

CLERK OF COURT-SHRV	ID:318-676-3962	JUL 31 '97	OTHER	NUMBER	DEM.	YR.	NUMBER
536 6	76	1302	12 09 76	3 XXX 550	1	1	INJUNCTION & DECL. JUDGMENT 3606
						76	1302

PLAINTIFFS

DEFENDANTS

SOILEAU, JOHN and GREEKE, ROBERT
Ind. & ex rel all others Similary
Situatied

CLOSED CASE

PHELPS, C. PAUL; OLIVER, RAYMOND; BRUCE
STEWART, WILLIAM; LE DOUX, ADLER V.
LEGER, GLINDEN; HARRIS,
JAMES; BROUSSARD, ALTON; BULLER, GEORGE; SAVAC
JAMES P.; RYDER, IVAN; RIVETTE, OSCAR; SIBILLE,
DONALD J.; BRIGGS, BYRON; AUSTIN, HOWARD; FRUGE
CEDRIC; RICHARD, MURPHY; MOORE, JEROME

Intervenor (12-30-77):

United States of America

Soileau v. Phelps



JC-LA-009-000

CAUSE

42 USC 1983, etc.-SUIT TO REDRESS ALLEGED DEPRIVATION OF CONST. CIV. RIGHTS & FOR INJUNCTION &
DECLARATORY JUDGMENT ENJOINING DEFTS. FROM RACIAL DISCRIMINATION & DENIAL OF VARIOUS OTHER
CONST. CIVIL RIGHTS IN OPERATION OF ST. LANDRY PARISH PRISON.

TWT

ATTORNEYS

R. JAMES KELLOGG
631 St. Charles Avenue
New Orleans, LA 70130 (504) 524-0016

and

JOHN WILSON REED, 2735 Tulane Ave., New
Orleans, La. 70119, PH# 504-822-4488

in association with

ALICE M. JACOBS
902 Montegut St
New Orleans, LA 70117
(504) 943-6353.

I. Jackson Burson, Jr. - Asst. D.A.
P.O. Box 985
Bunice, La. 70535 for Leger,
Harris, Broussard, Buller, Savac
Ryder, Rivette, Sibille, Briggs,
Austin, Fruge, Richard & Moore.

PLAUCHE F. VILLERE, JR.,
500 Dufossat, New Orleans, La. 70115
PH# 504-895-6607

for Raymond Oliver & State of
La. (Paul Phelps)

DEAN, LOMENICK & SEEMANN
(Otis E. Lomenick, Jr.)
P.O. Box 1631, Opelousas,
La. 70570, PH# 942-5111
for: Adler V. LeDoux

Claude W. Bookner, Jr.
Asst. U.S. Atty.
P.O. Box 33,
Shreveport, La.
for: USA

FRANK P TROSCIAIR JR.
P.O. Drawer 1149
Opelousas 70570
for Zerangue

William J. Guste, Jr. & (J. Marvi
Montgomery, Asst. Atty. Gen.)
PO BOX 44005, CAPITOL STATION,
BATON ROUGE, LA. 70804 for
Phelps, Stewart, Bruce & State
of La. PH# 389-6761/515, 94
STATE OF LOUISIANA, DEPARTMENT OF
JUSTICE (J. Marvin Montgomery) Baton
Rouge, La. 70804 for Phelps, Oliver
Bruce, Stewart

☒ CHECK
HERE
IF CASE WAS
FILED IN

FILING FEES PAID

RECEIPT NUMBER

C.D. NUMBER

STATISTICAL CARDS

CARD DATE MAILED

JS-6

OPELOUSAS

CLOSED CASE

PROCEEDINGS

DATE	FILE	DESCRIPTION	INITIALS
12-9-76	cvt	Original ex complaint, affidavit, & forma pauperis order, filed. (RJP)	
12-9-76	cvt	Original summonses (19) with copies for service, issued.	
12-14-76		Marshal's return (2) on service of summonses issued 12-9-76, filed.	
		Defts. William Stewart and C. Paul Phelps both served on 12-13-76.	ph
12-17-76		Marshal's return on service of (2) summonses issued 12-9-76, filed.	
		Raymond Oliver and John M. Bruce both served on 12-13-76.	ph
12-27-76		Marshal's return on service of (14) summonses issued 12-9-76, filed.	
		Defts. Adler Ledoux, Glinden Leger, James Harris, Alton Broussard, George Buller, James Savage, Oscar Rivette, Ivan Ryder, Howard Austin, Byron Briggs, Donald Sibille, Jerome Moore, Murphy Richard, and Cedric Fruge all served on 12-15-76.	ph
1-3-77		Answer by Jerome Moors, Cedrix Fruge, Glinden Leger, James Harris, Alton Broussard, George Buller, James P. Savage, Ivan Ryder, Howard Austin, Byron Briggs, Donald J. Sibille, Murphy Richard & Oscar Rivette to plaintiff's complaint, filed.	
1-6-77		Motion by Defts. Raymond B. Oliver and State of La. with order of Judge Scott allowing said defts. an additional 20 days within which to plead or take any other action authorized by law, filed. Notice of entry given by sending copies of said order to Messrs. Kellogg, Reed, and Burson this date.	ph
1-17-77		Motion by defts. C. Paul Phelps, William Stewart, John M. Bruce and the State of La. with order of Judge Scott allowing said defts. an additional 20 days within which to plead, filed. Notice of entry given on 1-18-77 by sending copies of said order to Messrs. Kellogg, Reed, Burson, Guste and Villere.	ph
1-18-77		Marshal's return on service of summons issued 12-9-76, filed. Deft. Alban E. Williams served on 1-10-77.	ph
1-20-77		Notice of motion and motion to dismiss on behalf of deft. Alban E. Williams, filed. Said motion noticed for hearing on 3-3-77 and notice of entry given this date by sending copies of Notice of Setting of Motion to Messrs. Kellogg, Reed, Burson, Villere & Guste.	ph
3-3-77		Brief on behalf of deft. Alban E. Williams in support of motion to dismiss, filed. (TMJ ENTRY)	ph
3-7-77		MIN ENTRY: "Deft.'s motion to dismiss came up for judicial consideration and was taken under advisement at that time." Notice given. (TOS ENTRY)	ph
3-17-77		Deft. Alban Williams motion to dismiss is granted.	
3-28-77		MOTION (Phelps Stewart Bruce & Oliver) to dismiss, filed. Noticed for hearing on 4-26-77 and notice of entry given.	ph
4-26-77		BRIEF (pltf.) in opposition to 3-28-77 motion, filed. (TMJ)	ph
9-2-77	my	MINUTE ENTRY: "The motions for SJ and/or dismiss filed by Defts Phelps, Stewart, Bruce, and Oliver, which motions were taken under advisement by this Court on 3-7-77 are hereby denied." (NSS) Notice given this date to all counsel. (S)	
9-23-77		ANSWER by Defts. C. Paul Phelps, Raymond Oliver, Dr. John Bruce, William Stewart to Pltf's Original Complaint, filed.	
10-18-77	mw	Notice and Motion by Pltfs for preliminary injunction with Memorandum in support of said motion, filed. Proposed Order setting hearing time sent to Judge Scott for his consideration.	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 76-1302-0 PAGE 2 OF ____ PAGES
SOILEAU, JOHN, et al		PHELPS, C. PAUL, et al	
DATE	NR.	PROCEEDINGS	CLOSED CASE
10-26-77	mw	ANSWER by Adler V. LeDoux, filed.	
10-31-77	mw	Request by Mr. Kellogg for oral argument on Motion for preliminary injunction, filed. Messrs. Kellogg, Reed, Burson, Villere, Lomenick, & Montgomery notified.	
11-14-77	mw	Motion by Pltfs to certify this as a class action, with brief in support, filed. Mr. Kellogg's request for this motion to be heard with 10-18-77 motion for preliminary injunction noted and Notice sent to counsel of record of Oral Argument to be heard on 12-5-77.	
11-23-77	mw	Petitions(2) for writ of Habeas corpus, with proposed orders, filed. (S)	
11-23-77	mw	Order directing Sheriff Adler Le Doux to have persons listed in habeas corpus ad Testificandum at the Federal Bldg. in Alex. at 9:00 AM on 12-5-77, filed. (NSS) Notice given by Alex. Clerk.	
11-23-77	mw	Order and writ of habeas corpus ad testificandum directing C. Paul Phelps to have the persons listed therein at the Federal Bldg. in Alexandria at 9:00 AM on 12-5-77, filed. (NSS) Notice given by Alex. Clerk,	
11-28-77	mw	ORDER re-scheduling the hearing on motions, presently set for hearing on 12-5-77 in Alexandria, La., for 12-5-77 in Opelousas, La. at 10:30 AM; further amending the order and writ of habeas corpus ad testificandum, issued on 11-23-77 as set forth therein, filed. (NSS) (S) Notice of entry given.	
11-28-77	mw	ORDER appointing Michael M. Wahlder, U.S. Magistrate, as Special Master to hear all preliminary motions & testimony in connection with motion for preliminary injunction and motion to certify class action, filed. (NSS) (S) Notice of entry given.	
12-7-77	mw	Order & writ of habeas corpus ad testificandum directing C. Paul Phelps to bring John Soileau to Fed. Bldg., Opelousas, La. on 12-19-77 at 9:30 AM; filed. (NSS) Notice of entry given by Alex. Certified copies handed to Alex. Dy. Marshal this date.	
12-9-77	mw	Order and writ of habeas corpus ad testificandum directed to C. Paul Phelps and to Emmett G. Wyche, commanding them to have John Soileau at the Fed. Bldg. in Opelousas, La. at 9:30 AM on 12-19-77, filed. (NSS) Notice of entry given by Alex. Clerk. 3 Certif. copies given to Alex. Dy. Marshal.	
12-27-77	mw	MINUTE ENTRY: This matter came on for hearing 12-19-77, all testimony deferred until 2-21-78, consent decree to be submitted within 30 days, Defts to submit to Pltf's atty. a plan to correct the other alleged inadequacies, parties to submit a final consent decree to the Court on 2-21-78 at a hearing to be held in Opelousas, La., with attached exhibits (Exhibit A, and Phelps Exhibit 1), filed. Notice given to all counsel of record.	
12-28-77	mw	MR on Order and Writ of Habeas Corpus Ad Testificandum, filed. John Soileau taken into custody to appear in court on 12-12-77 and returned to Angola St. Prison on 12-19-77.	
12-30-77	mw	Motion by United States of America to intervene with Complaint in Intervention, filed.	
1-9-78	mw	MR(3) on 12-30-77 summons, filed. Mr. Burson, Mr. Montgomery, and Mr. Lomenick served 1-4-78.	
1-12-78	mw	ORDER(MW) granting USA's 12-39-77 motion to intervene, filed. Notice of entry given.	
1-16-78	mw	ANSWER by Adler V. Ledoux to complaint of the intervenor, USA, filed.	
1-20-78	mw	MR on 12-30-77 summons, filed. Mr. James Kellogg, Atty. for J. Soileau and R. Greene served 1-9-78.	
1-26-78	mw	ANSWER by Defts. Phelps, Oliver, Bruce, and Steward to Petition for Intervention, filed.	
2-3-78	mw	Motion by St. Landry Parish Police Jury & St. Landry Parish Sheriff for extension of time to file plan in accordance with 12-19-77 Order by Mag. Wahlder with attachments, filed.	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 761302-
JOHN SOILEAU, et al		C. PAUL PHELPS, et al	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	CLOSED CASE
4-5-78	mw	Motion by Deft's to Stay Termination of Federal Funding, filed with proposed order.	
4-13-78	mw	ORDER(NSS) granting 4-5-78 motion to stay for a period of 60 days, until 5-20-78, by which time a consent decree is to be filed or Plt. and intervenor will present a proposed order to the court, filed. NOE	
9-18-78	dm	INTERIM CONSENT DECREE(Joint)(NSS) entered 9-22-78, Adjoins Ds in the detailed manner set forth therein. NOE 9-22-78 by copy of this entry to all counsel. note: It appears from Mr Kellogg's transmittal letter, that decree does not close case--one remaining issue.	
10-6-78	dm	MOTION(Ps) for attorneys' fees, memorandum in support and proposed order request; oral argument; referred to NSS. Also Affidavits of Attorneys R. James Kellogg, Alice Jacobs, and R. James Kellogg..	
10-10-78	dm	ORDER(NSS) Ps' motion(10-6-78) for atty. fees will be heard in Alexandria on 11-6 at 1:00 PM. NOE 10-11-78.	
10-23-78	dm	MOTION(Ds-Philps, Oliver, Dr. Bruce, Dr. Stewart) for continuance of hearing on 10-6-78 motion scheduled for 11-6-78 w/proposed order, referred to NSS.	
10-30-78	dm	ORDER(NSS) granting 10-23-78 motion; motion hearing upset, to be reset later. NOE 10-30-78 by Alex Off.	
11-7-78	dm	M.E.(NSS:jp) Re 10-23-78 motion--hearing for attorney's fees previously scheduled for 11-6-78 in Alex. is rescheduled to be held at 1:00PM on 11-20-78 in Alex. NOE 11-9-78.	
11-24-78	dm	M.E.(NSS:gg) At the request of counsel for P, hearing on motion for attorneys fees, filed 10-6-78, prev. scheduled to be held on 11-20-78 is continued w/o date. NOE by NSS' office.	
12-26-78	as	Rec'd proposed motion & order to withdraw funds - referred	
12-27-78	ry	MOTION(pltfs.) & order that the checks deposited in the registry of this Court by the St. Landry Parish Sheriff & St. Landry Police Jury for attorneys fees this matter be set to R. James Kellogg, 806 Perdido St., Suite 401, New Orleans, La. 70112, filed. (NSS) NOE, 1-4-79.	
1-19-79	dm	<u>Funds mentioned in Order of 12-27-78 were not deposited into registry for the reason, the St. Landry Police Jury sent their \$2,000.00 check directly to Mr. Kellogg. The St. Landry Parish Sheriff's Dept. mailed their check of \$2000.00 made payable to Mr. Kellogg to the Clerk and the Clerk mailed check on to Mr. Kellogg.</u>	
2-8-79	dm	MOTION(Intvr-USA) for order to show cause w/proposed order, referred.	
3-12-79	dm	TRANSCRIPT of proceedings held before Magistrate Michael M. Wahlder on 2-14-79, pages 1-48.	
5-21-79		M.E. The Clerk was instructed on this date to issued a notice to Counsel of Record, setting this case for Pre-Trial Conference on June 14th, 1979 at 9:30 A. M., in Opelousas, before Magistrate Wahlder. NOE 5-22-79. (jm)	
5-29-79		M.E. The Clerk was instructed on this date to issue a notice to counsel of record, rescheduling the pre-trial conference in this case to June 20th, at 1 in Opelousas, before Magistrate Wahlder. NOE 5-29-79. (jm)	
5-25-79		Inspection of bldgs emergency lighting system (St. Landry Parish jail). (jm)	
6-14-79		MOTION by Defts for continuance w/proposed order. Referred NSS. (jm)	
6-20-79		ORDER(unsigned) with note stating that 6-14-79 Motion for continuance will be denied. (jm)	
*6-15-79		M.E. - Motion of defts, Phelps, Kelly and Cherry for continuance filed 6-14-79 DENIED. NOE 6-20-79. (jm)	
6-20-79		M.E. - as per instructions of Mike Wahlder, denying continuance. NOE 6-20-79.	
6-25-79		MOTION (P) to associate as counsel. Referred NSS. (jm)	

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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	CLOSED CASE	
JOHN SOILEAU, et al		PHELPS, C. PAUL, et al	PAGE 3 OF 3 PAGES	
DATE	NR.	PROCEEDINGS		
1979		OPELOUSAS		
5-25-79		MOTION (Alice M. Jacobs) to associate as counsel for Plaintiff and		
5-29-79		ORDER allowing same. (NSS/bc) NOE 7-9-79.		
7-13-79		MOTION by St. Landry Parish Police Jury and St. Landry Parish Sheriff's office, to amend interim consent decree, with order (Mag. Wahlder) setting hearing for 8-15-79 at 10:00 A. M. in Opelousas. (jm)		
8-3-79		ME: Per Mag. Wahlder: "Plaintiff's Motion For An Order To Shorten Defts. Time To Answer Its Request For Production Of Documents is DENIED, this 2nd day of Aug, 1979. NOE 8-3-79. (jm)		
8-22-79		MOTION for an Order to Show Cause (Ps) w/ proposed order, Declaration & Memorandum		
8-30-79	rl	LETTER from Otis E Lomenick, Jr. to Mike Wahlder		
8-30-79	rl	MOTION (St. Landry Pol Jury & Adler LeDoux) for stay of execution of the decree to close the St. Landry Parish Jail; returned to AO for referral-		
9-6-79		ORDER Sheriff Adler LeDoux of St. Landry Parish Immediately begin doing the changes set forth in this order by (NSS)/bg noe Alex. office		
9-11-79		LETTER to Mr. Otis E. Lomenick, Jr. Atty, from Frances O. Allen, re: St. Landry Parish Jail. (jm)		
9-13-79	tos	MR on 9-6-79 order. Sheriff Adler LeDoux served on 9-10-79.		
9-17-79	jm	LETTER from Otis E. Lomenick, Jr., atty to Frances O. Allen, Asst. U.S. Atty, re. correctional expert, Mr. Robert Sarver.		
10-19-79	jm	PROPOSED JUDGMENT (filed by Pltf) Referred, NSS.		
11-14-79	rs	MINUTE ENTRY (MW/rs) upsetting 12-4-79 hearing until the 1st week in Jan. NOE		
12-10-79		JUDGMENT (NSS)/bg noe AO		
12-21-79	as	NOTICE OF COMPLIANCE (Daniel Kelly)		
5-20-80	cj	RECEIVED LTR to parties from Magistrate Wahlder setting hearing before JMS on 5-22-80		
5-20-80	cj	M.E. Hearing to review architectural plans will be reset to 6-6-80 @ 11:00 A.M. (JMS) NOE/mb		
7-29-80	rl	RECEIVED copy of proposed prod for new St. Landry Par Jail		
8-9-81	cj	LTR (Remm) re: Prisoner Ltr from Francis C. Bienvenu - referred to WLG.		
8-29-81		Letter received 3-9-81 referred to NSS (rl)		
9-1-81	rl	NOTICE setting motion to compel compliance for 9-15-81		
-1-81	rl	MOTION (Pltf) to compel compliance previously set for 9-15-81 (rl)		
-8-81	rl	LETTER to clerk from Mike Wahlder advising motion to compel set for 9-15-81 is upset		
9-10-81		ANSWER (H Zerangue, & St Landry Parish Pol Jury) & Opposition to motion to compel		
		MEMORANDUM (Deft) in opposition to motion to compel (rl)		
1-11-83	pm	REFUSAL LETTER (Proposed Judgment and Stipulation) (pm)		
1-24-83	pm	MOTION (Pltfs.) for Atty. Fees and Costs, ref. to Magistrate Wahlder (pm)		
2-11-83	pm	STIPULATION and JUDGMENT ordering that compensation of Mrs. Nina Sulzer be fixed at \$3,734.12 w/State of LA, thru John King, Roger Guissinger and Carol Herring to pay \$1,867.06 of said amt. (NSS/pm)NOE/wrg		
		DKT-D 2-14-83		
-12-83		ME, A hearing on atty. fees in this case ill be held 5-19-83 at 10:00 A.M. in the courtroom on the 3d floor of the Fed. Courthouse in Opelousas. (MMW) (om) NOE AO		
/31/83	all	OPPOSITION (D) To Motion for Attorney Fees (all)		
	all	MEMORANDUM (D) In Support of Opposition to Attorney Fees & Costs (all)		

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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 76-1302 PAGE ____ OF ____ L-O/S PAGES
JOHN SOILEAU, ET AL		C. PAUL PHELPS, ET AL	
DATE	NR.	PROCEEDINGS	
		Deft. given 10 days to file opp. to Mot. for Attys. fees	
5/19/83	all	ME: SC held; hearing set for 6/17/83, 10:30 a.m. (MHW/all)	
5/31/83	all	RECEIVED back cy of 5/19/83 ME addressed to R. James Kellogg marked "Moved, Left no Address) (all)	
	all	ME: ME of 5/19/83 amended to read "Deft. given 15 days to file any opposition to the Motion for Attorneys' fees" (MHW/all)NOE/wpg	
	all	LETTER from Magistrate Wahlder to All Counsel of Record changing starting time for 6/17/83 hearing from 10:30 to 10:00 (all)	
5-23-83		ME, A SC was held 5-23-83. A hearing is set for 6-17-83 at 10:30 A.M. (MMW) (om) NOE wu	
6/7/83	all	OPPOSITION (St. Landry Parish Police Jury) to Motion for Attorney's Fees (all)	
6/15/83	all	MEMORANDUM (USA) in Opposition to Any Award of Attorney's Fees Against the United States (all)	
6/17/83	all	MINUTES re hearing on motions: Case came on for trial on motion on behalf of counsel for pltf. for attorney's fees. By agreement of counsel, defendants allowed to take testimony out of turn. Proffer of proof made on behalf of movers of testimony of Cliff Remm. Testimony & evidence adduced to hour of adjournment. Case laid over to 9/7/83 @ 10:00 a.m. (MHW/all)NOE/mb	
6/22/83	all	MEMORANDUM (La. Atty. General) in Opposition to Motion for Attorney Fees (all)	
8-12-83	om	LETTER from Magistrate Wahlder to all counsel in this case re available dates suitable to all concerned. (om)	
9/1/83	all	TELEPHONIC notification given to Shreveport Clerk of Court's Office this date by Magistrate Wahlder's Secretary, that the hearing scheduled for 9/7/83 has been continued to 10/3/83; ME w/time of hearing to be forthcoming (all)	
9-1-83	om	LETTER from John Wilson Reed to Magistrate Wahlder stating that he has no interest in the issue to attorney's fees presently before the court and requests that his name be removed from this case. (om)	
9/13/83	all	ME: A hearing is hereby set in the above entitled matter for Monday, October 3, 1983, @ 10:00 a.m. It w/b held in the courtroom on the third floor of the Federal Courthouse in Opelousas, located on the corner of Union and Vine Streets (MMW/all)NOE/all	
	all	COURT REPORTER ORDER (NSS/all)	
10/3/83	all	MINUTES re hearing on motions: Following a PTC, it was stipulated by Court & counsel that settlement had been reached; terms dictated into record; formal judgment approved by all counsel w/b submitted for Court's signature (MW/all)NOE/mb	
	all	EXHIBIT LIST (State) (all)	
10-4-83	cll	JUDGMENT, for plaintiffs and against defts for costs and attorneys fees in the sum of \$22,500. NOE (NSS/cl)	