

CLOSED, ENEOUT

**U.S. District Court
District of Vermont (Burlington)
CIVIL DOCKET FOR CASE #: 2:99-cv-00128-JJN**

Hargrave, et al v. Vermont, State of, et al
Assigned to: Magistrate Judge Jerome J. Niedermeier
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 04/27/1999
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Nancy Hargrave
*on behalf of herself and all others
similarly situated*

represented by **O. Whitman Smith**
Mickenberg, Dunn, Kochman, Lachs &
Smith
29 Pine Street
P.O. Box 406
Burlington, VT 05402-0406
(802)658-6951
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul M. Smith
Jenner & Block LLP
601 Thirteenth Street, NW
Suite 1200
Washington, DC 20005
(202) 639-6000
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Susan Lea Aranoff
Connecticut Legal Rights Project, Inc.
Silver Street
P.O. Box 351
Middletown, CT 06457-0351
(860) 262-5045
TERMINATED: 02/12/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Intervenor Plaintiff

Vermont Protection & Advocacy, Inc.

represented by **Beth A. Danon**
Blackwood & Danon, P.C.
90 Main Street
P.O. Box 875

Burlington, VT 05402-0875
(802)863-2517
Fax: 98630262
Email: bdanon@blackwoodlaw.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

O. Whitman Smith
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul M. Smith
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

State of Vermont

represented by **Bridget Colleen Asay**
Vermont Attorney General's Office
Pavilion Office Building
109 State Street
Montpelier, VT 05609-1001
(802)828-3171
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John H. Wallace
Vermont Attorney General's Office
Human Services Division
103 South Main Street
Waterbury, VT 05676
(802)241-2841
TERMINATED: 06/07/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Wendy Sue Beinner
Vermont Attorney General's Office
Dept of Mental Health/Mental
Retardation
103 South Main Street
Waterbury, VT 05671-1601
(802)241-2602
TERMINATED: 06/07/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Vermont Department of
Developmental and Mental Health
Services**

represented by **Bridget Colleen Asay**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John H. Wallace
(See above for address)
TERMINATED: 06/07/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Wendy Sue Beinner
(See above for address)
TERMINATED: 06/07/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Rodney Copeland
*in his capacity as Commissioner of the
Vermont Department of Developmental
and Mental Health Services*

represented by **Bridget Colleen Asay**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John H. Wallace
(See above for address)
TERMINATED: 06/07/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Wendy Sue Beinner
(See above for address)
TERMINATED: 06/07/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/27/1999	1	COMPLAINT: Class Action; filing fee \$ 150.00 receipt # 12556 (Summonses/waivers Issued) (Notice of Magistrate Judge assignment given at counter) (pjd) (Entered: 04/28/1999)
04/28/1999		File sent to Burlington (pjd) (Entered: 04/28/1999)
05/10/1999	2	RETURN OF SERVICE executed as to defendant Vermont, State of on 5/4/99 (pjd) (Entered: 05/10/1999)
05/10/1999	3	RETURN OF SERVICE executed as to defendant Rodney Copeland on 5/4/99 (pjd) (Entered: 05/10/1999)

05/10/1999	4	RETURN OF SERVICE executed as to defendant VT Dev & Mental Svc on 5/4/99 (pjd) (Entered: 05/10/1999)
06/04/1999	5	STIPULATION AND ORDER TO EXTEND TIME PERIOD TO FILE ANSWER, Answer due on 6/7/99 for Rodney Copeland, for VT Dev & Mental Svc, for Vermont, State of (Magistrate Judge Jerome J. Niedermeier) Cy to parties (pjd) (Entered: 06/04/1999)
06/07/1999	6	MOTION by defendants Vermont, State of, VT Dev & Mental Svc, Rodney Copeland to Dismiss for Lack of Jurisdiction (pjd) Modified on 06/07/1999 (Entered: 06/07/1999)
06/07/1999	7	MEMORANDUM by defendants Vermont, State of, VT Dev & Mental Svc, Rodney Copeland in support of [6-1] motion to Dismiss for Lack of Jurisdiction (pjd) (Entered: 06/07/1999)
06/08/1999	8	CERTIFICATE OF SERVICE: interrogatories sent by pltf Nancy Hargrave to dfts VT Dev & Mental Svc, Rodney Copeland (law) (Entered: 06/08/1999)
06/10/1999	9	MOTION by plaintiff Nancy Hargrave for extension of time by 30 days within which to respond to dft's motion to dismiss (pjd) (Entered: 06/10/1999)
06/10/1999	10	MEMORANDUM by plaintiff Nancy Hargrave in support of [9-1] motion for extension of time by 30 days within which to respond to dft's motion to dismiss (pjd) (Entered: 06/10/1999)
06/15/1999		**General Order 41 consent forms received from all parties (jjj) (Entered: 06/15/1999)
06/15/1999		ENDORSED ORDER: granting [9-1] motion for extension of time by 30 days within which to respond to dft's motion to dismiss [6-1] (Magistrate Judge Jerome J. Niedermeier) Cy to parties (pjd) (Entered: 06/15/1999)
06/30/1999	11	CERTIFICATE OF SERVICE: requests for production of documents by plaintiff Nancy Hargrave (pjd) (Entered: 06/30/1999)
07/01/1999	12	MOTION by defendants Vermont, State of, VT Dev & Mental Svc, Rodney Copeland to Stay all discovery deadlines until court decides the pending question re: subject matter jurisdiction (pjd) (Entered: 07/01/1999)
07/01/1999	13	MEMORANDUM by plaintiff Nancy Hargrave in opposition to [6-1] motion to Dismiss for Lack of Jurisdiction (pjd) (Entered: 07/01/1999)
07/12/1999	14	MEMORANDUM by plaintiff Nancy Hargrave in opposition to [12-1] motion to Stay all discovery deadlines until court decides the pending question re: subject matter jurisdiction (pjd) (Entered: 07/12/1999)
07/16/1999	15	SUPPLEMENTAL MEMORANDUM by plaintiff Nancy Hargrave re: [13-1] opposition memorandum to [6-1] motion to Dismiss for Lack of Jurisdiction (mek) (Entered: 07/16/1999)
07/16/1999		ENDORSED ORDER: denying motion to Stay all discovery deadlines

		until court decides the pending question re: subject matter jurisdiction [12-1], stip disc schedule due within 30 days (by 8/19/99) (Magistrate Judge Jerome J. Niedermeier) Cy to parties (mek) (Entered: 07/16/1999)
07/19/1999	16	REPLY MEMORANDUM by defendants Vermont, State of, VT Dev & Mental Svc, Rodney Copeland to opposition to [6-1] motion to Dismiss for Lack of Jurisdiction (pjd) (Entered: 07/19/1999)
07/20/1999	17	ENE LETTER re: potential evaluators sent; resp to ENE ltr due 8/9/99 (law) (Entered: 07/20/1999)
08/02/1999	18	MOTION by movant VT Protection & Adv to Intervene as a plaintiff (pjd) (Entered: 08/02/1999)
08/02/1999	19	MEMORANDUM by movant VT Protection & Adv in support of [18-1] motion to Intervene as a plaintiff (pjd) (Entered: 08/02/1999)
08/10/1999	20	JOINT STIPULATION by pltf Nancy Hargrave, dfts State of Vermont, VT Dev & Mental Svc, Rodney Copeland As to Exemption from ENE Process (law) (Entered: 08/10/1999)
08/12/1999	21	STIPULATION AND MOTION by pltf Nancy Hargrave, dfts State of Vt, VT Dev & Mental Svc, Rodney Copeland, movant VT Protection & Adv For Extension of Time for Filing of Dfts' Response to Motion to Intervene (law) (Entered: 08/12/1999)
08/16/1999		ENDORSED ORDER: granting [20-1] joint Stipulation As to Exemption from ENE Process, excusing case from ENE (Magistrate Judge Jerome J. Niedermeier) Cy to parties (law) (Entered: 08/16/1999)
08/16/1999		ENDORSED ORDER: granting [21-1] joint motion For Extension of Time for Filing of Dfts' Response to Motion to Intervene [18-1] (Magistrate Judge Jerome J. Niedermeier) Cy to parties (law) (Entered: 08/16/1999)
08/18/1999	22	NOTICE OF HEARING: setting hearing on [18-1] motion to Intervene as a plaintiff by VT Protection & Adv and [6-1] motion to Dismiss for Lack of Jurisdiction by Rodney Copeland, VT Dev & Mental Svc, Vermont, State of for 10:00 9/2/99 Cy to parties (jjj) (Entered: 08/18/1999)
08/20/1999	23	MOTION with memorandum in support by pltf Nancy Hargrave For Continuance of Hearing now set for 9/2/99 (law) (Entered: 08/20/1999)
08/23/1999		RECEIVED proposed Stipulated Discovery Schedule/Order; (law) (Entered: 08/23/1999)
08/23/1999	24	STIPULATED DISCOVERY SCHEDULE/ORDER setting Discovery cutoff 4/16/00 ; Deadline for filing of all motions 5/16/00 ; ready for trial by 6/30/00 (Magistrate Judge Jerome J. Niedermeier) Cy to parties (pjd) (Entered: 08/23/1999)
08/24/1999		ENDORSED ORDER: finding the motion For Continuance of Hearing now set for 9/2/99 [23-1] moot, motion hearing set for 9:30 9/27/99 for

		[18-1] motion to Intervene as a plaintiff, motion hearing set for 9:30 9/27/99 for [6-1] motion to Dismiss for Lack of Jurisdiction (Magistrate Judge Jerome J. Niedermeier) Cy to parties (pjd) (Entered: 08/24/1999)
08/27/1999	25	MOTION by defendants Vermont, State of, defendants VT Dev & Mental Svc, Rodney Copeland in opposition to [18-1] motion to Intervene as a plaintiff (pjd) (Entered: 08/27/1999)
08/27/1999		MINUTE ENTRY: by Magistrate Judge Jerome J. Niedermeier (Ct Rprr: taped) John Wallace, Esq. and Jennifer Myka, Esq. for defts and O. Whitman Smith, Esq. and Susan Aranoff, Esq. for pltf's. ORDERED: taking under advisement on 9/10/99 [18-1] motion to Intervene as a plaintiff, taking under advisement on 8/27/99 [6-1] motion to Dismiss for Lack of Jurisdiction (jjj) (Entered: 08/27/1999)
09/07/1999	26	CERTIFICATE OF SERVICE responses to pltf's requests to produce by dft State of Vt, VT Dev & Mental Svc, Rodney Copeland (law) (Entered: 09/07/1999)
09/10/1999	27	REPLY MEMORANDUM by movant VT Protection & Adv re: [18-1] motion to Intervene as a plaintiff (law) (Entered: 09/10/1999)
09/17/1999	28	MOTION by plaintiff Nancy Hargrave to Extend Time for filing for class certification until 30 days after receipt of complete responses to pltf's interrogatories to dfts Copeland and Dept. of Developmental and Mental Health Services: Set 1 (pjd) (Entered: 09/17/1999)
09/17/1999	29	MEMORANDUM by plaintiff Nancy Hargrave in support of [28-1] motion to Extend Time for filing for class certification until 30 days after receipt of complete responses to pltf's interrogatories to dfts Copeland and Dept. of Developmental and Mental Health Services: Set 1 (pjd) (Entered: 09/17/1999)
01/11/2000		ENDORSED ORDER: granting [28-1] motion to Extend Time for filing for class certification until 30 days after receipt of complete responses to pltf's interrogatories to dfts Copeland and Dept. of Developmental and Mental Health Services: Set 1 (Magistrate Judge Jerome J. Niedermeier) Cy to parties (pjd) (Entered: 01/11/2000)
01/11/2000	30	OPINION AND ORDER (Magistrate Judge Jerome J. Niedermeier) granting [18-1] motion to Intervene as a plaintiff, denying motion to Dismiss for Lack of Jurisdiction [6-1] Cy to parties (pjd) (Entered: 01/11/2000)
01/11/2000	31	INTERVENOR'S FIRST AMENDED COMPLAINT by VT Protection & Adv against defendants Vermont, State of, VT Dev & Mental Svc, Rodney Copeland (pjd) (Entered: 01/27/2000)
01/25/2000	32	ANSWER to [1-1] complaint by defendants Vermont, State of, VT Dev & Mental Svc, Rodney Copeland (Attorney John Wallace); stipulated discovery schedule due 2/24/00 (pjd) (Entered: 01/27/2000)
01/25/2000	33	ANSWER by dfts State of Vermont, VT Dev & Mental Svc, Rodney Copeland to [31-1] pltf-intervenor's first amended complaint (law)

		(Entered: 03/17/2000)
02/03/2000	34	MOTION by plaintiff Nancy Hargrave to Amend [1-1] complaint (law) (Entered: 02/03/2000)
02/03/2000	35	MEMORANDUM by plaintiff Nancy Hargrave in support of [34-1] motion to Amend [1-1] complaint (law) (Entered: 02/03/2000)
02/10/2000	36	CERTIFICATE OF SERVICE: responses to pltf's first set of interrogatories filed by dfts VT Dev & Mental Svc, Rodney Copeland (law) (Entered: 02/10/2000)
03/01/2000	37	MOTION by plaintiff Nancy Hargrave For Class Certification (law) (Entered: 03/01/2000)
03/01/2000	38	MEMORANDUM by plaintiff Nancy Hargrave in support of [37-1] motion For Class Certification (law) (Entered: 03/01/2000)
03/01/2000	39	ORDER granting [34-1] motion to Amend [1-1] complaint (Magistrate Judge Jerome J. Niedermeier) [EOD Date 3/1/00] Cy to parties (pjd) (Entered: 03/01/2000)
03/01/2000	40	FIRST AMENDED COMPLAINT: CLASS ACTION by plaintiff Nancy Hargrave , amending [1-1] complaint (pjd) (Entered: 03/01/2000)
03/17/2000	41	ANSWER to [40-1] pltf's amended complaint by dfts State of Vermont, VT Dev & Mental Svc, Rodney Copeland ; stipulated discovery schedule due 4/16/00 (law) (Entered: 03/17/2000)
03/21/2000	42	MOTION with memorandum in support by plaintiff Nancy Hargrave to Compel production of documents (pjd) (Entered: 03/21/2000)
03/21/2000	43	AMENDED ANSWER to Complaint by defendants Vermont, State of, VT Dev & Mental Svc, Rodney Copeland : amends [41-1] answer (pjd) (Entered: 03/21/2000)
03/24/2000		STIPULATION RECEIVED re: Extend Time to Response to Pltf's Motion for Class Action (law) (Entered: 03/24/2000)
03/24/2000	44	STIPULATION AND ORDER To Extend Time to File Response to [37-1] motion For Class Certification; response due 3/31/00 (Magistrate Judge Jerome J. Niedermeier) Cy to parties (law) (Entered: 03/24/2000)
03/31/2000	45	MOTION by all dfts to Extend Time to 4/5/00 to File dfts' response to pltf's motion for class action (kac) (Entered: 03/31/2000)
04/03/2000		ENDORSED ORDER: granting [45-1] motion to Extend Time to 4/5/00 to File dfts' response to pltf's [37-1] motion For Class Certification (Magistrate Judge Jerome J. Niedermeier) Cy to parties (law) (Entered: 04/03/2000)
04/05/2000	46	OPPOSITION by defendants Vermont, State of, VT Dev & Mental Svc, Rodney Copeland to [37-1] motion For Class Certification (pjd) (Entered: 04/05/2000)

04/06/2000	47	STIPULATION by dfts State of Vermont, VT Dev & Mental Svc, Rodney Copeland to Extend Time to File Defendants' Response to Pltf's Motion to Compel (law) Modified on 04/07/2000 (Entered: 04/06/2000)
04/06/2000		ENDORSED ORDER: granting [47-1] Stipulation to Extend Time to File Defendants' Response to Pltf's Motion to Compel [42-1] motion to Compel production of documents, response due 4/7/00 (Magistrate Judge Jerome J. Niedermeier) Cy to parties (law) Modified on 04/07/2000 (Entered: 04/06/2000)
04/07/2000	48	MEMORANDUM by dfts State of Vt, VT Dev & Mental Svc, Rodney Copeland in opposition to [42-1] motion to Compel production of documents (law) (Entered: 04/07/2000)
04/13/2000	49	NOTICE OF HEARING: setting hearing on [42-1] motion to Compel production of documents by Nancy Hargrave and [37-1] motion For Class Certification by Nancy Hargrave for 10:00 5/2/00 Cy to parties (jjj) (Entered: 04/13/2000)
04/25/2000	50	STIPULATION AND ORDER reply due 5/5/00 for [37-1] motion For Class Certification (Magistrate Judge Jerome J. Niedermeier) Cy to parties (law) (Entered: 04/25/2000)
05/02/2000		MINUTE ENTRY: by Magistrate Judge Jerome J. Niedermeier (Ct Rptr: taped) O. Whitman Smith, Esq. for pltf's; John Wallace, Esq. and Jennifer Myka, Esq. for defts .ORDERED: [42-1] motion to Compel production of documents held in abeyance until motion for class certification is decided; taking under advisement on 5/15/00 [37-1] motion For Class Certification (jjj) (Entered: 05/02/2000)
05/05/2000	51	SUPPLEMENTAL MEMORANDUM by plaintiff Nancy Hargrave in support of [37-1] motion For Class Certification (law) (Entered: 05/05/2000)
05/08/2000	52	AMENDED CERTIFICATE OF SERVICE by plaintiff Nancy Hargrave re: [51-1] supplemental memorandum (pjd) (Entered: 05/08/2000)
05/08/2000	53	AMENDED STIPULATED DISCOVERY SCHEDULE/ORDER setting Discovery cutoff 9/30/00 ; Deadline for filing of all motions 10/30/00 ; ready for trial by 11/30/00 (Magistrate Judge Jerome J. Niedermeier) Cy to parties (pjd) (Entered: 05/08/2000)
05/12/2000	54	AFFIDAVIT of Elizabeth Manfredi by intervenor-plaintiff VT Protection & Adv in support of [37-1] motion For Class Certification (pjd) (Entered: 05/12/2000)
05/12/2000	55	REPLY by defendants Vermont, State of, VT Dev & Mental Svc, Rodney Copeland to pltf's supplemental memorandum in support of [37-1] motion For Class Certification (pjd) (Entered: 05/12/2000)
06/16/2000	56	CERTIFICATE OF SERVICE: interrogatories and requests to produce sent by dft VT Dev & Mental Svc to pltf's Nancy Hargrave, VT Protection & Adv (law) Modified on 06/19/2000 (Entered: 06/19/2000)

07/05/2000	57	SECOND SUPPLEMENTAL MEMORANDUM by plaintiff Nancy Hargrave in support of [37-1] motion For Class Certification (law) (Entered: 07/05/2000)
07/05/2000	58	OPINION AND ORDER (Magistrate Judge Jerome J. Niedermeier) granting [37-1] motion For Class Certification. The class shall consist of individuals within the state of Vermont who have been or in the future will be diagnosed as having a mental illness & who either have or will execute a durable power of atty for health care or have been or in the future will be deterred from executing such an advance directive for health care as a result of Act 114. Cy to parties (law) Modified on 02/07/2002 (Entered: 07/06/2000)
08/01/2000	59	AMENDED DISCOVERY STIPULATION AND ORDER resetting Discovery cutoff 11/15/00 ; Deadline for filing of all motions 12/15/00 ; ready for trial by 1/15/01 (Magistrate Judge Jerome J. Niedermeier) Cy to parties (pjd) (Entered: 08/01/2000)
08/10/2000	60	MOTION by pltf Nancy Hargrave, intervenor-pltf VT Protection & Adv for partial summary judgment (law) (Entered: 08/10/2000)
08/10/2000	61	STATEMENT OF UNDISPUTED MATERIAL FACTS in support of [60-1] motion for partial summary judgment by pltf Nancy Hargrave, intervenor-pltf VT Protection & Adv (law) (Entered: 08/10/2000)
08/10/2000	62	MEMORANDUM OF LAW by pltf Nancy Hargrave, intervenor-pltf VT Protection & Adv in support of [60-1] motion for partial summary judgment (law) (Entered: 08/10/2000)
08/15/2000	63	CERTIFICATE OF SERVICE: first set of requests for admissions, second set of interrogatories, and second set of requests for production of documents by pltf Nancy Hargrave (law) (Entered: 08/15/2000)
08/15/2000	64	NOTICE OF HEARING: setting hearing on [42-1] motion to Compel production of documents by Nancy Hargrave for 10:00 8/24/00 Cy to parties (jjj) (Entered: 08/15/2000)
08/24/2000		MINUTE ENTRY: by Magistrate Judge Jerome J. Niedermeier (Ct Rprr: taped) O. Whitman Smith, Esq. for pltf; Jennifer Myka, Esq. for deft. ORDERED: granting [42-1] motion to Compel production of documents. All discovery is stayed pending resolution of pending partial summary judgment motion. Deft to have until 10/2/00 to respond to said motion. (jjj) (Entered: 08/25/2000)
09/07/2000	65	STIPULATION AND ORDER To Extend Time to File Defendants' Opposition to [60-1] motion for partial summary judgment to 10/2/00 (Magistrate Judge Jerome J. Niedermeier) Cy to parties (law) Modified on 09/08/2000 (Entered: 09/07/2000)
09/27/2000	66	MOTION by dfts State of Vermont, VT Dev & Mental Svc, Rodney Copeland For Leave to Exceed Page Limit of Memoranda for Consolidated Motions in Support of and Opposing Summary Judgment on All Claims (law) (Entered: 09/27/2000)

10/02/2000	67	OPPOSITION by dfts State of Vt, VT Dev & Mental Svc to [60-1] motion for partial summary judgment (NEXT ENTRY PART OF SAME DOCUMENT) (law) (Entered: 10/02/2000)
10/02/2000	67	MOTION by dfts State of Vt, VT Dev & Mental Svc for partial summary judgment , and to Dismiss (PREVIOUS ENTRY PART OF SAME DOCUMENT) (law) (Entered: 10/02/2000)
10/02/2000	68	RESPONSE by dfts State of Vermont, VT Dev & Mental Svc to [61-1] pltf's statement of undisputed facts re: [60-1] motion for partial summary judgment (NEXT ENTRY PART OF SAME DOCUMENT) (law) (Entered: 10/02/2000)
10/02/2000	68	STATEMENT OF UNDISPUTED FACTS re: [67-1] motion for partial summary judgment by dfts State of Vermont, VT Dev & Mental Svc (PREVIOUS ENTRY PART OF SAME DOCUMENT) (law) (Entered: 10/02/2000)
10/02/2000	69	MEMORANDUM OF LAW by dfts State of Vermont, VT Dev & Mental Svc opposing [60-1] motion for partial summary judgment (PREVIOUS ENTRY PART OF SAME DOCUMENT) (EXHIBITS LOCATED IN EXPANDABLE FOLDER) (law) Modified on 10/02/2000 (Entered: 10/02/2000)
10/02/2000	69	MOTION by dfts State of Vermont, VT Dev & Mental Svc for Summary Judgment , and to Dismiss (PREVIOUS ENTRY PART OF SAME DOCUMENT) (EXHIBITS LOCATED IN SEPARATE EXPANDABLE FOLDER) (law) Modified on 10/02/2000 (Entered: 10/02/2000)
10/27/2000	70	STIPULATION AND ORDER TO EXTEND TIME TO FILE PLAINTIFF'S AND PLAINTIFF-INTERVENOR'S RESPONSES TO [67-1] motion for partial summary judgment; response due 12/1/00 (Magistrate Judge Jerome J. Niedermeier) Cy to parties (law) Modified on 11/02/2000 (Entered: 11/01/2000)
11/27/2000	71	MOTION by dfts State of Vt, VT Dev & Mental Svc, Rodney Copeland for partial summary judgment on pltf's constitutional claims (law) (Entered: 11/27/2000)
11/27/2000	72	MEMORANDUM OF LAW by dfts State of Vt, VT Dev & Mental Svc, Rodney Copeland in support of [71-1] motion for partial summary judgment on pltf's constitutional claims (law) (Entered: 11/27/2000)
12/01/2000	73	REPLY by plaintiff Nancy Hargrave, intervenor-plaintiff VT Protection & Adv to [67-1] motion for partial summary judgment (pjd) (Entered: 12/01/2000)
12/01/2000	74	STATEMENT OF UNDISPUTED MATERIAL FACTS in support of [60-1] motion for partial summary judgment by plaintiff Nancy Hargrave, intervenor-plaintiff VT Protection & Adv (pjd) (Entered: 12/01/2000)
12/01/2000	75	STATEMENT OF DISPUTED MATERIAL FACTS in opposition to [67-1] motion for partial summary judgment by plaintiff Nancy

		Hargrave, intervenor-plaintiff VT Protection & Adv (pjd) (Entered: 12/01/2000)
12/22/2000		STIPULATION RECEIVED re: Extend Time to File Responses to [71-1] motion for partial summary judgment on pltf's constitutional claims (law) (Entered: 12/22/2000)
12/26/2000	76	STIPULATION AND ORDER reply due 1/8/01 for [67-1] motion for partial summary judgment and response due 2/15/01 for [71-1] motion for partial summary judgment on pltf's constitutional claims (Magistrate Judge Jerome J. Niedermeier) Cy to parties (law) (Entered: 12/26/2000)
01/09/2001	77	REPLY by dfts State of Vt, VT Dev & Mental Svc, Rodney Copeland to response to [67-1] motion for partial summary judgment (law) (Entered: 01/09/2001)
02/15/2001	78	MEMORANDUM by plaintiff Nancy Hargrave in opposition to [71-1] motion for partial summary judgment on pltf's constitutional claims (pjd) (Entered: 02/16/2001)
02/26/2001		STIPULATION RECEIVED re: to Extend Time to File Dft's Reply to [71-1] motion for partial summary judgment on pltf's constitutional claims (law) (Entered: 02/26/2001)
03/08/2001	79	STIPULATION AND ORDER to extend time to file dfts' reply to opposition to dft's motion for partial summary judgment on constitutional claims; reply due 3/26/01 for [71-1] motion for partial summary judgment on pltf's constitutional claims (Magistrate Judge Jerome J. Niedermeier) Cy to parties (pjd) (Entered: 03/08/2001)
03/26/2001	80	REPLY by defendants Vermont, State of, VT Dev & Mental Svc, Rodney Copeland to opposition to [71-1] motion for partial summary judgment on pltf's constitutional claims (pjd) (Entered: 03/26/2001)
03/30/2001		ENDORSED ORDER: granting [66-1] motion For Leave to Exceed Page Limit of Memoranda for Consolidated Motions in Support of and Opposing Summary Judgment on All Claims (Magistrate Judge Jerome J. Niedermeier) Cy to parties (See referenced document for image) (pjd) (Entered: 04/02/2001)
04/02/2001	81	NOTICE OF HEARING: setting hearing on [71-1] motion for partial summary judgment on pltf's constitutional claims by Rodney Copeland, VT Dev & Mental Svc, Vermont, State of [69-1] motion for Summary Judgment by VT Dev & Mental Svc, Vermont, State of [69-2] motion to Dismiss by VT Dev & Mental Svc, Vermont, State of [67-1] motion for partial summary judgment by VT Dev & Mental Svc, Vermont, State of [67-2] motion to Dismiss by VT Dev & Mental Svc, Vermont, State of [60-1] motion for partial summary judgment by VT Protection & Adv, Nancy Hargrave for 10:30 4/13/01 Cy to parties (jjj) (Entered: 04/02/2001)
04/13/2001		MINUTE ENTRY: by Magistrate Judge Jerome J. Niedermeier (Ct Rptr: taped) Atty O. Whitman Smith present for pltf, Jennifer Myka, Esq. and

		John Wallace, Esq. present for dfts. Hearing on pending motions. Statements by counsel. ORDERED: taking under advisement on [71-1] motion for partial summary judgment on pltf's claims, [69-1] motion for Summary Judgment, [69-2] motion to Dismiss, [67-1] motion for partial summary judgment, [67-2] motion to Dismiss, [60-1] motion for partial summary judgment (law) (Entered: 04/13/2001)
04/25/2001	82	SUPPLEMENTAL MEMORANDUM by plaintiff Nancy Hargrave in response to dfts' new citation re: [69-1] motion for Summary Judgment, [67-1] motion for partial summary judgment, [60-1] motion for partial summary judgment (pjd) (Entered: 04/26/2001)
05/04/2001	83	MOTION by dfts State of Vermont, VT Dev & Mental Svc, Rodney Copeland to Strike [82-1] supplemental memorandum , or in the alternative to Respond to [82-1] supplemental memorandum (law) (Entered: 05/04/2001)
05/30/2001		ENDORSED ORDER: denying motion to Strike [82-1] supplemental memorandum [83-1], granting [83-2] motion to Respond to [82-1] supplemental memorandum. A response shall be filed within 10 days. (Magistrate Judge Jerome J. Niedermeier) Cy to parties (See referenced document for image) (law) (Entered: 05/31/2001)
06/08/2001	84	MOTION by dft State of Vermont, VT Dev & Mental Svc, Rodney Copeland to Extend Time Period for Filing Supplemental Memorandum of Law (law) (Entered: 06/08/2001)
06/11/2001		ENDORSED ORDER: granting [84-1] motion to Extend Time Period for Filing Supplemental Memorandum of Law; reply due 6/22/01 re: [69-1] motion for Summary Judgment, [69-2] to Dismiss, and [67-1] motion for partial summary judgment, [67-2] to Dismiss and [60-1] motion for partial summary judgment (Magistrate Judge Jerome J. Niedermeier) Cy to parties (See referenced document for image) (law) (Entered: 06/11/2001)
06/22/2001	85	SUPPLEMENTAL MEMORANDUM by dfts State of Vt, VT Dev & Mental Svc, Rodney Copeland concerning recent case law on the application of the ADA and Section 504 to medical decision-making re: [71-1] motion for partial summary judgment on pltf's constitutional claims, [69-1] motion for Summary Judgment, [69-2] motion to Dismiss, [67-1] motion for partial summary judgment, [67-2] motion to Dismiss, [60-1] motion for partial summary judgment (law) (Entered: 06/22/2001)
10/11/2001	86	OPINION AND ORDER (Magistrate Judge Jerome J. Niedermeier) granting [60-1] motion for partial summary judgment & denying motion for partial summary judgment [67-1], motion to Dismiss [67-2], motion for Summary Judgment [69-1], motion to Dismiss [69-2], [69-1] motion for partial summary judgment on pltf's claims [71-1] Cy to parties (law) (Entered: 10/11/2001)
10/25/2001	87	RULE 59(e) MOTION by dfts State of Vt, VT Dev & Mental Svc, Rodney Copeland to Alter or Amend Judgment (law) (Entered: 10/26/2001)

10/25/2001	88	MEMORANDUM OF LAW by dfts State of Vt, VT Dev & Mental Svc, Rodney Copeland in support of [87-1] motion to Alter or Amend Judgment (law) (Entered: 10/26/2001)
10/25/2001		STIPULATION RECEIVED re: filing of pltf's Motion for Costs and Expenses (law) (Entered: 10/26/2001)
10/30/2001	89	STIPULATION AND ORDER as to the filing of plaintiffs' motion for costs and expenses; pltf's have until 11/30/01 in which to file motion for costs and expenses brief deadline set for 11/30/01 (Magistrate Judge Jerome J. Niedermeier) Cy to parties (law) (Entered: 10/30/2001)
11/13/2001	90	STIPULATION AS TO THE TIMING OF CERTAIN FILINGS BY PLAINTIFFS AND ORDER granting pltf's until 11/20/01 to file response to dfts' [87-1] motion to Alter or Amend Judgment. Pltf's shall have 15 business days after service of the Court's decision on motion to alter or amend judgment in which to file a motion for costs and expenses, including reasonable attorneys' fees (Magistrate Judge Jerome J. Niedermeier) Cy to parties (pjd) (Entered: 11/13/2001)
11/20/2001	91	MEMORANDUM IN RESPONSE by plaintiff Nancy Hargrave to [87-1] motion to Alter or Amend Judgment (pjd) (Entered: 11/20/2001)
12/03/2001	92	NOTICE OF HEARING: setting hearing on [87-1] motion to Alter or Amend Judgment by Rodney Copeland, VT Dev & Mental Svc, Vermont, State of for 10:00 12/11/01 Cy to parties (jjj) (Entered: 12/03/2001)
12/05/2001	93	REPLY MEMORANDUM by defendants Vermont, State of, VT Dev & Mental Svc, Rodney Copeland to memorandum in response to [87-1] motion to Alter or Amend Judgment (pjd) (Entered: 12/05/2001)
12/07/2001	94	CERTIFICATE OF SERVICE by defendant VT Dev & Mental Svc re: [93-1] motion reply (law) (Entered: 12/07/2001)
12/07/2001	95	MOTION with memorandum in support by dfts State of Vermont, VT Dev & Mental Svc, Rodney Copeland for Continuance of Hearing (law) (Entered: 12/10/2001)
12/10/2001		ENDORSED ORDER: granting [95-1] motion for Continuance of Hearing, hearing canceled re: [87-1] motion to Alter or Amend Judgment (Magistrate Judge Jerome J. Niedermeier) Cy to parties (See referenced document for image) (law) (Entered: 12/10/2001)
12/13/2001	96	NOTICE OF HEARING: setting hearing on [87-1] motion to Alter or Amend Judgment by Rodney Copeland, VT Dev & Mental Svc, Vermont, State of for 10:00 12/19/01 Cy to parties (jjj) (Entered: 12/13/2001)
12/19/2001		MINUTE ENTRY: by Magistrate Judge Jerome J. Niedermeier (Ct Rptr: taped) O. Whitman Smith, Esq. for pltf's and Jennifer Myka, Esq. for dfts. ORDERED: taking under advisement on 12/19/01 [87-1] motion to Alter or Amend Judgment (jjj) (Entered: 12/19/2001)

12/21/2001	97	OPINION AND ORDER (Magistrate Judge Jerome J. Niedermeier) granting [87-1] motion to Alter or Amend Judgment the [86-1] opinion & order is amended; Dfts are permanently enjoined from implementing or enforcing those sections of Act 114, including but not limited to 18 VSA 7626(b)-(c) and 7627(i)-(j) to the extent 7627(i)-(j) apply to individuals with duly executed DPOAs, which discriminate against pltf Hargrave and other class members in violation of the ADA and Section 504 by authorizing, in non-emergency situations, the restriction or overriding of their treatment preferences expressed in duly executed DPOAs for health care. Cy to parties (law) Modified on 01/02/2002 (Entered: 12/21/2001)
01/09/2002		STIPULATION RECEIVED re: Timing of Certain Filings (law) (Entered: 01/09/2002)
01/11/2002	98	SECOND AMENDED STIPULATION AS TO THE TIMING OF CERTAIN FILINGS BY PLAINTIFFS the pltf's shall have until 2/15/02 in which to file a motion for costs and expenses (Magistrate Judge Jerome J. Niedermeier) Cy to parties (law) Modified on 01/14/2002 (Entered: 01/11/2002)
01/28/2002	99	MOTION with memorandum in support by plaintiff Nancy Hargrave to correct clerical mistakes in [86-1] opinion and order (pjd) (Entered: 01/28/2002)
02/06/2002		ENDORSED ORDER: granting [99-1] motion to correct clerical mistakes in [86-1] opinion and order (Magistrate Judge Jerome J. Niedermeier) Cy to parties (See referenced document for image) (pjd) (Entered: 02/06/2002)
02/06/2002	100	AMENDED OPINION AND ORDER (Magistrate Judge Jerome J. Niedermeier) re: [60-1] motion for partial summary judgment, [71-1] motion for partial summary judgment on pltf's constitutional claims, [69-1] motion for Summary Judgment, [69-2] motion to Dismiss, [67-1] motion for partial summary judgment, [67-2] motion to Dismiss. Correcting clerical mistakes but not affecting substantive matters. Directing Clerk to enter judgment. Cy to parties (pjd) Modified on 02/07/2002 (Entered: 02/06/2002)
02/07/2002		THIRD AMENDED STIPULATION RECEIVED re: as to the Timing of Certain Filings (law) (Entered: 02/07/2002)
02/07/2002	101	JUDGMENT (Magistrate Judge Jerome J. Niedermeier) for Nancy Hargrave, VT Protection & Adv against Vermont, State of, VT Dev & Mental Svc, Rodney Copeland case closed Cy to parties (pjd) (Entered: 02/07/2002)
02/07/2002	102	NOTICE OF APPEAL by defendant Vermont, State of, defendant VT Dev & Mental Svc, defendant Rodney Copeland re: [30-1] opinion order, [58-1] opinion order, [86-1] opinion order, [97-1] opinion order. Fee Status: \$105, #17408. Cy to Judge Jerome J. Niedermeier, appellate clerk, O. Whitman Smith for intervenor-plaintiff VT Protection & Adv, John H. Wallace for defendants, Wendy Sue Beinmer for defendants, Susan Lea Aranoff for plaintiff Nancy Hargrave, Court reporter(s): taped.

		(cwb) (Entered: 02/08/2002)
02/08/2002	103	THIRD AMENDED STIPULATION AS TO THE FILING OF CERTAIN FILINGS BY PLAINTIFF AND ORDER granting pltf 30 days after entry of judgment by the Court of Appeals in which to file a motion for costs and expenses, including reasonable attorneys' fees. (Magistrate Judge Jerome J. Niedermeier) Cy to parties (pjd) (Entered: 02/08/2002)
02/12/2002	104	ATTORNEY SUBSTITUTION terminating attorney Susan Lea Aranoff for Nancy Hargrave and substituting attorney Beth A Danon (pjd) (Entered: 02/12/2002)
02/14/2002	105	AMENDED NOTICE OF APPEAL by defendant Vermont, State of, defendant VT Dev & Mental Svc, defendant Rodney Copeland re: [102-1] appeal by Rodney Copeland, VT Dev & Mental Svc, Vermont, State of. Mailed copy to parties and appellate clerk. (cwb) (Entered: 02/14/2002)
02/25/2002	106	SECOND AMENDED NOTICE OF APPEAL by defendant Vermont, State of, defendant VT Dev & Mental Svc, defendant Rodney Copeland re: [102-1] appeal. Cy to Judge Jerome J. Niedermeier, appellate clerk and counsel of record. (cwb) (Entered: 02/25/2002)
02/25/2002	107	FORMS C AND D re: [102-1] appeal by Rodney Copeland, VT Dev & Mental Svc, Vermont, State of. (cwb) (Entered: 02/25/2002)
03/22/2002	108	TRANSCRIPT of Hearing on Motion to Dismiss; Motion to Intervene held 08/27/99 re: [102-1] appeal by Rodney Copeland, VT Dev & Mental Vermont, State of (cwb) (Entered: 03/22/2002)
03/22/2002	109	TRANSCRIPT of Hearing on Motion for Class Certification; Motion to Compel held 05/02/00 re: [102-1] appeal by Rodney Copeland, VT Dev & Mental Vermont, State of (cwb) (Entered: 03/22/2002)
03/22/2002	110	TRANSCRIPT of Hearing on Plaintiffs' Motion to Compel held 08/24/00 re: [102-1] appeal by Rodney Copeland, VT Dev & Mental Vermont, State of (cwb) (Entered: 03/22/2002)
03/22/2002	111	TRANSCRIPT of Hearing on Motions for Partial Summary Judgment; Motions to Dismiss held 04/13/01 re: [102-1] appeal by Rodney Copeland, VT Dev & Mental Svc, Vermont, State of (cwb) (Entered: 03/22/2002)
03/22/2002	112	TRANSCRIPT of Hearing on Defendants' Motion to Amend or Alter Judgment held 12/19/01 re: [102-1] appeal by Rodney Copeland, VT Dev & Mental Vermont, State of (cwb) (Entered: 03/22/2002)
04/15/2002	113	SCHEDULING ORDER #1 re: [102-1] appeal by Rodney Copeland, VT Dev & Mental Svc, Vermont, State of; USCA Number: 02-7160; Conference set: 04/23/02; Index to Record Due: 05/07/02. (cwb) (Entered: 04/15/2002)
05/14/2002		CERTIFIED AND TRANSMITTED INDEX to USCA re: [102-1] appeal

		by Rodney Copeland, VT Dev & Mental Svc, Vermont, State of Parties notified. (cwb) (Entered: 05/14/2002)
05/26/2004	114	MOTION by pltf Nancy Hargrave, intervenor-pltf Vt Protection & Advocacy for an Award of Attorney Fees and Expenses (cls) Modified on 05/27/2004 (Entered: 05/26/2004)
05/26/2004	115	MEMORANDUM by pltf Nancy Hargrave, intervenor-pltf Vt Protection & Advocacy in support of [114-1] motion for an Award of Attorney Fees and Expenses (Due to Volume - Stored in Expandable File) (cls) Modified on 05/27/2004 (Entered: 05/26/2004)
05/27/2004	116	MOTION by pltf Nancy Hargrave, intervenor-pltf VT Protection & Adv to exceed local restrictions on the length of memoranda (cls) (Entered: 05/28/2004)
05/27/2004	117	MOTION by pltf Nancy Hargrave, intervenor-pltf VT Protection & Adv for Paul M. Smith to Appear Pro Hac Vice (cls) (Entered: 05/28/2004)
06/07/2004	118	NOTICE OF APPEARANCE AND SUBSTITUTION OF COUNSEL terminating attorney John H. Wallace, attorney Wendy Sue Beinmer for Rodney Copeland, attorney John H. Wallace, attorney Wendy Sue Beinmer for VT Dev & Mental Svc, John H. Wallace, attorney Wendy Sue Beinmer for Vermont, State of and substituting attorney Bridget Colleen Asay (cls) Modified on 06/07/2004 (Entered: 06/07/2004)
08/20/2004	119	MOTION with memorandum in support by dfts Vermont, State of, VT Dev & Mental Svc, Rodney Copeland to Stay consideration of the Petition for Attorneys' Fees , or, in the alternative for an Extension of Time in which to respond (cls) (Entered: 08/20/2004)
08/31/2004	120	MEMORANDUM by plaintiff Nancy Hargrave in opposition to [119-1] motion to Stay consideration of the Petition for Attorneys' Fees (cls) (Entered: 08/31/2004)
09/10/2004	121	ORDER denying motion to Stay consideration of the Petition for Attorneys' Fees [119-1], granting [119-2] motion for an Extension of Time in which to respond [114-1] motion for an Award of Attorney Fees and Expenses (Magistrate Judge Jerome J. Niedermeier) [EOD Date 9/10/04] Cy to parties (cls) (Entered: 09/10/2004)
09/21/2004	122	STIPULATED MOTION by dfts Vermont, State of, VT Dev & Mental Svc, Rodney Copeland to exceed page limits in responding to pltf's fee petition (cls) (Entered: 09/21/2004)
09/27/2004	123	OPPOSITION by dfts State of Vermont, VT Dev & Mental Svc, Rodney Copeland to [114-1] motion for an Award of Attorney Fees and Expenses (LOCATED IN SEPARATE EXPANDABLE FOLDER) (law) Modified on 09/28/2004 (Entered: 09/27/2004)
10/06/2004	124	STIPULATED MOTION by pltf Nancy Hargrave, intervenor-pltf VT Protection & Adv to Extend Time for filing a Reply Memorandum to dft's opposition to the Motion for an Award of Attorney's Fees and Expenses (cls) (Entered: 10/06/2004)

10/29/2004	125	STIPULATED MOTION by pltf Nancy Hargrave for permission to exceed local restrictions on the length of a reply memorandum (cls) (Entered: 10/29/2004)
11/02/2004	126	REPLY by pltf Nancy Hargrave to dft's opposition to [114-1] motion for an Award of Attorney Fees and Expenses (cls) (Entered: 11/02/2004)
11/29/2004	127	MANDATE entered 08/12/03; issued 11/27/04; AFFIRMING judgment of district court re: appeal [102-1] in accordance with opinion of this court [copy attached]. (cwb) (Entered: 11/29/2004)
12/08/2004	128	SUPPLEMENTAL MEMORANDUM by dfts in opposition to [114-1] motion for an Award of Attorney Fees and Expenses (law) (Entered: 12/09/2004)
12/09/2004		ENDORSED ORDER: granting [125-1] motion for permission to exceed local restrictions on the length of a reply memorandum (Magistrate Judge Jerome J. Niedermeier) Cy to parties (See referenced document for image) (law) (Entered: 12/10/2004)
12/09/2004		ENDORSED ORDER: granting [124-1] motion to Extend Time for filing a Reply Memorandum to dft's opposition to the Motion for an Award of Attorney's Fees and Expenses (Magistrate Judge Jerome J. Niedermeier) Cy to parties (See referenced document for image) (law) (Entered: 12/10/2004)
12/09/2004		ENDORSED ORDER: granting [122-1] motion to exceed page limits in responding to pltf's fee petition (Magistrate Judge Jerome J. Niedermeier) Cy to parties (See referenced document for image) (law) (Entered: 12/10/2004)
12/09/2004		ENDORSED ORDER: granting [117-1] motion for Paul M. Smith to Appear Pro Hac Vice (Magistrate Judge Jerome J. Niedermeier) Cy to parties (See referenced document for image) (law) (Entered: 12/10/2004)
12/09/2004		ENDORSED ORDER: granting [116-1] motion to exceed local restrictions on the length of memoranda (Magistrate Judge Jerome J. Niedermeier) Cy to parties (See referenced document for image) (law) (Entered: 12/10/2004)
12/20/2004	129	MOTION by pltf Nancy Hargrave, intervenor-pltf VT Protection & Adv to Strike Dfts' [128-1] Supplemental Memorandum (law) (Entered: 12/20/2004)
12/22/2004	130	OPPOSITION by dfts State of Vt, VT Dev & Mental Svc, Rodney Copeland to [129-1] motion to Strike Dfts' [128-1] Supplemental Memorandum (NEXT ENTRY SAME DOCUMENT) (law) (Entered: 12/22/2004)
12/22/2004	130	OR IN THE ALTERNATIVE MOTION by dft State of Vt, VT Dev & Mental Svc, Rodney Copeland for leave to Supplemental Memorandum (PREVIOUS ENTRY SAME DOCUMENT) (law) (Entered: 12/22/2004)
12/23/2004		ENDORSED ORDER: denying motion to Strike Dfts' [128-1]

		Supplemental Memorandum [129-1] (Magistrate Judge Jerome J. Niedermeier) Cy to parties (See referenced document for image) (law) (Entered: 12/23/2004)
01/03/2005	131	PLAINTIFFS' REPLY MEMORANDUM TO DEFENDANTS' OPPOSITION to Motion re 129 Motion to Strike filed by Nancy Hargrave, Vermont protection & Advocacy, Inc.. (jse,) (Entered: 01/03/2005)
01/11/2005	132	ORDER granting 130 Motion for Leave to File Supplemental Memorandum . Signed by Judge Jerome J. Niedermeier on 01/11/2005. (This is a text only Order.) (mld,) (Entered: 01/11/2005)
01/19/2005	133	NOTICE of Hearing on Motion 114 Motion for Attorney Fees: Motion Hearing set for 1/31/2005 10:00 AM in Burlington Courtroom 440 before Jerome J. Niedermeier. (jjj,) (Entered: 01/19/2005)
01/31/2005	134	MINUTE ENTRY for proceedings held before Judge Jerome J. Niedermeier : Motion Hearing held on 1/31/2005 re 114 Motion for Attorney Fees filed by Vermont Protection & Advocacy, Inc.,, Nancy Hargrave,. O. Whitman Smith, Esq. for pltf; Briget Asay, Esq. for deflt. ORDERED: Motion taken under advisement; pltf to submit final petition for fees within 10 days. (Court Reporter taped.) (jjj,) (Entered: 02/01/2005)
01/31/2005	135	ORDER taking under advisement 114 Motion for Attorney Fees . Signed by Judge Jerome J. Niedermeier on 1/31/05. (This is a text only Order.) (jjj,) (Entered: 02/01/2005)
02/07/2005	136	PLAINTIFFS' SUMMARY OF FEES AND EXPENSES ASSOCIATED WITH THEIR PETITION FOR A SUPPLEMENTAL AWARD re 114 Motion for Attorney Fees filed by Nancy Hargrave, Vermont Protection & Advocacy, Inc.. (Attachments: # 1 Appendix A# 2 Appendix B# 3 Appendix C# 4 Appendix D# 5 Appendix E) (jlh,) (Entered: 02/07/2005)
02/09/2005	137	RESPONSE in Opposition in re 114 Motion for Attorney Fees and 136 Plaintiffs' Summary of Fees And Expenses associated with their petition for a a supplemental award filed by State of Vermont, Vermont Department of Developmental and Mental Health Services, Rodney Copeland. (jlh,) (Entered: 02/09/2005)
03/24/2005	138	ORDER granting 114 Motion for Attorney Fees. Signed by Judge Jerome J. Niedermeier on 3/24/2005. (jlh,) (Entered: 03/24/2005)

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