

CLOSED, TYPE-E

**U.S. District Court**  
**District of Columbia (Washington, DC)**  
**CIVIL DOCKET FOR CASE #: 1:97-cv-00240-PLF**

GARNES, et al v. DC  
Assigned to: Judge Paul L. Friedman  
Demand: \$0  
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 02/04/1997  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**KEVIN GARNES**  
*DCDC No. 174-873, Correctional  
Treatment Facility*

represented by **Aurie Talbor Hall**  
OPEN SOCIETY INSTITUTE  
201 North Charles Street  
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(410) 234-1091  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jonathan Mark Smith**  
PUBLIC JUSTICE CENTER  
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*ATTORNEY TO BE NOTICED*

**Plaintiff**

**MICHAEL PENNY**  
*DCDC No. 183-608, Correctional  
Treatment Facility*

represented by **Aurie Talbor Hall**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jonathan Mark Smith**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**FREDDIE DAVIS**  
*DCDC 224-604, Correctional  
Treatment Facility*

represented by **Aurie Talbor Hall**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jonathan Mark Smith**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**JAMES WITHERSPOON**  
*DCDC No. 250-699, Correctional  
 Treatment Facility and all others  
 similarly situated*

represented by **Aurie Talbor Hall**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Jonathan Mark Smith**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**DISTRICT OF COLUMBIA**

represented by **Maria-Claudia T. Amato**  
 CORPORATION COUNSEL FOR  
 THE DISTRICT OF COLUMBIA  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
02/04/1997	1	COMPLAINT filed by plaintiffs KEVIN GARNES, MICHAEL PENNY, FREDDIE DAVIS, and JAMES WITHERSPOON (bm) (Entered: 02/05/1997)
02/04/1997		SUMMONS (2) issued for defendant DC (bm) (Entered: 02/05/1997)
02/05/1997	2	NOTICE OF FILING by plaintiffs KEVIN GARNES, MICHAEL PENNY, FREDDIE DAVIS, JAMES WITHERSPOON re: letter sent to Charles Ruff, Corporation Counsel; attachment (1) (blj) (Entered: 02/06/1997)
03/03/1997	3	MOTION (CONSENT) filed by defendant DC to extend time to 3/28/97 to answer complaint [1-1] (blj) Modified on 03/04/1997 (Entered: 03/04/1997)
03/05/1997	4	ORDER by Judge Paul L. Friedman : granting motion to extend time to 3/28/97 to answer complaint [1-1] [3-1] by DC (N) (bm) (Entered: 03/05/1997)
03/27/1997	5	MOTION filed by defendant DC to extend time to 4/10/97 to respond to complaint [1-1] (blj) (Entered: 03/28/1997)
03/31/1997	6	ORDER by Judge Paul L. Friedman : granting motion to extend time to 4/10/97 to respond to complaint [1-1] [5-1] by DC ; Answer extended to 4/10/97 for DC (N) (ks) (Entered: 03/31/1997)

04/10/1997	7	MOTION (SECOND CONSENT) filed by defendant DC to extend time to 5/12/97 to answer complaint [1-1] (blj) (Entered: 04/11/1997)
04/11/1997	8	ORDER by Judge Paul L. Friedman : granting motion to extend time to 5/12/97 to answer complaint [1-1] [7-1] by DC; Meet and Confer hearing set for 9:15 5/30/97; Meet Confer Statement due 5/23/97 (N) (bm) (Entered: 04/11/1997)
05/05/1997	9	MOTION filed by plaintiffs KEVIN GARNES, MICHAEL PENNY, FREDDIE DAVIS, JAMES WITHERSPOON for class certification (blj) (Entered: 05/06/1997)
05/12/1997	10	ANSWER TO COMPLAINT [1-1] by defendant DC . (ks) (Entered: 05/13/1997)
05/19/1997	11	MOTION (CONSENT) filed by defendant DC to extend time to 5/30/97 to respond to plaintiff's motion for certification (blj) (Entered: 05/20/1997)
05/21/1997	12	ORDER by Judge Paul L. Friedman : granting motion to extend time to 5/30/97 to respond to plaintiff's motion for certification [11-1] by DC (N) (bm) (Entered: 05/21/1997)
05/23/1997	13	MEET AND CONFER STATEMENT/REPORT PURSUANT TO L.R. 206(d) filed by plaintiffs KEVIN GARNES, MICHAEL PENNY, FREDDIE DAVIS, JAMES WITHERSPOON, defendant DC . (blj) (Entered: 05/27/1997)
05/30/1997		MEET AND CONFER STATUS HEARING before Judge Paul L. Friedman: defendant shall respond to class certification motion due by 6/13/97; discovery closes 10/30/97; Plaintiff's expert report due by 11/14/9; Defendant's expert report due by 12/3/97; Status conference set for 9:15 12/10/97 Reporter: Santa Zizzo (bm) (Entered: 05/30/1997)
05/30/1997	14	ORDER by Judge Paul L. Friedman : Case assigned to the Complex track (track three) ; confirming dates set at the Meet and Confer Status Conference held 5/30/97; limiting each paraty to a maximum of 25 interrogatories to any other party; responses due 30 days after service; limiting each side to a maximum of 10 depositions; plaintiff shall inform the Court in writing by 6/20/97 of plaintiffs' position regarding the case of Melvin Thomas C.A. 96-1074; setting forth instructions to counsel. (N) (bm) (Entered: 05/30/1997)
06/05/1997	15	NOTICE by plaintiffs KEVIN GARNES, MICHAEL PENNY, FREDDIE DAVIS, JAMES WITHERSPOON pursuant to Court's Order of 5/30/97 regarding Melvin Thomas v. District of Columbia (blj) (Entered: 06/06/1997)
06/13/1997	16	RESPONSE by defendant DC to motion for class certification [9-1] by JAMES WITHERSPOON, FREDDIE DAVIS, MICHAEL PENNY, KEVIN GARNES (blj) (Entered: 06/16/1997)
06/17/1997	17	ORDER by Judge Paul L. Friedman : granting motion for class certification [9-1] by JAMES WITHERSPOON, FREDDIE DAVIS,

		MICHAEL PENNY, KEVIN GARNES; certifying the plaintiff's class under FRCP 23(b)(1) and 23(b)(2); setting forth the class definition. (N) (bm) (Entered: 06/17/1997)
07/02/1997	18	ORDER by Judge Paul L. Friedman: plaintiffs' discovery requests shall not be filed; discovery materials shall not be filed in this case. (N) (bm) (Entered: 07/02/1997)
08/01/1997	19	MOTION filed by defendant DC to extend time to 8/22/97 to respond to plaintiffs' discovery requests (dbw) (Entered: 08/04/1997)
08/04/1997	20	ORDER by Judge Paul L. Friedman : granting motion to extend time to 8/21/97 to respond to plaintiffs' discovery requests [19-1] by DC (N) (bm) (Entered: 08/04/1997)
08/28/1997	21	MOTION filed by plaintiffs KEVIN GARNES, MICHAEL PENNY, FREDDIE DAVIS, JAMES WITHERSPOON, defendant DC requesting preliminary approval of settlement (blj) (Entered: 08/29/1997)
08/29/1997	22	STIPULATION OF SETTLEMENT AND ORDER by Judge Paul L. Friedman : granting motion requesting preliminary approval of settlement [21-1] by DC, JAMES WITHERSPOON, FREDDIE DAVIS, MICHAEL PENNY, KEVIN GARNES; setting forth terms of settlement; staying the proceedings for a six month period; a fairness hearing shall be scheduled at the Court's convenience. (N) (bm) (Entered: 08/29/1997)
09/12/1997	23	NOTICE OF FILING by plaintiffs KEVIN GARNES, MICHAEL PENNY, FREDDIE DAVIS, JAMES WITHERSPOON, defendant DC pursuant to Court's order of 8/29/97 notice to disabled prisoners; attachment (1) (blj) (Entered: 09/15/1997)
10/06/1997	24	RESPONSE by plaintiff FREDDIE DAVIS to proposed settlement [22-1] (ks) (Entered: 10/09/1997)
11/21/1997	25	ORDER by Judge Paul L. Friedman: fairness hearing set for 9:15 12/10/97 ; the six class members who responded to the Notice of Proposed Settlement shall be personally served with notice of this hearing. (N) (bm) (Entered: 11/21/1997)
12/10/1997		FAIRNESS HEARING before Judge Paul L. Friedman begun and continued to 3/17/98 at 9:30 a.m.; plaintiffs will conduct an inspection of the facility and report to the defendants of their findings. reporter: Vernell Marshall (bm) (Entered: 12/10/1997)
12/19/1997	26	ORDER by Judge Paul L. Friedman: confirming dates set at the Fairness Hearing held 12/10/97; directing the Clerk to send a copy of this Order to each of the six objecting class members at the DC Correctional Treatment Facility and shall make arrangements for their attendance at the 3/17/98 hearing if they are still in the custody of the DC Correctional Treatment Facility. (N) (bm) (Entered: 12/19/1997)
03/09/1998	27	LETTER to the Court from John H. Davis, CCA Treatment Facility; "Let this be filed" (fiat) J. Friedman. (bm) (Entered: 03/09/1998)

03/11/1998	28	STATUS REPORT by plaintiffs pursuant to Court's Order of 12/18/97; Exhibits (6). (ks) (Entered: 03/12/1998)
03/17/1998		FAIRNESS HEARING before Judge Paul L. Friedman: held; the Court approved settlement over the objections by two class members; case stayed for 6 months. Reporter: Edward Hawkins (bm) (Entered: 03/17/1998)
03/17/1998	29	ORDER by Judge Paul L. Friedman: the Court approves the Stipulation of Settlement and Order filed by the parties on 8/28/97; staying case for six months ; if the defendant breaches the agreement, the stay will be lifted and the action be reinstated; during the stay, the defendant shall make reports to the plaintiffs' counsel pursuant to section II of the Agreement; if the stay has not been lifted during the six month monitoring period, the case shall be dismissed. (N) (bm) (Entered: 03/17/1998)
03/31/1998	30	MEMORANDUM by plaintiffs in compliance with FRCP 54 and request for a scheduling order regarding fees and costs; Attachment (1). (ks) (Entered: 04/01/1998)
04/01/1998	31	SCHEDULING ORDER by Judge Paul L. Friedman plaintiffs shall have until 5/8/98 to submit their motion for the award of attorneys' fees and costs; defendants shall respond to motion due 5/22/98 ; parties shall appear for a status conference on further order of Court. (N) (bm) (Entered: 04/01/1998)
05/06/1998	32	JOINT MOTION by plaintiffs and defendant to extend time to 5/22/98 for filing attorney fee petition. (ks) (Entered: 05/07/1998)
05/07/1998	33	ORDER by Judge Paul L. Friedman : granting joint motion to extend time to 5/22/98 for filing attorney fee petition [32-1] by DC, JAMES WITHERSPOON, FREDDIE DAVIS, MICHAEL PENNY, KEVIN GARNES; defendant shall respond to motion by 6/5/98 (N) (bm) (Entered: 05/07/1998)
05/26/1998	34	CONSENT ORDER by Judge Paul L. Friedman: entering judgment in favor of plaintiffs and against the District of Columbia on the attorneys' fees and costs associated with the litigation up to and including 5/15/98 in the amount of \$61,000.00; setting forth payment of attorneys fees. (N) (bm) (Entered: 05/26/1998)
10/22/1998	35	ORDER by Judge Paul L. Friedman: dismissing complaint [1-1] ; directing the Clerk of the Court shall remove this case from the docket of the Court. (N) (bm) (Entered: 10/22/1998)
11/04/1998	36	MEMORANDUM by plaintiff KEVIN GARNES, plaintiff MICHAEL PENNY, plaintiff FREDDIE DAVIS, plaintiff JAMES WITHERSPOON in compliance with Fed. R. Civ. P. 54 and request for a scheduling order regarding fees and costs; exhibits (4) (bjsp) (Entered: 11/05/1998)
11/17/1998	37	SCHEDULING ORDER by Judge Paul L. Friedman plaintiffs shall submit their motion for award of attorneys' fees and costs due 12/21/98;

		defendants shall respond to motion due 1/4/99 ; the Court urges the parties to reach an agreement on this matter as they did with respect to fees up through 5/19/98. (N) (bm) (Entered: 11/17/1998)
12/21/1998	38	MOTION filed by plaintiff KEVIN GARNES, plaintiff MICHAEL PENNY, plaintiff FREDDIE DAVIS, plaintiff JAMES WITHERSPOON to extend time to 12/28/98 within which to file a response to defendants motion (bjsp) (Entered: 12/22/1998)
12/22/1998	39	MOTION filed by plaintiff KEVIN GARNES, plaintiff MICHAEL PENNY, plaintiff FREDDIE DAVIS, plaintiff JAMES WITHERSPOON to extend time to 12/28/98 within which to respond to defendants filing (bjsp) (Entered: 12/23/1998)
12/23/1998	40	CONSENT ORDER by Judge Paul L. Friedman: entering judgment in favor of plaintiffs and against the District of Columbia in the amount of \$5,875.50; this judgment, being the nature of a settlement, shall bear no interest; the District of Columbia shall pay the judgment issuing the check made payable to D.C. Prisoners' Legal Services Project, Inc. (N) (bm) (Entered: 12/23/1998)

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