judgment,,,,, Order on Motion for Hearing, by Billy Joseph French. Filing fee \$ 455, receipt number 0644000000000923441. (Belzley, Gregory) (Entered: 08/19/2009)
06/01/2010	<u>126</u>	ORDER of USCA as to <u>125</u> Notice of Appeal: Judgment of the District Court is AFFIRMED. (JBM) (Entered: 06/01/2010)
06/01/2010	<u>127</u>	MANDATE of USCA as to <u>125</u> Notice of Appeal: District Court judgment is AFFIRMED. (JBM) (Entered: 06/01/2010)