

TRANSMISSION FORM

District Court

District Court No. C78-0157 L(A)

WESTERN DISTRICT OF KENTUCKY AT LOUISVILLE

Court of Appeals No. 80-3560

CAPTION

(Include names of all plaintiffs and defendants who are parties to the appeal. Use separate sheet if necessary)

CURRENT COUNSEL FOR PLAINTIFF

NAME
FIRM NAME
ADDRESS

TELEPHONE

SSN
(CJA only)

NAME
FIRM NAME
ADDRESS

TELEPHONE

SSN
(CJA only)

CURRENT COUNSEL FOR DEFENDANT

NAME
FIRM NAME
ADDRESS

TELEPHONE

SSN
(CJA only)

NAME
FIRM NAME
ADDRESS

TELEPHONE

SSN
(CJA only)

PLAINTIFF- APPELLEES

v.

PETER CONN, Secretary of Dept. of Human Resources
WILLIAM P. McELWAIN, Commissioner
JACK C. LEWIS, Commissioner
DIRECTOR, Division for Mental Health
RUSSELL McCLURE, Commissioner
CLAYTON LORENZEN, Facility Director
EXCEPTICON, INC.
MAXINE PULLIAM, Guardianship Officer

INTERVENING DEFTS: Judith Anne Linton
David Brend Harralson

DEFENDANT- APPELLEES

If Habeas Corpus (28 U.S.C. §2254), was Certificate of Probable Cause:

[] granted [] denied [] pending

Criminal Defendant: [] on bond [] incarcerated [] on probation

Fees: District Court Filing Fee Paid: [X] yes [] no
Court of Appeals Docket Fee Paid: [X] yes [] no
Pauper Status: [] granted [] denied [] pending
Affidavit of Financial Status Filed: [] yes [] no

Counsel: [] appointed [] retained

District Court Judge Charles M. Allen Court Reporter Doris Lynn Snowden

Any hearing or trial [X] yes [] no If yes, dates TRANSCRIPTS ALREADY PREPARED

IMPORTANT: COPY OF NOTICE OF APPEAL AND COPY OF DISTRICT COURT
DOCKET SHEET TO BE FORWARDED WITH THIS FORM

FROM B. Steuterman 8-5-80
Deputy Clerk

THIS PORTION FOR USE IN TRANSMITTING ANYTHING
AFTER THE ORIGINAL NOTICE OF APPEAL HAS BEEN SENT

Date Notice of Appeal sent to Court of Appeals _____

The new information sent at this transmittal is _____

_____ and includes an updated copy of docket entries.

I hereby certify that I have transmitted to the United States Court of Appeals for the Sixth Circuit the annexed documents consisting of 12 volume(s) of pleadings, 36 volume(s) of transcript and 39 volume(s) of depositions, which constitute the CERTIFIED RECORD ON APPEAL, this 30 day of March, 19 81.

Clerk, JESSE W. GRIDER
United States District Court

By: B. Steuterman
Deputy Clerk

PLAINTIFFS:

Brian P. Lawlor, 502-584-1254
Legal Aid Society, Inc.
425 West Muhammed Ali Blvd.
Louisville, Kentucky 40202

Henry A. Triplett
231 South Fifth Street
Louisville, Kentucky 40202
502-583-5581

Henry B. Hinton
Kentucky Juvenile Justice
Assistance Program
P. O. Box 679
Morehead, Kentucky 40351

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NATIONAL JUVENILE LAW CENTER

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KENTUCKY YOUTH ADVOCATES:

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Louisville, Kentucky 40205
502-585-2100

GARDIAN AD LITEM:

Charles W. Dobbins, Jr.
First National Tower
Louisville, Kentucky 40202
502-584-6137

LITIGATING AMICUS CURIAE:

United States of America:
Mikell Grafton
Asst. U. S. Attorney
211 U. S. Courthouse Bldg.
Louisville, Kentucky 40202
352-5911-FTS

Arthur E. Peabody
Civil Rights Division
Department of Justice
10th & Penn Avenue, N.W.
Washington, D. C. 20530
FTS 739-5307

DEFENDANTS:

EXCEPTICON, INC. and
LORENZEN, Facility Director:

James A. Shuffett
Shuffett, Kenton, Curry & Karem
109 N. Mill Street
Lexington, Ky. 40507
606-233-1426

CONN, McELWAIN, LEWIS,
Director, Ky. Divison for
Mental Health & PULLIAM:

Ann T. Hunsaker
Martin Kazdan, Jr.
275 E. Main Street
Frankfort, Kentucky 40201
502-564-7900

MC CLURE:

Charles Wickliffe
General Counsel
Capitol Annex
Frankfort, Kentucky 40601
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INTERVENING DEFTS:

Joseph H. Terry
Ligon Specialized Haulers
Madisonville, Kentucky
502-821-4141

LORENZEN, Facility Director:

H. Hunter Durham
10 Greensburg Street
Columbia, Kentucky 42728

TRANSMISSION FORM

District Court

District Court No. C78-0157 L(A)

WESTERN DISTRICT OF KENTUCKY AT LOUISVILLE

Court of Appeals No. 80-3560

CAPTION

(Include names of all plaintiffs and defendants who are parties to the appeal. Use separate sheet if necessary)

KENTUCKY ASSOCIATION FOR RETARDED CITIZENS
WARREN KENT BRUINGTON, by mother
CARLA ANN AMITH, by mother
JACQUELINE HODGES, be mother
LOUIS RAY KING
WILLIE T. NICHOLS, by mother

PLAINTIFF- APPELLEES

v.

PETER CONN, Secretary of Dept. of Human Resources
WILLIAM P. McELWAIN, Commissioner
JACK C. LEWIS, Commissioner
DIRECTOR, Division for Mental Health
RUSSELL McCLURE, Commissioner
CLAYTON LORENZEN, Facility Director
EXCEPTICON, INC.
MAXINE PULLIAM, Guardianship Officer

INTERVENING DEFTS: Judith Anne Linton
David Brend Harralson

DEFENDANT- APPELLEESCURRENT COUNSEL FOR PLAINTIFF

NAME
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CURRENT COUNSEL FOR DEFENDANT

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Counsel: [] appointed [] retained

District Court Judge Charles M. Allen Court Reporter Doris Lynn Snowden

Any hearing or trial [X] yes [] no If yes, dates TRANSCRIPTS ALREADY PREPARED

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FROM Stentermann 8-5-80
Deputy Clerk

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I hereby certify that I have transmitted to the United States Court of Appeals for the Sixth Circuit the annexed documents consisting of 12 volume(s) of pleadings, 36 volume(s) of transcript and 39 volume(s) of depositions, which constitute the CERTIFIED RECORD ON APPEAL, this 30 day of March, 19 81.

6CA-33 - 8/79

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United States District Court
By: Stentermann
Deputy Clerk

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GARDIAN AD LITEM:
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First National Tower
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LITIGATING AMICUS CURIAE:
United States of America:
Mikell Grafton
Asst. U. S. Attorney
211 U. S. Courthouse Bldg.
Louisville, Kentucky 40202
352-5911-FTS

Arthur E. Peabody
Civil Rights Division
Department of Justice
10th & Penn Avenue, N.W.
Washington, D. C. 20530
FTS 739-5307

DEFENDANTS:

EXCEPTICON, INC. and
LORENZEN, Facility Director:

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Joseph H. Terry
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Columbia, Kentucky 42728

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PLAINTIFFS

DEFENDANTS

KENTUCKY ASSOCIATION FOR RETARDED CITIZENS;

BRUNTINGTON, WARREN KENT, by his mother and next friend Dorothy Ezelle;

AMITH, CARLA ANN, by her mother and next friend Beth Christian;

HODGES, JACQUELINE, by her mother and next friend Rosa Hodges;

KING, LOUIS RAY; ✓

NICHOLS, WILLIE T., by her mother and next friend, Geneve Burks.

6/21/78 6

6-CLAYTON LORENZEN 7

repl Herrera 8

(WITHIN DISTRICT TRANSFER FROM PADUCAH

C 77-0048-P)

LITIGATING AMICUS CURIAE:

UNITED STATES OF AMERICA;

23 & 2 class action

42 USC 1983 action be mentally retarded persons challenging conditions at Outwood and the proposed construction of a new facility at Outwood, Class Action.

7/31/79-AMICI CURIAE: NATIONAL JUVENILE LAW CENTER and KY. YOUTH ADVOCATES, INC. JWG:all

Ann T. Herrera

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BARBARA WICKLIFFE

Henry Triplett

Henry Hinton

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Louisville, KY 40202 Morehead, 40351

Brian Patrick Lawlor

USA: Barry Master, AUSA

Arthur E. Peabody, Jr.

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Nat. Juvenile Law:

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☐ CHECK
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PLAINTIFFS

DEFENDANTS

KENTUCKY ASSOCIATION FOR RETARDED CITIZENS:

WARREN KENT BRUINGTON, BY HIS MOTHER AND NEXT FRIEND DOROTHY EZELLE:

CARLA ANN SMITH BY HER MOTHER AND NEXT FRIEND BETH CHRISTIAN:

JACQUELINE HODGES BY HER MOTHER AND NEXT FRIEND ROSA HODGES

LOUIS RAY KING:

WILLIE T. NICHOLS BY HER MOTHER AND NEXT FRIEND GENEVE BURKS

PETER CONN, SECRETARY, KENTUCKY DEPARTMENT FOR HUMAN RESOURCES:
 WILLIAM P. McELWAIN, COMMISSIONER KENTUCKY BUREAU FOR HEALTH SERVICES:
 JACK C. LEWIS, COMMISSIONER, KENTUCKY BUREAU FOR SOCIAL SERVICES:
 DIRECTOR, KENTUCKY DIVISION FOR MENTAL HEALTH AND MENTAL RETARDATION SERVICES
 RUSSELL McCLURE, COMMISSIONER, KENTUCKY EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION:
 ALPHONSO HERRERA, FACILITY DIRECTOR, EXEPTICON-OUTWOOD CAMPUS:
 EXCEPTICON, INC., A KENTUCKY CORPORATION
 MAXINE PULLIAM, GUARDIANSHIP OFFICER KENTUCKY DEPARTMENT FOR HUMAN RESOURCES
 INTERVENING DFTS: JUDITH ANNE LINTON, etc and DAVID BRENT HARRALSON, etc.

CAUSE

2 USC 1983 action by mentally retarded persons challenging conditions at Outwood and the proposed construction of a new facility at Outwood, Class Action

ATTORNEYS

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 Louisville, KY 40202

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 Attorney for
 Judith Anne Linton
 & Virginia M.
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 dfts.

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and
 Rudy Yessin
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 Lewis, Pulliam & Unnamed Dir.

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 Executive Dept. for Finance & Adm.
 Capitol Annex, Frankfort, KY 40601
 (502) 564-6660
 Counsel for Dft., McClure

U. S. District Court) ss.
 Western District of Kentucky)

I hereby certify that the foregoing is a true copy of the original on file in this court and cause.

Jesse W. Grider, Clerk

By *Dean Moore*
 Deputy Clerk

Dated:

April 25, 1978

☐ CHECK HERE IF CASE WAS FILED IN FORM A	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	6/77
				JS-6	

DATE	NR.	PROCEEDINGS
'16/77	1	Complaint filed, summons and complaint sent to Marshal for service.
'16/77	2	Motion for Admission of Brian Patrick Lawlor to Participate as Counsel in this Action. Order tendered.
5/31/77		Marshals' service forms retd. ex. 5-24-77 as to Jack Lewis, 5/24/77 as to Director of the Ky. Division for Mental Health and Mental Retardation Services; 5-24-77 as to Wm. P. McElwain; 5-24-77 as to Maxine Pulliam;
1/2/77		USM 285 ret exec as to Alphonso Herrera on 5/24/77; USM 285 ret exec as to Russell McClure, Com. on 5/27/77. USM 285 ret exec as to Peter Conn, SEC. by ser Dave Curd, Attorney for Peter Conn on 5/27/77.
5/6/77	3	Amended Complaint filed by pltfs.
5/9/77	4	ORDER by Judge Allen that Brian Patrick Lawlor is admitted to act as attorney in this action; cc counsel.
5/13/77		USM 285 returned unexc as to John Swann, Jr. Registered Agt w/notation individual does not live at above addrw, no forwarding address.
5/13/77	5	Answer filed by dfts, Excepticon, Inc. and Alphonso Herrera.
5/14/77	6	Motion to dismiss w/supp memo filed by dfts, Conn, McElwain, Lewis, McClure Pulliam and unnamed director. Or ten.
6/14/77	7	Ans filed by dfts, Conn, McElwain, Lewis, McClure, Pulliam and unnamed director.
6/14/77	8	Motion to transfer s/supp memo filed by dfts, Conn, McElwain, Lewis, McClure, Pulliam and unnamed director. Or ten.
5/17/77	9	Motion for Order allowing this Action to Proceed as a Class Action filed by pltfs w/supporting memorandum; or ten.
6/22/77	10	Notice to Take Deposition filed by pltfs.
6/30	11	Plaintiffs' resp to mo of dfts Conn, McElwain, Lewis McClure, Pulliam and unnamed director totsfer this case w/Memorandum in Support thereof. Ord.tend.
6/27	12	RESPONSE By Defts, Excepticon and Herrera, to Plffs Mot to Allow This action to proc as=a Class Action filed w/Ex "A". Ord tend.
6/27/77	13.	Motion for Ext of time to respond to Defts Mot to Dismiss. Ord tend.
6/28/77	14.	Motion for enlargement of time filed by Defts. Ord tend.
7/11/77	15.	Response to motion of pltfs for order allowing action to proceed as a class action, filed by dfts.
7/6/77	15 1/2	Order by Judge Allen that Mo. to Transfer to Eastern Distr. denied.cc: counsel.
7/12/77	16	Response to motion of state defendants to dismiss present action w/memorandum filed by plaintiffs; or ten.
7/14/77	17	Request to inspect premises and programs at Outwood, request for production of documents and motion to reduce the time to respond to this request filed by pltfs, or ten.
7/18/77	18	Response by Excepticon and Herrera to pltf's request to inspect filed.
7/21/77	19	Order by Judge Allen that Linda Glenn be permitted to visit and have access to premises and programs at Outwood Mental Retardation Facility on 8/1/77 at 8:00AM EDT and for the rest of the day in order to evaluate the premises and programs at

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF

KY ASSOCIATION FOR RETARDED CITIZENS,
ET AL

DEFENDANT

PETER CONN, SEC., KY DEPT.
OF HUMAN RESOURCES, ET AL

DOCKET NO. C 77-0048

PAGE 3 OF ____ PAGES

DATE	NR.	PROCEEDINGS
		Continued: Outwood; that Ms. Glenn may be accompanied by a photographer and any other persons necessary to assist her; that dfts shall, on 8/1/77 produce and permit Ms. Glenn and those in her company to inspect and copy all records of any kind whatsoever concerning the named plaintiffs in this action; that dfts shall not be required to produce for inspection the records of any patients other than the named plaintiffs. Cyps to counsel of record.
7/21/77	20	Motion for order compelling dfts to permit inspection of Outwood premises and programs and compelling dfts to produce documents filed by pltf's w/ memorandum. Or ten.
8/1/77	21	First Interrogatories and request for production of documents filed by Pltfs.
8/3/77	22	Motion to amend order entered 7/21/77 permitting consultant for pltf to inspect premises at Outwood for purpose of changing date of inspection to 8/19/77 filed by pltf's. Or ten.
8/8/77	23	Order by Judge Allen that this Court's Order entered 7/21/77 permitting a consultant for pltf's to inspect premises at Outwood be amended to change the date to 8/19/77; in all other respects the Ct's Order of 7/21/77 remains in effect. Cyps to counsel.
8/19/77	24	Notice to take deposition of Peter Conn at 10:00 on 9/8/77; Wm. P. McElwain at 1:00 P.M. on 9/8/77 and Sue Turner at 10:00 A.M. on 9/9/77 filed by pltf's.
8/24/77	25	Motion for enlargement of time to and inc 11/9/77 in which to respond to pltf's First Interrogatories and REquest for Production of Documents filed by dfts. Or ten.
8/24/77	26	Reply to dfts' opposition to motion to certify the class filed by pltf's.
8/24/77	27	Supplemental response to dfts' motion to dismiss filed by pltf's.
8/24/77	28	Amended Notice to take depositions of Conn, 9/9/77 at 9:00 A.M.; McElwain 9/9/77 at 10:30 A.M.; Turner 9/9/77 at 1:00 P.M. filed by pltf's.
8/25/77	29	Motion for Protective Order directing that disc depositions of Peter D. Conn, Wm. F. McElwain and Dr. Susan Turner not be had, pending ruling on motion to dismiss. Or ten.
8/30/77	30	Order by Judge Allen that motion of state defendants to dismiss this action be denied. Cyps to counsel of record.
9/1/77	31	Second Amended Notice to take depositions of McElwain and Turner 9/9/77, filed by pltf.
9/2/77	32	Order by Judge Allen that motion for protective order be overruled as to deponents, Wm. McElwain and Sue Turner, said depositions to be taken as previously notice don 9/9/77, provided ^{before} the taking of these depositions. pltf's' counsel meet with State dfts' representative and discuss the issues involved herein; dfts shall furnish to counsel for pltf's a copy of their newly proposed plans pertaining to this case, together they shall make a good faith effort to eliminate any issues which may be remedied by the new plan; FURTHER, that motion for protective order be sustained as to deponent, Peter Conn, and the deposition will not be taken on 9/9/77, but may be rescheduled and taken some time after 9/9/77, subject further to the conditions set out above; all other pending motions will be held in abeyance at this time. Cyps to counsel

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF

DEFENDANT

DOCKET NO. C 77-0048

KY. ASSOCIATION FOR RETARDED CITIZENS, ETC. PETER CONN, ET AL

PAGE 4 OF 4 PAGES

DATE	NR.	PROCEEDINGS
9/9/77	33	Order by Judge Allen that dfts are granted to and inc 11/9/77 to respond to pltf's first interrogatories and request for production of documents. Cpys to counsel.
9/9/77	34	Motion by dfts, Excepticon, Inc. and Herrera, that pltf's and their agts and attys destroy all pictures, prints, copies and/or negatives taken on 8/19/77 at the Excepticon-Outwood Campus of residents, not named pltf's herein, or in the alternative to deliver said pictures, prints, copies and/or negatives to the Ct for an inspection thereof prior to any publication or distribution of same filed with affidavit of Herrera with attached report on Outwood visit on 8/19/77 and memorandum. Or ten.
8/15/77	35	Order by Magistrate Booth that discovery deposition for dfts, Conn and McElwain and movant, Dr. Susan Turner, noticed for 9/9/77 not be had. Cpys to counsel
9/19/77	36	Motion for enlargement of time to respond to dft's motion of 9/7/77 to and incl 9/27/77. Or ten.
9/23/77	37	Order by Mag. Booth that pltf's motion for ext of time to and incl 9/27/77 to respond to dft's motion of 9/7/77 be granted. Cpys to counsel.
9/29/77	38	Response to dfts' motion for protective order as to photographs taken on 8/19/77 filed by pltf's. Or ten.
9/29/77	39	Supplemental response to dfts' motion for a protective order filed by pltf.
10/11/77	40	Joint Motion for change of venue tendered.
10/11/77	41	Notice to take depositions of Burnice Ransdell and Peter Conn filed by pltf's.
10/17/77	42	Amended Notice to take Depo filed by Plf.
10/17/77	43	ORDER by Judge Allen that the joint motion for Change of Venue having been brought to the attention of the Court, by all parties, and there being no objection, IT IS HEREBY ORDERED that all preliminary proceedings, motions, pretrial conferences and hearings preceding trial shall be held in the U.S. Courthouse in Louisville, Kentucky. cc: counsel of record.
10/25/77		USM 285 ret exec as to Peter Conn for attendance at depo on 11/7/77 at 2:30 PM in Frnakfort, KY, by serv Ann T. Hunsaker, Assist. Gen. Counsel on 10/20/77.
10/26/77	44	Depositions of Drs. Wm. P. McElwain and Susan M. Turner taken by pltf filed by Court Reporter, Juanita M. toole, w/ copy of question asked to Dr. McElwain, which is certified to the Court to determine whether or not witness shall ans.
11/2/77	45	Notice to take deposition of Perry Liljestrang on 11/14/77 at 9:30 A.M. filed by dfts.
11/2/77	46	Notice to take deposition of Dorothy Ezell on 11/14/77 at 9:30 A.M. filed by dfts
11/2/77	47	Notice to take deposition of Mary Jo Smith on 11/14/77 at 9:30 A.M. filed by dfts
11/2/77	48	Notice to take deposition of Beth Christian on 11/14/77 at 9:30 A.M. filed by dft

PLAINTIFF	DEFENDANT	DOCKET NO. C 77-00
Ky. Assn. for Retarded Citizens etc.	Peter Conn, et al	PAGE 5 OF PAG

DATE	NR.	PROCEEDINGS
11/2/77	49	Notice to take deposition of Rosa Hodges on 11/14/77 at 9:30 AM filed by dfts.
11/2/77	50	Notice to take deposition of Louis Ray King on 11/14/77 at 9:30 AM filed by dfts.
11/2/77	51	Notice to take deposition of Willie T. Nichols on 11/14/77 at 9:30 AM filed by dfts.
11/19/77	52	Ans to pltf's first interrogatories and req. for production of documents filed by dfts Conn, McElwain, Lewis, McClure, Pulliam and Unnamed Director, KY Div. of Mental Health, etc. w/ exhibits.
11/21/77	53	Ans, obj and response to pltf's first interogs and request for production of documents w/exhibits filed by dfts in L'ville.
12/6/77	54	Motion to Intervene as defendants filed by Judith Anne Linton, by her parents and next friends, James L. and Virginia M. Linton and by David Brent Harralson by his parents and next friends, George Harralson III and Jane C. Harralson, w/ Order and proposed answer tendered.
12/8/77	55	Order by Judge Allen that all photographs be submitted to Court for inspection and for further orders. Cyps distributed to counsel from L'ville.
12/21/77	56	Depositions of Peter Conn and Burnice Ransdell filed by Court Reporter, Juan M. Toole (Vols. I and II).
12/21/77	57	Question which witness, Burnice Ransdell, declined to ans and certified by counsel to Court to determine whether or not the witness should ans said question, filed by Court Reporter, Toole.
1/6/78	58	Order by Judge Allen that David Brent Harralson by and through his next friend George G. Harralson III and Jane C. Harralson, and Judith Anne Linton, by and through her next friends, James L. and Virginia M. Linton be permitted to intervene as party dfts; FURTHER that the ans attached to motion to intervene of David Brent Harralson and Judith Anne Linton shall stand as the answer of record of said dfts. Cyps to counsel.
1/6/78	59	Ans of Interveneing dfts, Harralson and Linton filed by dfts.
1/10/78	60	Additional Authorities in support of pltf's motion to certify the class (with copy of Halderman v. Pennhurst case) filed by pltf's.
1/12/78	61	Amended notice to take deposition of Beth Christian on 1/17/78 at 2:30 PM filed by dft. Conn.
1/12/78	62	Amended notice to take depo of Rosa Hodges at 1:30 1/17/78. filed by dft Conn
1/12/78	63	Amended notice to take depo of Mary Jo Smith on 1/17/78 at 11:30 A.M.
1/12/78	64	Amended notice to take depo of Perry Liljestrang at 9:30 on 1/17/78 filed by dft. Conn.
1/27/78	65.	Mo. for Immediate Class Cert. or for Immediate hearing on issue of class cert Order tendered.

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF

DEFENDANT

DOCKET NO. 77-0048 P

KENTUCKY ASSOCIATION FOR RETARDED
CITIZENS, INC. ETC.

PETER CONN, ET AL

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DATE	NR.	PROCEEDINGS
1/30/78	66	Order by Judge Allen that pltfs be designated as representatives of a class consisting of all persons who presently reside or may in future reside at Outwood, and who allege their 1st, 8th, 9th and 14th Amendment rights and their statutory rights provide them by the laws of the US and Com. of KY have been violated, provided, however that the class shall not include the intervening dfts (entered pur to Rule 23(b)(2) FRCP. Cpys to counsel.
2/3/78	67	Amended notice to take depositions of Perry Liljestrand, Exec. Director of KY. Assn. for Retarded Citizens on 2/21/78 at 9:30 A.M. filed by dft. Conn.
2/3/78	68	Amended notice to take deposition of Mary Jo Smith on 2/21/78 at 11:30 A.M. filed by dft. Conn.
2/3/78	69	Amended notice to take deposition of Rosa Hodges on 2/21/78 at 1:30 PM filed by dft. Conn.
2/3/78	70	Amended notice to take deposition of Beth Christian on 2/21/78 at 2:30 PM filed by dft. Conn.
2/13/78	71	Request for inspection and for production of documents and motion to reduce time to respond to this request filed by pltfs. Or ten.
2/13/78	72	Request to inspect the premises and programs at outwood, request for production of documents and motion to reduce the time to respond to this request filed by pltfs. Or ten.
2/13/78	73	Memorandum in support of request for inspection and production of documents filed by pltf.
2/15/78	74	Objection and response by dfts Excepticon and Herrera to pltfs' requests and motions filed by dfts, Excepticon and Herrera.
2/21/78	75	Request to inspect premises and programs at Outwood and request for production of documents filed by pltfs.
2/22/78	76	Motion to compel discovery; and, motion to inspect premises and programs at Outwood and for production of documents with supporting memorandum filed by pltf. w/ certificate of service.
2/22/78	77	Motion for Immediate Hearing on motion to compel discovery filed by pltfs. with certificate of service. Order tendered.
2/21/78	78.	Objection and response to pltfs' request filed by dfts, Excepticon and Herrera in Louisville.
2/24/78	79.	Correction to documents submitted on 2/21/78 filed by pltfs.
3/03/78	80.	Order by Judge Allen that: (1) Rosen, Elkin, Fraegon and Donaldson may visit and have access to premises and programs at Outwood on 3/16/78 beginning at 6:00 / and for rest of day to eval. premises and programs on behalf of pltfs, and may be accompanied by a photographer, pltf's counsel and other nec. persons to assit in eval. (2) That Dybwad may vist and have access to premises and programs at

(continued on p. 7)

PLAINTIFF		DEFENDANT	DOCKET NO. C-77-
KY ASSOCIATION FOR RETARDED CITIZENS, INC., ETC.		PETER CONN, ET AL	PAGE 7 OF PA
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		(Order of 3/3/78 continued) Outwood on 3/31/78 beginning at 6:00 AM and remain of day to evaluate premises and programs on behalf of pltfs and may be accompanied by a photographs, pltfs' counsel and other persons nec. to assist in eval; (3) on days of respective visits to Outwood, Rosen, Elkin, Fraegon, Donaldson, and Dybwad may inspect and copy following documents: (a) all records inc. but not limited to medical records and treatment plans, concerning named pltfs in this action (b) all records, inc but not limited to medical records and treatment plans concerning all other residents of Outwood, except David Brent Harralson and Judith Ann Linton; (4) Counsel for pltfs and other persons necessary to assist them be permitted to visit and have access to Outwood mental retardation facility and continuing daily thereafter until completion of insp. and copy. following designated documents: (a) all records of any kind, inc but not limit to individual medical records and treatment plans, concerning all resident of Outwood M.R.F., except those of the Intervening dfts herein; including data which may have been developed prior to time when Excepticon, Inc. began to operate Outwood; (b) all records relating to Excepticon personnel policies, practice recruiting efforts and individual personnel, and records concerning personnel which may have been developed prior to time when Excepticon began to operate Outwood; (c) all records relating to use of restraint and seclusion re Outwood residents; (d) all minutes of meetings and other records of Infections and Sanitation Control Committee at Outwood; (e) minutes of meetings and other records of Citizen Advisory Bd. at Outwood; (f) all records of any kind whatsoever relating to participation by Outwood residents in any and all therapy programs, PROVIDED, that dfts may tape over individual patients' names and identify individual patients' records by number only, coded for further i.d. purposes, in order to preserve confidentiality of medical records insofar as possible. cc Counsel distributed in Louisville.	
4/25/78	81	Order by Judge Allen that action be transferred to the Louisville Division of the Court to be assigned to Hon. Charles M. Allen for further proceeding. cc: Counsel.	

DATE	NR.	PROCEEDINGS	(TR from Pad. C778004)
<u>1978</u> <u>4/27</u>		File received from Paducah Division per ORDER signed by Judge Allen ent 4/25/78.	
5/15/78	82.	MOTION by plf for p/t conf. and for date for trial on merits. Order tendered.	
5/30/78	83	REQUEST for production of documents by pff.	
5/30/78	84	SECOND SET of interrogs and request for production of documents by pffs.	
5/31/78	85	ORDER by J/Allen for ptconf 6-30-78 at 3:00 P.M. c/cs.	
6/7/78	86	Motion to compel dfts, Excepticon, Inc. and Lorenzen, to answer pffs First Set of interrogs w/memo in support. o/tend.	
6/7/78	87	AFFIDAVIT OF Betsey B. Swan re Motion 6/7/78 (Un-notarized)	
6/8/78	88	AMENDED notice to take depos of Perry Liljestrang by Peter Conn.	
6/14/78	89	SUPPLEMENTAL answers to pffs first interrogs by dfts Excepticon and Herrera.	
6/14/78	90	RESPONSE to pffs motion to compel answers to interrogs by dft Excepticon and Herrera Ord. tend.	
6/16/78	91	SECOND REQUEST for production of documents by pff.	
6/16/78	92	NOTICE to take depos of Helen Aldred on 7-19-78, Patricia McCloskey on 7-19-78, Bernell Stewarton 7-19-78, Roger Turenne on 7-20-78 and Don Trent on 7-20-78 by pffs.	
6/20/78	93	MOTION for substitution of pties. Ord tend.	
6/20/78	94	THIRD SET of interrogs and request for production of documents by pffs.	
6/21/78	95	ORDER by J/Allen that Clayton Lorenzen made dft in this action on motion. c/cs.	
6/22/78	96	AMENDED motion to compel dfts Excepticon, Inc. and Clayton Lorenzen to answer pff's first set of interrogs w/memo in support. ord tend.	
6/22/78	97	AMENDED notice to take depo of Perry Liljestrang on July 10, 1978, by dft Conn.	
6/29/78	98	MOTION for dfts for submission of updated interrogs. Ord. tend.	
6/29/78	99	MOTION by dft Conn for extension of time to July 14, 1978 to respond to pffs Second Set of Interrogs and Request for production and to 7/31/78 to respond to pffs Second Request for Production. Ord tend.	
6/30/78	100	RESPONSE TO DFTS REQUEST FOR EXT OF TIME AND PFFS" MOTION TO COMPEL answers to their second set of interrogs and request for production of documents. by pffs. Ord. tend.	
7/3/78	101	ORDER by J/Allen on 6/30/78 ptconf that dfts shall have to and inc. July 14, to respond to pffs Second Set of Interrogs and Request and Second Reques for Production; further that second ptconf to be held September 18, 1978, at 9:30 A.M. and hearing on motion for PI shall begin Oct. 19, 1978, to last approximately 7 das; further that testimony of experts w/vita and list of cases in which they have testified and who for to be furnished; September 15, pff shall have in which to have any of their witnesses whom they wish to do so, inspect facilities at Outwood, and further that discovery be completed on or before September 19, 1978 further that on or before September 11, 1978, counsel shall prepare and tender to the Court: (a) Brief abstracts of all discovery taken; (b) State-ments which concisely describe legal claims and defenses which ea of pties is asserting; (c) Summary of uncontested, substantative facts which can be stipulated; (f) Summaries of all pending mos and resps; further that answers to interrogs be updd on or before 9/11/78 w/contin obligation to provide updated enformation; further that Lorenzen and Excepticon shall have 90 das to resp to interrogs w/pties to discuss as to State dfts. c/cs.	

PLAINTIFF

DEFENDANT

KENTUCKY ASSOCIATION FOR RETARDED

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DATE	NR.	PROCEEDINGS
7/5/78	102	AMENDED notice to take depos of Helen Aldred, Roger Turenne, Stonewall King, Patricia McCloskey, Vernell Stewart, Don Trent, Clarence Boone, John Pipes by pff
7/6/78	103	SECOND AMENDED notice to take depos as indicated in entry #102 by pffs.
7/17/78	104	STATE DFT'S ANSWERS to plfs' second set of interrogs. & request for production.
7/18/78	✓105	MOTION for determination of need for guardian ad litem by pffs w/ memorandum in support. ord tend.
7/17/78	106	2 cylinders received w/no letter of explanation. (IN VAULT).
7/24/78	107	RESPONSE to pffs second request for production of documents by dft Peter Conn. (TWO BOXES OF ATTACHMENTS FILED AND PUT IN VAULT)
7/27/78	✓108	RESPONSE of dfts Excepticon and Lorenzen to pffs' motion for determination of need for guardian ad litem. Ord tend.
7/28/78	109	ORDER by Judge Allen that dft Conn is granted extension of time to respond to plf's 3rd set of interrogatories until 90 days from dft's receipt of said interrogs; that any objections to interrogs. be filed on or before 8/17/78. Copies to counsel.
8/2/78	110	NOTICE to take depositions of Stonewall King, Reyna Williamson on 8/9/78 and Helen Aldred on 8/10/78 by dfts.
8/2/78	111	FOURTH set of interrogs and Request for production of Documents directed to the dft Peter Conn by pffs.
8/4/78	112	MOTION to shorten time for resp to motion filed this day to participate as litigating amicus curiae, w/memo in support. ord tend.
8/4/78	✓113	MOTION by USA to participate as litigating amicus curiae w/memo in support. ord tend.
8/4/78	114	ORDER by J/Allen that motion of US to shorten time for resps to motion of US to participate in action as litigating Amicus Curiae sustained and sais responses to be filed w/ Clerk on or before August 9, 1978. Conf in matter sched for August 11, 1978, at 9:15 A.M. c/cs.
8/4/78	✓115	REPLY to resp to motion for guardian ad litem by pffs.
8/1/78	116	FOURTH SET of interrogs directed to dft Excepticon and Request for Production of documents by pffs.
8/7/78	✓117	RESPONSE of dfts Conn, McElwain, Lewis, Unnamed Director of Division of Mental Health and Mental Retardation and Pulliam to pffs' motion for determation of need of guardian ad litem. Ord tend.
8/8/78	✓118	MOTION for Court to view premises by dfts Excepticon and Lorenzen. Ord tend.
8/8/78	119	SUPPLEMENT to interrog to pffs' 4th set of interrogs directed to Excepticon.
8/8/78	120	MEMORANDUM in support of motion of US for participation as litigating amicus curiae.
8/9/78	121	RESPONSE to motion of USA to participate as amicus curiae by Excepticon and Lorenzen.

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DATE	NR.	PROCEEDINGS	
8/9/78	✓ 122	MOTION for ord compelling d iscovery by Excepticon and Lorezen. Ord tend.	
8/9/78	123	RESPONSE to motion to participate as litigating amicus curiae by State dfts w/memo in support. Ord tend.	
8/10/78	✓ 124	MOTION by pffs for Court to view premises as Outwood w/tend. ord.	
8/10/78	125	RESPONSE to Excepticon's motion for Court to view Outwood by pff.	
8/14/78	126	ORDER by J/Allen 8/11/78 RE: EXPERT TOURS of USA. c/cs.	
8/14/78	127	ORDER by J/Allen on 8/11/78 hearing that USA is granted to participate as a litigating amicus curiae herein; further following completion of discovery, pties shall submit to Court list of expert witnesses, along w/their vitas, so that Court can make determination of # of experts to be allowed to participate as witnesses at trial. Further that dfts shall have reciprocal rights of discovery as does US w/rewspect to eliciting disco from USA; c/cs.	
8/15/78	128	RESPONSE TO motion to compel discovery by pff.	
8/15/78	129	RESPONSE to state dft's Motion for costs and atty's fees by pffs.	
8/16/78	129	FIRST SET OF INTERROGS. directed to plfs by dfts, Excepticon & Lorenzen.	
8/16/78	130	FIRST SET OF INTERROGS. directed to USA by dfts, Excepticon & Lorenzen.	
8/16/78	131	MOTION for order compelling discovery by dfts, Excepticon & Lorenzen. Order tendered.	
8/16/78	132	MOTION for consolidation of hearing for preliminary injunction w/trial on merits by dfts, Excepticon & Lorenzen. Order tendered.	
8/17/78	133	NOTICE to take depos of Moody, Harris, Hall, Thomas, Webster, M. Bashear, S. Bashear, Moore, Davis, Nichols, Husting, McElroy, Coleman, Christensen, Stevens, Cormett, Benda, Chaney, Freeman, Farmer, and Talley.	
8/17/78	134	OBJECTIONS to pffs Third Set of Interrogs and Request for Production of Documents by dft Peter Conn.	
8/17/78	135	NOTICE to take depo of Jim Christensen by pff.	
8/17/78	136	NOTICE to take depo of Saddie Thomas by pffs.	
8/17/78	137	NOTICE to take depo of Georgia Lee Webster by pffs.	
8/17/78	138	NOTICE to take depo of Sue Moore by pffs.	
8/17/78	139	NOTICE to take depo of Mamie Bashear by pffs.	
8/17/78	140	NOTICE to take depo of Sheila Bashear by pffs.	
8/17/78	141	NOTICE to take depo of Ledida Farmer by pffs.	
8/17/78	142	NOTICE to take depo of Dr. Herbert Chaney by pffs.	
8/17/78	143	NOTICE to take depo of William Talley by pffs.	
8/17/78	144	NOTICE to take depo of James Freeman by pffs.	
8/17/78	145	NOTICE to take depo of John Cormett by pffs.	
8/17/78	146	NOTICE to take depo of Nancy Hall by pffs.	
8/17/78	147	NOTICE to take depo of Anthony Harris by pffs.	
8/17/78	148	NOTICE to take depo of Dr. Marilyn Moody by pffs.	
8/17/78	149	NOTICE to take dep o of Lilly DAVIS by pffs.	
8/17/78	150	NOTICE to take depo of Sue Husting by pffs.	
8/17/78	151	NOTICE to take depo of Jennifer Coleman by pffs.	
8/17/78	152	NOTICE to take depo of Lynn Benda by pffs.	
8/17/78	153	NOTICE to take depo of George Stevens by pffs.	
8/17/78	154	NOTICE to take depo of Valera Jean McElroy by pffs.	

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8/28/78	155.	DEPOSITION of Perry J. Liljestrand taken 7/10/78 by dfts.	
8/29/78	156.	AMENDED NOTICE to take deposition of Randy Oliver on 8/30/78 by USA.	
8/29/78	157.	NOTICE TO TAKE DEPOSITIONS of Susan Durvin & Cherry Litchfield on 9/6/78; Paul Napier & Robert North on 9/8/78 by USA.	
8/29/78	✓ 158.	MEMORANDUM in response to dft Excepticon & Lorenzen's motion to compel discovery by USA.	
8/30/78		Depo. Subpoena returned executed 8/24/78 as to James A. Freeman, M.D. Depo. Subpoena returned executed 8/24/78 as to Sue Moore. Depo. Subpoena returned executed 8/24/78 as to Herbert Chaney, M.D. Depo. Subpoena returned executed 8/25/78 as to Valery J. McElroy. Depo. Subpoena returned executed 8/26/78 as to Mamie Bashear. Depo. Subpoena returned executed 8/26/78 as to Jennifer Coleman.	
8/31/78	159.	DEFENDANTS' 1ST SET OF INTERROGATORIES & REQUESTS for production to plfs and Amicus Curiae.	
9/5/78	160.	PLAINTIFFS' RESPONSE to dft Excepticon's motion for consolidation of hearing for preliminary injunction w/trial on merits.	
9/6/78	161.	MOTION for extension of time for preparation of abstracts of discovery by dfts, Exception & Lorenzen. Order tendered.	
9/6/78	162	MOTION to extend dt for filing discovery abstracts until termination of all formal discovery by pffs. Ord tend.	
9/6/78	163	SECOND set of interrogs and Request for production of documents directed to dft RUSSELL McCCLURE, Dept of Finance & Administration by PFFS.	
9/7/78	164	FIFTH set of interrogs directed to dfts Conn, et al and EXcepticon, Inc., et al. by pffs.	
9/8/78	165	MOTION to compel dfts, Conn, Dept for Human RESources, et al. to answer Fourth Set of Interrog-s by pffs. Ord tend.	
9/8/78	166	ANSWERS by PFFS to dft Excepticon's First set of Interrogs.	
9/11/78	167	STIPULATIONS of Pffs.	
9/11/78	168	CONCISE STATEMENT OF LEGAL CLAIMS by pffs.	
9/11/78	169	NOTICE to take deposition of Rose Hodges by dfts Excepticon and Lorenzen.	
9/11/78	170	NOTICE to take depo of Beth Christian by Excepticon and Lorenzen.	
9/11/78	171	NOTICE to take depo of Mary Jo Smith by Excepticon and Lorenzen.	
9/12/78	172	PRETRIAL Materials from dfts Excepticon and Lorenzen per this Court's Order of July 3, 1978.	
9/14/78	173	ORDER by J/Allen on Motion for appointment of guardian ad litem as follows: 1. Issues in case require appointment of guardian ad litem pursuant to Rule 17(c) for some of pffs.; (a) No guardian shall be appointed for named pffs herein who are bringing this action by and thru a parent, as they are "otherwise represented" w/in the meaning of Rule 17(c); (b) Legal Aid Society apptd guardian ad litem for pff Louis Ray King (c) No guardian shall be appointed for intervening dfts herein, as they are "otherwise represented" w/in meaning of Rule 17(c); (d) Charles W. Dobbins, Jr. of Louisville, Ky. apptd guardian ad litem for all of the mentally retarded persons w/in pff class herein except as specified in paragraphs 1(a) and 1(b) above. 2. Counsel may suggest duties for guardian (CONTINUED)	

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		ad litem to the Court w/in 20 das from dt of this order; 3. Fees and compensation of guardian ad litem shall be pd in equal shares by pties hereto and shahl be fixed by Court upon termination of guardian's duties.' c/cs.	
9/14/78	174	ORDER by J/Allen that pffs may remove Schematic Plans from official Court file for aperiod of 24 hours, for review by expert witness. <i>retd 9-18-78</i>	
9/15/78	175	ORDER by J/Allen that deponent, Perry Liljestrang shall w/in 10 das of entry of this order answer questions no. 69, 257, 258, and 259 as requested in his depo of July 10, 1978. c/cs.	
9/15/78	176	ORDER by J/Allen that Court will view and inspect premises and counsel for all pties ordered not to inform their respective clients of this visit, in order to protect the spontaneity of Court's tour. Court will notffy counsel for all pties immediately prior to the visit. Court shall meet counsel at the Campus at the time and place designated by Cuort. c/cs. (See pretrial order of 9/18/78 for date and time)	
9/15/78	177	ORDER by J/Allen that Motion of Excepticon and Lorenzen to consolidate trial on merits of w/in action w/ hearing upon application of pffs for PI sched to begin 10-19-78 SUSTAINED. c/cs.	
9/15/78	178	ORDER by J/Allen that dfts Excepticon and Lorenzen shall have to and including 10-12-78 to prepare abstracts of discovery. c/cs.	
9/15/78	179	ORDER by J/Allen that; that all discovery abstracts shall be filed on or before 10-12-78. c/cs.	
9/15/78	180	ORDER by J/Allen that dfts Conn, et all shall respond to pffs' Fourth SEt of Interrogs on or before October 5, 1978. c/cs.	
9/15/78	181	PRETRIAL MATERIALS FROM intervening dfts Brent Harralson and Judith Ann Linton per this Court's order of July 3, 1978. c/cs.	
9/18/78	182.	SUPPLEMENTAL RESPONSE of US to dfts Excepticon and Lorenzen's Motion to Compel Discovery by USA.	
9/18/78	183.	NOTICE to take depositions of Paul Napier, David Willis, Clayton Lorenzen, Alfonso Herrersa and John Swann by USA.	
9/18/78	184.	NOTICE to take depositions by USA of Custodian of Records of plans, etc, Dept. for Human Resources; Mr. Evan Ray, Mr. Robert Russell, Dr. John Filly, Mr. James Rogers.	
9/18/78	185.	COMPLIANCE w/ dfts' Motion to compel re Depo questions prop to Perry J. Liljestrang by Legal Aid.	
9/18/78	186	ORDER by J/Allen that w/in 10 days from dt of the entry of this order USA shall produce that coded list of names of 23 residents of Outwood which its employees used and/or constructed to identify ppecific resident records reviewed in survey which occurred at the Excepticon-Outwood campus in March, 1978, and further that w/in 10 days from dt of the entry of this ord, US shall produce for copying 2 memoranda dealing w/incident at Ivory Tower Restaurant in Hopkinsville, Ky, during the month of March, 1978; further that the parties to this action shall make no other use of the list of names and memoranda ordered to be produced hereby, other than in the Preparation and trial of this action, without prior approval of this Court, and further that copy of said list and memoranda shall be CD	
		(CONTINUED).	

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		#186 Continued----- deposited in record of this action in a sealed envelope and not opened by any person, other than this Court, w/out the prior approval of this Court. c/cs.
9/19/78	187	CORRECTION BY pffs Re document entry #185(title only)
9/20/78	188	VERIFIED response on behalf of dft Russell McClue to pffs' Third Set of Interrogs and Request for Production of Documents.
9/21/78	189	STATE DFTS. answers to pffs' fourth set fo interrogs and Request for production of documents by State w/exhibits in manilla envelopes.
9/25/78	190	ORDER by J/Allen on 9-18-78 ptconf that Guardian to visit facilities prior to previously sched hearing dt of October 1978, with one expert from each side and to prepare a report to be submitted to the Court and couns el; Court advised pties that pursuant to Order of Court, he will vis it facilities at Outwood subsequent to trial and will advise dts and ti me at later time; Court further directs that approxi mately 14 days prior to trial, pties are to meet in an attys' conference, at w hich time they are to prepare for submission to the Court a pretrial order which will contain statement as to issues that will be tried, stip s, lis t of exhs and witnesses and objs thereto, expert w itnesses and their qualifications; further final pretrial conference to be held October 12, 1978 at 1:30 P.M.; further that w/in one week hereafter, counsel for State shall file with the Court concrete answ ers to each of the 16 prayers contained in the pffs' Amended Comp laint stating the position of the State in re gard thereto and exactly what the State plans in regard to implementation, and if there is an y correspondence w/the Court. Also, State to voice their position as to whether those issues should be tried on October 19, and wh ether it has completed all discovery w/regard thereo. c/cs and Guardian.
9/25/78	191	ANSWERS and responses by dft Excepticon and Lorenzen to Pffs' Third Set of Interrogs w/at tached exhibits.
9/25/78	192	MOTION by pffs for ord permitting them to remove certain files from Resp to pff's second request for production of documents from Sept. 26 thru September 29, in Frankfort. Ord tend.
9/25/78	193	ORDER by J/Allen that pffs Motion for ord permitting removal of documents SUSTAINED. (Receipt signed on order for documents).
9/26/78	194	DEPARTMENT FOR Human Resources Report and Response to the Prayer contained in the Plainti ffs' Amended Complaint offered in lieu of a conci se statement of legal claims.
9/27/78	195	NOTICE of req uest to produce documents by dfts Excepticon and Lorenzen to pffs Christian, Hodges and Smith.
9/27/78	196	MOTION to drop p ffs Smith, Christian and Hodges as pties and/or reps of pff Class by dfts Excepticon and Lorenzen. Ord tend.
9/27/78	197	MOTION to shorten time in which discovery may be had and NOTICE. Ord tend.

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9/28/78	198	DEPOSITION of Patrice Lynn McCloskey by pffs.	
9/28/78	199	DEPOSITION of Stonewall C. King, Jr. by dfts.	
9/28/78	200	DEPOSITION of John Pipes by pffs.	
9/28/78	201	DEPOSITION of Don Trent by pffs.	
9/28/78	202	DEPOSITION of Roger Turenne by pffs.	
9/28/78	203	DEPOSITION of Helen Aldred by pffs.	
10/2/78	204	PLAINTIFFS' ANSWERS & OBJECTIONS to dft Dept. for Human Resources' 1st set of interrogs.	
10/3/78	205	RESPONSE to order of 9/14/78; Suggested duties of Guardian Ad Litem by Pffs.	
10-6-78	206	SUGGESTIONS for duties for Guardian Ad Litem by Excepticon and Lorenzen.	
10-6-78	207	ANSWERS to interrogs of dfts CONN, et al. by USA. (EXHIBITS CONTAINED IN BOX IN OFFICE)	
10-5-78	208	ANSWERS to pffs fourth set of interrogs and request for production of documents by state dfts. (EXHIBITS in box under table in open file office)	
10-10-78	209	CORRECTIONS and additions to the Department for Human Resources' Report and Response to the Prayer contained in pffs' amended Complaint offered in lieu of a concise statement of legal claims.	
10-10-78	210	ANSWER to pff's Fifth Set of Interrogs by dfts David Brent Harralson and Judith Ann Linton.	
10-10-78	211	RESPONSE to Excepticon's and Lorenzen's Suggestion of duties for Guardian ad Litem by pffs.	
10-10-78	212	RESPONSE to Excepticon's Motion to Drop Pffs Smith, Christian and Hodges as pties and/or reps of pff class by pff. Ord tend.	
10-11-78	213	SUGGESTIONS of duties for Guardian Ad Litem by State dfts.	
10-11-78	214	TESTIMONY of expert witnesses which dfts, Excepticon ad Lorenzen intend to call at the trial of this action.	
10-11-78	215	CONCISE STATEMENT of contentions of USA.	
10-11-78	216	SUMMARIES OF EXPERT TESTIMONY AND CIRRICULUM VITAE BY USA.	
10-12-78	217	RESPONSE of Guardian ad litem to pties' Suggestions of duties for Guardian.	
10-12-78	218	Deposition of Vernell Stewart by pffs.	
10-12-78	219	SUMMARIES of expert testimony and cases in which pffs' experts have previously testified by pffs KARC.	
10-12-78	220	ABSTRACTS OF DEPOSITIONS and Interrogs by pffs.	
10-13-78	221	ABSTRACTS of discovery prepared by dfts Excepticon and Lorenzen.	
10-12-78	222	ABSTRACTS of deposition testimony by USA.	
10-12-78	223	SUGGESTIONS for duties of guardian ad litem by USA.	
10-16-78	224	DEPOSITION of Mrs. Jennifer Coleman by USA.	
10-16-78	225	DEPOSITION of Valera J. McElroy by USA.	
10-16-78	226	DEPOSITION of Wm. Talley by USA.	
10-16-78	227	DEPOSITION OF Ledida Farmer by USA.	
10-16-78	228	DEPOSITION of Dr. Marilyn Moody by USA.	
10-16-78	229	DEPOSITION of Sherry Litchfield by USA.	
10-16-78	230	DEPOSITION of Jim Christensen by USA.	
10-16-78	231	DEPOSITION of Mrs. Sadie Thomas by USA.	
10-16-78	232	DEPOSITION OF Clayton Lorenzen by U SA.	

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10-17-78	233	DEPOSITION of John W. Swann by pff USA, Litigating amicus.
10-17-78	234	DEPOSITION of Alphonso Herrera by pff Amicus curiae USA.
10-17-78	235	DEPOSITION of Mamie Bashear by USA.
10-17-78	236	DEPOSITION of Kathy Nichols by USA.
10-17-78	237	ORDER by J/Allen that by agreement of pties Court adopts Report of Guardian filed this day as duties to be performed in this case; Further that witness Tony Gates w/be allowed to testify w/leave given to counsel for pffs to object at trial; further that Motion of dfts to dismiss three named dfts submitted for decision; further that photos and records which will be intro at trial are to be SEALED and subject to ordinary regulations surrounding sealed material; further that residents of Outwood to be refd to during trial by first name and last initial; further Counsel for State to keep Court and counsel advised of letting of bids for proposed new facility so that pties may take whatever steps they deem necessary at appropriate time; further that briefing schedule decision be deferred until conclusion of testimony; further that affidavit of L. Goodman be, by consent of pteis received as thou it were testimony of L. Goodman at trial; Counsel for pffs advised Court that one of their expert witnesses will, as pt of testimony, present visual representation to be shown but not introduced as an exhibit; Counsel notified that Court reserving weeks of February 5, 1979 and January 8, 1979, for further testimony herein; Records of patients whose parents and relatives will testify on behalf on Intervening dfts to be made available. c/cs.
10-17-78	238	DEPOSITION of Georgia Webster by USA.
10-17-78	239	DEPOSITION of Sue Moore by USA.
10-17-78	240	DEPOSITION of George Stevens by USA.
10-17-78	241	DEPOSITION of Lilly Davis by USA.
10-17-78	242	DEPOSITION of Randy Oliver by USA.
10-17-78	243	DEPOSITION of Nancy Hall by USA.
10-17-78	244	DEPOSITION of Susan Curvin by USA.
10-17-78	245	DEPOSITION of Sheila Beshear by USA.
10-17-78	246	DEPOSITION of Paul Napier by USA.
10-17-78	247	DEPOSITION of Lynn Benda by USA.
10-17-78	248	DEPOSITION of Robert North by USA.
10-17-78	249	DEPOSITION of David Willis by USA.
10-17-78	250	ANSWERS and Responses by dfts Excepticon and Lorenzen to pffs' Fourth Set of interogs (As supplemented)
10-17-78	251	SUPPLEMENTED ANSWERS and responses by dft Excepticon, Inc. and Lorenzen to pffs' first interogs.
10-17-78	252	DEPOSITION of Mary Elizabeth Christian by dfts, Conn, et al.
10-17-78	253	DEPOSITION of Mary Josephine Smith by dft Conn, et al.
10-17-78	254	DEPOSITION of Rose Hodges by dft Conn, et al.
10-18-78	255	ORDER by J/Allen that dfts' Motion to dismiss pffs Smith, Hodges and Christian OVERRULED. c/cs.
10-18-78	256	DEPOSITION Jean K. Gossick by dfts.
10-18-78	257	SUPPLEMENT (corrections) to deposition of GOSSICK by Legal Aid.
10-19-78	258	ADDITIONAL BRIEF ABSTRACTS of discovery prepared by dfts Excepticon and Lorenzen.
10-19-78	259	DEPOSITION of Robert Russell by USA.

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DATE	NR.	PROCEEDINGS	
10-19-78	260	FINAL PRETRIAL ORDER by J/Allen as prepared by agreement of parties.	
10-19-78	261	LIST of depositions offered in evidence by US w/Memo in support.	
10-20-78	262	SUMMARIES OF expert testimony and curriculum vita by State dfts.	
10-20	263	PRETRIAL Memorandum of USA.	
10-20	264	ADDENDUM to vitae and summaries of expert witnesses of USA re John Glynn.	
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10/19	266	MOTION to admit plaintiffs' amended list of trial exhibits by pffs.	
10-23-78		USM 285 retd ex. 10-19-78 as to Peter Conn.	
11-1-78		Civil Subpoena retd. ex. as to Jerry Nelson, DDS.	
11/13/78	267	TRANSCRIPT of Court trial October 19, 1978 by Court Reporter, D. L. Snowden. VOL. I	
11/13/78	268	TRANSCRIPT of Court Trial October 20, 1978 by Court Reporter, D. L. Snowden, VOL. II.	
11/17/78	269	TRANSCRIPT of Court Trial beg. 10/19/78 concluding 11/2/78 by Court Reporter, D. L. Snowden, VOL. III.	
11/17/78	270	TRANSCRIPT of Court Trial beg. 10/19/78 concluding 11/2/78 by Court Reporter, D. L. Snowden, VOL. IV.	
11/27/78	271	MOTION for TRO w/memo in support by USA. Ord tend.	
11/30/78	272	TRANSCRIPT OF PROCEEDINGS OF October 25, 1978, filed by Court Reporter VOL. V.	
11/30/78	273	TRANSCRIPT of proceedings, VOL. VI, of October 26, 1978, by Court Reporter.	
11/30/78	274	MOTION to impose sanctions by pff w/memo in support and affidavit of Lawrence Elswit. Ord tend.	
11/30/78	275	MOTION for TRO by KARC w/memo and affidavit of Lawrence Elswit in support. Ord tend.	
12/5/78	276	NOTICE of corrections by KARC to motion to impose sanction.	
12/7/78	277	TRANSCRIPT of Proceedings VOL. VII held October 27, 1978 by D. L. Snowden.	
12/7/78	278	TRANSCRIPT of Proceedings VOL. VIII held 10-31-78 by D. L. Snowden.	
12/7/78	279	TRANSCRIPT of Proceedings, VOL. IX, held 11-1-78 by D. L. Snowden.	
12/7/78	280	TRANSCRIPT of proceedings, VOL. X, held 11-2-78 by D. L. Snowden.	
12/11/78	281	ORDER by J/Allen that hearing be held 12/21/78 at 1:30 P.M. on motion for tro. c/cs.	
12/12/78	282	NOTICE to take depos of John Swann and Robert Slaton on 12/18/78 by US.	
12/20/78		USM 285 retd. ex. 12/15/78 as to John Swann; 12/15/78 as to Robert Slaton.	
12/20/78	282(A)	MEMO in oppo to pff's motion for PI by Conn, McElwain, Filley, Lewis, etc.	
12/26/78	283	ORDER by J/Allen on motion for tro, hearing held 12/21/78, that motion for tro OVERRULED. Right of pffs and litigating amicus to move Court to enjoin letting of bids for major construction contract and right of Court to enter injunctive relief in this regard are specifically reserved by this Court. c/cs.	
12/29/78	284	DEPOSITION of REYNA E. WILLIAMSON taken by dfts on 8/9/78.	
12/29/78	285	DEPOSITION of JOHN SWANN taken 12/20/78.	
1/3/1979	286	DEPOSITION of Helen Aldred by pff.	
1/3/1979	287	DEPOSITION of Robert Slaton by	

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1/5/79	288	SUMMARIES OF TESTIMONY & VITAE OF EXPERT WITNESSES by USA.
1/5/79	289	DEPOSITION of STEPHEN FOX taken by USA on 9/27/78.
1/5/79	290	DEPOSITION of JAMES C. ROGERS taken by USA on 9/27/78.
1/5/79	291	DEPOSITION of MARGARET HOCKENSMITH taken by USA on 9/27/78.
1/5/79	292	DEPOSITION of DR. JOHN FILLEY taken by USA on 9/28/78.
1/5/79	293	DEPOSITION of EVAN J. RAY taken by USA on 9/26/78.
1/08/1979	294	MOTION for addendum to order of 12-26-78 by USA. ORD tend.
1/08/79	295	MOTION to compel production of palm nig documents from Dept for Human Resources and to continue depo of Robert Slaton subsequent to provision of requested documents by pffs. KARC.
1/11/79	296	MOTION to admit additional exhibits by plff; Exhibit list attached.
1/12/79	297.	ORDER by Judge Allen that deft. KY. DEPT. of Human Resources shall have 7 days to respond to motion of plffs KARC to compel w/leave to plff. to reopen case if necessary and opportunity to renew Mr. Slaton's depo. is granted also to plff; further Motion for Addendum by US Sustained as to last paragraph containing 14 day notice provision. CC: Counsel.
1/15/79	298	TRANSCRIPT of January 8, 1979 morning session Court trial by D. L. Snowden, Court Reporter.
1/16/79	299	UPDATED ANSWERS to interrogs submitted by state dfts w/exhibits (exhibits in tie envelopes).
1/18/79	300	ORDER by Judge Allen that motion to impose sanctions and to hold dfts, Conn and Stevens, and attys Riley, Yessin & Wickliffe, in contempt of court for alleged violations of orders of 7/3/78 & 10/17/78 is OVERRULED. Copies to counsel.
1/18/79	301	ORDER by Judge Allen that plf's motion for sanctions because of refusal of Robert Slaton to answer questions concerning work papers submitted by each Comprehensive Care Center is OVERRULED. Copies to counsel.
1/18/79	302	ORDER by Judge Allen that dfts shall notify all parties in writing of intention to take any further actions involving solicitation of bids, acceptance of bids or awarding of contracts for new construction 14 days prior to date such action is to be taken. Copies to counsel.
1/18/79	303	ORDER by Judge Allen that dfts submit current plans, proposals, preliminary studies, drafts documents, etc. concerning development of additional residential & non-residential services for mentally retarded including institutional as well as community-based services & all memo. which indicate projected cost of such services, INCLUDING BUT NOT LIMITED TO: 1) All responses submitted by individual Comprehensive Care Centers in response to letter from DHR Secy. Conn dated 10/25/78; 2) Draft outline or preliminary working document which is Dept's effort to prepare statewide mental retardation plan. 3) "Planning format" & "guide for developing comprehensive services"; 4) List of all persons presently residing w/n state system of programs; 5) Statewide summary of available mental retardation services;

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	303	ORDER, Continued 6) Number of persons in long-term care facilities; 7) Any documents relating to future plans for replacement of Outwood; 8) Any plans re: future of current residents of Outwood-Excepticon; 9) Deposition of Robert Slaton be continued subsequent to production of documents above. Copies to counsel.	
1/18/79	304	RESPONSE to pffs and Amicus Curiae Request for production by State w/ documents (documents attached to folders and contain # of this pleading.)	
1/18/79	305	ORDER by J/Allen that additional trial dt of March 26, 1979, at 1:30 P.M. SCHEDULED. c/cs.	
1/18/79	306	ORDER by J/Allen that counsel for pties furnish to Court w/in 15 days hereafter cc of all exhs which have been filed and which contain last names of present or former residents of Outwood, said cc to delete last names and leave in only first name and first initial of last name; further pending receipt by Clerk of this Court of such substitute exhs, exhs now on file w/contain last names of any residents shall be kept under seal; further this order conditioned also upon rep of counsel for dft Excepticon that it is obligated by terms of its agreement w/Commonwealth to maintain confidentiality of names of its residents and former residents. c/cs/	
1/23/79		SUBPOENA retd executed 1/17/79 as to Dr. Fale Farabee.	
1/31/79	307	MOTION, agreed to, by pffs re Order of January 18, 1979, and suggestion for alternative order. Ord tend.	
2/2/79	308	ORDER by J/Allen that by February 12, 1979, ea pty file a list of exhibits it wants to seal. This list should include only exhibits containing large nos of names of residents, such as resident records, unusual incident Reports, etc. These records will then be sealed to the public in order to protect the privacy of Outwood residents.; Further that by 2/12/79, ea pty shall furnish the Court w/cc of all other exhs previously filed whic mention name of present or former Outwood residents, said replacement cc deleting last name and leaving only first name and first initial of last name visible. Further Clerk of Court shall, subsequent to rec eipt of replacement exhs and lists of exhs to be sealed, remove from record any exhibitis which have been replaced and seal all other exhs listed by pties. c/cs. and to Jesse W. Grider, Clerk.	
2/2/79	309	RESPONSE to pffs and Amicus Curiae Request for Production of Documents by State dfts. w/attached documents.	
2/5/79	310	SUMMARY of testimony and vita of expert witness, Dr. Douglas D. Ruth, by Excepticon and Lorenzen.	
2/8/79		USM wit retd. ex. 1/24/79 as to Dr. Norman Ellis; 1/23/79 as to Dr. Robert Isaacson.	
2/13/79	311	RESPONSE to order of 2/2/79 listing exhibits to be sealed and exhibits to b marked to protect Outwood Residents' Privacy by PFFS. (CC to Jess)	
2/14/79	312	ORDER by J/Allen that action sched for week beginning April 23, 1979, at 9:30 A.M. for further testimony. c/cs.	

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2/15/79		SUBPOENA retd unexecuted as to Wm. T. Burkett, Inspector General, Dept. for Human Resources per request of atty.
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2/6/79	313	TRANSCRIPT OF Proceedings Court Trial, Monday, January 8, 1979, Afternoon Session by Sara Stewart, Court Reporter.
2/6/79	314	TRANSCRIPT of proceedings, Court Trial, Tuesday, January 9, 1979, by Court Reporter, Sara Stewart.
2/6/79	315	TRANSCRIPT of proceedings, Court Trial, Wednesday, January 10, 1979 by Court Reporter, Sara Stewart.
2/6/79	316	TRANSCRIPT of proceedings, Court Trial, Thursday, January 11, 1979, by Court Reporter, Sara Stewart.
2/6/79	317	TRANSCRIPT of proceedings, Court Trial, Friday, January 12, 1979, by Court Reporter, Sara Stewart.
3/13/79	318	NOTICE re: Sealing of Trial Exhibits (cc given to Jesse Grider, Clerk)
3/15/79	319	TRANSCRIPT of Proceeds, Monday Morning Session, February 5, 1979, by DLSnowden. VOL. I
3/15/79	320	TRANSCRIPT of Proceeds, VOL I(a), Monday Afternoon, 2/5/79 by DLSnowden.
3/15/79	321	TRANSCRIPT of Proceeds, VOL. II, 2/6/79.
3/15/79	322	TRANSCRIPT of Proceeds, VOL. III, 2/7/79 by DLSnowden.
3/15/79	323	TRANSCRIPT of Proceeds, VOL. IV, 2/8/79 by DLSnowden.
3/15/79	324	TRANSCRIPT of Proceeds, VOL. V, 2/9/79 by DL.Snowden.
3/16/79	325	AMENDED and Supplemented summary of testimonay and vitae of expert witnesses for the state dfts.
3/19/79		USM 285 retd. ex. 3/14/79 as to Eric Shafer.
3/23/79	326	LETTER TO CMA from Legal Aid citing cases.
3/27/79	327	MOTION to compel dft, Dept. for Human Resources, to produce its "Final Plan" and all supporting documents by 4/11/79 by plfs. Order tendered.
3/28/79		SUBPOENA retd executed 3/26/79 as to Mr. Wm. T. Burkett.
4/3/79	328	ORDER by CMA that any proof remaining to be taken after hearings during week of April 23-27 be heard during week of June 11-15 1979, beginning 6/9/79at 9:30 A.M. Counsel are specifically advised that there may be several interruptions during the week w/trial sched because of exigencies of Criminal Justice Act. c/cs.
4/5/79	329	ORDER by CMA that dft Dept for Human Resources provide counsel for all pties w/final plan for developmental disabilities and deinstitutionalization of mentally retarded persons in Ky. and all supporting documents, including any documents that will be intro incourse of trial on or by April 11, 1979. c/cs.
4/9/79	330	NOTICE to take depositions of Bart Perky on 4/18, Robert Slayton on 4/18 and Joe S on 4/18 by USA.
4/11/79	331	TRANSCRIPT of Proceedings VOLUME I, Monday, March 26, 1979, by Court Reporter
4/16/79		SUBPOENA, Depo, (TWO) retd. ex. as to Bart Perky and Joe Smith by USA.
4/20/79	332	FINAL PLAN for mental retardation services by Department for Human Resources.
4/24/79	333	DEPOSITION of Robert Slayton.
4/24/79	334	DEPOSITION of Bart Perkey

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4/27/79	335	DEPOSITION of Joseph E. Smith .	
5/14/79	336	TRANSCRIPT of Trial, Volume I, Monday, April 23, 1979, by Substitute Court Reporter, Catherine M. Paten.	
5/15/79	337	TRANSCRIPT of Trial, Volume II, Tuesday, April 24, 1979, by Sub, Court Reporter, Catherine M. Paten.	
5/16/79	338	AMENDMENT to witness list by Intervening dfts.	
5/16/79	339	MOTION to strike intervening dfts' Amended Witness List by pffs. Ord tend.	
5/18/79	340	TRANSCRIPT OF TRIAL, March 27, 1979 by Sara Stewart, Court Reporter,	
5/18/79	341	TRANSCRIPT OF TRIAL, March 28, 1979 by Sara Stewart, Court Reporter.	
5/18/79	342	TRANSCRIPT OF TRIAL, March 29, 1979, by Sara Stewart, Court Reporter	
5/18/79	343	TRANSCRIPT OF TRIAL, March 30, 1979, by Sara Stewart, Court Reporter	
5/23/79	344	TRANSCRIPT OF PROCEEDINGS of Court Trial, April 24, 1979, VOLUME II, Morning Session. by Snowden.	
5/23/79	345	TRANSCRIPT of Proceedings of Court Trial, VOLUME IV, April 26, 1979 by Snowden	
5/23/79	346	TRANSCRIPT of Proceedings of Court Trial, VOLUME (V), April 27, 1979 by Snowden.	
5/25/79	347	TRANSCRIPT of AM SESSION of Court Trial, April 25, 1979 by Catherine Paten.	
5/25/79	348	TRANSCRIPT OF PM SESSION of Court Trial, April 25, 1979 by Catherine Paten. ✓	
6/6/79	349	ORDER by CMA that Akers and LeMaster should not be allowed to testify at 6/11/79 hearings. c/cs.	
6/11/79	350	DEPOSITION of Jim Henson by pffs.	
6/13/79	351	REVISED STATEMENT of legal claims by pffs.	
6/15/79	352	PROPOSED FINDINGS BY PFF.	
6/15/79	353	POST TRIAL MEMORANDUM by pff.	
6/19/79	354	FINDINGS OF FACT AND CONCLUSIONS OF LAW filed by USA.	
6/19/79	355	POST TRIAL memorandum of USA.	
6/19/79	356	FACTUAL SUMMARY of USA.	
6/25/79	357	CORRECTIONS to post-trial memo by pffs.	
6/28/79	358	TRANSCRIPT OF PROCEEDINGS before Judge Allen on Monday, June 11, 1979 without a Jury w/exhibits (all exhs acctd for and put in tie envelopes and del to Judge's office)	
7/6/79	359	MOTION for leave to file brief amici curiae and conditionally filed brief of National Juvenile Law Center and Ky. Youth Advocates, Inc. Ord and brief tend.	
7/9/79	360	BRIEF OF NATIONAL ASSOCIATION FOR RETARDED CITIZENS, Amicus.	
7/9/79	361	MOTION for enlargement of time by State dfts. Ord tend. (no obj. indic)	
7/9/79	362	MOTION for extension by dfts Excepticon and Lorenzen and Intervening dfts. Ord tend.	
7/9/79	363	ORDER by CMA that state dfts shall have to and including July 23, 1979 to submit proposed findings and brief. c/cs.	
7/9/79	364	ORDER by CMA that dfts Excepticon and Lorenzen and Intervening dfts shall have to July 30 to file proposed findings and memo. c/cs.	
7/30/79	365	POST-TRIAL MEMORANDUM of dfts, Excepticon & Lorenzen, and intervening dfts.	
7/30/79	366	PROPOSED FINDINGS OF FACT & CONCLUSIONS of Law of dfts, Excepticon & Lorenzen, and intervening dfts.	
7/30/79	367	REFUTATIONS to plfs' & United States' proposed Fings of Fact of dft, Excepticon & Lorenzen and intervening dfts.	

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7/30/79	368	PLAINTIFFS' EXHIBIT 50 resident record of Ronzo Jackson provided by Exceptio	
7/31/79	369	ORDER by CMA that National Juvenile Law Center and Ky. Youth Advocates, Inc. granted leave to file brief amici curiae in this action. c/cs.	
7/31/79	370	AMICI CURIAE BRIEF OF National Juvenile Law Center and Ky. Youth Advocates, Inc. filed by order of Court.	
8/15/79	371	POST TRIAL MEMORANDUM of state dfts.	
8/15/79	372	PROPOSED FINDINGS OF FACTS of state dfts.	
9/7/79	373	POST-TRIAL REPLY BRIEF by pffs.	
9/14/79	374	REPLY memorandum of the United States.	
9/17/79	375	LETTER from Legal Aid to David Willis.	
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1/17/80	376	ORDER by CMA for oral arguments on 2/21/80 at 9:30 A.M. c/cs	
2/13/80	377	REPLY OF THE GUARDIAN AD LITEM.	
2/19/80	378	ENTRY of appearance as co-counsel w/YESSIN and RILEY by Martin Kazdin for all State dfts.	
2/21/80	379	ORDER by DC by ord of Court 2/21/80 hearing contd to 2/26 at 2:30 PM. c/cs	
2/27/80	380	MOTION to w/draw as counsel by Riley and Yessin as counsel for Conn, McElwain, Ky Bureau for Health Services, Lewis, Director, Ky. Division for Mental Health and Retardation Services and Pulliam. o/tnd.	
3/21	381	ORDER by CMA that Yessin and Riley mo to w/draw sustained. c/cs.	
3/21	382	TRANSCRIPT of oral arguments held 2/26/80 by Court Reporter.	
3/21	383	FINDINGS of Fact, Conclusions of Law and MEMORANDUM OPINION by CMA on 31 day non-jury trial. c/cs (31 pages)	
3/21	384	JUDGMENT by CMA on FINDINGS entd this day as follows: 1. So much of pffs' comp as seeks to prevent construction of new facility DISM w/prej. 2. DFTS, etc. enj from placing in present or new facility any status offenders or persons convicted of criminal offenses.. 3. Dfts, etc. en from placing in facility persons who are either mild or moderate retd for any period longer than 30 days; 4. Court specific declares each resident at facility shall be considered to be invol committed, w/exception of those adult indivs who have acted on their own and w/out auspices of guardian or committee and volunt committed KRS 202B.040 not applicable and said invol comm shall be discharged f/with upon their application; further every resident comm by guardian or committee has same right as do minors to seek relief from actions approved by guardians or committees re admission or discharge further voluntarily admitted, entitled to all rights as in KRS 202B, provided that 202B.040 and 202B.060(9) not applicable; further ea resident committed by guardian or committee entitled to rights as in KRS 202B.040 and 202B.060; further ea invol confined resident may have same rights as those conferred upon minors; further ea mentally retd resident entitled to rights set out in minimum stnds in 42 USC 6010(3) (A) and (B); further declared that all mentally retd residentsshall have all rights specific set out in KRS 202B.060(1)thru (8) and (10) thru (13); FURTHER that when interdisciplinary team reaches conclusion that resident at facility has potential for placement in alternative living arrangement	

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384 (continued)		within 2 yrs, such decision along w/description of requirements of alternative for that residency shall be conveyed f/with to HEW Sec; FURTHER Sec for HEW upon receiving such communication, shall make inquiry as to what community living arrangement facilities are available for placement of resident and distribution of beds which which are available for use by mentally ret'd persons giving priority to those persons found by interdisciplinary team to be capable of being cared for in such community arrangements; further that Charles W. Dobbins, Jr. present to Court fee request w/summary of hours w/in 15 days after entry o fjudgment; further that counsel for pffs shall, if they so desire, move Court for attys' fees w/summary of time w/in 20 days hereafter; further pties w/exception of US shall bear costs of this action equally; This is NOT FINAL AND APPEALABLE. c/cs.	
4/2/80	385	MOTION for extension to file request for atty fees by pff. o/tnd.	
4/9	386	RSP to motion for extension by State. o/tnd	
4/11	387	ORDER by CMA that pffs granted until 4/20 to file request for atty fees. c/cs.	
4/21	388	MOTION for atty's fees w/memo. and affidavits of Lawrence Elswit, Brian P. Lawlor, Barbara Wolkowitz, Betsey Swann, Henry Hinton, and Cecil.	
4/28	389	MOTION TO REQUIRE NOTICE concerning invitation of bids by pff. o/tnd.	
5/2/80	390	RSP to motion to require notice by State. Ord tnd.	
5/7/80	391	RSP to motion to require notice by Excepticon and Lorenzen and Litton and Harrolson.	
5/9/80	392	SUBMISSION OF AFFIDAVIT in support of motion to require notice by plfs.	
5/9/80	393	AFFIDAVIT in support of motion to require notice by plfs.	
5/9/80	394	MEMORANDUM of dfts Excepticon & Lorenzen in opposition to awarding attys' fees w/Exhibits 1 thru 5.	
5/13/80	395	ORDER by CMA that motion of pltf for notice OVERRULED. c/cs.	
5/16/80	396	MEMORANDUM of state defts in oppo to awarding attys fees by State defts. Ord tnd.	
5/20	397	MOTION for entry of final and appealable judgment by pltfs. ord tnd.	
5/20/	398	MOTION for costs w/affidavit of Brian Lawlor and Memorandum in support. ord tnd.	
5/29/80	399	RESPONSE and OBJECTIONS to motion for award of costs by Excepticon and Lorenzen. Ord tnd.	
5/29/80	400	RESPONSE and OBJECTIONS to motion for entry of final and appealable judgment by Excepticon and Lorenzen. ord tnd.	
6/3/80	401	Response to Plfs. Mo. for entry of final judgment & for costs filed, Order tendered.	
6/9/80	402	REPLY to motions for award of costs and entry of final and appealable judgment by pltfs'	
6/9/80	403	RESPONSE to defts' oppo to award of attys fees by pltfs.	
6/9/80	404	SUPPLEMENTAL affidavit in support of pltfs motion foraward of attye' fees by pltfs of Lawlor.	
6/12	405	ADDITIONAL AUTHORITY in support of pltfs' motion for award of atty fee.	
6/18	406	REQUEST for reasonable fee award to guardian ad litem w/affidavit of Dobbins and memorandum in support. ord tnd.	

PLAINTIFF

DEFENDANT

C78-0157 LC

KARC

PETER CONN, ET AL.

DOCKET NO. _____

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DATE	NR.	PROCEEDINGS
6/24/80	407	OBJECTION in part to request for fee of Guardian and MOTION to amend order of Court insofar as it results in such fees or costs being taxable agst pltfs by pltf.
6/25	408	RESPONSE TO REQUEST FOR FEES BY GUARDIAN BY Excepticon and Lorenzen.
7/7	409	RESPONSE to pltfs' objection re guardian fees by Excepticon and Lorenzen.
7/7	410	RESPONSE to guardian request by State defts.
7/8	411	FINDINGS of fact, conclusions of law and Memorandum opinion by CMA re Guardian fees. c/cs.
7/8	412	JUDGMENT by CMA that Dobbins be granted \$16,929.24 as fees as guardian and for costs, said amt to be taxed as pt of costs accord w/provisions contained in final judgment. c/cs.
7/8	413	MEMORANDUM opinion by CMA re atty fees request by pltf. c/cs.
7/8	414	FINAL JUDGMENT by CMA that pltfs motion for atty fees OVERRULED; further that all pties w/exception of US and intervening defts, shall be equally liable for all costs herein, w/pltfs to pay one-half of costs and defts to pay one-half of costs; further that judgment previously entd on 3/21/80 made part hereof as if fully cc herein; This is now FINAL AND APPEALABLE. c/cs.
8-4	415	NOTICE OF APPEAL by plaintiffs; Cps. to all counsel and Sixth Circuit
8-4	416	MOTION for temporary retention of record in district court for use in preparing appellate papers; Order tendered,
8-5	417	ORDER by Judge Allen that Clerk ordered to retain record for use in preparing appellate papers. Cps. to counsel.
8-20		Receipt of notice acknowledged by Sixth Circuit; assigned No. 80-3560
9-11	418	MOTION by Joseph Terry to withdraw as counsel for Intervening Defts; Order tendered.
9-16	419	ORDER by Judge Allen that motion of Joseph Terry to withdraw as counsel for Intervening Defts Linton and Harralson. Cps. to counsel.