

CLOSED, Paper Documents, MEDIATION-CJB

**U.S. District Court
District of Delaware (Wilmington)
CIVIL DOCKET FOR CASE #: 1:12-cv-01240-LPS**

Wharton et al v. Danberg et al
Assigned to: Judge Leonard P. Stark
Case in other court: Third Circuit, 19-01988
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 10/01/2012
Date Terminated: 04/11/2016
Jury Demand: Plaintiff
Nature of Suit: 555 Prisoner: Prison
Conditions
Jurisdiction: Federal Question

Plaintiff

Philip A. Wharton

represented by **Stephen A. Hampton**
Grady & Hampton
6 North Bradford Street
Dover, DE 19904
(302) 678-1265
Email: sahampton@gradyhampton.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth C. Fillingame
Grady & Hampton
6 North Bradford Street
Dover, DE 19904
302-678-1265
Email: efillingame@gradyhampton.com
TERMINATED: 02/10/2015
ATTORNEY TO BE NOTICED

John S. Grady
Grady & Hampton
6 North Bradford Street
Dover, DE 19904
(302) 678-1265
Fax: 3026783544
Email: jgrady@gradyhampton.com
TERMINATED: 01/29/2014

Plaintiff

Joseph Roundtree

represented by **Stephen A. Hampton**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth C. Fillingame
(See above for address)
TERMINATED: 02/10/2015
ATTORNEY TO BE NOTICED

John S. Grady
(See above for address)
TERMINATED: 01/29/2014

Plaintiff

James Maddox

represented by **Stephen A. Hampton**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth C. Fillingame

(See above for address)
TERMINATED: 02/10/2015
ATTORNEY TO BE NOTICED

John S. Grady
(See above for address)
TERMINATED: 01/29/2014

Plaintiff

Lamar Correa

represented by **Stephen A. Hampton**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth C. Fillingame
(See above for address)
TERMINATED: 02/10/2015
ATTORNEY TO BE NOTICED

John S. Grady
(See above for address)
TERMINATED: 01/29/2014

V.

Defendant

Carl C. Danberg

represented by **Michael F. McTaggart**
Department of Justice
State of Delaware
820 N. French Street, 8th Floor
Carvel Office Building
Wilmington, DE 19801
(302) 577-8993
Fax: (302) 577-6630
Email: Michael.McTaggart@state.de.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Dennis Spivack
Department of Justice
820 N. French Street, 6th Floor
Wilmington, DE 19801
(302) 577-8449
Fax: 302-577-6630
Email: dennis.spivack@state.de.us
TERMINATED: 02/09/2015

Katisha D. Fortune
ADDRESS EXPIRED / UNKNOWN
UNDELIVERABLE EMAIL
(479) 277-6751
TERMINATED: 04/30/2013

Marc P. Niedzielski
Department of Justice
Carvel State Office Building
820 North French Street
Wilmington, DE 19801
(302) 577-8400
TERMINATED: 01/02/2014

Scott W. Perkins
Saul Ewing Arnstein & Lehr LLP

1201 N. Market Street, Suite 2300
P.O. Box 1266
Wilmington, DE 19899
302-421-3681
Email: sperkins@saull.com
TERMINATED: 11/20/2015
ATTORNEY TO BE NOTICED

Defendant

Cathy Escherich
TERMINATED: 07/28/2015

represented by **Michael F. McTaggart**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Dennis Spivack
(See above for address)
TERMINATED: 02/09/2015

Katisha D. Fortune
(See above for address)
TERMINATED: 04/30/2013

Marc P. Niedzielski
(See above for address)
TERMINATED: 01/02/2014

Scott W. Perkins
(See above for address)
TERMINATED: 11/20/2015
ATTORNEY TO BE NOTICED

Defendant

Rebecca McBride

represented by **Michael F. McTaggart**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Dennis Spivack
(See above for address)
TERMINATED: 02/09/2015

Katisha D. Fortune
(See above for address)
TERMINATED: 04/30/2013

Marc P. Niedzielski
(See above for address)
TERMINATED: 01/02/2014

Scott W. Perkins
(See above for address)
TERMINATED: 11/20/2015
ATTORNEY TO BE NOTICED

Defendant

Robert Coupe

represented by **Michael F. McTaggart**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor

Joseph M. Walls

SBI #107897

James T. Vaughn Correctional Center

1181 Paddock Road

Smyrna, DE 19977

Date Filed	#	Docket Text
10/01/2012	<u>1</u>	COMPLAINT filed with Jury Demand against Carl C. Danberg, Cathy Escherich, Rebecca McBride – Magistrate Consent Notice to Pltf. (Filing fee \$ 350, receipt number 0311-1148445.) – filed by Philip A. Wharton, Joseph Roundtree, James Maddox, Lamar Correa. (Attachments: # <u>1</u> Civil Cover Sheet)(eam) (Entered: 10/02/2012)
10/01/2012	<u>2</u>	Notice, Consent and Referral forms re: U.S. Magistrate Judge jurisdiction (eam) (Entered: 10/02/2012)
10/02/2012		No Summons Issued (eam) (Entered: 10/02/2012)
10/10/2012		Case Assigned to Judge Leonard P. Stark. Please include the initials of the Judge (LPS) after the case number on all documents filed. (rjb) (Entered: 10/10/2012)
10/23/2012		Summons Issued with Magistrate Consent Notice attached as to Carl C. Danberg on 10/23/2012; Cathy Escherich on 10/23/2012; Rebecca McBride on 10/23/2012. (rwc) (Entered: 10/23/2012)
11/14/2012	<u>3</u>	SUMMONS Returned Executed by Philip A. Wharton. Carl C. Danberg served on 11/1/2012, answer due 11/26/2012. (Hampton, Stephen) (Entered: 11/14/2012)
11/14/2012	<u>4</u>	SUMMONS Returned Executed by Philip A. Wharton. Cathy Escherich served on 11/3/2012, answer due 11/26/2012. (Hampton, Stephen) (Entered: 11/14/2012)
11/14/2012	<u>5</u>	SUMMONS Returned Executed by Philip A. Wharton. Rebecca McBride served on 11/1/2012, answer due 11/26/2012. (Hampton, Stephen) (Entered: 11/14/2012)
11/20/2012	<u>6</u>	ANSWER to <u>1</u> Complaint, by Carl C. Danberg, Cathy Escherich, Rebecca McBride.(Niedzielski, Marc) (Entered: 11/20/2012)
11/27/2012	<u>7</u>	MOTION for Pro Hac Vice Appearance of Attorney William Claiborne – filed by Philip A. Wharton. (Hampton, Stephen) (Entered: 11/27/2012)
11/28/2012		SO ORDERED, re <u>7</u> MOTION for Pro Hac Vice Appearance of Attorney William Claiborne filed by Philip A. Wharton. Signed by Judge Leonard P. Stark on 11/28/12. (ntl) (Entered: 11/28/2012)
12/04/2012	<u>8</u>	MOTION to Intervene – filed by Joseph M. Walls. (dzb,) (Entered: 12/04/2012)
12/14/2012	<u>9</u>	ORAL ORDER: IT IS HEREBY ORDERED that the parties shall confer regarding proposed dates in the scheduling order and shall submit a proposal to the Court no later than January 4, 2013. The parties are to review the Court's form scheduling order, which is posted at http://www.ded.uscourts.gov (see Chambers, Judge Stark, Forms). ORDERED by Judge Leonard P. Stark on 12/14/12.(ntl) (Entered: 12/14/2012)
12/20/2012	<u>10</u>	MOTION for Extension of Time to File Response/Reply as to <u>8</u> MOTION to Intervene – filed by Philip A. Wharton. (Hampton, Stephen) (Entered: 12/20/2012)
12/20/2012	<u>11</u>	PROPOSED ORDER Grant Plaintiffs' Motion for an Enlargement of Time to File their Response to the Motion to Intervene re <u>10</u> MOTION for Extension of Time to File Response/Reply as to <u>8</u> MOTION to Intervene by Philip A. Wharton. (Hampton, Stephen) (Entered: 12/20/2012)
12/20/2012	<u>12</u>	CERTIFICATE OF SERVICE of Plaintiffs' Motion for an Enlargement of Time to File their Response to the Motion to Intervene by Philip A. Wharton re <u>10</u> MOTION for Extension of Time to File Response/Reply as to <u>8</u> MOTION to Intervene (Hampton, Stephen) (Entered: 12/20/2012)
12/21/2012	<u>13</u>	Letter to The Honorable Leonard P. Stark from Deputy Attorney General Marc P. Niedzielski regarding plaintiff's motion for extension of time. (Niedzielski, Marc)

		(Entered: 12/21/2012)
12/21/2012		SO ORDERED, re <u>10</u> MOTION for Extension of Time to File Response as to <u>8</u> MOTION to Intervene filed by Philip A. Wharton, <u>11</u> Proposed Order, filed by Philip A. Wharton. Signed by Judge Leonard P. Stark on 12/21/12. (ntl) (Entered: 12/21/2012)
12/27/2012	<u>14</u>	ORAL ORDER by Judge Leonard P. Stark: Pursuant to Defendants' letter of December 21, 2012 (D.I. <u>13</u>), IT IS HEREBY ORDERED that Defendants' response to the Motion to Intervene (D.I. <u>8</u>) is due on or before January 23, 2013.(rpg) (Entered: 12/27/2012)
01/04/2013	<u>15</u>	NOTICE of Appearance by Michael F. McTaggart on behalf of Carl C. Danberg, Cathy Escherich, Rebecca McBride (McTaggart, Michael) (Entered: 01/04/2013)
01/04/2013	<u>16</u>	NOTICE of Appearance by Katisha D. Fortune on behalf of Carl C. Danberg, Cathy Escherich, Rebecca McBride (Fortune, Katisha) (Entered: 01/04/2013)
01/04/2013	<u>17</u>	PROPOSED ORDER Scheduling by Philip A. Wharton. (Hampton, Stephen) (Entered: 01/04/2013)
01/10/2013	<u>18</u>	NOTICE of Appearance by Dennis Spivack on behalf of Carl C. Danberg, Cathy Escherich, Rebecca McBride (Spivack, Dennis) (Entered: 01/10/2013)
01/16/2013	<u>19</u>	RESPONSE to Motion re <u>8</u> MOTION to Intervene filed by Carl C. Danberg, Cathy Escherich, Rebecca McBride. (Fortune, Katisha) (Entered: 01/16/2013)
01/18/2013	<u>20</u>	RESPONSE to Motion re <u>8</u> MOTION to Intervene filed by Philip A. Wharton. (Attachments: # <u>1</u> Certificate of Service)(Hampton, Stephen) (Entered: 01/18/2013)
01/24/2013	<u>21</u>	SCHEDULING ORDER: Case referred to the Magistrate Judge for the purpose of exploring ADR. Joinder of Parties due by 12/1/2013. Amended Pleadings due by 12/1/2013. Discovery due by 8/1/2014. Status Report due by 5/20/2013. Dispositive Motions due by 2/10/2014. Signed by Judge Leonard P. Stark on 1/24/13. (ntl) (Entered: 01/24/2013)
01/24/2013		CASE REFERRED to Magistrate Judge Christopher J. Burke for Mediation. (dlk) (Entered: 01/30/2013)
02/07/2013	<u>22</u>	REPLY BRIEF – re <u>8</u> MOTION to Intervene filed by Joseph M. Walls. (mdb) (Entered: 02/07/2013)
02/07/2013	<u>23</u>	NOTICE OF SERVICE of Plaintiff's 1st Set of Interrogatories Directed to Defendants, and Plaintiff's 1st Request for Production Directed to Defendants by Philip A. Wharton.(Hampton, Stephen) (Entered: 02/07/2013)
02/15/2013	<u>24</u>	ORDER Setting Teleconference: A Telephone Conference is set for 3/18/2013 at 10:45 AM before Judge Christopher J. Burke to discuss ADR. Signed by Judge Christopher J. Burke on 2/15/2013. (dlk) (Entered: 02/15/2013)
03/05/2013	<u>25</u>	NOTICE OF SERVICE of State Defendants' First Set of Interrogatories and State Defendants' First Request for Production by Carl C. Danberg, Cathy Escherich, Rebecca McBride.(Niedzielski, Marc) (Entered: 03/05/2013)
03/08/2013	<u>26</u>	NOTICE of Withdrawal of Appearance by Philip A. Wharton (Hampton, Stephen) (Entered: 03/08/2013)
03/27/2013	<u>27</u>	ORDER Setting Teleconference: A Telephone Conference is set for 9/23/2013 at 11:00 AM before Judge Christopher J. Burke. Signed by Judge Christopher J. Burke on 3/27/2013. (dlk) (Entered: 03/27/2013)
04/09/2013	<u>28</u>	Addendum to Reply Brief <u>22</u> – filed by Joseph M. Walls. Re <u>8</u> MOTION to Intervene. (cla,) (Entered: 04/09/2013)
04/22/2013	<u>29</u>	NOTICE OF SERVICE of Plaintiffs' Responses to Defendants' 1st Request for Production by Philip A. Wharton.(Hampton, Stephen) (Entered: 04/22/2013)
04/30/2013	<u>30</u>	NOTICE of Withdrawal of Counsel Katisha D. Fortune by Carl C. Danberg, Cathy Escherich, Rebecca McBride (Niedzielski, Marc) (Entered: 04/30/2013)

05/08/2013	<u>31</u>	PROPOSED ORDER to require that certain discovery be treated as confidential by Carl C. Danberg, Cathy Escherich, Rebecca McBride. (Niedzielski, Marc) (Entered: 05/08/2013)
05/09/2013		SO ORDERED, re <u>31</u> STIPULATION AND ORDER AS TO CONFIDENTIALITY. Signed by Judge Leonard P. Stark on 5/9/13. (ntl) (Entered: 05/09/2013)
05/10/2013	<u>32</u>	NOTICE OF SERVICE of Defendants' Response to 1st Set of Interrogatories and Defendants' Responses to Plaintiffs' first Request for Production re <u>23</u> Notice of Service by Carl C. Danberg, Cathy Escherich, Rebecca McBride. Related document: <u>23</u> Notice of Service filed by Philip A. Wharton.(Niedzielski, Marc) (Entered: 05/10/2013)
05/20/2013	<u>33</u>	Interim STATUS REPORT by Philip A. Wharton. (Hampton, Stephen) (Entered: 05/20/2013)
07/12/2013	<u>34</u>	NOTICE OF SERVICE of Defendants' First Supplemental Response to Question 3 of Plaintiffs' First Set of Request for Production of Documents (Bates Numbered Guinn 1 – 1619 and King 1 – 900) re <u>23</u> Notice of Service, <u>32</u> Notice of Service, by Carl C. Danberg, Cathy Escherich, Rebecca McBride. Related document: <u>23</u> Notice of Service filed by Philip A. Wharton, <u>32</u> Notice of Service, filed by Cathy Escherich, Rebecca McBride, Carl C. Danberg.(Niedzielski, Marc) (Entered: 07/12/2013)
07/26/2013	<u>35</u>	NOTICE OF SERVICE of Defendants' Second Supplemental Response to Question 3 of Plaintiffs' First Set of Request for Production of Documents re <u>23</u> Notice of Service, <u>34</u> Notice of Service, <u>32</u> Notice of Service, by Carl C. Danberg, Cathy Escherich, Rebecca McBride. Related document: <u>23</u> Notice of Service filed by Philip A. Wharton, <u>34</u> Notice of Service, filed by Cathy Escherich, Rebecca McBride, Carl C. Danberg, <u>32</u> Notice of Service, filed by Cathy Escherich, Rebecca McBride, Carl C. Danberg.(Niedzielski, Marc) (Entered: 07/26/2013)
08/15/2013	<u>36</u>	MOTION for Partial Summary Judgment – filed by Joseph M. Walls. (Attachments: # <u>1</u> Cover Letter)(cla,) (Entered: 08/15/2013)
08/27/2013	<u>37</u>	PROPOSED ORDER Amend Scheduling order by Philip A. Wharton. (Attachments: # <u>1</u> Certificate of Service)(Hampton, Stephen) (Entered: 08/27/2013)
08/27/2013	<u>38</u>	NOTICE OF SERVICE of Defendants' Third Supplemental Response to Question 3 of Plaintiffs' First Set of Request of Production of Documents re <u>23</u> Notice of Service by Carl C. Danberg, Cathy Escherich, Rebecca McBride. Related document: <u>23</u> Notice of Service filed by Philip A. Wharton.(Niedzielski, Marc) (Entered: 08/27/2013)
08/28/2013		SO ORDERED, re <u>37</u> STIPULATED AMENDED SCHEDULING ORDER -- Discovery due by 2/3/2014, Dispositive Motions due by 8/11/2014. Signed by Judge Leonard P. Stark on 8/28/13. (ntl) (Entered: 08/28/2013)
08/28/2013	<u>39</u>	RESPONSE to Motion re <u>36</u> MOTION for Partial Summary Judgment filed by Philip A. Wharton. (Attachments: # <u>1</u> Certificate of Service)(Hampton, Stephen) (Entered: 08/28/2013)
09/09/2013	<u>40</u>	RESPONSE to Motion re <u>36</u> MOTION for Partial Summary Judgment filed by Carl C. Danberg, Cathy Escherich, Rebecca McBride. (Niedzielski, Marc) (Entered: 09/09/2013)
09/20/2013		ORAL ORDER: The Telephone Conference set for 9/23/2013 at 11:00 AM before Judge Christopher J. Burke has been cancelled and will be rescheduled for a date to be determined. Ordered by Judge Christopher J. Burke on 9/20/2013. (dlk) (Entered: 09/20/2013)
10/17/2013	<u>41</u>	NOTICE OF SERVICE of Defendants' Foruth Supplemental Response to Question 3 of Plaintiffs' First Set of Request for Production of Documents (Bates Numbered Hendricks 1–70 and Page 1–31) re <u>23</u> Notice of Service, <u>32</u> Notice of Service, by Carl C. Danberg, Cathy Escherich, Rebecca McBride. Related document: <u>23</u> Notice of Service filed by Philip A. Wharton, <u>32</u> Notice of Service, filed by Cathy Escherich, Rebecca McBride, Carl C. Danberg.(Niedzielski, Marc) (Entered: 10/17/2013)
12/27/2013	<u>42</u>	MOTION for Marc P. Niedzielski to Withdraw as Attorney – filed by Carl C. Danberg, Cathy Escherich, Rebecca McBride. (Niedzielski, Marc) (Entered: 12/27/2013)

01/29/2014	<u>43</u>	Second MOTION for Scheduling Order – filed by Philip A. Wharton. (Hampton, Stephen) (Entered: 01/29/2014)
01/29/2014	<u>44</u>	NOTICE of Substitution of Counsel by Philip A. Wharton (Hampton, Stephen) (Entered: 01/29/2014)
02/03/2014		SO ORDERED, re <u>43</u> Second Stipulated Amended Scheduling Order -- Amended Pleadings due by 1/2/2015. Discovery due by 9/3/2014. Joinder of Parties due by 1/2/2015. Dispositive Motions due by 3/11/2015. Signed by Judge Leonard P. Stark on 2/3/14. (ntl) (Entered: 02/03/2014)
03/06/2014	<u>45</u>	ORDER Setting Teleconference: A Telephone Conference is set for 3/17/2014 at 10:00 AM before Judge Christopher J. Burke. Signed by Judge Christopher J. Burke on 3/5/214. (dlk) Modified on 3/6/2014 (dlk). (Entered: 03/06/2014)
03/06/2014		CORRECTING ENTRY: The entry made at D.I. 45 has been corrected to reflect the time for the T/C is 10:00 a.m. not 10:15 a.m. (dlk) (Entered: 03/06/2014)
03/14/2014	<u>46</u>	NOTICE of Appearance by Scott W. Perkins on behalf of Carl C. Danberg, Cathy Escherich, Rebecca McBride (Perkins, Scott) (Entered: 03/14/2014)
03/14/2014		CORRECTING ENTRY: D.I. 47 deleted as duplicative of D.I. 46. (ntl) (Entered: 03/14/2014)
03/19/2014	<u>47</u>	ORDER Setting Teleconference: A Telephone Conference is set for 6/2/2014 at 10:00 AM before Judge Christopher J. Burke. Signed by Judge Christopher J. Burke on 3/19/2014. (dlk) (Entered: 03/19/2014)
05/28/2014	<u>48</u>	NOTICE OF SERVICE of Defendants' Fifth Supplemental Response to Question 3 of Plaintiffs' First Set of Request for Production of Documents re <u>23</u> Notice of Service filed by Carl C. Danberg, Cathy Escherich, Rebecca McBride.(McTaggart, Michael) (Entered: 05/28/2014)
06/02/2014	<u>49</u>	MOTION to Amend/Correct <i>Complaint</i> – filed by Philip A. Wharton. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Certificate of Service, # <u>3</u> Exhibit Amended complaint)(Hampton, Stephen) (Entered: 06/02/2014)
08/18/2014	<u>50</u>	NOTICE to Take Deposition of Rebecca McBride on 9/3/14 filed by Philip A. Wharton.(Hampton, Stephen) (Entered: 08/18/2014)
08/18/2014	<u>51</u>	NOTICE to Take Deposition of Kim Wheatley on 9/3/14 filed by Philip A. Wharton.(Hampton, Stephen) (Entered: 08/18/2014)
08/25/2014	<u>52</u>	NOTICE OF SERVICE of State Defendants' Second Set of Interrogatories and State Defendants' Second Request for Production Directed to Plaintiffs filed by Carl C. Danberg, Cathy Escherich, Rebecca McBride.(Perkins, Scott) (Entered: 08/25/2014)
08/25/2014	<u>53</u>	OBJECTIONS by Rebecca McBride to <u>50</u> Notice to Take Deposition . (Perkins, Scott) (Entered: 08/25/2014)
08/25/2014	<u>54</u>	OBJECTIONS by kimberly wheatley to <u>51</u> Notice to Take Deposition . (Perkins, Scott) (Entered: 08/25/2014)
09/03/2014	<u>55</u>	NOTICE OF SERVICE of Plaintiffs' 2nd Request for Production Directed at Defendant filed by Philip A. Wharton.(Hampton, Stephen) (Entered: 09/03/2014)
09/29/2014	<u>56</u>	MEMORANDUM ORDER re <u>36</u> MOTION for Partial Summary Judgment filed by Joseph M. Walls is DENIED; <u>8</u> MOTION to Intervene filed by Joseph M. Walls is DENIED; <u>49</u> MOTION for Leave to Amend filed by Philip A. Wharton is GRANTED. Signed by Judge Leonard P. Stark on 9/29/14. (ntl) (Entered: 09/29/2014)
10/01/2014	<u>57</u>	NOTICE OF SERVICE of Defendants' Response to Plaintiff's Second Request for Production filed by Carl C. Danberg, Cathy Escherich, Rebecca McBride.(McTaggart, Michael) (Entered: 10/01/2014)
10/03/2014	<u>58</u>	MOTION to Certify Class – filed by Philip A. Wharton. (Attachments: # <u>1</u> Proposed order, # <u>2</u> Notice of Class Action)(Hampton, Stephen) (Entered: 10/03/2014)
10/03/2014	<u>59</u>	MOTION to Strike <i>Certain Members of the Purported Class</i> – filed by Carl C. Danberg, Cathy Escherich, Rebecca McBride. (Attachments: # <u>1</u> Certificate of

		Service)(Perkins, Scott) (Entered: 10/03/2014)
10/03/2014	<u>60</u>	[SEALED] EXHIBIT re <u>59</u> MOTION to Strike <i>Certain Members of the Purported Class</i> by Carl C. Danberg, Cathy Escherich, Rebecca McBride. (Attachments: # <u>1</u> Exhibit A Part 2, # <u>2</u> Exhibit A Part 3, # <u>3</u> Certificate of Service)(Perkins, Scott) (Entered: 10/03/2014)
10/03/2014	<u>61</u>	[SEALED] OPENING BRIEF in Support re <u>58</u> MOTION to Certify Class filed by Philip A. Wharton. Answering Brief/Response due date per Local Rules is 10/20/2014. (Attachments: # <u>1</u> Appendix, # <u>2</u> Appendix, # <u>3</u> Appendix, # <u>4</u> Appendix, # <u>5</u> Appendix, # <u>6</u> Appendix, # <u>7</u> Appendix, # <u>8</u> Appendix, # <u>9</u> Appendix, # <u>10</u> Appendix, # <u>11</u> Appendix)(Hampton, Stephen) (Entered: 10/03/2014)
10/06/2014	<u>62</u>	REDACTED VERSION of <u>60</u> Exhibit to a Document, <i>Exhibit A to The Defendants' Motion to Strike Certain Members of the Purported Class</i> by Carl C. Danberg, Cathy Escherich, Rebecca McBride. (Perkins, Scott) (Entered: 10/06/2014)
10/06/2014	<u>63</u>	Joint STATUS REPORT by Philip A. Wharton. (Hampton, Stephen) (Entered: 10/06/2014)
10/07/2014	<u>64</u>	[SEALED] AMENDED DOCUMENT by Philip A. Wharton. <i>Amended Complaint</i> . (Attachments: # <u>1</u> certificate of service)(Hampton, Stephen) (Entered: 10/07/2014)
10/09/2014	<u>65</u>	NOTICE OF SERVICE of Plaintiffs Answers to State Defendants' Second Set of Interrogatories and Plaintiffs' Responses to State Defendants' Second Request for Production filed by Lamar Correa, James Maddox, Joseph Roundtree, Philip A. Wharton.(Hampton, Stephen) (Entered: 10/09/2014)
10/09/2014	<u>66</u>	REDACTED VERSION <i>Plaintiffs' Opening Brief in Support of their Motion for Class Certification</i> by Lamar Correa, James Maddox, Joseph Roundtree, Philip A. Wharton. (Attachments: # <u>1</u> Appendix, # <u>2</u> Appendix)(Hampton, Stephen) (Entered: 10/09/2014)
10/15/2014	<u>67</u>	STIPULATION Regarding Briefing Schedule for Plaintiffs' Motion for Class Certification and Defendants' Motion to To Strike Certain Members of the Purported Class re <u>59</u> MOTION to Strike <i>Certain Members of the Purported Class</i> , <u>58</u> MOTION to Certify Class by Carl C. Danberg, Cathy Escherich, Rebecca McBride. (Perkins, Scott) (Entered: 10/15/2014)
10/16/2014		SO ORDERED, re <u>67</u> Stipulation Regarding Briefing Schedule for motion for class certification and motion to strike certain members of the purported class. Signed by Judge Leonard P. Stark on 10/16/14. (ntl) (Entered: 10/16/2014)
10/27/2014	<u>68</u>	[SEALED] ANSWERING BRIEF in Opposition re <u>58</u> MOTION to Certify Class filed by Carl C. Danberg, Cathy Escherich, Rebecca McBride.Reply Brief due date per Local Rules is 11/6/2014. (Perkins, Scott) (Entered: 10/27/2014)
10/27/2014	<u>69</u>	[SEALED] RESPONSE to Motion re <u>59</u> MOTION to Strike <i>Certain Members of the Purported Class</i> filed by Lamar Correa, James Maddox, Joseph Roundtree, Philip A. Wharton. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Certificate of Service)(Hampton, Stephen) (Entered: 10/27/2014)
10/29/2014	<u>70</u>	REDACTED VERSION of <u>68</u> Answering Brief in Opposition to <i>Plaintiffs' Motion for Class Certification</i> by Carl C. Danberg, Cathy Escherich, Rebecca McBride. (Perkins, Scott) (Entered: 10/29/2014)
11/07/2014		CORRECTING ENTRY: D.I. 71 and D.I. 72 were removed from the docket (filed in error). Counsel is advised to re-file the document as a Stipulation. (ntl) (Entered: 11/07/2014)
11/13/2014	<u>71</u>	REPLY BRIEF re <u>58</u> MOTION to Certify Class filed by Philip A. Wharton. (Hampton, Stephen) (Entered: 11/13/2014)
02/09/2015	<u>72</u>	NOTICE requesting Clerk to remove Dennis Spivack as co-counsel. Reason for request: Mr. Spivack is no longer associated with the Delaware Department of Justice. (McTaggart, Michael) (Entered: 02/09/2015)
02/10/2015	<u>73</u>	NOTICE of Withdrawal of Appearance by Philip A. Wharton (Hampton, Stephen) (Entered: 02/10/2015)

03/11/2015	<u>74</u>	MOTION for Summary Judgment – filed by Carl C. Danberg, Cathy Escherich, Rebecca McBride. (Perkins, Scott) (Entered: 03/11/2015)
03/11/2015	<u>75</u>	[SEALED] OPENING BRIEF in Support re <u>74</u> MOTION for Summary Judgment filed by Carl C. Danberg, Cathy Escherich, Rebecca McBride. Answering Brief/Response due date per Local Rules is 3/30/2015. (Attachments: # <u>1</u> Exhibit A Part 1, # <u>2</u> Exhibit A Part 2, # <u>3</u> Exhibit A Part 3, # <u>4</u> Certificate of Service)(Perkins, Scott) (Entered: 03/11/2015)
03/27/2015	<u>76</u>	STIPULATION TO EXTEND TIME Answering Brief and Reply Brief to Motion for Summary Judgment to April 28 and May 19 – filed by Lamar Correa, James Maddox, Joseph Roundtree, Philip A. Wharton. (Hampton, Stephen) (Entered: 03/27/2015)
03/31/2015		SO ORDERED, re <u>76</u> STIPULATION TO EXTEND TIME Answering Brief and Reply Brief to Motion for Summary Judgment to April 28 and May 19 filed by Lamar Correa, James Maddox, Philip A. Wharton, Joseph Roundtree. Signed by Judge Leonard P. Stark on 3/31/15. (ntl) (Entered: 03/31/2015)
04/27/2015	<u>77</u>	ANSWERING BRIEF in Opposition re <u>74</u> MOTION for Summary Judgment filed by Lamar Correa, James Maddox, Joseph Roundtree, Philip A. Wharton. Reply Brief due date per Local Rules is 5/7/2015. (Hampton, Stephen) (Entered: 04/27/2015)
05/04/2015		CORRECTING ENTRY: D.I. 78 was deleted and will be refiled as a sealed document. (ntl) (Entered: 05/04/2015)
05/04/2015	<u>78</u>	[SEALED] APPENDIX re <u>77</u> Answering Brief in Opposition, CORRECTING ENTRY: by Lamar Correa, James Maddox, Joseph Roundtree, Philip A. Wharton. (Attachments: # <u>1</u> Appendix Vol 1 pt B, # <u>2</u> Appendix Vol 1 pt C, # <u>3</u> Appendix Vol 1 pt D, # <u>4</u> Appendix Vol 1 pt E, # <u>5</u> Appendix Vol 1 pt F, # <u>6</u> Appendix Vol 2 pt A, # <u>7</u> Appendix Vol 2 pt B, # <u>8</u> Appendix Vol 2 pt C, # <u>9</u> Appendix Vol 2 pt D, # <u>10</u> Appendix Vol 2 pt E, # <u>11</u> Appendix Vol 2 pt F)(Hampton, Stephen) (Entered: 05/04/2015)
05/04/2015	<u>79</u>	REDACTED VERSION of <u>77</u> Answering Brief in Opposition, <u>78</u> Appendix, CORRECTING ENTRY: by Lamar Correa, James Maddox, Joseph Roundtree, Philip A. Wharton. (Attachments: # <u>1</u> Appendix)(Hampton, Stephen) (Entered: 05/04/2015)
05/04/2015	<u>80</u>	CERTIFICATE OF SERVICE of Appendix to Plaintiffs' Brief in Opposition to Defendants' Motion for Summary Judgment by Lamar Correa, James Maddox, Joseph Roundtree, Philip A. Wharton re <u>78</u> Appendix, (Hampton, Stephen) (Entered: 05/04/2015)
05/19/2015	<u>81</u>	REPLY BRIEF re <u>74</u> MOTION for Summary Judgment filed by Carl C. Danberg, Cathy Escherich, Rebecca McBride. (Perkins, Scott) (Entered: 05/19/2015)
06/08/2015	<u>82</u>	ORAL ORDER: IT IS HEREBY ORDERED that Plaintiffs shall submit, by June 18, 2015, a chart identifying, for each purported class member Plaintiffs wish the Court to consider in ruling on Plaintiffs' motion for class certification (D.I. 58), (a) the Defendant(s) against whom each purported class member could assert a claim, (b) the legal theory (or theories) (i.e., Fourth, Fifth, Eighth, and/or Fourteenth Amendment(s)) under which each purported class member seeks relief, and (c) citations to specific facts (and specific page numbers in the record) that Plaintiffs intend to rely upon for support of each legal theory (or theories). Plaintiffs shall further submit, by June 25, 2015, a brief, no longer than ten (10) pages, addressing which subsection(s) of Federal Rule of Civil Procedure 23(b) (i.e., subsection(s) 1, 2, and/or 3) under which Plaintiffs seek class certification (whether subsections 2 and 3, as in the Amended Complaint, or subsections 1 and 2, as in Plaintiffs' briefing for their motion for class certification) and further addressing the applicability, if any, of the Supreme Court's decision in Taylor v. Barkes, No. 14–939 (June 1, 2015). Defendants may submit a brief, no longer than ten (10) pages, in response to Plaintiffs' brief, due no later than July 2, 2015. IT IS FURTHER ORDERED that the Court will hold a status teleconference on July 20 at 10:00 a.m. Plaintiffs' counsel shall initiate the call to 302–573–4573. ORDERED by Judge Leonard P. Stark on 6/8/15. (ntl) (Entered: 06/08/2015)
06/18/2015	<u>83</u>	CLAIM Construction Chart by Lamar Correa, James Maddox, Joseph Roundtree, Philip A. Wharton. (Hampton, Stephen) (Entered: 06/18/2015)

06/25/2015	<u>84</u>	RESPONSE to Order re 82 Order Setting Teleconference,,,,, filed by Lamar Correa, James Maddox, Joseph Roundtree, Philip A. Wharton. (Hampton, Stephen) (Entered: 06/25/2015)
07/02/2015	<u>85</u>	[SEALED] ANSWERING BRIEF in Opposition re <u>74</u> MOTION for Summary Judgment <i>Defendants' Supplemental Brief in Further Support of Their Opposition to Class Certification and in Support of Their Motion for Summary Judgment</i> filed by Carl C. Danberg, Cathy Escherich, Rebecca McBride. Reply Brief due date per Local Rules is 7/13/2015. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Certificate of Service)(McTaggart, Michael) (Entered: 07/02/2015)
07/02/2015		CORRECTING ENTRY: item filed as D.I. <u>86</u> deleted per counsel's request on 7/2/2015. Counsel to re-file corrected document. (rpg) (Entered: 07/02/2015)
07/02/2015	<u>86</u>	REDACTED VERSION of <u>85</u> Answering Brief in Opposition, <i>Defendants' Supplemental Brief in Further Support of Their Opposition to Class Certification and in Support of Their Motion for Summary Judgment – Redacted in Its Entirety</i> by Carl C. Danberg, Cathy Escherich, Rebecca McBride. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Certificate of Service)(McTaggart, Michael) (Entered: 07/02/2015)
07/20/2015		Minute Entry for proceedings held before Judge Leonard P. Stark – Telephone Conference held on 7/20/2015. (Court Reporter Stacy Ingram (Hawkins Rptg.)) (ntl) (Entered: 07/20/2015)
07/24/2015	<u>87</u>	PROPOSED ORDER Regarding Legal Issues Raised at Court's July 20, 2015 Teleconference re Telephone Conference by Lamar Correa, James Maddox, Joseph Roundtree, Philip A. Wharton. (Hampton, Stephen) (Entered: 07/24/2015)
07/28/2015	<u>88</u>	ORDER Regarding Legal Issues Raised at Court's July 20, 2015 Teleconference. Signed by Judge Leonard P. Stark on 7/28/15. (ntl) (Entered: 07/28/2015)
09/28/2015	<u>89</u>	MOTION to Protect Exhibits and Court Filings – filed by Joseph M. Walls. (cna) (Entered: 09/29/2015)
09/30/2015	<u>90</u>	MEMORANDUM OPINION re pending motions. Signed by Judge Leonard P. Stark on 9/30/15. (ntl) (Entered: 09/30/2015)
09/30/2015	<u>91</u>	ORDER re <u>90</u> Memorandum Opinion -- <u>58</u> MOTION to Certify Class is DENIED; <u>59</u> MOTION to Strike Certain Members of the Purported Class is DENIED as moot; <u>74</u> MOTION for Summary Judgment is GRANTED. Signed by Judge Leonard P. Stark on 9/30/15. (ntl) (Entered: 09/30/2015)
10/23/2015	<u>92</u>	ORAL ORDER: On September 30, 2015, the Court ordered the parties to "meet and confer and submit a joint status report, including their proposal(s) for further proceedings and/or order(s), if any, no later than October 9, 2015." As it appears that the parties have failed to submit a joint status report, IT IS HEREBY ORDERED that the parties shall submit a joint status report by October 27, 2015. ORDERED by Judge Leonard P. Stark on 10/23/15. (ntl) (Entered: 10/23/2015)
10/26/2015	<u>93</u>	Joint STATUS REPORT by Lamar Correa, James Maddox, Joseph Roundtree, Philip A. Wharton. (Hampton, Stephen) (Entered: 10/26/2015)
10/28/2015	<u>94</u>	MOTION to Alter Judgment or Amend Judgment Pursuant to Rule 59(e) of the Federal Rules of Civil Procedure – filed by Lamar Correa, James Maddox, Joseph Roundtree, Philip A. Wharton. (Hampton, Stephen) (Entered: 10/28/2015)
10/28/2015	<u>95</u>	OPENING BRIEF in Support re <u>94</u> MOTION to Alter Judgment or Amend Judgment Pursuant to Rule 59(e) of the Federal Rules of Civil Procedure filed by Lamar Correa, James Maddox, Joseph Roundtree, Philip A. Wharton. Answering Brief/Response due date per Local Rules is 11/16/2015. (Attachments: # <u>1</u> Exhibit)(Hampton, Stephen) (Entered: 10/28/2015)
11/10/2015	<u>96</u>	RESPONSE to Motion re <u>94</u> MOTION to Alter Judgment or Amend Judgment Pursuant to Rule 59(e) of the Federal Rules of Civil Procedure filed by Robert Coupe, Carl C. Danberg, Cathy Escherich, Rebecca McBride. (McTaggart, Michael) (Entered: 11/10/2015)
11/20/2015	<u>97</u>	MOTION for Scott W. Perkins to Withdraw as Attorney – filed by Carl C. Danberg, Cathy Escherich, Rebecca McBride. (Perkins, Scott) (Main Document 97 replaced on

		11/24/2015) (ntl). (Entered: 11/20/2015)
11/24/2015		CORRECTING ENTRY: Correct pdf document added to D.I. <u>97</u> . (ntl) (Entered: 11/24/2015)
03/21/2016	<u>98</u>	MEMORANDUM ORDER Denying <u>94</u> MOTION to Alter Judgment or Amend Judgment Pursuant to Rule 59(e) of the Federal Rules of Civil Procedure filed by Lamar Correa, James Maddox, Philip A. Wharton, Joseph Roundtree. Signed by Judge Leonard P. Stark on 3/21/16. (ntl) (Entered: 03/21/2016)
04/11/2016		CASE CLOSED (ntl) (Entered: 04/11/2016)
04/19/2016	<u>99</u>	NOTICE OF APPEAL of <u>98</u> Memorandum and Order, <u>91</u> Order, . Appeal filed by Lamar Correa, James Maddox, Joseph Roundtree, Philip A. Wharton. (Hampton, Stephen) (Entered: 04/19/2016)
04/19/2016		APPEAL – Credit Card Payment of \$505.00 received re <u>99</u> Notice of Appeal (Third Circuit) filed by Lamar Correa, James Maddox, Philip A. Wharton, Joseph Roundtree. (Filing fee \$505, receipt number 0311–1916461.) (Hampton, Stephen) (Entered: 04/19/2016)
04/22/2016	<u>100</u>	NOTICE of Docketing Record on Appeal from USCA for the Third Circuit re <u>99</u> Notice of Appeal (Third Circuit) filed by Lamar Correa, James Maddox, Philip A. Wharton, Joseph Roundtree. USCA Case Number 19–1988. USCA Case Manager: Carmella (DOCUMENT IS RESTRICTED AND CAN ONLY BE VIEWED BY COURT STAFF)(cw,) (Entered: 04/22/2016)
05/11/2016	<u>101</u>	TRANSCRIPT REQUEST by Philip A. Wharton -- TRANSCRIPT NOT NEEDED. (ntl) (Entered: 05/11/2016)
12/22/2016	<u>102</u>	Letter to Judge Stark from Joseph Walls regarding request for copywork. (jcs) (Entered: 12/22/2016)
12/22/2016		Remark : Sent Joseph Walls copies of D.I. <u>56</u> , <u>90</u> , and <u>91</u> as requested per D.I. <u>102</u> . (jcs) (Entered: 12/22/2016)
05/11/2017	<u>103</u>	MANDATE of USCA as to <u>99</u> Notice of Appeal (Third Circuit) filed by Lamar Correa, James Maddox, Philip A. Wharton, Joseph Roundtree. USCA Decision: Affirmed.(Attachments:#(1)Opinion)(cw,) (Entered: 05/11/2017)