

CLOSED

**U.S. District Court
Eastern District of Michigan (Detroit)
CIVIL DOCKET FOR CASE #: 2:15-cv-12350-AC-MJH**

Prison Legal News v. Wickersham et al
Assigned to: District Judge Avern Cohn
Referred to: Magistrate Judge Michael J. Hluchaniuk
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 06/30/2015
Date Terminated: 10/10/2017
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Prison Legal News

represented by **Daniel E. Manville**
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V.

Defendant

Anthony M. Wickersham

represented by **John A. Schapka**
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 586-469-7844
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ATTORNEY TO BE NOTICED

Defendant**Michelle Sanborn**

represented by **John A. Schapka**
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant**Macomb County**

represented by **John A. Schapka**
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant**DOES 1-10, inclusive**

Date Filed	#	Docket Text
06/30/2015	<u>1</u>	COMPLAINT <i>and Jury Trial Demand</i> filed by Prison Legal News against DOES 1-10, inclusive, Macomb County, Michelle Sanborn, Anthony M. Wickersham with Jury Demand. Plaintiff requests summons issued . Receipt No: 0645-5228082 – Fee: \$ 400. County of 1st Plaintiff: Out of State – County Where Action Arose: Macomb County – County of 1st Defendant: Macomb County. [Previously dismissed case: No] [Possible companion case(s): 13-13672 Judge Matthew F. Leitman] (Stewart, James) (Entered: 06/30/2015)
06/30/2015	<u>2</u>	MOTION for Preliminary Injunction <i>and Brief in Support</i> by Prison Legal News. (Attachments: # <u>1</u> Index of Exhibits) (Stewart, James) (Entered: 06/30/2015)
06/30/2015	<u>3</u>	EXHIBIT A- <i>Declaration of Paul Wright</i> re <u>2</u> MOTION for Preliminary Injunction <i>and Brief in Support</i> by Prison Legal News (Stewart, James) (Entered: 06/30/2015)
06/30/2015	<u>4</u>	EXHIBIT A- <i>1 May 2015 Issue</i> re <u>2</u> MOTION for Preliminary Injunction <i>and Brief in Support</i> by Prison Legal News (Stewart, James) (Entered: 06/30/2015)
06/30/2015	<u>5</u>	EXHIBIT A- <i>2 Habeas Citebook</i> re <u>2</u> MOTION for Preliminary Injunction <i>and Brief in Support</i> by Prison Legal News (Stewart, James) (Entered: 06/30/2015)
06/30/2015	<u>6</u>	EXHIBIT A- <i>3 2014 Fundraiser</i> re <u>2</u> MOTION for Preliminary Injunction <i>and Brief in Support</i> by Prison Legal News (Stewart, James) (Entered: 06/30/2015)
06/30/2015	<u>7</u>	EXHIBIT A- <i>4 RTS Sample PLN</i> re <u>2</u> MOTION for Preliminary Injunction <i>and Brief in Support</i> by Prison Legal News (Stewart, James) (Entered: 06/30/2015)
06/30/2015	<u>8</u>	EXHIBIT A- <i>5 Info Pack</i> re <u>2</u> MOTION for Preliminary Injunction <i>and Brief in Support</i> by Prison Legal News (Stewart, James) (Entered: 06/30/2015)
06/30/2015	<u>9</u>	EXHIBIT A- <i>6 Columbia</i> re <u>2</u> MOTION for Preliminary Injunction <i>and Brief in Support</i> by Prison Legal News (Stewart, James) (Entered: 06/30/2015)
06/30/2015	<u>10</u>	EXHIBIT A- <i>7 Ventura</i> re <u>2</u> MOTION for Preliminary Injunction <i>and Brief in Support</i> by Prison Legal News (Stewart, James) (Entered: 06/30/2015)
06/30/2015	<u>11</u>	EXHIBIT A- <i>8 Inmate Guide & Duties</i> re <u>2</u> MOTION for Preliminary Injunction <i>and Brief in Support</i> by Prison Legal News (Stewart, James) (Entered: 06/30/2015)
06/30/2015	<u>12</u>	EXHIBIT A- <i>9 Urban Institute</i> re <u>2</u> MOTION for Preliminary Injunction <i>and Brief in Support</i> by Prison Legal News (Stewart, James) (Entered: 06/30/2015)

06/30/2015	<u>13</u>	EXHIBIT A-10 ABA Standards re <u>2</u> MOTION for Preliminary Injunction and Brief in Support by Prison Legal News (Stewart, James) (Entered: 06/30/2015)
06/30/2015	<u>14</u>	EXHIBIT A-11 ICE Operations Manual re <u>2</u> MOTION for Preliminary Injunction and Brief in Support by Prison Legal News (Stewart, James) (Entered: 06/30/2015)
06/30/2015	<u>15</u>	EXHIBIT B-Declaration of John Clark re <u>2</u> MOTION for Preliminary Injunction and Brief in Support by Prison Legal News (Stewart, James) (Entered: 06/30/2015)
06/30/2015	<u>16</u>	EXHIBIT B-1 Resume of John Clark re <u>2</u> MOTION for Preliminary Injunction and Brief in Support by Prison Legal News (Stewart, James) (Entered: 06/30/2015)
06/30/2015	<u>17</u>	EXHIBIT B-2 Inmate Guide & Duties re <u>2</u> MOTION for Preliminary Injunction and Brief in Support by Prison Legal News (Stewart, James) (Entered: 06/30/2015)
06/30/2015	<u>18</u>	EXHIBIT C-PLN v. San Diego re <u>2</u> MOTION for Preliminary Injunction and Brief in Support by Prison Legal News (Stewart, James) (Entered: 06/30/2015)
06/30/2015	<u>19</u>	EXHIBIT D-PLN v. Lewis County re <u>2</u> MOTION for Preliminary Injunction and Brief in Support by Prison Legal News (Stewart, James) (Entered: 06/30/2015)
06/30/2015	<u>20</u>	EXHIBIT E-PLN v. Ventura re <u>2</u> MOTION for Preliminary Injunction and Brief in Support by Prison Legal News (Stewart, James) (Entered: 06/30/2015)
06/30/2015	<u>21</u>	EXHIBIT F-PLN v. Spokane County re <u>2</u> MOTION for Preliminary Injunction and Brief in Support by Prison Legal News (Stewart, James) (Entered: 06/30/2015)
07/01/2015	<u>22</u>	SUMMONS Issued for *Macomb County* (LHos) (Entered: 07/01/2015)
07/01/2015	<u>23</u>	SUMMONS Issued for *Michelle Sanborn* (LHos) (Entered: 07/01/2015)
07/01/2015	<u>24</u>	SUMMONS Issued for *Anthony M. Wickersham* (LHos) (Entered: 07/01/2015)
07/01/2015		A United States Magistrate Judge of this Court is available to conduct all proceedings in this civil action in accordance with 28 U.S.C. 636c and FRCP 73. The Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form is available for download at http://www.mied.uscourts.gov (LHos) (Entered: 07/01/2015)
07/01/2015	<u>25</u>	NOTICE of Appearance by Sabarish Neelakanta on behalf of Prison Legal News. (Neelakanta, Sabarish) (Entered: 07/01/2015)
07/01/2015	<u>26</u>	NOTICE of Appearance by Lance T. Weber on behalf of Prison Legal News. (Weber, Lance) (Entered: 07/01/2015)
07/02/2015	<u>27</u>	STATEMENT of DISCLOSURE of CORPORATE AFFILIATIONS and FINANCIAL INTEREST by Prison Legal News (Stewart, James) (Entered: 07/02/2015)
07/02/2015	<u>28</u>	NOTICE of Appearance by James E. Stewart on behalf of Prison Legal News. (Stewart, James) (Entered: 07/02/2015)
07/02/2015	<u>29</u>	NOTICE of Appearance by Elizabeth Lamoste on behalf of Prison Legal News. (Lamoste, Elizabeth) (Entered: 07/02/2015)
07/02/2015	<u>30</u>	CERTIFICATE of Service/Summons Returned Executed. Michelle Sanborn served on 7/2/2015, answer due 7/23/2015. (Lamoste, Elizabeth) (Entered: 07/02/2015)
07/02/2015	<u>31</u>	CERTIFICATE of Service/Summons Returned Executed. Anthony M. Wickersham served on 7/2/2015, answer due 7/23/2015. (Lamoste, Elizabeth) (Entered: 07/02/2015)
07/02/2015	<u>32</u>	CERTIFICATE of Service/Summons Returned Executed. Macomb County served on 7/2/2015, answer due 7/23/2015. (Lamoste, Elizabeth) (Entered: 07/02/2015)
07/02/2015	<u>33</u>	CERTIFICATE of Service/Summons Returned Executed.. (Lamoste, Elizabeth) (Entered: 07/02/2015)
07/06/2015	<u>34</u>	EXHIBIT B-Amended Declaration of John Clark re <u>15</u> Exhibit, <u>2</u> MOTION for Preliminary Injunction and Brief in Support by Prison Legal News (Lamoste, Elizabeth) (Entered: 07/06/2015)

07/21/2015	<u>35</u>	MOTION to Dismiss <i>In Lieu of Responsive Pleadings</i> by Michelle Sanborn, Anthony M. Wickersham. (Schapka, John) (Entered: 07/21/2015)
07/21/2015	<u>36</u>	RESPONSE to <u>2</u> MOTION for Preliminary Injunction <i>and Brief in Support</i> filed by Macomb County, Michelle Sanborn, Anthony M. Wickersham. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit Inmate Mail Duties, October 25, 2013, # <u>3</u> Exhibit Inmate Mail Duties, July 8, 2015) (Schapka, John) (Entered: 07/21/2015)
07/21/2015	<u>37</u>	ANSWER to Complaint with Affirmative Defenses by Macomb County. (Schapka, John) (Entered: 07/21/2015)
07/23/2015	<u>38</u>	NOTICE TO APPEAR: Status Conference set for 8/27/2015 10:00 AM before District Judge Avern Cohn (MVer) (Entered: 07/23/2015)
07/24/2015	<u>39</u>	ATTORNEY APPEARANCE: Daniel E. Manville appearing on behalf of Prison Legal News (Manville, Daniel) (Entered: 07/24/2015)
08/07/2015	<u>40</u>	REPLY to Response re <u>2</u> MOTION for Preliminary Injunction <i>and Brief in Support and Certificate of Service</i> filed by Prison Legal News. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit 1–Prison Legal News v. County of San Diego, et al., # <u>3</u> Exhibit 2–Prison Legal News v. County of Ventura) (Lamoste, Elizabeth) (Entered: 08/07/2015)
08/11/2015	<u>41</u>	RESPONSE to <u>35</u> MOTION to Dismiss <i>In Lieu of Responsive Pleadings and Certificate of Service</i> filed by Prison Legal News. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit 1–Johnson v. Wickersham et al. Order Adopting Report and Recommendation, # <u>3</u> Exhibit 2–Johnson v. Wickersham et al. Defendants Motion to Dismiss, # <u>4</u> Exhibit 3–Johnson v. Wickersham et al. Report and Recommendation) (Lamoste, Elizabeth) (Entered: 08/11/2015)
08/27/2015	<u>42</u>	NOTICE OF HEARING on <u>35</u> MOTION to Dismiss <i>In Lieu of Responsive Pleadings</i> , <u>2</u> MOTION for Preliminary Injunction <i>and Brief in Support</i> . Motion Hearing set for 9/30/2015 02:00 PM before District Judge Avern Cohn (SCha) (Entered: 08/27/2015)
09/18/2015		TEXT–ONLY ORDER TIME CHANGE ONLY re <u>42</u> Notice of Hearing on Motion,. HEARING WILL BE HELD ON THE SAME DATE BUT AT 10:00 A.M. Signed by District Judge Avern Cohn. (SCha) (Entered: 09/18/2015)
09/30/2015		Minute Entry for proceedings before District Judge Avern Cohn: Motion Hearing held on 9/30/2015 re <u>35</u> MOTION to Dismiss <i>In Lieu of Responsive Pleadings</i> filed by Michelle Sanborn, Anthony M. Wickersham, <u>2</u> MOTION for Preliminary Injunction <i>and Brief in Support</i> filed by Prison Legal News (Court Reporter Sheri Ward) (SCha) (Entered: 09/30/2015)
09/30/2015	<u>43</u>	ORDER DENYING WITHOUT PREJUDICE PLAINTIFFS MOTION FOR PRELIMINARY INJUNCTION (Doc. 2) AND DEFENDANTS MOTION TO DISMISS (Doc. 35). Signed by District Judge Avern Cohn. (SCha) (Entered: 09/30/2015)
12/17/2015	<u>44</u>	NOTICE TO APPEAR: Status Conference set for 1/7/2015 11:00 AM before District Judge Avern Cohn (MVer) (Entered: 12/17/2015)
01/04/2016	<u>45</u>	NOTICE by Prison Legal News <i>Plaintiff's Outline of Issues for January 7, 2016 Status Conference</i> (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A – Proposed Mail Policy, # <u>3</u> Exhibit B – Proposed Draft Consent Judgment) (Stewart, James) (Entered: 01/04/2016)
01/07/2016		Minute Entry for proceedings before District Judge Avern Cohn: Status Conference held on 1/7/2016 (MVer) (Entered: 01/07/2016)
02/19/2016	<u>46</u>	NOTICE TO APPEAR: Status Conference set for 3/10/2016 10:00 AM before District Judge Avern Cohn (MVer) (Entered: 02/19/2016)
03/03/2016	<u>47</u>	NOTICE TO APPEAR: Status Conference is RESCHEDULED for 4/5/2016 11:00 AM before District Judge Avern Cohn (MVer) (Entered: 03/03/2016)
03/03/2016		TEXT–ONLY NOTICE: Hearing on 3/10/2016 is Cancelled re <u>46</u> Notice to Appear (MVer) (Entered: 03/03/2016)

04/05/2016		Minute Entry for proceedings before District Judge Avern Cohn: Status Conference held on 4/5/2016 (MVer) (Entered: 04/05/2016)
05/11/2016	<u>48</u>	ORDER Bifurcating Claims and Setting Date for Final Pretrial Conference to 6/27/2016 at 10:00 a.m. Signed by District Judge Avern Cohn. (MVer) (Entered: 05/11/2016)
06/17/2016	<u>49</u>	STIPULATED INJUNCTION Signed by District Judge Avern Cohn. (MVer) (Entered: 06/17/2016)
06/24/2016		TEXT-ONLY ORDER re <u>48</u> Order. TIME CHANGE ONLY. FINAL PRETRIAL CONFERENCE WILL BE HELD AT 11:00 A.M. (PREVIOUSLY SCHEDULED FOR 10:00) ON JUNE 27, 2016. Signed by District Judge Avern Cohn. (MVer) (Entered: 06/24/2016)
06/27/2016		Minute Entry for proceedings before District Judge Avern Cohn: Status Conference held on 6/27/2016 (MVer) (Entered: 06/27/2016)
06/27/2016	<u>50</u>	SCHEDULING ORDER: Discovery due by 10/27/2016 Dispositive Motion Cut-off set for 11/28/2016 Final Pretrial Conference set for 2/28/2017 02:00 PM before District Judge Avern Cohn Signed by District Judge Avern Cohn. (Refer to image for additional dates) (MVer) (Entered: 06/27/2016)
11/30/2016	<u>51</u>	ORDER EXTENDING TIME TO FILE DISPOSITIVE MOTIONS TO DECEMBER 28, 2016 Signed by District Judge Avern Cohn. (MVer) (Entered: 11/30/2016)
12/15/2016	<u>52</u>	STIPULATED ORDER EXTENDING DISPOSITIVE MOTION CUT OFF TO JANUARY 11, 2017. Signed by District Judge Avern Cohn. (MVer) (Entered: 12/15/2016)
12/28/2016	<u>53</u>	MOTION for Withdrawal of Attorney Lance Weber by Prison Legal News. (Weber, Lance) (Entered: 12/28/2016)
01/06/2017	<u>54</u>	ORDER granting <u>53</u> Motion to Withdraw as Attorney.. Signed by District Judge Avern Cohn. (MVer) (Entered: 01/06/2017)
01/11/2017	<u>55</u>	MOTION for Summary Judgment by Prison Legal News. (Neelakanta, Sabarish) (Entered: 01/11/2017)
01/11/2017	<u>56</u>	INDEX of Exhibits re <u>55</u> MOTION for Summary Judgment by Prison Legal News (Neelakanta, Sabarish) (Entered: 01/11/2017)
01/11/2017	<u>57</u>	STATEMENT of Material Facts by Prison Legal News (Attachments: # <u>1</u> Exhibit Wickersham Dep, # <u>2</u> Exhibit Sanborn Dep, # <u>3</u> Exhibit Wickersham Irogs, # <u>4</u> Exhibit Jimmy Dep, # <u>5</u> Exhibit Darga Dep, # <u>6</u> Exhibit August 2013 Post, # <u>7</u> Exhibit Neelakanta Decl.) (Neelakanta, Sabarish) (Entered: 01/11/2017)
01/30/2017	<u>58</u>	Notice of E-mail Delivery Failure as to attorney Elizabeth Lamoste. Bounced NEF for <u>57</u> Statement, <u>56</u> Exhibit Index, <u>53</u> MOTION for Withdrawal of Attorney Lance Weber, <u>52</u> Order, <u>54</u> Order on Motion to Withdraw as Attorney, <u>55</u> MOTION for Summary Judgment , <u>51</u> Order. (SSch) (Entered: 01/30/2017)
02/08/2017	<u>59</u>	RESPONSE to <u>55</u> MOTION for Summary Judgment filed by Macomb County, Michelle Sanborn, Anthony M. Wickersham. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit 1 - Michelle Sanborn Deposition Transcript, # <u>3</u> Exhibit 2 - Death Investigation, # <u>4</u> Exhibit 3 - Autopsy/Toxicology Report, # <u>5</u> Exhibit 4 - GIU Report, # <u>6</u> Exhibit 5 - Anthony Wickersham Deposition Transcript) (Schapka, John) (Entered: 02/08/2017)
02/14/2017	<u>60</u>	NOTICE OF HEARING on <u>55</u> MOTION for Summary Judgment . Motion Hearing set for 3/29/2017 02:00 PM before District Judge Avern Cohn (MVer) (Entered: 02/14/2017)
02/16/2017		TEXT-ONLY NOTICE: Hearing on 2/28/2017 is Cancelled re <u>50</u> Final Pretrial Conference, (MVer) (Entered: 02/16/2017)
02/22/2017	<u>61</u>	REPLY to Response re <u>55</u> MOTION for Summary Judgment filed by Prison Legal News. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit Unreported cases, # <u>3</u> Exhibit PLN First Set of RFPDs) (Neelakanta, Sabarish) (Entered: 02/22/2017)

03/22/2017		TEXT-ONLY NOTICE: Hearing on 3/29/2017 is Cancelled re <u>60</u> Notice of Hearing on Motion (MVer) (Entered: 03/22/2017)
03/22/2017	<u>62</u>	NOTICE OF HEARING on <u>55</u> MOTION for Summary Judgment . Motion Hearing IS RESCHEDULED for 5/10/2017 02:00 PM before District Judge Avern Cohn (MVer) (Entered: 03/22/2017)
05/04/2017		TEXT-ONLY NOTICE: Hearing on 5/10/2017 is Cancelled re <u>62</u> Notice of Hearing on Motion (MVer) (Entered: 05/04/2017)
05/04/2017	<u>63</u>	NOTICE OF HEARING on <u>55</u> MOTION for Summary Judgment . Motion Hearing RESCHEDULED for 6/7/2017 02:00 PM before District Judge Avern Cohn (MVer) (Entered: 05/04/2017)
05/19/2017	<u>64</u>	RESPONSE to <u>55</u> MOTION for Summary Judgment filed by Macomb County, Michelle Sanborn, Anthony M. Wickersham. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit Defendants Response to Admissions Request, # <u>3</u> Exhibit Macomb County Inmate Guide) (Schapka, John) Modified on 5/21/2017 (LHos).[DOCUMENT ENTITLED STATEMENT OF MATERIAL FACTS IN SUPPORT OF OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT] (Entered: 05/19/2017)
06/07/2017		Minute Entry for proceedings before District Judge Avern Cohn: Motion Hearing held on 6/7/2017 re <u>55</u> MOTION for Summary Judgment filed by Prison Legal News Disposition: Motion taken under advisement (Court Reporter: Sheri Ward) (MVer) (Entered: 06/07/2017)
06/07/2017	<u>65</u>	NOTICE TO APPEAR: Bench Trial set for 8/2/2017 10:00 AM before District Judge Avern Cohn (MVer) (Entered: 06/07/2017)
06/13/2017	<u>66</u>	ORDER denying <u>55</u> Motion for Summary Judgment. Signed by District Judge Avern Cohn. (MVer) (Entered: 06/13/2017)
06/13/2017	<u>67</u>	NOTICE TO APPEAR: Status Conference set for 7/17/2017 10:00 AM before District Judge Avern Cohn (MVer) (Entered: 06/13/2017)
07/14/2017	<u>68</u>	TRIAL BRIEF on Damages by Prison Legal News (Attachments: # <u>1</u> Exhibit Summary of Censored Mail Items, # <u>2</u> Exhibit Total Censored Items) (Neelakanta, Sabarish) (Entered: 07/14/2017)
07/14/2017	<u>69</u>	PETITION for Attorney Fees by Prison Legal News. (Attachments: # <u>1</u> Exhibit Decl. of James Stewart, # <u>2</u> Exhibit Decl. of Sabarish Neelakanta, # <u>3</u> Exhibit Decl. of Bruce E.H. Johnson, # <u>4</u> Exhibit Decl. of Daniel Manville) (Neelakanta, Sabarish) (Entered: 07/14/2017)
07/17/2017		Minute Entry for proceedings before District Judge Avern Cohn: Status Conference held on 7/17/2017 (MVer) (Entered: 07/17/2017)
07/27/2017		TEXT-ONLY NOTICE: Bench Trial on 8/2/2017 is Cancelled re <u>65</u> Notice to Appear (MVer) (Entered: 07/27/2017)
07/27/2017	<u>70</u>	NOTICE TO APPEAR: Status Conference set for 9/5/2017 10:00 AM before District Judge Avern Cohn (MVer) (Entered: 07/27/2017)
09/05/2017		Minute Entry for proceedings before District Judge Avern Cohn: Telephonic Status Conference held on 9/5/2017 (MVer) (Entered: 09/05/2017)
09/05/2017	<u>71</u>	NOTICE TO APPEAR: Status Conference set for 10/5/2017 10:00 AM before District Judge Avern Cohn (MVer) (Entered: 09/05/2017)
10/10/2017	<u>72</u>	STIPULATED ORDER DISMISSING CASE Signed by District Judge Avern Cohn. (Attachments: # <u>1</u> Attachment – Stipulated Injunction) (MVer) (Entered: 10/10/2017)