



**United States Court of Appeals
for the Eleventh Circuit**

56 Forsyth Street, N.W.
Atlanta, GA 30303-2289
(404) 335-6100

05-16734-II
C. Alan Powell v. Sheriff Jacqueline Barrett

Docket #: 05-16734-II

Short Style: C. Alan Powell v. Sheriff Jacqueline Barrett

Docket Date: 12/08/2005

Lead Case:

Agency:

Nature of Suit: Civil Rights: Other

Misc. Type:

Clerk: Richardson, Tonya

Clerk Phone: (404) 335-6178

District Information

Docket #: 04-01100-CV-RWS-1 **Judge:** Richard W. Story

Dkt Date: 04/21/2004

District: Georgia-Northern

NOA Date: 12/08/2005

Office: NGA-Atlanta

Secondary Case Information

Docket #: **Judge:**

Dkt Date: / /

Case Relationships

Docket #	Short Style	Relation	Status
05-16735-II	C. Alan Powell v. Sheriff Jacqueline Barrett	Cross	Open
05-90031-E	C. Alan Powell v. Sheriff Jacqueline Barrett	Related	Closed

Pending Motions

No Pending Motions



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05-16734-II

C. Alan Powell v. Sheriff Jacqueline Barrett

C. ALAN POWELL, individually, and on behalf of

all others similarly situated,

TORY DUNLAP, individually, and on behalf of

all other similarly situated,

LEE ANTONIO SMITH, individually, and on behalf

of all other similarly situated,

DAVID EVANS, individually, and on behalf of

all others similarly situated,

Plaintiffs Appellees

Cross-Appellants,

versus

SHERIFF JACQUELINE BARRETT,

Fulton County, State of Georgia,

SHERIFF MYRON FREEMAN,

FULTON COUNTY, STATE OF GEORGIA,

CHAIRPERSON KAREN HANDEL,

Fulton County Board of Commissioners,

MEMBER ROBB PITTS,

Fulton County Board of Commissioners,

MEMBER TOM LOWE,

Fulton County Board of Commissioners,

MEMBER EMMA I. DARNELL,

Fulton County Board of Commissioners,

MEMBER NANCY A. BOXILL,

Fulton County Board of Commissioners,

MEMBER WILLIAM EDWARDS, a.k.a. BILL EDWARDS,

Fulton County Board of Commissioners,

CITY OF ATLANTA, State of Georgia,

Defendants-Appellants

Cross-Appellees.



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05-16734-II

C. Alan Powell v. Sheriff Jacqueline Barrett

Appellant	Appellant Attorney
Jacqueline Barrett Address Not On File <i>Appellant Brief Filed filed on 01.17.2006</i> <i>Record Excerpts filed on 01.17.2006</i>	Sidney Leighton Moore, III Sutherland, Asbill & Brennan LLP 999 PEACHTREE ST NE ATLANTA, GA 30309-3915

<i>E-Brief Tendered: Appellant filed on 01.17.2006</i> <i>Reply/Cross-Appellee Brief filed on 03.17.2006</i> <i>Fees: Paid on 12.28.2005</i>	(404) 853-8332 Fax: (404) 853-8806 leighton.moore@sablaw.com <i>No Briefing Information Found.</i>
Myron E. Freeman Address Not On File <i>No Briefing Information Found.</i>	Theodore H. Lackland Lackland & Heyward 233 PEACHTREE ST NE STE 2300 ATLANTA, GA 30303-1509 (404) 522-8155 Fax: (404) 522-7355 tlackland@e-lacklaw.com <i>No Briefing Information Found.</i>
Fulton County, GA Address Not On File <i>Corrected Cross-Appellee Brief Filed filed on 03.29.2006</i>	Teresa Wynn Roseborough Sutherland, Asbill & Brennan 999 PEACHTREE ST NE ATLANTA, GA 30309-3915 (404) 853-8100 twroseborough@sablaw.com <i>No Briefing Information Found.</i>
Karen Handel Address Not On File <i>No Briefing Information Found.</i>	John H. Fleming SUTHERLAND ASBILL & BRENNAN 999 PEACHTREE ST NE ATLANTA, GA 30309-3915 (404) 853-8065 john.fleming@sablaw.com <i>No Briefing Information Found.</i>
Robb Pitts Address Not On File <i>No Briefing Information Found.</i>	John H. Fleming SUTHERLAND ASBILL & BRENNAN 999 PEACHTREE ST NE ATLANTA, GA 30309-3915 (404) 853-8065 john.fleming@sablaw.com <i>No Briefing Information Found.</i>
Tom Lowe Address Not On File <i>No Briefing Information Found.</i>	John H. Fleming SUTHERLAND ASBILL & BRENNAN 999 PEACHTREE ST NE ATLANTA, GA 30309-3915 (404) 853-8065 john.fleming@sablaw.com <i>No Briefing Information Found.</i>
Emma I. Darnell Address Not On File <i>No Briefing Information Found.</i>	John H. Fleming SUTHERLAND ASBILL & BRENNAN 999 PEACHTREE ST NE ATLANTA, GA 30309-3915 (404) 853-8065 john.fleming@sablaw.com <i>No Briefing Information Found.</i>

Nancy A. Boxill Address Not On File <i>No Briefing Information Found.</i>	John H. Fleming SUTHERLAND ASBILL & BRENNAN 999 PEACHTREE ST NE ATLANTA, GA 30309-3915 (404) 853-8065 john.fleming@sablaw.com <i>No Briefing Information Found.</i>
William Edwards Address Not On File <i>No Briefing Information Found.</i>	John H. Fleming SUTHERLAND ASBILL & BRENNAN 999 PEACHTREE ST NE ATLANTA, GA 30309-3915 (404) 853-8065 john.fleming@sablaw.com <i>No Briefing Information Found.</i>
City of Atlanta, GA Address Not On File <i>Reply/Cross-Appellee Brief filed on 03.29.2006</i>	
Appellee	Appellee Attorney
C. Alan Powell Address Not On File	William Charles Claiborne, III Attorney at Law 717 D ST NW STE 210 WASHINGTON, DC 20004-2813 (202) 824-0700 Fax: (202) 824-0745 law@claiborne.net <i>Reply Brief Filed filed on 04.25.2006</i> <i>Supplemental Authority for Appellee filed on 05.25.2007</i>
Tory Dunlap Address Not On File	George Brian Spears Law Office of Brian Spears 1126 PONCE DE LEON AVE NE Atlanta, GA 30306-4517 (404) 872-7086 BSpears@mindspring.com <i>Appellee/Cross Appellant Brief Filed filed on 02.21.2006</i>
Lee Antonio Smith Address Not On File	George Brian Spears Law Office of Brian Spears 1126 PONCE DE LEON AVE NE Atlanta, GA 30306-4517 (404) 872-7086 BSpears@mindspring.com <i>No Briefing Information Found.</i>
David Evans Address Not On File	George Brian Spears Law Office of Brian Spears 1126 PONCE DE LEON AVE NE Atlanta, GA 30306-4517

	(404) 872-7086 BSpears@mindspring.com <i>No Briefing Information Found.</i>
	Barrett S. Litt 1055 WILSHIRE BLVD STE 1880 LOS ANGELES, CA 90017-5601 (213) 386-3115 <i>No Briefing Information Found.</i>
	Charles B. Pekor, Jr. Pekor & Dewoskin, LLC 270 PEACHTREE ST NW STE 1060 ATLANTA, GA 30303-1263 (404) 221-8887 Fax: (404) 221-8884 chuckpekor@yahoo.com <i>No Briefing Information Found.</i>
	Daniel Eliot DeWoskin Pekor & DeWoskin, LLC 270 PEACHTREE ST NW STE 1060 ATLANTA, GA 30303-1263 (404) 221-8887 Fax: (404) 221-8884 dan@dedlaw.com <i>No Briefing Information Found.</i>
	Coy J. Johnson, Jr. The Office of the Fulton County Attorney 141 PRYOR ST SW STE 4038 ATLANTA, GA 30303-3468 (404) 612-0267 Fax: (404) 730-6324 coy.johnson@fultoncountyga.gov <i>No Briefing Information Found.</i>
	Rolesia Butler Dancy Office of the Fulton County Attorney 141 PRYOR ST SW STE 4038 ATLANTA, GA 30303-3468 (404) 612-0246 Fax: (404) 730-6324 rolesia.dancy@fultoncountyga.gov <i>No Briefing Information Found.</i>
	Willie Jake Lovett, Jr. Office of the Fulton County Attorney 141 PRYOR ST SW STE 4038 ATLANTA, GA 30303-3468 (404) 612-0246 Fax: (404) 730-6324 willie.lovett@fultoncountyga.gov <i>No Briefing Information Found.</i>

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J. Patrick Claiborne Office of James Patrick Claiborne 699 BROAD ST STE 1110 AUGUSTA, GA 30901-1400 (404) 738-4086 jpcfirm@aol.com	
Lynn E. Cunningham PO BOX 1547 DUBOIS, WY 82513-1547 (307) 455-3374 Fax: (307) 455-3374	



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	File Date	Entry	Party	Pending
	12/08/2005	Probable Jurisdiction Noted:	Jacqueline Barrett	No
	12/08/2005	Order Transferring From Misc. # 05-90031-E		No
	12/08/2005	Probable Jurisdiction Noted:	C. Alan Powell	No

	12/16/2005	Appearance Form Submitted.	Theodore H. Lackland	No
	12/21/2005	Civil Appeal Statement Form:	C. Alan Powell	No
	12/21/2005	Transcript Order Form (No transcripts required for appeal purposes)	C. Alan Powell	No
	12/22/2005	CAS1 (Civil Appeal Statement deficiency letter) issued. To:DeWoskin, Daniel Eliot; c:Lackland, Theodore H.; c:Luther D. Thomas		No
	12/28/2005	Transcript Order Form - No Transcript Requested:	Jacqueline Barrett	No
	12/28/2005	Civil Appeal Statement Form:	Jacqueline Barrett	No
	12/29/2005	Appearance Form Submitted.	Sidney Leighton Moore, III	No
	12/29/2005	Appearance Form Submitted.	Teresa Wynn Roseborough	No
	12/30/2005	Briefing Notice Issued		No
	12/30/2005	BR1CIV (Letter confirming brief due date) issued. c:Clairborne, J. Patrick; c:Clairborne, William Charles, III; c:Cunningham, Lynn E.; c:DeWoskin, Daniel Eliot; c:Lackland, Theodore H.; c:Litt, Barrett S.; c:Pekor, Charles B., Jr.; c:Roseborough, Teresa W+		No
	01/05/2006	ATTY1 (Appearance form/bar admission letter) issued. To:Moore, Leighton		No
	01/09/2006	Appearance Form Submitted.	Daniel Eliot DeWoskin	No
	01/09/2006	Appearance Form Submitted.	Charles B. Pekor, Jr.	No
	01/17/2006	Appellants (Barrett, Freeman, Fulton Co, etc) Brief Filed: M: 2/01 Summary of Argument, Stmt Regarding Oral Argument (Atty: Teresa Wynn Roseborough)	Jacqueline Barrett	No
	01/17/2006	Record Excerpts: (Atty: Teresa Wynn Roseborough)	Jacqueline Barrett	No
	01/17/2006	E-Brief Tendered: Appellant by Teresa Wynn Roseborough for Jacqueline Barrett	Jacqueline Barrett	No
	01/18/2006	BR8CIV (Brief deficiency letter) issued. To:Roseborough, Teresa Wynn; c:DeWoskin, Daniel Eliot; c:Lackland, Theodore H.; c:Moore, Sidney Leighton, III; c:Pekor, Charles B., Jr.		No
	01/18/2006	Certificate of Readiness		No
	02/07/2006	Appearance Form Submitted.	George Brian Spears	No
	02/13/2006	Statement of Non-Opposition to Motion for leave to exceed page limit: (Atty: Teresa Wynn Roseborough)	Jacqueline Barrett	No

	02/16/2006	Letter issued-Per Appellee's counsel request, the motion for leave to file excess pages is being returned unfiled. Additionally, Appellant's response to the motion to file excess pages is being returned .		No
	02/17/2006	MOT2 (Notice of court action) issued. To:George Brian Spears; c:Barrett S. Litt; c:Charles B. Pekor, Jr.; c:Daniel Eliot DeWoskin; c:Dennis M. Young; c:J. Patrick Claiborne; c:Lynn E. Cunningham; c:Sidney Leighton Moore, III; c:Teresa Wynn Roseborough; +		No
 30pages	02/21/2006	E-Brief Tendered: Appellee by George Brian Spears for Appellee		No
	02/21/2006	Appellee/Cross Appellant Brief Filed: (also for: Powell, Smith, Evans, et al.) (Atty: George Brian Spears)	Tory Dunlap	No
	02/22/2006	Appearance Form Submitted.	George Brian Spears	No
	02/23/2006	Motion to File Amicus Brief: (Atty: George Brian Spears) PT'D AOC	National Police Accountability Project	No
	02/24/2006	ATTY1 (Appearance form/bar admission letter) issued. To:George Brian Spears		No
	02/24/2006	MOT1 (Motion filed letter) issued. c:Barrett S. Litt; c:Charles B. Pekor, Jr.; c:Daniel Eliot DeWoskin; c:Dennis M. Young; c:George Brian Spears; c:George Brian Spears; c:J. Patrick Claiborne; c:Lynn E. Cunningham; c:Sidney Leighton Moore, III; c:Teresa+		No
	03/06/2006	Application to Appear Pro Hac Vice:	Barrett S. Litt	No
	03/17/2006	Barrett S Litt, Esquire motion for leave to Appear Pro Hac Vice is GRANTED. CRW		No
	03/17/2006	MOT2 (Notice of court action) issued. c:Barrett S. Litt; c:Charles B. Pekor, Jr.; c:Daniel Eliot DeWoskin; c:George Brian Spears; c:Sidney Leighton Moore, III; c:Teresa Wynn Roseborough; c:Theodore H. Lackland		No
	03/17/2006	Reply/Cross-Appellee (Barrett & Freeman) Brief: M: 03/24 PT'D Cover Color (Atty: Theodore H. Lackland)	Jacqueline Barrett	No
	03/21/2006	BR8CIV (Brief deficiency letter) issued. To:Theodore H. Lackland; c:Charles B. Pekor, Jr.; c:Daniel Eliot DeWoskin; c:George Brian Spears; c:Sidney Leighton Moore, III; c:Teresa Wynn Roseborough		No
	03/22/2006	Appearance Form Submitted.	William Charles Claiborne, III	No
	03/22/2006	Over the Phone Extension to File Cross-Appellee Fulton County Brief Granted by EMDixon Until 3/29/06: (Atty: Teresa Wynn Roseborough)	Fulton County, GA	No
	03/23/2006	Appearance Form Submitted.	Barrett S. Litt	No

	03/23/2006	7-Day Confirmation Letter for Appellant: (Atty: Teresa Wynn Roseborough)	Jacqueline Barrett	No
	03/28/2006	Attorney Changed for: Fulton County, GA From: To: Roseborough, Teresa Wynn.	Fulton County, GA	No
	03/28/2006	Attorney Changed for: Jacqueline Barrett From: Teresa Wynn Roseborough (404) 853-8100 twroseborough@sablaw.com To: Lackland, Theodore H..	Jacqueline Barrett	No
	03/29/2006	Reply/Cross-Appellee Brief: (Atty: Leighton Moore)	City of Atlanta, GA	No
	03/29/2006	Corrected Cross-Appellee Brief Filed: (Atty: Teresa Wynn Roseborough)	Fulton County, GA	No
	03/31/2006	The motion for leave to file an amicus curiae brief in support of Appellees, filed by the National Police Accountability Project, is DENIED. SM.		No
	03/31/2006	MOT2 (Notice of court action) issued. c:Barrett S. Litt; c:Charles B. Pekar, Jr.; c:Daniel Eliot DeWoskin; c:George Brian Spears; c:George Brian Spears; c:Sidney Leighton Moore, III; c:Teresa Wynn Roseborough; c:Theodore H. Lackland; c:William Charles C+		No
	04/03/2006	Record on Appeal		No
	04/05/2006	MOT-11 (Letter re moot motion) issued. To:George Brian Spears; c:Barrett S. Litt; c:Charles B. Pekar, Jr.		No
	04/05/2006	Letter issued 1 cc of your amicus brief is rtnd unfiled in light of this court's order of 3/31/06. ... forward a SASE for the rtn of the remaining briefs or they will be discarded w/21 days.		No
	04/12/2006	Over the Phone Extension to File Plaintiff/Appellee Cross Appellants Reply Brief Granted by DM Until 04/24/06: (Atty: Barrett S. Litt)	C. Alan Powell	No
	04/13/2006	7-Day Confirmation Letter for Cross Appellant Reply brief: (Atty: George Brian Spears)	Tory Dunlap	No
	04/17/2006	Defendants' motion to substitute corrected pages: (Atty: Theodore H. Lackland)	Jacqueline Barrett	No
	04/19/2006	Defendants' motion to substitute corrected pages was GRANTED by AW.		No
	04/20/2006	MOT2 (Notice of court action) issued. c:Barrett S. Litt; c:Charles B. Pekar, Jr.; c:Daniel Eliot DeWoskin; c:George Brian Spears; c:Sidney Leighton Moore, III; c:Teresa Wynn Roseborough; c:Theodore H. Lackland; c:William Charles Claiborne, III		No
 30pages	04/24/2006	E-Brief Tendered: Appellee by George Brian Spears for Appellee		No
	04/25/2006	Reply Brief Filed: M: 04/24 PT'D E-Brief (Atty: Barrett S. Litt)	C. Alan Powell	No

	04/25/2006	Motion to Strike: (Atty: Barrett S. Litt)	C. Alan Powell	No
	04/26/2006	BR8CIV (Brief deficiency letter) issued. To:Barrett S. Litt; c:Charles B. Pekor, Jr.; c:Daniel Eliot DeWoskin; c:George Brian Spears; c:Sidney Leighton Moore, III; c:Teresa Wynn Roseborough; c:Theodore H. Lackland; c:William Charles Claiborne, III		No
	05/08/2006	Over the Phone Extension to File Response to motion to Strike Brief Granted by TD Until May 15,2 006: (Atty: Sidney Leighton Moore, III)	Jacqueline Barrett	No
	05/10/2006	Attorney Changed for: Jacqueline Barrett From: Theodore H. Lackland (404) 522-8155 tlackland@e-lacklaw.com To: Moore, Sidney Leighton III.	Jacqueline Barrett	No
	05/10/2006	Response to Motion to Strike: (Atty: Sidney Leighton Moore, III)	Jacqueline Barrett	No
	05/10/2006	Motion for Substitution of Counsel: (Atty: Sidney Leighton Moore, III)	Jacqueline Barrett	No
	05/17/2006	Motion for Substitution of Counsel is GRANTED by BMc.		No
	05/17/2006	MOT2 (Notice of court action) issued. c:Barrett S. Litt; c:Charles B. Pekor, Jr.; c:Daniel Eliot DeWoskin; c:Dennis M. Young; c:George Brian Spears; c:J. Patrick Claiborne; c:John H. Fleming; c:Lynn E. Cunningham; c:Sidney Leighton Moore, III; c:Theodor+		No
	05/18/2006	Appearance Form Submitted.	John H. Fleming	No
	05/23/2006	DELETED: E-Brief Tendered: Reply by George Brian Spears eBrief was an invalid brief type.		No
	05/23/2006	Reply to Opposition Response to Motion to Strike: (Atty: George Brian Spears)	C. Alan Powell	No
	05/25/2006	Attorney Changed for: C. Alan Powell From: Barrett S. Litt (213) 386-3115 To: Spears, George Brian.	C. Alan Powell	No
	06/07/2006	Appellees' "Motion to Strike" is DENIED. (GBT)		No
	06/07/2006	MOT2 (Notice of court action) issued. c:Barrett S. Litt; c:Charles B. Pekor, Jr.; c:Daniel Eliot DeWoskin; c:Dennis M. Young; c:George Brian Spears; c:J. Patrick Claiborne; c:John H. Fleming; c:Lynn E. Cunningham; c:Sidney Leighton Moore, III; c:Theodor+		No
	10/06/2006	Oral Argument Scheduled: 10/06/06		No
	10/11/2006	Sidney Leighton Moore, III argued for Appellant; Barrett S. Litt argued for Appellee		No
	11/29/2006	Appearance Form Submitted.	Overtis Hicks Brantley	No
	11/29/2006	Appearance Form Submitted.	Rolesia Butler Dancy	No
	11/29/2006	Appearance Form Submitted.	Coy J. Johnson, Jr.	No

	11/29/2006	Appearance Form Submitted.	Willie Jake Lovett, Jr.	No
	05/25/2007	Supplemental Authority for Appellee: (Atty: William Charles Claiborne, III)	C. Alan Powell	No
	05/30/2007	Attorney Changed for: C. Alan Powell From: George Brian Spears (404) 872-7086 BSpears@mindspring.com To: Claiborne, William Charles III.	C. Alan Powell	No
	08/23/2007	Judgment Entered		No
	08/23/2007	OPIN1A (Notice of issuance of opinion) issued. Each party to bear own costs. c:Barrett S. Litt; c:Charles B. Pekar, Jr.; c:Coy J. Johnson, Jr.; c:Daniel Eliot DeWoskin; c:George Brian Spears; c:John H. Fleming; c:Kenneth L. Ryskamp; c:Overtis Hicks Bran+		No
	08/23/2007	Opinion Issued-05-16735X		No
	08/23/2007	Opinion Issued		No

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