

CLOSED, LEAD, STANDARD

**United States District Court  
Eastern District of Pennsylvania (Philadelphia)  
CIVIL DOCKET FOR CASE #: 2:94-cv-05209-SD**

HUNTER v. LONG  
Assigned to: JUDGE STEWART DALZELL  
Demand: \$0  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 08/24/1994  
Jury Demand: None  
Nature of Suit: 550 Prisoner: Civil  
Rights  
Jurisdiction: Federal Question

**IN RE:**

**IN RE: DELAWARE COUNTY  
PRISON JUM'AH LITIGATION**

**Plaintiff**

**OMAR HUNTER**

represented by **OMAR HUNTER**  
#94-1770 A-BLK  
P.O. BOX 23A  
THORNTON, PA 19373-0023  
PRO SE

**ABRAHAM C. REICH**  
FOX ROTHSCHILD O'BRIEN &  
FRANKEL LLP  
2000 MARKET ST., 10TH FL  
PHILADELPHIA, PA 19103  
215-299-2000  
Email: areich@foxrothschild.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**E. GERALD DONNELLY, JR.**  
FOX, ROTHSCHILD, O'BRIEN &  
FRANKEL  
2000 MARKET STREET  
10th FLOOR  
PHILADELPHIA, PA 19103-3291  
TEL 215-299-2000  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**FRANK G. MURPHY**  
FREY PETRAKIS DEEB BLUM  
BRIGGS & MITTS  
1601 MARKET ST., 26TH FL  
PHILADELPHIA, PA 19103

215-563-0500  
 Email: fmurphy@fpdb.com  
 TERMINATED: 01/05/1995  
 LEAD ATTORNEY

V.

**Defendant**

**CHAPLIN TED LONG**  
*also known as*  
 SMILEY

represented by **ROBERT M. DIORIO**  
 DIORIO & SERENI LLP  
 21 WEST FRONT STREET  
 MEDIA, PA 19063  
 610-565-5700  
 Email: rdiorio@dioriosereni.com  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

V.

**Movant**

**RICHARD DURANT**

represented by **RICHARD DURANT**  
 934821  
 DELAWARE COUNTY PRISON  
 P. O. BOX 23A  
 THORNTON, PA 19373-0023  
 U.S.A.  
 PRO SE

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
08/24/1994	1	MOTION BY PLAINTIFF OMAR HUNTER TO PROCEED IN FORMA PAUPERIS . (IFP NOT CERTIFIED BY PRISON) (lvj) (Entered: 08/25/1994)
08/24/1994		Standard Case Management Track. (lvj) (Entered: 08/25/1994)
09/08/1994	2	ORDER THAT UPON THE PAYMENT OF THE FILING FEE OR THE PRESENTATION OF A MOTION TO PROCEED IN FORMA PAUPERIS, THE CLERK SHALL NOT FILE THE COMPLAINT WITHOUT FURTHER ORDER OF THIS COURT. ( SIGNED BY JUDGE STEWART DALZELL ) 9/9/94 ENTERED AND COPIES MAILED. (fe) (Entered: 09/09/1994)
09/22/1994	3	MOTION BY PLAINTIFF OMAR HUNTER TO PROCEED IN FORMA PAUPERIS . (prison certificate signed) (fe) (Entered: 09/22/1994)
09/27/1994	4	ORDER THAT THE PRO SE WRIT CLERK SHALL ATTEMPT TO RETAIN COUNSEL FOR PLFF FROM THE PRISONERS' CIVIL RIGHTS PANEL IN ACCORDANCE WITH THE COURT'S

		ASSIGNMENT PROTOCOL. ( SIGNED BY JUDGE STEWART DALZELL ) 9/28/94 ENTERED AND COPIES MAILED. (lvj) (Entered: 09/28/1994)
09/27/1994	5	ORDER GRANTING MOTION TO PROCEED IN FORMA PAUPERIS; THE CLERK SHALL FILE THE COMPLAINT AND SHALL ISSUE A SUMMONS; THE UNITED STATES MARSHALS SERVICE SHALL SERVE THE SUMMONS AND COMPLAINT UPON THE DEFT; AND THE CLERK SHALL SEND A COPY OF THIS ORDER TO ALL PARTIES, ETC. ( SIGNED BY JUDGE STEWART DALZELL ) 9/28/94 ENTERED AND COPIES MAILED. (lvj) (Entered: 09/28/1994)
09/27/1994	6	Complaint. filing fee \$ ifp (lvj) (Entered: 09/28/1994)
09/27/1994		Summons(es) issued Forwarded to: U.S. Marshal 9/28/94 (lvj) (Entered: 09/28/1994)
09/28/1994	7	MOTION BY PLAINTIFF OMAR HUNTER FOR APPOINTMENT OF COUNSEL . (fe) (Entered: 09/28/1994)
10/04/1994	8	ORDER APPOINTING ABRAHAM C. REICH AND E. GERALD DONNELLY JR. FOR PLAINTIFF OMAR HUNTER IN THE ABOVE CAPTIONED CASE. APPOINTMENT IS TO REMAIN IN EFFECT UNTIL THE FINAL DETERMINATION OF THIS CASE UNLESS, PRIOR THERETO, IT IS AMENDED OR REVOKED BY ORDER OF COURT. ( SIGNED BY JUDGE STEWART DALZELL ) 10/5/94 ENTERED AND COPIES MAILED. (fe) (Entered: 10/05/1994)
11/10/1994	9	Return of service executed as to DEFENDANT TED LONG 10/31/94 (lvj) (Entered: 11/10/1994)
11/16/1994	10	Appearance of ROBERT M. DIORIO for DEFENDANT TED LONG (fe) (Entered: 11/16/1994)
11/16/1994	11	Answer to Complaint by DEFENDANT TED LONG, Certificate of service. (fe) (Entered: 11/16/1994)
12/01/1994		Pretrial conference SET at 4:00 P.M. on 12/12/94. (fe) (Entered: 12/02/1994)
12/12/1994	12	MOTION BY DEFENDANT TED LONG TO CONSOLIDATE PURSUANT TO FRCP 42(a) , MEMORANDUM, CERTIFICATE OF SERVICE. (aa) (Entered: 12/12/1994)
12/14/1994	13	ORDER THAT A SETTLEMENT CONFERENCE SHALL BE HELD IN CHAMBERS ON 1/19/95 AT 4:30 P.M. ( SIGNED BY JUDGE STEWART DALZELL ) 12/15/94 ENTERED AND COPIES MAILED. (aa) (Entered: 12/15/1994)
12/21/1994	14	ORDER THAT THE ABOVE-CAPTIONED ACTIONS ARE CONSOLIDATED FOR ALL PURPOSES BEFORE THIS COURT PURSUANT TO RULE 42(A) OF THE FEDERAL RULES OF CIVIL PROCEDURE; ALL PLEADINGS AND OTHER FILINGS SHALL BE

		EFFECTIVE IMMEDIATELY, FILED UNDER 94-5209, AND BE TITLED WITH THE FOLLOWING CAPTION, ETC. THE CLERK SHALL TRANSFER ALL PREVIOUSLY FILED PAPERS IN THESE ACTIONS TO THE FILE IN 94-5209; AND THE CLERK SHALL CLOSE THE FOLLOWING CIVIL ACTIONS, ETC. ( SIGNED BY JUDGE STEWART DALZELL ) 12/21/94 ENTERED AND COPIES MAILED. (lvj) (Entered: 12/21/1994)
12/21/1994	15	Memorandum of law by PLAINTIFF OMAR HUNTER in reply to defendants' MOTION FOR CONSOLIDATION pursuant to F.R.C.P. 42 (a), Certificate of service. (fe) (Entered: 12/21/1994)
12/21/1994		All papers in 94-6501, 94-6414, 94-6217, 94-5208, 94-4849, 94-4177, 94-3144, 94-2942 were placed in 94-5209. (lvj) (Entered: 12/21/1994)
12/21/1994	16	ORDER DENYING AS MOOT DEFT'S MOTION TO CONSOLIDATE PURSUANT TO FRCP 42(a) ( SIGNED BY JUDGE STEWART DALZELL ) 12/21/94 ENTERED AND COPIES MAILED. (lvj) (Entered: 12/21/1994)
12/21/1994	17	Amended Certificate of service by DEFENDANT. (lvj) (Entered: 12/22/1994)
12/21/1994	18	ORDER THAT THE FIRM OF FOX ROTHSCHILD, O'BRIEN & FRANKEL, BY ABRAHAM C. REICH, E. GERALD DONNELLYM JR., AND FRANK MURPHY, ESQUIRES ARE APPOINTED TO REPRESENT ALL PLFFS IN THIS LITIGATION, ETC. ( SIGNED BY JUDGE STEWART DALZELL ) 12/22/94 ENTERED AND COPIES MAILED. (lvj) (Entered: 12/22/1994)
12/22/1994	19	ORDER THAT A SETTLEMENT CONFERENCE SHALL BE HELD IN THIS CASE ON 1/19/95 AT 9:00 A.M. ( SIGNED BY JUDGE STEWART DALZELL ) 12/22/94 ENTERED AND COPIES MAILED. (lvj) (Entered: 12/22/1994)
12/23/1994	20	Amended Certificate of service by DEFENDANT TED LONG (fe) (Entered: 12/27/1994)
01/04/1995	21	ORDER THAT THE CLERK SHALL ALTER THE DOCKET AND ADD THE FOLLOWING AS ATTORNEY OF RECORD IN THIS ACTION, ETC. ( SIGNED BY JUDGE STEWART DALZELL ) 1/5/95 ENTERED AND COPIES MAILED. (lvj) (Entered: 01/05/1995)
01/19/1995	22	ORDER THAT COUNSEL SHALL, BY 2/21/95, SUBMIT A STIPULATION REGARDING A CLASS-WIDE PROPOSED RESOLUTION, INCLUDING A PROPOSED FORM OF NOTICE TO THE SETTLEMENT CLASS; REPRESENTATIVES OF PRISON SHALL DELIVER APPROVED NOTICE TO SETTLEMENT CLASS BY 3/3/95; MEMBERS OF SETTLEMENT CLASS SHALL FILE OBJECTIONS BY 4/3/95; A HEARING TO CONSIDER FAIRNESS OF SETTLEMENT ON 4/12/95 AT 9:00 A.M.; PARAGRAPH 2 OF ORDER DTD. 12/21/94, IN WHICH WE, INTER ALIA, DIRECT FOX, ROTHSCHILD, O'BRIEN & FRANKEL TO ADVISE US BY 2/3/95

		WHETHER THEY CAN REPRESENT ALL PLFFS IN ACTION IS VACATED. MISCELLANEOUS HEARING ( SIGNED BY JUDGE STEWART DALZELL ) 1/20/95 ENTERED AND COPIES MAILED. (jef) (Entered: 01/20/1995)
01/31/1995	23	Notice of change of address by STEVEN L. BEVERLY, cert. of service. (jef) Modified on 01/31/1995 (Entered: 01/31/1995)
02/22/1995	24	ORDER THAT THE CLERK SHALL CONSOLIDATE CIVIL ACTION NO. 94-4961 WITH 94-5209; THE CLERK SHALL PLACE ALL THE PAPERS IN 94-4961 IN THE FILE FOR 94-5209; AND 94-4961 SHALL BE CLOSED FOR STATISTICAL PURPOSES. ( SIGNED BY JUDGE STEWART DALZELL ) 2/23/95 ENTERED AND COPIES MAILED. (lvj) (Entered: 02/23/1995)
02/22/1995		All papers in 94-4961 were placed in 94-5209 (lvj) (Entered: 02/23/1995)
02/22/1995		Consolidated Lead Case (lvj) (Entered: 02/23/1995)
03/02/1995	25	ORDER THAT THE FOLLOWING CLASS IS CERTIFIED: ALL PRISONERS OF THE MUSLIM FAITH WHO ARE, OR WILL BE, INCARCERATED AT DELAWARE COUNTY [PENNSYLVANIA] PRISON; THE PROPOSED NOTICE OF CLASS ACTION ATTACHED HERETO IS APPROVED; THE HEARING TO CONSIDER THE FAIRMESS OF THE SETTLEMENT SHALL BE HELD ON 4/12/95 AT 9:00 A.M., CTRM. 5-C; ETC. ( SIGNED BY JUDGE STEWART DALZELL ) 3/3/95 ENTERED AND COPIES MAILED. (jef) (Entered: 03/03/1995)
03/06/1995	26	Joint Stipulation for Class Certification, memorandum in support. (jef) (Entered: 03/06/1995)
03/06/1995	27	Proposed Notice of Class Action. (jef) (Entered: 03/06/1995)
03/06/1995		Joint Proposed Settlement Agreement, cert. of service. (see paper no. 27) _ (jef) (Entered: 03/06/1995)
03/08/1995	28	Amended Certificate of service by DEFENDANTS. (fe) (Entered: 03/08/1995)
03/08/1995	29	PLFF'S Statement to Adress Hearing, cert. of service. (jef) (Entered: 03/08/1995)
03/08/1995		PLFF'S Objections to Proposed Settlement Agreement, memo, cert. of service. (see paper no. 29) (jef) (Entered: 03/08/1995)
03/08/1995		Notice of change of address by STEVEN L. BEVERLY (See 94-3761) (gm) (Entered: 03/09/1995)
03/20/1995	30	MOTION BY MOVANT RICHARD DURANT FOR HEARING REGARDING PROPOSED SETTLEMENT AND OBJECTION TO PROPOSED SETTLEMENT , CERTIFICATE OF SERVICE. (lvj) (Entered: 03/21/1995)
03/24/1995	31	Objections by NOTICE ONLY SEIFUDDIN M.A. SIMPSON to

		proposed settlement agreement/request for a writ of habeas corpus ad testificandum. (lvj) (Entered: 03/27/1995)
03/27/1995	32	Statement by NOTICE ONLY ADREASE K. BASSETT Religious information in support of [31-1] objection to proposed settlement agreement, certificate of service. (fe) (Entered: 03/28/1995)
03/27/1995	33	Memorandum by NOTICE ONLY ADREASE K. BASSETT in support of [31-1] objection, certificate of service. (fe) (Entered: 03/28/1995)
03/28/1995	34	Objections by NOTICE ONLY WILLIAM RICKETTS to proposed settlement agreement (lvj) (Entered: 03/29/1995)
03/29/1995	35	Objections by NOTICE ONLY RICKY WATKINS to proposed settlement agreement (lvj) (Entered: 03/29/1995)
03/30/1995	36	Objections to proposed settlement agreement by NOTICE ONLY THOMAS FREEMAN (lvj) (Entered: 03/30/1995)
03/31/1995	37	Objections by NOTICE ONLY KEVIN TRUSTY to proposed settlement agreement (lvj) (Entered: 03/31/1995)
03/31/1995	38	Objections by NOTICE ONLY FREDERICK MC MILLIAN to proposed settlement agreement (lvj) (Entered: 03/31/1995)
04/03/1995	39	Objections by NOTICE ONLY O'NEIL THOMPSON to proposed settlement agreement (lvj) (Entered: 04/03/1995)
04/04/1995	40	Objections by NOTICE ONLY BARRY DAVIS ito proposed settlement agreement (lvj) (Entered: 04/04/1995)
04/05/1995	41	Objections by NOTICE ONLY SHAWN ROBERTSON to proposed settlement agreement (lvj) (Entered: 04/05/1995)
04/06/1995	42	Objections by NOTICE ONLY LEON L. CARROLL SR to proposed settlement agreement (lvj) (Entered: 04/06/1995)
04/07/1995	43	Objections by NOTICE ONLY BRIAN MORGAN to proposed settlement agreement (lvj) (Entered: 04/10/1995)
04/12/1995	44	Letter from Steven L. Beverly dated 3/11/95 re: proposed settlement (lvj) (Entered: 04/12/1995)
04/13/1995	45	MEMORANDUM AND ORDER THAT THE OBJECTIONS OF THE CLASS MEMBERS ARE OVERRULED; THE PROPOSED SETTLEMNT AGREEMENT IS APPROVED AS FAIR AND REASONABLE; AND THE CLERK SHALL CLOSE THIS CASE STATISTICALLY.( SIGNED BY JUDGE STEWART DALZELL ) 4/14/95 ENTERED AND COPIES MAILED. (lvj) (Entered: 04/14/1995)
04/13/1995	46	ORDER THAT PLFF DURANT'S MOTION FOR HEARING REGARDING PROPOSED SETTLEMENT IS DENIED AS MOOT. ( SIGNED BY JUDGE STEWART DALZELL ) 4/14/95 ENTERED AND COPIES MAILED. (lvj) (Entered: 04/14/1995)

04/13/1995	47	Affidavit by MUJAHID ABDUL-BAETH Re: certain facts. (jef) (Entered: 04/14/1995)
04/14/1995	48	Minute entry dated 4/12/95 re: Class counsel addressed Plffs' objections to the proposed settlement; Mr. Mattox's response; witnesses sworn; Judge C.A.V. (lvj) (Entered: 04/14/1995)
08/04/1995		Case closed (kv) (Entered: 08/07/1995)
05/07/1996	49	MOTION BY NOTICE ONLY BARON K. ADAMS TO ENFORCE THE SETTLEMENT AGREEMENT OF 2/21/95 , OR FOR CONTEMPT . (aa) (Entered: 05/07/1996)
05/07/1996	50	ORDER: HAVING RECEIVED THE ATTACHED LETTER FROM THE INSTITUTIONAL IMAM OF THE DELAWARE COUNTY PRISON, AND TREATING THE LETTER AS EITHER A MOTION TO ENFORCE THE SETTLEMENT AGREEMENT OF 2/21/95, OR FOR CONTEMPT, THAT DEFTS SHALL RESPOND TO THE MOTION BY 5/31/96 , ETC. ( SIGNED BY JUDGE STEWART DALZELL ) 5/7/96 ENTERED AND COPIES MAILED AND FAXED. (aa) (Entered: 05/07/1996)
05/31/1996	51	DELAWARE COUNTY PRISON ADMINISTRATION'S Response to the complaints by Institutional Iman Baron K. Adams, certificate of service. (aa) (Entered: 06/03/1996)
06/05/1996	52	ORDER THAT: THE PARTIES SHALL MEET AND CONFER BY 7/1/96; AND BY 7/8/96, THE PARTIES SHALL REPORT JOINTLY ON WHETHER THEY HAVE RESOLVED THEIR DISPUTE, OR THE EXTENT TO WHICH ANY DISPUTE BETWEEN THEM REMAINS FOR DISPOSITION. ( SIGNED BY JUDGE STEWART DALZELL ) 6/5/96 ENTERED AND COPIES MAILED AND FAXED. (aa) (Entered: 06/05/1996)
06/17/1996	53	Notice of change of address by BOBBY MORGAN JR.. (fb) (Entered: 06/18/1996)
07/09/1996	54	ORDER: THAT THE MOTION FOR CONTEMPT AND/OR TO ENFORCE THE SETTLEMENT AGREEMENT IS DENIED; THE PRISON SHALL POST A COPY OF THIS ORDER IN APPROPRIATE PLACES AT THE DELAWARE COUNTY PRISON; AND FOR TEN DAYS FOLLOWING THE DATE OF THE PRISON'S RECIPT OF THIS ORDER, THE PRISON SHALL MAKE AVAILABLE FOR INSPECTION A COPY OF THE SETTLEMENT AGREEMENT TO ANY INMATE WHO WISHES, IN CONFORMANCE WITH ANY RELEVANT PRISON RULES. (SIGNED BY JUDGE STEWART DALZELL) 7/9/96 ENTERED AND COPIES MAILED AND FAXED ON 7/9/96. (fb) (Entered: 07/09/1996)
07/09/1996	55	Joint Report of DEFENDANT TED LONG, OMAR PAYNE. (aa) (Entered: 07/10/1996)

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