

CASREF, CJRA_A, CONSCS, JRG, PTCHLD, REOPEN
U.S. District Court
Southern District of Illinois (East St. Louis)
CIVIL DOCKET FOR CASE #: 3:00-cv-00708-GPM-DGW

Cunningham v. Snyder, et al
Assigned to: Judge G. Patrick Murphy
Referred to: Magistrate Judge Donald G. Wilkerson
Demand: \$0
Lead case: 3:00-cv-00162-GPM-DGW
Member case: (View Member Case)
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 09/11/2000
Jury Demand: Plaintiff
Nature of Suit: 555 Prison Condition
Jurisdiction: Federal Question

Plaintiff

Bennie Cunningham

represented by **Richard D. Murray, Jr.**
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Terry H. Gamber
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TERMINATED: 01/07/2003
LEAD ATTORNEY

V.

Defendant

Donald N Snyder

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Michael M. Havera

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Defendant

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Defendant

Michael V Neal

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George C Welborn

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Defendant

Jack Hartwig

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Date Filed	#	Docket Text
09/11/2000		PRO SE THRESHOLD DETERMINATION (jao) (Entered: 09/11/2000)
09/11/2000	1	COMPLAINT (jao) (Entered: 09/11/2000)
09/11/2000	2	MOTION by plaintiff Bennie Cunningham to proceed in forma pauperis (jao) (Entered: 09/11/2000)
09/11/2000		CJRA Track T assigned by Chief Judge J. P. Gilbert (jao) (Entered: 09/11/2000)
09/11/2000		LETTER to plaintiff Bennie Cunningham informing same of case number. (jao) (Entered: 09/11/2000)

09/15/2000		REMARK – file sent to Benton (1 volume) (car) (Entered: 09/15/2000)
09/18/2000		USM-285 received from plaintiff Bennie Cunningham as to defendants Donald N Snyder, Odie Washington, Asst Dep Diret McVicar, Michael V Neal, George C Welborn, Angela Winsor, H Markel (myz) (Entered: 09/18/2000)
09/19/2000	<u>3</u>	ORDER by Chief Judge J. P. Gilbert denying motion to proceed in forma pauperis [2-1] (cc: all counsel) (jep) (Entered: 09/20/2000)
09/19/2000	<u>4</u>	JUDGMENT (NGJ/jep) approved by Chief Judge J. P. Gilbert re [3-1], dismissing without prejudice to bringing it in a fully pre-paid complaint, plaintiff has had three or more prior dismissals; terminating case (cc: all counsel) (jep) (Entered: 09/20/2000)
09/20/2000		REMARK – file returned to ESL (jep) (Entered: 09/20/2000)
09/22/2000		REMARK file received from Benton consisting of 1 volume of pleadings (jmf) (Entered: 09/22/2000)
09/29/2000	5	MOTION by plaintiff Bennie Cunningham for reconsideration of 9/19/00 order (tjh) (Entered: 10/13/2000)
08/06/2001		REMARK file (1 volume) sent to Benton (jmp) (Entered: 08/06/2001)
08/07/2001		REMARK – file received in Benton and submitted to Judge Gilbert (jep) (Entered: 08/07/2001)
08/14/2001	<u>6</u>	ORDER by Judge J. P. Gilbert granting motion for reconsideration of 9/19/00 order [5-1], vacating judgment [4-2] Case reopened (cc: all counsel) (jep) (Entered: 08/15/2001)
08/14/2001	<u>7</u>	ORDER by Judge J. P. Gilbert granting motion to proceed in forma pauperis [2-1]; plaintiff to pay initial partial filing fee of \$11.73 (cc: all counsel, Tamms CC) (jep) (Entered: 08/15/2001)
08/15/2001		REMARK – file returned to ESL (jep) (Entered: 08/15/2001)
08/17/2001		REMARK file received from Benton consisting of one volume of pleadings (jmf) (Entered: 08/17/2001)
09/19/2001		initial PARTIAL FILING FEE PAID: by plaintiff Bennie Cunningham on 9/19/01 in the amount of \$ 11.73 receipt # 300 77258 (trb) (Entered: 09/19/2001)
06/20/2002		REMARK file sent to Benton clerks office (1 volume) (trb) (Entered: 06/20/2002)
06/21/2002		REMARK – file received in Benton and submitted to JPG w/prop order (jep) (Entered: 06/21/2002)
06/28/2002	<u>8</u>	MEMORANDUM AND ORDER by Judge J. P. Gilbert dismissing with prejudice Counts 2,3,4 and 5 of the complaint; Clerk directed to prepare Form 1A and Form 1B for defendants and forward to US Marshal for service; US Marshal directed to serve process upon defendants; plaintiff ordered to serve upon defendants every further pleading or document submitted for consideration by this court; defendants ordered to timely file responsive pleading to the complaint; Case referred to Mag Judge Gerald B. Cohn (cc: all counsel) (dka) (Entered: 07/01/2002)
06/28/2002	9	MOTION by plaintiff Bennie Cunningham for appointment of counsel (dka) (Entered: 07/01/2002)
06/28/2002	10	AFFIDAVIT of Bennie Cunningham re [9-1] (dka) (Entered: 07/01/2002)
07/01/2002		CJRA Track A assigned by Judge J. P. Gilbert (dka) (Entered: 07/01/2002)

07/01/2002		WAIVER OF SERVICE OF SUMMONS as to defendant Donald N Snyder, defendant Odie Washington, defendant Asst Dep Direct McVicar, defendant Michael V Neal, defendant George C Welborn, defendant Angela Winsor, defendant H Markel sent to US Marshal for service with USM 285 (dka) (Entered: 07/01/2002)
07/01/2002		REMARK file consisting of one volume pleadings sent to ESL via Fed Ex (dka) (Entered: 07/01/2002)
07/02/2002		REMARK – case file received from Benton (tjh) (Entered: 07/02/2002)
07/09/2002	11	NOTICE AND REQUEST by the US Marshal for the address of Odie Washington and Michael V. Neal (jep) (Entered: 07/09/2002)
07/12/2002	12	NOTICE & ORDER to IDOC and Warden TAMMS CC to have plaintiff present for videoconference of hearing setting hearing on motion for appointment of counsel [9–1] ; 9:30AM 8/2/02 before Mag Judge Gerald B. Cohn in the USDC/East St. Louis, IL (cc: all counsel) (jms) (Entered: 07/12/2002)
07/15/2002	<u>13</u>	ORDER by Mag Judge Gerald B. Cohn that IDOC shall provide the Marshal with the last know address of defendants Odie Washington and Michael V Neal [11–1] (cc: all counsel) (jmf) (Entered: 07/18/2002)
07/29/2002		WAIVER OF SERVICE executed upon defendant H Markel on 7/11/02 ; date request sent 7/9/02 (dka) (Entered: 07/30/2002)
07/29/2002		WAIVER OF SERVICE executed upon defendant Asst Dep Direct McVicar, defendant George C Welborn on 7/12/02 ; date request sent 7/9/02 (dka) (Entered: 07/30/2002)
07/29/2002		WAIVER OF SERVICE executed upon defendant Donald N Snyder on 7/15/02 ; date request sent 7/9/02 (dka) (Entered: 07/30/2002)
07/29/2002		RETURN OF SERVICE executed upon defendant Angela Winsor on 7/23/02 w/ attached request for legal representation directed to Attorney General (dka) (Entered: 07/30/2002)
08/02/2002	<u>14</u>	MINUTES (jms) of hearing on motion for appointment of counsel before Mag Judge Gerald B. Cohn taking under advisement on the motion for appointment of counsel [9–1] (dlr) (Entered: 08/08/2002)
08/08/2002		WAIVER OF SERVICE executed upon defendant Odie Washington, defendant Michael V Neal on 8/2/02 (dka) (Entered: 08/08/2002)
08/28/2002	15	MOTION by defendant Donald N Snyder, defendant Odie Washington, defendant Asst Dep Direct McVicar, defendant Michael V Neal, defendant George C Welborn, defendant Angela Winsor, defendant H Markel to extend time to 10/2/02 to answer w/prop order (jep) (Entered: 08/28/2002)
09/05/2002	16	MOTION by plaintiff Bennie Cunningham for leave to file an Amended Complaint (scj) (Entered: 09/09/2002)
09/10/2002		REMARK sent USM 285 on defendant Donald Snyder to US Marshall for service (service obtained 7/29/02) (scj) (Entered: 09/10/2002)
09/16/2002	17	MOTION by defendants Donald N Snyder, Odie Washington, Asst Dep Direct McVicar, Michael V Neal, George C Welborn, Angela Winsor, and H Markel to strike First Amended Complaint (scj) (Entered: 09/18/2002)
09/23/2002	18	RESPONSE by plaintiff Bennie Cunningham to motion to strike First Amended Complaint [17–1] (scj) (Entered: 09/26/2002)

09/23/2002	19	MEMORANDUM by plaintiff Bennie Cunningham in support of motion response to motion to strike first amended complaint [18-1] (scj) (Entered: 09/26/2002)
09/27/2002	20	ANSWER by defendants Donald N Snyder, Odie Washington, Asst Dep Diret McVicar, Michael V Neal, George C Welborn, Angela Winsor, and H Markel to original Complaint [1-1] (scj) (Entered: 10/02/2002)
09/27/2002	21	MOTION by defendants Bennie Cunningham, Donald N Snyder, Odie Washington, Asst Dep Diret McVicar, Michael V Neal, George C Welborn, Angela Winsor, and H Markel to extend time to respond to request for production of documents (scj) (Entered: 10/02/2002)
10/02/2002	<u>22</u>	ORDER by Mag Judge Gerald B. Cohn granting motion to extend time to respond to request for production of documents [21-1] response ddl set 10/31/02 (cc: all counsel) (scj) (Entered: 10/04/2002)
10/08/2002	23	MOTION by plaintiff to strike defendants' answer to original complaint (dmw) (Entered: 10/17/2002)
10/15/2002	24	RESPONSE by defendants Donald N Snyder, Odie Washington, Asst Dep Diret McVicar, Michael V Neal, George C Welborn, Angela Winsor, and H Markel to motion to strike defendants' answer to original complaint [23-1] (scj) (Entered: 10/22/2002)
10/22/2002	25	MOTION by plaintiff for enlargement of time to respond to interrogatories (dmw) (Entered: 10/25/2002)
11/25/2002	26	MOTION by plaintiff Bennie Cunningham to extend time to respond to defendants' interrogatories (jep) (Entered: 11/26/2002)
11/26/2002		DOCUMENT NUMBER 26 SENT to ESL (jep) (Entered: 11/26/2002)
11/27/2002		DOCUMENT NUMBER 26 RECEIVED from Benton (tjh) (Entered: 11/27/2002)
12/12/2002	<u>27</u>	ORDER by Mag Judge Gerald B. Cohn granting motion for appointment of counsel [9-1]; Terry H. Gamber is appointed as counsel to represent plaintiff in this action (cc: all counsel) (scj) (Entered: 12/16/2002)
12/12/2002	<u>28</u>	ORDER by Mag Judge Gerald B. Cohn granting motion to extend time to 10/2/02 to answer [15-1] (cc: all counsel) (scj) (Entered: 12/16/2002)
01/07/2003	<u>29</u>	ORDER by Mag Judge Gerald B. Cohn vacating Order of 12/12/02 [27-1]; appointing counsel for plaintiff Bennie Cunningham , appointing attorney Richard D. Murray Jr. , terminating attorney Terry H. Gamber (cc: all counsel) (dlr) (Entered: 01/10/2003)
02/18/2003	30	ATTORNEY APPEARANCE for plaintiff by Richard D. Murray, Jr. (dmw) (Entered: 02/21/2003)
03/31/2003	<u>31</u>	ORDER by Mag Judge Gerald B. Cohn denying motion for leave to file an Amended Complaint [16-1], motion to strike First Amended Complaint [17-1], motion to strike defendants' answer to original complaint [23-1], motion for enlargement of time to respond to interrogatories [25-1], and motion to extend time to respond to defendants' interrogatories [26-1] as moot; if necessary, Plaintiff's amended complaint shall be filed by ddl set 5/17/03 (cc: all counsel) (scj) (Entered: 04/02/2003)
05/16/2003	32	AMENDED COMPLAINT [1-1] by plaintiff Bennie Cunningham; adding Jack Hartwig (scj) (Entered: 05/22/2003)
05/16/2003	33	MOTION by plaintiff Bennie Cunningham (for order) to add party defendant (scj) (Entered: 05/22/2003)

06/04/2003		DOCUMENT SENT to ESL via Fed Ex (waiver of service of summons by Michael Neal and Odie Washington) (dka) (Entered: 06/04/2003)
06/04/2003	34	MOTION by defendants Donald N Snyder, Odie Washington, Asst Dep Diret McVicar, Michael V Neal, George C Welborn, Angela Winsor, and H Markel to extend time to answer First Amended Complaint (scj) (Entered: 06/09/2003)
06/05/2003		DOCUMENT RECEIVED from Benton waiver of service of summons from Michael Neal and Odie Washington (js) (Entered: 06/05/2003)
06/10/2003	<u>35</u>	ORDER by Mag Judge Gerald B. Cohn granting motion to extend time to 6/9/03 to answer first amended complaint [34-1] (cc: all counsel) (dmw) (Entered: 06/12/2003)
06/11/2003	36	MOTION by defendants Donald N Snyder, Odie Washington, Asst Dep Diret McVicar, Michael V Neal, George C Welborn, Angela Winsor, H Markel for enlargement of time to answer amended complaint (dmw) (Entered: 06/17/2003)
06/18/2003	37	MOTION by defendants Donald N Snyder, Odie Washington, Asst Dep Diret McVicar, Michael V Neal, George C Welborn, Angela Winsor, and H Markel to strike Counts II, III and IV of Amended Complaint (scj) (Entered: 06/25/2003)
06/18/2003	38	ANSWER by defendants Donald N Snyder, Odie Washington, Asst Dep Diret McVicar, Michael V Neal, George C Welborn, Angela Winsor, and H Markel to Amended Complaint [32-1] (scj) (Entered: 06/25/2003)
06/18/2003	<u>39</u>	ORDER by Mag Judge Gerald B. Cohn granting motion for enlargement of time to answer amended complaint [36-1] up to and including 6/16/03(cc: all counsel) (scj) (Entered: 06/25/2003)
06/18/2003	<u>40</u>	ORDER by Mag Judge Gerald B. Cohn granting motion (for order) to add party defendant Jack Hartwig [33-1]; service ddl set 7/25/03 (cc: all counsel) (scj) (Entered: 06/25/2003)
06/27/2003	<u>41</u>	TRIAL PRACTICE SCHEDULE Mag Judge Gerald B. Cohn ; discovery ddl set 10/26/03 ;disp mtn filing ddl 11/10/03 (cc: all counsel) (dlr) (Entered: 07/07/2003)
10/16/2003	<u>42</u>	ORDER by Mag Judge Gerald B. Cohn granting motion to strike Counts II, III and IV of Amended Complaint [37-1] (cc: all counsel) (dmw) (Entered: 10/24/2003)
10/20/2003	43	MOTION by plaintiff Bennie Cunningham to extend time for discovery (js) (Entered: 10/27/2003)
11/04/2003	44	MOTION by plaintiff Bennie Cunningham for reconsideration of dismissal of Count II of the amended complaint (jep) (Entered: 11/04/2003)
11/04/2003		DOCUMENT NUMBER 44 SENT to ESL (jep) (Entered: 11/04/2003)
11/06/2003		DOCUMENT NUMBER 44 RECEIVED from Benton (js) (Entered: 11/06/2003)
11/19/2003	45	RESPONSE by defendants' Donald N Snyder, Odie Washington, Asst Dep Diret McVicar, Michael V Neal, George C Welborn, Angela Winsor, H Markel to motion for reconsideration of dismissal of Count II of the amended complaint [44-1] (tjh) (Entered: 12/01/2003)
12/15/2003	<u>46</u>	ORDER by Mag Judge Gerald B. Cohn denying motion for reconsideration of dismissal of Count II of the amended complaint [44-1] (cc: all counsel) (myz) (Entered: 12/23/2003)

12/15/2003	<u>47</u>	ORDER by Mag Judge Gerald B. Cohn granting motion to extend time for discovery [43-1] ; discovery ddl 1/15/04, dispositive mtn ddl 1/30/04 (cc: all counsel) (myz) (Entered: 12/23/2003)
02/02/2004	<u>48</u>	MOTION for Extension of Time by H Markel, Asst Dep Diret McVicar, Michael V Neal, Donald N Snyder, Odie Washington, George C Welborn, Angela Winsor. (Higgerson, Christopher) (Entered: 02/02/2004)
02/06/2004	<u>49</u>	ORDER granting <u>48</u> Motion for Extension of Time until 2/17/04 to answer plaintiff's interrogatories. Signed by Judge Gerald B. Cohn on 2/3/04. (jms) (Entered: 02/06/2004)
05/13/2004	<u>50</u>	MOTION for free Copy of docketing statement by Bennie Cunningham. (jep) (Entered: 05/19/2004)
06/09/2004	<u>51</u>	ORDER granting <u>50</u> Motion to Copy . Signed by Judge Gerald B. Cohn on 6/2/04. (jms) (Entered: 06/09/2004)
08/12/2004	52	NOTICE of Hearing: Final Pretrial Conference set for 9/22/2004 09:00 AM in East St. Louis Court House before Mag Judge Gerald B. Cohn. NO FURTHER NOTICE TO BE GIVEN!!!(jms) (Entered: 08/12/2004)
09/22/2004	53	Minute Entry (NGJ:jms) for proceedings held before Judge Gerald B. Cohn with Richard D. Murray and Christopher L. Higgerson, AAG: Final Pretrial Conference held on 9/22/2004. Final Pretrial Order submitted. (jms) (Entered: 09/22/2004)
09/22/2004	<u>54</u>	ORDER that case is certified to Judge Gilbert for trial. Signed by Judge Gerald B. Cohn on 9/22/04. (jms) (Entered: 09/22/2004)
09/22/2004	<u>55</u>	FINAL PRETRIAL ORDER Signed by Judge Gerald B. Cohn on 9/22/04. (jms) (Entered: 09/22/2004)
09/22/2004	56	Remark – file (one volume of pleadings) sent to Benton. (jms) (Entered: 09/22/2004)
09/22/2004		Judge Gerald B. Cohn no longer assigned to case. (jms) (Entered: 09/22/2004)
09/27/2004		Set Deadlines/Hearings: Final Pretrial Conference set for 12/2/2004 at 09:30 AM in Benton Court House before Judge J. Phil Gilbert. Jury Trial set for 12/13/2004 at 09:00 AM in Benton Court House before Judge J. Phil Gilbert. (By: kjr) (Entered: 09/27/2004)
10/29/2004	<u>57</u>	MOTION to Continue <i>Trial Setting</i> by Bennie Cunningham. (Murray, Richard) (Entered: 10/29/2004)
11/12/2004	<u>58</u>	MINUTE ORDER (kjr) granting MOTION to Continue <i>Trial Setting</i> filed by Bennie Cunningham; Final Pretrial Conference reset for 3/3/2005 09:30 AM in Benton Court House before Judge J. Phil Gilbert. Jury Trial reset for 3/14/2005 09:00 AM in Benton Court House before Judge J. Phil Gilbert.(dka,) (Entered: 11/12/2004)
11/15/2004	<u>59</u>	ORDER that plaintiff shall have up to and including 12/17/04 to obtain service of process on Jack Hartwig; Action due by 12/17/2004.. Signed by Judge J. Phil Gilbert on 11/15/04. (dka,) (Entered: 11/15/2004)
11/24/2004	<u>60</u>	Summons Issued as to Jack Hartwig and delivered to U.S. Marshal along with copy of First Amended Complaint and USM-285. (jep,) (Entered: 11/29/2004)
11/26/2004	<u>61</u>	EMERGENCY MOTION for Conference Hearing by Bennie Cunningham, pro se. (jep,) (Entered: 11/30/2004)
12/06/2004	<u>62</u>	ORDER striking <u>61</u> Motion for Hearing . Signed by Judge J. Phil Gilbert on 12/6/04. (dka,) (Entered: 12/06/2004)

12/20/2004	<u>63</u>	MOTION to Continue <i>Trial Date</i> by Donald N Snyder, Odie Washington, Asst Dep Direct McVicar, Michael V Neal, George C Welborn, Angela Winsor, H Markel. (Higgerson, Christopher) (Entered: 12/20/2004)
12/21/2004	<u>64</u>	RETURN OF SERVICE EXECUTED by Jack Hartwig on 12/16/04. (jep,) (Entered: 01/04/2005)
01/05/2005	<u>65</u>	MOTION for Extension of Time to File Answer re 32 Amended Complaint by Jack Hartwig. (Higgerson, Christopher) (Entered: 01/05/2005)
01/11/2005	<u>66</u>	ANSWER to Amended Complaint by Jack Hartwig.(Higgerson, Christopher) (Entered: 01/11/2005)
01/11/2005	<u>67</u>	ORDER granting <u>65</u> Motion for Extension of Time to Answer . Signed by Judge J. Phil Gilbert on 1/11/05. (jep) (Entered: 01/12/2005)
02/18/2005	<u>68</u>	Supplemental MOTION to Continue <i>Trial Date</i> by Donald N Snyder, Odie Washington, Asst Dep Direct McVicar, Michael V Neal, George C Welborn, Angela Winsor, H Markel, Jack Hartwig. (Higgerson, Christopher) (Entered: 02/18/2005)
02/18/2005	<u>69</u>	MOTION to Amend/Correct <u>55</u> Pretrial Order by Bennie Cunningham. (Murray, Richard) (Entered: 02/18/2005)
03/03/2005	<u>70</u>	NOTICE of Appearance by Julie Morgan on behalf of Donald N Snyder, Odie Washington, Asst Dep Direct McVicar, Michael V Neal, George C Welborn, Angela Winsor, H Markel, Jack Hartwig (Morgan, Julie) (Entered: 03/03/2005)
03/03/2005	<u>71</u>	Minute Entry for proceedings held before Judge J. Phil Gilbert (kjr): Final Pretrial Conference held on 3/3/2005; parties estimate trial time at 2-3 days; jury trial reset for 5/23/2005 09:00 AM in Benton Court House before Judge J. Phil Gilbert. (Court Reporter Jane McCorkle) (vlm,) (Entered: 03/04/2005)
03/17/2005	<u>72</u>	ORDER finding <u>63</u> Motion to Continue moot; granting <u>69</u> Motion to Amend the final pretrial order and to propound discovery on defendant Hartwig. Signed by Judge J. Phil Gilbert on 3/17/05. (jep) (Entered: 03/17/2005)
04/15/2005	<u>73</u>	MOTION for Extension of Time to Complete Discovery <i>to Respond to Plaintiff's Interrogatories</i> by Jack Hartwig. (Higgerson, Christopher) (Entered: 04/15/2005)
04/21/2005	<u>74</u>	ORDER granting <u>73</u> Motion for Extension of Time to Complete Discovery . Signed by Judge J. Phil Gilbert on 4/21/05. (jep) (Entered: 04/21/2005)
05/11/2005	<u>75</u>	MOTION to Amend/Correct <i>Pretrial Order</i> by Bennie Cunningham. (Murray, Richard) (Entered: 05/11/2005)
05/11/2005	<u>76</u>	MOTION for Issuance <i>and Service of Subpoenas</i> by Bennie Cunningham. (Murray, Richard) (Entered: 05/11/2005)
05/17/2005	<u>77</u>	ORDER granting <u>75</u> Motion to Amend/Correct Final Pre-Trial Order <u>75</u> . Final Pre-Trial Order <u>75</u> is amended to include the exhibits listed in the plaintiff's motion . Signed by Judge J. Phil Gilbert on May 17, 2005. (vlm) (Entered: 05/17/2005)
05/18/2005	<u>78</u>	Minute Entry for proceedings held before Judge J. Phil Gilbert : Telephone Conference held on 5/18/2005. Final Pretrial Conference set for 8/4/2005 10:30 AM in Benton Court House before Judge J. Phil Gilbert. Jury Trial reset for 8/15/2005 09:00 AM in Benton Court House before Judge J. Phil Gilbert. (Court Reporter Jane McCorkle.) (msd,) (Entered: 05/18/2005)

07/13/2005	<u>79</u>	MOTION for Writ of Habeas Corpus ad testificandum by Bennie Cunningham. (Murray, Richard) (Entered: 07/13/2005)
07/13/2005	<u>80</u>	MOTION for Writ of Habeas Corpus ad testificandum by Bennie Cunningham. (Murray, Richard) (Entered: 07/13/2005)
07/13/2005	<u>81</u>	MOTION for Writ of Habeas Corpus ad testificandum by Bennie Cunningham. (Murray, Richard) (Entered: 07/13/2005)
07/13/2005	<u>82</u>	MOTION for Writ of Habeas Corpus ad testificandum by Bennie Cunningham. (Murray, Richard) (Entered: 07/13/2005)
07/13/2005	<u>83</u>	MOTION for Writ of Habeas Corpus ad testificandum by Bennie Cunningham. (Murray, Richard) (Entered: 07/13/2005)
07/26/2005	<u>84</u>	MOTION to Continue <i>Trial Setting</i> by Bennie Cunningham. (Murray, Richard) (Entered: 07/26/2005)
07/27/2005	<u>85</u>	Minute Entry for proceedings held before Judge J. Phil Gilbert : Telephone Status Conference held on 7/27/2005, GRANTING <u>79</u> MOTION for Writ of Habeas Corpus ad testificandum filed by Bennie Cunningham and GRANTING <u>84</u> MOTION to Continue <i>Trial Setting</i> filed by Bennie Cunningham. Final Pretrial Conference reset for 8/15/2005 10:00 AM in Benton Court House before Judge J. Phil Gilbert. (Court Reporter N/A.) (jep) (Entered: 07/27/2005)
08/03/2005	<u>86</u>	MOTION to Substitute Attorney by Donald N Snyder, Odie Washington, Asst Dep Direct McVicar, Michael V Neal, George C Welborn, Angela Winsor, H Markel, Jack Hartwig. (Havera, Michael) (Entered: 08/03/2005)
08/03/2005	<u>87</u>	NOTICE of Appearance by Michael M. Havera on behalf of Donald N Snyder, Odie Washington, Asst Dep Direct McVicar, Michael V Neal, George C Welborn, Angela Winsor, H Markel, Jack Hartwig (Havera, Michael) (Entered: 08/03/2005)
08/04/2005	<u>88</u>	NOTICE OF ERRORS AND/OR DEFICIENCIES re <u>86</u> Motion to Substitute Attorney filed by George C Welborn,, Michael V Neal,, Odie Washington,, Jack Hartwig,, Angela Winsor,, H Markel,, Donald N Snyder,, Asst Dep Direct McVicar,. See attached document for specifics (dka,) (Entered: 08/04/2005)
08/09/2005	<u>89</u>	ORDER denying <u>86</u> Motion to Substitute Attorney. Signed by Judge J. Phil Gilbert on 8/9/05. (jep) (Entered: 08/09/2005)
08/11/2005	<u>90</u>	MOTION to Amend/Correct <i>Pretrial Order</i> by Bennie Cunningham. (Murray, Richard) (Entered: 08/11/2005)
08/15/2005	<u>91</u>	Minute Entry for proceedings held before Judge J. Phil Gilbert (kjr): Final Pretrial Conference held on 8/15/2005. Court allows Maurice Perkins to be added to the witness list. Court will not allow testimony of Vincent Patterson, Henry Skates and Carmichael Morrison. Jury Trial set for 10/11/2005 09:00 AM in Benton Court House before Judge J. Phil Gilbert. (Court Reporter Jane McCorkle) (vlm,) (Entered: 08/18/2005)
08/22/2005	<u>92</u>	ORDER granting <u>79</u> Motion for Writ of Habeas Corpus ad testificandum, denying <u>80</u> Motion for Writ of Habeas Corpus ad testificandum, denying <u>81</u> Motion for Writ of Habeas Corpus ad testificandum, denying <u>82</u> Motion for Writ of Habeas Corpus ad testificandum, denying <u>83</u> Motion for Writ of Habeas Corpus ad testificandum, granting in part and denying in part <u>90</u> Motion to Amend/Correct . Signed by Judge J. Phil Gilbert on 8/22/05. (jep) (Entered: 08/22/2005)
08/22/2005	<u>93</u>	Writ of Habeas Corpus ad Testificandum Issued as to Bennie Cunningham for 10/11/05. (jep) (Entered: 08/22/2005)

09/09/2005	<u>94</u>	MOTION to Reinstate <i>Count III of Plaintiff's Amended Complaint or, Alternatively, to Grant Leave to Amend Said Complaint</i> by Bennie Cunningham. (Murray, Richard) (Entered: 09/09/2005)
09/09/2005	<u>95</u>	MOTION for Discovery (<i>Allow Supplemental Discovery</i>) by Bennie Cunningham. (Murray, Richard) (Entered: 09/09/2005)
09/09/2005	<u>96</u>	MOTION to Continue <i>Trial and for a Pre-Trial Conference</i> by Bennie Cunningham. (Murray, Richard) (Entered: 09/09/2005)
09/15/2005	<u>97</u>	ORDER granting <u>94</u> MOTION to Reinstate Count III of Plaintiff's Amended Complaint filed by Bennie Cunningham, granting <u>95</u> MOTION for Supplemental Discovery filed by Bennie Cunningham and REFERRING CASE to Magistrate Judge Donald G. Wilkerson. Court grants <u>96</u> MOTION to Continue <i>Trial and for a Pre-Trial Conference</i> filed by Bennie Cunningham. Final Pretrial Conference reset for 5/4/2006 09:30 AM in Benton Court House before Judge J. Phil Gilbert. Jury Trial reset for 5/22/2006 09:00 AM in Benton Court House before Judge J. Phil Gilbert. Signed by Judge J. Phil Gilbert on 9/15/05. (dka,) (Entered: 09/15/2005)
09/19/2005	<u>98</u>	ORDER MOOTING <u>76</u> MOTION for Issuance <i>and Service of Subpeonas</i> filed by Bennie Cunningham. Telephonic Status Conference set for 10/5/2005 02:00 PM before Mag/Judge Donald G. Wilkerson. Defendants to initiate conference call. Signed by Judge Donald G. Wilkerson on 9/19/05. (sgp) (Entered: 09/19/2005)
10/05/2005	<u>99</u>	Minute Entry for proceedings held before Judge Donald G. Wilkerson: Telephonic Status Conference held on 10/5/2005. Attorney Richard D. Murray, Jr. present for plaintiff and Attorney Christopher L. Higgerson present for defendant. Discovery due by 12/16/2005. Dispositive Motions due by 12/31/2005. No extensions will be granted.(Court Reporter n/a.) (rmb) (Entered: 10/06/2005)
10/07/2005	<u>100</u>	ANSWER to Amended Complaint <i>and Affirmative Defenses</i> by Donald N Snyder, Odie Washington, Asst Dep Direct McVicar, Michael V Neal, George C Welborn, Angela Winsor, H Markel, Jack Hartwig.(Higgerson, Christopher) (Entered: 10/07/2005)
10/07/2005	<u>101</u>	MOTION to Dismiss <i>Damages Portion of Count III of the Amended Complaint with Supporting Brief</i> by Donald N Snyder, Odie Washington, Asst Dep Direct McVicar, Michael V Neal, George C Welborn, Angela Winsor, H Markel, Jack Hartwig. Responses due by 11/9/2005 (Higgerson, Christopher) (Entered: 10/07/2005)
10/14/2005	<u>102</u>	WRIT of WHCAT Returned Unexecuted as to Bennie Cunningham. (jep) (Entered: 10/14/2005)
11/15/2005	<u>103</u>	RESPONSE to Motion re <u>101</u> MOTION to Dismiss <i>Damages Portion of Count III of the Amended Complaint with Supporting Brief</i> filed by Bennie Cunningham. (Murray, Richard) (Entered: 11/15/2005)
11/22/2005	<u>104</u>	REPLY to Response to Motion re <u>101</u> MOTION to Dismiss <i>Damages Portion of Count III of the Amended Complaint with Supporting Brief</i> filed by Donald N Snyder, Odie Washington, Asst Dep Direct McVicar, Michael V Neal, George C Welborn, Angela Winsor, H Markel, Jack Hartwig. (Higgerson, Christopher) (Entered: 11/22/2005)
12/16/2005	<u>105</u>	ENTRY STRICKEN – Supplemental MOTION to Produce by Bennie Cunningham. (Murray, Richard) Modified on 12/19/2005 (myz). (Entered: 12/16/2005)
12/19/2005	<u>106</u>	NOTICE STRIKING ELECTRONICALLY FILED DOCUMENTS striking <u>105</u> Request for Production filed by Bennie Cunningham. See attached document for specifics (myz) (Entered: 12/19/2005)

05/03/2006	<u>107</u>	MOTION to Consolidate Cases by Bennie Cunningham. (Murray, Richard) (Entered: 05/03/2006)
05/03/2006	<u>108</u>	MEMORANDUM in Support re <u>107</u> MOTION to Consolidate Cases filed by Bennie Cunningham. (Murray, Richard) (Entered: 05/03/2006)
05/03/2006	<u>109</u>	MOTION to Amend/Correct by Bennie Cunningham. (Murray, Richard) (Entered: 05/03/2006)
05/04/2006	<u>110</u>	Minute Entry for proceedings held before Judge J. Phil Gilbert (kjr): Final Pretrial Conference held on 5/4/2006. Matter stricken from 5/22/06 trial docket. Matter reset for telephone status Conference on 6/7/2006 09:00 AM before Judge J. Phil Gilbert. (Court Reporter Jane McCorkle.) (dka,) (Entered: 05/05/2006)
05/12/2006	<u>111</u>	RESPONSE to <u>107</u> Motion to Consolidate Cases filed by Donald N Snyder, Odie Washington, Asst Dep Direct McVicar, Michael V Neal, George C Welborn, Angela Winsor, H Markel. (Higgerson, Christopher) (Entered: 05/12/2006)
05/18/2006	<u>112</u>	ORDER granting <u>107</u> MOTION to Consolidate Cases filed by Bennie Cunningham, consolidating case with 00-162-GPM. Signed by Judge J. Phil Gilbert on 5/18/06. (dka,) (Entered: 05/22/2006)
05/18/2006	<u>113</u>	ORDER REASSIGNING CASE. Case reassigned to Judge G. Patrick Murphy for all further proceedings. Judge J. Phil Gilbert no longer assigned to case. Signed by Judge J. Phil Gilbert on 5/22/06. (dka,) (Entered: 05/22/2006)
12/13/2006	114	ORDER: GRANTING <u>109</u> MOTION to Amend/Correct filed by Bennie Cunningham. Signed by Judge G. Patrick Murphy on 12/13/06. (lmc)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 12/13/2006)