

CLOSED,A/R,STANDARD

**United States District Court
Eastern District of Pennsylvania (Allentown)
CIVIL DOCKET FOR CASE #: 5:18-cv-05170-MAK**

VICTORY v. BERKS COUNTY et al
Assigned to: HONORABLE MARK A. KEARNEY
Referred to: MAGISTRATE JUDGE MARILYN HEFFLEY
(Settlement)

Case in other court: USCA, 19-01329
THIRD CIRCUIT, 19-02193
USCA, 19-02648
THIRD CIRCUIT, 19-02695
USCA, 19-03060

Cause: 42:1983 Prisoner Civil Rights

Plaintiff

THERESA VICTORY

represented by **ANGUS R. LOVE**
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TERMINATED: 02/15/2019

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ATTORNEY TO BE NOTICED

Plaintiff

AMARA SANDERS
TERMINATED: 04/05/2019

represented by **MATTHEW A. FELDMAN**
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TERMINATED: 04/05/2019
LEAD ATTORNEY

JAMES P. DAVY
(See above for address)
TERMINATED: 02/15/2019

Plaintiff

SAMANTHA HUNTINGTON
TERMINATED: 04/05/2019

represented by **MATTHEW A. FELDMAN**
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TERMINATED: 04/05/2019
LEAD ATTORNEY

JAMES P. DAVY
(See above for address)
TERMINATED: 02/15/2019

Plaintiff

ALICE VELAZQUEZ-DIAZ

represented by **ANGUS R. LOVE**
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MATTHEW A. FELDMAN
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TERMINATED: 04/05/2019
LEAD ATTORNEY

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ALEXANDRA MORGAN-KURTZ
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CORY WARD
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WILL W. SACHSE
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ATTORNEY TO BE NOTICED

Plaintiff

ANABELL DEALBA
*AND ALL OTHERS SIMILARLY
SITUATED*

represented by **ANGUS R. LOVE**
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

MATTHEW A. FELDMAN
(See above for address)
*TERMINATED: 04/05/2019
LEAD ATTORNEY*

SU MING YEH
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

V.

Defendant

BERKS COUNTY

represented by **MATTHEW J. CONNELL**
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ATTORNEY TO BE NOTICED

Defendant

KEVIN S. BARNHARDT
BERKS COUNTY COMMISSIONERS

represented by **MATTHEW J. CONNELL**
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

LAURIE ANN FIORE
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ATTORNEY TO BE NOTICED

SAMANTHA RYAN
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

CHRISTIAN Y. LEINBACH

represented by **MATTHEW J. CONNELL**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

LAURIE ANN FIORE
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ATTORNEY TO BE NOTICED

SAMANTHA RYAN
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

ESQ. MARK C. SCOTT

represented by **MATTHEW J. CONNELL**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

LAURIE ANN FIORE
(See above for address)
ATTORNEY TO BE NOTICED

SAMANTHA RYAN
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

WARDEN JANINE L. QUIGLEY

represented by **MATTHEW J. CONNELL**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

LAURIE ANN FIORE
(See above for address)
ATTORNEY TO BE NOTICED

SAMANTHA RYAN
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**DEPUTY WARDEN STEPHANIE
SMITH**

represented by **MATTHEW J. CONNELL**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

LAURIE ANN FIORE
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ATTORNEY TO BE NOTICED

SAMANTHA RYAN
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

CAPTAIN CASTRO
TERMINATED: 04/22/2019

represented by **MATTHEW J. CONNELL**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

SAMANTHA RYAN

(See above for address)
ATTORNEY TO BE NOTICED

Defendant

LIEUTENANT WEBER
TERMINATED: 04/22/2019

represented by **MATTHEW J. CONNELL**
(See above for address)
TERMINATED: 04/22/2019
LEAD ATTORNEY

SAMANTHA RYAN
(See above for address)
TERMINATED: 04/22/2019

Defendant

SERGEANT SPOTTS
TERMINATED: 07/08/2019

represented by **MATTHEW J. CONNELL**
(See above for address)
TERMINATED: 07/08/2019
LEAD ATTORNEY

SAMANTHA RYAN
(See above for address)
TERMINATED: 07/08/2019

Defendant

**CORRECTIONAL OFFICER
DROZACK**
(C.O.)
TERMINATED: 04/22/2019

represented by **MATTHEW J. CONNELL**
(See above for address)
TERMINATED: 04/22/2019
LEAD ATTORNEY

SAMANTHA RYAN
(See above for address)
TERMINATED: 04/22/2019

Defendant

C.O. REICHART
TERMINATED: 07/08/2019

represented by **MATTHEW J. CONNELL**
(See above for address)
TERMINATED: 07/08/2019
LEAD ATTORNEY

SAMANTHA RYAN
(See above for address)
TERMINATED: 07/08/2019

Defendant

C.O. ZERR
TERMINATED: 07/08/2019

represented by **MATTHEW J. CONNELL**
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TERMINATED: 07/08/2019
LEAD ATTORNEY

SAMANTHA RYAN
(See above for address)
TERMINATED: 07/08/2019

Defendant

C.O. BROWN
TERMINATED: 07/08/2019

represented by **MATTHEW J. CONNELL**
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TERMINATED: 07/08/2019
LEAD ATTORNEY

SAMANTHA RYAN
(See above for address)

TERMINATED: 07/08/2019

Defendant**C.O. BAUER**

TERMINATED: 04/22/2019

represented by **MATTHEW J. CONNELL**
(See above for address)
TERMINATED: 04/22/2019
LEAD ATTORNEY**SAMANTHA RYAN**

(See above for address)

TERMINATED: 04/22/2019

Defendant**JOANNA BROWN**

TERMINATED: 04/22/2019

represented by **MATTHEW J. CONNELL**
(See above for address)
TERMINATED: 04/22/2019
LEAD ATTORNEY**SAMANTHA RYAN**

(See above for address)

TERMINATED: 04/22/2019

Defendant**JOHN DOE CORRECTIONAL
SERGEANT**

TERMINATED: 04/22/2019

Date Filed	#	Docket Text
11/30/2018	<u>1</u>	COMPLAINT against KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR (Filing fee \$ 400 receipt number PPE188647.), filed by THERESA VICTORY, JURY DEMAND. (Attachments: # <u>1</u> CASE FORMS)(jl,) Modified on 12/6/2018 (jl,). (Entered: 12/03/2018)
11/30/2018		15 Summons Issued as to KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR. Forwarded To: ANGUS LOVE on 12/3/18 (jl,) Modified on 12/6/2018 (afm,). (Entered: 12/03/2018)
11/30/2018		DEMAND for Trial by Jury by THERESA VICTORY. (jl,) (Entered: 12/03/2018)
11/30/2018	<u>2</u>	THERESA VICTORY. MOTION FOR CLASS CERTIFICATION, MEMORANDUM.(jl,) (Entered: 12/03/2018)
12/06/2018	<u>3</u>	ORDER THAT PLAINTIFF'S <u>2</u> MOTION FOR CLASS CERTIFICATION IS DENIED WITHOUT PREJUDICE TO BE RENEWED UNDER A SCHEDULING ORDER AFTER WE DEFINE THE ISSUES NECESSARY TO BE RESOLVED FOR TRIAL ON EITHER AN INDIVIDUAL OR CLASS BASIS. SIGNED BY HONORABLE MARK A. KEARNEY ON 12/6/18.12/6/18 ENTERED & E-MAILED.(fdc) (Entered: 12/06/2018)
12/07/2018	<u>4</u>	MOTION for Preliminary Injunction filed by THERESA VICTORY.. (Attachments: # <u>1</u> Text of Proposed Order)(DAVY, JAMES) Modified on 12/10/2018 (afm,). (STRICKEN PER ORDER <u>6</u>) (Entered: 12/07/2018)
12/07/2018	<u>5</u>	Memorandum in Support re <u>4</u> MOTION for Preliminary Injunction filed by THERESA VICTORY. (Attachments: # <u>1</u> Exhibit)(DAVY, JAMES) (Entered: 12/07/2018)
12/07/2018	<u>6</u>	ORDER THAT PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION (DOC. <u>4</u>) IS STRICKEN WITHOUT PREJUDICE AS OUTLINED HEREIN. ETC.. SIGNED BY HONORABLE MARK A. KEARNEY ON 12/7/2018.12/7/2018 ENTERED AND COPIES E-MAILED.(sg,) (Entered: 12/07/2018)

12/11/2018	<u>7</u>	AFFIDAVIT of Service by Karl Perkins re: served Complaint, Class Certification Motion/Brief, Preliminary Injunction Motion/Brief upon Berks County, Joanna Brown, C.O. Bauer, C.O. Brown, C.O. Zerr, C.O. Reichart, C.O. Drozack, Lieutenant Spotts, Lieutenant Weber, Captain Castro, Deputy Warden Stephanie Smith, Warden Joanna Quigley, County Commissioner Mark Scott, County Commissioner Kevin Barnhardt, County Commissioner, Christian Leinbach by personal on December 10, 2018 (FELDMAN, MATTHEW) (Entered: 12/11/2018)
12/11/2018	<u>8</u>	MOTION for Leave to File Excess Pages filed by THERESA VICTORY.. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(FELDMAN, MATTHEW) (Entered: 12/11/2018)
12/11/2018	<u>9</u>	MOTION for Preliminary Injunction filed by THERESA VICTORY.. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(FELDMAN, MATTHEW) (Entered: 12/11/2018)
12/11/2018	<u>10</u>	Memorandum in Support re <u>9</u> MOTION for Preliminary Injunction filed by THERESA VICTORY. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Certificate of Service)(FELDMAN, MATTHEW) (STRICKEN AS PER ORDER #12) (Entered: 12/11/2018)
12/11/2018	<u>11</u>	ORDERED THAT PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION (DOC. NO. 8) IS DENIED. SIGNED BY HONORABLE MARK A. KEARNEY ON 12/11/18.12/11/18 ENTERED AND COPIES E-MAILED.(jpd,) (Entered: 12/11/2018)
12/11/2018	<u>12</u>	ORDERED THAT PLAINTIFF'S BRIEF (DOC. NO. 10) IS STRICKEN WITH LEAVE TO FILE A COMPLIANT MEMORANDUM IN SUPPORT OF HER MOTION FOR PRELIMINARY INJUNCTION (DOC. NO. 9) NO LATER THAN 12/13/18. SIGNED BY HONORABLE MARK A. KEARNEY ON 12/11/18. 12/12/18 ENTERED AND COPIES MAILED TO PRO SE PLAINTIFF AND E-MAILED.(jpd,) (Entered: 12/12/2018)
12/13/2018	<u>13</u>	Memorandum in Support re <u>9</u> MOTION for Preliminary Injunction filed by THERESA VICTORY. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Certificate of Service)(FELDMAN, MATTHEW) (Entered: 12/13/2018)
12/14/2018	<u>14</u>	NOTICE of Appearance by MATTHEW J. CONNELL on behalf of KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR with Certificate of Service(CONNELL, MATTHEW) (Entered: 12/14/2018)
12/17/2018	<u>15</u>	Minute Entry for proceedings held before HONORABLE MARK A. KEARNEY Telephone Conference held on 12/17/18 (jpd,) (Entered: 12/17/2018)
12/17/2018	<u>16</u>	ORDERED THAT MOTION IN LIMINE DUE BY 1/7/2019., DEFENDANTS SHALL RESPOND TO THE MOTION (DOC. NO. 9) DUE BY 12/28/2018., A HEARING ON PLAINTIFF'S REQUEST FOR PRELIMINARY INJUNCTION IS SET FOR 1/8/2019 10:00 A.M. IN COURTROOM 6-B BEFORE HONORABLE MARK A. KEARNEY. SIGNED BY HONORABLE MARK A. KEARNEY ON 12/17/18. 12/18/18 ENTERED AND COPIES E-MAILED.(jpd,) (Entered: 12/18/2018)
12/19/2018	<u>17</u>	ORDERED THAT THE WARDEN OF BERKS COUNTY JAIL PRODUCE BEFORE THIS COURT PLAINTIFF THERESA VICTORY #2016-6253 ON 1/8/19 FOR AN INJUNCTION HEARING. SIGNED BY HONORABLE MARK A. KEARNEY ON 12/19/18. 12/20/18 ENTERED AND COPIES E-MAILED. (jpd) (Entered: 12/20/2018)
12/27/2018	<u>18</u>	MOTION for Leave to File Excess Pages filed by KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR.Certificate of Service.(CONNELL, MATTHEW) (Entered: 12/27/2018)
12/27/2018	<u>19</u>	ORDER GRANTING <u>18</u> MOTION FOR LEAVE TO FILE EXCESS PAGES AND THE DEFENDANTS MEMORANDUM IN SUPPORT OF A MOTION TO DISMISS DUE NO LATER THAN DECEMBER 31, 2018, MAY NOT EXCEED TWENTY-FIVE PAGES WITH ANY RESPONSE ALSO NOT EXCEEDING TWENTY-FIVE PAGES. SIGNED BY HONORABLE MARK A. KEARNEY ON 12/27/18. 12/28/18 ENTERED AND COPIES E-MAILED. (va,) (Entered: 12/28/2018)
12/28/2018	<u>20</u>	RESPONSE in Opposition re <u>9</u> MOTION for Preliminary Injunction <i>with Affirmative Defenses</i> filed by KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR. (CONNELL, MATTHEW)

		(Entered: 12/28/2018)
12/28/2018	<u>21</u>	Memorandum in Opposition re <u>9</u> MOTION for Preliminary Injunction <i>in Support of Response</i> filed by KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR. (CONNELL, MATTHEW) (Entered: 12/28/2018)
12/28/2018	<u>22</u>	CERTIFICATE OF SERVICE by KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR re <u>21</u> Memorandum, (CONNELL, MATTHEW) (Entered: 12/28/2018)
12/31/2018	<u>23</u>	MOTION to Dismiss <i>Plaintiff's Complaint</i> filed by KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR.Certificate of Service.(CONNELL, MATTHEW) (Entered: 12/31/2018)
12/31/2018	<u>24</u>	Memorandum in Support of Motion to Dismiss re <u>23</u> MOTION to Dismiss <i>Plaintiff's Complaint</i> by KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR. (Attachments: # <u>1</u> Certificate of Service) (CONNELL, MATTHEW) (Entered: 12/31/2018)
01/03/2019	<u>25</u>	MOTION to Continue filed by KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR.Brief, Certificate of Service.(CONNELL, MATTHEW) (Entered: 01/03/2019)
01/03/2019	<u>26</u>	REPLY to Response to Motion re <u>9</u> MOTION for Preliminary Injunction filed by THERESA VICTORY. (Attachments: # <u>1</u> Exhibit)(FELDMAN, MATTHEW) (Entered: 01/03/2019)
01/04/2019	<u>27</u>	ORDER THAT THE BERKS COUNTY DEFENDANTS' <u>25</u> MOTION FOR A CONTINUANCE IS DENIED. SIGNED BY HONORABLE MARK A. KEARNEY ON 1/4/19.1/4/19 ENTERED & E-MAILED.(fdc) (Entered: 01/04/2019)
01/04/2019	<u>28</u>	PRETRIAL MEMORANDUM by THERESA VICTORY Pre-Hearing Memo; Certificate of Service. (FELDMAN, MATTHEW) (Entered: 01/04/2019)
01/04/2019	<u>29</u>	Memorandum re <u>9</u> MOTION for Preliminary Injunction <i>Hearing</i> filed by KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR. (CONNELL, MATTHEW) (Entered: 01/04/2019)
01/04/2019	<u>30</u>	Minute Entry for proceedings held before HONORABLE MARK A. KEARNEY Telephone Conference held on 1/4/19 (jl,) (Entered: 01/04/2019)
01/04/2019	<u>31</u>	ORDERED THAT THE WARDEN OF THE BERKS COUNTY JAIL SYSTEM SHALL PRODUCE BEFORE THIS COURT THE BODY OF THE PLAINTIFF IN THE ABOVE CAPTIONED CIVIL ACTION TO APPEAR BEFORE THE UNDERSIGNED FOR AN INJUNCTION HEARING SET TO COMMENCE ON 1/10/19 AT 10:00 A.M. THIS HEARING IS RESCHEDULED FORM 1/8/19. SIGNED BY HONORABLE MARK A. KEARNEY ON 1/4/19. 1/7/19 ENTERED AND COPIES E-MAILED(jpd,) (Entered: 01/07/2019)
01/04/2019	<u>32</u>	ORDERED THAT THE COURT'S ORDER DATED 12/17/18 IS AMENDED SOLEY TO REFLECT THTA THE HEARING FOR PRELIMINARY INJUNCTION IS SET FOR 1/10/2019 AT 10:00 A.M. IN COURTROOM 6-B BEFORE HONORABLE MARK A. KEARNEY.). SIGNED BY HONORABLE MARK A. KEARNEY ON 1/4/19. 1/7/19 ENTERED AND COPIES E-MAILED.(jpd,) (Entered: 01/07/2019)
01/07/2019	<u>33</u>	MOTION in Limine filed by KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR.Memorandum of Law and Certificate of Service.(CONNELL, MATTHEW) (Entered: 01/07/2019)
01/08/2019	<u>34</u>	RESPONSE in Opposition re <u>33</u> MOTION in Limine <i>filed by Defendants</i> filed by THERESA VICTORY. (FELDMAN, MATTHEW) (Entered: 01/08/2019)

01/08/2019	<u>35</u>	ORDERED THAT DEFENDANTS MOTION IN LIMINE (DOC. NO. 33) IS DENIED SUBJECT TO RENEWAL AT OUR HEARING, ETC. SIGNED BY HONORABLE MARK A. KEARNEY ON 1/8/19.1/9/19 ENTERED AND COPIES E-MAILED.(jpd,) (Entered: 01/09/2019)
01/09/2019	<u>36</u>	NOTICE of Appearance by SAMANTHA RYAN on behalf of KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR with Certificate of Service(RYAN, SAMANTHA) (Entered: 01/09/2019)
01/14/2019	<u>37</u>	RESPONSE in Opposition re <u>23</u> MOTION to Dismiss <i>Plaintiff's Complaint</i> filed by THERESA VICTORY. (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Exhibit)(FELDMAN, MATTHEW) (Entered: 01/14/2019)
01/15/2019	<u>38</u>	FINDINGS OF FACTS AND CONCLUSIONS OF LAW. SIGNED BY HONORABLE MARK A. KEARNEY ON 1/15/19. 1/16/19 ENTERED AND COPIES MAILED TO PRO SE PLAINTIFF AND E-MAILED. (jpd) (Entered: 01/16/2019)
01/15/2019	<u>39</u>	ORDERED THAT PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION (DOC. NO. 9) IS GRANTED AS OUTLINED HEREIN SIGNED BY HONORABLE MARK A. KEARNEY ON 1/15/19. 1/16/19 ENTERED AND COPIES MAILED TO PRO SE PLAINTIFF AND E-MAILED.(jpd) (Main Document 39 replaced on 1/16/2019) (jpd,). (Entered: 01/16/2019)
01/15/2019	<u>40</u>	Minute Entry for proceedings held before HONORABLE MARK A. KEARNEY Motion Hearing held on 1/10/19 re <u>9</u> MOTION for Preliminary Injunction filed by THERESA VICTORY (jpd,) (Entered: 01/16/2019)
01/16/2019	<u>41</u>	MOTION for Reconsideration filed by KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR.Certificate of Service.(CONNELL, MATTHEW) (Entered: 01/16/2019)
01/16/2019	<u>42</u>	Memorandum in Support re <u>41</u> MOTION for Reconsideration by KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit) (CONNELL, MATTHEW) (Attachment 6 replaced on 1/17/2019) (jpd,). (Entered: 01/16/2019)
01/16/2019	<u>43</u>	MOTION to Seal Document filed by KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR.Certificate of Service. (Attachments: # <u>1</u> Brief)(CONNELL, MATTHEW) (Entered: 01/16/2019)
01/16/2019	<u>44</u>	MOTION to Stay filed by KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR.Certificate of Service. (Attachments: # <u>1</u> Brief)(CONNELL, MATTHEW) (Entered: 01/16/2019)
01/16/2019		The sum of \$ \$100.00 deposited into the Registry of the Court. (jpd,) (Entered: 01/17/2019)
01/17/2019	<u>45</u>	RESPONSE to Motion re <u>43</u> MOTION to Seal Document filed by THERESA VICTORY. (FELDMAN, MATTHEW) (Entered: 01/17/2019)
01/17/2019	<u>46</u>	Minute Entry for proceedings held before HONORABLE MARK A. KEARNEY Telephone Conference held on 1/17/2019 (amas) (Entered: 01/17/2019)
01/17/2019	<u>47</u>	AMENDED COMPLAINT against KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, JOHN DOE CORRECTIONAL SERGEANT, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR, filed by THERESA VICTORY, AMARA SANDERS, SAMANTHA HUNTINGTON, Jury Demand, Certificate of Service.(fdc) (Entered: 01/18/2019)
01/17/2019	<u>48</u>	ORDERED THAT DEFENDANTS MOTION TO STAY (DOC. NO. 44) IS GRANTED IN PART AND WE STAY THE OBLIGATIONS OF PARAGRAPH ONE(1) OF OUR 1/15/19 ORDER UNTIL FURTHER ORDER OF THE COURT. DEFENDANTS MOTION TO FILE A VIDEOTAPE UNDER SEAL (DOC. NO. 43) IS DENIED WITHOUT PREJUDICE TO BE

		RENEWED FOLLOWING CONFERRING WITH PLAINTIFF'S, ETC. WE WILL HEAR ARGUMENT AND TESTIMONY ON DEFENDANTS MOTION FOR RECONSIDERATION ON 1/23/19 AT 10:00 A.M.. SIGNED BY HONORABLE MARK A. KEARNEY ON 1/17/19.1/18/19 ENTERED AND COPIES E-MAILED.(jpd,) (Entered: 01/18/2019)
01/17/2019		Set/Reset Deadlines as to <u>41</u> MOTION for Reconsideration . MOTION HEARING SET FOR 1/23/2019 10:00 AM IN COURTROOM BEFORE HONORABLE MARK A. KEARNEY. (jpd,) (Entered: 01/18/2019)
01/18/2019	<u>49</u>	MOTION to Certify Class filed by SAMANTHA HUNTINGTON, AMARA SANDERS, THERESA VICTORY.Certificate of Service.(FELDMAN, MATTHEW) (Entered: 01/18/2019)
01/18/2019	<u>50</u>	Memorandum in Support re <u>49</u> MOTION to Certify Class filed by SAMANTHA HUNTINGTON, AMARA SANDERS, THERESA VICTORY. (Attachments: # <u>1</u> Exhibit)(FELDMAN, MATTHEW) (Entered: 01/18/2019)
01/18/2019	<u>51</u>	ORDER THAT DEFENDANTS' <u>23</u> MOTION TO DISMISS IS DENIED AS MOOT. SIGNED BY HONORABLE MARK A. KEARNEY ON 1/18/19.1/18/19 ENTERED & E-MAILED.(fdc) (Entered: 01/18/2019)
01/18/2019	<u>52</u>	ORDER THAT PLAINTIFFS' RENEWED <u>49</u> MOTION FOR CLASS CERTIFICATION IS DENIED WITHOUT PREJUDICE TO BE RENEWED UNDER A SCHEDULING ORDER AFTER WE DEFINE THE ISSUES NECESSARY TO BE RESOLVED ON EITHER AN INDIVIDUAL OR CLASS BASIS BUT NOTHING IN THIS ORDER AFFECTS PLAINTIFFS' ABILITIES OR STANDING TO SEEK INJUNCTIVE OR DECLARATORY RELIEF AS TO THEIR STATUS. SIGNED BY HONORABLE MARK A. KEARNEY ON 1/18/19.1/18/19 ENTERED & E-MAILED.(fdc) (Entered: 01/18/2019)
01/18/2019	<u>53</u>	MOTION for Preliminary Injunction filed by SAMANTHA HUNTINGTON, AMARA SANDERS.Certificate of Service.(FELDMAN, MATTHEW) (Entered: 01/18/2019)
01/18/2019	<u>54</u>	Memorandum in Support re <u>53</u> MOTION for Preliminary Injunction filed by SAMANTHA HUNTINGTON, AMARA SANDERS. (FELDMAN, MATTHEW) (Entered: 01/18/2019)
01/18/2019	<u>55</u>	ORDER THAT THE PARTIES MAY IMMEDIATELY COMMENCE WRITTEN INJUNCTION DISCOVERY WITH ALL WRITTEN DISCOVERY REQUESTS ANSWERED WITHIN FOUR DAYS OF ELECTRONIC SERVICE, ETC. DEFENDANTS SHALL ANSWER THE MOTION FOR A PRELIMINARY INJUNCTION NO LATER THAN FEBRUARY 4, 2019. MINDFUL WE EVALUATED EXTENSIVE EVIDENCE ON JANUARY 10, 2019, WE WILL HEAR PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION ON FEBRUARY 11, 2019 AT 9:30 A.M. EACH PARTY SHALL FILE A PRE-HEARING MEMORANDUM ON OR BEFORE FEBRUARY 5, 2019 NOT EXCEEDING 10 PAGES IDENTIFYING THE THEMES OF THEIR INJUNCTION PRESENTATION, PROPOSED WITNESS LIST WITH OFFERS OF PROOF, ADMISSIONS FROM THE JANUARY 10, 2019 HEARING AND DOCUMENTS THEY WISH TO INTRODUCE AT THE HEARING AND THE PARTIES MAY FILE MOTIONS IN LIMINE NO LATER THAN 6:00 PM EST ON FEBRUARY 7, 2019. SIGNED BY HONORABLE MARK A. KEARNEY ON 1/18/19. 1/18/19 ENTERED AND COPIES E-MAILED.(td,) Modified on 1/23/2019 (lvj,). (Entered: 01/18/2019)
01/18/2019		Set/Reset Deadlines as to <u>53</u> MOTION for Preliminary Injunction .MOTION IN LIMINE DUE BY 2/7/2019. RESPONSES DUE BY 2/4/2019. MOTION HEARING SET FOR 2/11/2019 09:30 AM IN COURTROOM BEFORE HONORABLE MARK A. KEARNEY. (td,) (Entered: 01/22/2019)
01/22/2019	<u>56</u>	RESPONSE in Opposition re <u>41</u> MOTION for Reconsideration filed by THERESA VICTORY. (Attachments: # <u>1</u> Exhibit)(FELDMAN, MATTHEW) (Entered: 01/22/2019)
01/22/2019	<u>57</u>	ORDER THAT THE WARDEN FOR BERKS COUNTY JAIL PRODUCE BEFORE THIS COURT THE BODY OF THERESA VICTORY, 2016-6253 ON MONDAY, 2/11/19 AT 9:30 A.M. BEFORE THE HONORABLE MARK A. KEARNEY TO APPEAR FOR AN INJUNCTION HEARING IN THE ABOVE-CAPTIONED MATTER IN THE U.S. DIST. COURT, 601 MARKET ST., PHILA., PA IN COURTROOM 6B, 6TH FLOOR, AND IMMEDIATELY UPON TERMINATION OF THE HEARING, SHE BE DELIVERED INTO THE CUSTODY OF THE WARDEN OF BERKS COUNTY JAIL.. SIGNED BY HONORABLE MARK A. KEARNEY ON 1/22/19. 1/22/19 ENTERED AND COPIES E-MAILED TO COUNSEL.(pr,) (Entered: 01/22/2019)
01/22/2019	<u>58</u>	ORDER THAT THE WARDEN FOR BERKS COUNTY JAIL PRODUCE BEFORE THIS COURT THE BODY OF AMARA SANDERS, 2017-6293 ON MONDAY, 2/11/19 AT 9:30 A.M.

		BEFORE THE HONORABLE MARK A. KEARNEY TO APPEAR FOR AN INJUNCTION HEARING IN THE ABOVE-CAPTIONED MATTER IN THE U.S. DIST. COURT, 601 MARKET ST., PHILA., PA IN COURTROOM 6B, 6TH FLOOR, AND IMMEDIATELY UPON TERMINATION OF THE HEARING, SHE BE DELIVERED INTO THE CUSTODY OF THE WARDEN OF BERKS COUNTY JAIL.. SIGNED BY HONORABLE MARK A. KEARNEY ON 1/22/19. 1/22/19 ENTERED AND COPIES E-MAILED TO COUNSEL.(pr,) (Entered: 01/22/2019)
01/22/2019	<u>59</u>	ORDER THAT THE WARDEN FOR BERKS COUNTY JAIL PRODUCE BEFORE THIS COURT THE BODY OF SAMANTHA HUNTINGTON, 2017-5744 ON MONDAY, 2/11/19 AT 9:30 A.M. BEFORE THE HONORABLE MARK A. KEARNEY TO APPEAR FOR AN INJUNCTION HEARING IN THE ABOVE-CAPTIONED MATTER IN THE U.S. DIST. COURT, 601 MARKET ST., PHILA., PA IN COURTROOM 6B, 6TH FLOOR, AND IMMEDIATELY UPON TERMINATION OF THE HEARING, SHE BE DELIVERED INTO THE CUSTODY OF THE WARDEN OF BERKS COUNTY JAIL.. SIGNED BY HONORABLE MARK A. KEARNEY ON 1/22/19. 1/22/19 ENTERED AND COPIES E-MAILED TO COUNSEL.(pr,) (Entered: 01/22/2019)
01/23/2019	<u>60</u>	Minute Entry for proceedings held before HONORABLE MARK A. KEARNEY Motion Hearing held on 1/23/19 re (41) MOTION for RECONSIDERATION Court Reporter: SUZANNE WHITE. (jl,) (Entered: 01/23/2019)
01/25/2019	<u>61</u>	ORDERED THAT DEFENDANTS MOTION FOR RECONSIDERATION (DOC. NO. 41) IS GRANTED IN PART AS OUTLINED HEREIN. ON OR BEFORE 1/28/19 6:00 P.M. EST BERKS COUNTY THROUGH WARDEN QUIGLEY SHALL COMPLY WITH THE OBLIGATIONS OF OUR 1/15/19 ORDER BY FILING A PLAN WITH THIS COURT DESCRIBING CONSTITUTIONAL PROTECTIONS DEFINED IN OUR 1/15/19 ORDER IT WILL PROVIDE MS. VICTORY AFTER HER DISCIPLINARY SEGREGATION EXPIRES ON 1/29/19. SIGNED BY HONORABLE MARK A. KEARNEY ON 1/25/19. 1/25/19 ENTERED AND COPIES E-MAILED.(jpd,) (Entered: 01/25/2019)
01/25/2019	<u>62</u>	AMENDED ORDER THAT DEFTS' MOTION FOR RELIEF (ECF NO. 41) IS GRANTED IN PART AND DENIED IN PART; DEFTS' MOTION FOR RELIEF IS GRANTED TO CORRECT OUR INACCURATE FINDING OF THE PUBLICATION DATE OF THE NEWSPAPER ARTICLE CONCERNING PLFF'S LAWSUIT IN THE READING EAGLE; ON OR BEFORE 6:00 PM EST ON 1/28/19, BERKS COUNTY, THROUGH WARDEN QUIGLEY, SHALL COMPLY WITH THE OBLIGATIONS OF OUR 1/15/19 ORDER; DEFTS' MOTION FOR RELIEF (ECF DOC. NO. 41) IS OTHERWISE DENIED.. SIGNED BY HONORABLE MARK A. KEARNEY ON 1/25/19. 1/25/19 ENTERED AND COPIES E-MAILED TO COUNSEL. (Entered: 01/25/2019)
01/28/2019	<u>63</u>	MOTION for Relief Under 60B filed by KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR.Memorandum of Law, Certificate of Service.(CONNELL, MATTHEW) (Entered: 01/28/2019)
01/28/2019	<u>64</u>	AFFIDAVIT in Support re <u>62</u> Order,, by KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR. (CONNELL, MATTHEW) (Entered: 01/28/2019)
01/29/2019	<u>65</u>	MOTION for Leave to File Excess Pages filed by KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR.Certificate of Service.(CONNELL, MATTHEW) (Entered: 01/29/2019)
01/29/2019	<u>66</u>	ORDERED THAT DEFENDANTS MOTION FOR LEAVE (DOC. NO.65) IS GRANTED IN PART AND THE DEFENDANTS MEMORANDUM IN SUPPORT OF A MOTION TO DISMISS MAY NOT EXCEED TWENTY-FIVE(25) PAGES WITH ANY TIMELY RESPONSE ALSO NOT TO EXCEED TWENTY-FIVE(25) PAGES. SIGNED BY HONORABLE MARK A. KEARNEY ON 1/29/19. 1/30/19 ENTERED AND COPIES E-MAILED. (jpd) (Entered: 01/30/2019)
01/31/2019	<u>67</u>	RESPONSE in Opposition re <u>63</u> MOTION for Relief Under 60B filed by THERESA VICTORY. (Attachments: # <u>1</u> Exhibit)(FELDMAN, MATTHEW) (Entered: 01/31/2019)

01/31/2019	<u>68</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR. Memorandum of Law in Support and Certificate of Service. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Memorandum, # <u>3</u> Certificate of Service)(CONNELL, MATTHEW) (Entered: 01/31/2019)
02/04/2019	<u>69</u>	RESPONSE in Opposition re <u>53</u> MOTION for Preliminary Injunction <i>and Brief in Support Thereof</i> filed by KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(CONNELL, MATTHEW) (Entered: 02/04/2019)
02/05/2019	<u>70</u>	PRETRIAL MEMORANDUM by SAMANTHA HUNTINGTON, AMARA SANDERS Pre-Hearing Memo; Certificate of Service. (FELDMAN, MATTHEW) (Entered: 02/05/2019)
02/05/2019	<u>71</u>	PRETRIAL MEMORANDUM by KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR Certificate of Service. (CONNELL, MATTHEW) (Entered: 02/05/2019)
02/06/2019	<u>72</u>	NOTICE OF APPEAL as to <u>61</u> Order on Motion for Reconsideration,, <u>39</u> Order (Memorandum and/or Opinion), by KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR. Copies to Judge, Clerk USCA, Appeals Clerk . (CONNELL, MATTHEW) Modified on 2/7/2019 (nd,). (Entered: 02/06/2019)
02/06/2019	<u>73</u>	AMENDED DOCUMENT by KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR. Amendment to <u>72</u> Notice of Appeal, <u>61</u> Order on Motion for Reconsideration,, <u>39</u> Order (Memorandum and/or Opinion), . (CONNELL, MATTHEW) (RE-FILED USING CORRECT EVENT) Modified on 2/7/2019 (nd,). (Entered: 02/06/2019)
02/06/2019	<u>74</u>	REPLY to Response to Motion re <u>53</u> MOTION for Preliminary Injunction filed by SAMANTHA HUNTINGTON, AMARA SANDERS. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(FELDMAN, MATTHEW) (Entered: 02/06/2019)
02/06/2019	<u>75</u>	AMENDED NOTICE OF APPEAL by KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR. Copies to Judge, Clerk USCA, Appeals Clerk. (RE-FILED DOCUMENT <u>73</u> USING THE CORRECT EVENT)(nd,) (Entered: 02/07/2019)
02/07/2019	<u>76</u>	MOTION in Limine to <i>Preclude Evidence</i> filed by KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR. Memorandum, Certificate of Service.(CONNELL, MATTHEW) (Entered: 02/07/2019)
02/07/2019	<u>77</u>	MOTION in Limine filed by SAMANTHA HUNTINGTON, AMARA SANDERS. Certificate of Service. (Attachments: # <u>1</u> Memorandum)(FELDMAN, MATTHEW) (Entered: 02/07/2019)
02/08/2019	<u>78</u>	NOTICE of Docketing Record on Appeal from USCA re <u>75</u> Notice of Appeal, filed by REICHART, KEVIN S. BARNHARDT, STEPHANIE SMITH, WEBER, BERKS COUNTY, CHRISTIAN Y. LEINBACH, ZERR, CASTRO, JOANNA BROWN, BROWN, JANINE L. QUIGLEY, BAUER, DROZACK, MARK C. SCOTT, SPOTTS. USCA Case Number 19-1329 (dmc,) (Entered: 02/08/2019)
02/08/2019	<u>79</u>	MOTION to Stay re <u>53</u> MOTION for Preliminary Injunction , <u>55</u> Order,,, filed by KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR. Memorandum, Certificate of Service.(CONNELL, MATTHEW) (Entered: 02/08/2019)
02/08/2019	<u>80</u>	Exhibit List <i>Supplemental</i> by KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY,

		REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR.. Certificate of Service (CONNELL, MATTHEW) (Entered: 02/08/2019)
02/08/2019	<u>81</u>	RESPONSE in Opposition re <u>76</u> MOTION in Limine to Preclude Evidence filed by SAMANTHA HUNTINGTON, AMARA SANDERS. (DAVY, JAMES) (Entered: 02/08/2019)
02/08/2019	<u>84</u>	ORDERED THAT BERKS COUNTY DEFENDANTS MOTION TO STAY (DOC. NO. 79) IS DENIED. SIGNED BY HONORABLE MARK A. KEARNEY ON 2/8/19. 2/11/19 ENTERED AND COPIES MAILED AND E-MAILED.(jpd,) (Entered: 02/11/2019)
02/08/2019	<u>85</u>	ORDER of USCA as to <u>72</u> Notice of Appeal, filed by REICHART, KEVIN S. BARNHARDT, STEPHANIE SMITH, WEBER, BERKS COUNTY, CHRISTIAN Y. LEINBACH, ZERR, CASTRO, JOANNA BROWN, BROWN, JANINE L. QUIGLEY, BAUER, DROZACK, MARK C. SCOTT, SPOTTS, <u>75</u> Notice of Appeal, filed by REICHART, KEVIN S. BARNHARDT, STEPHANIE SMITH, WEBER, BERKS COUNTY, CHRISTIAN Y. LEINBACH, ZERR, CASTRO, JOANNA BROWN, JANINE L. QUIGLEY, BROWN, BAUER, DROZACK, MARK C. SCOTT, SPOTTS. Re: Order that the above-entitled appeal(s) is (are) stayed pending disposition of the motion. The parties are directed to file written reports addressing the status of the pending motion on 3/11/19 and every thirty (30) days thereafter until the last motion is decided. The stay will automatically expire upon entry of the order disposing of the last post-decision motion. (fdc) (Entered: 02/11/2019)
02/11/2019	<u>82</u>	ORDERED THAT THE PLAINTIFF'S MOTION IN LIMINE (DOC. NO. 77) IS GRANTED IN PART AND DENIED IN PART AS OUTLINED HEREIN. SIGNED BY HONORABLE MARK A. KEARNEY ON 2/11/19. 2/11/19 ENTERED AND COPIES E-MAILED. (jpd) (Entered: 02/11/2019)
02/11/2019	<u>83</u>	ORDERED THAT DEFENDANTS MOTION IN LIMINE (DOC. NO. 76) IS DENIED WITHOUT PREJUDICE TO MOVE TO PRECLUDE INQUIRY INTO AREAS UNRELATED TO MS. HUNTINGDON'S AND MS. SANDER'S REQUEST FOR INJUNCTIVE RELIEF. SIGNED BY HONORABLE MARK A. KEARNEY ON 2/11/19.2/11/19 ENTERED AND COPIES E-MAILED.(jpd,) (Main Document 83 replaced on 2/15/2019) (jpd,). (Entered: 02/11/2019)
02/11/2019	<u>86</u>	CERTIFIED COPY OF ORDER FROM USCA #19-1329 THAT THE ABOVE ENTITLED APPEAL IS STAYED PENDING DISPOSITION OF THE MOTION PENDING IN THE DISTRICT COURT. THE PARTIES ARE DIRECTED TO FILE WRITTEN REPORTS ADDRESSING THE STATUS OF THE PENDING MOTION ON 3/11/19 AND EVERY THIRTY (30) DAYS THEREAFTER UNTIL THE LAST MOTION IS DECIDED. THE STAY WILL AUTOMATICALLY EXPIRE UPON THE ENTRY OF THE ORDER DISPOSING OF THE LAST POST DECISION MOTION. (jpd,) (Entered: 02/11/2019)
02/11/2019	<u>87</u>	Minute Entry for proceedings held before HONORABLE MARK A. KEARNEY Motion Hearing held on 2/11/19 re <u>53</u> MOTION for Preliminary Injunction filed by SAMANTHA HUNTINGTON, AMARA SANDERS Court Reporter: SUZANNE WHITE. (jpd,) (Entered: 02/12/2019)
02/12/2019		USCA Appeal Fees received \$ 505 receipt number 192361 re <u>75</u> Notice of Appeal, filed by REICHART, KEVIN S. BARNHARDT, STEPHANIE SMITH, WEBER, BERKS COUNTY, CHRISTIAN Y. LEINBACH, ZERR, CASTRO, JOANNA BROWN, BROWN, JANINE L. QUIGLEY, BAUER, DROZACK, MARK C. SCOTT, SPOTTS (fdc,) (Entered: 02/12/2019)
02/13/2019	<u>88</u>	Transcript of Preliminary Injunction Hearing held on 1/10/19, before Judge Kearney. Court Reporter/Transcriber Suzanne R. White, CM. (fdc) (Entered: 02/13/2019)
02/14/2019	<u>89</u>	RESPONSE in Opposition re <u>68</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by SAMANTHA HUNTINGTON, AMARA SANDERS, THERESA VICTORY. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service, # <u>3</u> Exhibit)(FELDMAN, MATTHEW) (Entered: 02/14/2019)
02/15/2019	<u>90</u>	MOTION to Withdraw as Attorney filed by SAMANTHA HUNTINGTON, AMARA SANDERS, THERESA VICTORY..(DAVY, JAMES) (Entered: 02/15/2019)
02/15/2019	<u>91</u>	ORDERED THAT PLAINTIFF'S MOTION TO WITHDRAW AS ATTORNEY IS (DOC. NO. 90)GRANTED AND ATTORNEY JAMES P. DAVY, ESQ., IS WITHDRAWN AS CONSEL. SIGNED BY HONORABLE MARK A. KEARNEY ON 2/15/19. 2/15/19 ENTERED AND COPIES E-MAILED. (jpd) (Entered: 02/15/2019)

02/15/2019	<u>92</u>	MEMORANDUM AND/OR OPINION. SIGNED BY HONORABLE MARK A. KEARNEY ON 02/15/2019;. 02/15/2019 ENTERED AND COPIES E-MAILED.(nd,) (Entered: 02/15/2019)
02/15/2019	<u>93</u>	ORDER THAT PLAINTIFF SAMANTHA HUNTINGTON'S AND AMARA SANDERS' MOTION FOR A PRELIMINARY INJUNCTION (ECF DOC. NO. <u>53</u>) IS DENIED. SIGNED BY HONORABLE MARK A. KEARNEY ON 02/15/2019;. 02/15/2019 ENTERED AND COPIES E-MAILED.(nd) (Entered: 02/15/2019)
02/15/2019	<u>94</u>	ORDER THAT THE DEFENDANTS' MOTION (ECF DOC. NO. <u>63</u>) IS GRANTED; WE DISSOLVE THE JANUARY 15, 2019 MANDATORY INJUNCTION (ECF DOC. NO. <u>39</u>), AS MODIFIED ON JANUARY 25, 2019 (ECF DOC. NO. <u>62</u>) UPON THE DEFENDANTS AS IT RELATES TO THERESA VICTORY; THE CLERK OF COURT SHALL RETURN THE JANUARY 16, 2019 INJUNCTION BOND TO PLAINTIFF'S COUNSEL OF RECORD UPON THEIR APPEARANCE IN THE CLERK'S OFFICE ON OR AFTER FEBRUARY 19, 2019, ETC.. SIGNED BY HONORABLE MARK A. KEARNEY ON 02/15/2019;. 02/15/2019 ENTERED AND COPIES E-MAILED.(nd,) (Entered: 02/15/2019)
02/20/2019	<u>95</u>	SCHEDULING ORDER THAT A PRETRIAL CONFERENCE IS SET FOR 3/12/2019 AT 9:30 A.M. IN COURTROOM 6-B BEFORE HONORABLE MARK A. KEARNEY. SIGNED BY HONORABLE MARK A. KEARNEY ON 2/19/19. 2/21/19 ENTERED AND COPIES E-MAILED.(jpd,) (Entered: 02/21/2019)
02/21/2019	<u>96</u>	Transcript Purchase Order by KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR. (CONNELL, MATTHEW) (Entered: 02/21/2019)
02/21/2019	<u>97</u>	Transcript Purchase Order by KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR. (CONNELL, MATTHEW) (Entered: 02/21/2019)
02/21/2019	<u>98</u>	Transcript Purchase Order by KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR. (CONNELL, MATTHEW) (Entered: 02/21/2019)
03/04/2019	<u>99</u>	ORDERED THAT WE WILL HEAR EVIDENCE RELATING TO MS. VICTORY'S EXHAUSTION OF RETALIATION CLAIM AND MS. HUNTINGDON'S AND MS. SANDERS' EXHAUSTION OF THEIR EQUAL PROTECTION CLAIM AT THE PRETRIAL CONFERENCE SET FOR 3/22/2019 10:00 A.M. IN COURTROOM 6-B BEFORE HONORABLE MARK A. KEARNEY. WE AMEND OUR 2/19/19 ORDER TO RESCHEDULE ONLY THE INITIAL PRETRIAL CONFERENCE TO 3/22/19. SIGNED BY HONORABLE MARK A. KEARNEY ON 3/4/19. 3/5/19 ENTERED AND COPIES E-MAILED. (jpd) (Entered: 03/05/2019)
03/07/2019	<u>100</u>	Transcript of Hearing held on 1/23/19, before Judge Kearney. Court Reporter/Transcriber Suzanne R. White, CM. (fdc) (Entered: 03/07/2019)
03/07/2019	<u>101</u>	Transcript of Preliminary Injunction Hearing held on 2/11/19, before Judge Kearney. Court Reporter/Transcriber Suzanne R. White, CM. (fdc) (Entered: 03/07/2019)
03/08/2019	<u>102</u>	Report Of <i>Rule 26(f) Meeting</i> by SAMANTHA HUNTINGTON, AMARA SANDERS, THERESA VICTORY. (Attachments: # <u>1</u> Appendix Stipulation of Undisputed Facts)(FELDMAN, MATTHEW) (Entered: 03/08/2019)
03/20/2019	<u>103</u>	PRETRIAL MEMORANDUM by KEVIN S. BARNHARDT, BAUER, BERKS COUNTY, BROWN, JOANNA BROWN, CASTRO, DROZACK, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, WEBER, ZERR Certificate of Service. (CONNELL, MATTHEW) (Entered: 03/20/2019)
03/20/2019	<u>104</u>	PRETRIAL MEMORANDUM by SAMANTHA HUNTINGTON, AMARA SANDERS, THERESA VICTORY Pre-Hearing Memo; Certificate of Service. (FELDMAN, MATTHEW) (Entered: 03/20/2019)
03/22/2019	<u>105</u>	Minute Entry for proceedings held before HONORABLE MARK A. KEARNEY. Rule 16 and Motion Hearing held on 3/22/19. Court Reporter: ESR. (fdc) (Entered: 03/22/2019)

03/22/2019	<u>106</u>	SCHEDULING ORDER: THIS MATTER IS REFERRED TO MAGISTRATE JUDGE HEFFLEY FOR ALL SETTLEMENT PURPOSES. FINAL PRETRIAL CONFERENCE SET FOR 11/5/2019 08:45 AM BEFORE HONORABLE MARK A. KEARNEY. DISCOVERY DUE BY 8/23/2019. MOTIONS DUE BY 4/22/2019. MOTION IN LIMINE DUE BY 10/21/2019. MOTION FOR SUMMARY JUDGMENT DUE BY 5/24/2019. PLAINTIFF PRETRIAL MEMO DUE BY 10/18/2019. DEFENDANT PRETRIAL MEMO DUE BY 10/18/2019. TRIAL DATE SET FOR 11/12/2019 09:00 AM IN COURTROOM 6B BEFORE HONORABLE MARK A. KEARNEY. ETC.. SIGNED BY HONORABLE MARK A. KEARNEY ON 3/22/2019. 3/25/2019 ENTERED AND COPIES E-MAILED.(sg,) (Entered: 03/25/2019)
03/25/2019	<u>107</u>	CONFERENCE ORDER THAT A SETTLEMENT CONFERENCE IN THE ABOVE CAPTIONED WILL BE HELD ON 8/13/19 AT 9:30 A.M.; ETC.. SIGNED BY MAGISTRATE JUDGE MARILYN HEFFLEY ON 3/25/19. 3/25/19 ENTERED AND E-MAILED.(jl,) (Entered: 03/25/2019)
04/05/2019	<u>108</u>	MEMORANDUM AND/OR OPINION. SIGNED BY HONORABLE MARK A. KEARNEY ON 4/5/19. 4/5/19 ENTERED AND COPIES E-MAILED. (jpd,) (Entered: 04/05/2019)
04/05/2019	<u>109</u>	ORDER THAT THE DEFENDANT'S MOTION TO DISMISS (DOC. NO. 68) IS GRANTED IN PART AND DENIED IN PART AS OULTINED IN HEREIN. DEFENDANTS MOTION TO DISMISS (DOC. NO.68) IS GRANTED AS TO ALL CLAIMS INCLUDING DISMISSING SAMANTHA HUNTINGTON AND AMARA SANDERS FOR FAILURE TO EXHAUST AVAILABLE ADMINISTRATIVE REMEDIES; AND DEFENDANTS BERKS COUNTY, COMMISSIONERS BARNHARDT, LEINBACH AND SCOTT AND WARDEN QUIGLEY, DEPUTY WARDEN SMITH, SERGEANT SPOTTS AND OFFICERS REICHART, ZERR AND BROWN SHALL ALL ANSWER THE COMPLAINT AS TO THE REMAINING CLAIMS NO LATER THAN 4/19/19. SIGNED BY HONORABLE MARK A. KEARNEY ON 4/5/19. 4/5/19 ENTERED AND COPIES MAILED AND E-MAILED.(jpd,) (Entered: 04/05/2019)
04/08/2019	<u>110</u>	Transcript of Motion Hearing held on 3/22/19, before Judge Kearney. Court Reporter/Transcriber Hunt Reporting Company. (fdc) (Entered: 04/08/2019)
04/18/2019	<u>111</u>	STIPULATION <i>regarding Second Amended Complaint</i> by THERESA VICTORY. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(FELDMAN, MATTHEW) Modified on 4/23/2019 (lvj,). (FILED IN ERROR BY ATTORNEY; FORWARD TO JUDGE FOR APPROVAL) (Entered: 04/18/2019)
04/18/2019	<u>112</u>	ORDERED THAT PLAINTIFFS MAY FILE A SECOND AMENDED COMPLAINT NO LATER THAN 4/22/2019 AND NOTHING IN THIS ORDER AFFECTS THE PARTIES ONGOING OBLIGATIONS UNDER OUR 3/22/19 ORDER. SIGNED BY HONORABLE MARK A. KEARNEY ON 4/18/19. 4/19/19 ENTERED AND COPIES E-MAILED(jpd,) (Entered: 04/19/2019)
04/19/2019	<u>113</u>	ANSWER to <u>47</u> Amended Complaint, <i>with Affirmative Defenses</i> by KEVIN S. BARNHARDT, BROWN, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, ZERR.(CONNELL, MATTHEW) (Entered: 04/19/2019)
04/22/2019	<u>114</u>	SECOND AMENDED COMPLAINT WITH CERTIFICATE OF SERVICE against KEVIN S. BARNHARDT, BERKS COUNTY, BROWN, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, ZERR, filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY, ANABELL DEALBA.(amas) (Entered: 04/22/2019)
04/24/2019	<u>115</u>	MOTION for Preliminary Injunction filed by ANABELL DEALBA, ALICE VELAZQUEZ-DIAZ.Certificate of Service.(FELDMAN, MATTHEW) (Entered: 04/24/2019)
04/24/2019	<u>116</u>	Memorandum in Support re <u>115</u> MOTION for Preliminary Injunction filed by ANABELL DEALBA, ALICE VELAZQUEZ-DIAZ. (FELDMAN, MATTHEW) (Entered: 04/24/2019)
04/24/2019	<u>117</u>	ORDERED THAT ALL PARTIES SHALL FULLY PRESERVE ALL ELECTRONICALLY STORED INNFORMATION; THE PARTIES SHALL IMMEDIATELY COMMENCE WRITTEN DISCOVERY; DEFENDANTS MAY DEPOSE PLAINITFFS VELAZQUEZ-DIAZ AND DEALBA FOR NO MORE THAN FIVE (5) HOURS UPON FIVE (5) DAYS NOTICE REGARDING ISSUES IN THEIR MOTION; MOTION IN LIMINE DUE BY 5/14/2019., RESPONSES DUE BY 5/7/2019., A MOTION HEARING IS SET FOR 5/15/2019 AT 10:00 AM IN COURTROOM 6-B BEFORE HONORABLE MARK A. KEARNEY, MOTION IN LIMINE DUE BY 5/14/2019., PLAINTIFF PRETRIAL MEMO DUE BY 5/13/2019., DEFENDANT PRETRIAL MEMO DUE BY 5/13/2019. SIGNED BY HONORABLE MARK A. KEARNEY ON 4/24/19. 4/25/19 ENTERED AND COPIES E-MAILED.(jpd,) (Entered: 04/25/2019)

04/25/2019	<u>118</u>	ORDERED THAT THE WARDEN OF BERKS COUNTY JAIL SHALL PRODUCE BEFORE THSI COURT THE BODY OF ALICE VELAZQUEZ-DIAZ 20176164 ON 5/15/19 AT 10:00 A.M. TO APPEAR FOR A MOTION HEARING BEFORE THE UNDERSIGNED. SIGNED BY HONORABLE MARK A. KEARNEY ON 4/25/19. 4/26/19 ENTERED AND COPIES E-MAILED.(jpd,) (Entered: 04/26/2019)
04/30/2019	<u>119</u>	NOTICE of Hearing on Motion <u>115</u> MOTION for Preliminary Injunction : MOTION HEARING SET FOR 5/15/2019 10:00 AM IN COURTROOM 6B, 6th Floor BEFORE HONORABLE MARK A. KEARNEY.(fdc) (Entered: 04/30/2019)
05/06/2019	<u>120</u>	ANSWER to <u>114</u> Amended Complaint, with <i>Affirmative Defenses</i> by KEVIN S. BARNHARDT, BERKS COUNTY, BROWN, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, ZERR.(CONNELL, MATTHEW) (Entered: 05/06/2019)
05/06/2019	<u>121</u>	Proposed Pretrial Order <i>Stipulation and Order for Confidentiality</i> by KEVIN S. BARNHARDT, BERKS COUNTY, BROWN, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, ZERR. (CONNELL, MATTHEW) (Entered: 05/06/2019)
05/06/2019	<u>122</u>	ORDERED THAT THE REQUEST FOR COURT APPROVAL OF A PRIVATE STIPULATION OF CONFIDENTIALITY UNILATERALLY DEFINING TERMS GOVERNING PUBLIC ACCESS IS DENIED.SIGNED BY HONORABLE MARK A. KEARNEY ON 5/6/19. 5/7/19 ENTERED AND COPIES E-MAILED. (jpd,) (Entered: 05/07/2019)
05/07/2019	<u>123</u>	RESPONSE in Opposition re <u>115</u> MOTION for Preliminary Injunction filed by KEVIN S. BARNHARDT, BERKS COUNTY, BROWN, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, ZERR. (CONNELL, MATTHEW) (Entered: 05/07/2019)
05/08/2019	<u>124</u>	MOTION to Compel <i>Independent Medical Exam</i> filed by KEVIN S. BARNHARDT, BERKS COUNTY, BROWN, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, ZERR.Certificate of Service.(CONNELL, MATTHEW) (Entered: 05/08/2019)
05/09/2019	<u>125</u>	STIPULATION of Dismissal by ANABELL DEALBA. (FELDMAN, MATTHEW) (Entered: 05/09/2019)
05/09/2019	<u>126</u>	ORDERED THAT THE STIPULATION (DOC. NO. 125) IS APPROVED AND ANABELL DEALBA'S CLAIMS IN THE SECOND AMENDED COMPLAINT (DOC. NO. 114) ARE DISMISSED WITH PREJUDICE UNDER AGREEMENT OF COUNSEL AND FRCP 41(a)(1)(A)(ii). SIGNED BY HONORABLE MARK A. KEARNEY ON 5/9/19. 5/9/19 ENTERED AND COPIES E-MAILED.(jpd,) (Entered: 05/09/2019)
05/09/2019	<u>127</u>	ORDERED THAT DEFENDANTS' MOTION TO COMPEL (DOC. NO. 124) IS DENIED WITHOUT PREJUDICE. SIGNED BY HONORABLE MARK A. KEARNEY ON 5/9/19. 5/10/19 ENTERED AND COPIES E-MAILED. (jpd) (Entered: 05/10/2019)
05/13/2019	<u>128</u>	PRETRIAL MEMORANDUM by ALICE VELAZQUEZ-DIAZ Pre-Hearing Memo; Certificate of Service. (FELDMAN, MATTHEW) (Entered: 05/13/2019)
05/13/2019	<u>129</u>	Preliminary Injunction Memorandum by KEVIN S. BARNHARDT, BERKS COUNTY, BROWN, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, ZERR Certificate of Service. (Attachments: # <u>1</u> Exhibit A)(CONNELL, MATTHEW) Modified on 5/15/2019 (tjd). (Entered: 05/13/2019)
05/14/2019	<u>130</u>	REPLY to Response to Motion re <u>115</u> MOTION for Preliminary Injunction filed by ALICE VELAZQUEZ-DIAZ. (FELDMAN, MATTHEW) (Entered: 05/14/2019)
05/15/2019	<u>131</u>	Minute Entry for proceedings held before HONORABLE MARK A. KEARNEY Motion Hearing held on 5/15/19 re <u>115</u> MOTION for Preliminary Injunction filed by ALICE VELAZQUEZ-DIAZ, ANABELL DEALBA (jpd,) (Entered: 05/16/2019)
05/17/2019	<u>132</u>	Joint MOTION for Extension of Time to File <i>Motions for Summary Judgment and Class Certification</i> filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY.Certificate of Service.(FELDMAN, MATTHEW) (Entered: 05/17/2019)
05/17/2019		Set/Reset Scheduling Order Deadlines: MOTIONS DUE BY 6/3/2019. MOTION FOR SUMMARY JUDGMENT DUE BY 6/3/2019. (jpd,) (Entered: 05/20/2019)

05/20/2019	<u>133</u>	ORDERED THAT THE JOINT MOTION FOR EXTENSION OF TIME TO FILE (DOC. NO. 132) IS GRANTED AND WE AMEND OUR 3/22/19 ORDER SOLEY TO ALLOW MOTIONS FOR SUMMARY JUDGMENT ON THE NAMED PLAINTIFF'S CLAIMS AND MOTIONS FOR CLASS CERTIFICATION TO BE FILED NO LATER THAN 6/3/19 WITH RESPONSES NO LATER THAN 6/17/19. SIGNED BY HONORABLE MARK A. KEARNEY ON 5/17/19.5/20/19 ENTERED AND COPIES E-MAILED.(jpd,) (Entered: 05/20/2019)
05/20/2019	<u>134</u>	FINDINGS OF FACT AND CONCLUSIONS OF LAW. SIGNED BY HONORABLE MARK A. KEARNEY ON 5/20/19. 5/21/19 ENTERED AND COPIES E-MAILED.(jpd) (Entered: 05/21/2019)
05/20/2019	<u>135</u>	ORDERED THAT MS. VELAZQUEZ-DIAZ'S MOTION FOR PRELIMINARY INJUNCTION (DOC.NO. 115) IS GRANTED; ON OR BEFORE 5/28/19 THE BERKS COUNTY JAIL SHALL FILE A PROPOSED PLAN TO ENSURE COMPLAINEE WITH THE ACCOMPANYING MEMORANDUM. MS. VALEZQUEZ-DIAZ MAY RESPOND TO THE DEFENDANT'S PROPOSED PLAN NO LATER THAN 5/29/19 AND THE PRELIMINARY INJUNCTION IS EFFECTIVE UPON VELAZQUEZ-DIAZ POSTING A \$100.00 BOND WITH THE CLERK OF THIS COURT. SIGNED BY HONORABLE MARK A. KEARNEY ON 5/20/19. 5/21/19 ENTERED AND COPIES E-MAILED.(jpd) (Entered: 05/21/2019)
05/22/2019	<u>136</u>	ORDERED THAT WE AMEND PARAGRAPH FOUR (4)OF OUR 3/22/19 ORDER (DOC. NO.106) AS OUTLINED HEREIN.. SIGNED BY HONORABLE MARK A. KEARNEY ON 5/22/19. 5/22/19 ENTERED AND COPIES E-MAILED.(jpd,) (Entered: 05/22/2019)
05/23/2019	<u>137</u>	NOTICE OF APPEAL as to <u>135</u> Order,, by KEVIN S. BARNHARDT, BERKS COUNTY, BROWN, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, ZERR. Filing fee \$ 505. Copies to Judge, Clerk USCA, Appeals Clerk. (CONNELL, MATTHEW) Modified on 5/30/2019 (lvj,). (Entered: 05/23/2019)
05/24/2019	<u>138</u>	NOTICE of Docketing Record on Appeal from USCA re <u>137</u> Notice of Appeal, filed by REICHART, KEVIN S. BARNHARDT, STEPHANIE SMITH, BERKS COUNTY, CHRISTIAN Y. LEINBACH, ZERR, BROWN, JANINE L. QUIGLEY, MARK C. SCOTT, SPOTTS. USCA Case Number 19-2193 (ke,) (Entered: 05/24/2019)
05/24/2019	<u>139</u>	MOTION to Stay re <u>134</u> Findings of Fact & Conclusions of Law, <u>136</u> Order, <u>135</u> Order,, filed by KEVIN S. BARNHARDT, BERKS COUNTY, BROWN, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, ZERR.Memorandum, Certificate of Service.(CONNELL, MATTHEW) (Entered: 05/24/2019)
05/28/2019	<u>140</u>	ORDERED THAT DEFENDANTS MOTION FOR A SEVEN (7) DAY EXTENSION (DOC. NO. 139) IS GRANTED AND DEFENDANTS SHALL COMPLY WITH THE OBLIGATIONS OF OUR 5/20/19 ORDER (DOC. NO. 135) REGARDING FILING A PROPOSED PLAN TO COMPLY WITH OUR 5/20/19(DOC. NO. 135) NO LATER THAN 6/4/19 AND UPON CONFIRMING THE PLAINTIFFS NEVER RETRIEVED THE BOND THEY POSTED ON 1/16/19 UNDER OUR 1/15/19 ORDER (DOC. NO. 39) AND WITH PLAINTIFF'S CONSENT WE ACCEPT AND APPLY THE 1/16/19 BOND AS COMPLIANT WITH PARAGRAPH 3 OF OUR 5/20/19 ORDER (DOC. NO. 135) IGNED BY HONORABLE MARK A. KEARNEY ON 5/28/19.5/29/19 ENTERED AND COPIES E-MAILED.(jpd,) (Entered: 05/29/2019)
05/29/2019	<u>141</u>	MOTION to Stay <i>Proceedings Pending Outstanding Appeals</i> filed by KEVIN S. BARNHARDT, BERKS COUNTY, BROWN, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, ZERR.Memorandum, Certificate of Service.(CONNELL, MATTHEW) (Entered: 05/29/2019)
05/30/2019	<u>142</u>	MOTION to Stay re <u>135</u> Order,, filed by KEVIN S. BARNHARDT, BERKS COUNTY, BROWN, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, ZERR.Brief, Certificate of Service. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(CONNELL, MATTHEW) (Entered: 05/30/2019)
05/31/2019	<u>143</u>	RESPONSE in Opposition re <u>142</u> MOTION to Stay re <u>135</u> Order,, , <u>141</u> MOTION to Stay <i>Proceedings Pending Outstanding Appeals</i> filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order)(FELDMAN, MATTHEW) (Entered: 05/31/2019)
06/03/2019	<u>144</u>	MEMORANDUM AND/OR OPINION. SIGNED BY HONORABLE MARK A. KEARNEY ON 06/03/2019. 06/03/2019 ENTERED AND COPIES E-MAILED.(nd,) (Entered: 06/03/2019)

06/03/2019	<u>145</u>	ORDER THAT UPON CONSIDERING DEFENDANTS' MOTIONS TO STAY (ECF DOC. NO. <u>144</u> , <u>142</u>), IT IS ORDERED THAT THE MOTIONS TO STAY ARE DENIED. SIGNED BY HONORABLE MARK A. KEARNEY ON 06/03/2019. 06/03/2019 ENTERED AND COPIES E-MAILED.(nd,) (Entered: 06/03/2019)
06/03/2019	<u>146</u>	MOTION for Summary Judgment filed by KEVIN S. BARNHARDT, BERKS COUNTY, BROWN, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, ZERR.Memorandum, Certificate of Service.(CONNELL, MATTHEW) (Entered: 06/03/2019)
06/03/2019	<u>147</u>	Statement of Undisputed Facts of Defendants in Support of Their Motion for Summary Judgment by KEVIN S. BARNHARDT, BERKS COUNTY, BROWN, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, ZERR. (CONNELL, MATTHEW) (Entered: 06/03/2019)
06/03/2019	<u>148</u>	AFFIDAVIT re <u>146</u> MOTION for Summary Judgment , <u>147</u> Statement, Appendix by KEVIN S. BARNHARDT, BERKS COUNTY, BROWN, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, ZERR. (Attachments: # <u>1</u> Appendix 1, # <u>2</u> Appendix 2, # <u>3</u> Appendix 3, # <u>4</u> Appendix 4, # <u>5</u> Appendix 5, # <u>6</u> Appendix 6, # <u>7</u> Appendix 7, # <u>8</u> Appendix 8, # <u>9</u> Appendix 9, # <u>10</u> Appendix 10, # <u>11</u> Appendix 11, # <u>12</u> Appendix 12, # <u>13</u> Appendix 13, # <u>14</u> Appendix 14, # <u>15</u> Appendix 15, # <u>16</u> Appendix 16, # <u>17</u> Appendix 17, # <u>18</u> Appendix 18, # <u>19</u> Appendix 19, # <u>20</u> Appendix 20, # <u>21</u> Appendix 21, # <u>22</u> Appendix 22, # <u>23</u> Appendix 23, # <u>24</u> Appendix 24, # <u>25</u> Appendix 25, # <u>26</u> Appendix 26, # <u>27</u> Appendix 27, # <u>28</u> Appendix 28, # <u>29</u> Appendix 29, # <u>30</u> Appendix 30, # <u>31</u> Appendix 31, # <u>32</u> Appendix 32, # <u>33</u> Appendix 33, # <u>34</u> Appendix 34, # <u>35</u> Appendix 35, # <u>36</u> Appendix 36, # <u>37</u> Appendix 37, # <u>38</u> Appendix 38, # <u>39</u> Appendix 39, # <u>40</u> Appendix 40, # <u>41</u> Appendix 41, # <u>42</u> Appendix 42, # <u>43</u> Appendix 43, # <u>44</u> Appendix 44, # <u>45</u> Appendix 45, # <u>46</u> Appendix 46)(CONNELL, MATTHEW) (Entered: 06/03/2019)
06/03/2019	<u>149</u>	MOTION to Certify Class filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY.. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Memorandum, # <u>3</u> Appendix, # <u>4</u> Appendix, # <u>5</u> Appendix, # <u>6</u> Appendix)(FELDMAN, MATTHEW) (Additional attachment(s) added on 6/7/2019: # <u>7</u> Appendix) (fdc,). (Entered: 06/03/2019)
06/04/2019	<u>150</u>	AFFIDAVIT re <u>135</u> Order,, by KEVIN S. BARNHARDT, BERKS COUNTY, BROWN, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, ZERR. (CONNELL, MATTHEW) (Entered: 06/04/2019)
06/04/2019	<u>151</u>	MOTION for Leave to File Supplemental Appendix Material in Support of Their Motion for Class Certification filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY.Certificate of Service. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Appendix)(FELDMAN, MATTHEW) (Entered: 06/04/2019)
06/05/2019	<u>152</u>	Statement Response to Affidavit of Warden Janine L. Quigley by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. (FELDMAN, MATTHEW) (Entered: 06/05/2019)
06/05/2019	<u>153</u>	ORDERED THAT PLAINTIFF'S MOTION FOR LEAVE TO FILE (DOC. NO. 151) IS DENIED WITHOUT PREJUDICE TO BE RENEWED WITH THE PARTIES OBLIGATIONS UNDER OUR COURT OF APPEALS DIRECTION. SIGNED BY HONORABLE MARK A. KEARNEY ON 6/5/19. 6/6/19 ENTERED AND COPIES E-MAILED. (jpd) (Entered: 06/06/2019)
06/06/2019	<u>154</u>	MOTION for Leave to File Supplemental Appendix Material in Support of Their Motion for Class Certification filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY.Certificate of Service. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Appendix)(FELDMAN, MATTHEW) (Entered: 06/06/2019)
06/07/2019	<u>155</u>	ORDER THAT PLAINTIFF'S <u>154</u> MOTION FOR LEAVE TO FILE SUPPLEMENTAL APPENDIX PAGES 849-854 IS GRANTED. AND THE CLERK OF COURT SHALL DOCKET THE DOCUMENTS ATTACHED TO THIS ORDER (APP. 849-854) AS AN ATTACHMENT TO THE APPENDIX <u>149</u> ; AND, EACH PARTY SHALL FILE A MEMORANDUM NOT EXCEEDING SEVEN PAGES FILED ON OR BEFORE 6/13/19 AGREEING TO REMOVE THE REMAINING REDACTED PAGES IN THE FILED APPENDICES (ECF DOC. NOS. 148,149-3,4,5,6) OR TO SHOW CAUSE AS TO WHY WE SHOULD NOT LIFT THE UNILATERALLY PLACED REDACTIONS ON VICTORY APP. 846-847 AND BERKS A0010,11,47,48,53,54,77,90,91,93,941-45,952,954,958,959,960,967-69,971,972,974-76, 978,985,990-93,995-1000,1002,1004,1008,1018-21,1023-28,1030,1032,1034,1038-42,1051-80, PROVIDING THE SPECIFICS REQUIRED BY IN RE AVANDIA MKTG., SALES PRACTICES & PROD. LIAB. LITIG. SIGNED BY HONORABLE MARK A. KEARNEY ON 6/7/19.6/7/19

		ENTERED & E-MAILED.(fdc) (Entered: 06/07/2019)
06/07/2019	<u>156</u>	Copy of TPO Form re <u>137</u> Notice of Appeal, : (jpd,) (Entered: 06/10/2019)
06/12/2019	<u>157</u>	MOTION for Contempt <i>and to Enforce Order</i> filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY.Certificate of Service. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Text of Proposed Order)(FELDMAN, MATTHEW) (Entered: 06/12/2019)
06/13/2019	<u>158</u>	Memorandum of Law re <u>155</u> Order on Motion for Leave to File,, by KEVIN S. BARNHARDT, BERKS COUNTY, BROWN, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, ZERR. (CONNELL, MATTHEW) (Entered: 06/13/2019)
06/13/2019	<u>159</u>	Memorandum Regarding Redactions in Filed Appendices <i>Pursuant to ECF Doc. No. 155</i> by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. (FELDMAN, MATTHEW) (Entered: 06/13/2019)
06/14/2019	<u>160</u>	RESPONSE to Motion re <u>157</u> MOTION for Contempt <i>and to Enforce Order</i> filed by KEVIN S. BARNHARDT, BERKS COUNTY, BROWN, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, ZERR. (CONNELL, MATTHEW) (Entered: 06/14/2019)
06/17/2019	<u>161</u>	ORDERED THAT THE PARTIES SHALL ON OR BEFORE 6/21/19 SILE NEW APPENDICES WITHOUT REDACTING AS OUTLINED HEREIN SIGNED BY HONORABLE MARK A. KEARNEY ON 6/17/19. 6/17/19 ENTERED AND COPIES E-MAILED.(jpd) (Entered: 06/17/2019)
06/17/2019	<u>162</u>	RESPONSE in Opposition re <u>149</u> MOTION to Certify Class filed by KEVIN S. BARNHARDT, BERKS COUNTY, BROWN, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, ZERR. (Attachments: # <u>1</u> Appendix Table of Contents, # <u>2</u> Appendix)(CONNELL, MATTHEW) (Entered: 06/17/2019)
06/17/2019	<u>163</u>	RESPONSE in Opposition re <u>146</u> MOTION for Summary Judgment filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. (Attachments: # <u>1</u> Text of Proposed Order)(FELDMAN, MATTHEW) (Entered: 06/17/2019)
06/17/2019	<u>164</u>	Statement of Material Facts -- Response and Counterstatement by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. (Attachments: # <u>1</u> Appendix, # <u>2</u> Appendix, # <u>3</u> Appendix, # <u>4</u> Appendix, # <u>5</u> Appendix, # <u>6</u> Appendix)(FELDMAN, MATTHEW) (Entered: 06/17/2019)
06/17/2019	<u>165</u>	Transcript of Preliminary Injunction Hearing held on 5/15/19, before Judge Kearney. Court Reporter/Transcriber Shannan Gagliardi, RDR, CRR. (fdc) (Entered: 06/18/2019)
06/18/2019	<u>166</u>	AMENDED DOCUMENT by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. Amendment to <u>149</u> MOTION to Certify Class <i>Appendix #6: App. 846-47, pursuant to Court's Order of June 17, 2019, Doc. No. 161</i> . (FELDMAN, MATTHEW) Modified 6/18/19 (fdc). (Entered: 06/18/2019)
06/20/2019	<u>167</u>	AMENDED DOCUMENT by KEVIN S. BARNHARDT, BERKS COUNTY, BROWN, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, ZERR. Amendment to <u>161</u> Order . (Attachments: # <u>1</u> Appendix, # <u>2</u> Appendix, # <u>3</u> Appendix, # <u>4</u> Appendix, # <u>5</u> Appendix, # <u>6</u> Appendix, # <u>7</u> Appendix, # <u>8</u> Appendix, # <u>9</u> Appendix, # <u>10</u> Appendix, # <u>11</u> Appendix, # <u>12</u> Appendix, # <u>13</u> Appendix, # <u>14</u> Appendix, # <u>15</u> Appendix, # <u>16</u> Appendix, # <u>17</u> Appendix, # <u>18</u> Appendix, # <u>19</u> Appendix, # <u>20</u> Appendix, # <u>21</u> Appendix, # <u>22</u> Appendix, # <u>23</u> Appendix, # <u>24</u> Appendix, # <u>25</u> Appendix, # <u>26</u> Appendix, # <u>27</u> Appendix, # <u>28</u> Appendix, # <u>29</u> Appendix, # <u>30</u> Appendix, # <u>31</u> Appendix, # <u>32</u> Appendix, # <u>33</u> Appendix, # <u>34</u> Appendix, # <u>35</u> Appendix, # <u>36</u> Appendix, # <u>37</u> Appendix, # <u>38</u> Appendix, # <u>39</u> Appendix, # <u>40</u> Appendix, # <u>41</u> Appendix, # <u>42</u> Appendix, # <u>43</u> Appendix, # <u>44</u> Appendix, # <u>45</u> Appendix, # <u>46</u> Appendix)(CONNELL, MATTHEW) (Entered: 06/20/2019)
06/20/2019	<u>168</u>	ORDER THAT WE WILL HEAR PLAINTIFFS THERESA VICTORY'S AND ALICE VELAZQUEZ-DIAZ'S MOTION TO ENFORCE ORDER AND FOR CONTEMPT (ECF DOC. NO. <u>157</u>) ON TUESDAY 7/2/2019 11:00 AM IN COURTROOM 6B; EACH PARTY SHALL FILE A PRE-HEARING MEMORANDUM ON OR BEFORE JUNE 28, 2019 NOT EXCEEDING FIVE (5) PAGES WITH AN EXHIBIT LIST AND WITNESS LIST WITH OFFER OF PROOF FOR EACH PROPOSED WITNESS. SIGNED BY HONORABLE MARK A. KEARNEY ON 06/20/2019. 06/20/2019 ENTERED AND COPIES E-MAILED.(nd,) (Entered: 06/20/2019)
06/21/2019	<u>169</u>	MOTION for Writ of Habeas Corpus ad testificandum filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY.Certificate of Service. (Attachments: # <u>1</u> Text of Proposed

		Order)(FELDMAN, MATTHEW) (Entered: 06/21/2019)
06/24/2019	<u>170</u>	MOTION to Continue filed by KEVIN S. BARNHARDT, BERKS COUNTY, BROWN, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, ZERR.Memorandum, Certificate of Service.(CONNELL, MATTHEW) (Entered: 06/24/2019)
06/24/2019	<u>171</u>	REPLY to Response to Motion re <u>146</u> MOTION for Summary Judgment filed by KEVIN S. BARNHARDT, BERKS COUNTY, BROWN, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, ZERR. (CONNELL, MATTHEW) (Entered: 06/24/2019)
06/24/2019	<u>172</u>	Statement of Material Facts – Response to Counterstatement by KEVIN S. BARNHARDT, BERKS COUNTY, BROWN, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, ZERR. (CONNELL, MATTHEW) (Entered: 06/24/2019)
06/24/2019	<u>173</u>	REPLY to Response to Motion re <u>149</u> MOTION to Certify Class filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. (FELDMAN, MATTHEW) (Entered: 06/24/2019)
06/24/2019	<u>174</u>	RESPONSE in Opposition re <u>170</u> MOTION to Continue filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit)(FELDMAN, MATTHEW) (Entered: 06/24/2019)
06/25/2019	<u>175</u>	ORDER THAT DEFENDANTS' MOTION FOR A CONTINUANCE (ECF DOC. NO. <u>170</u>) IS GRANTED IN PART AS OUTLINED HEREIN; WE ADJOURN OUR JULY 2, 2019 HEARING UNTIL JULY 9, 2019 AT 2:00 PM. SIGNED BY HONORABLE MARK A. KEARNEY ON 06/25/2019.06/25/2019 ENTERED AND COPIES E-MAILED.(nd,) (Entered: 06/25/2019)
06/25/2019	<u>176</u>	ORDER THAT UPON CONSIDERATION OF PLAINTIFF ALICE VELAZQUEZ-DIAZ'S MOTION FOR WRIT OF HABEAS CORPUS (ECF DOC. NO. <u>169</u>) TO ALLOW HER TO TESTIFY DURING OUR JULY 9, 2019 HEARING IS GRANTED; AND A WRIT FOR HER APPEARANCE IS BEING CONTEMPORANEOUSLY ISSUED. SIGNED BY HONORABLE MARK A. KEARNEY ON 06/25/2019.06/25/2019 ENTERED AND COPIES E-MAILED.(nd,) (Entered: 06/25/2019)
06/25/2019	<u>177</u>	ORDERED THAT THE WARDEN OF THE BERKS COUNTY JAILSHALL PRODUCE BEFORE THIS COURT THE BODY OF ALICE VELAZQUEZ-DIAZ #2017-6164 ON 7/9/19 AT 2:00 P.M. IN COURTROOM 6-B FOR A MOTION HEARING. SIGNED BY HONORABLE MARK A. KEARNEY ON 6/25/19. 6/26/19 ENTERED AND COPIES E-MAILED.(jpd,) (Entered: 06/26/2019)
06/28/2019		USCA Appeal Fees received \$ 505 receipt number 199654 re <u>137</u> Notice of Appeal, filed by REICHART, KEVIN S. BARNHARDT, STEPHANIE SMITH, BERKS COUNTY, CHRISTIAN Y. LEINBACH, ZERR, BROWN, JANINE L. QUIGLEY, MARK C. SCOTT, SPOTTS (fdc,) (Entered: 06/28/2019)
07/01/2019	<u>178</u>	AFFIDAVIT re <u>135</u> Order,, of Warden Janine L. Quigley by KEVIN S. BARNHARDT, BERKS COUNTY, BROWN, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, ZERR. (CONNELL, MATTHEW) (Entered: 07/01/2019)
07/02/2019	<u>179</u>	Response re <u>175</u> Order on Motion to Continue, by KEVIN S. BARNHARDT, BERKS COUNTY, BROWN, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, ZERR. (CONNELL, MATTHEW) (Entered: 07/02/2019)
07/02/2019	<u>180</u>	Memorandum of Law re <u>157</u> MOTION for Contempt and to Enforce Order pursuant to ECF Doc. No. 175 filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. (Attachments: # <u>1</u> Exhibit)(FELDMAN, MATTHEW) (Entered: 07/02/2019)
07/03/2019	<u>181</u>	Response re <u>135</u> Order,, to Affidavit of Warden Janine L. Quigley (ECF Doc. No. 178) by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. (FELDMAN, MATTHEW) (Entered: 07/03/2019)
07/05/2019	<u>182</u>	MEMORANDUM by KEVIN S. BARNHARDT, BERKS COUNTY, BROWN, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, REICHART, MARK C. SCOTT, STEPHANIE SMITH, SPOTTS, ZERR Certificate of Service. (CONNELL, MATTHEW) Modified on 7/8/2019 (fb). (Entered: 07/05/2019)

07/08/2019	<u>183</u>	PRETRIAL MEMORANDUM by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY Certificate of Service. (FELDMAN, MATTHEW) (Entered: 07/08/2019)
07/08/2019	<u>184</u>	MEMORANDUM AND/OR OPINION. SIGNED BY HONORABLE MARK A. KEARNEY ON 7/8/19. 7/8/19 ENTERED AND COPIES MAILED AND E-MAILED.(jpd,) (Entered: 07/08/2019)
07/08/2019	<u>185</u>	ORDERED THAT THE DEFENDANTS' MOTION FOR SUMMARY JUDGMENT (DOC. NO. 146) IS GRANTED IN PART AND DENIED IN PART AS OUTLINED HEREIN. WE DISMISS SGT. SPOTTS AND CORRECTIONAL OFFICERS REICHART, ZERR AND BROWN. SIGNED BY HONORABLE MARK A. KEARNEY ON 7/8/19. 7/8/19 ENTERED AND COPIES E-MAILED.(jpd,) (Entered: 07/08/2019)
07/08/2019	<u>186</u>	MEMORANDUM AND/OR OPINION. SIGNED BY HONORABLE MARK A. KEARNEY ON 7/8/19. 7/8/19 ENTERED AND COPIES E-MAILED.(jpd,) (Entered: 07/08/2019)
07/08/2019	<u>187</u>	ORDERED THAT PLAINTIFF'S MOTION TO CERTIFY A CLASS ACTION UNDER RULE 23 (DOC. NO. 149) IS GRANTED AS OUTLINED HEREIN.. SIGNED BY HONORABLE MARK A. KEARNEY ON 7/8/19. 7/8/19 ENTERED AND COPIES E-MAILED.(jpd,) (Entered: 07/08/2019)
07/08/2019	<u>188</u>	AFFIDAVIT re <u>135</u> Order,, <i>Modified Affidavit</i> by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH, ZERR. (CONNELL, MATTHEW) (Entered: 07/08/2019)
07/08/2019	<u>189</u>	MOTION for Preliminary Injunction filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. Memorandum of Law, Certificate of Service. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Text of Proposed Order)(FELDMAN, MATTHEW) Modified on 7/9/2019 (tjd). (Entered: 07/08/2019)
07/09/2019	<u>190</u>	Minute Entry for proceedings held before HONORABLE MARK A. KEARNEY Motion Hearing held on 7/9/19 re <u>189</u> MOTION for Preliminary Injunction filed by THERESA VICTORY, ALICE VELAZQUEZ-DIAZ Court Reporter: ANN MARIER MITCHELL. (jpd,) (Entered: 07/10/2019)
07/11/2019	<u>191</u>	MEMORANDUM AND/OR OPINION. SIGNED BY HONORABLE MARK A. KEARNEY ON 07/11/2019. 07/11/2019 ENTERED AND COPIES E-MAILED.(nd,) (Entered: 07/11/2019)
07/11/2019	<u>192</u>	ORDER THAT PLAINTIFF REQUEST TO ENFORCE (ECF DOC. NO. <u>157</u>) IS MOOTED BY DEFENDANTS' JULY 8, 2019 FILING OF A PLAN COMPLIANT WITH OUR MAY 20, 2019 ORDER; PLAINTIFFS' MOTION FOR CIVIL CONTEMPT (ECF DO NO. [157] IS GRANTED IN PART AS OUTLINED HEREIN; DEFENDANTS BERKS COUNTY AND WARDEN QUIGLEY JOINTLY AND SEVERLY SHALL PAY, ON OR BEFORE JULY 24, 2019 \$500.00 TO ALICE VELAZQUEZ-DIAZ AS COMPENSATORY DAMAGES AND ATTORNEYS FEES OF \$6,571.20 PAYABLE TO HER COUNSEL.. SIGNED BY HONORABLE MARK A. KEARNEY ON 07/11/2019. 07/11/2019 ENTERED AND COPIES E-MAILED.(nd,) Modified on 7/11/2019 (nd,). (Entered: 07/11/2019)
07/11/2019	<u>193</u>	ORDER THAT BERKS COUNTY, THROUGH ITS WARDEN SHALL: NO LATER THAN 5:00 PM EST ON JULY 16, 2019, E-MAIL PLAINTIFFS' COUNSEL WITH A SPECIFIC IMPLEMENTATION SCHEDULE FOR MOVING ONLY FEMAL TRUSTY INMATES TO THE FORMER QUARANTINE UNIT OF THE JAIL CONSISTENT WITH OUR JULY 8, 2019 MEMORANDUM (ECF DOC. NO. <u>184</u>); NO LATER THAN JULY 17, 2019, PROVIDE ACCESS TO PLAINTIFFS' COUNSEL FOR REVIEW OF THE SPECIFIC SITE IN THE JAIL'S PRESENT QUARANTINE UNIT FOR AT LEAST FORTY-FIVE MINUTES AT PLAINTIFFS' COUNSEL'S CONVENIENCE; NO LATER THAN JULY 18, 2019, PLAINTIFFS' COUNSEL MAY FILE SPECIFIC OBJECTIONS TO BERKS COUNTY AND THE WARDEN'S SPECIFIC IMPLEMENTATION SCHEDULE; ON OR BEFORE JULY 23, 2019 AND ABSENT FURTHER ORDER, MOVE EACH PRESENT AND FUTURE TRUSTY INMATE INTO UNITS IN THE FORMER QUARANTINE UNIT; PLAINTIFFS SHALL, ON OR BEFORE JULY 24, 2019, EITHER WITHDRAW OR FILE A STATUS MEMORANDUM AS TO REMAINING ISSUES ON ITS PENDING MOTION FOR PRELIMINARY INJUNCTION.. SIGNED BY HONORABLE MARK A. KEARNEY ON 07/11/2019. 07/11/2019 ENTERED AND COPIES E-MAILED.(nd,) (Entered: 07/11/2019)
07/11/2019	<u>194</u>	MOTION for Extension of Time to File <i>Documents Described in ECF Doc. No. 187 and ECF Doc. No. 193</i> filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY.Certificate of Service.(FELDMAN, MATTHEW) (Entered: 07/11/2019)
07/15/2019	<u>195</u>	RESPONSE in Opposition re <u>194</u> MOTION for Extension of Time to File <i>Documents Described in ECF Doc. No. 187 and ECF Doc. No. 193</i> filed by KEVIN S. BARNHARDT, BERKS COUNTY,

		CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH. (CONNELL, MATTHEW) (Entered: 07/15/2019)
07/15/2019	<u>196</u>	ORDERED THAT CLASS COUNSEL'S MOTION TO AMEND OUR 7/8/19 AND 7/11/19 ORDERS IS GRANTED IN PART AND DENIED IN PART AS OUTLINED HEREIN. SIGNED BY HONORABLE MARK A. KEARNEY ON 7/15/19. 7/16/19 ENTERED AND E-MAILED.(jpd,) (Entered: 07/16/2019)
07/16/2019	<u>197</u>	NOTICE OF APPEAL as to <u>196</u> Order on Motion for Extension of Time to File by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH. Filing fee not paid. Copies to Judge, Clerk USCA, Appeals Clerk. (CONNELL, MATTHEW) Modified on 7/16/2019 (fb). (Entered: 07/16/2019)
07/17/2019	<u>198</u>	NOTICE of Docketing Record on Appeal from USCA re <u>197</u> Notice of Appeal, filed by KEVIN S. BARNHARDT, STEPHANIE SMITH, JANINE L. QUIGLEY, BERKS COUNTY, CHRISTIAN Y. LEINBACH, MARK C. SCOTT. USCA Case Number 19-2648 (dmc,) (Entered: 07/19/2019)
07/22/2019		USCA Appeal Fees received \$ 505 receipt number 200745 re <u>197</u> Notice of Appeal, filed by KEVIN S. BARNHARDT, STEPHANIE SMITH, JANINE L. QUIGLEY, BERKS COUNTY, CHRISTIAN Y. LEINBACH, MARK C. SCOTT (fdc,) (Entered: 07/22/2019)
07/22/2019	<u>199</u>	NOTICE OF APPEAL as to <u>192</u> Order (Memorandum and/or Opinion), by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH. Filing Fee Not Paid. Copies to Judge, Clerk USCA, and Appeals Clerk. Certificate of Service. (CONNELL, MATTHEW) Modified on 7/22/2019 (tjd). (Entered: 07/22/2019)
07/22/2019	<u>200</u>	MOTION for Approval of <i>Notice to the Class</i> filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. Certificate of Service. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Memorandum, # <u>3</u> Exhibit Exhibit 1, # <u>4</u> Exhibit Exhibit 2)(FELDMAN, MATTHEW) (Entered: 07/22/2019)
07/22/2019	<u>201</u>	MOTION for Reconsideration re <u>185</u> Order (Memorandum and/or Opinion), <u>187</u> Order (Memorandum and/or Opinion) of <i>Summary Judgment and Class Certification Rulings on Equal Rights Amendment Claims under the Pennsylvania Constitution</i> filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. Certificate of Service. (Attachments: # <u>1</u> Supplement, # <u>2</u> Memorandum)(FELDMAN, MATTHEW) (Entered: 07/22/2019)
07/23/2019	<u>202</u>	NOTICE of Docketing Record on Appeal from USCA re <u>199</u> Notice of Appeal, filed by KEVIN S. BARNHARDT, STEPHANIE SMITH, JANINE L. QUIGLEY, BERKS COUNTY, CHRISTIAN Y. LEINBACH, MARK C. SCOTT, <u>197</u> Notice of Appeal, filed by KEVIN S. BARNHARDT, STEPHANIE SMITH, JANINE L. QUIGLEY, BERKS COUNTY, CHRISTIAN Y. LEINBACH, MARK C. SCOTT. USCA Case Number 19-2695 (ke) (Entered: 07/24/2019)
07/25/2019		USCA Appeal Fees received \$ 505 receipt number 201024 re <u>199</u> Notice of Appeal, filed by KEVIN S. BARNHARDT, STEPHANIE SMITH, JANINE L. QUIGLEY, BERKS COUNTY, CHRISTIAN Y. LEINBACH, MARK C. SCOTT (fdc,) (Entered: 07/26/2019)
07/26/2019	<u>203</u>	Memorandum in Opposition re <u>200</u> MOTION for Approval of <i>Notice to the Class</i> filed by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH. (CONNELL, MATTHEW) (Entered: 07/26/2019)
07/29/2019	<u>204</u>	Transcript of Hearing held on 7/9/19, before Judge KEARNEY. Court Reporter/Transcriber Ann Marie Mitchell, CRR, RDR, RMR. (fdc) (Entered: 07/29/2019)
07/29/2019	<u>205</u>	ORDER THAT THE SETTLEMENT CONFERENCE SCHEDULED FOR TUESDAY, 8/13/19 AT 9:30 AM IS RESCHEDULED TO 2:00 PM. SIGNED BY MAGISTRATE JUDGE MARILYN HEFFLEY ON 7/29/19. 7/29/19 ENTERED & E-MAILED.(fdc) (Entered: 07/29/2019)
07/29/2019	<u>206</u>	ORDERED THAT PLAINTIFF'S MOTION FOR APPROVAL (DOC.NO 200) IS GRANTED IN PART AND DENIED IN PART AS OUTLINED HEREIN. SIGNED BY HONORABLE MARK A. KEARNEY ON 7/29/19. 7/30/19 ENTERED AND COPIES E-MAILED.(jpd,) (Entered: 07/30/2019)
07/30/2019	<u>207</u>	Memorandum re <u>189</u> MOTION for Preliminary Injunction filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. (FELDMAN, MATTHEW) (Entered: 07/30/2019)
08/02/2019	<u>208</u>	NOTICE by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH re <u>206</u> Order on Motion for Approval <i>Certificate of Compliance</i> (CONNELL, MATTHEW) (Entered: 08/02/2019)

08/05/2019	<u>209</u>	RESPONSE in Opposition re <u>201</u> MOTION for Reconsideration re <u>185</u> Order (Memorandum and/or Opinion), <u>187</u> Order (Memorandum and/or Opinion) of <i>Summary Judgment and Class Certification Rulings on Equal Rights Amendment Claims under the Pennsylvania Constitution</i> filed by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH. (CONNELL, MATTHEW) (Entered: 08/05/2019)
08/05/2019	<u>210</u>	RESPONSE in Opposition re <u>189</u> MOTION for Preliminary Injunction filed by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH. (CONNELL, MATTHEW) (Entered: 08/05/2019)
08/06/2019	<u>211</u>	NOTICE of Hearing: A TELEPHONE CONFERENCE REGARDING THE STATUS OF SETTLEMENT IS SET FOR TODAY, AUGUST 6, 2019 AT 2:00 P.M.BEFORE MAGISTRATE JUDGE MARILYN HEFFLEY. COUNSEL FOR PLAINTIFFS IS DIRECTED TO INITIATE THE CALL. JUDGE HEFFLEY CAN BE REACHED AT 267-299-7420.(sah) (Entered: 08/06/2019)
08/07/2019	<u>212</u>	AMENDED CONFERENCE ORDER. ORDER THAT A SETTLEMENT CONFERENCE IS SET FOR 10/15/19 AT 2:00 PM BEFORE MAGISTRATE JUDGE MARILYN HEFFLEY.SIGNED BY MAGISTRATE JUDGE MARILYN HEFFLEY ON 8/7/19. 8/7/19 ENTERED & E-MAILED.(fdc) (Entered: 08/07/2019)
08/07/2019	<u>213</u>	ORDERED THAT SUBJECT TO POSTING OF A \$100.00 BOND ON BEHALF OF THE CLASS MEMBERS WITH THE CLERK OF COURT, CLASS PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION (DCO. NO. 189) IS GRANTED TO COMPEL DEFENDANTS TO IMPLEMENT THEIR PROPOSED PLAN UNDER OUR 7/15/19 ORDER FOR ALL CLASS MEMBERS; BUT CONSISTENT WITH OUR COURT OF APPEALS 7/19/19 ODERS STAYING OUR 7/15/19 ORDER, WE STAY IMPLEMENTAION OF THIS ORDER UNTIL FURTHER ORDER. SIGNED BY HONORABLE MARK A. KEARNEY ON 8/7/19. 8/8/19 ENTERED AND COPIES E-MAILED. (jpd) (Entered: 08/08/2019)
08/08/2019	<u>214</u>	Minute Entry for proceedings held before MAGISTRATE JUDGE MARILYN HEFFLEY. A Pretrial Conference was held on 8/6/19. (fdc) (Entered: 08/08/2019)
08/09/2019	<u>215</u>	ORDER THAT PLAINTIFFS' MOTION FOR RECONSIDERATION (DOC. NO. <u>201</u>) IS DENIED. SIGNED BY HONORABLE MARK A. KEARNEY ON 8/9/2019.8/9/2019 ENTERED AND COPIES E-MAILED.(amas) (Entered: 08/09/2019)
08/16/2019		The sum of \$ \$100.00 deposited into the Registry of the Court. (jpd,) (Entered: 08/16/2019)
09/03/2019	<u>216</u>	MOTION for Extension of Time to File <i>Motion for Summary Judgment</i> filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY.Certificate of Service. (Attachments: # <u>1</u> Text of Proposed Order)(FELDMAN, MATTHEW) (Entered: 09/03/2019)
09/04/2019	<u>217</u>	ORDERED THAT LEAD PLAINTIFF'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE (DOC. NO. 216) IS GRANTED AS OUTLINED HEREIN. DAUBERT MOTIONS TO BE FILED NO LATER THAN 9/16/19 WITH ALL RESPONSES DUE NO LATER THAN 9/30/19. SIGNED BY HONORABLE MARK A. KEARNEY ON 9/4/19. 9/4/19 ENTERED AND COPIES E-MAILED. (jpd) (Entered: 09/04/2019)
09/04/2019		Set/Reset Scheduling Order Deadlines: MOTIONS DUE BY 9/16/2019. MOTION FOR SUMMARY JUDGMENT DUE BY 9/16/2019. (jpd,) (Entered: 09/05/2019)
09/05/2019	<u>218</u>	NOTICE OF APPEAL as to <u>213</u> Order,, by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH. Filing fee \$ 505, receipt number 0313-13777919. Copies to Judge, Clerk USCA, Appeals Clerk . (CONNELL, MATTHEW) Modified on 9/6/2019 (lvj,). (Entered: 09/05/2019)
09/06/2019	<u>219</u>	NOTICE of Docketing Record on Appeal from USCA re <u>218</u> Notice of Appeal (Credit Card Payment), filed by KEVIN S. BARNHARDT, STEPHANIE SMITH, JANINE L. QUIGLEY, BERKS COUNTY, CHRISTIAN Y. LEINBACH, MARK C. SCOTT. USCA Case Number 19-3060 (dmc,) (Entered: 09/10/2019)
09/16/2019	<u>220</u>	MOTION Decertify Class filed by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH.Memorandum of Law, Certificate of Service.(CONNELL, MATTHEW) (Entered: 09/16/2019)

09/16/2019	<u>221</u>	EXHIBIT <i>Joint Appendix</i> by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH, ZERR.. (Attachments: # <u>1</u> Appendix Joint, # <u>2</u> Appendix Joint, # <u>3</u> Appendix Joint, # <u>4</u> Appendix Joint)(CONNELL, MATTHEW) (Entered: 09/16/2019)
09/16/2019	<u>222</u>	MOTION for Summary Judgment filed by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH.Memorandum, Certificate of Service.(CONNELL, MATTHEW) (Entered: 09/16/2019)
09/16/2019	<u>223</u>	Statement of <i>Undisputed Material Facts</i> by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH. (CONNELL, MATTHEW) (Entered: 09/16/2019)
09/16/2019	<u>224</u>	Statement of <i>Undisputed Material Facts</i> by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. (FELDMAN, MATTHEW) (Entered: 09/16/2019)
09/16/2019	<u>225</u>	MOTION for Partial Summary Judgment filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY.Certificate of Service. (Attachments: # <u>1</u> Memorandum, # <u>2</u> Text of Proposed Order)(FELDMAN, MATTHEW) (Entered: 09/16/2019)
09/20/2019	<u>226</u>	MOTION to Stay <i>All Proceedings</i> filed by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH.Memorandum of Law, Certificate of Service.(CONNELL, MATTHEW) (Entered: 09/20/2019)
09/30/2019	<u>227</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>222</u> MOTION for Summary Judgment , <u>223</u> Statement filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY.Certificate of Service. (Attachments: # <u>1</u> Text of Proposed Order)(YEH, SU MING) (Entered: 09/30/2019)
09/30/2019	<u>228</u>	ORDERED THAT THE MOTION FOR EXTENSION OF TIME (DOC. NO. 227) IS GRANTED AND RESPONSES TO THE MOTIONS FOR SUMMARY JUDGMENT SHALL BE FILED NO LATER THAN 10/3/2019. SIGNED BY HONORABLE MARK A. KEARNEY ON 9/30/19. 9/30/19 ENTERED AND COPIES E-MAILED.(jpd,) (Entered: 09/30/2019)
09/30/2019	<u>229</u>	RESPONSE in Opposition re <u>220</u> MOTION Decertify Class filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. (Attachments: # <u>1</u> Text of Proposed Order)(YEH, SU MING) (Entered: 09/30/2019)
09/30/2019	<u>230</u>	RESPONSE in Opposition re <u>225</u> MOTION for Partial Summary Judgment filed by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Brief, # <u>3</u> Certificate of Service)(CONNELL, MATTHEW) (Entered: 09/30/2019)
10/03/2019	<u>231</u>	Statement of <i>Material Facts, Response to Ds Statement of Undisputed Facts</i> by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. (YEH, SU MING) (Entered: 10/03/2019)
10/03/2019	<u>232</u>	RESPONSE in Opposition re <u>222</u> MOTION for Summary Judgment filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. (Attachments: # <u>1</u> Text of Proposed Order)(YEH, SU MING) (Entered: 10/03/2019)
10/03/2019	<u>233</u>	EXHIBIT <i>Supplemental Joint Appendix</i> by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY.. Certificate of Service (Attachments: # <u>1</u> Table of Contents, # <u>2</u> Certificate of Service)(YEH, SU MING) (Entered: 10/03/2019)
10/04/2019	<u>234</u>	RESPONSE in Opposition re <u>226</u> MOTION to Stay <i>All Proceedings</i> filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order)(YEH, SU MING) (Entered: 10/04/2019)
10/07/2019	<u>235</u>	REPLY to Response to Motion re <u>225</u> MOTION for Partial Summary Judgment filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. (FELDMAN, MATTHEW) (Entered: 10/07/2019)
10/08/2019	<u>236</u>	NOTICE of Hearing: A TELEPHONE CONFERENCE REGARDING THE STATUS OF SETTLEMENT IS SET FOR TODAY, OCTOBER 8, 2019 AT 2:00 PM BEFORE MAGISTRATE JUDGE MARILYN HEFFLEY. COUNSEL FOR DEFENSE IS DIRECTED TO INITIATE THE CALL. JUDGE HEFFLEY CAN BE REACHED AT 267-299-7420.(sah) (Entered: 10/08/2019)
10/09/2019	<u>237</u>	Minute Entry for proceedings held before MAGISTRATE JUDGE MARILYN HEFFLEY Initial Pretrial Conference held on 10/8/19 Court Reporter: ESR. (jpd,) (Entered: 10/09/2019)

10/09/2019	<u>238</u>	ORDERED THAT THE SETTLEMENT CONFERENCE SET FOR 10/15/19 IS CANCELLED. SIGNED BY MAGISTRATE JUDGE MARILYN HEFFLEY ON 10/9/19. 10/9/19 ENTERED AND COPIES E-MAILED. (jpd) (Entered: 10/09/2019)
10/10/2019	<u>239</u>	REPLY to Response to Motion re <u>222</u> MOTION for Summary Judgment filed by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH. (CONNELL, MATTHEW) (Entered: 10/10/2019)
10/10/2019	<u>240</u>	Statement <i>Response to Plaintiffs' Counterstatement of Material Facts</i> by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH. (CONNELL, MATTHEW) (Entered: 10/10/2019)
10/15/2019	<u>241</u>	NOTICE of Appearance by LAURIE ANN FIORE on behalf of KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH with Certificate of Service(FIORE, LAURIE) (Entered: 10/15/2019)
10/15/2019	<u>242</u>	ORDERED THAT DEFENDANTS MOTION TO STAY (DOC. NO 226) IS DENIED. SIGNED BY HONORABLE MARK A. KEARNEY ON 10/15/19. 10/15/19 ENTERED AND COPIES MAILED AND E-MAILED. (jpd) (Entered: 10/15/2019)
10/15/2019	<u>243</u>	MOTION To Dissolve Preliminary Injunction re <u>213</u> Order,, filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY.Certificate of Service. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(FELDMAN, MATTHEW) (Entered: 10/15/2019)
10/16/2019	<u>244</u>	ORDERED THAT PLAINTIFF'S MOTION TO DISSOLVE (DOC. NO. 243) IS DENIED. SIGNED BY HONORABLE MARK A. KEARNEY ON 10/16/17. 10/17/19 ENTERED AND COPIES E-MAILED. (jpd) (Entered: 10/17/2019)
10/17/2019	<u>245</u>	ORDER-MEMORANDUM THE DEFENDANTS' MOTION TO DECERTIFY (DOC. NO. 220) IS DENIED.SIGNED BY HONORABLE MARK A. KEARNEY ON 10/17/19. 10/17/19 ENTERED AND COPIES E-MAILED. (jpd) (Entered: 10/17/2019)
10/17/2019	<u>246</u>	ORDER THAT DEFENDANTS' MOTION FOR SUMMARY JUDGMENT (ECF DOC NO. <u>222</u>) IS DENIED; AND PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT (ECF DOC. NO. <u>225</u>) IS DENIED.. SIGNED BY HONORABLE MARK A. KEARNEY ON 10/17/2019. 10/17/2019 ENTERED AND COPIES E-MAILED.(nd,) (Entered: 10/17/2019)
10/17/2019	<u>247</u>	MEMORANDUM AND/OR OPINION. SIGNED BY HONORABLE MARK A. KEARNEY ON 10/17/2019. 10/17/2019 ENTERED AND COPIES E-MAILED.(nd,) (Entered: 10/17/2019)
10/17/2019	<u>248</u>	Proposed Jury Instructions by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH. Certificate of Service (CONNELL, MATTHEW) (Entered: 10/17/2019)
10/17/2019	<u>249</u>	Proposed Verdict Sheet by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH.. Certificate of Service (CONNELL, MATTHEW) (Entered: 10/17/2019)
10/17/2019	<u>250</u>	Proposed Jury Instructions by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. Certificate of Service (YEH, SU MING) (Entered: 10/17/2019)
10/17/2019	<u>251</u>	Proposed Verdict Sheet by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY.. Certificate of Service (YEH, SU MING) (Entered: 10/17/2019)
10/17/2019	<u>252</u>	Proposed Voir Dire by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. Certificate of Service (YEH, SU MING) (Entered: 10/17/2019)
10/18/2019	<u>253</u>	TRIAL BRIEF by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH. Certificate of Service (CONNELL, MATTHEW) (Entered: 10/18/2019)
10/18/2019	<u>254</u>	PRETRIAL MEMORANDUM by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY, Certificate of Service, Exhibit List. (Attachments: # <u>1</u> Exhibit)(Filed per chambers instructions)(md) (Entered: 10/21/2019)
10/21/2019	<u>255</u>	Proposed Voir Dire by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH. Certificate of Service (CONNELL, MATTHEW) (Entered: 10/21/2019)

10/21/2019	<u>256</u>	MOTION to Bifurcate filed by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH.Memorandum of Law, Certificate of Service.(CONNELL, MATTHEW) (Entered: 10/21/2019)
10/21/2019	<u>257</u>	MOTION in Limine filed by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH.Memorandum of Law, Certificate of Service.(CONNELL, MATTHEW) (Entered: 10/21/2019)
10/21/2019	<u>258</u>	MOTION in Limine filed by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH.Memorandum of Law, Certificate of Service.(CONNELL, MATTHEW) (Entered: 10/21/2019)
10/21/2019	<u>259</u>	MOTION in Limine filed by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH.Memorandum of Law, Certificate of Service.(CONNELL, MATTHEW) (Entered: 10/21/2019)
10/21/2019	<u>260</u>	MOTION in Limine filed by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH.Memorandum of Law, Certificate of Service.(CONNELL, MATTHEW) (Entered: 10/21/2019)
10/21/2019	<u>261</u>	Objections by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY re <u>248</u> Proposed Jury Instructions . (FELDMAN, MATTHEW) (Entered: 10/21/2019)
10/21/2019	<u>262</u>	MOTION in Limine filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY.Memorandum, Certificate of Service. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Memorandum)(FELDMAN, MATTHEW) (Entered: 10/21/2019)
10/21/2019	<u>263</u>	MOTION in Limine filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY.Memorandum, Certificate of Service. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Memorandum)(FELDMAN, MATTHEW) (Entered: 10/21/2019)
10/21/2019	<u>264</u>	MOTION in Limine filed by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH.Memorandum of Law, Certificate of Service.(CONNELL, MATTHEW) (Entered: 10/21/2019)
10/21/2019	<u>265</u>	Objections by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH . (CONNELL, MATTHEW) (Entered: 10/21/2019)
10/21/2019	<u>266</u>	MOTION in Limine filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY.Certificate of Service. (Attachments: # <u>1</u> Brief, # <u>2</u> Text of Proposed Order)(YEH, SU MING) (Entered: 10/21/2019)
10/21/2019	<u>267</u>	MOTION in Limine filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY.Memorandum, Certificate of Service. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Memorandum)(FELDMAN, MATTHEW) (Entered: 10/21/2019)
10/22/2019	<u>268</u>	EXHIBIT To Doc No. 265 by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit A, # <u>3</u> Exhibit A, # <u>4</u> Exhibit A, # <u>5</u> Exhibit A, # <u>6</u> Errata A, # <u>7</u> Exhibit A, # <u>8</u> Exhibit A, # <u>9</u> Exhibit A, # <u>10</u> Exhibit A, # <u>11</u> Exhibit A, # <u>12</u> Exhibit A, # <u>13</u> Exhibit A, # <u>14</u> Exhibit A, # <u>15</u> Exhibit A, # <u>16</u> Exhibit B)(CONNELL, MATTHEW) (Entered: 10/22/2019)
10/24/2019	<u>269</u>	ORDER of USCA as to <u>218</u> Notice of Appeal (Credit Card Payment), filed by KEVIN S. BARNHARDT, STEPHANIE SMITH, JANINE L. QUIGLEY, BERKS COUNTY, CHRISTIAN Y. LEINBACH, MARK C. SCOTT THAT THE DISTRICT COURT'S ORDER DATED 8/8/19 IS VACATED. AS THE PARTIES ARE IN AGREEMENT, THE CLERK OF COURT SHALL ISSUE A CERTIFIED COPY OF THIS ORDER IN LIEU OF A FORMAL MANDATE FORTHWITH. (jpd,) (Entered: 10/24/2019)
10/28/2019	<u>270</u>	MOTION for Writ of Habeas Corpus ad testificandum filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY.Certificate of Service. (Attachments: # <u>1</u> Text of Proposed Order)(FELDMAN, MATTHEW) (Entered: 10/28/2019)
10/29/2019	<u>271</u>	RESPONSE in Opposition re <u>262</u> MOTION in Limine filed by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH. (CONNELL, MATTHEW) (Entered: 10/29/2019)

10/29/2019	<u>272</u>	RESPONSE in Opposition re <u>263</u> MOTION in Limine filed by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH. (CONNELL, MATTHEW) (Entered: 10/29/2019)
10/29/2019	<u>273</u>	RESPONSE in Opposition re <u>266</u> MOTION in Limine filed by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH. (CONNELL, MATTHEW) (Entered: 10/29/2019)
10/29/2019	<u>274</u>	RESPONSE in Opposition re <u>267</u> MOTION in Limine filed by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH. (CONNELL, MATTHEW) (Entered: 10/29/2019)
10/29/2019	<u>275</u>	Response in Opposition to Designations re <u>253</u> Trial Brief <i>Counter Designations</i> by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH. (CONNELL, MATTHEW) (Entered: 10/29/2019)
10/29/2019	<u>276</u>	RESPONSE in Opposition re <u>260</u> MOTION in Limine filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. (Attachments: # <u>1</u> Text of Proposed Order)(FELDMAN, MATTHEW) (Entered: 10/29/2019)
10/29/2019	<u>277</u>	RESPONSE in Opposition re <u>264</u> MOTION in Limine filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. (Attachments: # <u>1</u> Text of Proposed Order)(FELDMAN, MATTHEW) (Entered: 10/29/2019)
10/29/2019	<u>278</u>	RESPONSE in Opposition re <u>259</u> MOTION in Limine (<i>Witnesses</i>) filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4)(YEH, SU MING) (Entered: 10/29/2019)
10/29/2019	<u>279</u>	RESPONSE in Opposition re <u>257</u> MOTION in Limine filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit)(FELDMAN, MATTHEW) (Entered: 10/29/2019)
10/29/2019	<u>280</u>	RESPONSE in Opposition re <u>258</u> MOTION in Limine filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. (Attachments: # <u>1</u> Text of Proposed Order)(YEH, SU MING) (Entered: 10/29/2019)
10/29/2019	<u>281</u>	ORDERED THAT PLAINTIFF'S MOTION FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM (DOC. NO. 270) IS GRANTED. THE WARDEN FOR THE BERKS COUNTY JAIL SHALL PRODUCE THE BODIES OF MELINDA BATES #2019-2855, WHITNEY BECHTEL,#2016-6274, KATIE HOYER,#2019-3622, YELITZA MORENO-NEYRA,#2017-3944, TRICIA CONSUL,#2018-5921, HOLLY MILLER,#2015-4743, HOLLY SMITH,#2019-2750 AND JOSHUA HECKMAN,#2003-5090 ON 11/12/19 AND 11/13/19 AT 9:00 A.M. TO APPEAR AS WITNESSES FOR A JUEY TRIAL IN THE ABOVE CAPTIONED MATTER. SIGNED BY HONORABLE MARK A. KEARNEY ON 10/29/19.10/30/19 ENTERED AND COPIES E-MAILED. (jpd) (VACATED AS PER ORDER DATED 11/7/19 DOC. NO.304) (Entered: 10/30/2019)
10/30/2019	<u>282</u>	ORDERED THAT A FINAL PRETRIAL CONFERENCE IS SET FOR 11/5/2019 AT 9:00 A.M. IN COURTROOM 6-B. SIGNED BY HONORABLE MARK A. KEARNEY ON 10/30/19. 10/30/19 ENTERED AND COPIES E-MAILED. (jpd) (Entered: 10/30/2019)
10/30/2019	<u>283</u>	ORDERED THAT DEFENDANTS MOTION IN LIMINE (DOC. NO. 259) IS DENIED CONDITIONED UPON THE PLAINTIFFS PRODUCING EACH WITNESS THEY HOPE TO CALL AT TRIAL BUT NOT IDENTIFIED UNTIL THE PRE-TRIAL STATEMENT AND TIMELY NOTICED UNDER FRCP 30(b) FOR DEPOSITION NOT EXCEEDING SIXTY (60) MINUTES AS TO EACH WITNESS TO BE HELD AT DEFENDNATS' COUNSEL'S OFFICE NO LATER THAN 11/7/19. SIGNED BY HONORABLE MARK A. KEARNEY ON 10/30/19.10/30/19 ENTERED AND COPIES E-MAILED.(jpd,) (Entered: 10/30/2019)
10/30/2019	<u>284</u>	ORDERED THAT DEFENDANTS MOTION IN LIMINE (DOC. NO 257) IS DENIED CONDITIONED UPON HER APPEARING AT A TELEPHONIC DEPOSTITION IN RESPONSE TO A NOTICE OF DEPOSITION UNDER FRCP 30(b) FOR NO MORE THAN FORTY-FIVE (45) MINUTES TO BE HELD ON OR BEFORE 11/7/19 LIMITED TO HER DAMAGE CLAIM. SIGNED BY HONORABLE MARK A. KEARNEY ON 10/30/19.10/30/19 ENTERED AND COPIES E-MAILED.(jpd,) (Main Document 284 replaced on 10/31/2019) (jpd,). (Entered: 10/30/2019)

10/31/2019	<u>285</u>	RESPONSE in Opposition re <u>256</u> MOTION to Bifurcate filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. (Attachments: # <u>1</u> Text of Proposed Order)(FELDMAN, MATTHEW) (Entered: 10/31/2019)
10/31/2019	<u>286</u>	ORDERED THAT DEFENDANTS' MOTION IN LIMINE (DOC. NO.258) IS GRANTED IN PART AND DENIED IN PART AS OUTLINED HEREIN. SIGNED BY HONORABLE MARK A. KEARNEY ON 10/31/19. 10/31/19 ENTERED AND COPIES E-MAILED. (jpd) (Entered: 10/31/2019)
10/31/2019	<u>287</u>	ORDERED THAT DEFENDANTS MOTION IN LIMINE (DOC. NO. 262) IS GRANTED IN PART AS OUTLINED HEREIN. SIGNED BY HONORABLE MARK A. KEARNEY ON 10/31/19.10/31/19 ENTERED AND COPIES E-MAILED. (jpd) (Entered: 10/31/2019)
10/31/2019	<u>288</u>	ORDERED THAT PLAINTIFF'S MOTION IN LIMINE (DOC. NO. 263) IS GRANTED IN PART AS OUTLINED HEREIN.. SIGNED BY HONORABLE MARK A. KEARNEY ON 10/31/19.10/31/19 ENTERED AND COPIES E-MAILED.(jpd,) (Entered: 10/31/2019)
10/31/2019	<u>289</u>	ORDERED THAT THE DEFENDANTS MOTION IN LIMINE (DOC. NO. 264) IS GRANTED IN PART AND DENIED IN PART AS OUTLINED HEREIN. SIGNED BY HONORABLE MARK A. KEARNEY ON 10/31/19. 10/31/19 ENTERED AND COPIES E-MAILED. (jpd) (Entered: 10/31/2019)
10/31/2019	<u>290</u>	ORDERED THAT PLAINTIFF'S MOTION IN LIMINE (DOC. NO. 266) IS GRANTED IN PART AND DENIED IN PART AS OUTLINED HEREIN. SIGNED BY HONORABLE MARK A. KEARNEY ON 10/31/19. 10/31/19 ENTERED AND COPIES MAILED AND E-MAILED. (jpd) (Entered: 10/31/2019)
10/31/2019	<u>291</u>	ORDERED THAT THE PLAINTIFF'S MOTION IN LIMINE (DOC. NO. 267) IS GRANTED IN PART AND DENIED IN PART AS OUTLINED HEREIN. SIGNED BY HONORABLE MARK A. KEARNEY ON 10/31/19. 10/31/19 ENTERED AND COPIES MAILED AND E-MAILED.(jpd) (Entered: 10/31/2019)
10/31/2019	<u>292</u>	PRETRIAL MEMORANDUM by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY Amended Pretrial Memorandum; Certificate of Service. (FELDMAN, MATTHEW) (Entered: 10/31/2019)
11/04/2019	<u>293</u>	ORDER OF USCA THAT ON CONSIDERATION WHEREOF, IT IS NOW ORDERED AND ADJUDGED BY THIS COURT THAT THAT APPEAL OF THE DISTRICT COURT ORDER ENTERED 1/16/19 IN APPEAL NUMBER 19-1329 IS DISMISSED ; THE APPEAL OF THE DISTRICT COURT ORDER ENTERED ON 5/21/19 IN APPEAL NUMBER 19-CV-2193 IS DISMISSED; THE APPEAL OF THE DISTRICT COURT ORDER ENTERED ON 7/16/19 IN APPEAL 19-2648 IS DISMISSED AND THE ORDER OF THE DISTRICT ACOURT ENTERED ON 7/11/19 IN APPEAL 19-2695 IS REVERESED. THIS CASE IS REMANDED FOR FURTHER PROCEEDINGS CONSISTENT WIT TGE OPINIONM FILED HEREWITH. ALL OF THE ABOVE IN ACCORDANCE WITH THE OPINION OF THIS COURT. COSTS SHALL NOT BE TAXED. (jpd,) (Entered: 11/04/2019)
11/04/2019	<u>294</u>	NOTICE of Appearance by WILL W. SACHSE on behalf of ALICE VELAZQUEZ-DIAZ, THERESA VICTORY with Certificate of Service(SACHSE, WILL) (Entered: 11/04/2019)
11/05/2019	<u>295</u>	NOTICE of Appearance by ALEXANDRA MORGAN-KURTZ on behalf of ALICE VELAZQUEZ-DIAZ, THERESA VICTORY with Certificate of Service(MORGAN-KURTZ, ALEXANDRA) (Entered: 11/05/2019)
11/05/2019	<u>296</u>	NOTICE of Appearance by CORY WARD on behalf of ALICE VELAZQUEZ-DIAZ, THERESA VICTORY with Certificate of Service(WARD, CORY) (Entered: 11/05/2019)
11/05/2019	<u>297</u>	ORDERED THAT DEFENDANTS' MOTION TO BIFURCATE (DOC. NO. 256) IS GRANTED IN PART AS OUTLINED HEREIN. SIGNED BY HONORABLE MARK A. KEARNEY ON 11/5/19.11/6/19 ENTERED AND COPIES E-MAILED.(jpd,) (Entered: 11/06/2019)
11/05/2019	<u>298</u>	ORDERED THAT DEFENDANTS' MOTION IN LIMINE (DOC. NO. 260) IS GRANTED IN PART AND DENIED IN PART AS OUTLINED HEREIN. SIGNED BY HONORABLE MARK A. KEARNEY ON 11/5/19.11/6/19 ENTERED AND COPIES E-MAILED.(jpd,) (Entered: 11/06/2019)
11/05/2019	<u>299</u>	ORDERED THAT ON OR BEFORE 5:00 P.M. ON 11/6/19 THE PARTIES SHALL EXCHANGE A LIST OF TRIAL WITNESSES WITH AN OFFER OF PROOF FOR EACH PHASE OF TRIAL AS TO FURLOUGH LIABILITY, INDIVIDUAL DAMAGES AND PROSPECTIVE RELIEF, ETC. ON OR BEFORE 10:00 ON 11/7/19 PLAINTIFF COUNSEL SHALL FILE A NOTICE OF

		WITNESS FOR WHOM IT SEEKS A WRIT TO COMPEL THEIR APPEARANCE AT TRIAL, ETC. ON OR BEFORE 3:0 P.M. ON 11/8/19 THE PARTIES SHALL EACH FILE MEMORANDA NOT EXCEEDING FIFTEEN (15) PAGES AS OUTLINED HEREIN. SIGNED BY HONORABLE MARK A. KEARNEY ON 11/5/19. 11/6/19 ENTERED AND COPIES E-MAILED. (jpd,) (Entered: 11/06/2019)
11/05/2019	<u>300</u>	Minute Entry for proceedings held before HONORABLE MARK A. KEARNEY Final Pretrial Conference held on 11/5/19 (jpd,) (Entered: 11/06/2019)
11/06/2019	<u>301</u>	NOTICE by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY <i>regarding writs to compel appearance at trial</i> (FELDMAN, MATTHEW) (Entered: 11/06/2019)
11/07/2019	<u>302</u>	MOTION in Limine to Preclude Testimony from Plaintiffs' Witness Joel Mankoski and of Proposed Exhibit 50 filed by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH. Memorandum and Certificate of Service.(CONNELL, MATTHEW) (Entered: 11/07/2019)
11/07/2019	<u>304</u>	ORDERED THAT WE VACATE OUR 10/29/19 ORDER GRANTING WRITS OF HABEAS CORPUS (DOC. NO. 281) THE WARDEN OF BUCKS COUNTY JAIL SHALL PRODUCE BEFORE THIS COURT THE BODIES OF TRICIA CONSUL #2018-5921 AND JOSHUA HECKMAN #2003-5090 ON 11/12/19 AT 9:00 A.M., TO APPEAR AS WITNESSES FOR A JURY TRIAL IN THE ABOVE CAPTIONED CIVIL ACTION. ON 11/13/19 THE WARDEN SHALL PRODUCE THE BODY OF TRICIA CONSUL #2018-5921 TO APPEAR AS A WITNESS FOR A JURY TRIAL IN THE ABOVE CAPTIONED CIVIL ACTION. ON 11/14/19 THE WARDEN OF BUCKS COUNTY JAIL SHALL PRODUCE THE BODY OF MELINDA BATES #2019-2855 TO APPEAR AS A WITNESS FOR A JURY TRIAL IN THE ABOVE CAPTIONED CIVIL ACTION. SIGNED BY HONORABLE MARK A. KEARNEY ON 11/7/19. 11/8/19 ENTERED AND COPIES E-MAILED.(jpd,) (Entered: 11/08/2019)
11/08/2019	<u>303</u>	Pretrial Memorandum Supplemental by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH, Certificate of Service. (CONNELL, MATTHEW) Modified on 11/12/2019 (fb). (Entered: 11/08/2019)
11/08/2019	<u>305</u>	Memorandum of Law re <u>299</u> Order,, by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH. (CONNELL, MATTHEW) (Entered: 11/08/2019)
11/08/2019	<u>306</u>	NOTICE by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH (CONNELL, MATTHEW) (Entered: 11/08/2019)
11/08/2019	<u>307</u>	NOTICE by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH Amended (CONNELL, MATTHEW) (Entered: 11/08/2019)
11/08/2019	<u>308</u>	Memorandum of Law re <u>299</u> Order,, by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. (FELDMAN, MATTHEW) (Entered: 11/08/2019)
11/08/2019	<u>309</u>	NOTICE by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY re <u>307</u> Notice (Other) (FELDMAN, MATTHEW) (Entered: 11/08/2019)
11/08/2019	<u>313</u>	ORDERED THAT DEFENDANTS MOTION IN LIMINE (DOC. NO. 302) IS DENIED WITHOUT PREJUDICE TO BE RENEWED TO PRECLUDE THE EXHIBIT AND STRIKE TESTIMONY SHOULD THE PLAINTIFFS NOT ADDUCE A SUFFICIENT FOUNDATION OF PUBLIC RECORD AND THE TRUSTWORTHINESS OF THE UNDERLYING DOCUMENTS.. SIGNED BY HONORABLE MARK A. KEARNEY ON 11/8/19. 11/12/19 ENTERED AND COPIES E-MAILED.(jpd,) (Entered: 11/12/2019)
11/08/2019	<u>314</u>	ORDERED THAT PLAINTIFF ADDUCED EVIDENCE OF PHYSICAL INJURY BEYOND DE MINIMIS HARM, INCLUDING NAUSEA, VOMITING AND BACK PAIN UNDER 42 U.S.C. SEC 1997e(e) AND MAY PROCEED ON HER COMPENSATORY DAMAGE CLAIM; MS. VELASQUEZ-DIAZ DID NOT ADDUCE EVIDENCE OF PHYSICAL INJURY AND MAY NOT PROCEED ON A COMPENSATORY DAMAGE CLAIM; PLAINTIFF MAY TESTIFY AS TO HER RATIONAL PERCEPTION OF HER CONDITIONS OF CONFINEMENT AND HER RATIONAL PERCEPTION OF PHYSICAL OR EMOTIONAL HARM, ETC. SIGNED BY HONORABLE MARK A. KEARNEY ON 11/8/19. 11/12/19 ENTERED AND COPIES E-MAILED.(jpd,) (Entered: 11/12/2019)

11/11/2019	<u>310</u>	MOTION in Limine <i>Re Ds' Supplemental Exhibits & Notice of Criminal Convictions</i> filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. Brief, Certificate of Service. (Attachments: # <u>1</u> Brief, # <u>2</u> Text of Proposed Order, # <u>3</u> Exhibit 1-9, # <u>4</u> Exhibit 10, # <u>5</u> Exhibit 11, # <u>6</u> Exhibit 12-20)(YEH, SU MING) (Entered: 11/11/2019)
11/11/2019	<u>311</u>	Proposed Jury Instructions by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. Certificate of Service (FELDMAN, MATTHEW) (Entered: 11/11/2019)
11/11/2019	<u>312</u>	RESPONSE in Opposition re <u>310</u> MOTION in Limine <i>Re Ds' Supplemental Exhibits & Notice of Criminal Convictions</i> filed by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(CONNELL, MATTHEW) (Entered: 11/12/2019)
11/12/2019	<u>315</u>	ORDERED THAT PLAINTIFF'S SUPPLEMENTAL MOTION (DOC. NO. 310) IS GRANTED IN PART AND DENIED IN PART AS OUTLINED HEREIN. SIGNED BY HONORABLE MARK A. KEARNEY ON 11/12/19. 11/13/19 ENTERED AND COPIES E-MAILED.(jpd,) (Entered: 11/13/2019)
11/13/2019	<u>316</u>	ORDERED THAT WE VACATE PARAGRAPH THREE (3) OF OUR 11/7/19 ORDER GRANTING WRITS OF HABEAS CORPUS (DOC. NO. 304) AND THE WARDEN OF BERKS COUNTY JAIL IS NOT REQUIRED TO PRODUCE MELINDA BATES #2019-2855 ON 11/14/19. SIGNED BY HONORABLE MARK A. KEARNEY ON 11/13/19. 11/14/19 ENTERED AND COPIES E-MAILED.(jpd,) (Entered: 11/14/2019)
11/13/2019	<u>317</u>	ORDERED THAT WE VACATE PARAGRAPH TWO(2) ONLY OF OUR 11/7/19 ORDER GRANTING WRITS OF HABEAS CORPUS (DOC. NO. 304) AND THE WARDEN OF BERKS COUNTY JAIL IS NOT REQUIRED TO PRODUCE TRICIA CONSUL #201-5921 ON 11/13/19. SIGNED BY HONORABLE MARK A. KEARNEY ON 11/13/19. 11/14/19 ENTERED AND COPIES E-MAILED.(jpd,) (Entered: 11/14/2019)
11/13/2019	<u>318</u>	ORDERED THAT THE CLERK OF COURT FOR THE EASTERN DISTRICT OF PA. BE AND SHE IS HEREBY DIRECTED TO FURNISH LUNCH FOR EIGHT (8) JURORS ENGAGED IN THE ABOVE ENTITLED CASE. SIGNED BY HONORABLE MARK A. KEARNEY ON 11/13/19. 11/14/19 ENTERED. (jpd) (Entered: 11/14/2019)
11/13/2019	<u>319</u>	Minute Entry for proceedings held before HONORABLE MARK A. KEARNEY. Jury Trial Day 1 held on 11/12/19 Court Reporter: LYNN GLIGOR. (jpd) (Entered: 11/14/2019)
11/14/2019	<u>320</u>	Minute Entry for proceedings held before HONORABLE MARK A. KEARNEY Jury Trial Day 2 held on 11/13/2019. Court Reporter: LYNN GLIGOR. (jpd,) (Entered: 11/14/2019)
11/14/2019	<u>321</u>	VERDICT. (jpd,) (Entered: 11/14/2019)
11/14/2019	<u>322</u>	ORDER THAT THE CLERK OF COURT FOR THE EASTERN DISTRICT OF PA BE AND SHE IS HEREBY DIRECTED TO FURNISH LUNCH FOR JURORS ENGAGED IN THE ABOVE ENTITLED CASE. SIGNED BY HONORABLE MARK A. KEARNEY ON 11/14/19. 11/15/19 ENTERED.(jpd,) (Entered: 11/15/2019)
11/15/2019	<u>323</u>	VERDICT. (jpd,) (Entered: 11/15/2019)
11/15/2019	<u>324</u>	ORDER THAT THE CLERK OF COURT FOR THE EASTERN DISTRICT OF PA BE AND SHE IS HEREBY DIRECTED TO FURNISH LUNCH FOR JURORS ENGAGED IN THE ABOVE ENTITLED CASE. SIGNED BY HONORABLE MARK A. KEARNEY ON 11/15/19. 11/8/19 ENTERED.(jpd,) (Entered: 11/18/2019)
11/15/2019	<u>325</u>	ORDERED THAT ON OR BEFORE 12/2/19 DEFENDANTS COUNSEL SHALL FILE A STATUS REPORT AS OUTLINED HEREIN. ON 12/9/19 PLAINTIFF'S MAY MOVE TO WITHDRAW THE REQUEST FOR PROTECTIVE RELIEF AS OUTLIEND HEREIN, ETC.. SIGNED BY HONORABLE MARK A. KEARNEY ON 11/15/19. 11/18/19 ENTERED AND COPIES E-MAILED.(jpd,) (Entered: 11/18/2019)
11/15/2019	<u>327</u>	Minute Entry for proceedings held before HONORABLE MARK A. KEARNEY Bench Trial Completed completed on 11/15/19. Court Reporter: Lynn Gligor. (jpd,) (Entered: 11/19/2019)
11/19/2019	<u>326</u>	Minute Entry for proceedings held before HONORABLE MARK A. KEARNEY Jury Trial held on 11/14/19. Court Reporter: Lynn Gligor. (jpd,) (Entered: 11/19/2019)
12/02/2019	<u>328</u>	STATUS REPORT <i>Pursuant to the November 15th Order (Doc No. 325)</i> by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK

		C. SCOTT, STEPHANIE SMITH. (CONNELL, MATTHEW) (Entered: 12/02/2019)
12/09/2019	<u>329</u>	Transcript of Jury Trial – Day 1 held on 11/12/19, before Judge Kearney. Court Reporter/Transcriber Lynn Gligor. (fdc) (Entered: 12/09/2019)
12/09/2019	<u>330</u>	Transcript of Jury Trial – Day 2 held on 11/13/19, before Judge Kearney. Court Reporter/Transcriber Lynn Gligor. (fdc) (Entered: 12/09/2019)
12/09/2019	<u>331</u>	Transcript of Jury Trial – Day 3 held on 11/14/19, before Judge Kearney. Court Reporter/Transcriber Lynn Gligor. (fdc) (Entered: 12/09/2019)
12/09/2019	<u>332</u>	Transcript of Jury Trial – Day 4 held on 11/15/19, before Judge Kearney. Court Reporter/Transcriber Lynn Gligor. (fdc) (Entered: 12/09/2019)
12/09/2019	<u>333</u>	Supplemental Written STATUS REPORT by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH. (CONNELL, MATTHEW) Modified on 12/12/2019 (tjd). (Entered: 12/09/2019)
12/09/2019	<u>334</u>	<i>Memorandum Regarding Prospective Relief</i> by ALICE VELAZQUEZ–DIAZ, THERESA VICTORY. Certificate of Service (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(FELDMAN, MATTHEW) Modified on 12/12/2019 (tjd). (Entered: 12/09/2019)
12/20/2019	<u>335</u>	Memorandum in Opposition by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH. (CONNELL, MATTHEW) (STRICKEN AS PER ORDER #336) (Entered: 12/20/2019)
12/20/2019	<u>336</u>	ORDERED THAT THE DEFENDANTS' BRIEF (ECF DOC. NO. 335) IS STRICKEN WITH LEAVE TO FILE A COMPLIANT MEMORANDUM NOT EXCEEDING TWENTY PAGES NO LATER THAN DECEMBER 24, 2019. SIGNED BY HONORABLE MARK A. KEARNEY ON 12/20/19. 12/23/19 ENTERED AND COPIES E–MAILED. (jpd) (Entered: 12/23/2019)
12/24/2019	<u>337</u>	Memorandum in Opposition to <i>Plaintiff's Memorandum Regarding Prospective Relief</i> by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH. (CONNELL, MATTHEW) (Entered: 12/24/2019)
01/15/2020	<u>338</u>	MEMORANDUM AND/OR OPINION. SIGNED BY HONORABLE MARK A. KEARNEY ON 01/15/2020. 01/15/2020 ENTERED AND COPIES E–MAILED.(nd,) (Entered: 01/15/2020)
01/15/2020	<u>339</u>	ORDER THAT PLAINTIFFS' REQUEST FOR A DECLARATORY JUDGMENT IS DENIED; PLAINTIFFS' REQUEST FOR A PERMANENT INJUNCTION UPON THE ENTRY OF JUDGMENT IS GRANTED AS OUTLINED HEREIN. SIGNED BY HONORABLE MARK A. KEARNEY ON 01/15/2020. 01/15/2020 ENTERED AND COPIES E–MAILED.(nd,) (Entered: 01/15/2020)
01/15/2020	<u>340</u>	ORDER THAT PARTIES ARE GRANTED LEAVE TO FILE POST–TRIAL MOTIONS ON OR BEFORE FEBRUARY 10, 2020 WITH A RESPONSE DUE ON OR BEFORE FEBRUARY 24, 2020; PLAINTIFFS MAY PETITION FOR REASONABLE ATTORNEY'S FEES AND COSTS CONSISTENT WITH 42 U.S.C. § 1997E(D) NO LATER THAN MARCH 2, 2020 WITH A RESPONSE DUE ON OR BEFORE MARCH 16, 2020; AND, WE WILL ENTER JUDGMENT AFTER RESOLVING POST–TRIAL MOTIONS AND A POSSIBLE AWARD OF REASONABLE ATTORNEY'S FEES AND COSTS. SIGNED BY HONORABLE MARK A. KEARNEY ON 01/15/2020. 01/15/2020 ENTERED AND COPIES E–MAILED.(nd,) (Entered: 01/15/2020)
03/02/2020	<u>341</u>	BILL OF COSTS by ALICE VELAZQUEZ–DIAZ, THERESA VICTORY. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(FELDMAN, MATTHEW) (Entered: 03/02/2020)
03/02/2020	<u>342</u>	PETITION for Attorney Fees filed by ALICE VELAZQUEZ–DIAZ, THERESA VICTORY. Certificate of Service. (Attachments: # <u>1</u> Text of Proposed Order)(FELDMAN, MATTHEW) Modified on 3/19/2020 (lvj,). (Entered: 03/02/2020)
03/02/2020	<u>343</u>	Memorandum in Support re <u>342</u> MOTION for Attorney Fees filed by ALICE VELAZQUEZ–DIAZ, THERESA VICTORY. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit)(FELDMAN, MATTHEW) (Entered: 03/02/2020)
03/03/2020	<u>344</u>	ORDER THE PLAINTIFFS SHALL, ON OR BEFORE MARCH 6, 2020, SUPPLEMENT THEIR MEMORANDUM <u>343</u> WITH: ONE EXHIBIT DETAILING THE CUMULATIVE AND CHRONOLOGICAL REPORTING OF TIME FOR ALL BILLING PROFESSIONALS

		PROVIDED ON A DAY-TO-DAY BASIS TO ALLOW US TO BETTER EVALUATE THE INDIVIDUAL EFFORT BY EACH PROFESSIONAL AS PART OF A COORDINATED AND PROPERLY MANAGED REPRESENTATION; AND, ATTACHING THE AGREEMENT GOVERNING THE PLAINTIFFS' RETENTION AND PAYMENT OF FEES TO COUNSEL FROM DECHERT LLP, AS OUTLINED HEREIN. SIGNED BY HONORABLE MARK A. KEARNEY ON 3/3/2020. 3/3/2020 ENTERED AND COPIES E-MAILED.(ka,) (Entered: 03/03/2020)
03/05/2020	<u>345</u>	RESPONSE in Support re <u>342</u> MOTION for Attorney Fees <i>Pursuant to the Court's Order of March 3, 2020 (ECF No. 344)</i> filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. (FELDMAN, MATTHEW) (Entered: 03/05/2020)
03/16/2020	<u>346</u>	RESPONSE in Opposition re <u>342</u> MOTION for Attorney Fees filed by KEVIN S. BARNHARDT, BERKS COUNTY, CHRISTIAN Y. LEINBACH, JANINE L. QUIGLEY, MARK C. SCOTT, STEPHANIE SMITH. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit)(CONNELL, MATTHEW) (Entered: 03/16/2020)
03/23/2020	<u>347</u>	REPLY to Response to Motion re <u>342</u> MOTION for Attorney Fees filed by ALICE VELAZQUEZ-DIAZ, THERESA VICTORY. (FELDMAN, MATTHEW) (Entered: 03/23/2020)
04/07/2020	<u>348</u>	MEMORANDUM AND/OR OPINION. SIGNED BY HONORABLE MARK A. KEARNEY ON 4/7/2020. 4/7/2020 ENTERED AND COPIES E-MAILED.(ka,) (Entered: 04/07/2020)
04/07/2020	<u>349</u>	ORDER PLAINTIFFS' MOTION <u>342</u> IS GRANTED IN PART AND DENIED IN PART AND WE AWARD PLAINTIFFS REASONABLE ATTORNEY'S FEES AND COSTS OF \$507,330.61, CONSISTING OF \$503,939.20 IN ATTORNEY'S FEES AND \$3,399.41 IN UNDISPUTED COSTS AS OUTLINED HEREIN. SIGNED BY HONORABLE MARK A. KEARNEY ON 4/7/2020. 4/7/2020 ENTERED AND COPIES E-MAILED.(ka,) (Entered: 04/07/2020)
04/07/2020	<u>350</u>	JUDGMENT. ORDER THAT JUDGMENT OF \$510,139.61, PLUS POST-JUDGMENT INTEREST, IS ENTERED IN FAVOR OF PLAINTFFS AND AGAINST BERKS COUNTY. CLERK OF COURT SHALL CLOSE THIS CASE. SIGNED BY HONORABLE MARK A. KEARNEY ON 4/7/20. 4/7/20 ENTERED & E-MAILED.(fdc) (Entered: 04/07/2020)