

**U.S. District Court
Eastern District of Arkansas (Little Rock)
CIVIL DOCKET FOR CASE #: 4:03-cv-00812-SWW**

Porter, et al v. Knickrehm, et al
Assigned to: Judge Susan Webber Wright
Demand: \$0
Case in other court: USCA8, 05-02978
USCA8, 05-02979
Cause: 42:1983 Other Civil Rights

Date Filed: 10/14/2003
Date Terminated: 06/09/2005
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Harve Porter

*by their next friend, Susan Pierce
unknown
Susan Pierce*

represented by **Adam H. Butler**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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Plaintiff

Robert Norman

by their next friend, Susan Pierce

represented by **Adam H. Butler**
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Dana K. McClain

(See above for address)

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Griffin J. Stockley
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*TERMINATED: 02/12/2004
LEAD ATTORNEY
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Janet Cecil Baker
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Plaintiff

Disability Rights Center Inc

represented by **Adam H. Butler**
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Dana K. McClain
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Griffin J. Stockley
(See above for address)
*TERMINATED: 02/12/2004
LEAD ATTORNEY
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Janet Cecil Baker
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

V.

Defendant

Kurt Knickrehm
*in his official capacity as Director of the
Arkansas Department of Human Services*

represented by **Breck G. Hopkins**
Arkansas Department of Human Services –
LR
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*LEAD ATTORNEY
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Defendant

James C Green
*Dr., in his official capacity as Director of
Developmental Disabilities Services*

represented by **Breck G. Hopkins**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

Kay Barnes
*in their official capacities as members of
the Board of Developmental Disabilities
Services*

represented by **Lori Freno-Engman**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Ron Carmack

*in their official capacities as members of
the Board of Developmental Disabilities
Services*
TERMINATED: 10/25/2004

represented by **Lori Freno-Engman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Don A Dunn

*in their official capacities as members of
the Board of Developmental Disabilities
Services*
TERMINATED: 10/25/2004

represented by **Lori Freno-Engman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Grover Milton Evans

*in their official capacities as members of
the Board of Developmental Disabilities
Services*

represented by **Lori Freno-Engman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Wesley Kluck

*in their official capacities as members of
the Board of Developmental Disabilities
Services*

represented by **Lori Freno-Engman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Randy Lann

*in their official capacities as members of
the Board of Developmental Disabilities
Services*

represented by **Lori Freno-Engman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Suzann McCommon

*in their official capacities as members of
the Board of Developmental Disabilities
Services*

represented by **Lori Freno-Engman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Thomas Dolislager

*in their official capacities as members of
the Board of Developmental Disabilities
Services*

represented by **Lori Freno-Engman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Luke Heffley

*in their official capacities as members of
the Board of Developmental Disabilities
Services*

represented by **Lori Freno-Engman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor

represented by

**Families and Friends of Care Facility
Residents**

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LEAD ATTORNEY
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Intervenor**Ellen Sue Gibson**

represented by **William F. Sherman**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/14/2003	<u>1</u>	COMPLAINT, summons issued and returned to Attorney; \$150.00 filing fee paid, receipt #110245 (former empl) (Entered: 10/15/2003)
11/03/2003	<u>2</u>	RETURN OF SERVICE executed upon defendant Don A Dunn on 10/15/03 (bsm) (Entered: 11/04/2003)
11/03/2003	<u>3</u>	RETURN OF SERVICE executed upon defendant Kay Barnes on 10/15/03 (bsm) (Entered: 11/04/2003)
11/03/2003	<u>4</u>	RETURN OF SERVICE executed upon defendant Wesley Kluck on 10/15/03 (bsm) (Entered: 11/04/2003)
11/03/2003	<u>5</u>	RETURN OF SERVICE executed upon defendant Kurt Knickrehm on 10/22/03 (bsm) (Entered: 11/04/2003)
11/03/2003	<u>6</u>	RETURN OF SERVICE executed upon defendant Suzann McCommon on 10/20/03 (bsm) (Entered: 11/04/2003)
11/03/2003	<u>7</u>	RETURN OF SERVICE executed upon defendant James C Green on 10/22/03 (bsm) (Entered: 11/04/2003)
11/03/2003	<u>8</u>	RETURN OF SERVICE executed upon defendant Randy Lann on 10/15/03 (bsm) (Entered: 11/04/2003)
11/03/2003	<u>9</u>	RETURN OF SERVICE executed upon defendant Ron Carmack on 10/15/03 (bsm) (Entered: 11/04/2003)
11/03/2003	<u>10</u>	RETURN OF SERVICE executed upon defendant Grover Milton Evans on 10/16/03 (bsm) (Entered: 11/04/2003)
11/04/2003	<u>11</u>	ANSWER by defts Kurt Knickrehm and James C Green (bsm) (Entered: 11/05/2003)
11/04/2003	<u>12</u>	NOTICE of related case by Kay Barnes, Ron Carmack, Don A Dunn, Grover Milton Evans, Wesley Kluck, Randy Lann and Suzann McCommon – Case Number: 4:03cv00205 (bsm) (Entered: 11/05/2003)
11/04/2003	13	MOTION by defts Kay Barnes, Ron Carmack, Don A Dunn, Grover Milton Evans, Wesley Kluck, Randy Lann and Suzann McCommon to dismiss FILED UNDER SEAL (bsm) Modified on 11/13/2003 (Entered: 11/05/2003)
11/04/2003	14	BRIEF by defts Kay Barnes, Ron Carmack, Don A Dunn, Grover Milton Evans, Wesley Kluck, Randy Lann and Suzann McCommon in support of motion to dismiss [13-1] FILED UNDER SEAL (bsm) Modified on 11/13/2003 (Entered: 11/05/2003)
11/04/2003	<u>15</u>	MOTION by defts Kay Barnes, Ron Carmack, Don A Dunn, Grover Milton Evans, Wesley Kluck, Randy Lann and Suzann McCommon to file under seal motion to dismiss and brief in support of motion to dismiss (bsm) (Entered: 11/05/2003)

11/07/2003	<u>16</u>	NOTICE of related case by defts Kurt Knickrehm and James C Green Case Number: 4:03cv00205 (bsm) (Entered: 11/10/2003)
11/07/2003	<u>17</u>	MOTION by defts Kurt Knickrehm and James C Green to file pleadings and motions under seal (bsm) Modified on 11/12/2003 (Entered: 11/10/2003)
11/12/2003	<u>18</u>	ORDER by Judge William R. Wilson granting motion filed by defts Barnes, Carmack, Dunn, Evans, Kluck, Lann and McCommon to file under seal their motion to dismiss and brief in support of motion to dismiss [15-1]; Clerk is directed to file these pleadings under seal (cc: all counsel) (bsm) Modified on 11/17/2003 (Entered: 11/13/2003)
11/17/2003	<u>19</u>	MOTION by plaintiffs for extension of time in which to respond to separate defts' motion to dismiss (bsm) (Entered: 11/18/2003)
11/18/2003	<u>20</u>	ORDER OF TRANSFER (DOC) Case reassigned to Chief Judge Susan W. Wright ; case is related to 4:03cv00205 which was previously assigned to Judge Wright (cc: all counsel) (bsm) (Entered: 11/19/2003)
11/20/2003	<u>21</u>	INITIAL SCHEDULING ORDER (DOC); Rule 26(f) conference to be held on 1/12/04; Rule 26(f) report due 1/26/04; Rule 16(b) conference (if needed) will be held on 1/30/04 @ 1:00 p.m.; proposed trial date set for 9/27/04; Final Scheduling Order will be issued on or before 2/2/04 (cc: all counsel) (vjt) (Entered: 11/21/2003)
11/20/2003	<u>22</u>	NOTICE by pltfs of filing Amended Complaint (vjt) (Entered: 11/21/2003)
11/20/2003	<u>23</u>	FIRST AMENDED complt [1-1] by pltfs (vjt) (Entered: 11/21/2003)
11/25/2003	<u>24</u>	MOTION by separate official-capacity defts Kay Barnes, Ron Carmack, Don A Dunn, Grover Milton Evans, Wesley Kluck, Randy Lann, and Suzann McCommon to file under seal motion to dismiss amended complt and brief in support (vjt) (Entered: 11/26/2003)
11/25/2003	<u>25</u>	RESPONSE by pltfs to motion to dismiss of official capacity defts Barnes, Carmack, Dunn, Evans, Kluck, Lann and McCommon [13-1] (vjt) (Entered: 11/26/2003)
11/26/2003	<u>26</u>	BRIEF by pltfs in support of motion response [25-1] (vjt) (Entered: 11/26/2003)
11/28/2003	<u>27</u>	MOTION by defts Knickrehm and Green to extend time to answer pltfs' complt (vjt) (Entered: 12/01/2003)
12/03/2003	<u>28</u>	RESPONSE by pltfs to Attorney General's motion to dismiss amended complt (vjt) (Entered: 12/04/2003)
12/05/2003	<u>29</u>	MOTION by Families and Friends and Ellen Sue Gibson to intervene and to redact names of individual pltfs (vjt) (Entered: 12/09/2003)
12/05/2003	<u>30</u>	MEMORANDUM by Families and Friends and Ellen Sue Gibson in support of motion to intervene [29-1] (vjt) (Entered: 12/09/2003)
12/10/2003	<u>31</u>	ORDER by Chief Judge Susan W. Wright granting in part separate defts Knickrehm and Green's motion to file pleadings and motions under seal [17-1]; if defts believe that a particular motion, pleading, or other document contains protected medical info, they may file a separate motion to file such motion, pleading, or documents under seal; granting separate defts Barnes, Carmack, Dunn, Evans, Kluck, Lann, and McCommon's motion to file under seal their motion to dismiss amended complt and supporting brief [24-1] granting motion to extend time to answer pltfs' complt [27-1]; separate defts Knickrehm and Green shall have up to 12/19/03 in which to answer pltfs' amended complt; granting motion for extension of time in which to respond to separate defts' motion to dismiss [19-1]; the Clerk is directed to remove the notices of related case from the pending motions list [12-1] [16-1] (cc: all counsel) (bmt) Modified on 12/12/2003 (Entered: 12/11/2003)
12/10/2003		MOTION by defts Kay Barnes, Ron Carmack, Don A Dunn, Grover Milton Evans, Wesley Kluck, Randy Lann, Suzann McCommon to dismiss amended complt UNDER SEAL (bmt) (Entered: 04/09/2004)

12/10/2003		BRIEF by defts Kay Barnes, Ron Carmack, Don A Dunn, Grover Milton Evans, Wesley Kluck, Randy Lann, Suzann McCommon in of motion to dismiss amended complt [0-1] UNDER SEAL (bmt) (Entered: 04/09/2004)
12/12/2003	<u>32</u>	RESPONSE by defts Barnes, Carmack, Dunn, Evans, Kluck, Lann, and McCommon to motion to intervene [29-1], and to redact names of individual pltfs [29-2] (vjt) (Entered: 12/15/2003)
12/12/2003	<u>33</u>	REPLY by defts Barnes, Carmack, Dunn, Evans, Kluck, Lann, and McCommon to pltf's response to motion to dismiss [13-1] (vjt) (Entered: 12/15/2003)
12/15/2003	<u>34</u>	RESPONSE by defts Kurt Knickrehm and James C Green to motion to intervene [29-1] and redact names of individual pltfs [29-2] (vjt) (Entered: 12/15/2003)
12/18/2003	<u>35</u>	RESPONSE by pltfs to motion to intervene [29-1] and to redact names of individual pltfs [29-2] (vjt) (Entered: 12/19/2003)
12/18/2003	<u>36</u>	BRIEF by pltfs in support of motion response [35-1] (vjt) (Entered: 12/19/2003)
12/19/2003	<u>37</u>	ANSWER by defts Kurt Knickrehm and James C Green to first amended complt [23-1] (vjt) (Entered: 12/22/2003)
12/31/2003	<u>38</u>	MOTION by movants Families and Friends and Ellen Sue Gibson to extend time to file reply to pltf's resp to motion to intervene (bmt) (Entered: 01/02/2004)
01/05/2004	<u>39</u>	ORDER by Chief Judge Susan W. Wright granting motion to extend time to file reply to pltf's resp to motion to intervene until 1/16/04 [38-1] (cc: all counsel) (bmt) (Entered: 01/06/2004)
01/16/2004	<u>40</u>	MEMORANDUM REPLY by Families and Friends and Ellen Sue Gibson to pltf's response to motion to intervene [29-1] and to redact names of individual pltfs [29-2] (vjt) (Entered: 01/16/2004)
01/21/2004	<u>41</u>	JOINT RULE 26(f) REPORT by parties (vjt) (Entered: 01/22/2004)
01/26/2004	<u>42</u>	FINAL SCHEDULING ORDER by Chief Judge Susan W. Wright; court trial set for 9:30 9/27/04 in Little Rock; discovery due 7/14/04; pretrial info sheet due 8/27/04 (cc: all counsel) (vjt) (Entered: 01/26/2004)
01/27/2004	<u>43</u>	MOTION by Griffin J. Stockley to withdraw as counsel of record for pltfs (vjt) (Entered: 01/28/2004)
02/12/2004	<u>44</u>	ORDER by Chief Judge Susan W. Wright that separate defts' motion to dismiss [13-1] is GRANTED IN PART AND DENIED IN PART; pltf's equal protection claims are dismissed w/o prej for failure to state a claim; pltfs may proceed with their procedural due process claims; granting motion to intervene [29-1]; denying motion to redact names of individual pltfs [29-2]; granting motion by Griffin J. Stockley to withdraw as counsel of record for pltfs [43-1] (cc: all counsel) (vjt) (Entered: 02/13/2004)
02/23/2004	<u>45</u>	ANSWER IN INTERVENTION by Families and Friends and Ellen Sue Gibson to the first amended complt [23-1] (vjt) (Entered: 02/24/2004)
02/25/2004	<u>46</u>	MOTION by pltf for leave to file second amended complt (vjt) (Entered: 02/25/2004)
02/26/2004	<u>47</u>	MOTION by separate official-capacity defts Kay Barnes, Ron Carmack, Don A Dunn, Grover Milton Evans, Wesley Kluck, Randy Lann, and Suzann McCommon for leave to file under seal answer to first amended complt (vjt) (Entered: 02/27/2004)
02/26/2004	48	ANSWER by separate defts Kay Barnes, Ron Carmack, Don A Dunn, Grover Milton Evans, Wesley Kluck, Randy Lann, Suzann McCommon to first amended complt [23-1] (UNDER SEAL) (vjt) (Entered: 02/27/2004)
03/02/2004	<u>49</u>	RESPONSE by Families and Friends and Ellen Sue Gibson to motion to file second amended complt [46-1] (vjt) (Entered: 03/03/2004)
03/05/2004	<u>50</u>	RESPONSE by defts Kurt Knickrehm and James C Green to pltfs' motion for leave to file second amended complt [46-1] (vjt) (Entered: 03/05/2004)

03/05/2004	<u>51</u>	AMENDED MOTION by pltf for leave to file second amended complt (vjt) (Entered: 03/05/2004)
03/12/2004	<u>52</u>	ORDER by Chief Judge Susan W. Wright granting motion for leave to file under seal defts' answer to first amended complt [47-1]; granting pltf's motion [46-1] and amended motion for leave to file second amended complt [51-1]; pltf's are directed to file their second amended complt w/in 10 days from the entry date of this Order (cc: all counsel) (vjt) (Entered: 03/15/2004)
03/15/2004	<u>53</u>	RESPONSE by Families and Friends and Ellen Sue Gibson to pltf's amended motion to file second amended complt (vjt) (Entered: 03/16/2004)
03/16/2004	<u>54</u>	SECOND AMENDED complaint [23-1] [1-1] by pltf's (vjt) (Entered: 03/17/2004)
03/23/2004	<u>55</u>	ANSWER by separate defts Knickrehm and Green to second amended complt [54-1] (vjt) (Entered: 03/23/2004)
03/24/2004	<u>56</u>	ANSWER IN INTERVENTION by Families and Friends and Ellen Sue Gibson to second amended complt [54-1] (vjt) (Entered: 03/25/2004)
03/26/2004	<u>57</u>	MOTION by separate official-capacity defts Barnes, Carmack, Dunn, Evans, Kluck, Lann, and McCommon for leave to file under seal answer to second amended complt (vjt) (Entered: 03/29/2004)
04/01/2004	<u>58</u>	MOTION by defts Kurt Knickrehm and James C Green for leave to file under seal answer to second amended complt (vjt) (Entered: 04/01/2004)
04/05/2004	<u>59</u>	ORDER by Chief Judge Susan W. Wright granting Official-Capacity Defts' Barnes, Carmack, Dunn, Evans, Kluck, Lann, and McCommon's motion for leave to file under seal answer to second amended complt [57-1] (cc: all counsel) (bmt) (Entered: 04/06/2004)
04/05/2004	60	ANSWER of separate defts Kay Barnes, Ron Carmack, Don A Dunn, Grover Milton Evans, Wesley Kluck, Randy Lann, Suzann McCommon to second amended complt (UNDER SEAL) (bmt) (Entered: 04/06/2004)
04/08/2004	<u>61</u>	ORDER by Chief Judge Susan W. Wright granting official-capacity defts Knickrehm and Green's motion for leave to file under seal answer to second amended complt [58-1] (cc: all counsel) (vjt) (Entered: 04/09/2004)
04/20/2004	<u>62</u>	ORDER by Chief Judge Susan W. Wright that separate defts' motion to dismiss amended complt [0-1] is DENIED AS MOOT; parties are directed to adhere to the following procedure when seeking leave to file documents under seal: submit documents to be filed under seal to the Clerk only after the Court has granted leave to file; and, all documents filed under seal should contain the phrase "FILED UNDER SEAL" on the first page of the document; separate defts Green and Knickrehm are directed to file, UNDER SEAL, their answer to pltf's second amended complt w/in 10 days from the entry date of this Order (cc: all counsel) (vjt) (Entered: 04/21/2004)
06/29/2004	<u>63</u>	MOTION by defts Knickrehm and Green for extension of time to file expert report (vjt) (Entered: 06/29/2004)
06/30/2004	<u>64</u>	ORDER by Chief Judge Susan W. Wright granting defts' motion for extension of time to file expert report [63-1]; defts Knickrehm and Green shall have until 10 working days after Dr. Miller returns to work, or 30 days prior to the trial, whichever occurs first, to file Dr. Miller's expert report (cc: all counsel) (vjt) (Entered: 06/30/2004)
07/27/2004	<u>65</u>	MOTION by plaintiffs for summary judgment on Fourteenth Amendment Due Process and Equal Protection Claims (bmt) (Entered: 07/28/2004)
07/27/2004	<u>66</u>	BRIEF by plaintiffs in support of motion for summary judgment on Fourteenth Amendment Due Process and Equal Protection Claims [65-1] (bmt) (Entered: 07/28/2004)
07/27/2004	<u>67</u>	STATEMENT OF FACTS (Local Rule 56.1) by plaintiffs in support of motion for summary judgment on Fourteenth Amendment Due Process and Equal Protection Claims [65-1] (bmt) (Entered: 07/28/2004)

07/27/2004	<u>68</u>	MOTION by defts Kurt Knickrehm and James C Green for summary judgment (bmt) (Entered: 07/28/2004)
07/27/2004	<u>69</u>	BRIEF by defts Kurt Knickrehm and James C Green in support of motion for summary judgment [68-1] (bmt) (Entered: 07/28/2004)
07/27/2004	70	STATEMENT OF FACTS (Local Rule 56.1) by defts Kurt Knickrehm and James C Green in support of motion for summary judgment [68-1] (bmt) (Entered: 07/28/2004)
08/06/2004	<u>71</u>	MOTION by separate official-capacity defts Kay Barnes, Randy Lann, Wesley Kluck, Thomas Dolislager, Grover Evans, Suzann McCommon, and Luke Heffley to file under seal response to pltfs' motion for summary judgment (vjt) (Entered: 08/11/2004)
08/09/2004	<u>72</u>	RESPONSE by pltfs to defts' motion for summary judgment [68-1] (vjt) (Entered: 08/11/2004)
08/09/2004	<u>73</u>	BRIEF by pltfs in support of response to defts' motion for summary judgment [72-1] (vjt) (Entered: 08/11/2004)
08/09/2004	<u>74</u>	RESPONSE by pltfs to defts Knickrehm, Green and Official Capacity Board of Developmental Disabilities' statement of material facts [70-1] (vjt) Modified on 09/09/2004 (Entered: 08/11/2004)
08/09/2004	<u>75</u>	ORDER by Chief Judge Susan W. Wright granting separate defts' motion to file under seal response to pltfs' motion for summary judgment [71-1] (cc: all counsel) (vjt) (Entered: 08/11/2004)
08/10/2004	<u>76</u>	MOTION by Families and Friends and Ellen Sue Gibson for extension of time to respond to motions for summary judgment (vjt) (Entered: 08/11/2004)
08/10/2004	<u>77</u>	NOTICE by separate defts Kay Barnes, Randy Lann, Wesley Kluck, Grover Evans, Suzann McCommon, Thomas Dolislager, and Luke Heffley of filing response to pltfs' motion for summary judgment under seal (vjt) (Entered: 08/11/2004)
08/10/2004	78	RESPONSE by defts Knickrehm, Green and Board Members to pltfs' motion for summary judgment [65-1] (UNDER SEAL) (vjt) (Entered: 08/11/2004)
08/10/2004	79	RESPONSE by defts Knickrehm, Green, and Board Members to pltfs' statement of undisputed material facts [67-1] (UNDER SEAL) (vjt) (Entered: 08/11/2004)
08/11/2004	<u>80</u>	SUPPLEMENT TO MOTION by defts Knickrehm and Green, and Board members Barnes, Evans, Kluck, Lann, Dolislager, Heffley, and McCommon for summary judgment (vjt) (Entered: 08/12/2004)
08/16/2004	<u>81</u>	ORDER by Chief Judge Susan W. Wright granting the Intervenor's motion for extension of time until 8/31/04 to respond to motions for summary judgment [76-1] [65-1] [68-1] (cc: all counsel) (vjt) (Entered: 08/17/2004)
08/18/2004	<u>82</u>	REPLY by defts to pltfs' response to motion for summary judgment [68-1] (vjt) (Entered: 08/18/2004)
08/18/2004	<u>83</u>	REVISION TO STATEMENT OF FACTS (Local Rule 56.1) by defts in support of motion for summary judgment [68-1] [70-1] (vjt) (Entered: 08/18/2004)
08/23/2004	<u>84</u>	SUPPLEMENT by pltfs to their motion for summary judgment [65-1] (vjt) (Entered: 08/24/2004)
08/26/2004	<u>85</u>	MOTION by defts Barnes, Evans, Kluck, Lann, Dolislager, McCommon, and Heffley to file under seal their pretrial disclosures (vjt) (Entered: 08/27/2004)
08/27/2004	<u>86</u>	MOTION by Families and Friends and Ellen Sue Gibson to strike Exhibit from pltfs' motion for summary judgment (vjt) (Entered: 08/27/2004)
08/27/2004	87	BRIEF by Families and Friends and Ellen Sue Gibson in support of motion to strike Exhibit from pltfs' motion for summary judgment [86-1] (vjt) (Entered: 08/27/2004)

08/27/2004	<u>88</u>	PRETRIAL DISCLOSURE SHEET by pltfs – est no longer than 3 days for trial (vjt) (Entered: 08/30/2004)
08/27/2004	<u>89</u>	RESPONSE by intervenors Families and Friends and Ellen Sue Gibson to pltfs' motion for summary judgment [65–1] (vjt) (Entered: 08/30/2004)
08/27/2004	<u>90</u>	MOTION by intervenors Families and Friends and Ellen Sue Gibson to file under seal their pretrial disclosure info (vjt) Modified on 08/31/2004 (Entered: 08/30/2004)
08/27/2004	91	PRETRIAL DISCLOSURE SHEET by intervenors Families and Friends and Ellen Sue Gibson – est 2 days for trial (UNDER SEAL) (vjt) (Entered: 08/30/2004)
08/27/2004	<u>92</u>	MOTION by separate defts Knickrehm and Green to file under seal their pretrial disclosures (vjt) (Entered: 08/30/2004)
08/27/2004	93	PRETRIAL DISCLOSURE SHEET by defts Knickrehm and Green – est 2 to 3 days for trial (UNDER SEAL) (vjt) (Entered: 08/30/2004)
08/30/2004	<u>94</u>	SECOND SUPPLEMENT TO MOTION by defts Knickrehm, Green, Barnes, Evans, Kluck, Lann, Dolislager, McCommon, and Heffley for summary judgment (vjt) (Entered: 08/30/2004)
09/09/2004	<u>95</u>	MOTION by pltfs for continuance of trial and for extension of time to complete remaining deadlines (vjt) (Entered: 09/10/2004)
09/10/2004	<u>96</u>	OBJECTIONS by defts Barnes, Lann, Kluck, Dolislager, Evans, McCommon, and Heffley to pltfs' pretrial disclosures [88–1] (vjt) (Entered: 09/13/2004)
09/14/2004	<u>97</u>	ORDER by Chief Judge Susan W. Wright granting pltfs' motion for continuance [95–1] [95–2]; a new trial date will be set in a separate order (cc: all counsel) (vjt) (Entered: 09/15/2004)
10/25/2004	<u>98</u>	ORDER by Chief Judge Susan W. Wright, upon defts Dunn and Carmack having been sued in their official capacities and having ceased to hold public office, the Clerk is directed to substitute Thomas Dolislager in place of deft Dunn and Luke Heffley in place of Ron Carmack; granting the parties' motions to file pretrial disclosures under seal [85–1] [90–1] [92–1] (cc: all counsel) (vjt) (Entered: 10/26/2004)
10/27/2004	<u>99</u>	NOTICE of filing by defts Barnes, Lann, Kluck, Evans, McCommon, Dolislager, and Heffley of pretrial disclosures under seal (vjt) (Entered: 10/28/2004)
10/27/2004	100	PRETRIAL DISCLOSURE SHEET by defts Barnes, Lann, Kluck, Evans, McCommon, Dolislager, and Heffley – est 3 days for trial (UNDER SEAL) (vjt) (Entered: 10/28/2004)
11/23/2004	<u>101</u>	MEMORANDUM OPINION AND ORDER by Chief Judge Susan W. Wright that defts' motions for summary judgment [68–1] [80–1] [94–1] and pltfs' motion for summary judgment [65–1] are GRANTED IN PART and DENIED IN PART; defts are directed to submit proposed post–admission review procedures, w/in 20 days from the entry date of this Order, and pltfs have up to 20 days from the filing date of defts' proposal in which to file a response; denying Intervenors' motion to strike [86–1] (cc: all counsel) (vjt) (Entered: 11/24/2004)
12/09/2004	<u>102</u>	MOTION by defts Kurt Knickrehm and James C Green for extension of time to submit proposed post–admission review procedures (vjt) (Entered: 12/10/2004)
12/14/2004	<u>103</u>	ORDER by Chief Judge Susan W. Wright granting motion for extension of time to submit proposed post–admission review procedures until 1/15/05 [102–1] (cc: all counsel) (bmt) (Entered: 12/15/2004)
01/18/2005	<u>104</u>	SUBMISSION by defts Knickrehm, Green, Barnes, Evans, Kluck, Lann, McCommon, Dolislager, and Heffley of Proposed Human Development Center Rules (vjt) (Entered: 01/19/2005)
02/03/2005	<u>105</u>	MOTION by Families and Friends and Ellen Sue Gibson for extension of time to file response to Defts' Proposed Human Development Center Rules (vjt) (Entered: 02/04/2005)

02/04/2005	<u>106</u>	OBJECTIONS by Pltfs to Defts' Proposed Human Development Center Rules [104-1] (vjt) (Entered: 02/07/2005)
02/08/2005	<u>107</u>	ORDER by Chief Judge Susan W. Wright granting Intervenors' motion for extension of time until 2/14/05 to file a response to Defts' Proposed Human Development Center Rules [105-1] (cc: all counsel) (vjt) (Entered: 02/09/2005)
02/09/2005	<u>108</u>	MOTION by defts Knickrehm, Green, Barnes, Lann, Kluck, Dolislager, McCommon, and Heffley for extension of time to reply to pltfs' objections to defts' Proposed Human Development Center Rules (vjt) (Entered: 02/10/2005)
02/11/2005	<u>109</u>	MOTION by plaintiffs to extend time in which to respond to defendants' reply to plaintiffs' objections to defendants' proposed Human Development Center Rules and to Intervenors' objections to defendants' proposed Human Development Center Rules (bkp) (Entered: 02/14/2005)
02/11/2005	<u>110</u>	RESPONSE by intervenors Families and Friends and Ellen Sue Gibson to proposed Human Development Center Rules (bkp) (Entered: 02/14/2005)
02/14/2005	<u>111</u>	ORDER by Chief Judge Susan W. Wright granting defts' motion for extension of time until 2/23/05 to file responses and/or amended proposed post-admission review procedures [108-1]; granting pltfs' motion to extend time until 3/4/05 to respond to Intervenors' objections and defts' reply and/or amended submission [109-1] (cc: all counsel) (vjt) (Entered: 02/15/2005)
02/23/2005	<u>112</u>	RESPONSE by defts Knickrehm, Green, Barnes, Lann, Kluck, Dolislager, McCommon, and Heffley to objections of pltfs and intervenors to defts' Proposed Human Development Center Rules [106-1] [110-1] (vjt) (Entered: 02/24/2005)
02/23/2005	<u>113</u>	SUBMISSION by defts Knickrehm, Green, Barnes, Lann, Kluck, Dolislager, McCommon, and Heffley of Amended Proposed Human Development Center Rules (vjt) (Entered: 02/24/2005)
02/25/2005	<u>114</u>	REPLY by pltfs to response of Intervenors to Proposed Human Development Center Rules [110-1] (vjt) (Entered: 02/28/2005)
03/04/2005	<u>115</u>	OBJECTIONS by pltfs to defts' Amended Proposed Human Development Center Rules [113-1] (vjt) (Entered: 03/04/2005)
06/09/2005	<u>116</u>	ORDER by Chief Judge Susan W. Wright the Court concludes that defts' amended proposed rules [113-1] are consistent with constitutional guarantees and provide an adequate remedy in this case; Defts shall implement with all possible speed, the proposed Division of Developmental Disabilities Services Human Development Center Admission and Discharge Rules submitted 2/23/05; Purs to the Judgment entered with this order, case is dismissed (cc: all counsel) (bmt) (Entered: 06/10/2005)
06/09/2005	<u>117</u>	JUDGMENT: by Chief Judge Susan W. Wright Consistent with the Court's Order entered this date, defts shall immediately implement the proposed Division of Developmental Disabilities Services Human Development Center Admission and Discharge Rules submitted 2/23/05; case is therefore dismissed (cc: all counsel) (bmt) (Entered: 06/10/2005)
06/23/2005	<u>118</u>	MOTION by plaintiffs Harve Porter and Disability Rights for atty's fees and litigation expenses and costs (vjt) (Entered: 06/24/2005)
06/23/2005	<u>119</u>	BRIEF by plaintiffs Harve Porter and Disability Rights in support of motion for atty's fees [118-1] and litigation expenses and costs [118-2] (vjt) (Entered: 06/24/2005)
06/30/2005	<u>120</u>	RESPONSE to Motion <u>118</u> for Attorney Fees, Litigation Expenses and Costs filed by defts Wesley Kluck, Randy Lann, Suzann McCommon, Thomas Dolislager, Luke Heffley, Kurt Knickrehm, James C Green, Kay Barnes, Grover Milton Evans. (bmt,) (Entered: 07/05/2005)
06/30/2005	<u>121</u>	BRIEF filed by defts Wesley Kluck, Randy Lann, Suzann McCommon, Thomas Dolislager, Luke Heffley, Kurt Knickrehm, James C Green, Kay Barnes, Grover Milton Evans in support of <u>120</u> Response to Motion for Attorneys' fees, Litigation Expenses and Costs. (bmt,) (Entered: 07/05/2005)

07/01/2005	<u>122</u>	NOTICE OF APPEAL as to <u>116</u> Order on Motion for Relief, <u>117</u> Judgment, by plaintiffs Harve Porter, Disability Rights Center, Inc. Filing fee paid \$ 255, receipt number 400 120530.(appellant's completed form "A" attached) (dac) (Entered: 07/06/2005)
07/06/2005	<u>123</u>	CERTIFICATE OF MAILING by the Clerk re <u>122</u> Notice of Appeal, (dac) (Entered: 07/06/2005)
07/06/2005	<u>124</u>	NOTIFICATION OF APPEAL and NOA SUPPLEMENT as to <u>122</u> Notice of Appeal, <u>116</u> Order on Motion for Relief, <u>117</u> Judgment (dac) (Entered: 07/06/2005)
07/06/2005		Certified and Transmitted Record on Appeal to US Court of Appeals re <u>122</u> Notice of Appeal, (dac,) (Entered: 07/06/2005)
07/11/2005	<u>125</u>	NOTICE OF CROSS APPEAL as to <u>101</u> Order on Motion for Relief, by Families and Friends of Care Facility Residents, Ellen Sue Gibson. Filing fee \$ 255, receipt number 120682. Appeal Record due by 7/13/2005. (dac) (Entered: 07/12/2005)
07/11/2005	<u>128</u>	NOTICE OF CERTIFICATE as to no Transcript by Disability Rights Center, Inc. (vjt) (Entered: 07/13/2005)
07/12/2005	<u>126</u>	NOTIFICATION OF APPEAL and NOA SUPPLEMENT as to <u>101</u> Order on Motion for Relief <u>125</u> Notice of Cross Appeal. (dac) (Entered: 07/12/2005)
07/12/2005		Certified and Transmitted Record on Appeal(notice of cross appeal, order and docket entries) to US Court of Appeals re <u>125</u> Notice of Cross Appeal (dac,) (Entered: 07/12/2005)
07/12/2005	<u>127</u>	CERTIFICATE OF MAILING by the Clerk re <u>126</u> Notification of Appeal and NOA Supplement, <u>125</u> Notice of Cross Appeal (dac,) (Entered: 07/12/2005)
07/29/2005	<u>129</u>	NOTICE of Docketing Record on Appeal(certified copies of NOA & docket entries) from USCA re <u>122</u> Notice of Appeal filed by Disability Rights Center, Inc.Harve Porter,(USCA8 Number 05-2978) <u>125</u> Notice of Cross Appeal filed by Families and Friends of Care Facility Residents, Ellen Sue Gibson, USCA Case Number 05-2979 (dac) (Entered: 07/29/2005)
09/16/2005	<u>130</u>	ORDER granting in part and denying in part <u>118</u> Motion for Attorney Fees, granting in part and denying in part <u>118</u> Motion for Bill of Costs . Plaintiffs are granted \$5,329.93 in attorney's fees and \$2,640.79 in costs. Signed by Judge Susan Webber Wright on 9/16/05. (dac) (Entered: 09/16/2005)
09/16/2005	<u>131</u>	CERTIFICATE OF MAILING by the Clerk re <u>130</u> Order on Motion for Attorney Fees, Order on Motion for Bill of Costs (dac,) (Entered: 09/16/2005)
09/05/2006	<u>132</u>	MANDATE of USCA as to <u>122</u> Notice of Appeal filed by Disability Rights Center, Inc. Harve Porter, <u>125</u> Notice of Cross Appeal filed by Families and Friends of Care Facility Residents, Ellen Sue Gibson. Judgment of the district court is affirmed in accordance with the opinion of this Court. (Attachment: # <u>1</u> Opinion)(dac,) (Entered: 09/06/2006)