



MR-NE-0001-9000

CIVIL DOCKET CV72-L 299

UNITED STATES DISTRICT COURT

Jury demand date:

Albert G. Schatz 4/4
JUDGE SCHATZ

D. C. Form No. 106A Rev

TITLE OF CASE	ATTORNEYS
SARAH ANN HORACEK, by her mother MARGIE HORACEK: JAMES JAY BONAR, by his father RONARD BONAR: GEORGIA MAE NEWTON by her mother MABEL NEWTON: JOSEPH BAUMAN, by his mother NEVA BAUMAN: KENNETH KALMBRUNN by his father LOUIE KALMBRUNN; NEBRASKA ASSOCIATION FOR RETARDED CHILDREN INC.	James D. Mos For plaintiff: 3202 Hanley Omaha, Nebr. ZNEIDACK & LAUGHLIN Annette L. Mason BRUCE G. MASON 1414 First Natl Bank Bldg Omaha, Nebr. 68102 Ronald M. Soskin Natl Center for Law & the Handicap Marcia Pearce Burdick - Project 7 1235 No. Eddy Str. South Bend, Ind. 46617 Guardian Ad Litem James W. Hewitt 1815 "Y" Str., Lincoln, Nebr 68508 and J. Patrick Green 707 City Natl. Bank Bldg. Omaha, Nebraska 68102 For defendants <i>Paul Douglas</i> Clarence A. H. Meyer , Atty. Gen. (Mel Kammerlohr) State Capitol Lincoln, Nebraska 68509 UNITED STATES William K. Schaphorst Arthur R. Boddy Michael S. Lottman Dept. of Justice Washington, D.C. 20530 NOTE: SEE SEPARATE SHEET FOR LIST OF ATTORNEYS

Plaintiffs

vs.

~~JAMES J. THONE~~ CHARLES THONE
MICHAEL D. LAMONTIA;
JACK ANDERSON, M. D.,
WILLIAM FALLS,
M. E. WYANT,

Defendants

M. W. ANDERSON CONSTRUCTION CO.

Party - Defendant

Note:
M.W. ANDERSON CONSTRUCTION:
Crosby, Guenzel, Davis, Kessner
and Kuester
Lincoln Benefit Bldg, Lincoln, NE
AMICUS CURIAE
Nebr. Assoc. for
Retarded Citizens,
Inc.
Richard D. McClain
3705 South Street
Lincoln, Nebr. 68506
Ronald M. Soskin
Natl. Center for Law & Handicapped
235 No. Eddy St., South Bend, Ind. 46617

STATISTICAL RECORD	COSTS	DATE 1972	NAME OR RECEIPT NO.	REC.	DISB.
5 mailed Sep 1972	Clerk	9-28	91125	\$15 00	15 00
		10-2	C.D.#39		
1 mailed - Oct., 1975	Marshal				
Class Action R 23 Not	rec'vg				
of Action: Constitutional	Packet fee				
mi'mal "habilitation"	Witness fees				
im & Perm. Injunction	Depositions				
ntment of master or					
rose at: receiver.					

CIVIL RIGHTS DIVISION
Office of Special Litigation
550 - 11th Street, N.W.
Room 510, Todd Building
Washington, D.C. 20530

CV72-L-299 SARAH ANN HORACEK, ETC. ET AL. V. JAMES J. EXON, ET AL.

DATE 1972	PROCEEDINGS	Date Order or Judgment Noted
Sep 28	1. Complaint. 2. Request for <u>Trial at Lincoln</u> . Summons issues - orig & 5 - to Marshal.	
Oct 11	3. Summons with returns. <u>Total Marshal's costs \$26.40</u>	
Oct 24	4. Defendants' motion to dismiss.	
Nov 10	5. Plaintiffs' Request for Oral Argument on Motion to Dismiss.	
Nov 13	6. Order (WKU) setting Defendant's Motion to Dismiss for argument Dec. 6, 1972 at 3:00 P. M. Copy mailed to counsel of record.	
Nov 15	7. Order (WKU) rescheduling hearing- 12-14-72 at 1:00 P.M. Copy mailed to counsel of record.	
Dec 14	8. Courtroom Minutes- Hearing before Judge Urbom on Defendants' Motion to Dismiss- Submitted- Brief time set.	
1973 FFeb 5	9. Motion of National Center for Law and the Handicapped to Intervene as Amicus Curiae.	
Mar 23	10. Memorandum and Order (WKU) denying defendants' motion to dismiss(#4) and granting motion to intervene as amicus curiae by National Center for Law and the Handicapped(#9). Copy mailed to counsel of record.	
Mar 27	11. Entered Defendants' Motion for Interlocutory Appeal filed 3-26.	
Apr 4	12. Certificate (WKU) amending Order of 3-22-73 allowing Motion for Interlocutory Appeal. Copy mailed to counsel of record.	
Apr 6	13. Order (WKU) appointing James W. Hewitt as guardian ad litem of plaintiffs Sarah Ann Horacek, James Jay Bonar, Georgia Mae Newton, Joseph Bauman and Kenneth Kalmbrunn. Copy mailed to counsel of record.	
Apr 11	14. Defendants' motion for additional time in which to plead.	
Apr 17	15. Order (WKU) Staying Proceedings and Enlarging Defendants' Time to Plead. Copy mailed to counsel of record.	
Apr 24	16. Certified copy of order, U. S. Court of Appeals, denying leave to take interlocutory appeal.	
May 9	17. ^{Entered} Order (WKU) allowing defendants 10 days to plead., filed 5-8. Copy mailed to counsel of record.	

PROCEEDINGS

Date Order or
Judgment NotedLIST OF ATTORNEYS

~~James D. Moser~~
~~3202 Harney Street~~
~~Omaha, Nebraska 68131~~

#301 Tower 712 Bldg.
 Bruce G. Mason *8420 W. Dodge St.*
~~711 First National Bank Bldg.~~
 Omaha, Nebraska ~~68102~~ *68114*

National Center for Law
 & the Handicapped
 Ronald M. Soskin
 1235 No. Eddy Street
 South Bend, Indiana 46617

James W. Hewitt
 1815 "Y" Street
 Lincoln, Nebraska 68508

J. Patrick Green *650 Continental Bldg.*
~~707 City National Bank Bldg.~~
 Omaha, Nebr. 68102

Paul Douglas, Atty. Gen.
 State Capitol Bldg.
 Lincoln, Nebraska 68509

Arthur Peabody
 Department of Justice
 550 11th St., N. W.
 Washington, D. C. 20530

Richard D. McClain
 3705 South Street
 Lincoln, Nebraska 68506

United States Attorney

Crosby, Guenzel, Davis, Kess
 Lincoln Benefit Bldg,
 Lincoln, NE

*Amicus Curiae
 Nebr. Assoc. for Retarded Citizens, Inc.
 Legal Aid Society of Omaha
 Robert V. Broom and*
 Gary L. Fischer
 500 South 18th Street
 Omaha, Nebraska 68102
 (348-1060)

* *254 Continental Bldg*
Omaha 68102

Omaha, Nebraska
~~Arlen Beam~~ (Spec. counsel to
 1000 NBC Center assist Atty. Gen.)
 Lincoln, NE 68508

5-12-82

Robert D. Dinerstein
 Dept. of Justice
 Civil Rights Division
 Special Litigation Section
 HOLC Building - Room 969
 320 First Street, N.W.
 Washington, DC 20530

202-272-6053

CV 72-L-299 Sarah Ann Horacek, Etal vs. James J. Exon, Etal

DATE 1989	PROCEEDINGS	Date Order of Judgment No.
July 14	Notice by Clerk of intention to destroy exhibits	

DATE	PROCEEDINGS	Date Order of Judgment No.
May 18 May 30	18. Defendants' Answer. 19. Order (WKU) setting preliminary pretrial Sept 21, 1973 at 3:30, etc. Copy mailed to counsel of record.	
Jun 28	20. Plaintiff's Request for Production.	
Aug 10	21. Plaintiffs' Motion to Compel Inspection, and for Attorney Fees.	
Aug 14	22. Entered Defendants' Motion for time filed 8-13-73. 23. Order (WKU) extending time to filed response. 24. Defendants' Response to Request for Inspection. Copy of Order mailed to counsel of record.	
Sep 12	25. Order (WKU) setting Plaintiffs' Motion to Compel Inspection for Hearing Sep 19, 1973 at 4:30 P.M. Copy mailed to counsel of record.	
Sep 18	26. Order (WKU) postponing indefinitely hearing on plaintiffs' Motion to compel inspection and for attorney fees (#21). Copy mailed to counsel of record.	
Sep 24	27. Order (WKU) for final pretrial conference 1-25-73 at 3:30 p.m. Copy mailed to all counsel of record.	
Sep 26	28. Defendants' Interrogatories to Plaintiffs.	
Sep 27	29. Entered Order (WKU) amending Order of 9-24-73 - trial to court on 2-11-74 at 9:00 a.m. filed 9-26-73. Copy mailed to counsel of record.	
Oct 4	30. Defendants' Motion for Summary Judgment. 31. Affidavit with Exhibits. 32. Motion for Extension of Time.	
Oct 5	33. Order (WKU) extending defendants' time to file supporting documents. Copy mailed to counsel of record.	
Oct 18 1974	34. Affidavit of M.E. Wyant.	
Jan 8 Jan 9	35. Stipulation for extension of Trial Date. 36. Order (WKU) setting Defendants' Motion for Summary Judgment (#30) 1-21-74 at 1:30 P.M. Copy mailed to counsel of record.	
Jan 10	37. Order (WKU) rescheduling Pretrial - 6-21-74 at 12:30 P.M. - Trial to July session. Copy mailed to counsel of record.	
Jan 21	38. Courtroom Minutes - Hearing before Judge Urbom on Defendants' Motion for Summary Judgment (#30) - Submitted - Brief time set. 39. List of Exhibits.	

DATE 1974	PROCEEDINGS	Date Order or Judgment Noted
Apr 25	40. Motion of U.S.A. for Leave to Participate As Amicus Curiae.	
May 10	41. Plaintiffs' Interrogatories to Defendants.	
Jun 3	42. Defendants' Motion for extension to answer interrogatories.	
Jun 4	43. Order (WKU) enlarging time for Defendants to Answer interrogatories. Copy mailed to counsel of record.	
Jun 5	44. Entered Memorandum and Order (WKU) denying Motion for Summary Judgment (#30), declaring action Class Action * Plaintiffs counsel to submit proposed order and allowing United States to participate as Amicus Curiae (#40) filed 6-4-74. Copy mailed to counsel of record.	
Jun 19	45. Defendants' Motion that Court amend memorandum and order of June 4, 1974.	
Jun 20	46. Plaintiffs' Motion for an order for extension of time 47. Plaintiffs' Motion and memorandum in opposition to defendants' motion to amend memorandum and order.	
Jun 21	48. Order (WKU) extending time for Plaintiffs to file proposed Order defining class or classes etc.	
Jul 1	49. Defendants' Motion for Time. 50. Order (WKU) granting defendants until July 28, 1974 to answer interrogatories. Copy mailed to counsel of record.	
Jul 2	51. Order (WKU) denying motion (#45) to amend order of June 4, 1974 to permit an interlocutory appeal, and reassigning case to Judge Albert G. Schatz. Copy mailed to all counsel of record.	
Jul 11	52. Df's Motion for Order that only Pl's Attorneys to see confidential records with memorandum brief, etc.	
Jul 29	53. Dfs' Answers to Interrogatories. 54. Dfs' Motion to Extend Time to Object to Interrogatories.	
Aug 5	55. Dfs' Objections to Further Answers to Interrogatories.	
Aug 7	56. Affidavit of J. F. Griepentrog. 57. Affidavit of M. E. Wyant.	

DATE 1974	PROCEEDINGS	Date Order or Judgment Noted
Aug 12	58. Petition of NCLH to participate with rights of a Party.	
Aug 19	59. Notice to Take Depositions of M. E. Wyant and J. F. Griepentrog by Pl. 60. Notice to Take Depositions of Dr. Jack Anderson and David Blume by Pl.	
Sep 6	61. Pls' Response to Amicus's Request for Litigating Party Status.	
Sept 12	62. Affidavit of John Foley.	
Sept 24	63. Order (AGS) that J. Patrick Green appointed guardian ad litem of Pls Sarah Ann Horacek, James J. Bonar, Georgia Mae Newton, Joseph Bauman and all others similarly situated. 64. Order (AGS) that first paragraph of Df's Motion (Filing #52) sustained; second paragraph denied; third paragraph overruled in part and sustained in part; Dfs Motion (Filing #54) moot; Petition (Filing #58) taken under advisement. 65. Order (AGS) stating definition of class and procedure for giving notice of pendency of action. Copies of Filings #63, #64 and #65 mailed to all counsel of record & delivered to U. S. Attorney.	
Oct 2	66. Pls' Notice to take Depositions of Dr. Jack Anderson & David Blume. 67. Pls' Notice to take Deposition of J. F. Griepentrog. 68. Order (AGS) that Motion of NCLH to participate with rights of a party are overruled. Copy mailed to Counsel and delivered to U. S. Attorney.	
Oct 4	69. Order (AGS) clarifying Order, Filing #64. Copies mailed to counsel of record.	
Oct 22	70. Order (AGS) setting Pre-Trial Conf. for Nov. 22, 1974 at 1:30 P.M. Copies mailed to all counsel of record, & delivered to U. S. Attorney.	
1975 Feb 24	71. Order (AGS) setting Pre-Trial Conf. for 4-25-75 at 1:30 PM. Copies mailed to all counsel of record, & delivered to U. S. Attorney.	
Mar 10	72. Motion to Intervene by U. S. A. 73. Complaint in Intervention by U.S.A.	
Mar 19	74. Dfs' Objections to Motion to Intervene.	
Mar 21	75. Order (AGS) that Motion (Filing #72) set for oral argument on 3-27-75 at 10:30 A.M. Copies mailed to all counsel of record.	

DATE 1975	PROCEEDINGS	Date Order or Judgment Noted
Mar 25	76. Pl's Notice to Take Deposition of Dr. Rod Gilland. 77. Pl's Notice to Take Deposition of Hugh Sage. 78. Pl's Notice to Take Deposition of Allen McElravy.	
Mar 28	79. Order (AGS) that Application (Filing #72) granted; discovery extended to 7-15-75; pre-trial conf. set for 7-18-75 at 9:30 A.M.; trial set for 7-28-75 at 9:30 A.M. Copies mailed to counsel of record & delivered to U. S. Atty.	
Apr 3	80. Appearance of James D. Moser as one of the attorneys for Pl.	
Apr 11	81. Order (AGS) that Trial is rescheduled to commence July 21, 1975 at 9:30 a.m. Copies mailed to Counsel of Record.	
Apr 14	82. Deposition of Jerome F. Cripentrog taken on behalf of Pls. 83. Deposition of Mellard Elmer Wyant taken on behalf of Pls.	
Apr 18	84. Pl's Request for Production of Documents.	
Apr 23	85. Motion for Leave for Access to Resident Records by U.S.A.	
Apr 28	86. Order (AGS) that Motion (Filing #85) granted, etc. Copies mailed to counsel of record & delivered to U. S. Atty.	
May 1	87. Df's Motion for Extension of Time to Produce Documents.	
May 2	88. Order (AGS) that Motion for Extension of Time to Produce Documents by U.S.A. granted; time to produce extended to 6-2-75. Copies mailed to counsel of record & delivered to U. S. Atty.	
May 16	89. Pl-Intervenor's Request for Production of Documents.	
May 23	90. Df's Motion for Extension of Time to Produce Additional Documents and Interr. 91. Joint Affidavit of M. E. Wyant & Jerry Griepentrog.	
May 23	92. Order (AGS) setting hearing on Dfs' Motion for additional time to produce documents & Interr. for 5-27-75 at 9:00 A.M. Copy mailed to Counsel of Record and delivered to U. S. Atty.	
Jun 2	93. Order (AGS) that Dfs. have until July 7, 1975 to produce additional documents and answer interr. referred to in filing #90. Copies mailed to Counsel of Record and delivered to U.S. Atty.	
Jun 4	94. Pl's Notice to Take Depositions of Roger Harper and Linda L. Glenn.	
Jun 9	95. Df's Notice to Take Deposition of Elmer Wallway.	
Jun 13	96. Amended Certificate of Service as to Linda L. Glenn only.	

DATE 1975	PROCEEDINGS	Date Order or Judgment Noted
Jun 17	97. Dfs Notice to Take Deposition of Ralph Anderson. 98. Dfs Notice to Take Deposition of Ms. Lynne Martin. 99. Dfs Notice to Take Deposition of Ernest Rutledge.	
Jun 18	100. P1-Intervenor's Notice to Take Depositions.	
Jun 23	101. Letter request of Mr. & Mrs. Leonard Ziola to be excluded from Case.	
Jun 24	102. Letter request of Mrs. Clifford C. Vakiner, mother of Sheri Killingsworth, to be excluded from case.	
Jun 25	103. Letter request of Dr. & Mrs. Mark Crawford, parent of Matthew Crawford to be excluded from case.	
Jun 25	104. Letter Request of Mrs. Donald V. Nelson that daughter Judy be excluded from the Case.	
Jun 26	105. Letter Request of Mrs. Leon W. Krause to be excluded from Case. 106. Letter Request of Ellen and Edwin Kratz to be excluded from Case. 107. Letter Request of L.V. Hassenstab, Guardian of Nancy Krebs Estate for exclusion from Case. 108. Letter Request of Mr. & Mrs. Leonard Knudsen, parents of Kelly Knudsen, to be excluded from case.	
Jun 27	109. Letter Request of Mrs. LeRoy Preisendorf to be excluded from case. 110. Letter Request of Mr. & Mrs. Robert Kirchoff to be excluded from case. 111. Letter Request of Bonnie Griffith, Mother of William Griffith to be excluded from case. 112. Letter Request of Mrs. Wayne Roebke to be excluded from case. 113. Letter Request of Irene Rozmarek to be excluded from case. 114. Letter Request of Jenny Greenfield to be excluded from case.	
Jun 30	115. Letter request of Edna T. Rogers, Guardian for Anna Marie Arp. to be excluded from case. 116. Letter request of Emma S. Thompson, Guardian for Paul Obed Olson to be excluded from case. 117. Letter request of Mrs. Charles Benner to be excluded from case. 118. Letter request of Mr. & Mrs. Henry Mark to be excluded from case. 119. Letter request of Dr. & Mrs. James T. Cunningham to be excluded from case. 120. Letter request of Caroline Lindner to be excluded from case. 121. Letter request of Mr. Harry Lyon to be excluded from case. 122. Letter request of Mrs. Larry Kraner to be excluded from case. 123. Letter request of Percy L. Hue to be excluded from case. 124. Letter request of Mr. & Mrs. Robert Kroeker to be excluded from case. 125. Letter request of Mr. & Mrs. Garry L. Stauffer to be excluded from case. 126. Letter request of Mr. & Mrs. Gene R. Norton to be excluded from case.	

DATE Before 1975	PROCEEDINGS	Date Order or Judgment Noted
Jul 1	127. Letter Request of Mrs. Edmund G. Bowman to be excluded from case. 128. Letter Request of Mr and Mrs. Joseph H. Worth to be excluded from case. 129. Letter Request of Robert and Amy McBain to be excluded from case. 130. Letter Request from Henry Luebbe to be excluded from case. 131. Letter Request of Mr. and Mrs. George Dahir to be excluded from Case. 132. Letter Request from Mr and Mrs. Douglas Sullivan to be excluded from Case. 133. Letter Request of James E. Brand to be excluded from Case. 134. Letter Request of Mr. and Mrs. C.D. Brink to be excluded from Case. 135. Letter Request of Mr. & Mrs. McElravy that son Mark be excluded from Case. 136. Letter Request of Beverly McElravy that Edwin Hull be excluded from Case.	
Jul 2	137. Letter Request of Herman and Marcelle Neitzel that Debra Neitzel be excluded from Case. 138. Letter Request of Gerald Burh that he be excluded from Case. 139. Letter Request of Mrs. Eldon Davis that Son be excluded from Case. 140. Letter Request of Mrs. David T. Brammer that Corey P. Brammer be excluded from Case. 141. Letter Request of Mrs. David R. Hatton that daughter Frances M. Jackson be excluded from Case. 142. Letter Request of Dorothy and Raymond Alvine that daughter Judith be excluded from Case. 143. Letter Request of Robert Walker that son Albert Walker be excluded from Case. 144. Letter Request of Lois & Chester Landholm that daughter Susan Landholm be excluded from Case. 145. Letter Request of Mr. & Mrs. Dick Kohl to be excluded from Case. 146. Letter Request of E. A. Ondracek that Joseph E. Ondracek be Excluded from Case. 147. Letter Request of Wm. J. Backes that Daniel Lee Backes be Excluded from Case.	
Jul 3	148. Letter Request of Mr. & Mrs. Arnold Evers to be excluded from Case. 149. Letter Request of Dr. & Mrs. Wm. J. Higgins that daughter Joy be excluded from Case. 150. Letter Request of Mr. & Mrs. Wm. Blankenau that Son be excluded from Case. 151. Letter Request of Mr. & Mrs. Sommer to exclude daughter Anna Sommer from Case.	
Jul 7	152. Letter Request of Mr. & Mrs. Russell Crawford to be excluded from Case. 153. Letter Request of Mrs. Lynn Ashmore that son Christopher Ashmore be excluded from Case.	

DATE 1975	PROCEEDINGS	Date Order or Judgment Noted
Jul 7	154. Letter Request of Marjorie Seamann that Michael Francis Seamann be excluded from Case. 155. Letter Request of Mr. & Mrs. Clyde Sims to be excluded from Case. 156. Letter Request of Virginia Elrod that Glenda Elrod be excluded from Case. 157. Letter Request of Jack & Rebecca Rippe that Keith Rippe be excluded from Case. 158. Letter Request of Mr. & Mrs. Floyd Stalnaker to be excluded from Case. 159. Letter Request of Mr. & Mrs. Reisinger that Roderick Reisinger be excluded from Case. 160. Letter Request of Mrs. Donna Franzen that daughter Donna Ellison be excluded from Case. 161. Letter Request of Mrs. Carrie Beades that sons Charles and Lawrence be excluded from Case.	
Jul 8	162. Letter Request of Leona Schloutmann to be excluded from Case. 163. Letter Request of Sharon E. Vanderpool that son Kenneth be excluded from Case.	
Jul 9	164. Letter Request of Mr. & Mrs. Eldo Chandler that daughter Kristy be excused from Case.	
Jul 10	165. Letter Request of Leroy Lemke to be excused from Case. 166. Letter Request of Mr. & Mrs. Henry Klanderud that daughter Kristy be excused from Case. 167. Letter Request of Bernice F. Adam that daughter be excluded from Case. 168. Letter Request of John C. Mason that daughter be excluded from Case.	
Jul 11	169. Letter Request of Mr. & Mrs. Louis Frobuccino that they be excluded from case. 170. Letter Request of William T & Anna M. Proctor that Edward John Proctor be excluded from case. 171. Letter Request of Emil F. Czarnick to be excluded from case. 172. Letter request of Mrs. George Copenhaver to exclude daughter Sheryl Jean Novak D4 from case. 173. Entered Deposition of Ernest Arthur Rutledge filed 7/10/75. 174. Entered Deposition of Elmer Wallway filed 7/10/75. 175a. Deposition of Doug Neal. b. Deposition of Dr. J. W. Raser. c. Deposition of Dr. Harry M. Hepperlen. d. Deposition of Kenneth L. Peterson. 176. Letter Request of Mrs. Glendale Gronewald that son be excluded from case. 177. Letter Request of Mr. & Mrs. Jesse Guzman th at they be excluded from case.	
Jul 14	178. Request for exclusion by Howard A. & Lois A. Nelson from case. 179. Letter Request for exclusion from case by Trent E. Riley. 180. Letter Request of Mr. & Mrs. Eugene A. Hubenka to be excluded from case.	

DATE 1975	PROCEEDINGS	Date Order or Judgment No.
Jul 14	181. Letter request of Mr. & Mrs. LeRoy Clarkson that son be excluded from case. 182. Letter request of Mr. & Mrs. Clarence Schmidt that they be excluded from case. 183. Letter request of Mr. & Mrs. Ronald Holland that son be excluded from case. 184. Letter request of Mr. & Mrs. John Modelski that daughter be excluded from case. 185. Letter request of Mrs. Laurence Winder that son be excluded from case. 186. Deposition of Linda Louise Glenn. 186a. Exhibits to Deposition of Linda Glenn. (In Exhibit Room)	
Jul 15	187. Letter Request of Mr. & Mrs. R.L. Marshall for exclusion. 188. Letter Request of Mr. & Mrs. James S. Daley for exclusion. 189. Letter Request of Mr. & Mrs. Francis D. Nicholson for exclusion. 190. Letter Request of Mr. & Mrs. Theodore K. Strenger for exclusion. 191. Letter Request of Bernard H. Hall for exclusion. 192. Letter Request of Mr. & Mrs. Keith E. McCormick for exclusion. 193. Letter Request of Hazel Hamsher for exclusion from case. 194. Letter Request of Mr. & Mrs. David D. Hatt to exclude children from case. 195. Letter Request of Mr. & Mrs. Frank P. Sands for exclusion. 196. Letter Request of Mr. & Mrs. Rollin K. Braun for exclusion. 197. Letter Request of Alice May Lilyhorn, Guardian, for exclusion. 198. Letter Request of Charles R. Hobbs for exclusion. 199. Letter request of Mr. & Mrs. Richard Shapland for exclusion. 200. Request for Exclusion by J. V. Benesch, Guardian of Emily Filipi.	
Jul 16	201. Letter request of Lucille J. Hofer for exclusion. 202. Letter request of Mr. & Mrs. Paul Thelen for exclusion. 203. Letter request of Mrs. Larry Funk for exclusion. 204. Letter request of Sam Lebsack, Guardian for exclusion. 205. Letter request of Mr. & Mrs. Irwin B. Peterson for exclusion. 206. Letter request of Mr. & Mrs. Donald O. Thompson for exclusion. 207. Letter request of Mr. & Mrs. Leonard Williams for exclusion. 208. Letter request of Mr. & Mrs. Louis Hetherington for exclusion. 209. Letter request of Kathryn Edson for exclusion. 210. Letter request of Mr. & Mrs. Clarence Grafelman for exclusion. 211. Letter request of Sarah C. Stanley for exclusion. 212. Deposition of James E. Smith. 213. Deposition of Norma Hesser. 214. Deposition of Avis Bishop. 215. Deposition of Lucille Diekman. 216. Deposition of Ralph Anderson. 217. Deposition of Frank J. Menolascino, M.D. 218. Deposition of Gay Lyn Rucker Martin. 219. Letter Request of Manuel Kane for exclusion. 220. Letter Request of Allen Roessig for exclusion. 221. Letter Request of Thomas J. & Doris Courtney for exclusion. 222. Letter request for exclusion by Ilene Schmitz. 223-1 thru 30 - Letter requests for exclusion.	

DATE	PROCEEDINGS	Date Order or Judgment Noted
1975		
Jul 16	224. Defendants Motion to Dismiss.	
Jul 17	225a. Deposition of Allen E. McElravey. b. Deposition of Michael Mulvaney. 226. Affidavit of Thomas L. Moser. 227. Plaintiffs Request for Order deeming Motion to dismiss abandoned and Memorandum of Authority.	
Jul 18	228. Courtroom Minutes before Judge Schatz - Motion to dismiss-overruled.	
Jul 21	229. Courtroom Minutes before Judge Schatz - Trial - Not concluded.	
Jul 22	230. Courtroom Minutes - Trial - continued.	
Jul 23	231. Depositions of Millard E. Wyant and David Jacox.	
Jul 29	232. Deposition of Jerome Griepentrog taken on behalf of P1-Intervenor. 233. Deposition of Hugh Sage taken on behalf of P1-Intervenor.	
Jul 30	234. Order (AGS) on Pretrial Conference held July 18, 1975. Proposed	
Aug 4	235. Notice of Agreement. 236. Order (AGS) that a hearing to determine whether the Court should approve the proposed agreement set for Sept. 5, 1975 at 9:30 A.M., etc. Copy mailed to counsel of record.	
Aug 7	237. Agreement of the parties. Copy mailed to Natl. Center for Law & Handicapped.	
Aug 27	238. Notice (AGS) Copies mailed to all counsel of record and delivered to U.S. Atty. 239. Motion to Intervene as Amicus Curiae by Mental Retardation Association of America, Inc. 240. Order (AGS) that hearing set for 9-5-75 reset for 9-18-75 at 9:00 A.M., Etc. Copies mailed to counsel of record.	
Sep 2	241. Affidavit of Melvin Kammerlohr Re: Notice.	
Sep 5	242. Affidavit of Melvin Kammerlohr Re: Notice. 243. Affidavit of M. E. Wyant Re: Notice.	
Sep 10	244. Proof of Publication.	
Sep 12	245. Objections to Agreement Entered into August 6, 1975 by Beatrice State Home Association for Retarded Citizens. 246. Order (AGS) that Application for Mental Retardation Association of America as Amicus Curiae is Granted, Etc. Copies mailed to Counsel of Record.	
Sep 15	247. Objections by Mental Retardation Assoc. of America, Inc. to Agreement.	

DATE 1975	PROCEEDINGS	Date Order or Judgment No.
Sep 16	248. Proposed Modifications to Consent Decree and Agreement by Natl. Center for Law and the Handicapped.	
Sep 18	249. Courtroom Minutes before Judge Schatz-Hearing on Acceptance of Proposed Agreement-Submitted.	
	250. List of Witnesses.	
	251. Letters received re: Settlement Agreement between 9/2 & 15/75.	
	252. Letters received re: Settlement Agreement between 9/15 & 18/75.	
Sep 26,	253. Transcript of Testimony of hearing on Proposed Agreement.	
Sep 29	254. Memorandum of Law by National Center for Law and the Handicapped, Inc.	
Oct 31	255. Motion & Order (AGS) granting leave to rescind exclusion from Class by parents of Lisa Marie Hatt & Lori Lynn Hatt. Copy mailed to Counsel of Record.	
	256. Memorandum Opinion (AGS).	
	257. Decree (AGS) that agreement entered between the parties on 8-6-75 is approved by the Court, et al, each party to pay own costs. Copy mailed to Counsel of Record.	
Nov 10	258. Order (AGS) Amending Decree entered October 31, 1975(Filing#257). Copies mailed to Counsel of Record.	
Nov 11	259. Pl-Intervenor's Notice to Take Depositions.	
Nov 13	260. Df's Motion for Protective Order.	
Nov 17	261. Courtroom Minutes before Judge Schatz - Hearing on Df State of Nebr. Motion for Protective Order - Sustained in Part, Overruled in Part.	
Nov 18	262. Order (AGS) that Df's Motion for Protective Order sustained in part; Notice to Take Depositions quashed without prejudice, Etc. Copies mailed to counsel of record & delivered to U. S. Atty.	
Nov 21	263. Application of Guardian Ad Litem for Fees.	
Nov 28	264. Order (AGS) that the application (Filing #263) is sustained and Dfs shall pay to said guardian \$1,500. for services rendered, Etc. Copies mailed to counsel of record.	
1976	265. Reporter's Transcript of Testimony Re: Objections to Settlement Agreement held on Sept. 18, 1975.	
Jan 9	266. Association of Richard Douglas McClain with Hyle Harrison Erwin as Attys for Hatts.	
Apr 15	267. Pl-Intervenor Motion to Postpone Date for Promulgation of Plan of implementation by Nebraska Mental Retardation Panel.	

DATE 1976	PROCEEDINGS	Date Order or Judgment Noted
Apr 21	268. Order (AGS) that Motion for Postponement of Submission of Plan of Implementation granted until further order. Copies mailed to counsel of record.	
Apr 23	269. Pl-Intervenor's Motion to Re-Open Discovery and for Hearing. 270. Pl-Intervenor's Motion to Join Additional Parties as Dfs.	
May 4	271. Order (AGS) that Discovery be re-opened for a period of 45 days, remainder of Pl-Intervenor's Motion (Filing #269) overruled as premature; Motion (Filing #270) overruled without prejudice, Etc. Copies mailed to counsel of Record & delivered to U. S. Atty.	
May 6,	272. Notice and Request of Richard Douglas Mc Clain for copies of further proceedings herein. Copy of Order 271 mailed to Mr. Mc Clain.	
May 10	273. Df's Motion to Limit Discovery and Brief. 274. Notice to Take Depositions of Arnold Carmel, Jack Cleavenger, Larry Nedrow, Alan H. Ihms, Patricia Stivrins, M.D., Don Leuenberger, Klaus Hartman, M.D., Richard Shugrue by U.S.A.	
May 18	275. Courtroom Minutes before Judge Schatz - Hearing on Df's Motion for Summary Judgment- Submitted. 276. Pl'-Intervenor's Notice to Take Depositions of Dean B. Settle, Frederic Girardeau, Charles Acuff, and J. Iverson Riddle, M.D. 277. Pl-Intervenor's Memorandum in Opposition to Df's Motion to Limit Discovery.	
May 26	278. Df's Notice to take Deposition of Jerome Griepentrog at Omaha on 6-15-76 at 9:00 A.M.	
Jun 7	279. Deposition of Alan H. Ihms taken on behalf of Pl-Intervenor. 280. Order (AGS) that Dfs' Motion for Protective Order is sustained; Discovery proceedings are limited to events occurring after entry of Consent Decree. Copies mailed to Counsel of Record.	
Jun 10	281. Pl.-Intervenor Notice to Take Depositions of James Shelton, M.D., M.E. Wyant, Richard W. Gray, M.D. & Allen McElravy.	
Jun 10	282. Deposition of Joseph Iverson Riddle.	
Jun 29	283. Deposition of Jerome Griepentrog taken on behalf of Dfs.	
Jul 8	284. Deposition of Larry Nedrow taken on behalf of the Pl-Intervenor. 285. Deposition of Richard Shugrue taken on behalf of the Pl-Intervenor. 286. Deposition of Dr. Klaus Hatmann taken on behalf of the Pl-Intervenor. 287. Deposition of Don Leuenberger taken on behalf of the Pl-Intervenor.	

DATE 1976	PROCEEDINGS	Date Order or Judgment No.
Jul 15	288. Deposition of Arnold Carmel taken on behalf of Pl-Intervenor.	
Jul 30	289. Deposition of Dr. Cletus T. Frerichs taken on behalf of Pl-Intervenor. 290. Deposition of Millard E. Wyant taken on behalf of Pl-Intervenor. 291. Deposition of Allen McElravy taken on behalf of Pl-Intervenor. 292. Deposition of Dr. Patricia Stivrins taken on behalf of Pl-Intervenor.	
Aug 3	293. Deposition of Jack Cleavenger taken on behalf of Plaintiff Intervenor.	
Sep 14	294. Plaintiff-Intervenor's Motion to Set Hearing for further relief and for enforcement of Consent Decree.	
Oct 4	295. Response of Defendants to Intervenor's Motion to set hearing for further relief, etc.	
Oct 7	296. Notice of Appearance of Ronald M. Soskin as counsel on behalf of amicus curiae, the National Center for Law and the Handicapped.	
Oct 26	297. Pl-Intervenor's Response to Dfs' Memorandum in Opposition to Pl-Intervenor's Motion for Hearing to Enforce Consent Decree and for further Relief.	
Nov 10	298. Motion to Dismiss Pl-Intervenor U.S.A. by Dfs.	
Nov 30	299. Pl's Motion for Supplemental Relief.	
Dec 3	300. Motions by Lisa Marie Hatt, Lori Lynn Hatt, by and through their parents and natural guardians David Hatt and Phyllis Hatt, as parties Pl and Mental Retardation Assoc. of America, Inc. as Amicus Curiae to Dismiss U. S. A.	
Dec 13	301. Order (AGS) that all motions to dismiss Pl-Intervenor are scheduled for hearing on 12-29-76 at 9:30 A.M. Copies mailed to all counsel of record.	
Dec 29	302. Courtroom Minutes before Honorable A. G. Schatz - hearing on Df's Motion to Dismiss Pl-Intervenor, filing #298, Motion by Mental Retardation Association to Dismiss Pl-Intervenor, filing #300 - Submitted.	
1977 Jan 4	303. Order (AGS) that Pl-Intervenor's Motions to Dismiss (Filings #298 and #300) denied. Copies mailed to all counsel of record & delivered to U. S. Attorney. 304. Order (AGS) that hearing set for 2-15-77 at 9:30 A.M. on (Filing #257), Etc. Copies mailed to all counsel of record & delivered to U. S. Attorney.	

DATE 1977	PROCEEDINGS	Date Order or Judgment Noted
Jan 24	305. Pl-Intervenor's Notice to Take Deposition of James D. Clements, M. D.	
Jan 26	306. Memorandum and Order (AGS) that Pl-Intervenor's Motions to Dismiss (Filings #298 and #300) denied. Copies mailed to counsel of record, and delivered to U. S. Attorney.	
Jan 27	307. / Motion for Protective Order and Memorandum in Support Thereof.	
Jan 31	308. Order (AGS) that Dfs Motion to quash Notice of taking Deposition of Dr. James J. Clements will be heard on 2-4-77 at 2:00 p.m.. Copies mailed to Counsel of Record, and delivered to U. S. Attorney. 309. Motion of Mental Retardation Ass. for inspection of the Beatrice State Development Center by the Court prior to hearing scheduled for 2-15-77.	
Feb 2	310. Response to Order dated 1-4-77 by State of Nebr.	
Feb 3	311. Motion of Dfs J. James Exon, Etal to reschedule hearing set for 2-15-77 to 60 days from 2-15-77, Etc. 312. Supplement to Pretrial Memorandum by Amicus Curiae Mental Retardation Ass. U.S.A	
Feb 4	313. Pl's Response to Df's Motion for extension of trial setting. 314. Courtroom Minutes before Judge Schatz on Df's Motion to Quash Notice to Take Deposition and Df's Motion to postpone hearing scheduled for 2/15/77 - Submitted.	
Feb 9	315. Response to Brief of Pls by J. James Exon, Etal. 316. Brief in Opposition to Df's Request for continuance by Pls. 317. Pre-Hearing Memorandum of U.S.A. 318. Pre-Hearing Memorandum by Lisa Marie Hatt, Etal and Mental Retardation Assoc. of America, Inc. 319. Pre-Hearing Memorandum of Pls.	
Feb 10	320. Df's Progress Report. 321. Order (AGS) that Motion for Protective Order denied without prejudice; that Motion for Continuance granted and hearing set for 4-18-77 at 9:30 A.M., Etc. Copies mailed to counsel of record. 322. Motion and Brief for Continuance of Hearing; Rebuttal of Pl's Brief in Opposition to Continuance by Dfs Lisa Marie Hatt, Etal	
Feb 11	323. Report on Compliance with Consent Decree of the United States. 324. Addendum to Pre-Hearing Memorandum of the United States.	
Apr 11	325. Df's Supplemental Progress Report.	
Apr 26	326. Stipulation of Plaintiff-Intervenor. 327. Motion of Nebraska Association For Retarded Citizens, Inc. For Leave to Participate as Amicus Curiae.	

DATE 1977	PROCEEDINGS	Date Order or Judgment Not
Jul 5	328. Order (AGS) that status conference will be held on 7-29-77 at 9:30 A.M. Copies mailed to counsel of record & delivered to U. S. Attorney.	
Jul 29	329. Courtroom Minutes before Judge Schatz - Hearing on Status of Case - No Ruling. 330. Order (RCP) that Nebraska Association for Retarded Citizens, Inc. granted leave to participate as amicus curiae. Copies mailed to counsel of record.	
Aug 25	331. Status Report.	
Aug 29	332. Motion to Set Hearing for Further Relief and for Enforcement of Consent Decree by U.S.A.	
Sep 14	333. Order (AGS) that prehearing conference will be held on 9-27-77. at 9:30 a.m., etc. Copies mailed to counsel of record.	
Sep 26	334. Deposition of Dean Settle taken on behalf of the Pl-Intervenor. 335. Deposition of Frederick L. Girardeau taken on behalf of the Pl-Intervenor.	
Oct 3	336. Courtroom Minutes before Judge Schatz - Hearing on Df's Motion to Quash Subpoena and Prehearing Conference - Submitted. 337. Motion to Join Additional Parties as Dfs by U.S.A. 338. Appearance of Annette E. Mason as counsel for Pl. 339. Df's Motion to Quash. 340. Pl's Pre-Hearing Memorandum. 341. Pre-Trial Statement of U.S.A. 342. Proposed Findings of Fact of U.S.A. 343. Pre-Hearing Memorandum of U.S.A. 344. Pre-Hearing Report of Dfs. 345. Pre-Trial Memorandum of Amici, The Nebraska Assoc. for Retarded Citizens, Inc. and the National Center for Law and the Handicapped, Inc. 346. Response to U.S.A.; Prehearing Memorandum by Lisa Marie Hatt, Lori Lynn Hatt ... David Hatt and Phyllis Hatt and Mental Retardation Assoc. of America, Inc.	
Oct 4	347. Plaintiff-Intervenor's Motion to Join Additional Parties as Dfs.	
Oct 14	348. Supplemental Memorandum of the United States.	
Oct 17	349. Motion to Adopt Dfs' Plan of Implementation. 350. Order (AGS) granting access to records by certain parties, etc. Copy mailed to Counsel of record.	
Oct 20	351. Motion to Require Disclosure of Witnesses and Memorandum by J. James Exon, Et al.	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>72-L-299</u>
HORACEK, Et al.		EXON, Et al.	PAGE ____ OF ____ PAGES
DATE 1977	NR.	PROCEEDINGS	
Oct 26	352.	Order (AGS) that trial of this matter shall be bifurcated; that Court will take evidence on principal controverted issue commencing at 9:30 A.M. on December 5, 1977, etc. Copies mailed to counsel of record and delivered to U.S. Attorney.	
	353.	Pls' Addendum of Witnesses to Proposed Prehearing Memorandum.	
Oct 31	354.	Memorandum of the U.S. in Opposition to Dfs' Motion to Adopt Dfs' Plan of Implementation.	
Nov 4	355.	Pl- Intervenor's Motion for Leave for Experts to Interview Employees and to take Relevant Photographs of Facilities and Programs.	
Nov 8	356.	Order (AGS) that motion filed by U.S.A. (Filing 355) is set for hearing 11/14/77 at 9:00 A.M., etc. Copy delivered to U.S. Attorney and mailed to counsel of record.	
Nov 10	357.	Pl's Motion for Leave for Experts to Interview Employees of Facilities and Programs.	
Nov 14	358.	Joint Stipulation that experts retained by Pls and Plaintiff-intervenor are entitled to orally question employees of Beatrice about records inspected, etc.	
Nov 28	359.	Dfs' Motion to Add Expert Witnesses.	
	360.	Dfs' Motion for order that Pls are bound by provisions of court's Order of 9/14/77 and Order of 10/26/77.	
	361.	Deposition Testimony To Be Offered by the United States.	
Nov 29	362.	Pls' Response to Dfs' Motion.	
Dec 1	363.	Response of United States to Dfs' Motion to Add Expert Witnesses.	
	364.	Df's Motion for Protective Order and Memorandum.	
Dec 2	365.	Response of U.S.A. to Df's Motion for Protective Order.	
	366.	Order (AGS) that Df's Motion (Filing #359) taken under advisement; Dfs forthwith identify proposed additional expert witnesses; Df's Motion (Filing #360) denied; Df's Motion (Filing #364) denied in part, Etc. Copies mailed to counsel of record & delivered to U. S. Attorney.	
Dec 5	367.	Courtroom Minutes before Judge Schatz - Trial.	
	368.	Order (AGS) that any and all patient records shall be sealed, Etc. and that any witness testifying regarding individual patients shall refer to those individuals by initials only. Copies mailed to counsel of record and delivered to U. S. Atty.	
Dec 6	369.	Courtroom Minutes before Judge Schatz - Trial.	
	370.	Order (AGS) that Dfs' Granted Additional Expert Witnesses. Copies mailed to counsel of record & delivered to U. S. Atty.	
Dec 7	371.	Courtroom Minutes before Judge Schatz - Trial.	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>72-L-299</u>
HORACEK, Et al.		EXON, Et al.	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
<u>1977</u>			
Dec 8	372.	Courtroom Minutes before Judge Schatz - Trial.	
Dec 9	373.	Courtroom Minutes before Judge Schatz - Trial.	
Dec 12	374.	Courtroom Minutes before Judge Schatz - Trial.	
Dec 13	375.	Courtroom Minutes before Judge Schatz - Trial.	
Dec 22	376.	Order (AGS) that hearing on various motions continued until 2-6-78 at 9:30 A.M. Copies mailed to counsel of record & delivered to U. S. Attorney.	
Dec 27	377.	List of Witnesses.	
	378.	List of Exhibits.	
<u>1978</u>			
<u>Feb 6</u>	379.	Courtroom Minutes before Judge Schatz - Trial.	
Feb 7	380.	Courtroom Minutes before Judge Schatz - Trial.	
Feb 10	381.	List of Witnesses.	
	382.	List of Exhibits.	
	383.	Order (AGS) that all references to Nebraska Mental Retardation Panel shall be deemed to refer to panel consisting of Dr. Pearson, Chairman, Mr. Grienpentrog and Mr. Casey and that provisions of the agreement and decree shall otherwise continue in full force and effect, hearing on respective motions for enforcement and opposition continued until further order. Copies mailed to counsel of record & delivered to U. S. Attorney.	
Dec 20	384.	Pl- Intervenor's Motion for Restraining Order. with Memorandum attached.	
Dec 21	385.	Order (AGS) M.W. Anderson is made a party Df. (Service by U.S. Atty)	
Dec 22	386.	Pl's Notice to take Depositions.	
	387.	Order (filing # 385) Copy with Marshal's Return.	
Dec 27	388.	Df's Motion to Strike or for Enlargement of Time.	
	389.	Courtroom Minutes before Judge Schatz - Hearing on Pl's Motion for TRO - Sustained.	
Dec 28	390.	Order (AGS) that Pl's Motion for TRO sustained and Dfs enjoined from any further construction, Etc. Copies mailed to counsel of record & delivered to U. S. Attorney.	
<u>1979</u>			
<u>Jan 15</u>	391.	Pl Hatt's and MRAA, Amicus, Response in Support of Dfs' Motion to Strike Plan.	
Jan 17	392.	Pl & Pl-Intervenor's Response to Dfs' Motion to Strike.	
	393.	Order (AGS) that Hearing on Dfs' motion to Strike is scheduled for 2-2-79, at 2 p.m. Copies mailed to counsel of record & delivered to U. S. Attorney.	

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF		DEFENDANT	DOCKET NO. <u>72-L-299</u>
Sarah Ann Horacek, Etal		J. James Exon, Etal	PAGE ____ OF ____ PAGES
DATE 1979	NR.	PROCEEDINGS	
Jan 22	394.	Supplemental Response by Pls Hatts and Mraa in Support of Df's Motion to Strike Plan.	
Jan 25	395.	Application for Expansion of Court Order dated 12-28-78.	
Jan 30	396.	Dfs' Application for order of authorization regarding reroofing of Laundry Building at Beatrice State Developmental Center.	
Feb 2	397.	Courtroom Minutes before Judge Schatz - Hearing on (1) Df's motion to strike - Ordered: Submitted; (2) Df's Application for Order to allow reroofing of Laundry Building - Ordered: Sustained; and (3) for Order to allow construction on Buildings B and C - Ordered: Submitted.	
Feb. 6	398.	Order (AGS) that Dfs' Application (Filing 396) is hereby granted.	
	399.	Order (AGS) that Dfs' motion to strike is hereby denied; that the governor is granted leave within 45 days from date hereof to file any alternative plan.	
		Copies of both orders mailed to counsel of record.	
Mar 1	400.	Reporter's Transcript Re: Df's Motion for TRO.	
Mar 19	401.	Motion for Enlargement of Time to file alternative plan of implementation by Charles Thone, Governor.	
Mar 23	402.	Df's Application for Authorization of Expenditure of \$75,600., Etc.	
Mar 27	403.	Order (AGS) that time for filing alternative plan of implementation is enlarged until April 6, 1979.	
		Copies mailed to counsel of record.	
Apr 6	404.	Df's Submittal of Alternate Plan of Implementation with Plan attached.	
Apr 25	405.	Pl's Application for Establishment of Timelines.	
	406.	Motion to Set Timelines for Submission of Completed Proposed Alternative Plan of Implementation by U.S.A.	
Apr 27	407.	Order (AGS) that motion of U.S.A. for order setting timelines, etc. granted; Dfs shall submit any additional alternative proposals to the proposed Plan of Implementation within 60 days or on or about 6/28/79; etc.	
		Copy delivered to U.S. Attorney and mailed to counsel of record.	
May 7	408.	Dfs Motion for repair of roof of the "F" Bldg., etc.	
May 9	409.	Order (AGS) that Department of Public Institutions authorized to repair roof of the "F" Building at the Beatrice State Developmental Center at a cost not to exceed \$1,500. as soon as possible.	
		Copies mailed to counsel of record & delivered to U. S. Attorney.	

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF		DEFENDANT	DOCKET NO. <u>72-L-299</u>
Sarah Ann Horacek, Etal		J. James Exon, Etal	PAGE ____ OF ____ PAGES
<u>1979</u> PAGE	NR.	PROCEEDINGS	
Jun 28	410.	Certificate of Service of Amended Alternate Plan of Implementation as recommended by the Governor attached.	
Jul 3	411.	Df's Application for Approval of Contract.	
Jul 17	412.	Pls' Objections To Governor's Amended Alternative Plan of Implementation, with request for hearing date.	
Aug 1	413.	Objections of U. S. A. to Governor's Proposed Alternate Plan of Implementation.	
	414.	Motion to Open Discovery by Gov't.	
Sep 28	415.	Df's Application for repairs to Bldg. F at Beatrice State Development Center.	
Oct 4	416.	Dfs' Application for order authorizing Dfs to expend sufficient funds to completework, etc.	
Oct 15	417.	Order (AGS) that Ds' are authorized to expend an additional \$4,111.46 for completion of F Bldg., and to expend not to exceed \$75,000.00 to replace 230' of concrete at utilities tunnel. Copies mailed to counsel of record and delivered to U.S. Attorney.	
<u>1980</u>			
Jan 10	418.	D's Application for repairs to Bldg. S at Beatrice State Development Center, etc.	
Jan 29	419.	Order (AGS) that Ds are authorized to expend:for repairs: "S" Bldg. - \$2,000; Replace water softener - \$26,300; Replace chiller unit - \$75,600. Copies mailed to counsel of record and delivered to U.S. Atty.	
Mar 18	420.	Ps' Application for Appointment of a Special Master.	
Mar 25	421.	Order (AGS) that hearing on Ps' Application for Appt. of Spec. Master is set for 4/4/80 @ 2:00 p.m. in this Court. Copies mailed to counsel of record.	
Mar 26	422.	Dfs' Application for order authorizing expenditure for completion of roof, with attached exhibit.	
Mar 27	423.	Dfs' Objection to Application for Appointment of a Special Master.	
Apr 2	424.	Joint Application for continuance of hearing. GRANTED (AGS). Copies mailed to counsel of record.	
Apr 14	425.	Pl-Intervenor, U.S.A.'s Motion To Re-Open Discovery.	
Apr 15	426.	Pl-Intervenor, U.S.A.'s Motion to Require Payment of Reasonable Expenses of the Nebr. Mental Retardation Panel.	
Apr 16	427.	Order (AGS) that hearing set on all pending motions on 5/1/80 @ 10:30 a.m. Copies mailed to counsel of record.	

CIVIL DOCKET CONTINUATION SHEET

FPI-MI-3-14-75-50M-3511

PLAINTIFF	DEFENDANT	DOCKET NO. <u>72-L-299</u>
SARAH ANN HORACEK, ET AL	J. JAMES EXON, ET AL	PAGE ____ OF ____ PAGES

DATE <u>1980</u>	NR.	PROCEEDINGS
May 1	428.	Ps, Ment. Retardation Assoc., Lisa Marie, Hatt's Objections to Appointment of Special Master.
	429.	Courtroom Minutes before J. Schatz on pending motions - submitted, U.S. has 10 days to respond.
May 12	430.	U.S.A.'s Response to Ds' Application to Repair Roof of "F" Bldg.
May 20	431.	Order (AGS) that Ds are authorized to spend up to \$60,200.00 for completion of new roof on F Bldg. @ Beatrice State Dev. Ctr. Copies mailed to counsel of record & del. to U.S.A.
Jun 27	432.	Order (AGS) that W. Ralph Michener, J.D. is appointed as a member of Nebraska Mental Retardation Panel, etc. Copies mailed to counsel of record.
Oct 9	433.	Dfs' Submission of Amended Plan of Implementation.
	434.	Dfs' Motion To Dissolve Injunction with attached exhibits.
Oct 28	435.	Dfs' Motion for order authorizing expenditure for repairs.
Nov 10	436.	P-Intervenor's Opposition to Ds' Amended Plan of Implementation of 10-8-80 & Motion to Dissolve Injunction.
Nov 13	437.	Order (AGS) that Ds authorized to expend an add'l \$8,000.00 or a total not to exceed \$83,000.00 for repair to Utility Tunnel. Copies mailed to counsel of record.
Dec 9	438.	P's Response to Governor's Amended Alternative Plan as Amended & Memorandum in Support.
Dec 10	439.	Courtroom Minutes before Judge Schatz on pre-hearing Conf on all Motions & determination of hearing date; Discovery cont'd until 2-6-81; hearing set for 2-9-81 at 9:30 a.m.
	440.	Responses of MRAA; Curiae, Hatt to: New Plan of Implementation; Dissolution of Temporary Injunction & Motion for Appt. of Special Master.
	441.	Order (AGS) that Ds authorized to expend amount to fund a contract; Ds to inform Ps of amount of contract let. Copies mailed to counsel of record.
	442.	Order (AGS) that discovery extended to 2-6-81; hearing set for 2-9-81 at 9:30 a.m., re: Plan of implementation & Motion to dissolve injunction; post-trial briefs due 3 wks. from date of hearing. Copies mailed to counsel of record.
<u>1981</u> Jan 5	443.	Order (AGS) that any and all records of individuals at Beatrice State Dev. Ctr. or Regional Ctrs. or parents of residents or records of disciplinary activities by or against employees of St. of Neb. etc. shall be sealed & made available only to counsel; that any witnesses shall refer to said individuals by their initials only. Copies mailed to counsel of record. & del. to U.S.A.

CIVIL DOCKET CONTINUATION SHEET

FPI.MI-3.14-75-SOM-3511

PLAINTIFF		DEFENDANT	DOCKET NO. <u>72-L-299</u>
SARAH ANN HORACEK ET AL		J. JAMES EXON, ET AL	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
Feb 4	444.	Deposition of Dr. Hugh Sage taken in behalf of P.	
	445.	Deposition of Harlow A. Hyde taken in behalf of P.	
Feb 9	446.	Deposition of Kenneth Keith taken in behalf of P.	
	447.	Deposition of Kathy Schwaniger taken in behalf of Ds.	
	448.	Deposition of Ralph Michener taken in behalf of P.	
	449.	Deposition of Philip A. Holmberg taken in behalf of P.	
	450.	Courtroom Minutes - trial.	
Feb 10	451.	Courtroom Minutes - trial.	
Feb 11	452.	Courtroom Minutes - Trial.	
Feb 12	453.	Entry of Appearance of Robert V. Broom and Gary L. Fischer, of Legal Aid Society of Omaha & join as counsel for The Nebraska Association for Retarded Citizens, Inc., Amicus Curiae.	
	454.	Courtroom Minutes - Trial.	
Feb 13	455.	Courtroom Minutes - Trial.	
Feb 17	456.	Courtroom Minutes - Trial.	
Feb 18	457.	Courtroom Minutes - Trial.	
Feb 19	458.	Courtroom Minutes - Trial. Case submitted.	
Mar 10	459.	List of Witnesses.	
	460.	List of Exhibits.	
Mar 16	461.	Ps' Application for Fees Pursuant to 42 USC 1988 w/attachments.	
Aug 17	462.	Ds' Motion for an Order authorizing Ds to expend \$115,725.00 for repairs, etc.	
Aug 25	463.	Order (AGS) that Ds may expend a total not to exceed \$115,725.00 for repairs, etc. Copies mailed to counsel.	
Aug 31	464.	P-Intervenor's Response to Ds' Motion for Roof Repair.	
Sep 15	465.	Memorandum Opinion (AGS) that proposed plan (Thone III) as modified be adopted & implemented; Permanent injunction imposed on capital construction @ BSDC be dissolved, etc. Copies mailed to counsel.	
	466.	Transcript, Volumes I thru V	
Sep 28	467.	Order (AGS) that Plan of Implementation is approved & implemented; Nebr. Retardation Panel to continue in existence until further order; guardian shall be retained; permanent injunction entered 12/28/78 is dissolved; This court will continue jurisdiction & any party may move for this case to be placed in inactive status or dismissed after 6/30/82, etc. Copies mailed to couns. of rec.	

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF		DEFENDANT	DOCKET NO. <u>72-L-299</u>
SARAH ANN HORACEK; Et al.		J. JAMES EXON; Et al.	PAGE ____ OF ____ PAGES
<u>DATE</u>	NR.	PROCEEDINGS	
Nov 24	468.	Joint Stipulation.	
	469.	Order (AGS) that Dfs pay to Annette E. Mason and Bruce G. Mason, Attorneys at Law, the sum of \$85,000.00. Copies mailed to counsel of record and delivered to U.S. Attorney.	
<u>1982</u>			
Mar 1	470.	J. Patrick Green's Application of Guardian Ad Litem for Allowance of Fees, w/Affidavit of Guardian attached.	
Mar 8	471.	Joint Stipulation between guardian and dfs. re: fees. APPROVED AND SO ORDERED (AGS). 3/9/82. Copies mailed to counsel of rec.	
Mar 25	472.	Ds' Progress Report 1 on Plan of Implementation w/attachment (in file).	
Jul 12	473.	Order (AGS) that parties to appear 8-2-82 @ 9:00 a.m. to show cause why case should not be dismissed. Copies mailed to counsel.	
Jul 16	474.	Application of Richard Douglas McClain, attorney for James Michael Jonas, For Attorney Fees.	
	475.	Statement of Services of Richard Douglas McClain.	
Aug 2	476.	Courtroom Minutes before Judge Schatz - Hearing on Motion for Atty. Fee & Show Cause - submitted.	
Aug 3	477.	Entered Objection to Allowance of Attorney Fees for Richard Douglas McClain, filed July 30, 1982.	
Aug 6	478.	Order (AGS) that Ds to file response to suppl. memorandum of Richard Douglas McClain's Applic. for Atty. Fees w/in 1 wk. Copies mailed to counsel & del. to U.S. Atty.	
Aug 16	479.	Reply of James Michael Jonas to D's Response to Supplemental Memo of Richard Douglas McClain.	
Oct 1	480.	Memorandum Opinion.	
	481.	Order (AGS) that application for atty. fees (#474) is denied. Copies mailed to couns. of rec. w/C of S.	
Oct 29	482.	McClain's Notice of Appeal to Eighth Circuit Court of Appeals. Copy del. to Jack Fitch, Ct. Rptr.	
Nov 5		Two certified copies of the following mailed to Clerk, U. S. Court of Appeals: Notice of Appeal of attorney Richard Douglas McClain filed 10/29/82, of District Court's Memorandum Opinion and Order filed 10/1/82, and of all docket entries to date. Copy of docket entries sent to Richard McClain and to Paul L. Douglas, atty. for Defendants.	
Nov 15	483.	James Michael Jonas' Designation of Record on Appeal.	
Nov 22	484.	James Michael Jonas' Amendment to Designation of Record on Appeal.	
Nov 23	485.	James Michael Jonas' Amended Notice of Appeal.	
Nov 24		Two certified copies of Amended Notice of Appeal and docket entries since 11/5/82 mailed to Clerk, Court of Appeals. Copy of add'l. docket entries mailed to attys.	

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF		DEFENDANT	DOCKET NO. <u>72-L-299</u>
SARAH ANN HORACEK; Et al		J. JAMES EXON; Et al.	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
<u>1983</u> Jun 9	486.	State of Nebraska's Progress Report No. 2, w/Plan of Implementation: Progress Report 2, January 1983.	
Jul 27	487.	Certified copy of Judgment, U. S. Court of Appeals, Eighth Circuit, w/copy of opinion attached, that Judgment of the District Court is affirmed. Copies mailed to couns. & del. to USA.	
Aug 1	488.	Cert. copy from U.S. Court of Appeals, 8th Circuit that appellees to recover sum of \$28.90 for briefs fr. appellant.	
Nov 10	489.	Ds' Mot. to Dismiss-	
Nov 23	490.	Order (AGS) that all parties to file responsive brief to Ds' Mot. to Dismiss (#489) w/in 2 wks. Copies mailed to counsel & del. to USA.	
<u>1984</u> Jan 27	491	P-Intervenor's Mot. for Leave to File.	
Jan 31	492.	Order (AGS) that U.S.A.'s Mot. for leave to file instanter its response to Ds' Mot. to Dismiss is granted. Copies mailed to counsel & del. to U.S. Atty.	
	493.	P-Intervenor, USA's Response to Ds' Mot. to Dismiss.	
	494.	Order (AGS) that Ds' Mot. to Dismiss is granted; case is dismissed. Copies mailed to counsel & del. to U.S. Atty.	
Apr 25	495.	Dfs' Progress Report 3 (2 copies of Report separate in file envelope).	
<u>1985</u> May 15	496	D's Memorandum of Filing Progress Rpt. #4 w/attachments in file envelope.	
<u>1986</u> Mar 31	497.	Ds' Memorandum of filing Summary Report to the Plan of Implementation.	
<u>1989</u> Jul 14	498	Clerk's notice of intention to destroy exhibits	
Jul 14	499	Clerk's notice of intention to destroy exhibits.	

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