

CLOSED

**U.S. District Court
District of Kansas (Topeka)
CIVIL DOCKET FOR CASE #: 5:94-cv-04079-DES-RN**

Petty, et al v. Shawnee County, KS, et al
Assigned to: Senior Judge Dale E. Saffels
Referred to: Magistrate Judge Ronald Newman
Demand: \$0
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 05/19/1994
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Lynette Petty
a minor, by her next friend
other
T Y

represented by **Charles J. Hyland**
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Plaintiff

P C
a minor, by his next friend
other
B A

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Plaintiff

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Larry R. Rute
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Plaintiff

Lynette Petty
on behalf of themselves and all others
similarly situated, a minor by his next
friends

represented by **Charles J. Hyland**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

other
D S

Claudia J. York
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V.

Defendant

County of Shawnee, Kansas

represented by **Ann L. Hoover**
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Defendant

Donald J Cooper
Chairman

represented by **Ann L. Hoover**
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Mark L. Bennett, Jr.
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sandra L. Jacquot
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Susana L. Valdovinos
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Victor W Miller
Vice Chairman

represented by **Ann L. Hoover**
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Mark L. Bennett, Jr.
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Sandra L. Jacquot
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Susana L. Valdovinos
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Winifred Kingman***member of the Shawnee County**Commission in their official capacities*represented by **Ann L. Hoover**

(See above for address)

LEAD ATTORNEY**ATTORNEY TO BE NOTICED****Mark L. Bennett, Jr.**

(See above for address)

LEAD ATTORNEY**ATTORNEY TO BE NOTICED****Sandra L. Jacquot**

(See above for address)

LEAD ATTORNEY**ATTORNEY TO BE NOTICED****Susana L. Valdovinos**

(See above for address)

LEAD ATTORNEY**ATTORNEY TO BE NOTICED****Defendant****Earl Hindman***Director of the Shawnee County**Department of Corrections, in his
official capacity*represented by **Ann L. Hoover**

(See above for address)

LEAD ATTORNEY**ATTORNEY TO BE NOTICED****Mark L. Bennett, Jr.**

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LEAD ATTORNEY**ATTORNEY TO BE NOTICED****Sandra L. Jacquot**

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LEAD ATTORNEY**ATTORNEY TO BE NOTICED****Susana L. Valdovinos**

(See above for address)

LEAD ATTORNEY**ATTORNEY TO BE NOTICED****Defendant****Gary (nmi) Bayens***Administrator of Shawnee County Youth
Center, in his official capacity*represented by **Ann L. Hoover**

(See above for address)

LEAD ATTORNEY**ATTORNEY TO BE NOTICED****Mark L. Bennett, Jr.**

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LEAD ATTORNEY
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Sandra L. Jacquot
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Susana L. Valdovinos
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Third Party Plaintiff

County of Shawnee, Kansas

represented by **Ann L. Hoover**
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LEAD ATTORNEY
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Mark L. Bennett, Jr.
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Susana L. Valdovinos
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Third Party Plaintiff

Donald J Cooper

Third Party Plaintiff

Victor W Miller

Third Party Plaintiff

Winifred Kingman

Third Party Plaintiff

Earl Hindman

represented by **Ann L. Hoover**
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LEAD ATTORNEY
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Mark L. Bennett, Jr.
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Susana L. Valdovinos
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Third Party Plaintiff

Gary (nmi) Bayens

represented by **Ann L. Hoover**
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Mark L. Bennett, Jr.
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Susana L. Valdovinos
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V.

Third Party Defendant

**Social and Rehabilitation Services,
Kansas Department of**

represented by **Kenneth R. Smith**
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Third Party Defendant

Donna L. Whiteman
*Secretary of Social & Rehabilitation
 Services, in her official capacity*

represented by **Kenneth R. Smith**
 (See above for address)
LEAD ATTORNEY
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Michael George
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LEAD ATTORNEY
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Third Party Defendant

Unified School District #501, Topeka
Shawnee County, Kansas

represented by **Arthur E. Palmer**
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Date Filed	#	Docket Text
05/19/1994	1	COMPLAINT w/designation of place of trial - ; Summons(es) issued; Jury Demand (case referred to Magistrate Judge Ronald Newman (SAL) (Entered: 05/20/1994)
05/19/1994		FILING FEE PAID: on 5/19/94 in the amount of \$ 120.00, receipt #

		033700. (SAL) (Entered: 05/20/1994)
05/19/1994	2	MOTION by plaintiffs for attorney Claudia J. York to appear pro hac vice; referred to Magistrate Judge Ronald Newman (LAK) (Entered: 05/20/1994)
05/19/1994		FILING FEE PAID on 5/19/94 in the amount of \$ 25.00, receipt # 033701 for pro hac vice fees for Claudia J. York (LAK) (Entered: 05/20/1994)
05/23/1994	3	ORDER ENTERED: by Magistrate Judge Ronald Newman granting motion for attorney Claudia J. York to appear pro hac vice; [2-1] (cc: all counsel) (CEL) (Entered: 05/23/1994)
06/03/1994	4	AMENDED COMPLAINT [1-1] by plaintiffs (DO) (Entered: 06/06/1994)
06/20/1994	9	ACCEPTANCE/ACKNOWLEDGEMENT OF SERVICE by defendant Earl Hindman on 5/20/94 summons attached (DO) (Entered: 06/21/1994)
06/21/1994		SUMMONS issued as to defendant Shawnee County, KS (LAK) Modified on 06/21/1994 (Entered: 06/21/1994)
06/21/1994		SUMMONS issued as to defendants on amended complaint (LAK) (Entered: 06/21/1994)
06/21/1994	5	RETURN OF SERVICE executed upon defendant Victor W Miller on 5/19/94 by certified mail (LAK) (Entered: 06/21/1994)
06/21/1994	6	RETURN OF SERVICE executed upon defendant Donald J Cooper on 5/19/94 by certified mail (LAK) (Entered: 06/21/1994)
06/21/1994	7	RETURN OF SERVICE executed upon defendant Winifred Kingman on 5/19/94 by certified mail (ICMSUSER) (Entered: 06/21/1994)
06/21/1994	8	RETURN OF SERVICE executed upon defendant Gary (nmi) Bayens on 5/19/94 by certified mail (ICMSUSER) (Entered: 06/21/1994)
06/21/1994	10	RETURN OF SERVICE executed upon defendant Earl Hindman, Director of Shawnee Cty Dept of Corr on 6/21/94 (CEL) (Entered: 06/21/1994)
06/21/1994	11	RETURN OF SERVICE executed upon defendant Gary Bayens, Administrator of Shawnee Cty Youth Ctr on 6/21/94 (CEL) (Entered: 06/21/1994)
06/21/1994	12	RETURN OF SERVICE executed upon defendant Winifred Kingman, Shawnee Cty Commissioner on 6/21/94 (CEL) (Entered: 06/21/1994)
06/21/1994	13	RETURN OF SERVICE executed upon defendant Victor W Miller, Vice-Chairman Shawnee Cty Commission on 6/21/94 (CEL) (Entered: 06/21/1994)
06/21/1994	14	RETURN OF SERVICE executed upon defendant Donald J Cooper, Shawnee Cty Commission on 6/21/94 (CEL) (Entered: 06/21/1994)

06/21/1994	15	RETURN OF SERVICE executed to Board of County Commissioners of the County of Shawnee c/o Ann L. Hoover on 6/21/94 (CEL) (Entered: 06/21/1994)
06/21/1994	16	ENTRY OF APPEARANCE for defts Shawnee County, KS, Earl Hindman, Gary (nmi) Bayens by Ann L. Hoover & Mark L. Bennett Jr. (LAK) (Entered: 06/22/1994)
06/21/1994	17	ENTRY OF APPEARANCE for defts Shawnee County, KS, Earl Hindman, Gary (nmi) Bayens by Sandra L. Jacquot & Susana L. Valdovinos (LAK) (Entered: 06/22/1994)
06/23/1994	18	MOTION by plaintiffs for preliminary injunction referred to Senior Judge Dale E. Saffels (CEL) (Entered: 06/23/1994)
06/23/1994	19	MEMORANDUM in support by plaintiffs re: [18-1] motion for preliminary injunction referred to Senior Judge Dale E. Saffels [18-1] (CEL) (Entered: 06/23/1994)
06/30/1994	20	NOTICE of hearing on motion of pltf for preliminary injunction before Hon. Senior Judge Dale E. Saffels on 7/27/94 at 9:00 a.m. [18-1] (cc: all counsel) (CEL) (Entered: 07/01/1994)
07/05/1994	21	THIRD-PARTY COMPLAINT: - by defendants against SRS, Donna L Whiteman, USD 501 Topeka (MB) (Entered: 07/06/1994)
07/05/1994		SUMMONS issued as to third-party defendants (MB) (Entered: 07/06/1994)
07/05/1994	22	ANSWER - by defendant to amended complaint [4-1] (MB) (Entered: 07/06/1994)
07/07/1994	23	MOTION by defendants to continue the hearing on pltf's motion for a preliminary injunction currently set for 7/27/94, referred to Senior Judge Dale E. Saffels (DO) (Entered: 07/08/1994)
07/07/1994	24	MEMORANDUM/BRIEF in support by defendants of motion to continue the hearing on pltf's motion for a preliminary injunction currently set for 7/27/94, referred to Senior Judge Dale E. Saffels [23-1] (DO) (Entered: 07/08/1994)
07/11/1994	25	MOTION by defendants & third-party plaintiffs to extend time additional (2) days to 7/15/94 to respond to pltf's motion for preliminary injunction referred to Senior Judge Dale E. Saffels (CEL) (Entered: 07/12/1994)
07/13/1994	26	RESPONSE by plaintiffs to defts' motion to continue the hearing on pltf's motion for a preliminary injunction currently set 7/27/94, referred to Senior Judge Dale E. Saffels [23-1] (CEL) (Entered: 07/13/1994)
07/13/1994	27	ORDER ENTERED: by Senior Judge Dale E. Saffels granting defts & 3rd party pltf's motion to extend time to 7/15/94 to respond to pltf's motion for preliminary injunction [25-1] (cc: all counsel) (CEL) (Entered: 07/13/1994)
07/14/1994	28	MOTION by plaintiffs for order requesting class certification referred to

		Senior Judge Dale E. Saffels (CEL) (Entered: 07/15/1994)
07/14/1994	29	MEMORANDUM in support by plaintiff re: pltf's motion for order requesting class certification referred to Senior Judge Dale E. Saffels [28-1] (CEL) (Entered: 07/15/1994)
07/15/1994	30	RESPONSE by defendants & third-party plaintiffs to motion for preliminary injunction referred to Senior Judge Dale E. Saffels [18-1] (CEL) (Entered: 07/19/1994)
07/15/1994	31	REPLY by defendants & third-party plaintiffs to pltfs' response to motion for continuance [26-1] (CEL) (Entered: 07/19/1994)
07/18/1994	32	RETURN OF SERVICE of notice of summons & third-party complaint executed upon third-party defendant SRS Legal Division on 7/7/94 (CEL) (Entered: 07/19/1994)
07/18/1994	33	RETURN OF SERVICE of summons & third-party complaint executed upon third-party defendant Board of Education USD 501 Topeka on 7/6/94 (CEL) (Entered: 07/19/1994)
07/19/1994	34	SUPPLEMENTAL REPLY by defendants & third-party plaintiffs to pltfs' response to motion for continuance [31-1] (CEL) (Entered: 07/20/1994)
07/19/1994	35	MINUTE ORDER - ENTERED: by Clerk denying defts' motion to continue the hearing on pltf's motion for a preliminary injunction currently set for 7/27/94 [23-1] (cc: all counsel) (CEL) (Entered: 07/20/1994)
07/20/1994	36	CLERK'S ORDER ENTERED: granting deft an additional (10) days to 8/5/94 to answer or otherwise plead to 3rd-Party Complaint (cc: all counsel) (CEL) (Entered: 07/21/1994)
07/21/1994	37	ANSWER - by third-party defendants State of KS dept of SRS & Donna L Whiteman to third-party complaint [21-1] (CEL) (Entered: 07/22/1994)
07/21/1994	38	MOTION/APPLICATION by plaintiffs for order re: petition for habeas corpus ad testificandum naming Sabrina Stonebarger referred to Senior Judge Dale E. Saffels (CEL) (Entered: 07/22/1994)
07/21/1994	39	MOTION/APPLICATION by plaintiffs for order re: petition for habeas corpus ad testificandum naming Joel D. Collins referred to Senior Judge Dale E. Saffels (CEL) (Entered: 07/22/1994)
07/21/1994	40	MOTION/APPLICATION by plaintiffs for order re: petition for habeas corpus ad testificandum naming Bilal A. Adams referred to Senior Judge Dale E. Saffels (CEL) (Entered: 07/22/1994)
07/21/1994	41	MOTION/APPLICATION by plaintiffs for order re: petition for habeas corpus ad testificandum naming Antawin B. Lyons referred to Senior Judge Dale E. Saffels (CEL) (Entered: 07/22/1994)
07/22/1994	42	ORDER ENTERED: by Senior Judge Dale E. Saffels granting pltfs' motion for order re: petition for habeas corpus ad testificandum naming

		Joel D. Collins scheduled for 7/27/94 at 9:00 a.m.; Writ issued to USM on 7/25/94 [39-1] (cc: all counsel) (CEL) Modified on 07/25/1994 (Entered: 07/25/1994)
07/22/1994	43	ORDER ENTERED: by Senior Judge Dale E. Saffels granting pltfs' motion for order re: petition for habeas corpus ad testificandum naming Bilal A. Adams scheduled for 7/27/94 at 9:00 a.m.; Writ issued to USM on 7/25/94 [40-1] (cc: all counsel) (CEL) (Entered: 07/25/1994)
07/22/1994	44	ORDER ENTERED: by Senior Judge Dale E. Saffels granting pltfs' motion for order re: petition for habeas corpus ad testificandum naming Sabrina Stonebarger scheduled for 7/27/94 at 9:00 a.m.; Writs issued to USM 7/25/94 [38-1] (cc: all counsel) (CEL) (Entered: 07/25/1994)
07/22/1994	45	ORDER ENTERED: by Senior Judge Dale E. Saffels granting pltfs' motion for order re: petition for habeas corpus ad testificandum naming Antawin B. Lyons scheduled for 7/27/94 at 9:00 a.m.; Writ issued to USM on 7/25/94 [41-1] (cc: all counsel) (CEL) (Entered: 07/25/1994)
07/22/1994	46	MOTION by defendants to dismiss w/memorandum in support attached referred to Senior Judge Dale E. Saffels (CEL) (Entered: 07/25/1994)
07/25/1994	47	ATTORNEY APPEARANCE for third-party defendants SRS & Donna L Whiteman by Michael George (MB) (Entered: 07/26/1994)
07/25/1994	50	RETURN OF SERVICE on 7/20/94 by plaintiffs of subpoena to testify naming Johnnie C. Shears on 7/27/94 at 9:00 a.m. (CEL) (Entered: 07/28/1994)
07/25/1994	51	RETURN OF SERVICE on 7/22/94 by plaintiffs of subpoena to testify naming Chris Ross-Baze of KS Dept of Health & Environment on 7/28/94 at 9:00 a.m. (CEL) (Entered: 07/28/1994)
07/25/1994	52	RETURN OF SERVICE on 7/21/94 by plaintiffs of subpoena to testify naming Larry J. Huggins on 7/27/94 at 9:00 a.m. (CEL) (Entered: 07/28/1994)
07/25/1994	53	RETURN OF SERVICE on 7/25/94 by plaintiffs of subpoena to testify naming Gary Bayens, Administrator, Shawnee Cty Youth Ctr on 7/27, 28, 29, 1994 at 9:00 a.m. (CEL) (Entered: 07/28/1994)
07/26/1994	48	MOTION by third-party defendants SRS & Donna L Whiteman to dismiss for lack of jurisdiction referred to Senior Judge Dale E. Saffels (MB) (Entered: 07/27/1994)
07/26/1994	49	MEMORANDUM in support by third-party defendants SRS & Donna L Whiteman re: motion to dismiss for lack of jurisdiction referred to Senior Judge Dale E. Saffels [48-1] (MB) (Entered: 07/27/1994)
07/26/1994	54	RESPONSE by defendants & third-party plaintiffs to motion for order requesting class certification w/exhibit of Affidavit of Sally Bartlett attached [28-1] (CEL) (Entered: 07/28/1994)
07/27/1994	55	MINUTE SHEET: on Settlement Hrg - Topeka, KS - Before Senior

		Judge Dale E. Saffels; Parties submit proposed stipulation for partial dismissal for court approval; Court approves document; Parties allowed to close of business 7/29/94 to submit final draft of stipulation for execution by court; Court further directs parties are granted (30) days to 8/29/94 to resolve remaining issue in case; If resolution cannot be reached a preliminary injunction hrg is scheduled for 9/1/94 at 9:00 a.m.; (Lyon, CSR) (CEL) (Entered: 07/28/1994)
08/02/1994	56	JOINT STIPULATION of partial settlement by plaintiffs, defendants & third-party plaintiffs w/an effective date of 8/1/94 re: [18-1] re motion for preliminary injunction referred Senior Judge Dale E. Saffels [18-1] (CEL) (Entered: 08/02/1994)
08/02/1994	57	ORDER ENTERED: by Senior Judge Dale E. Saffels granting joint stipulation of partial settlement of motion for preliminary injunction; Parties given until 8/29/94 to reach agreement on remaining issue of overcrowding at SCYC facility; If parties are unable to reach agreement a hrg on the pltfs' motion for a preliminary injunction with respect to issue of overcrowding at SCYC facility will be held before this court on 9/1/94 at 9:00 a.m. [56-1] (cc: all counsel) (CEL) (Entered: 08/02/1994)
08/05/1994	58	ANSWER TO THIRD PARTY COMPLAINT re: [21-1] by third-party defendant USD 501 Topeka (CEL) (Entered: 08/09/1994)
08/05/1994	59	RESPONSE by plaintiffs to motion to dismiss referred to Senior Judge Dale E. Saffels [46-1] (CEL) (Entered: 08/09/1994)
08/05/1994	60	MOTION by third-party defendants SRS & Donna L Whiteman for order denying certification of lawsuit as a class action referred to Senior Judge Dale E. Saffels (MB) (Entered: 08/09/1994)
08/05/1994	60	MOTION by third-party defendants SRS & Donna L Whiteman to dismiss them as parties referred to Senior Judge Dale E. Saffels (MB) (Entered: 08/09/1994)
08/05/1994	61	MEMORANDUM in opposition by third-party defendants SRS & Donna L Whiteman re: motion for order requesting class certification referred to Senior Judge Dale E. Saffels [28-1] (MB) (Entered: 08/09/1994)
08/05/1994	62	REPLY by plaintiff to defts' response to pltfs' motion for order requesting class certification referred to Senior Judge Dale E. Saffels [28-1] (MB) (Entered: 08/09/1994)
08/12/1994	63	RESPONSE by plaintiffs re: third-party defts' memorandum in opposition to class certification [61-1] (CEL) (Entered: 08/12/1994)
08/21/1994	71	NOTICE of hearing re: preliminary injunction hrg before Senior Judge Dale E. Saffels rescheduled to 10/11/94 at 9:00 a.m. (cc: all counsel) (CEL) (Entered: 09/01/1994)
08/22/1994	64	MOTION by defendants and third-party plaintiffs Board of County Comm of Shawnee County, Cooper, Miller, Kingman, Hindman and Bayens to extend time until 8/24/94 to file a reply to pltfs' response to motion to dismiss, referred to Senior Judge Dale E. Saffels (DO)

		(Entered: 08/23/1994)
08/24/1994	65	ORDER ENTERED: by Senior Judge Dale E. Saffels granting defts & third-party pltfs' motion to extend time until 8/24/94 to file a reply to pltfs' response to motion to dismiss [64-1] (cc: all counsel) (CEL) (Entered: 08/24/1994)
08/24/1994	66	RESPONSE by defendants & third-party plaintiffs to reply to motion to dismiss referred to Senior Judge Dale E. Saffels [46-1] (CEL) (Entered: 08/24/1994)
08/25/1994	67	ORDER ENTERED: by Magistrate Judge Ronald Newman: Scheduling Conference set 10/5/94 @ 11:00 a.m. (cc: all counsel) (CAM) (Entered: 08/25/1994)
08/30/1994	68	RETURN OF SERVICE 8/30/94 by Chris Ross-Baze, KS Dept Of Health & Environment of subpoena to testify (CEL) (Entered: 08/30/1994)
08/30/1994	69	PETITION by plaintiffs for Habeas Corpus Ad Testificandum to produce Bilal A. Adams for a preliminary injunction set for 9/1/94 at 9:00 a.m. (CEL) (Entered: 08/30/1994)
08/31/1994	70	ORDER ENTERED: by Senior Judge Dale E. Saffels In-court hearing re: preliminary injunction rescheduled to 10/11/94 at 9:00 a.m. (cc: all counsel) (CEL) (Entered: 09/01/1994)
09/16/1994	72	MOTION by third-party defendant SRS for order to exclude expert testimony or to compel discovery referred to Magistrate Judge Ronald Newman (CEL) (Entered: 09/16/1994)
09/16/1994	73	MEMORANDUM in support by third-party defendant SRS re: [72-1] motion for order to exclude expert testimony or to compel discovery referred to Magistrate Judge Ronald Newman [72-1] (CEL) (Entered: 09/16/1994)
09/16/1994	74	MOTION by third-party defendant SRS to withdraw motion to exclude expert testimony or to compel discovery [72-1] & Memorandum of law in support of motion to exclude testimony or to compel discovery [73-1] referred to Magistrate Judge Ronald Newman (CEL) (Entered: 09/16/1994)
09/16/1994	75	MEMORANDUM in support by third-party defendant SRS re: motion to withdraw motion to exclude expert testimony or to compel discovery [72-1] & Memorandum of law in support of motion to exclude testimony or to compel discovery [73-1] referred to Magistrate Judge Ronald Newman [74-1] (CEL) (Entered: 09/16/1994)
09/21/1994	76	ORDER ENTERED: by Magistrate Judge Ronald Newman granting 3ddft's motion to withdraw motion to exclude expert testimony or to compel discovery [72-1] & [74-1], finding the motion for order to exclude expert testimony or to compel discovery [72-1] moot. (cc: all counsel) (CEL) (Entered: 09/21/1994)

10/05/1994	77	MOTION by defts SRS & Donna L Whiteman for order to exclude expert testimony or to compel discovery referred to Senior Judge Dale E. Saffels (CEL) (Entered: 10/06/1994)
10/05/1994	78	MEMORANDUM in support by defts SRS & Donna L Whiteman re: motion for order to exclude expert testimony or to compel discovery referred to Senior Judge Dale E. Saffels [77-1] (CEL) (Entered: 10/06/1994)
10/06/1994	79	PETITION FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM requesting Tashara Yeargin now in custody of Shawnee Cty Dept of Corr - Shawnee Cty Youth Ctr testify 10/12/94 at 9:00 a.m. on pltf's motion for a preliminary injunction hrg (CEL) (Entered: 10/06/1994)
10/06/1994	80	PETITION FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM requesting Bilal A. Adams now in custody of Shawnee Cty Dept of Corr - Shawnee Cty Youth Ctr testify 10/12/94 at 9:00 a.m. on pltf's motion for preliminary injunction (CEL) (Entered: 10/06/1994)
10/07/1994	81	ORDER ENTERED: by Senior Judge Dale E. Saffels granting habeas corpus ad testificandum to produce Tashara Yeargin to custody of USM no later than 9:00 a.m. on 10/12/94 to testify & appear in USDC [79-1] (cc: all counsel) (CEL) (Entered: 10/07/1994)
10/07/1994		WRIT OF HABEAS CORPUS AD TESTIFICANDUM issued to USM to deliver Tashara Yeargin to USDC at 9:00 a.m. on 10/12/94 to testify & appear (CEL) (Entered: 10/07/1994)
10/07/1994	82	ORDER ENTERED: by Senior Judge Dale E. Saffels granting habeas corpus ad testificandum to produce Bilal A. Adams to custody of USM no later than 9:00 a.m. on 10/12/94 to testify & appear [80-1] (cc: all counsel) (CEL) (Entered: 10/07/1994)
10/07/1994		WRIT OF HABEAS CORPUS AD TESTIFICANDUM to deliver Bilal A. Adams to USDC at 9:00 a.m. on 10/12/94 to testify & appear (CEL) (Entered: 10/07/1994)
10/07/1994	83	ORDER ENTERED: by Senior Judge Dale E. Saffels granting in part and denying in part third-party dfts' motion for order to exclude expert testimony or to compel discovery [77-1] (cc: all counsel) (MS) Modified on 10/11/1994 (Entered: 10/07/1994)
10/11/1994	84	RETURN OF SERVICE on 10/7/94 by Health & Env Dept KS; Attn Chris Ross-Baze of subpoena to produce & permit inspection of documents (CEL) (Entered: 10/11/1994)
10/11/1994	85	MOTION by defendants in limine referred to Senior Judge Dale E. Saffels (CEL) (Entered: 10/11/1994)
10/12/1994	86	PROTECTIVE ORDER & STIPULATION ENTERED: by Senior Judge Dale E. Saffels (filed in open court) (CEL) (Entered: 10/12/1994)
10/17/1994	87	MINUTE SHEET of Preliminary Injunction Hrg: before Honorable Dale E. Saffels in Topeka, KS (Lyon, CSR) - In-court dates: 10/12/94-

		10/14/94 & 10/17/94; denying defts' motion in limine [85-1]; granting oral motion of pltf to exclude prospective witnesses; denying oral motion of deft to strike testimony; Oral motion of deft for judgment as a matter of law at close of pltf's evidence taken under advisement; Parties report possibility of settlement; Court continues hrg to 10/31/94 at 9:00 a.m.; Court directs parties to report on progress by 10/19/94; Witness & exhibit lists attached (CEL) (Entered: 10/17/1994)
10/19/1994	88	ORDER ENTERED: by Magistrate Judge Ronald Newman Settlement Conference set for 11/4/94 at 9:00 a.m. Pltfs shall provide to dfts a suggested settlement agreement by 10/21/94. By 10/28/94 dfts shall respond w/proposed settlement agreement (cc: all counsel) (MS) (Entered: 10/19/1994)
10/20/1994	89	TRANSCRIPT of testimony of Ira M. Schwartz held 10/12/94 during injunction hearing before Hon. DES; I volume (CAM) (Entered: 10/20/1994)
10/21/1994	90	MOTION by plaintiffs to extend time to 10/28/94 to provide defts w/suggested settlement agreement & defts be given until 11/4/94 to respond w/proposed settlement agreement referred to Magistrate Judge Ronald Newman (CEL) (Entered: 10/21/1994)
10/26/1994	91	RETURN OF SERVICE executed on 10/25/94 by third-party defendant SRS of subpoena to produce & permit inspection & copying of the following documents etc. addressed to Earl Hindman, Director, Shawnee Cty Dept of Corr (CEL) (Entered: 10/26/1994)
10/26/1994	92	RETURN OF SERVICE executed on 10/25/94 by third-party defendant SRS of subpoena to produce & permit inspection & copying of documents or objects etc. addressed to Michelle Hostetler, Assist Dist Atty, Office of Dist Atty (CEL) (Entered: 10/26/1994)
10/31/1994	93	MINUTE SHEET: Before Honorable Dale E. Saffels: Topeka, KS; (Horenkamp, CSR) re: Status Conference Court directs further settlement negotiations be referred to Magistrate Judge Ronald C. Newman; Parties to appear before RCN: Friday, 11/4/94 at 9:00 a.m.; If no agreement is reached, parties are directed to appear before DES on Monday, 11/21/94 at 10:00 a.m. to resume preliminary injunction hrg; All subpoenas issued for this date will continue in effect to 11/21/94 hrg date (CEL) (Entered: 10/31/1994)
10/31/1994	94	NOTICE of hearing before Honorable Dale E. Saffels; re [18-1] ; Preliminary injunction hearing scheduled for 11/21/94 at 10:00 a.m. (cc: all counsel) (CEL) (Entered: 10/31/1994)
11/03/1994	95	ORDER ENTERED: by Magistrate Judge Ronald Newman finding the pltf's motion to extend time to 10/28/94 to provide defts w/suggested settlement agreement & defts be given until 11/4/94 to respond w/proposed settlement agreement [90-1] moot. (cc: all counsel) (CEL) (Entered: 11/03/1994)
11/21/1994	96	JOINT STIPULATION OF PARTIAL SETTLEMENT by plaintiffs,

		defendants, third-party plaintiffs & third-party defendants re: plaintiffs' motion for preliminary injunction referred to Senior Judge Dale E. Saffels [18-1] (CEL) (Entered: 11/21/1994)
11/21/1994	97	ORDER ENTERED: by Senior Judge Dale E. Saffels granting joint stipulation of partial settlement re: plaintiffs' motion for preliminary injunction & constitutes final order of Court in this case with respect to the issue of overcrowding at SCYC facility & it be incorporated into any subsequent order of Court finally resolving the other issues in this action [96-1] (cc: all counsel) (CEL) (Entered: 11/21/1994)
12/06/1994	98	MOTION by defendants & third-party plaintiffs to extend time additional (10) days to 12/22/94 to respond to pltfs' request for production referred to Magistrate Judge Ronald Newman (CEL) (Entered: 12/06/1994)
12/08/1994	99	ORDER ENTERED: by Magistrate Judge Ronald Newman granting motion to extend time additional (10) days to 12/22/94 to respond to pltfs' request for production [98-1] (cc: all counsel) (MB) (Entered: 12/08/1994)
12/15/1994	100	MINUTE ORDER - ENTERED: by Clerk denying pltfs' motion for preliminary injunction referred to Senior Judge Dale E. Saffels [18-1] (cc: all counsel) (CEL) (Entered: 12/15/1994)
12/16/1994	101	ORDER/NOTICE ENTERED: by Magistrate Judge Ronald Newman ; Settlement Conference Hearing resumption will be held on 01/23/95 at 9:00 a.m. (cc: all counsel) (CEL) (Entered: 12/16/1994)
12/22/1994	102	CERTIFICATE of svc of defts' response to request for production of documents nos. 1-5 by defendants & third-party plaintiffs (CEL) (Entered: 12/27/1994)
01/05/1995	103	TRANSCRIPT of testimony of Sally Bartlett during injunction hearing before Honorable Dale E. Saffels held on 10/14/94 (Nora Lyon, CSR) (CEL) (Entered: 01/05/1995)
01/05/1995	104	TRANSCRIPT of testimony of Gary Bayens during injunction hearing held before Honorable Dale E. Saffels on 10/12/94; Volume I (CEL) (Entered: 01/05/1995)
01/05/1995	105	TRANSCRIPT of testimony of Gary Bayens during preliminary injunction hearing held before Honorable Dale E. Saffels on 10/13/94; Volume II (CEL) (Entered: 01/05/1995)
01/25/1995	106	NOTICE ENTERED: by Magistrate Judge Ronald Newman: Settlement Hearing set 2/21/95 at 9:00 a.m. in Magistrate Judge's courtroom (cc: all counsel) (CAM) (Entered: 01/25/1995)
02/01/1995	107	MOTION by plaintiffs to compel discovery referred to Magistrate Judge Ronald Newman (CEL) (Entered: 02/01/1995)
02/01/1995	108	MEMORANDUM in support by plaintiffs re: pltfs' motion to compel discovery referred to Magistrate Judge Ronald Newman [107-1] (CEL) (Entered: 02/01/1995)

02/13/1995	109	RESPONSE by defendants Shawnee Cty Comm's, Cooper, Miller, Kingman, Hindman and Bayens to motion to compel discovery referred to Magistrate Judge Ronald Newman [107-1] (DO) (Entered: 02/14/1995)
02/27/1995	110	NOTICE of hearing re [60-1] Hearing on motion of pltf for class certification & def't's motion to dismiss set 3/22/95 at 9:00 a.m. before Hon. DES (cc: all counsel) (CAM) (Entered: 02/27/1995)
02/28/1995	111	NOTICE: Hearing before Senior Judge Dale Saffels on motion of plaintiff from class certification and motion of defendants to dismiss is rescheduled to 3/24/95 at 9:00 a.m. (cc: all counsel) (DO) (Entered: 03/01/1995)
04/12/1995	112	NOTICE & ORDER ENTERED: by Magistrate Judge Ronald Newman ; Settlement Conference will be held on 4/24/95 at 9:00 a.m. (cc: all counsel) (CEL) (Entered: 04/12/1995)
06/01/1995	113	NOTICE/ORDER ENTERED: by Magistrate Judge Ronald Newman ; Resumption of settlement hearing will be held on 6/20/95 at 1:30 p.m. (cc: all counsel) (CEL) (Entered: 06/01/1995)
07/05/1995	114	NOTICE of hearing On approval of settlement hearing scheduled for 7/28/95 at 9:00 a.m. (cc: all counsel) (CEL) (Entered: 07/05/1995)
07/10/1995	115	ORDER ENTERED: by Magistrate Judge Ronald Newman overruling without prejudice motion to compel discovery [107-1] (cc: all counsel) (CAM) (Entered: 07/10/1995)
07/28/1995	116	MINUTE SHEET: Approval of Settlement - Topeka, KS - Court executes settlement agreement & consent decree; Case settled, all pending motions rendered moot; finding the motion to dismiss as parties [60-1] moot; finding the motion for order denying certification of lawsuit as a class action [60-1] moot; finding the motion to dismiss for lack of jurisdiction [48-1] moot; finding the motion to dismiss w/memorandum in support attached [46-1] moot; finding the motion for order requesting class certification [28-1] moot (Willard, CSR) (CEL) (Entered: 07/31/1995)
07/28/1995	117	SETTLEMENT AGREEMENT & CONSENT DECREE ENTERED: by Senior Judge Dale E. Saffels (See 55 page order for further details) re: minute sheet [116-1] terminating case (cc: all counsel) (CEL) (Entered: 07/31/1995)
08/11/1995	118	MOTION by plaintiffs to extend time to 9/26/95 to file motion for attorney's fees referred to Senior Judge Dale E. Saffels (CEL) (Entered: 08/11/1995)
08/16/1995	119	ORDER ENTERED: by Senior Judge Dale E. Saffels granting motion by plaintiffs to extend time to 9/26/95 to file motion for attorney's fees [118-1] (cc: all counsel) (CEL) (Entered: 08/16/1995)
09/26/1995	120	MOTION by plaintiffs for attorneys fees & costs; referred to Senior Judge Dale E. Saffels (LAK) (Entered: 09/27/1995)

09/26/1995	122	AFFIDAVIT of Claudia J. York re: motion by plaintiffs for attorneys fees & costs; referred to Senior Judge Dale E. Saffels [120-1] (LAK) (Entered: 09/27/1995)
09/26/1995	123	AFFIDAVIT of Lowell C. Paul re: motion by plaintiffs for attorneys fees & costs; referred to Senior Judge Dale E. Saffels [120-1] (LAK) (Entered: 09/27/1995)
09/26/1995	124	AFFIDAVIT of Larry R. Rute re: motion by plaintiffs for attorneys fees & costs; referred to Senior Judge Dale E. Saffels [120-1] (LAK) (Entered: 09/27/1995)
09/26/1995	125	AFFIDAVIT of Pedro L. Irigonegaray re: motion by plaintiffs for attorneys fees & costs; referred to Senior Judge Dale E. Saffels [120-1] (LAK) (Entered: 09/27/1995)
09/26/1995	126	AFFIDAVIT of Jerry R. Palmer re: motion by plaintiffs for attorneys fees & costs; referred to Senior Judge Dale E. Saffels [120-1] (LAK) (Entered: 09/27/1995)
09/26/1995	127	STATEMENT of consultation by plaintiff re: motion by plaintiffs for attorneys fees & costs; referred to Senior Judge Dale E. Saffels [120-1] (LAK) (Entered: 09/27/1995)
09/27/1995	121	MEMORANDUM in support re: motion by plaintiffs for attorneys fees & costs; referred to Senior Judge Dale E. Saffels [120-1] (LAK) (Entered: 09/27/1995)
10/04/1995	128	MOTION by defendants & third-party plaintiffs to extend time (10) days to 10/16/95 to respond to pltf's motion for attorney's fees & costs referred to Senior Judge Dale E. Saffels (CEL) (Entered: 10/05/1995)
10/06/1995	129	ORDER ENTERED: by Senior Judge Dale E. Saffels granting motion by defendants & third-party plaintiffs to extend time to 10/16/95 to respond to pltf's motion for attorney's fees & costs [128-1] (cc: all counsel) (CEL) (Entered: 10/06/1995)
10/13/1995	130	MOTION by defendant/third-party pltf to extend time additional (2) days to 10/18/95 to respond to pltf's motion for attorney fees referred to Senior Judge Dale E. Saffels (CEL) (Entered: 10/16/1995)
10/16/1995	131	RESPONSE by third-party defendants SRS & Donna L Whiteman to motion by plaintiffs for attorneys fees & costs; referred to Senior Judge Dale E. Saffels [120-1] (CEL) (Entered: 10/16/1995)
10/16/1995	132	MEMORANDUM OF LAW in support by third-party defendants SRS & defendant Donna L Whiteman re: response to motion of pltf's request for atty's fees [131-1] (CEL) (Entered: 10/16/1995)
10/17/1995	133	ORDER ENTERED: by Senior Judge Dale E. Saffels granting motion by defendant/third-party pltf to extend time to 10/18/95 to respond to pltf's motion for attorney fees [130-1] (cc: all counsel) (CEL) (Entered: 10/17/1995)

10/18/1995	134	RESPONSE by defendant/third-party plaintiff to motion by plaintiffs for attorneys fees & costs; referred to Senior Judge Dale E. Saffels [120-1] (CEL) (Entered: 10/18/1995)
10/31/1995	135	REPLY by plaintiffs re: defts' response to pltf's motion for attorney's fees & costs [134-1] (CEL) (Entered: 11/03/1995)
11/02/1995	136	MOTION by third-party defendant USD 501 Topeka to extend time to 11/17/95 to permit filing of response referred to Senior Judge Dale E. Saffels (CEL) (Entered: 11/03/1995)
11/03/1995	137	REPLY by third-party defendant SRS to debt Shawnee County's response to defts' request for attorney's fees referred to Senior Judge Dale E. Saffels [120-1] (CEL) (Entered: 11/06/1995)
11/06/1995	138	ORDER ENTERED: by Senior Judge Dale E. Saffels granting motion by third-party defendant USD 501 Topeka to extend time to 11/17/95 to permit filing of response to defts' response to motion for attorneys' fees & costs [136-1] (cc: all counsel) (CEL) (Entered: 11/06/1995)
11/07/1995	139	MOTION by 3d party defendant SRS for leave to add pages to Exhibit D of the reply memorandum of 3d party debt SRS to debt Shawnee County's response to defts' request for atty's fees; referred to Senior Judge Dale E. Saffels (LAK) (Entered: 11/08/1995)
11/09/1995	140	ORDER ENTERED: by Senior Judge Dale E. Saffels granting motion by 3d party defendant SRS for leave to add pages to Exhibit D of the reply memorandum of 3d party debt SRS to debt Shawnee County's response to defts' request for atty's fees; [139-1] (cc: all counsel) (MS) (Entered: 11/09/1995)
11/13/1995	141	MOTION by defts and third-party pltf's for leave to file reply to third-party debt SRS' reply memorandum; referred to Senior Judge Dale E. Saffels (MS) (Entered: 11/13/1995)
11/14/1995	142	ORDER ENTERED: by Senior Judge Dale E. Saffels granting motion by defts and third-party pltf's for leave to file reply to third-party debt SRS' reply memorandum and shall file it by 11/24/95 [141-1] (cc: all counsel) (MS) (Entered: 11/14/1995)
11/17/1995	143	RESPONSE by third-party defendant USD 501 Topeka re: [134-1] motion response by defts to pltf's motion for attys' fees and costs (MS) (Entered: 11/20/1995)
11/21/1995	144	MOTION by plaintiffs for order to show cause to defts for disobedience of the settlement agreement; referred to Senior Judge Dale E. Saffels (LAK) (Entered: 11/22/1995)
11/21/1995	145	MEMORANDUM in support re: motion by plaintiffs for order to show cause to defts for disobedience of the settlement agreement; referred to Senior Judge Dale E. Saffels [144-1] (LAK) (Entered: 11/22/1995)
11/24/1995	146	REPLY by defendants, and third-party plaintiffs to responses by SRS and USD 501 to defts' response to motion by plaintiffs for attorneys fees &

		costs; referred Senior Judge Dale E. Saffels [120-1] (MS) (Entered: 11/24/1995)
12/08/1995	147	RESPONSE by defendants & third-party plaintiffs to motion by plaintiffs for order to show cause; referred to Senior Judge Dale E. Saffels [144-1] (MS) (Entered: 12/11/1995)
12/20/1995	148	REPLY by plaintiffs to defts' response to motion by plaintiffs for order to show cause to defts for disobedience of the settlement agreement; referred to Senior Judge Dale E. Saffels [144-1] (MS) (Entered: 12/20/1995)
12/29/1995	149	MEMORANDUM AND ORDER: by Senior Judge Dale E. Saffels granting motion by plaintiffs for attorneys fees & costs as modified in the amount of \$138,256.48; [120-1] 16 pages (cc: all counsel) (MS) (Entered: 12/29/1995)
12/29/1995	150	JUDGMENT ON DECISION BY THE COURT ENTERED - CLERK: re [149-1], Memorandum and Order - IT IS ORDERED AND ADJUDGED that the plaintiffs' motion for attorney's fees and costs is granted as modified in the amount of \$138,256.48. (cc: all counsel) (MS) (Entered: 12/29/1995)
01/11/1996	151	MOTION by defts and third-party pltf's to extend time to 2/5/96 to file their Motion to Alter or Amend Judgment; referred to Senior Judge Dale E. Saffels (MS) (Entered: 01/12/1996)
01/12/1996		MOTION by pltf's to extend time to 1/26/96 to file a motion to reconsider the Ct's decision of 12/29/95; referred to Senior Judge Dale E. Saffels (MS) (Entered: 01/16/1996)
01/17/1996	153	MEMORANDUM AND ORDER: by Senior Judge Dale E. Saffels denying motion by plaintiffs for order requiring the defts to show cause why they should not be held in contempt for disobedience of the Settlement Agreement and Consent Decree entered by this Ct 7/28/95; IT IS FURTHER ORDERED that the provision in the contract between Shawnee Cty and Mr. Linhos which forbids ex parte communications between the monitor and counsel for any of the parties is unenforceable as an impermissible modification of the underlying consent decree [144-1] 8 pages (cc: all counsel) (MS) (Entered: 01/17/1996)
01/17/1996	154	JUDGMENT ON DECISION BY THE COURT ENTERED - CLERK: IT IS ORDERED AND ADJUDGED that the pltf's' motion for an order requiring the defts to show cause why they should not be held in contempt for disobedience of the Settlement Agreement and Consent Decree entered by this Ct on 7/28/95 is denied. IT IS FURTHER ORDERED AND ADJUDGED that the provision in the contract between Shawnee Cty and Mr. Linhos which forbids ex parte communications between the monitor and counsel for any of the parties is unenforceable as an impermissible modification of the underlying consent decree (cc: all counsel) (MS) (Entered: 01/17/1996)
01/19/1996	155	ORDER ENTERED: by Senior Judge Richard D. Rogers granting motion

		by defts and third-party pltf's to extend time to 2/5/96 to file their Motion to Alter or Amend Judgment; [151-1] (cc: all counsel) (MS) (Entered: 01/19/1996)
01/19/1996	156	ORDER ENTERED: by Senior Judge Richard D. Rogers granting motion by pltf's to extend time to 1/26/96 to file a motion to reconsider the Ct's decision of 12/29/95; [152-1] (cc: all counsel) (MS) (Entered: 01/19/1996)
01/26/1996	157	MOTION by pltf's for reconsideration of order of 12/29/95; referred to Senior Judge Dale E. Saffels (MS) (Entered: 01/29/1996)
01/26/1996	158	MEMORANDUM in support by plaintiff re: [157-1] motion by pltf's for reconsideration of order of 12/29/95; referred to Senior Judge Dale E. Saffels (MS) (Entered: 01/29/1996)
02/05/1996	159	MOTION by defts and third-party pltf's for reconsideration; referred to Senior Judge Dale E. Saffels (MS) (Entered: 02/06/1996)
02/05/1996	160	MEMORANDUM/BRIEF in support by defendants and third-party plaintiffs re: [159-1] motion by defts and third-party pltf's for reconsideration; referred to Senior Judge Dale E. Saffels (MS) (Entered: 02/06/1996)
02/07/1996	161	RESPONSE by defendants and third-party plaintiffs to motion by pltf's for reconsideration of order of 12/29/95; referred to Senior Judge Dale E. Saffels [157-1] (MS) (Entered: 02/08/1996)
02/16/1996	162	RESPONSE by plaintiffs to motion by defts and third-party pltf's for reconsideration; referred to Senior Judge Dale E. Saffels [159-1] (MS) (Entered: 02/16/1996)
02/23/1996	163	REPLY by defendants and third-party plaintiffs to pltf's response to motion by defts and third-party pltf's for reconsideration; referred to Senior Judge Dale E. Saffels [159-1] (MS) (Entered: 02/26/1996)
03/21/1996	164	ORDER ENTERED: by Senior Judge Dale E. Saffels stating that the attachments submitted with deft and third-party pltf's Memorandum filed 11/24/95, shall be withdrawn and redacted attachments which delete identifying information of the juveniles shall be submitted (cc: all counsel) (MS) (Entered: 03/21/1996)
05/07/1996	165	MEMORANDUM AND ORDER: by Senior Judge Dale E. Saffels denying motion by defts and third-party pltf's for reconsideration, [159-1]; and denying motion by pltf's for reconsideration of Memorandum and Order 12/29/95, [157-1]; 7 pages (cc: all counsel) (MS) (Entered: 05/07/1996)
05/07/1996	166	JUDGMENT ON DECISION BY THE COURT ENTERED - CLERK: re [165-1], Memorandum and Order; pltf's motion to reconsider (Doc. 157) is denied, and defts' motion to reconsider (Doc. 159) is denied (cc: all counsel) (MS) (Entered: 05/07/1996)
08/06/1996	167	SATISFACTION OF JUDGMENT re: [150-1], judgment as to

		defendants in the amount of \$138,256.48 has been paid in full by defts (MS) (Entered: 08/07/1996)
12/23/1996	168	ORDER FOR DISPOSAL OF EXHIBITS ENTERED: by Senior Judge Dale E. Saffels (cc: all counsel) (LAK) (Entered: 12/23/1996)
01/02/1997	169	RECEIPT FOR EXHIBITS RETURNED to defts - exhibits 401-416 and 418-425 (MS) (Entered: 01/03/1997)
01/07/1997	170	RECEIPT FOR EXHIBITS RETURNED to pltf - exhibits 1-39 (MS) (Entered: 01/08/1997)

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