

**U.S. District Court
Eastern District of Kentucky (London)
CIVIL DOCKET FOR CASE #: 6:06-cv-00368-ART-REW**

Napier v. Laurel County, Kentucky et al
Assigned to: Judge Amul R. Thapar
Referred to: Magistrate Judge Robert E. Wier
Case in other court: Sixth Circuit Court of Appeals, 09-06239
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 08/16/2006
Date Terminated: 07/29/2009
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Lester Napier

*Individually and on behalf of all others
similarly situated*

represented by **Colleen M. Hegge**
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V.

Defendant

Laurel County, Kentucky

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Defendant

Jack Sizemore
Individually

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Defendant

John and Jane Does
Individually

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TERMINATED: 01/25/2008
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Official Defendant

Jack Sizemore

*In his official capacity as the Laurel
County Jailer*

represented by **Bradley C. Hooks**
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TERMINATED: 01/25/2008
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Official Defendant

John and Jane Does

*In their official capacity as medical
professionals, officers and employees of
the Laurel County Detention Center*

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Date Filed	#	Docket Text
08/16/2006	<u>1</u>	COMPLAINT (Filing fee \$350; receipt number 789973), filed by Lester Napier. (Attachments: # <u>1</u> Civil Cover Sheet and Case Assignment# <u>2</u> Summons)(JMB) (Entered: 08/16/2006)
08/16/2006	<u>2</u>	Summons Issued as to Laurel County, Kentucky, Jack Sizemore; issued summons returned to counsel via US MAIL (JMB) (Entered: 08/16/2006)
08/17/2006	<u>3</u>	AMENDED COMPLAINT against all defendants, filed by Lester Napier.(Belzley, Gregory) (Entered: 08/17/2006)
08/24/2006	<u>4</u>	SUMMONS Returned Executed by Lester Napier via certified mail to Laurel County, Kentucky served on 8/21/2006, answer due 9/11/2006. (Belzley, Gregory) (Entered: 08/24/2006)
08/24/2006	<u>5</u>	SUMMONS Returned Executed by Lester Napier via certified mail to Jack Sizemore served on 8/21/2006, answer due 9/11/2006; Jack Sizemore served on 8/21/2006, answer due 9/11/2006. (Belzley, Gregory) (Entered: 08/24/2006)
09/11/2006	<u>6</u>	ANSWER to Complaint with JURY DEMAND by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3.(Vose, Leslie) (Entered: 09/11/2006)
09/11/2006	<u>7</u>	ANSWER to Amended Complaint by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3.(Vose, Leslie) (Entered: 09/11/2006)
09/12/2006	<u>8</u>	ORDER FOR MEETING AND REPORT: 1) no later than 30 days from DOE and service of this order, counsel shall conduct meeting; 2) @ mtg, counsel shall exchange disclosures; 3) NLT 10 days after meeting, counsel shall file a written joint report outlining proposed discovery plan. Signed by Judge Danny C. Reeves. Rule 26 Meeting Report due by 10/12/2006. (Attachments: # <u>1</u> Consent Form)(RBB)cc: COR (Entered: 09/12/2006)
09/13/2006	<u>9</u>	NOTICE OF APPEARANCE <i>Andrew J. Horne Plaintiffs' Co-Counsel</i> by Lester Napier.(Horne, Andrew) (Entered: 09/13/2006)
10/09/2006	<u>10</u>	FIRST DISCLOSURES <i>pursuant to Rule 26</i> by Lester Napier.(Belzley, Gregory) (Entered: 10/09/2006)
10/26/2006	<u>11</u>	JOINT REPORT of Rule 26(f) Planning Meeting. (Belzley, Gregory) (Entered: 10/26/2006)
10/31/2006	<u>12</u>	DISCLOSURES by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore.(Vose, Leslie) (Entered: 10/31/2006)
11/01/2006	<u>13</u>	ORDER: Scheduling Conference set for 11/14/2006 03:00 PM in LEXINGTON before Danny C. Reeves.. Signed by Judge Danny C. Reeves. (JMB)cc: COR, Lexington Ct Diary (Entered: 11/01/2006)
11/09/2006	<u>14</u>	JOINT MOTION to Continue by Lester Napier, Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane

		Does, Nos. 1, 2 and 3 <i>Scheduling Conference</i> (Vose, Leslie) (Entered: 11/09/2006)
11/13/2006		***MOTION SUBMITTED TO CHAMBERS of Danny C. Reeves for review: <u>14</u> JOINT MOTION to Continue Scheduling Conference by Lester Napier, Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3 (JMB) (Entered: 11/13/2006)
11/13/2006	<u>15</u>	ORDER re <u>14</u> JOINT MOTION to Continue Scheduling Conference by Lester Napier, Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3 filed by Lester Napier,, Jack Sizemore,, Laurel County, Kentucky,, John and Jane Does, Nos. 1, 2 and 3: Joint motion is GRANTED. Scheduling Conference shall be held on November 22, 2006 at 1:30 PM in London, KY. Motions terminated: <u>14</u> JOINT MOTION to Continue by Lester Napier, Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3 filed by Lester Napier,, Jack Sizemore,, Laurel County, Kentucky,, John and Jane Does, Nos. 1, 2 and 3,. Scheduling Conference set for 11/22/2006 01:30 PM in London before Danny C. Reeves. Signed by Judge Danny C. Reeves. (JMB)cc: COR (Entered: 11/13/2006)
11/22/2006	<u>16</u>	MINUTE ENTRY FOR SCHEDULING CONFERENCE held on 11/22/2006 before Judge Danny C. Reeves : 1) Parties shall have until 5/22/2007 to complete limited discovery on issues outlined in open court. Separate Order shall be entered identifying specific issues; 2) Plff shall have until June 22, 2007 to file brief on issue of class certification. Dfts shall have time permitted by local rules to file reply brief; and 3) Plff also permitted to conduct discovery to identify John and Jane Doe dfts. Discovery due by 5/22/2007. (COURT REPORTER: CINDY OAKES) (JMB)cc: COR (Entered: 11/22/2006)
11/27/2006	<u>17</u>	SCHEDULING ORDER: 1) Parties shall have until May 22, 2007 to complete limited discovery on issues listed (see Order); and (2) NLT June 22, 2007 , Plff shall file memorandum on issue of class certification. Parties shall have time permitted by local rules to file any responses and replies. . Signed by Judge Danny C. Reeves. (JMB)cc: COR THIS SCHEDULING ORDER IS AMENDED BY ORDER 25 ENTERED ON 6/4/2007 Modified on 6/4/2007 (Brock, Jacqueline). (Entered: 11/27/2006)
01/10/2007	<u>18</u>	AMENDED DISCLOSURES <i>Plaintiff's Amended Rule 26(e)(1) Disclosures</i> by Lester Napier.(Belzley, Gregory) (Entered: 01/10/2007)
03/20/2007	<u>19</u>	RESPONSE to Discovery Request by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore.(Vose, Leslie) (Entered: 03/20/2007)
04/04/2007	<u>20</u>	JOINT MOTION for Extension of Time by Lester Napier, Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3 <i>to Extend Deadlines</i> (Vose, Leslie) Additional attachment(s) added on 4/5/2007 (Brock, Jacqueline). (Entered: 04/04/2007)
04/04/2007	<u>21</u>	NOTICE OF FILING by Lester Napier, Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3 re <u>20</u> JOINT MOTION for Extension of Time by Lester Napier, Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3 (Attachments: # <u>1</u> Proposed Order)(Vose, Leslie) (Entered: 04/04/2007)
04/05/2007		***MOTION SUBMITTED TO CHAMBERS of Danny C. Reeves for review: <u>20</u> JOINT MOTION for Extension of Time by Lester Napier, Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3 (JMB) (Entered: 04/05/2007)
04/05/2007	<u>22</u>	AMENDED SCHEDULING ORDER: 1) Parties shall have until July 25, 2007 , in which to complete limited discovery as outlined in this Court's Scheduling Order of 11/27/2006; and 2) NLT August 27, 2007 , Plff shall file memorandum on issue of class certification. Parties shall have time permitted by local rules to file any responses and replies. Motions terminated: <u>20</u> JOINT MOTION for Extension of Time by Lester Napier, Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3 filed by

		Lester Napier,, Jack Sizemore,, Laurel County, Kentucky,, John and Jane Does, Nos. 1, 2 and 3,. Discovery due by 7/25/2007. Dispositive Motions due by 8/27/2007.. Signed by Judge Danny C. Reeves. (JMB)cc: COR (Entered: 04/05/2007)
05/10/2007	<u>23</u>	RESPONSE to Discovery Request by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore.(Vose, Leslie) (Entered: 05/10/2007)
05/15/2007	<u>24</u>	MOTION to Amend/Correct <u>17</u> Scheduling Order, by Lester Napier (Attachments: # <u>1</u> Proposed Order)(Belzley, Gregory) (Entered: 05/15/2007)
06/04/2007		***MOTION SUBMITTED TO CHAMBERS of Danny C. Reeves for review: <u>24</u> MOTION to Amend/Correct <u>17</u> Scheduling Order, by Lester Napier (JMB) (Entered: 06/04/2007)
06/04/2007	<u>25</u>	ORDER re <u>24</u> MOTION to Amend/Correct <u>17</u> Scheduling Order, by Lester Napier filed by Lester Napier: Plff's motion <u>24</u> is GRANTED. Scheduling Order entered 11/27/2006, is amended as follows: 1) Dft shall provide to Plff the names and last known addresses and telephone numbers of inmates at LCDC who requested medical treatment or filed grievances related to MSRA, spider bites or boils on or after 8/16/2005; 2) The info provided pursuant to paragraph 1 shall be disclosed only to Plff's counsel and only to those employees who assist Plff's counsel in litigation of this case; 3) Any person given access to this confidential info is directed not to disclose such info to any person other than those described in paragraph 2; 4) The info provided pursuant to paragraph 1 may not be incorporated or attached to a pldg or other doc that is filed unsealed w/ the Court; or disclosed in argument or offered into evidence in any in-court proceeding or this Court until and unless the Ct approves the incorporation, attachment, disclosure or offer in advance; 5) Plff is prohibited from using or disclosing such info for any purpose other than this litigation, and shall return to Dfts or destroy such info at end of this litigation; 6) This Order shall survive final termination of this action, to extent that such info is not or does not become generally known to the public, and the Court shall retain jurisdiction to resolve any dispute concerning the use of info disclosed hereunder; and 7) This Order shall apply to any and all copies, writings, and notes made from or derived from docs produced hereunder. Motions terminated: <u>24</u> MOTION to Amend/Correct <u>17</u> Scheduling Order, by Lester Napier filed by Lester Napier,.. Signed by Judge Danny C. Reeves. (JMB)cc: COR (Entered: 06/04/2007)
07/13/2007	<u>26</u>	MOTION for Extension of Time to Complete Discovery and to File Motion for Class Certification by Lester Napier (Attachments: # <u>1</u> Proposed Order)(Belzley, Gregory) Modified on 7/16/2007 to add "and to File Motion for Class Certification" (Brock, Jacqueline). (Entered: 07/13/2007)
07/16/2007	<u>27</u>	ORDER re <u>26</u> MOTION for Extension of Time to Complete Discovery and to File Motion for Class Certification by Lester Napier filed by Lester Napier: Plff's Motion <u>26</u> is GRANTED, in part. Parties shall have until August 27, 2007 , in which to complete limited discovery as outlined in this Ct's Scheduling Order of 11/27/2006. Additionally, Plff shall have until September 27, 2007 , in which to file memo on issue of class certification. Parties shall have time permitted by local rules to file any responses and replies. Motions terminated: <u>26</u> MOTION for Extension of Time to Complete Discovery by Lester Napier filed by Lester Napier. Discovery due by 8/27/2007.. Signed by Judge Danny C. Reeves. (JMB)cc: COR (Entered: 07/16/2007)
07/20/2007	<u>28</u>	NOTICE to Take Deposition of Lester Napier on August 23, 2007 at 10:00 a.m. by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore.(Vose, Leslie) (Entered: 07/20/2007)
07/23/2007	<u>29</u>	Proposed Agreed Order/Stipulation re Videotape of Jail by Lester Napier. (Belzley, Gregory) (Entered: 07/23/2007)
07/24/2007	<u>30</u>	AGREED ORDER: Plff having inspected and videotaped portions of LCDC, and such videotape showing faces of persons incarcerated in Jail at that time, it is ORDERED that such videotape and all copies thereof shall be considered "confidential information" to which this Court's protective order entered 6/4/2007, shall apply. . Signed by Judge Danny C. Reeves. (JMB)cc: COR (Entered: 07/24/2007)

08/07/2007	<u>31</u>	RESPONSE to Discovery Request by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore.(Vose, Leslie) (Entered: 08/07/2007)
08/10/2007	<u>32</u>	MOTION to Consolidate Cases by Larry Cunnigan, Courtney Perl McQueen, James Mounts, Phyllis Mounts, Evelyn Rose (Shipp, Jeffrey) Additional attachment(s) added on 8/14/2007 (Brock, Jacqueline). (Entered: 08/10/2007)
08/13/2007		NOTICE OF DEFICIENCY TO Jeffrey Shipp re <u>32</u> MOTION to Consolidate Cases by Larry Cunnigan, Courtney Perl McQueen, James Mounts, Phyllis Mounts, Evelyn Rose ; Attorney has failed to submit a proposed order as an electronic attachment to the motion; Entry by attorney; Attorney shall file document entitled a Notice of Filing with a certificate of service as the main pleading with the proposed order as an attachment to the Notice of Filing within 3 business days cc: COR (JMB) (Entered: 08/13/2007)
08/13/2007	<u>33</u>	NOTICE OF FILING by Larry Cunnigan, Courtney Perl McQueen, James Mounts, Phyllis Mounts, Evelyn Rose re <u>32</u> MOTION to Consolidate Cases by Larry Cunnigan, Courtney Perl McQueen, James Mounts, Phyllis Mounts, Evelyn Rose (Attachments: # <u>1</u> Proposed Order Granting Motion to Consolidate)(Shipp, Jeffrey) (Entered: 08/13/2007)
08/14/2007	<u>34</u>	RESPONSE to Motion re <u>32</u> MOTION to Consolidate Cases by Larry Cunnigan, Courtney Perl McQueen, James Mounts, Phyllis Mounts, Evelyn Rose filed by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3. (Attachments: # <u>1</u> Proposed Order)(Vose, Leslie) (Entered: 08/14/2007)
08/16/2007	<u>35</u>	NOTICE OF APPEARANCE by Larry Cunnigan, Courtney Perl McQueen, James Mounts, Phyllis Mounts, Evelyn Rose.(Hegge, Colleen) (Entered: 08/16/2007)
08/16/2007	<u>36</u>	MOTION for Hearing by Lester Napier (Attachments: # <u>1</u> Proposed Order)(Horne, Andrew) (Entered: 08/16/2007)
08/16/2007	<u>37</u>	RESPONSE to Motion re <u>36</u> MOTION for Hearing by Lester Napier filed by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore. (Vose, Leslie) (Entered: 08/16/2007)
08/16/2007		*** Attorney Keith A. McMains for Larry Cunnigan and Courtney Perl McQueen added. (JMB) (Entered: 08/17/2007)
08/17/2007	<u>38</u>	ORDER: 1) Plf's Mt to Consolidate Case No. 6:06-368 DCR with Case No. 6:07-258-KKC <u>32</u> is DENIED; 2) Plf's Mt for an Expedited Hrg on issues related to the proposed consolidation <u>36</u> is DENIED as moot. Motions terminated: <u>36</u> MOTION for Hearing by Lester Napier filed by Lester Napier,, <u>32</u> MOTION to Consolidate Cases by Larry Cunnigan, Courtney Perl McQueen, James Mounts, Phyllis Mounts, Evelyn Rose filed by Courtney Perl McQueen,, Larry Cunnigan,, Evelyn Rose,, James Mounts,, Phyllis Mounts,. Signed by Judge Danny C. Reeves. (RBB)cc: COR (Entered: 08/17/2007)
09/27/2007	<u>39</u>	MOTION for Leave to File Excess Pages by Lester Napier (Attachments: # <u>1</u> Proposed Order)(Belzley, Gregory) (Entered: 09/27/2007)
09/27/2007	<u>40</u>	RESPONSE to Motion re <u>39</u> MOTION for Leave to File Excess Pages by Lester Napier filed by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3. (Vose, Leslie) (Entered: 09/27/2007)
09/27/2007	<u>41</u>	MOTION to Certify Class by Lester Napier (Attachments: # <u>1</u> Memorandum in Support # <u>2</u> Exhibit 1, Lester Napier Medical Records# <u>3</u> Exhibit 2, Part 1, 2-13-02 Inspection Report# <u>4</u> Exhibit 2, Part 2, 2-13-02 Inspection Report# <u>5</u> Exhibit 3, Part 3, 2-13-02 Inspection Report# <u>6</u> Errata 2, Part 4, 2-13-02 Inspection Report# <u>7</u> Exhibit 3, Part 1, 5-14-03 Inspection Report# <u>8</u> Exhibit 3, Part 2, 5-14-03 Inspection Report# <u>9</u> Exhibit 3, Part 3, 5-14-03 Inspection Report# <u>10</u> Exhibit 3, Part 4, 5-14-03 Inspection Report# <u>11</u> Exhibit 4, Dec. 19 2003 Ltr# <u>12</u> Errata 5, Part 1, 5-20-04 Inspection Report# <u>13</u> Exhibit 5, Part 2, 5-24-04 Inspection Report# <u>14</u> Exhibit 5, Part 3, 5-24-04 Inspection Report# <u>15</u> Exhibit 5, Part 4, 5-24-04 Inspection Report# <u>16</u> Exhibit 6, Part 1, 6-21-05 Inspection Report# <u>17</u> Exhibit 6, Part 2, 6-21-05 Inspection Report# <u>18</u> Exhibit 6,

		Part 3, 6-21-05 Inspection Report# <u>19</u> Exhibit 6, Part 4, 6-21-05 Inspection Report# <u>20</u> Exhibit 7, 12-02-05 Ltr# <u>21</u> Exhibit 8, Part 1, 5-22-06 Inspection Report# <u>22</u> Exhibit 8, Part 2, 5-22-06 Inspection Report# <u>23</u> Exhibit 8, Part 3, 5-22-06 Inspection Report# <u>24</u> Exhibit 8, Part 4, 5-22-06 Inspection Report# <u>25</u> Exhibit 9, Betty McKnight Deposition# <u>26</u> Exhibit 10, Filed Under Seal# <u>27</u> Exhibit 11, Filed Under Seal# <u>28</u> Index of Restricted Exhibits 12, Part 1, Jack Sizemore Deposition# <u>29</u> Exhibit 12, Part 2, Jack Sizemore Deposition# <u>30</u> Exhibit 12, Part 3, Jack Sizemore Deposition# <u>31</u> Exhibit 13, 9-25-07 Letter# <u>32</u> Exhibit 14, 9-08-05 Letter# <u>33</u> Exhibit 15, 8-04-06 Letter# <u>34</u> Exhibit 16, News Articles# <u>35</u> Exhibit 17, Part 1, Management of MRSA# <u>36</u> Exhibit 17, Part 2, Management of MRSA# <u>37</u> Exhibit 17, Part 3, Management of MRSA# <u>38</u> Exhibit 17, Part 4, Management of MRSA# <u>39</u> Exhibit 17, Part 5, Management of MRSA# <u>40</u> Exhibit 18, Cosgrove Article# <u>41</u> Exhibit 19, Devesh Tiwary Article# <u>42</u> Exhibit 20, Part 1, Nicola Zetola Article# <u>43</u> Exhibit 20, Part 2, Nicola Zetola Article# <u>44</u> Exhibit 21, Bala Hota Article# <u>45</u> Exhibit 22, Bala Hota Article# <u>46</u> Exhibit 23, David Hartley Article# <u>47</u> Exhibit 24, County of Los Angeles Report# <u>48</u> Exhibit 25, Ky. Corrections Protocol# <u>49</u> Exhibit 26, 1-22-07 Letter# <u>50</u> Exhibit 27, Lester Napier Discharge Summary# <u>51</u> Exhibit 28, Laurel County Medical Report Form# <u>52</u> Exhibit 29, Laurel County Medical Report Form# <u>53</u> Exhibit 30, Part 1, Laurel County Medical Report Form# <u>54</u> Exhibit 30, Part 2, Laurel County Medical Report Form# <u>55</u> Exhibit 31, Laurel County Medical Report Form# <u>56</u> Exhibit 31, Part 2, Laurel County Medical Report Form# <u>57</u> Index of Restricted Exhibits 32, Laurel County Medical Report Form# <u>58</u> Exhibit 33, John Clark Report# <u>59</u> Exhibit 34, Inmates of Bucks County# <u>60</u> Proposed Order)(Belzley, Gregory) **NOTE: SUPPLEMENTAL EXHIBIT 10 FILED UNDER SEAL AT DOCKET ENTRY 66 PURSUANT TO ORDER <u>65</u> **Modified on 1/29/2008 (JMB). (Entered: 09/27/2007)
09/27/2007	<u>42</u>	**SEALED** MOTION for Leave to File Under Seal Reference List and Exhibits to Memo in Support of Motion for Class Certification by Lester Napier (JMB) (Entered: 09/28/2007)
09/28/2007	<u>43</u>	ORDER re <u>39</u> MOTION for Leave to File Excess Pages by Lester Napier filed by Lester Napier: Plff's motion <u>39</u> is GRANTED. In addition, Dfts may file an opposing memo of equal length w/o leave of court. Motions terminated: <u>39</u> MOTION for Leave to File Excess Pages by Lester Napier filed by Lester Napier.. Signed by Judge Danny C. Reeves. (JMB)cc: COR (Entered: 09/28/2007)
10/01/2007	<u>44</u>	ORDER re <u>42</u> MOTION for Leave by Lester Napier filed by Lester Napier: Plff's motion <u>42</u> is GRANTED. Plff may file under seal his tendered reference list and questionnaires, affidavits/declarations and DVD attached as an exhibit to his supporting memo. Motions terminated: <u>42</u> MOTION for Leave by Lester Napier filed by Lester Napier,... Signed by Judge Danny C. Reeves. (JMB)cc: COR (Entered: 10/01/2007)
10/01/2007		Clerk's Note: re <u>41</u> MOTION to Certify Class by Lester Napier. Exhibits 10 and 11 filed UNDER SEAL pursuant to Order <u>44</u> and placed in paper file to be maintained in Clerk's Office. (JMB) (Entered: 10/01/2007)
10/12/2007	<u>45</u>	**INCORRECTLY FILED-See DE <u>46</u> for correct entry** MOTION to Strike <u>41</u> MOTION to Certify Class by Lester Napier by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore <i>Exh. #13, #33, &all exhibits filed under seal, but not LCDC inspection DVD</i> (Attachments: # <u>1</u> Proposed Order # <u>2</u> Exhibit)(Vose, Leslie) Modified on 10/16/2007 (Brock, Jacqueline). (Entered: 10/12/2007)
10/12/2007	<u>46</u>	MOTION to Strike <u>41</u> MOTION to Certify Class Exhibits #13, #33, &all exhibits filed under seal, but not LCDC inspection DVD by Lester Napier by Laurel County, Kentucky, Jack Sizemore, MOTION for Extension of Time to File Response as to <u>41</u> MOTION to Certify Class by Lester Napier by Laurel County, Kentucky, Jack Sizemore (Attachments: # <u>1</u> Exhibit A - 8/22/2007 Letter# <u>2</u> Proposed Order)(JMB)(FILED PURSUANT TO QC re <u>45</u>) (Entered: 10/16/2007)
10/16/2007		NOTICE OF DOCKET MODIFICATION TO Leslie Vose re <u>45</u> MOTION to Strike <u>41</u> MOTION to Certify Class by Lester Napier by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore ; Error: This motion requests 2 forms of relief. The attorney only filed the pleading as one motion; Entry by attorney; Correction: Clerk

		has re-filed the pleading choosing both forms of relief requested at <u>46</u> . In the future, when filing a motion with multiple reliefs, attorney should hold down the ctrl key on the keyboard and click on each relief requested in the motion so each motion appears on the motion report; No further action required by counsel cc: COR (JMB) (Entered: 10/16/2007)
10/17/2007	<u>47</u>	RESPONSE to Discovery Request by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore.(Vose, Leslie) (Entered: 10/17/2007)
10/17/2007		Update Attorney. Attorney Estill D. Banks, II for Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3 added. (MRS) (Entered: 10/18/2007)
10/22/2007	<u>48</u>	RESPONSE in Opposition re <u>46</u> MOTION to Strike <u>41</u> MOTION to Certify Class by Lester Napier by Laurel County, Kentucky, Jack Sizemore MOTION for Extension of Time to File Response/Reply as to <u>41</u> MOTION to Certify Class by Lester Napier by Laurel County, Kentucky, Jack Sizemore MOTION to Strike <u>41</u> MOTION to Certify Class by Lester Napier by Laurel County, Kentucky, Jack Sizemore MOTION for Extension of Time to File Response/Reply as to <u>41</u> MOTION to Certify Class by Lester Napier by Laurel County, Kentucky, Jack Sizemore filed by Lester Napier. (Attachments: # <u>1</u> Exhibit CDC Report# <u>2</u> Exhibit NY Times article# <u>3</u> Exhibit CA-MRSA Virulence# <u>4</u> Proposed Order)(Belzley, Gregory) (Entered: 10/22/2007)
11/16/2007	<u>49</u>	ORDER re <u>46</u> MOTION to Strike re <u>41</u> MOTION to Certify Class,, MOTION for Extension of Time to File Response/Reply as to <u>41</u> MOTION to Certify Class by Lester Napier by Laurel County, Kentucky, Jack Sizemore: Dfts' motion to strike certain exhibits attached to the Plffs' mt for class certificateion is DENIED. However, Dfts' mt for extension of time to reply to Plff's mt is GRANTED <u>46</u> . Dft shall have until Wednesday, January 16, 2008 to file a response to Plff's mt for class certification. Plffs shall then have time permitted by local rules to file any reply. Motions terminated: <u>46</u> MOTION to Strike re <u>41</u> MOTION to Certify Class,,MOTION for Extension of Time to File Response/Reply as to <u>41</u> MOTION to Certify Class by Lester Napier by Laurel County, Kentucky, Jack Sizemore Responses due by 1/16/2008 . Signed by Judge Danny C. Reeves. (JMB)cc: COR (Entered: 11/16/2007)
01/15/2008	<u>50</u>	*SEALED* MOTION for Leave to File Under Seal Supplemental Reference List and Supplement to Exhibit 10 to Memo in Support of Motion for Class Certification by Lester Napier (JMB) (Entered: 01/15/2008)
01/15/2008	<u>51</u>	MOTION for Leave to File by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3 (Attachments: # <u>1</u> Proposed Order Order granting Leave to File under Seal)(Vose, Leslie) (Entered: 01/15/2008)
01/16/2008	<u>52</u>	ORDER granting <u>51</u> Motion for Leave to File exhibits under seal. Signed by Judge Danny C. Reeves on 1/16/2008. (JMB)cc: COR (Entered: 01/16/2008)
01/16/2008	<u>53</u>	RESPONSE in Opposition re <u>41</u> MOTION to Certify Class by Lester Napier filed by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3. (Attachments: # <u>1</u> Exhibit Ex. 1 - 2007 Daily Popluation Count, # <u>2</u> Exhibit Ex. 2 - 2007 Bed Count, # <u>3</u> Exhibit Ex. 3-10 - Filed under Seal, # <u>4</u> Exhibit Ex. 11 - 2007 KY. DOC Inspection documents, # <u>5</u> Exhibit Ex. 12 - 2007 Work Release Monitoring, # <u>6</u> Exhibit Ex. 13 - 10/17/07 Correspondence, KY Jail Specialist, # <u>7</u> Exhibit Ex. 14 - Minutes, Laurel County Fiscal Court, 3/25/04, # <u>8</u> Exhibit Ex. 15 - Minutes, Laurel County Fiscal Court, 5/26/05, # <u>9</u> Exhibit Ex. 16 - Ex. 15 - Minutes, Laurel County Fiscal Court, 6/23/05, # <u>10</u> Exhibit Ex. 17 - Ex. 15 - Minutes, Laurel County Fiscal Court, 6/22/065, # <u>11</u> Exhibit Ex. 18 - Ex. 15 - Minutes, Laurel County Fiscal Court, 7/27/06 & 1/23/07, # <u>12</u> Exhibit Ex. 19 - Ex. 15 - Minutes, Laurel County Fiscal Court, 3/07/075, # <u>13</u> Exhibit Ex. 20 - Ex. 15 - Minutes, Laurel County Fiscal Court, 5/18/07, # <u>14</u> Exhibit Ex. 21 - Ex. 15 - Minutes, Laurel County Fiscal Court, 8/14/07, # <u>15</u> Exhibit Ex. 22 - Jail Feasibility Study, September 2007, # <u>16</u> Exhibit Ex. A - McKnight Deposition, # <u>17</u> Exhibit Ex. 23 - Physicians Standing Orders, # <u>18</u> Exhibit Ex. 24 - Physician Credentials, # <u>19</u> Exhibit Ex. 25 - Affidavit of Kamran Mahmood, M.D., # <u>20</u> Exhibit Ex. 26 - Sample Cell Cleaning Records, # <u>21</u> Exhibit Ex. B - Sizemore Deposition, # <u>22</u> Exhibit Ex. 27

		– Signage and Handouts, LCDC, # <u>23</u> Exhibit Ex. 28 – Puritan Janitorial Inspection Records, # <u>24</u> Exhibit Ex. 29 – Medical News Today, "No Reliable Risk Factor Found for CA-MRSA", 2/09/07, # <u>25</u> Exhibit Ex. 30 – Sentinel News Echo article re: MRSA in Laurel County & Williamsburg News Journal article, 9/2006, # <u>26</u> Exhibit Ex. 31 – CDC, "Community-Acquired MRSA Information for the Public", 2/03/05, # <u>27</u> Exhibit Ex. 32 – ABC News, "That's No Spider Bite: Antibiotic Resistant Staph Infections Now Very Common", 8/16/06, # <u>28</u> Errata Ex. C – Napier Deposition)(Vose, Leslie) (Additional attachment(s) added on 1/17/2008: # <u>29</u> **CORRECT* Ex. 11–2007 KY DOC Inspection Documents, part 1, # <u>30</u> *CORRECT* Ex. 11–2007 KY DOC Inspection Documents, part 2, # <u>31</u> *CORRECT* Ex. 22–Jail Feasibility Study, Sept. 2007, part 1, # <u>32</u> *CORRECT* Ex. 22–Jail Feasibility Study, Sept. 2007, part 2, # <u>33</u> Proposed Order) (JMB). (Entered: 01/16/2008)
01/16/2008	<u>54</u>	NOTICE OF FILING by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3 re <u>53</u> Response in Opposition to Motion,,,,,,,,, <i>Tendered Order Overruling Motion for Class Certification</i> (Vose, Leslie) (Entered: 01/16/2008)
01/17/2008	<u>55</u>	NOTICE OF FILING by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3 re <u>53</u> Response in Opposition to Motion,,,,,,,,, <i>of Sealed Exhibits 3–10</i> (Vose, Leslie) (Entered: 01/17/2008)
01/17/2008	<u>56</u>	MOTION for Extension of Time to File Response/Reply by Lester Napier (Attachments: # <u>1</u> Proposed Order)(Belzley, Gregory) (Entered: 01/17/2008)
01/17/2008	<u>57</u>	MOTION for Hearing by Lester Napier (Attachments: # <u>1</u> Proposed Order)(Belzley, Gregory) (Entered: 01/17/2008)
01/17/2008		NOTICE OF DOCKET MODIFICATION TO Leslie Vose re <u>53</u> Response in Opposition to Motion; Error: Exhibits 11 and 22 exceed the 2MB size limit; Entry by attorney; Correction: Clerk has separated each of the PDF images into 2 segments, each less than 2MB. Counsel is reminded that large documents may not upload properly into ECF or download within a reasonable amount of time; therefore, documents over 2MB must be broken down into 2MB or less segments. Attorney is further advised to review p. 5 of the ECF User Manual for proper scanner settings. No further action required by counsel; cc: COR (JMB) (Entered: 01/17/2008)
01/17/2008	<u>58</u>	ORDER re <u>57</u> MOTION for Hearing by Lester Napier filed by Lester Napier, <u>56</u> MOTION for Extension of Time to File Response/Reply by Lester Napier filed by Lester Napier: Plff's mt for ext of time to file reply to Dft's response to Plff's mt for class certificateion <u>56</u> is DENIED. However, Plff's mt for a hearing on the mt for class certification <u>57</u> is GRANTED. A hrg shall be held on Monday, February 4, 2008 at 1:30 PM, in London, Ky. Motions terminated: <u>56</u> MOTION for Extension of Time to File Response/Reply by Lester Napier filed by Lester Napier, <u>57</u> MOTION for Hearing by Lester Napier filed by Lester Napier. Hearing on Motion for Class Certification set for 2/4/2008 01:30 PM in London before Judge Danny C. Reeves. Signed by Judge Danny C. Reeves on 1/17/2008.(JMB)cc: COR (Entered: 01/17/2008)
01/17/2008	59	SEALED EXHIBITS 3 THRU 10 re Defendants' <u>53</u> Response in Opposition to Motion, <u>55</u> Notice of Filing by Laurel County, Kentucky, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3 (JMB) (Entered: 01/18/2008)
01/25/2008	<u>60</u>	MOTION to Withdraw by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3 <i>Dinah T. Bevington and Chacey R. Ford as Counsel of Record</i> (Attachments: # <u>1</u> Proposed Order)(Vose, Leslie) (Entered: 01/25/2008)
01/25/2008	<u>61</u>	ORDER granting <u>60</u> Motion to Withdraw by Laurel County, Kentucky, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3 <i>Dinah T. Bevington and Chacey R. Ford as Counsel of Record</i>. Clk of Ct and opposing counsel may remove these attys' names from the service list w/ respect to future filings.. Signed by Judge Danny C. Reeves on 1/25/2008. (JMB)cc: COR (Entered: 01/25/2008)

01/25/2008		Attorney Update. Attorney Dinah Townsend Bevington and Chacey R. Ford terminated. (JMB) (Entered: 01/25/2008)
01/25/2008	<u>62</u>	RESPONSE to Discovery Request by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3. (Attachments: # <u>1</u> Affidavit)(Vose, Leslie) (Entered: 01/25/2008)
01/28/2008	<u>63</u>	MOTION for Leave to File Excess Pages by Lester Napier (Attachments: # <u>1</u> Proposed Order)(Belzley, Gregory) (Entered: 01/28/2008)
01/28/2008	<u>64</u>	**STRICKEN PURSUANT TO Order <u>65</u> ** Modified on 1/29/2008 (JMB). (Entered: 01/28/2008)
01/29/2008	<u>65</u>	ORDER re <u>63</u> MOTION for Leave to File Excess Pages by Lester Napier filed by Lester Napier, 50 MOTION for Leave by Lester Napier filed by Lester Napier: 1) Plff's mt for leave to file brief in excess of 15 pgs <u>63</u> is DENIED. Clk of Ct is DIRECTED to STRIKE the Plff's reply brief <u>64</u> from the record; and 2) Plff's mt for leave to file certain supplemental docs under seal 50 is GRANTED. Clk of Ct is DIRECTED to file previously-tendered exhibits under seal. Motions terminated: <u>63</u> MOTION for Leave to File Excess Pages by Lester Napier filed by Lester Napier, 50 MOTION for Leave by Lester Napier filed by Lester Napier.. Signed by Judge Danny C. Reeves on 1/29/2008.(JMB)cc: COR (Entered: 01/29/2008)
01/29/2008	66	SEALED DOCUMENT (Supplemental Exhibit 10) by Lester Napier re <u>41</u> MOTION to Certify Class by Lester Napier (JMB) (Entered: 01/29/2008)
01/30/2008	67	SEALED DOCUMENT (Exhibits A-B Filed Under Seal) by Lester Napier re <u>64</u> Reply to Response to Motion re <u>41</u> Motion for Class Certification **NOTE: Plff's Reply in Support of Motion for Class Certification was stricken from the record by Order <u>65</u> entered on 1/29/2008** (JMB) (Entered: 01/31/2008)
02/04/2008	<u>68</u>	MINUTE ENTRY ORDER FOR DOCKET CALL held on 2/4/2008 before Judge Danny C. Reeves: 1) Plff's mt for class certification <u>41</u> is taken under advisement; and 2) The DVD's containing inmate medical records tendered by dfts for the Ct's review shall be filed in the record UNDER SEAL. (Court Reporter CINDY OAKES.) (JMB)cc: COR (Entered: 02/05/2008)
02/04/2008		Motions Taken Under Advisement: <u>41</u> MOTION to Certify Class by Lester Napier (JMB) (Entered: 02/05/2008)
02/04/2008	69	SEALED DOCUMENT (DVD's w/ inmate medical records) by Laurel County, Kentucky, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3 re <u>41</u> MOTION to Certify Class by Lester Napier (FILED UNDER SEAL PURSUANT TO <u>68</u> Minute Entry Order for Docket Call held on 2/4/2008) (JMB) (Entered: 02/05/2008)
02/13/2008	<u>70</u>	MOTION for Leave to File by Lester Napier (Attachments: # <u>1</u> Proposed Order granting leave to file supp. exhibits, # <u>2</u> STRICKEN Pursuant to Order <u>79</u>)(Shipp, Jeffrey) Modified on 2/22/2008 (JMB). SEE DOCKET ENTRY 74 FOR SEALED EXHIBIT Modified on 2/26/2008 (JMB). (Entered: 02/13/2008)
02/19/2008	<u>71</u>	FOURTH MOTION for Leave by Lester Napier <i>to file under seal supplemental reference and exhibits</i> (Attachments: # <u>1</u> Proposed Order, # <u>2</u> STRICKEN Pursuant to Order <u>79</u>)(Shipp, Jeffrey) Modified on 2/22/2008 (JMB). SEE DOCKET ENTRY 75 FOR SEALED EXHIBIT Modified on 2/26/2008 (JMB). (Entered: 02/19/2008)
02/20/2008		NOTICE OF DOCKET MODIFICATION TO Jeffrey Shipp re <u>71</u> FOURTH MOTION for Leave by Lester Napier <i>to file under seal supplemental reference and exhibits</i> ; Error: Attachment was insufficiently described as "Exhibit"; Entry by attorney; Correction: the Clerk has renamed the attachment. It is necessary that all attachments are adequately described. ex: Exhibit A (incorrect); Exhibit A-Affidavit of John Doe (correct); No further action required by counsel cc: COR (JMB) (Entered: 02/20/2008)
02/20/2008	<u>72</u>	FIFTH MOTION for Leave by Lester Napier <i>to file under seal supplemental reference list and exhibits</i> (Attachments: # <u>1</u> Proposed Order, # <u>2</u> STRICKEN Pursuant to Order <u>79</u>)(Shipp, Jeffrey) Modified on 2/22/2008 (JMB). SEE

		DOCKET ENTRY 77 FOR SEALED EXHIBIT Modified on 2/26/2008 (JMB). (Entered: 02/20/2008)
02/21/2008	<u>73</u>	SIXTH MOTION for Leave by Lester Napier <i>for leave to file supplemental reference list and exhibits</i> (Attachments: # <u>1</u> Proposed Order, # <u>2</u> STRICKEN Pursuant to Order <u>79</u>)(Shipp, Jeffrey) Modified on 2/26/2008 (JMB). SEE DOCKET ENTRY 78 FOR SEALED EXHIBIT Modified on 2/26/2008 (JMB). (Entered: 02/21/2008)
02/21/2008	74	SEALED DOCUMENT (Supplemental Exhibit Under Seal of Inmate Reference List) by Lester Napier re <u>70</u> MOTION for Leave to File by Lester Napier (JMB) (Entered: 02/22/2008)
02/21/2008	75	SEALED DOCUMENT (Supplemental Exhibit Under Seal of Inmate Reference List) by Lester Napier re <u>71</u> FOURTH MOTION for Leave by Lester Napier <i>to file under seal supplemental reference and exhibits</i> (JMB) (Entered: 02/22/2008)
02/22/2008	<u>76</u>	RESPONSE in Opposition re <u>73</u> SIXTH MOTION for Leave by Lester Napier <i>for leave to file supplemental reference list and exhibits</i> , <u>70</u> MOTION for Leave to File by Lester Napier, <u>71</u> FOURTH MOTION for Leave by Lester Napier <i>to file under seal supplemental reference and exhibits</i> , <u>72</u> FIFTH MOTION for Leave by Lester Napier <i>to file under seal supplemental reference list and exhibits</i> filed by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3. (Attachments: # <u>1</u> Proposed Order)(Vose, Leslie) (Entered: 02/22/2008)
02/22/2008	77	SEALED DOCUMENT (Supplemental Exhibit Under Seal of Inmate Reference List) by Lester Napier re <u>72</u> FIFTH MOTION for Leave by Lester Napier <i>to file under seal supplemental reference list and exhibits</i> (JMB) (Entered: 02/22/2008)
02/25/2008	78	SEALED DOCUMENT (Supplemental Exhibit Under Seal of Inmate Reference List) by Lester Napier re <u>73</u> SIXTH MOTION for Leave by Lester Napier <i>for leave to file supplemental reference list and exhibits</i> (JMB) (Entered: 02/26/2008)
02/26/2008	<u>79</u>	MEMORANDUM OPINION & ORDER: 1) Plff's Motion to Certify Class <u>41</u> is DENIED; 2) Plff's Motions for Leave to File Supplemental Reference Lists and Declarations <u>70</u> , <u>71</u> , <u>72</u> and <u>73</u> are DENIED. Clerk is DIRECTED to STRIKE the attached exhibits entitled "Inmate Reference Lists" from the record. Plff's counsel is also DIRECTED to ensure that all future motions and exhibits comply w/ the Court's Amended Scheduling Order re privacy. See record no. <u>25</u> Motions terminated: <u>73</u> SIXTH MOTION for Leave by Lester Napier <i>for leave to file supplemental reference list and exhibits</i> filed by Lester Napier, <u>71</u> FOURTH MOTION for Leave by Lester Napier <i>to file under seal supplemental reference and exhibits</i> filed by Lester Napier, <u>70</u> MOTION for Leave to File by Lester Napier filed by Lester Napier, <u>41</u> MOTION to Certify Class by Lester Napier filed by Lester Napier, <u>72</u> FIFTH MOTION for Leave by Lester Napier <i>to file under seal supplemental reference list and exhibits</i> filed by Lester Napier.. Signed by Judge Danny C. Reeves on 2/26/2008.(JMB)cc: COR (Entered: 02/26/2008)
02/28/2008	<u>80</u>	TRANSCRIPT of Official Proceedings: SCHEDULING CONFERENCE held on 11/22/2006 before Judge Danny C. Reeves. Court Reporter: CINDY OAKES. (JMB) (Entered: 02/28/2008)
02/28/2008	<u>81</u>	TRANSCRIPT of Official Proceedings: HEARING ON MOTION FOR CLASS CERTIFICATION held on 2/4/2008 before Judge Danny C. Reeves. Court Reporter: CINDY OAKES. (JMB) (Entered: 02/28/2008)
03/03/2008	<u>82</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Amul R. Thapar for all further proceedings. Judge Danny C. Reeves no longer assigned to case. Signed by Judge Danny C. Reeves on 3/3/2008.(JMB)cc: COR (Entered: 03/03/2008)
03/03/2008	<u>83</u>	MOTION to Stay by Lester Napier (Attachments: # <u>1</u> Proposed Order proposed order)(Hegge, Colleen) (Entered: 03/03/2008)
03/12/2008	<u>84</u>	ORDER: (1) A telephonic conference among counsel and the undersigned is scheduled for Wednesday, March 12, 2008, at the hour of 4:00 p.m.(2) The undersigneds chambers shall initiate the conference call, and lead counsel for each party shall be prepared to discuss the pending motion.(3) A court reporter is needed

		to transcribe the proceedings., (Telephone Conference set for 3/12/2008 04:00 PM in Pikeville before Judge Amul R. Thapar.) Signed by Judge Amul R. Thapar on 3/12/08.(MRS)cc: COR, Court Diary (Entered: 03/12/2008)
03/13/2008	<u>85</u>	MINUTE ENTRY ORDER FOR TELEPHONE CONFERENCE held on 3/12/2008: 1) By agreement of parties, plff's motion for stay is TEMPORARLY GRANTED pending the Court's ruling. 2) Plff. shall file a memorandum in support of its motion to stay <u>83</u> attaching its petition for permission to appeal by 3/19/08. Defts shall file a response by 4/1/08 and plff.s may file a reply by 4/5/08. 3) Oral Argument Hearing set for 4/14/2008 02:00 PM in Covington before Judge Amul R. Thapar. (Responses due by 4/1/2008, Replies due by 4/5/2008.). before Judge Amul R. Thapar: (Court Reporter Kelly Smith.) (SWA)cc: COR (Entered: 03/13/2008)
03/19/2008	<u>86</u>	PRETRIAL MEMORANDUM by Lester Napier <i>in Support of Previously Filed Motion for Stay</i> . (Attachments: # <u>1</u> Exhibit Rule 23(f) Petition, # <u>2</u> Exhibit Memorandum Opinion and Order Denying Class Certification)(Belzley, Gregory) (Entered: 03/19/2008)
04/01/2008	<u>87</u>	RESPONSE in Opposition re <u>83</u> MOTION to Stay by Lester Napier filed by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3. (Attachments: # <u>1</u> Proposed Order)(Vose, Leslie) (Additional attachment(s) added on 4/11/2008: # <u>2</u> Response to Petitioner's Petition for Permission to Appeal) (RBB). (Entered: 04/01/2008)
04/04/2008	<u>88</u>	REPLY to Response to Motion re <u>83</u> MOTION to Stay by Lester Napier filed by Lester Napier. (Horne, Andrew) (Entered: 04/04/2008)
04/07/2008		***MOTION SUBMITTED TO CHAMBERS of Amul R. Thapar for review: <u>83</u> MOTION to Stay by Lester Napier (RBB) (Entered: 04/07/2008)
04/10/2008	<u>89</u>	NOTICE OF FILING by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3 re <u>87</u> Response in Opposition to Motion, (Attachments: # <u>1</u> Exhibit 1 – Response to Petitioner's Petition for Permission to Appeal)(Vose, Leslie) (Entered: 04/10/2008)
04/15/2008	<u>90</u>	MINUTE ENTRY ORDER FOR ORAL ARGUMENT HEARING held on 4/14/2008 before Judge Amul R. Thapar: 1) Plff's Mt to Stay <u>83</u> is TEMPORARILY GRANTED until the 6CCA rules on Plff's Rule 23(f) Petition for Permission to Appeal; 2) Matter set for status conference on Monday, July 14, 2008 at 2:00 PM in Lexington, Ky; and 3) If Ct of Appeals rules on Plff's petition prior to July 14, 2008, the parties are DIRECTED to notify the undersigned's chambers. (Status Conference set for 7/14/2008 02:00 PM in LEXINGTON before Judge Amul R. Thapar) Motions terminated: <u>83</u> MOTION to Stay by Lester Napier filed by Lester Napier ; Case stayed.. (Court Reporter JOAN AVERDICK.) (JMB)cc: COR, Clk of 6CCA, Lexington Ct Diary (Entered: 04/15/2008)
07/15/2008	<u>91</u>	MINUTE ENTRY ORDER FOR STATUS CONFERENCE held on 7/15/08 before Judge Amul R. Thapar: (1) Upon agreement of the parties, Napier v. Laurel County, Kentucky, et al. (Civil Action No. 06–368–ART) and McQueen, et al. v. Laurel County, Kentucky, et al. (Civil Action No. 07–258–ART) shall remain stayed, pending a decision by the Sixth Circuit Court of Appeals; (2) The parties shall notify the Court upon receipt of a decision from the Sixth Circuit Court of Appeals; (3) The parties shall notify the Court should a telephone conference be necessary. (Court Reporter PEGGY WEBER.) (MRS)cc: COR (Entered: 07/15/2008)
07/29/2008	<u>92</u>	APPEAL ORDER In Re: LESTER NAPIER (6CCA 08–0502) re <u>79</u> Memorandum Opinion & Order; plaintiff's Rule 23(f) petition is DENIED. Signed by 6CCA Clerk, Leonard Green on 7/28/2008. (Attachments: # <u>1</u> Cover Letter)(RBB)cc: COR (Entered: 07/29/2008)
08/01/2008	<u>93</u>	ORDER: in light of the Sixth Circuit Court of Appeals' July 28, 2008, order denying the Plaintiff's Fed. R. Civ. P. 23(f) petition. <u>92</u> ; ORDERED as follows: (1) A telephonic conference among counsel and the undersigned is scheduled for Tuesday, August 26, 2008, at the hour of 9:30 a.m.; (2) The undersigned's

		chambers shall initiate the conference call, and lead counsel for each party shall be prepared to discuss the status of this matter; (3) A court reporter is needed to transcribe the proceedings and shall be provided by the Court. (Telephone Conference set for 8/26/2008 09:30 AM in London before Judge Amul R. Thapar.). Signed by Judge Amul R. Thapar on 8/1/2008.(RBB)cc: COR (Entered: 08/01/2008)
08/26/2008	<u>94</u>	MINUTE ENTRY ORDER FOR TELEPHONE CONFERENCE held on 8/26/2008. before Judge Amul R. Thapar: court proposed dates and deadlines with counsel; separate scheduling order shall be entered contemporaneously herewith. (Court Reporter RHONDA SANSOM.) (RBB)cc: COR (Entered: 08/26/2008)
08/26/2008	<u>95</u>	SCHEDULING ORDER: Signed by Judge Amul R. Thapar: 1) following ddls shall be observed: 1) suppl disclosures w/in 30 days of discovery of new info, but no later than 6/29/2009; b) Rule 26 identification of experts and disclosure of reports are due: i. plf by 12/1/2008, w suppl by 2/20/2009; ii. dft by 1/16/2009, w/ suppl due by 2/20/2009; c) all fact and expert discovery shall be completed by March 2, 2009; 2. parties shall observe directives regarding the filing of discovery material in this case; 3) Discovery disputes shall be resolved as set forth; Mts: DISPOSITIVE MTS DDL: 4/3/2009; DAUBERT MTS DDL 4/3/2009; PRETRIAL: 1) PTC scheduled for 7/13/2009 @ 1:30 p.m; in LONDON; parties trying case as well as parties themselves to be present; 2) 14 days prior to PTC pretrial filings due; 3) 7 days prior to ptc counsel shall a) submit agreed statement of case; b) submit proposed voir dire questions; c) file written obj to list of witnesses and exhibits; d) file mts in limine; 3) file any mts for ruling upon any objections made in any evidentiary depo; 4) NLT 2 days before FPTC, parties shall file response to mts; 5) @ PTC counsel shall a) display all exhibits intended to be used @ trial; b) advise Court that they have displayed to opposing counsel all exhibits; c) Discuss and make possible stipulations of admissibility or threshold foundation requirements for admissibility of exhibits; d) demonstrate an ability to use the court's visual presentation system for any exh; c) discuss settlement; 6) Court Copies; counsel shall send copy to chambers of witness list, exhibit list, proposed jury instr; proposed voir dire questions; and statements of the case; TRIAL: JURY TRIAL scheduled for 8/24/2009 @ 9:30 a.m. in LONDON, KY – parties directed to arrive 30 minutes early; anticipated length of trial is 4–5 days; Ext of Time: request to modify dates and ddls shall be submitted upon mt; Referral to Magistrate Judge: matter referred to Magistrate Judge for all non-dispositive pretrial matters other than: 1. Mts to Cont the Dispositive Mt Ddls; 2) Mt to Cont the Trial dates; 3) Mts in limine. Discovery due by 3/2/2009. Dispositive Motions due by 4/3/2009. Final Pretrial Conference set for 7/13/2009 01:30 PM in London before Judge Amul R. Thapar. Jury Trial set for 8/24/2009 09:30 AM in London before Judge Amul R. Thapar.(RBB)cc: COR Modified on 3/2/2009 to correct date on Dispositive Mt DDL from 4/3/2008 to 4/3/2009. (RBB). (Entered: 08/26/2008)
08/27/2008	<u>96</u>	ORDER:A telephonic conference, for counsel only, is scheduled for November 4, 2008 commencing at 10:30 a.m. to assess the feasibility of the schedule, progress of discovery, and to evaluate the suitability of conducting a settlement conference. The Court will initiate the conference call. If any party will not be at the telephone number shown on the docket of this action, the party should notify the undersigned of any other telephone number for the Court to use in initiating the call. (Telephone Conference set for 11/4/2008 10:30 AM in London before Robert E. Wier.) . Signed by Robert E. Wier on 08/27/2008.(RBB)cc: COR (Entered: 08/27/2008)
10/29/2008	<u>97</u>	ORDER : all parties participating in the telephonic conference call set for NOVEMBER 4, 2008 @ 10:30 A.M. are directed to call InterCall Teleconferencing at 1-866-2843 , and refer to reservation no. 71483315. Signed by Robert E. Wier on 10/29/2008.(RBB)cc: COR (Entered: 10/29/2008)
11/04/2008	<u>98</u>	ORDER FOR TELEPHONE CONFERENCE held on 11/4/2008. before Robert E. Wier: Cnsl stated they do not anticipate any problems in completing discovery. Upon joint motion or request of cnsl, the Court will promptly schedule a settlement conference. (MRS)cc: COR (Entered: 11/04/2008)
11/12/2008	<u>99</u>	DISCLOSURES of New Expert Witness by Lester Napier. (Attachments: # <u>1</u> Exhibit Expert's report, # <u>2</u> Exhibit Expert's CV)(Belzley, Gregory) (Entered: 11/12/2008)

		11/12/2008)
01/16/2009	<u>100</u>	DISCLOSURES of <i>Expert Witness</i> by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3. (Attachments: # <u>1</u> Exhibit A – Donald Leach Curriculum Vitae, # <u>2</u> Exhibit B – Expert Report, # <u>3</u> Exhibit C – Case History)(Hooks, Bradley) (Entered: 01/16/2009)
02/20/2009	<u>101</u>	DISCLOSURES of <i>Supplemental Expert Report</i> by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3. (Attachments: # <u>1</u> Exhibit Don Leach Supplemental Report)(Vose, Leslie) (Entered: 02/20/2009)
02/20/2009	<u>102</u>	INTERROGATORIES Propounded to Plaintiff, Lester Napier by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3.(Vose, Leslie) (Entered: 02/20/2009)
02/23/2009	<u>103</u>	NOTICE to Take Deposition of Lester Napier on 02/26/09 at 2:00 p.m. by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3.(Vose, Leslie) (Entered: 02/23/2009)
02/25/2009	<u>104</u>	**STRICKEN PURSUANT TO Order <u>105</u> ** Modified on 2/26/2009 (JMB). (Entered: 02/25/2009)
02/26/2009	<u>105</u>	ORDER re <u>104</u> MOTION to Quash by Lester Napier filed by Lester Napier: The mt to quash is STRICKEN from the record for failure to comply w/ the District Court's mandatory mechanisms for resolution of discovery disputes. Ct takes this action w/o prejudice and does note, however, that Rule 30(a)(2)(A)(ii) requires leave of Court for any redposition. Motions terminated: <u>104</u> MOTION to Quash by Lester Napier filed by Lester Napier.. Signed by Robert E. Wier on 2/26/2009.(JMB)cc: COR (Entered: 02/26/2009)
02/27/2009	<u>106</u>	JOINT MOTION for Extension of Time by Lester Napier, MOTION for Extension of Time to Complete Discovery by Lester Napier Motions referred to Robert E. Wier. (Attachments: # <u>1</u> Proposed Order)(Belzley, Gregory) (Entered: 02/27/2009)
02/27/2009	<u>107</u>	ORDER: On joint motion of the parties <u>106</u> and after considering same, it is ORDERED that the motion is GRANTED. It is ORDERED that 1(c) of the Scheduling Order <u>95</u> is amended to April 30, 2009. All other deadlines of said Scheduling Order remain unaltered. Motions terminated: <u>106</u> JOINT MOTION for Extension of Time by Lester Napier; MOTION for Extension of Time to Complete Discovery by Lester Napier filed by Lester Napier. SCHEDULING ORDER AMENDED RE:(Discovery due by 4/30/2009.) Signed by Robert E. Wier on 2/27/2009.(RBB)cc: COR (Entered: 02/27/2009)
03/02/2009		NOTICE OF DOCKET MODIFICATION TO ALL COUNSEL OF RECORD re <u>95</u> Scheduling Order; Error: incorrect dispositive motion deadline entered; Entry by docket clerk; Correction: dispositive motion deadline has been changed from 4/3/2008 to 4/3/2009; No steps need to be taken by counsel cc: COR (RBB) (Entered: 03/02/2009)
04/03/2009	<u>108</u>	MOTION for Summary Judgment by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit Exhibits to Memorandum in Support of Motion for Summary Judgment, # <u>3</u> Proposed Order Proposed Order)(Vose, Leslie) Modified on 4/8/2009 (JMB). SEALED EXHIBITS B-1 THROUGH B-14 received by the Clerk and filed at docket entry 114 (Entered: 04/03/2009)
04/06/2009	<u>109</u>	MOTION to Seal Document by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore Motions referred to Robert E. Wier. (Attachments: # <u>1</u> Proposed Order)(Vose, Leslie) (Entered: 04/06/2009)
04/06/2009	<u>110</u>	MOTION to Strike by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore Motions referred to Robert E. Wier. (Vose, Leslie) (Entered: 04/06/2009)
04/06/2009	111	VIRTUAL ORDER: The Clerk shall strike Exhibits A through D, attached to the Defendant's Memorandum in Support of Summary Judgment, R. 108, from the record. granting <u>110</u> Motion to Strike by Laurel County, Kentucky, Jack Sizemore,

		Jack Sizemore. Signed by Judge Amul R. Thapar on 4/6/09.(Attachments to Memo in Support Exhibits A–D have been restricted pursuant to Order) (MRS)cc: COR (Entered: 04/07/2009)
04/07/2009	<u>112</u>	VIRTUAL ORDER: Defendants have moved to file certain attachments to their Motion for Summary Judgment, R. 108, under seal. For the reasons provided in their motion to seal, those attachments, B–1 through B–14, shall be filed under seal. Signed by Judge Amul R. Thapar on 4/6/09. (MRS)cc: COR (Entered: 04/07/2009)
04/07/2009	<u>113</u>	MEMORANDUM in Support of <u>108</u> MOTION for Summary Judgment by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore (Attachments: # <u>1</u> Exhibit A – Pages from Lester Napier Depo., # <u>2</u> Exhibit B – Documents Filed UNDER SEAL, # <u>3</u> Exhibit C – Inmate Grievance Procedure, # <u>4</u> Exhibit D – Affidavit of Todd Prince)(Vose, Leslie) Modified on 4/8/2009 (Brock, Jacqueline). SEALED EXHIBITS B–1 THROUGH B–14 received by the Clerk and filed at docket entry 114 (Entered: 04/07/2009)
04/08/2009	<u>114</u>	SEALED EXHIBITS B–1 through B–14 to <u>108</u> Motion for Summary Judgment and <u>113</u> Memorandum in Support of Motion for Summary Judgment by Laurel County, Kentucky, Jack Sizemore.(JMB) (Entered: 04/08/2009)
04/09/2009	<u>115</u>	Proposed Agreed Order/Stipulation by Lester Napier. (Belzley, Gregory) (Entered: 04/09/2009)
04/10/2009		***FILE SUBMITTED TO CHAMBERS of Amul R. Thapar for review: <u>115</u> Proposed Agreed Order/Stipulation (JMB) (Entered: 04/10/2009)
04/10/2009	<u>116</u>	ORDER: Pla shall have through &including May 15, 2009, to file his response to Dfts' motion for summary judgment. (Responses due by 5/15/2009). Signed by Judge Amul R. Thapar on 4/10/2009.(EHM)cc: COR (Entered: 04/10/2009)
04/10/2009		Clerk's Note: Clerk deleted previous deadline &reset appropriate deadline. (EHM) (Entered: 04/29/2009)
05/15/2009	<u>117</u>	MOTION for Leave by Lester Napier <i>to File Exhibits Under Seal</i> Motions referred to Robert E. Wier. (Attachments: # <u>1</u> Proposed Order)(Belzley, Gregory) (Entered: 05/15/2009)
05/15/2009	<u>118</u>	RESPONSE in Opposition re <u>113</u> MOTION for Summary Judgment by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore filed by Lester Napier. (Attachments: # <u>1</u> Exhibit A, Lester Napier Depo Excerpts, # <u>2</u> Exhibit B, Laurel County Inmate Daily Population Analysis, # <u>3</u> Exhibit C, Jack Sizemore Depo Excerpts, # <u>4</u> Exhibit D, Part 1, Laurel County Feb. 13, 2002 Jail Inspection Report, # <u>5</u> Exhibit D, Part 2, Feb. 13, 2002 Laurel County Jail Inspection Report, # <u>6</u> Exhibit E, Part 1, May 14, 2003 Laurel County Jail Inspection Report, # <u>7</u> Exhibit E, Part 2, May 14, 2003 Laurel County Jail Inspection Report, # <u>8</u> Exhibit F, DOC Dec. 19, 2003 Ltr to Judge Executive, # <u>9</u> Exhibit G, Part 1, May 20, 2004 Laurel County Jail Inspection Report, # <u>10</u> Exhibit G, Part 2, May 24, 2004 Laurel County Jail Inspection Report, # <u>11</u> Exhibit H, DVD of Jail Inspection Filed Under Seal, # <u>12</u> Exhibit I, Expert Gordon Kamka Report, # <u>13</u> Exhibit J, Expert Eugene Miller Report, # <u>14</u> Exhibit K, Centers for Disease Control MRSA Information, # <u>15</u> Exhibit L, Part 1, Management of MRSA by Federal Bureau of Prisons, # <u>16</u> Exhibit L, Part 2, Management of MRSA by Federal Bureau of Prisons, # <u>17</u> Exhibit M, KDOC MRSA Protocol, # <u>18</u> Exhibit N, Laurel County Isolation Policy, # <u>19</u> Exhibit O, Dr. John Clark Expert Report, # <u>20</u> Exhibit P, List of Inmates With Symptoms of MRSA Filed Under Seal, # <u>21</u> Exhibit Q, Declarations of Inmates Filed Under Seal, # <u>22</u> Exhibit R, Sabrina Patterson Depo Excerpts, # <u>23</u> Exhibit S, Angela Buttrey Depo Excerpts, # <u>24</u> Exhibit T, Deborah George Depo Excerpts, # <u>25</u> Exhibit U, Todd Prince Depo Excerpts, # <u>26</u> Exhibit V, Dennis Burkhardt Depo Excerpts, # <u>27</u> Exhibit W, Harvey Kuhl Depo Excerpts, # <u>28</u> Proposed Order)(Belzley, Gregory) (Entered: 05/15/2009)
05/15/2009	<u>119</u>	VIRTUAL ORDER: Plaintiff hereby moves the Court for leave to file the under seal Exhibits H, P and Q to Plaintiff's Response to Defendants Motion for Summary Judgment in order to comply with the Courts prior confidentiality orders on this issue. The motion <u>117</u> is hereby Granted. Exhibits H, P, and Q shall be filed

		under seal. Signed by Judge Amul R. Thapar on 5/15/09. (MRS)cc: COR (Entered: 05/15/2009)
05/18/2009	<u>120</u>	SEALED EXHIBITS H, P AND Q re <u>118</u> plf's response in opposition to Motion <u>113</u> for summary judgment by Lester Napier. (Filed under seal pursuant to Virtual Order 119). (RBB) (Entered: 05/18/2009)
05/22/2009	<u>121</u>	MOTION for Extension of Time to File Response/Reply by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore Motions referred to Robert E. Wier. (Attachments: # <u>1</u> Proposed Order for Extension of Time to File a Reply)(Vose, Leslie) (Entered: 05/22/2009)
05/26/2009	<u>122</u>	ORDER re <u>121</u> MOTION for Extension of Time to File Response/Reply by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore filed by Laurel County, Kentucky, Jack Sizemore: This motion is GRANTED. The defendants shall have through and including June 9, 2009 in which to file a reply to the plaintiffs response to the defendants motion for summary judgment. (Replies due by 6/9/2009.), Motions terminated: <u>121</u> MOTION for Extension of Time to File Response/Reply by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore filed by Laurel County, Kentucky, Jack Sizemore.. Signed by Judge Amul R. Thapar on 5/26/2009.(JMB)cc: COR (Entered: 05/26/2009)
06/09/2009	<u>123</u>	INCORRECTLY FILED REPLY to Response to Motion re <u>108</u> MOTION for Summary Judgment by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore filed by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3. (Vose, Leslie) Modified on 6/10/2009 (JMB). SEE DOCKET ENTRY <u>124</u> for the CORRECT ENTRY (Entered: 06/09/2009)
06/09/2009	<u>124</u>	REPLY to Response to Motion re <u>108</u> MOTION for Summary Judgment by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore filed by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3. (Attachments: # <u>1</u> Exhibit Affidavit of Kendra Gaines)(Vose, Leslie) (Entered: 06/09/2009)
06/10/2009		***MOTION SUBMITTED TO CHAMBERS of Amul R. Thapar for review: re <u>108</u> MOTION for Summary Judgment by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore (JMB) (Entered: 06/10/2009)
06/10/2009	<u>125</u>	MOTION for Hearing re <u>124</u> Reply to Response to Motion, <u>108</u> MOTION for Summary Judgment by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, <u>118</u> Response in Opposition to Motion,,,,,, Motion Submitted by Lester Napier Motions referred to Robert E. Wier. (Attachments: # <u>1</u> Proposed Order)(Horne, Andrew) (Entered: 06/10/2009)
06/15/2009	<u>126</u>	ORDER: Before the Court is the plas' "Motion for Hearing and/or Oral Argument on Dft's Motions for Summary Judgment," <u>125</u> . It is hereby ORDERED that this motion is GRANTED . By agreement of the parties, the Court will hear oral argument on the pending motion for summary judgment on Thursday, July 9, 2009 at the hour of 1:00 p.m. at U.S. Courthouse in Lexington, Kentucky . The Court further ORDERS that the pretrial conference previously scheduled for July 13, 2009 is RESCHEDULED FOR MONDAY, AUGUST 10, 2009 at the hour of 11:30 A.M. at the U.S. Courthouse in London, Kentucky . Accordingly, the deadlines for the pretrial filings, which are established in the Scheduling Order, <u>95</u> at 3-8, shall now be calculated from the date of the rescheduled pretrial conference. (Oral Argument Hearing set for 7/9/2009 01:00 PM in LEXINGTON before Judge Amul R. Thapar; Pretrial Conference set for 8/10/2009 11:30 AM in LONDON before Judge Amul R. Thapar). Signed by Judge Amul R. Thapar on 6/15/2009.(EHM)cc: COR. Modified text to correct date of PTC on 7/14/2009 (EHM). (Entered: 06/15/2009)
06/15/2009		Set/Reset Hearings: Pretrial Conference set for 8/10/2009 11:30 AM in LONDON before Judge Amul R. Thapar. (EHM) (Entered: 07/14/2009)
06/15/2009		NOTICE OF DOCKET MODIFICATION TO ALL COUNSEL OF RECORD re <u>126</u> Order; Error: wrong pretrial date entered; Entry by docket clerk; Correction: date of pretrial changed from 8/19/09 to 8/10/09; no steps need be taken by

		counsel. cc: COR (EHM) (Entered: 07/14/2009)
07/01/2009	<u>127</u>	ORDER: 1: Telephone Conference set for 7/2/2009 11:00 AM before Judge Amul R. Thapar ; 2) Undersigned's chambers shall initiate the call and lead counsel for each party shall be prepared to discuss the pending motion <u>108</u> and the issues that will be discussed at the hrg; and 3) Court reporter is needed.. Signed by Judge Amul R. Thapar on 7/1/2009.(JMB)cc: COR (Entered: 07/01/2009)
07/02/2009	<u>128</u>	MINUTE ENTRY ORDER FOR TELEPHONE CONFERENCE held on 7/2/2009, before Judge Amul R. Thapar: 1) The parties may file supplemental briefing regarding the Prison Litigation Reform Act exhaustion issue. Any briefing must be submitted no later than Tuesday, July 7, 2009 at 9:00 a.m. ; 2) This matter remains set for a hearing on Thursday July 9, 2009 at 1:00 p.m. at the United States Courthouse in Lexington, Kentucky to discuss the pending motion for summary judgment, R. <u>108</u> . The parties should be prepared to address the topics stated on the record. (Court Reporter JOAN AVERDICK.) Signed by AMUL R. THAPAR. (JMB)cc: COR (Entered: 07/06/2009)
07/07/2009	<u>129</u>	MEMORANDUM in Support of Motion re <u>108</u> MOTION for Summary Judgment by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore <i>Supplemental Briefing Regarding PLRA Exhaustion Issue</i> filed by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3. (Vose, Leslie) (Entered: 07/07/2009)
07/07/2009	<u>130</u>	RESPONSE in Opposition re <u>108</u> MOTION for Summary Judgment by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, <u>125</u> MOTION for Hearing re <u>124</u> Reply to Response to Motion, <u>108</u> MOTION for Summary Judgment by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, <u>118</u> Response in Opposition to Motion,,,,,, Motion Submitted by Lester Napier MOTION for Hearing re <u>124</u> Reply to Response to Motion, <u>108</u> MOTION for Summary Judgment by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, <u>118</u> Response in Opposition to Motion,,,,,, Motion Submitted by Lester Napier, <u>113</u> MOTION for Summary Judgment by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore <i>PLRA SUPPLEMENTAL BRIEF</i> filed by Lester Napier. (Attachments: # <u>1</u> Exhibit EXHIBIT A, # <u>2</u> Exhibit EXHIBIT B)(Horne, Andrew) (Additional attachment(s) added on 7/8/2009: # <u>3</u> Exhibit C – Report to the House of Delegates, # <u>4</u> Exhibit D – Human Rights Watch Article) (RBB). (Entered: 07/07/2009)
07/07/2009	<u>131</u>	NOTICE OF FILING by Lester Napier re <u>130</u> Response in Opposition to Motion,, <i>OMITTED EXHIBITS</i> (Attachments: # <u>1</u> Exhibit EXHIBIT C, # <u>2</u> Exhibit EXHIBIT D)(Horne, Andrew) (Entered: 07/07/2009)
07/08/2009		NOTICE OF DOCKET MODIFICATION TO Andrew Horne re <u>130</u> Response in Opposition to Motion, <u>131</u> Notice of Filing; Error: attachments were insufficiently described; Entry by attorney; Correction: the Clerk renamed the attachments. Attachments must be adequately described. Example: Exhibit A (incorrect); Exhibit A Affidavit of John Doe (correct.) No further action required by counsel. cc: COR (RBB) (Entered: 07/08/2009)
07/09/2009	<u>132</u>	MINUTE ENTRY ORDER FOR ORAL ARGUMENT held on 7/09/2009 before Judge Amul R. Thapar: 1) Dft's mt for s/j <u>108</u> is GRANTED IN PART and DENIED IN PART; 2) Mt will be GRANTED w/respect to: 1) the state law claims against the defendants in their official capacities, and 2) the claims of intentional infliction of emotional distress. The motion will be DENIED with respect to the claims made under 42 U.S.C. § 1983 and the state law negligence and gross negligence claims. 3) Further, the issue of whether the plaintiffs federal law claims are barred by the PLRA is TAKEN UNDER ADVISEMENT. (Court Reporter Ann Banta.) Signed by Amul R. Thapar. (RBB) cc: COR (Entered: 07/10/2009)
07/16/2009	<u>133</u>	MOTION for Leave to File by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3 <i>Supplemental Exhibits to Motion for Summary Judgment</i> Motions referred to Robert E. Wier. (Attachments: # <u>1</u> Exhibit 1 – Envelope, # <u>2</u> Exhibit 2 – Handwritten Inmate Grievance Form, # <u>3</u> Exhibit 3 – George Clark Statement, # <u>4</u> Exhibit 4 – George Clark Affidavit, # <u>5</u> Proposed Order)(Vose, Leslie) (Entered: 07/16/2009)

07/21/2009	<u>134</u>	RESPONSE in Opposition re <u>133</u> MOTION for Leave to File by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3 <i>Supplemental Exhibits to Motion for Summary Judgment</i> filed by Lester Napier. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit INMATE HANDBOOK PAGES, # <u>3</u> Exhibit SIZEMORE DEPOSITION, # <u>4</u> Exhibit RANCHER V FRANKLIN COUNTY, # <u>5</u> Exhibit CARTER V KLAUS, # <u>6</u> Exhibit RILEY V HAWAII, # <u>7</u> Exhibit WILSON V BUDGEON, # <u>8</u> Exhibit JACKSON V CCA)(Horne, Andrew) (Entered: 07/21/2009)
07/24/2009	<u>135</u>	ORDER: Because the Court continues to consider the PLRA exhaustion issue, it is hereby ORDERED that the parties need not file their pre-trial disclosures or any other pre-trial filings until Monday, August 3, 2009 . Signed by Judge Amul R. Thapar on 7/24/2009.(EHM)cc: COR (Entered: 07/24/2009)
07/29/2009	<u>136</u>	MEMORANDUM OPINION & ORDER: 1) The dfts' "Motion to File Supplemental Exhibits Regarding Prison Litigation Reform Act Exhaustion Issue," <u>133</u> is GRANTED ; 2) The dfts' Motion for Summary Judgment <u>108</u> is GRANTED in favor of dfts w/respect to federal claims asserted against them; 3) The remaining state law negligence and gross negligence claims are DISMISSED W/O PREJUDICE pursuant to 28 USC 1367(c)(3); 4) This case shall be STRICKEN from the active docket, and all other pending motions shall be DENIED AS MOOT . Signed by Judge Amul R. Thapar on 7/29/2009.(EHM)cc: COR (Entered: 07/29/2009)
07/29/2009	<u>137</u>	JUDGMENT: 1) JUDGMENT is entered in favor of Dfts w/respect to all claims asserted against them except the state law negligence and gross negligence against Dft Jack Sizemore in his individual capacity, which are DISMISSED W/O PREJUDICE pursuant to 28 USC 1367(c)(3); 2) This matter is DISMISSED , all scheduled hearings are CANCELLED , and this matter is STRICKEN from the Court's active docket; 3) This is a FINAL & APPEALABLE judgment, and there is no just cause for delay. Signed by Judge Amul R. Thapar on 7/29/2009.(EHM)cc: COR (Entered: 07/29/2009)
08/12/2009	<u>138</u>	MONTHLY MOTION for Reconsideration re <u>137</u> Judgment, by Lester Napier; (Attachments: # <u>1</u> Exhibit A, Blakey v. Beckstrom, # <u>2</u> Exhibit B, Jackson v. Walker, et al., # <u>3</u> Exhibit C, Ray v. Hogg, et al., # <u>4</u> Exhibit D, Affidavit of Jeffrey Shipp, # <u>5</u> Exhibit E, Lopez v. McGill, et al., # <u>6</u> Exhibit F, Chapman v. Johnson, et al., # <u>7</u> Exhibit G, Avent v. Perlman, et al., # <u>8</u> Proposed Order)(Belzley, Gregory) Modified on 8/13/2009 to remove referral language(RBB). (Entered: 08/12/2009)
08/13/2009		Motions No Longer Referred: <u>138</u> MONTHLY MOTION for Reconsideration re <u>137</u> Judgment, by Lester Napier (RBB) (Entered: 08/13/2009)
08/14/2009	<u>139</u>	MOTION to Withdraw by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3 Motions referred to Robert E. Wier. (Attachments: # <u>1</u> Proposed Order Motion to Withdraw)(Vose, Leslie) (Entered: 08/14/2009)
08/14/2009	140	VIRTUAL ORDER: Defense counsel Stephanie B. Chadwell has filed a motion to withdraw as counsel of record because she is no longer working for the firm representing the Defendants. Accordingly, her motion is hereby GRANTED. Signed by Judge Amul R. Thapar on 8/14/09. (MRS)cc: COR (Entered: 08/14/2009)
08/18/2009	<u>141</u>	TRANSCRIPT of Proceedings: Oral Argument held on 07/09/2009 before Judge Amul R. Thapar. Court Reporter: K. Ann Banta, Telephone number 502 545-1090. Transcript ordered by: Joyce Jenkins. IMPORTANT NOTICE – REDACTION OF TRANSCRIPTS : In order to remove personal identifier data from the transcript, a party must follow the Court's policy regarding the Redaction Responsibility of Counsel and Parties. The policy governing the redaction of personal information is located on the court website at www.kyed.uscourts.gov . <u>Read this policy carefully</u> . Sample forms, i.e., a Notice of Intent to Redact, may be found on the court website by clicking on <u>Local Forms</u> . If there are no redactions requested, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available via PACER 90 days from today's date. The Transcript may be viewed at the court public terminal or purchased through the Court Reporter before

		the deadline for Release of Transcript Restriction. Redaction Request due 9/8/2009. Redacted Transcript Deadline set for 9/18/2009. Release of Transcript Restriction set for 11/16/2009. (RBB) (Entered: 08/18/2009)
08/26/2009	<u>142</u>	STIPULATION re <u>136</u> Memorandum Opinion & Order; <u>138</u> MONTHLY MOTION for Reconsideration and <u>137</u> Judgment by Lester Napier, Larry Cunnigan, Laurel Co, KY, Courtney Perel McQueen, James Mounts, Phyllis Mounts, Lester Napier, Evelyn Rose, and Jack Sizemore, <i>MOTION TO ALTER/AMEND/VACATE</i> by Lester Napier. (Horne, Andrew) Modified on 8/27/2009 to add additional filers. (RBB). (Entered: 08/26/2009)
08/27/2009		NOTICE OF DOCKET MODIFICATION TO Andrew Horne re <u>142</u> Stipulation; Error: the correct filers were not selected; Entry by attorney; Correction: the clerk added the defendants as filers to the document. In the future, hold the ctrl key on the keyboard and click on each party filing the pleading. No further action required by counsel. cc: COR (RBB) (Entered: 08/27/2009)
08/27/2009		***FILE SUBMITTED TO CHAMBERS of Amul R. Thapar for review: <u>142</u> Stipulation. (RBB) (Entered: 08/27/2009)
08/27/2009	<u>143</u>	RESPONSE in Opposition re <u>138</u> MONTHLY MOTION for Reconsideration re <u>137</u> Judgment, by Lester (Attachments: # <u>1</u> SEALED Exhibit A – Authorization for Release of Records, # <u>2</u> Exhibit Exhibit B – Brock v. Kenton County, # <u>3</u> Proposed Order Order)(Vose, Leslie) Modified on 8/28/2009 to clean up text. (RBB). (Additional attachment(s) added on 8/28/2009: # <u>4</u> Exhibit A – REDACTED Authorization for Release of Records) (RBB). Modified on 8/28/2009 to add following text: "Exhibit A SEALED pursuant to <u>145</u> ORDER and Redacted Exhibit A ordered filed into the record." (RBB). (Entered: 08/27/2009)
08/27/2009	<u>144</u>	MOTION to Seal Document <u>143</u> Response in Opposition to Motion,, by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3, MOTION for Leave by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3 Motions referred to Robert E. Wier. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit Exhibit A – Response to Plaintiff's Motion to Reconsider – REDACTED Authorization for Release of Records)(Vose, Leslie) (Entered: 08/27/2009)
08/28/2009		***MOTION SUBMITTED TO CHAMBERS of Amul R. Thapar for review: re <u>144</u> MOTION to Seal Document <u>143</u> Response in Opposition to Motion,, by Laurel County, Kentucky, Jack Sizemore, Jack Sizemore, John and Jane Does, Nos. 1, 2 and 3, John and Jane Does, Nos. 1, 2 and 3 (RBB) (Entered: 08/28/2009)
08/28/2009	<u>145</u>	ORDER re <u>144</u> MOTION to Seal Document re Exhibit A to <u>143</u> Response in Opposition to Motion; Before the Court is the defendants' motion to seal Exhibit A of their response to the plf's motion to reconsider. R. <u>144</u> . It is hereby ORDERED that this motion is granted. It is further ORDERED that the defendants are granted leave to file the redacted copy of Exhibit A thatthey have submitted to the Court. Signed by Judge Amul R. Thapar on 08/28/2009.(RBB)cc: COR (Entered: 08/28/2009)
09/08/2009	<u>146</u>	REPLY to Response to Motion re <u>138</u> MONTHLY MOTION for Reconsideration re <u>137</u> Judgment by Lester Napier filed by Lester Napier. (Horne, Andrew) Modified on 9/9/2009 to "clean up" text. (RBB). (Entered: 09/08/2009)
09/09/2009		***MOTION SUBMITTED TO CHAMBERS of Amul R. Thapar for review: re <u>138</u> MONTHLY MOTION for Reconsideration re <u>137</u> Judgment, by Lester Napier (RBB) (Entered: 09/09/2009)
10/08/2009	<u>147</u>	ORDER: For the foregoing reasons, it is hereby ORDERED that the plaintiffs motion to reconsider, R. <u>138</u> , is DENIED. An Amended Judgment will be filed contemporaneously with this Memorandum Opinion and Order. Motions terminated: <u>138</u> MOTION for Reconsideration re <u>137</u> Judgment, by Lester. Signed by Judge Amul R. Thapar on 10/08/2009. (RBB) cc: COR (Entered: 10/08/2009)
10/08/2009	<u>148</u>	AMENDED JUDGMENT: ORDERED (1) JUDGMENT is entered in favor of the Defendants with respect to all claims asserted again them except the state law

		negligence and gross negligence claims asserted against Defendant Jack Sizemore in his individual capacity, which are DISMISSED WITHOUT PREJUDICE pursuant to 28 U.S.C. § 1367(c)(3). (2) This matter is DISMISSED WITHOUT PREJUDICE, all scheduled hearings are CANCELLED, and this matter is STRICKEN from the Courts active docket. (3) This is a FINAL and APPEALABLE judgment, and there is no just cause for delay. Signed by Judge Amul R. Thapar on 10/08/2009. (RBB)cc: COR (Entered: 10/08/2009)
10/13/2009	<u>149</u>	NOTICE OF APPEAL as to <u>136</u> Memorandum Opinion & Order; <u>147</u> Order, <u>148</u> Judgment, by Lester Napier. Filing fee \$ 455, receipt number 1597816. (Belzley, Gregory) Modified on 10/14/2009 to clean up text. (RBB). (Entered: 10/13/2009)
01/06/2010		USCA Case Number 09-6239 Case Manager Audrey Crockett for <u>149</u> Notice of Appeal filed by Lester Napier. (RBB) (Entered: 01/06/2010)
09/14/2010	<u>150</u>	Supplemental Record on Appeal transmitted to US Court of Appeals re <u>149</u> Notice of Appeal; transmitted to 6CCA via US Mail for 6CCA case number 09-06239 (RBB) (Entered: 09/14/2010)
09/17/2010	<u>151</u>	CERTIFIED MAIL RECEIPT to USM re <u>150</u> Supplemental ROA Sent to USCA. (RBB) (Entered: 09/17/2010)
09/20/2010	<u>152</u>	ACKNOWLEDGMENT OF SEALED DOCUMENT #114 Received by 6CCA <u>149</u> Notice of Appeal (RBB) (Entered: 09/20/2010)
02/09/2011	<u>153</u>	INFORMATION COPY OF ORDER/JUDGMENT of USCA as to <u>149</u> Notice of Appeal filed by Lester Napier Appellant is still free to pursue his state law claims, We AFFIRM the district court's dismissal of appellant's federal claim. (Attachments: # <u>1</u> Judgment, # <u>2</u> Cover Letter-Mandate to Issue)(RC) Modified text to add "Mandate to Issue" following attachment #2 Cover Letter on 2/9/2011 (RC). (Entered: 02/09/2011)
03/24/2011	<u>154</u>	MANDATE of USCA as to <u>149</u> Notice of Appeal filed by Lester Napier (Attachments: # <u>1</u> 6CCA cover letter)(RBB) (Entered: 03/24/2011)