

CAPITAL CASE,CLOSED,REFERP

**U.S. District Court
Eastern District of Kentucky (Frankfort)
CIVIL DOCKET FOR CASE #: 3:07-cv-00032-KKC**

Bowling et al v. Haas et al
Assigned to: Judge Karen K. Caldwell
Referred to: PSO
Cause: 28:2201 Declaratory Judgment

Date Filed: 05/22/2007
Date Terminated: 09/23/2010
Jury Demand: None
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: Federal Question

Plaintiff

Thomas Clyde Bowling

represented by **David M. Barron**
Department of Public Advocacy –
Frankfort
100 Fair Oaks Lane
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Frankfort, KY 40601
502-564-3948
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John Anthony Palombi
Public Advocate's Office
100 Fair Oaks Lane
Suite 301
Frankfort, KY 40601
502-564-3948
Fax: 502-564-3949
Email: john_palombi@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Ralph Baze

represented by **David M. Barron**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John Anthony Palombi
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Jeffrey Leonard
*Sentenced to death under the name James
Slaughter*
TERMINATED: 03/20/2008
—
James Slaughter
TERMINATED: 03/20/2008

represented by **David M. Barron**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John Anthony Palombi
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Scott Haas
 Medical Director Kentucky Department of
 Corrections

represented by **Jeffrey T. Middendorf**
 Commonwealth of Kentucky– Justice
 Cabinet
 125 Holmes Street
 Second Floor
 Frankfort, KY 40601
 502-564-3279
 Fax: 502-564-6686
 Email: jeff.middendorf@ky.gov
 TERMINATED: 11/26/2007
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

John C. Cummings
 Justice & Public Safety Cabinet
 125 Holmes Street
 Frankfort, KY 40601
 802-564-8214
 Email: john.cummings@ky.gov
 ATTORNEY TO BE NOTICED

Defendant

John D. Rees
 Commissioner, Kentucky Department of
 Corrections

represented by **Jeffrey T. Middendorf**
 (See above for address)
 TERMINATED: 11/26/2007
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

John C. Cummings
 (See above for address)
 ATTORNEY TO BE NOTICED

Defendant

Thomas Simpson
 Warden, Kentucky State Penitentiary

represented by **Jeffrey T. Middendorf**
 (See above for address)
 TERMINATED: 11/26/2007
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

John C. Cummings
 (See above for address)
 ATTORNEY TO BE NOTICED

Defendant

Unknown Executioners

Date Filed	#	Docket Text
05/22/2007	<u>1</u>	APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES AND AFFIDAVIT by Thomas Clyde Bowling (Attachments: # <u>1</u> Inmate Account Statement)(CBD) (Entered: 05/22/2007)
05/22/2007	<u>2</u>	APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES AND AFFIDAVIT by Ralph Baze (Attachments: # <u>1</u> Inmate Account Statement)(CBD) (Entered: 05/22/2007)
05/22/2007	<u>3</u>	APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES AND AFFIDAVIT by Jeffrey Leonard (Attachments: # <u>1</u> Inmate Account Statement)(CBD) Modified text to better describe doc. on 5/22/2007 (Dearborn, Christy). (Entered: 05/22/2007)
05/22/2007	<u>4</u>	NOTICE OF FILING OF APPLICATIONS TO PROCEED IN FORMA PAUPERIS IN COMPLIANCE WITH 28 U.S.C 1915 by Jeffrey Leonard, Thomas

		Clyde Bowling, Ralph Baze re <u>2</u> MOTION for Leave to Proceed in forma pauperis by Ralph Baze, <u>1</u> MOTION for Leave to Proceed in forma pauperis by Thomas Clyde Bowling, <u>3</u> MOTION for Leave to Proceed in forma pauperis by Jeffrey Leonard (CBD) (Entered: 05/22/2007)
05/22/2007	<u>5</u>	COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF (Filing fee \$0) , filed by Jeffrey Leonard, Thomas Clyde Bowling, Ralph Baze. (Attachments: # <u>1</u> Case Assignment# <u>2</u> Civil Cover Sheet # <u>3</u> Prepared Summons as to Haas# <u>4</u> Prepared Summons as to Rees# <u>5</u> Prepared Summons as to Simpson)(CBD) Additional attachment(s) added on 5/23/2007 (Ratliff, Kay). (Entered: 05/22/2007)
05/22/2007	<u>6</u>	NOTICE of Appearance by David Barron for pltfs Jeffrey Leonard, Thomas Clyde Bowling, Ralph Baze (CBD) (Entered: 05/22/2007)
05/22/2007		Conflict Check run. (CBD) (Entered: 05/22/2007)
05/22/2007		***MOTION SUBMITTED TO CHAMBERS of Caldwell for review: <u>1</u> MOTION for Leave to Proceed in forma pauperis by Thomas Clyde Bowling, <u>2</u> MOTION for Leave to Proceed in forma pauperis by Ralph Baze, <u>3</u> MOTION for Leave to Proceed in forma pauperis by Jeffrey Leonard (CBD) (Entered: 05/22/2007)
05/22/2007	<u>7</u>	NOTICE OF FILING by Jeffrey Leonard, Thomas Clyde Bowling, Ralph Baze re <u>5</u> Complaint, <i>Exhibits to Complaint for Declaratory Judgment</i> (Attachments: # <u>1</u> Exhibit Commissioner's Grievance Rejection Notice# <u>2</u> Exhibit Plaintiffs' appeal of grievance to DOC Commissioner)(Barron, David) (Entered: 05/22/2007)
05/23/2007		Judge Pro Se added. (CBD) (Entered: 05/23/2007)
05/23/2007		***MOTION SUBMITTED TO CHAMBERS of Pro Se for review: <u>2</u> MOTION for Leave to Proceed in forma pauperis by Ralph Baze, <u>1</u> MOTION for Leave to Proceed in forma pauperis by Thomas Clyde Bowling, <u>3</u> MOTION for Leave to Proceed in forma pauperis by Jeffrey Leonard (CBD) (Entered: 05/23/2007)
06/07/2007	<u>8</u>	ORDER Directing Monthly Payments be made from Prison Accounts of Ralph Baze, Thomas Clyde Bowling, & Jeffrey Leonard: 1) pltfs' mtns <u>1</u> , <u>2</u> & <u>3</u> GRANTED 2) dft are Scott Haas, John D. Rees, Thomas Simpson and Unknown Executioners 3) prisoner-pltfs required to pay their proportional share of the 350.00 filing fee 4) Bowling assessed initial partial filing fee of \$29.94 5) Baze assessed initial partial filing fee of \$36.85 6) Leonard assessed an initial partial filing fee of \$6.68 7) w/in 30 days pltfs cause to be pd to clerk their initial partial filing fees 8) prisoner's custodian shall submit monthly payments until his respective portion has been paid 9) Clerk open acct for rcpt of prisoner's portion of the filing fee 10) Clerk serve a copy of this order upon Jailers/Wardens of institutions in which prisoners are currently confined and upon Ofc of Gen. Counsel for the Dept. of Corrections. Signed by Judge Karen K. Caldwell. (Attachments: # <u>1</u> Notice (Form 120) – Ralph Baze# <u>2</u> Notice (Form 120) – Thomas Clyde Bowling# <u>3</u> Notice (Form 120) – Jeffrey Leonard)(CBD)cc: COR, Warden KSP (all prisoners confined at KSP), Ofc Gen Counsel Dept of Corrections (Entered: 06/07/2007)
06/07/2007	<u>9</u>	ORDER TO SHOW CAUSE: pltfs show cause w/in 30 days why their cmp should not be dismissed for failure to state claim and for want of subject matter jurisdiction. Signed by Judge Karen K. Caldwell. (CBD)cc: COR (Entered: 06/07/2007)
06/14/2007	<u>10</u>	ORDER: 1) Clerk prepare and serve copies of summons and compliant on behalf of pltfs hereinafter described 2) Fkt Clerk prepare and issue summons for Dr. Scott Haas, Commisisoner John D. Rees, and Warden Thomas Simpson 3) Fkt Clerk also directed to prepare 3 sets of doc.s, each set consisting of copies of summons, complaint, and instant Order. One set of each be served on dfts Haas, Rees and Simpson at offices of Ky Dept of Corrections 4) Fkt Clerk complete USM Form 285, if required. If insufficient info exists to complete summons or USM Form 285, Clerk promptly make clerk's entry on docket stating why Clerk cannot fill out summons or USM Form 285 or any other doc.s necessary to effectuate service 5) After Fkt Clerk's Ofc has prepared (forms), a Deputy Clerk in that office shall forward doc.s, by cert. mail, to USM Ofc in Lexington, KY and shall enter cert mail rcpt into instant record 6) USM serve documents. Service shall be made by

		certified mail, return receipt requested. 7) USM shall make a return report to Court of whether summons is executed or unexecuted w/in 40 days of date of entry of this Order 8) Clerk send copy of this Order to pltf's. Signed by Judge Karen K. Caldwell. (CBD)cc: COR (Entered: 06/14/2007)
06/14/2007	<u>11</u>	Summons Issued (Org. + 1) as to Scott Haas, John D. Rees, Thomas Simpson; issued summons, copy of complaint and Order <u>10</u> for each dft and a USM Form 285 forwarded to USM Lexington, KY for service to be made by Certified Mail, Return Receipt Requested. (Attachments: # <u>1</u> USM Form 285# <u>2</u> Certified Mail Receipt)(CBD) (Entered: 06/14/2007)
06/18/2007	<u>12</u>	AMENDED COMPLAINT against all defendants, filed by Jeffrey Leonard, Thomas Clyde Bowling, Ralph Baze.(Barron, David) (Entered: 06/18/2007)
06/19/2007	<u>13</u>	CERTIFIED MAIL RECEIPT to US Marshal re <u>11</u> Summons Issued. (CBD) (Entered: 06/19/2007)
06/21/2007	<u>14</u>	SUMMONS Returned Executed by USM-285 for Jeffrey Leonard, Thomas Clyde Bowling, Ralph Baze via certified mail to Scott Haas served on 6/18/2007, answer due 7/9/2007. (CBD) (Entered: 06/25/2007)
06/21/2007	<u>15</u>	SUMMONS Returned Executed by USM-285 for Jeffrey Leonard, Thomas Clyde Bowling, Ralph Baze via certified mail to John D. Rees served on 6/18/2007, answer due 7/9/2007. (CBD) (Entered: 06/25/2007)
06/25/2007		Clerk's Note: Clerk notes that an <u>12</u> Amended Complaint was filed; however, no summons were provided to the Clerk for issuance. If you desire summons to be issued, the forms are available on the Court's website, www.kyed.uscourts.gov . Summons may be submitted electronically by filing a document entitled Notice of Filing with a certificate of service as the main document and submitting the prepared summons as an attachment to the Notice of Filing. (CBD) (Entered: 06/25/2007)
07/09/2007	<u>16</u>	RESPONSE TO ORDER TO SHOW CAUSE by Jeffrey Leonard, Thomas Clyde Bowling, Ralph Baze. (Palombi, John) (Entered: 07/09/2007)
07/09/2007	<u>17</u>	NOTICE OF APPEARANCE by Scott Haas, John D. Rees, Thomas Simpson.(Cummings, John) (Entered: 07/09/2007)
07/09/2007	<u>18</u>	MOTION for Extension of Time to File Answer re <u>12</u> Amended Complaint, <u>5</u> Complaint, by Scott Haas, John D. Rees, Thomas Simpson (Attachments: # <u>1</u> Proposed Order Granting Motion for Extension of Time)(Cummings, John) (Entered: 07/09/2007)
07/10/2007		***FILE SUBMITTED TO CHAMBERS of Pro Se Law Clerk for review: <u>16</u> Response to Order to Show Cause (CBD) (Entered: 07/10/2007)
07/10/2007		Clerk's Note: Clerk has confirmed by phone that the main pdf image at DE <u>18</u> MOTION for Extension of Time to File Answer by Scott Haas, John D. Rees, Thomas Simpson is a correct and complete image. Counsel's ofc explained the pleading was just incorrectly captioned "Memorandum in Support." (CBD) (Entered: 07/10/2007)
07/10/2007	<u>19</u>	RESPONSE in Opposition re <u>18</u> MOTION for Extension of Time to File Answer re <u>12</u> Amended Complaint, <u>5</u> Complaint, by Scott Haas, John D. Rees, Thomas Simpson filed by Jeffrey Leonard, Thomas Clyde Bowling, Ralph Baze. (Attachments: # <u>1</u> Exhibit Lex Herald Leader news article# <u>2</u> Exhibit proposed order denying Defendants' motion for extension of time)(Barron, David) (Entered: 07/10/2007)
07/10/2007	<u>20</u>	STRICKEN pursuant to Order <u>21</u> Modified on 7/17/2007 (Dearborn, Christy). (Entered: 07/10/2007)
07/11/2007		***MOTION SUBMITTED TO CHAMBERS of Pro Se Law Clerk for review: <u>18</u> MOTION for Extension of Time to File Answer re <u>12</u> Amended Complaint, <u>5</u> Complaint, by Scott Haas, John D. Rees, Thomas Simpson (CBD) (Entered: 07/11/2007)

07/17/2007	<u>21</u>	ORDER: 1) Clerk STRIKE pltf's Motion to Compel <u>20</u> 2) dfts' Motion <u>18</u> for Extension of Time to Answer <u>12</u> Amended Complaint is GRANTED. Dfts have to and until 7/24/2007 to file answer or resp. pldg to the (Amended) Complaint 3) dft directed to file memo in reply to issues raised by Court's 7/7/2007 Order to Show Cause <u>9</u> and addressed by pltf's 7/9/2007 Response <u>16</u> on or before 8/1/2007. Pltfs are directed to neither file nor tender any further briefing on said issues except upon further Order from the Court . Signed by Judge Karen K. Caldwell. (CBD)cc: COR (Entered: 07/17/2007)
07/19/2007	<u>22</u>	MOTION for Extension of Time to File Response/Reply as to <u>16</u> Response to Order to Show Cause, <u>21</u> Order on Motion to Compel, Order on Motion for Extension of Time to Answer,,, by Scott Haas, John D. Rees, Thomas Simpson (Attachments: # <u>1</u> Memorandum in Support of Motion for Additional Time to File Reply# <u>2</u> Proposed Order Granting Motion for Additional Time to File Reply)(Cummings, John) (Entered: 07/19/2007)
07/20/2007	<u>23</u>	ORDER: Dfts' Motion <u>22</u> is GRANTED . Dfts shall have to &until 8/15/07 to file memo regarding issues raised by Court in its 6/7/07 Order to Show Cause (Record No. <u>9</u>) . Signed by Judge Karen K. Caldwell. (AKR)cc: COR (Entered: 07/20/2007)
07/20/2007	<u>24</u>	NOTICE OF APPEARANCE by Scott Haas, John D. Rees, Thomas Simpson.(Middendorf, Jeffrey) (Entered: 07/20/2007)
07/24/2007	<u>25</u>	ANSWER to Amended Complaint for <i>Declaratory Judgment</i> by Scott Haas, John D. Rees, Thomas Simpson.(Cummings, John) (Entered: 07/24/2007)
08/09/2007	<u>26</u>	SUMMONS Returned Executed by USM (USM 285) for Thomas Clyde Bowling; via Certified Mail to Thomas Simpson served on 6/18/2007, answer due 7/9/2007. (Attachments: # <u>1</u> Green Card and Copy of Summons)(CBD) (Entered: 08/13/2007)
08/15/2007	<u>27</u>	REPLY to <u>9</u> , <u>23</u> the Plaintiffs' Response to the Court's Show Cause Order filed by Scott Haas, John D. Rees, Thomas Simpson. (Cummings, John) (Entered: 08/15/2007)
08/16/2007		***FILE SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>9</u> Order to Show Cause – Response and Reply filed, i.e. <u>16</u> & <u>27</u> . (AKR) (Entered: 08/16/2007)
08/24/2007	<u>28</u>	EMERGENCY MOTION for Preliminary Injunction by Ralph Baze <i>Motion for preliminary injunction barring Baze's execution on Sept. 25th</i> (Attachments: # <u>1</u> Memorandum in Support Memo in support of emergency motion for preliminary injunction# <u>2</u> Exhibit Statement from Governor's Office on Intent to sign death warrant on Baze# <u>3</u> Exhibit news article on Governor's statements concerning pending litigation# <u>4</u> Exhibit Utah Controlled Substances Act regulations and rules# <u>5</u> Proposed Order granting Baze's motion for a preliminary injunction barring his execution)(Barron, David) (Entered: 08/24/2007)
08/27/2007	<u>29</u>	EMERGENCY MOTION for Judgment on the Pleadings by Jeffrey Leonard, Thomas Clyde Bowling, Ralph Baze (Attachments: # <u>1</u> Proposed Order Granting Partial Judgment on the Pleadings)(Palombi, John) Modified text on 8/27/2007 (Dearborn, Christy). (Entered: 08/27/2007)
08/27/2007		Clerk's Note: Clerk's Ofc rec'd call from counsel requesting that the language "Emergency" be added to DE <u>29</u> MOTION for Judgment on the Pleadings by Jeffrey Leonard, Thomas Clyde Bowling, Ralph Baze. Language has been added. (CBD) (Entered: 08/27/2007)
08/27/2007		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell and PSLC for review: <u>28</u> EMERGENCY MOTION for Preliminary Injunction by Ralph Baze, <u>29</u> EMERGENCY MOTION for Judgment on the Pleadings by Jeffrey Leonard, Thomas Clyde Bowling, Ralph Baze (CBD) (Entered: 08/27/2007)
09/02/2007	<u>30</u>	EMERGENCY MOTION to Expedite by Jeffrey Leonard, Thomas Clyde Bowling, Ralph Baze <i>ruling on jurisdictional quesstion raised sua sponte</i> (Attachments: # <u>1</u> Proposed Order)(Palombi, John) Modified text to include text in italics to better describe pleading on 9/4/2007 (Ratliff, Kay). (Entered: 09/02/2007)

09/04/2007		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell – Pro Se Law Clerk for review: <u>30</u> EMERGENCY MOTION to Expedite ruling on jurisdictional question raised sua sponte by Jeffrey Leonard, Thomas Clyde Bowling, Ralph Baze. (AKR) (Entered: 09/04/2007)
09/06/2007	<u>31</u>	RESPONSE to Motion re <u>30</u> EMERGENCY MOTION to Expedite by Jeffrey Leonard, Thomas Clyde Bowling, Ralph Baze filed by Scott Haas, John D. Rees, Thomas Simpson. (Attachments: # <u>1</u> Exhibit 1 – DOC Letter dated May 14, 2002 to DPA# <u>2</u> Exhibit 2 – Justice Cabinet Letter dated August 3, 2004 to DPA# <u>3</u> Exhibit 3 – Exhibits to Complaint and Consolidated Memorandum of Law, Case No. 04–CI–1094 Franklin Circuit)(Cummings, John) (Entered: 09/06/2007)
09/06/2007	<u>32</u>	RESPONSE in Opposition re <u>29</u> MOTION for Judgment on the Pleadings by Jeffrey Leonard, Thomas Clyde Bowling, Ralph Baze filed by Scott Haas, John D. Rees, Thomas Simpson. (Cummings, John) (Entered: 09/06/2007)
09/06/2007	<u>33</u>	NOTICE by Ralph Baze re <u>28</u> EMERGENCY MOTION for Preliminary Injunction by Ralph Baze, <u>29</u> MOTION for Judgment on the Pleadings by Jeffrey Leonard, Thomas Clyde Bowling, Ralph Baze, <u>30</u> EMERGENCY MOTION to Expedite by Jeffrey Leonard, Thomas Clyde Bowling, Ralph Baze <i>BAZE'S EXECUTION IS AT 7P.M. CENTRAL ON SEPTEMBER 25, 2007</i> (Barron, David) (Entered: 09/06/2007)
09/07/2007	<u>34</u>	REPLY to Response to Motion re <u>30</u> EMERGENCY MOTION to Expedite by Jeffrey Leonard, Thomas Clyde Bowling, Ralph Baze <i>reply to response to emergency motion to expedite ruling on jurisdiction</i> filed by Ralph Baze. (Barron, David) (Entered: 09/07/2007)
09/07/2007	<u>35</u>	REPLY to Response to Motion re <u>29</u> MOTION for Judgment on the Pleadings by Jeffrey Leonard, Thomas Clyde Bowling, Ralph Baze <i>reply to response opposing partial judgment on the pleadings</i> filed by Ralph Baze. (Barron, David) (Entered: 09/07/2007)
09/11/2007	<u>36</u>	RESPONSE in Opposition re <u>28</u> EMERGENCY MOTION for Preliminary Injunction by Ralph Baze filed by Scott Haas, John D. Rees, Thomas Simpson. (Attachments: # <u>1</u> Exhibit 1 – Lambert v. Buss, 2007 WL 2265143# <u>2</u> Proposed Order Denying Plaintiff's Motion)(Cummings, John) (Entered: 09/11/2007)
09/11/2007	<u>37</u>	REPLY to Response to Motion re <u>28</u> EMERGENCY MOTION for Preliminary Injunction by Ralph Baze <i>Baze's reply to response opposing injunction barring his execution</i> filed by Ralph Baze. (Barron, David) (Entered: 09/11/2007)
09/13/2007	<u>38</u>	NOTICE by Ralph Baze re <u>28</u> EMERGENCY MOTION for Preliminary Injunction by Ralph Baze, <u>29</u> MOTION for Judgment on the Pleadings by Jeffrey Leonard, Thomas Clyde Bowling, Ralph Baze, <u>30</u> EMERGENCY MOTION to Expedite by Jeffrey Leonard, Thomas Clyde Bowling, Ralph Baze <i>Commonwealth has sought reconsideration of order staying Baze execution</i> (Barron, David) (Entered: 09/13/2007)
09/14/2007		***FILE SUBMITTED TO CHAMBERS of Judge Caldwell/Pro Se Law Clerk for review: <u>38</u> Notice of Commonwealth seeking reconsideration of Supreme Court Stay. (AKR) (Entered: 09/14/2007)
11/21/2007	<u>39</u>	MOTION to Withdraw as Attorney by Scott Haas, John D. Rees, Thomas Simpson (Attachments: # <u>1</u> Proposed Order Granting Motion)(Cummings, John) (Entered: 11/21/2007)
11/26/2007		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell/Pro Se for review: <u>39</u> MOTION to Withdraw as Attorney by Scott Haas, John D. Rees, Thomas Simpson. (AKR) (Entered: 11/26/2007)
11/26/2007	<u>40</u>	ORDER: 1. Jeffrey T. Middendorf's Motion to Withdraw [Dkt 39] is GRANTED . (Attorney Jeffrey T. Middendorf terminated). Signed by Judge Karen K. Caldwell on 11/26/2007. (AKR)cc: COR (Entered: 11/26/2007)
12/11/2007	<u>41</u>	MOTION to Withdraw by Jeffrey Leonard <i>leonard's motion to withdraw as plaintiff because death sentence commuted</i> Motions referred to Pro Se. (Attachments: # <u>1</u> Exhibit Governor's commutation of Leonard's death sentence, #

		<u>2</u> Proposed Order granting Leonard's motion to withdraw as Plaintiff)(Barron, David) (Entered: 12/11/2007)
12/12/2007		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>41</u> MOTION to Withdraw by Jeffrey Leonard <i>leonard's motion to withdraw as plaintiff because death sentence commuted.</i> (AKR) (Entered: 12/12/2007)
03/20/2008	<u>42</u>	ORDER: 1) Pltf Jeoffrey Leonard's Motion to Withdraw as Plaintiff <u>41</u> is GRANTED. Intervenor Complaint filed by Leonard is DISMISSED WITH PREJUDICE. Appropriate Jgm will be entered. 2) Pltf Ralph Baze's <u>28</u> EMERGENCY MOTION for Preliminary Injunction is DENIED AS MOOT 3) Pltfs' <u>30</u> EMERGENCY MOTION to Expedite Ruling is DENIED AS MOOT 4) Pltfs' <u>29</u> MOTION for Partial Judgment on the Pleadings is DENIED WITHOUT PREJUDICE. 5) Pltfs file memo of law w/in 45 days after entry of this Order. Dfts shall file a memo of law, in response w/in 30 days after pltfs file their memo. Pltfs may file a memo of law, in reply w/in 15 days after dfts file their response. Signed by Judge Karen K. Caldwell on 3/20/2008.(CBD)cc: COR, skv (Entered: 03/20/2008)
03/20/2008	<u>43</u>	JUDGMENT: 1) Jeoffrey Leonard filed a civil action against John D. Rees; Thomas Simpson; Scott Haas; and Unknown Executioners 2) the complaint is DISMISSED WITH PREJUDICE 3) Jgm is ent in favor of dfts 4) Court certifies any appeal would not be taken in good faith. 5) this is FINAL and APPEALABLE Jgm and there is no just cause for delay 6) matter DISMISSED and STRICKEN. Signed by Judge Karen K. Caldwell on 3/20/2008.(CBD)cc: COR, skv (Entered: 03/20/2008)
05/05/2008	<u>44</u>	RESPONSE BRIEF to <u>42</u> <i>Order Requiring Briefing On Claim Preclusion</i> filed by Thomas Clyde Bowling, Ralph Baze. (Palombi, John) (Entered: 05/05/2008)
06/04/2008	<u>45</u>	RESPONSE BRIEF to <u>42</u> , <u>44</u> <i>Order Requiring Briefing On Claim Preclusion</i> filed by Scott Haas, John D. Rees, Thomas Simpson. (Attachments: # <u>1</u> Exhibit Exhibit 1 Complaint in Baze v. Rees, # <u>2</u> Exhibit Exhibit 2 Judgment in Baze v. Rees, # <u>3</u> Exhibit Exhibit 3 Excerpt from Depo of Dr. Scott Haas)(Cummings, John) (Entered: 06/04/2008)
06/19/2008	<u>46</u>	REPLY BRIEF to <u>45</u> , <u>42</u> filed by Thomas Clyde Bowling, Ralph Baze. (Palombi, John) (Entered: 06/19/2008)
06/20/2008		***FILE SUBMITTED TO CHAMBERS of Judge Caldwell/Pro Se Law Clerk for review: <u>46</u> REPLY BRIEF, <u>45</u> RESPONSE BRIEF. (AKR) (Entered: 06/20/2008)
03/03/2010	<u>47</u>	NOTICE by Ralph Baze, Thomas Clyde Bowling re <u>44</u> RESPONSE BRIEF, <u>16</u> Response to Order to Show Cause <i>notice of supplemental authority to Plaintiffs' briefs on jurisdiction and res judicata - Ringo v. Lombardi, No. 2:09-cv-04095 (W.D. Mo., March 2, 2010)</i> (Attachments: # <u>1</u> Ringo v. Lombardi, No. 2:09-cv-04095 (W.D. Mo., March 2, 2010))(Barron, David) (Entered: 03/03/2010)
03/30/2010	<u>48</u>	MOTION to Expedite by Ralph Baze, Thomas Clyde Bowling <i>motion to expedite ruling on threshold issues of subject matter jurisdiction, whether Plaintiffs have stated a claim upon which relief can be granted, and claim preclusion</i> Motions referred to Pro Se. (Attachments: # <u>1</u> Proposed Order granting motion to expedite)(Barron, David) (Entered: 03/30/2010)
03/31/2010		***MOTION SUBMITTED TO CHAMBERS of Pro Se Law clerk for review: re <u>48</u> MOTION to Expedite by Ralph Baze, Thomas Clyde Bowling <i>ruling on threshold issues of subject matter jurisdiction, whether Plaintiffs have stated a claim upon which relief can be granted, and claim preclusion</i> (CBD) (Entered: 03/31/2010)
04/06/2010	<u>49</u>	RESPONSE to Motion re <u>48</u> MOTION to Expedite by Ralph Baze, Thomas Clyde Bowling <i>motion to expedite ruling on threshold issues of subject matter jurisdiction, whether Plaintiffs have stated a claim upon which relief can be granted, and claim preclusion</i> filed by Scott Haas, John D. Rees, Thomas Simpson. (Cummings, John) (Entered: 04/06/2010)

04/06/2010	<u>50</u>	NOTICE by Scott Haas, John D. Rees, Thomas Simpson re <u>49</u> Response to Motion, <u>48</u> MOTION to Expedite by Ralph Baze, Thomas Clyde Bowling <i>motion to expedite ruling on threshold issues of subject matter jurisdiction, whether Plaintiffs have stated a claim upon which relief can be granted, and claim preclusion Notice of Published Kentucky Supreme Court Decision Addressing Application of Res Judicata Under Kentucky Law</i> (Cummings, John) (Entered: 04/06/2010)
04/07/2010		***MOTION SUBMITTED TO CHAMBERS of Judge Caldwell for review: re <u>48</u> MOTION to Expedite by Ralph Baze, Thomas Clyde Bowling <i>motion to expedite ruling on threshold issues of subject matter jurisdiction, whether Plaintiffs have stated a claim upon which relief can be granted, and claim preclusion</i> . Response (unopposed to motion) re <u>49</u> . (AKR) (Entered: 04/07/2010)
04/22/2010	<u>51</u>	NOTICE by Ralph Baze, Thomas Clyde Bowling re <u>16</u> Response to Order to Show Cause <i>plaintiffs' notice of potentially relevant decision (Durr v. Strickland) to briefing on subject matter jurisdiction and failure to state claim upon which relief can be granted</i> (Barron, David) (Entered: 04/22/2010)
04/22/2010		***FILE SUBMITTED TO CHAMBERS of Judge Caldwell for review: <u>51</u> Notice of potentially relevant decision <i>(Durr v. Strickland) to briefing on subject matter jurisdiction and failure to state claim upon which relief can be granted</i> . (AKR) (Entered: 04/22/2010)
09/23/2010	<u>52</u>	MEMORANDUM OPINION & ORDER: 1. Plaintiffs' "Motion to expedite..." <u>48</u> is GRANTED 2. Plaintiffs' Complaint <u>5</u> is DISMISSED WITH PREJUDICE 3. The Court will enter an appropriate judgment. Signed by Judge Karen K. Caldwell on 9/23/2010.(CBD)cc: COR (Entered: 09/23/2010)
09/23/2010	<u>53</u>	JUDGMENT: The Complaint filed under the Controlled Substances Act, 21 U.S.C. § 801–971, and the Food, Drug, and Cosmetic Act, 21 U.S.C. § 301–399a, by plaintiffs Thomas Clyde Bowling and Ralph Baze against Defendants Scott Haas; John D. Rees; Thomas Simpson; and Unknown Executioners <u>5</u> is DISMISSED WITH PREJUDICE and Judgment is ENTERED in favor of the Defendants. Signed by Judge Karen K. Caldwell on 9/23/2010.(CBD)cc: COR (Entered: 09/23/2010)