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**United States District Court
Middle District of Pennsylvania (Harrisburg)
CIVIL DOCKET FOR CASE #: 1:17-cv-01011-JPW-SES**

McCreary et al v. The Federal Bureau of Prisons et al
Assigned to: Honorable Jennifer P. Wilson
Referred to: Magistrate Judge Susan E. Schwab
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 06/09/2017
Date Terminated: 03/24/2021
Jury Demand: Both
Nature of Suit: 440 Civil Rights:
Other
Jurisdiction: U.S. Government
Defendant

Plaintiff

Jusamuel Rodriguez McCreary

represented by **Alexandra T Morgan-Kurtz**
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Kevin H. Metz
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LEAD ATTORNEY
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Marissa R. Boynton
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Philip J. Fornaci
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Amy B. Ernst
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Drew R Wisniewski
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ATTORNEY TO BE NOTICED

James Davy
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Katherine B Palmer-Ball
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TERMINATED: 04/29/2019
ATTORNEY TO BE NOTICED

Lyndsay A. Niles
(See above for address)
TERMINATED: 06/17/2020
ATTORNEY TO BE NOTICED

Plaintiff

Joseph R. Coppola

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V.

Defendant

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Timothy S. Judge
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Defendant

David J. Ebbert

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ATTORNEY TO BE NOTICED

Timothy S. Judge
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/09/2017	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$400, Receipt Number 0314-4112963) filed by Richard C. Anamanya, Jusamuel Rodriguez McCreary, Joseph R. Coppola. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit(s))(ve) (Entered: 06/09/2017)
06/09/2017	<u>2</u>	Summons Issued as to All Defendants and provided TO ATTORNEY ELECTRONICALLY VIA ECF for service on Defendant(s)in the manner prescribed by Rule 4 of the Federal Rules of Civil Procedure. (NOTICE TO ATTORNEYS RECEIVING THE SUMMONS ELECTRONICALLY: You must print the summons and the attachment when you receive it in your e-mail and serve them with the complaint on all defendants in the manner prescribed by Rule 4 of the Federal Rules of Civil Procedure). (Attachments: # <u>1</u> Summons Packet) (ve) (Entered: 06/09/2017)
06/09/2017		SPECIAL ADMISSION FORM SENT to Attorney(s) Metz. Fornaci, Boynton electronically. (ve) (Entered: 06/09/2017)
06/12/2017	<u>3</u>	PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) by Kevin H. Metz on behalf of Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary Attorney Kevin Metz is seeking special admission. Filing fee \$ 50, receipt number 0314-4114419.. (Metz, Kevin) (Entered: 06/12/2017)

06/12/2017	<u>4</u>	PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) by Marissa R. Boynton on behalf of Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary Attorney Marissa Boynton is seeking special admission. Filing fee \$ 50, receipt number 0314-4114522.. (Boynton, Marissa) (Entered: 06/12/2017)
06/12/2017	<u>5</u>	PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) by Philip J. Fornaci on behalf of Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary Attorney Philip Fornaci is seeking special admission.. (Fornaci, Philip) (Entered: 06/12/2017)
06/14/2017		DOCKET ANNOTATION: Petitioner(s) Boynton, Fornaci and Metz & Associate Counsel Morgan-Kurtz- Bar Status Verified. (ve) (Entered: 06/14/2017)
06/15/2017	<u>6</u>	SPECIAL ADMISSIONS FORM APPROVED as to Kevin H. Metz, Esquire. Signed by Honorable Yvette Kane on 6/15/17. (rw) (Entered: 06/15/2017)
06/15/2017	<u>7</u>	SPECIAL ADMISSIONS FORM APPROVED as to Phillip Fornaci, Esquire. Signed by Honorable Yvette Kane on 6/15/17. (rw) (Entered: 06/15/2017)
06/15/2017	<u>8</u>	SPECIAL ADMISSIONS FORM APPROVED as to Marissa R. Boynton, Esquire. Signed by Honorable Yvette Kane on 6/15/17. (rw) (Entered: 06/15/2017)
07/14/2017	<u>9</u>	SUMMONS Returned Executed by Richard C. Anamanya, Jusamuel Rodriguez McCreary, Joseph R. Coppola. The Federal Bureau of Prisons served on 7/3/2017, answer due 9/1/2017. (Boynton, Marissa) (Entered: 07/14/2017)
07/14/2017	<u>10</u>	SUMMONS Returned Executed by Richard C. Anamanya, Jusamuel Rodriguez McCreary, Joseph R. Coppola. Thomas R. Kane served on 7/3/2017, answer due 9/1/2017. (Boynton, Marissa) (Entered: 07/14/2017)
07/14/2017	<u>11</u>	SUMMONS Returned Executed by Richard C. Anamanya, Jusamuel Rodriguez McCreary, Joseph R. Coppola. David J. Ebbert served on 7/3/2017, answer due 9/1/2017. (Boynton, Marissa) (Entered: 07/14/2017)
07/14/2017	<u>12</u>	RETURN OF SERVICE (Non Summons & Complaint) by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary re <u>1</u> Complaint <i>US Attorney General</i> (Boynton, Marissa) (Entered: 07/14/2017)

07/14/2017	<u>13</u>	RETURN OF SERVICE (Non Summons & Complaint) by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary re <u>1</u> Complaint <i>US Attorney</i> (Boynton, Marissa) (Entered: 07/14/2017)
08/11/2017	<u>14</u>	MOTION to Certify Class by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary. (Attachments: # <u>1</u> Proposed Order)(Metz, Kevin) (Entered: 08/11/2017)
08/17/2017	<u>15</u>	MOTION to Exceed Page Limitation by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary. (Attachments: # <u>1</u> Proposed Order)(Metz, Kevin) (Entered: 08/17/2017)
08/18/2017	<u>16</u>	PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) by Katherine B Palmer-Ball on behalf of Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary Attorney Katherine Palmer-Ball is seeking special admission. Filing fee \$ 50, receipt number 0314-4175460.. (Palmer-Ball, Katherine) (Entered: 08/18/2017)
08/18/2017		DOCKET ANNOTATION: Counsel is advised to file a Professional Code of Conduct form for Doc. 16 using the event: Civil Events Other Filings Other Documents-Includes Social Security Transcript and Brief Events - document Filed. (pjr) (Entered: 08/18/2017)
08/21/2017	<u>17</u>	CODE OF PROFESSIONAL CONDUCT by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary. . (Palmer-Ball, Katherine) (Entered: 08/21/2017)
08/21/2017	<u>18</u>	ORDER granting <u>15</u> Motion for Leave to File Excess Pages. Signed by Magistrate Judge Susan E. Schwab on 8/21/2017 (ktt) (Entered: 08/21/2017)
08/22/2017		DOCKET ANNOTATION: Petitioner Palmer-Ball & Associate Counsel Morgan-Kurtz: Bar Status Verified. (ve) (Entered: 08/22/2017)
08/23/2017	<u>19</u>	BRIEF IN SUPPORT re <u>14</u> MOTION to Certify Class filed by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Unpublished Opinion(s))(Metz, Kevin) (Entered: 08/23/2017)
08/25/2017	<u>20</u>	SPECIAL ADMISSIONS FORM APPROVED as to Katherine Palmer-Bell. Signed by Magistrate Judge Susan E. Schwab on 8/25/2017. (ktt) (Entered: 08/25/2017)

08/31/2017	<u>21</u>	Unopposed MOTION for Extension of Time to Respond to Complaint and Motion for Class Certification by David J. Ebbert, Thomas R. Kane, The Federal Bureau of Prisons. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Certificate of Concurrence)(Judge, Timothy) (Entered: 08/31/2017)
09/05/2017	<u>22</u>	ORDER granting <u>21</u> Motion to Extend Time. Signed by Magistrate Judge Susan E. Schwab on 9/5/2017 (ktt) (Entered: 09/05/2017)
10/02/2017	<u>23</u>	MOTION to Dismiss <i>or in the alternative</i> , MOTION for Summary Judgment by David J. Ebbert, Thomas R. Kane, The Federal Bureau of Prisons. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Certificate of Nonconcurrence)(Judge, Timothy) (Entered: 10/02/2017)
10/06/2017	<u>24</u>	MOTION to Stay re <u>14</u> MOTION to Certify Class by David J. Ebbert, Thomas R. Kane, The Federal Bureau of Prisons. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Certificate of Nonconcurrence)(Judge, Timothy) (Entered: 10/06/2017)
10/06/2017	<u>25</u>	BRIEF IN SUPPORT re <u>24</u> MOTION to Stay re <u>14</u> MOTION to Certify Class filed by David J. Ebbert, Thomas R. Kane, The Federal Bureau of Prisons.(Judge, Timothy) (Entered: 10/06/2017)
10/12/2017	<u>26</u>	Unopposed MOTION to Exceed Page Limitation by Thomas R. Kane, The Federal Bureau of Prisons. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Certificate of Concurrence)(Judge, Timothy) (Entered: 10/12/2017)
10/13/2017	<u>27</u>	ORDER granting <u>26</u> Motion for Leave to File Excess Pages. Signed by Magistrate Judge Susan E. Schwab on 10/13/2017 (ktt) (Entered: 10/13/2017)
10/16/2017	<u>28</u>	STATEMENT OF FACTS re <u>23</u> MOTION to Dismiss <i>or in the alternative</i> MOTION for Summary Judgment filed by David J. Ebbert, Thomas R. Kane, The Federal Bureau of Prisons. (Attachments: # <u>1</u> Certificate of Service for Mailed Exhibits (filed in person via disc))(Judge, Timothy) (Entered: 10/16/2017)
10/16/2017	<u>29</u>	BRIEF IN SUPPORT re <u>23</u> MOTION to Dismiss <i>or in the alternative</i> MOTION for Summary Judgment filed by David J. Ebbert, Thomas R. Kane, The Federal Bureau of Prisons.(Judge, Timothy) (Entered: 10/16/2017)

10/16/2017	<u>30</u>	EXHIBITS 1 & 2 filed by David J. Ebbert, Thomas R. Kane, The Federal Bureau of Prisons re <u>28</u> Statement of Facts. (Attachments: # <u>1</u> Exhibit(s) 2)(ve) (Entered: 10/19/2017)
10/16/2017	<u>31</u>	EXHIBIT 3 filed by David J. Ebbert, Thomas R. Kane, The Federal Bureau of Prisons re <u>28</u> Statement of Facts. (Attachments: # <u>1</u> Exhibit(s) 3 - Redacted 1 of 3, # <u>2</u> Exhibit(s) 3 - Redacted 2 of 3, # <u>3</u> Exhibit(s) 3 - Redacted 3 of 3)(ve) (Entered: 10/19/2017)
10/20/2017	<u>32</u>	Unopposed MOTION for Extension of Time to File <i>Response in Opposition to Defendants' Motion to Dismiss or, in the Alternative, Motion for Summary Judgment</i> by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary. (Attachments: # <u>1</u> Proposed Order)(Metz, Kevin) (Entered: 10/20/2017)
10/20/2017	<u>33</u>	BRIEF IN OPPOSITION re <u>24</u> MOTION to Stay re <u>14</u> MOTION to Certify Class filed by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary. (Attachments: # <u>1</u> Appendix of Unpublished Authority)(Metz, Kevin) (Entered: 10/20/2017)
10/24/2017	<u>34</u>	ORDER granting <u>32</u> Motion for Extension of Time to File. Signed by Magistrate Judge Susan E. Schwab on 10/24/2017 (ktt) (Entered: 10/24/2017)
11/03/2017	<u>35</u>	REPLY BRIEF re <u>24</u> MOTION to Stay re <u>14</u> MOTION to Certify Class filed by David J. Ebbert, Thomas R. Kane, The Federal Bureau of Prisons.(Thiel, G.) (Entered: 11/03/2017)
11/17/2017	<u>36</u>	Unopposed MOTION to Exceed Page Limitation by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Certificate of Concurrence)(Metz, Kevin) (Entered: 11/17/2017)
11/20/2017	<u>37</u>	ORDER granting <u>36</u> Motion for Leave to File Excess Pages. Signed by Magistrate Judge Susan E. Schwab on 11/20/2017 (ktt) (Main Document 37 replaced on 11/20/2017) (ktt). (Entered: 11/20/2017)
11/24/2017	<u>38</u>	BRIEF IN OPPOSITION re <u>23</u> MOTION to Dismiss <i>or in the alternative</i> MOTION for Summary Judgment filed by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Unpublished Opinion(s))(Metz, Kevin) (Entered: 11/24/2017)

11/24/2017	39	STATEMENT OF FACTS re 38 Brief in Opposition to Motion for Summary Judgment, filed by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary.(Metz, Kevin) (Entered: 11/24/2017)
11/27/2017	40	ORDER - IT IS HEREBY ORDERED that a telephonic conference is scheduled for December 7, 2017, at 10:00 a.m., to discuss the status of pending motions. Counsel for the plaintiffs shall initiate the call. Signed by Chief Magistrate Judge Susan E. Schwab on November 27, 2017. (kjn) (Entered: 11/27/2017)
12/06/2017	41	Unopposed MOTION for Extension of Time to File Brief (<i>Reply Brief MTD or alter, MSJ</i>) filed by David J. Ebbert, Thomas R. Kane, The Federal Bureau of Prisons. (Attachments: # 1 Proposed Order, # 2 Certificate of Concurrence)(Judge, Timothy) (Entered: 12/06/2017)
12/07/2017	43	ORDER granting 41 Motion for Extension of Time to File Response/Reply. Reply Brief due by 12/22/2017. Signed by Magistrate Judge Susan E. Schwab on 12/7/2017 (ktt) (Entered: 12/07/2017)
12/07/2017	44	ORDER granting 24 Motion to Stay. IT IS ORDERED that defendants' motion to stay (doc. 24) IS GRANTED. Plaintiffs pending motion to certify class (doc. 14) is STAYED pending the disposition of the pending motion to dismiss or, in the alternative motion for summary judgement. Signed by Magistrate Judge Susan E. Schwab on 12/7/2017 (ktt) (Entered: 12/07/2017)
12/21/2017	45	MOTION for Protective Order <i>to Stay Discovery</i> by David J. Ebbert, Thomas R. Kane, The Federal Bureau of Prisons. (Attachments: # 1 Proposed Order, # 2 Certificate of Nonconcurrence)(Judge, Timothy) (Entered: 12/21/2017)
12/21/2017	46	BRIEF IN SUPPORT re 45 MOTION for Protective Order <i>to Stay Discovery</i> filed by David J. Ebbert, Thomas R. Kane, The Federal Bureau of Prisons.(Judge, Timothy) (Entered: 12/21/2017)
12/22/2017	47	EXHIBIT 1 by David J. Ebbert, Thomas R. Kane, The Federal Bureau of Prisons re 46 Brief in Support. (Judge, Timothy) (Entered: 12/22/2017)
12/22/2017	48	REPLY BRIEF re 23 MOTION to Dismiss <i>or in the alternative</i> MOTION for Summary Judgment filed by David J. Ebbert, Thomas R. Kane, The Federal Bureau of Prisons. (Attachments: # 1 Certificate of Compliance with Word Count)(Judge, Timothy) (Entered: 12/22/2017)

01/04/2018	49	BRIEF IN OPPOSITION re 45 MOTION for Protective Order <i>to Stay Discovery</i> filed by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary. (Attachments: # 1 Appendix of Unpublished Authority)(Metz, Kevin) (Entered: 01/04/2018)
01/18/2018	50	REPLY BRIEF re 45 MOTION for Protective Order <i>to Stay Discovery</i> filed by David J. Ebbert, Thomas R. Kane, The Federal Bureau of Prisons.(Judge, Timothy) (Entered: 01/18/2018)
02/07/2018	51	NOTICE of Appearance by James Davy on behalf of All Plaintiffs (Davy, James) (Entered: 02/07/2018)
04/03/2018	52	MOTION to File Document Under Seal filed by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary.(ve) (Entered: 04/03/2018)
04/03/2018	53	DOCUMENT(S) PENDING SEALING DECISION (Attachments: # 1 Declaration, # 2 Proposed Order) (ve) (Entered: 04/03/2018)
04/09/2018	54	APPENDIX OF UNPUBLISHED AUTHORITY filed by Joseph R. Coppola. (Attachments: # 1 Part 2)(pjr) (Entered: 04/09/2018)
04/17/2018	55	BRIEF IN OPPOSITION re 52 MOTION to File Document Under Seal filed by David J. Ebbert, Thomas R. Kane, The Federal Bureau of Prisons.(Judge, Timothy) (Entered: 04/17/2018)
05/01/2018	56	REPLY BRIEF re 52 MOTION to File Document Under Seal filed by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary. (Attachments: # 1 Declaration, # 2 Appendix of Unpublished Authority)(Metz, Kevin) (Entered: 05/01/2018)
05/31/2018	57	ORDER denying 52 Motion to Seal Document 53 DOCUMENT(S) PENDING SEALING DECISION. Based upon the foregoing, the Court concludes that the Plaintiffs have not overcome the presumption that favors the public right of access to judicial records. Thus, IT IS HEREBY ORDERED that the Plaintiffs' motion to seal (doc. 52) is DENIED without prejudice. Signed by Magistrate Judge Susan E. Schwab on 5/31/2018 (ktt) (Entered: 05/31/2018)
06/20/2018	58	REPORT AND RECOMMENDATIONS re 23 MOTION to Dismiss <i>or in the alternative</i> MOTION for Summary Judgment filed by David J. Ebbert, The Federal Bureau of Prisons, Thomas R. Kane, 45 MOTION for Protective Order <i>to Stay Discovery</i> filed by David J. Ebbert, The Federal Bureau of Prisons, Thomas R. Kane. Objections to R&R due by 7/5/2018Signed by

		Magistrate Judge Susan E. Schwab on 6/20/2018. (ktt) (Entered: 06/20/2018)
07/03/2018	59	OBJECTION to 58 Report and Recommendations by David J. Ebbert, Mark S. Inch, The Federal Bureau of Prisons. (Judge, Timothy) (Entered: 07/03/2018)
07/03/2018	60	BRIEF IN SUPPORT re 58 REPORT AND RECOMMENDATIONS re 23 MOTION to Dismiss <i>or in the alternative</i> MOTION for Summary Judgment filed by David J. Ebbert, The Federal Bureau of Prisons, Thomas R. Kane, 45 MOTION for Protective Order to Stay Discover <i>filed by David J. Ebbert, Mark S. Inch, The Federal Bureau of Prisons.</i> (Judge, Timothy) (Entered: 07/03/2018)
07/05/2018	61	OBJECTION to 58 Report and Recommendations . (Metz, Kevin) (Entered: 07/05/2018)
07/17/2018	62	RESPONSE by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary to 59 Objection to Report and Recommendations . (Metz, Kevin) (Entered: 07/17/2018)
07/17/2018	63	PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) by Lyndsay A. Niles on behalf of Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary Attorney Lyndsay Niles is seeking special admission.. (Niles, Lyndsay) (Entered: 07/17/2018)
07/17/2018		DOCKET ANNOTATION: Counsel is advised to file a Code of Professional Conduct Form for Doc. 63. Form must be signed. Do no refile the Petition. (dmn) (Entered: 07/17/2018)
07/17/2018	64	CODE OF PROFESSIONAL CONDUCT by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary. 63 Petition for Special Admission - Pro Hac Vice . (Niles, Lyndsay) (Entered: 07/17/2018)
07/18/2018		DOCKET ANNOTATION: Petitioner Lyndsay Niles and Associate Counsel Alexandra Morgan-Kurtz - bar status verified. (dmn) (Entered: 07/18/2018)
07/23/2018	65	SPECIAL ADMISSIONS FORM APPROVED as to Lyndsay Niles.Signed by Honorable Yvette Kane on 7/23/18. (dmn) (Entered: 07/23/2018)
09/05/2018	66	Letter from All Parties <i>Requesting a Telephonic Conference.</i> (Metz, Kevin) (Entered: 09/05/2018)

09/14/2018	<u>67</u>	SCHEDULING ORDER: Telephone Status Conference set for 9/24/2018 at 3:00 PM before Magistrate Judge Susan E. Schwab. Signed by Magistrate Judge Susan E. Schwab on 9/14/2018. (ktt) (Entered: 09/14/2018)
09/28/2018	<u>69</u>	Unopposed MOTION to Withdraw <u>59</u> Objection to Report and Recommendations by David J. Ebbert, Mark S. Inch, The Federal Bureau of Prisons. (Attachments: # <u>1</u> Stipulation, # <u>2</u> Certificate of Concurrence, # <u>3</u> Proposed Order)(Judge, Timothy) (Entered: 09/28/2018)
09/28/2018	<u>70</u>	Unopposed MOTION to Withdraw <u>61</u> Objection to Report and Recommendations by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary. (Attachments: # <u>1</u> Exhibit A - Joint Stipulation, # <u>2</u> Certificate of Concurrence, # <u>3</u> Proposed Order)(Metz, Kevin) (Entered: 09/28/2018)
10/03/2018	<u>71</u>	Letter from Kevin Metz <i>Regarding Protective Order</i> . (Metz, Kevin) (Entered: 10/03/2018)
10/03/2018	<u>72</u>	Letter from Timothy S. Judge . (Judge, Timothy) (Entered: 10/03/2018)
10/22/2018	<u>73</u>	CASE MANAGEMENT PLAN (<i>Joint</i>) by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary. (Metz, Kevin) (Entered: 10/22/2018)
10/26/2018	<u>74</u>	ORDER - IT IS ORDERED THAT: 1. Defendants unopposed motion to withdraw Defendants objections to the Report and Recommendation (Doc. No. 69), is GRANTED; 2. Defendants objections to the Report and Recommendation (Doc. No. 59), are deemed WITHDRAWN; 3. Plaintiffs unopposed motion to withdraw Plaintiffs objections to the Report and Recommendation (Doc. No. 70), is GRANTED; 4. Plaintiffs objections to the Report and Recommendation (Doc. No. 61), are deemed WITHDRAWN; 5. The Report and Recommendation (Doc. No. 58), of Chief Magistrate Judge Schwab is ADOPTED as follows: (a) The Report and Recommendation is ADOPTED insofar as it recommends denial of Defendants motion to dismiss, or in the alternative, motion for summary judgment (Doc. No. 23), and denial of Defendants motion to stay discovery (Doc. No. 45); (b) Defendants motion to dismiss or, in the alternative, motion for summary judgment (Doc. No. 23), is DENIED; (c) Defendants motion to stay discovery (Doc. No. 45), is DENIED as moot; and 6. The above-captioned action is RECOMMITTED to Chief Magistrate Judge Schwab for further pretrial management. Signed

		by Honorable Yvette Kane on 10/26/2018 (ve) (Entered: 10/26/2018)
11/09/2018	75	ANSWER to 1 Complaint by David J. Ebbert, Mark S. Inch, The Federal Bureau of Prisons.(Judge, Timothy) (Entered: 11/09/2018)
11/27/2018	76	PROTECTIVE ORDER - Accordingly, IT IS ORDERED AS FOLLOWS:(1) The plaintiffs' motion for a protective order is GRANTED. (2) The plaintiffs' proposed protective order (doc. 71 at 4-13) is ADOPTED. SEE ORDER FOR COMPLETE DETAILS. Signed by Magistrate Judge Susan E. Schwab on 11/27/2018. (ktt) (Entered: 11/27/2018)
11/29/2018	77	SCHEDULING ORDER: Case Management Conference set for 1/10/2019 at 10:15 AM before Magistrate Judge Susan E. Schwab. SEE ORDER FOR COMPLETE DETAILS. Signed by Magistrate Judge Susan E. Schwab on 11/29/2018. (ktt) (Entered: 11/29/2018)
12/21/2018	78	CASE MANAGEMENT PLAN (<i>Joint</i>) by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary. (Attachments: # 1 Protective Order)(Metz, Kevin) (Entered: 12/21/2018)
01/09/2019	79	ORDER - IT IS ORDERED that the telephonic case management conference scheduled for January 10, 2019 is CANCELED. The case management conference will be rescheduled once the lapse in appropriations concludes. Signed by Magistrate Judge Susan E. Schwab on 1/9/2019. (ktt) (Entered: 01/09/2019)
02/06/2019	80	SCHEDULING ORDER: Case Management Conference reset for 2/20/2019 at 11:00 AM before Magistrate Judge Susan E. Schwab. Signed by Magistrate Judge Susan E. Schwab on 2/6/2019. (ktt) (Entered: 02/06/2019)
02/15/2019	81	MOTION to Withdraw as Attorney by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary.(Davy, James) (Additional attachment(s) added on 2/15/2019: # 1 Proposed Order) (rw). (Entered: 02/15/2019)
02/19/2019	82	ORDER granting 81 Motion to Withdraw as Attorney. Attorney James Davy terminated. Signed by Magistrate Judge Susan E. Schwab on 2/19/2019 (ktt) (Entered: 02/19/2019)
02/22/2019	84	CASE MANAGEMENT ORDER - The following case management order is entered in this matter. Close of Fact Discovery due by 10/28/2019. Plaintiff Expert Report is due by 11/27/2019. Defendant Expert Report is due by 1/13/2020. Expert Discovery Deadline is due by 3/13/2020. SEE ORDER FOR

		COMPLETE DETAILS. Signed by Magistrate Judge Susan E. Schwab on 2/22/2019. (ktt) (Entered: 02/22/2019)
02/22/2019		Set Hearings: Telephone Status Conference set for 10/3/2019 at 10:00 AM before Magistrate Judge Susan E. Schwab. (ktt) (Entered: 02/22/2019)
02/22/2019	85	ORDER - Pursuant to the telephonic case management conference held on February 20, 2019, IT IS ORDERED that plaintiffs' pending motion to certify class 14 is DENIED without prejudice. IT IS FURTHER ORDERED that the following briefing schedule is entered in regard to plaintiffs' motion to certify class. Signed by Magistrate Judge Susan E. Schwab on 2/22/2019. (ktt) (Entered: 02/22/2019)
04/09/2019	86	PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) by Drew R Wisniewski on behalf of Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary Attorney Drew Wisniewski is seeking special admission. Filing fee \$ 50, receipt number 0314-4727222.. (Wisniewski, Drew) (Entered: 04/09/2019)
04/10/2019		DOCKET ANNOTATION: Petitioning attorney and associate counsel's bar status verified. (aaa) (Entered: 04/10/2019)
04/10/2019	87	SPECIAL ADMISSIONS FORM APPROVED as to Drew R. Wisniewski. Signed by Magistrate Judge Susan E. Schwab on 4/10/2019. (ktt) (Entered: 04/10/2019)
04/11/2019	88	MOTION to Withdraw as Attorney by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary. (Attachments: # 1 Proposed Order)(Palmer-Ball, Katherine) (Entered: 04/11/2019)
04/29/2019	89	ORDER granting 88 Motion to Withdraw as Attorney. Attorney Katherine B Palmer-Ball terminated. Signed by Magistrate Judge Susan E. Schwab on 4/29/2019 (ktt) (Entered: 04/29/2019)
06/19/2019	91	First MOTION to Withdraw as Attorney <i>Philip Fornaci</i> by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary.(Fornaci, Philip) (Entered: 06/19/2019)
06/19/2019		DOCKET ANNOTATION: Per attorney Philip Fornaci's request - docket entry #90 deleted. Filed in error. (ktt) (Entered: 06/19/2019)

06/19/2019	<u>92</u>	ORDER granting <u>91</u> Motion to Withdraw as Attorney. Attorney Philip J. Fornaci terminated.Signed by Magistrate Judge Susan E. Schwab on 6/19/2019 (ktt) (Entered: 06/19/2019)
06/28/2019	<u>93</u>	Unopposed MOTION for Extension of Time to file Motion for Class Certification by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary. (Attachments: # <u>1</u> Proposed Order)(Metz, Kevin) (Entered: 06/28/2019)
06/28/2019	<u>94</u>	ORDER granting <u>93</u> Motion to Extend Time. Signed by Magistrate Judge Susan E. Schwab on 6/28/2019 (ktt) (Entered: 06/28/2019)
08/27/2019	<u>95</u>	Unopposed MOTION to Exceed Page Limitation by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary. (Attachments: # <u>1</u> Proposed Order)(Metz, Kevin) (Entered: 08/27/2019)
08/29/2019	<u>96</u>	ORDER granting <u>95</u> Motion for Leave to File Excess Pages. Signed by Magistrate Judge Susan E. Schwab on 8/29/2019 (ktt) (Entered: 08/29/2019)
08/30/2019	<u>97</u>	Joint MOTION to Seal by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary. (Attachments: # <u>1</u> Proposed Order)(Metz, Kevin) (Entered: 08/30/2019)
08/30/2019	<u>99</u>	DECLARATION by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary re 98 MOTION to Certify Class . (Attachments: # <u>1</u> Declaration of K. Metz, # <u>2</u> Declaration of A. Morgan-Kurtz, # <u>3</u> Declaration of L. Niles)(Boynton, Marissa) (Entered: 08/30/2019)
09/04/2019	<u>101</u>	DOCUMENT SEALED (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23, # <u>24</u> Exhibit 24) (pjr) (Entered: 09/04/2019)
09/04/2019	<u>102</u>	ORDER - Upon review of the parties' joint motion to seal <u>97</u> , IT IS ORDERED that the motion is GRANTED. Signed by Magistrate Judge Susan E. Schwab on 9/4/2019 (ktt) (Entered: 09/04/2019)

09/27/2019	<u>103</u>	NOTICE of Appearance by G. Thiel on behalf of David J. Ebbert, Mark S. Inch, The Federal Bureau of Prisons. (Thiel, G.) (Entered: 09/27/2019)
09/27/2019	<u>104</u>	Unopposed MOTION for Extension of Time to File Brief <i>in Opposition to Motion to Certify Class</i> filed by David J. Ebbert, Mark S. Inch, The Federal Bureau of Prisons. (Attachments: # <u>1</u> Proposed Order)(Judge, Timothy) (Entered: 09/27/2019)
09/27/2019	<u>105</u>	Unopposed MOTION for Extension of Time to Complete Discovery (<i>Fact Discovery</i>) by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary. (Attachments: # <u>1</u> Proposed Order)(Metz, Kevin) (Entered: 09/27/2019)
10/02/2019	<u>106</u>	ORDER granting <u>104</u> Motion for Extension of Time to File. Signed by Magistrate Judge Susan E. Schwab on 10/2/2019 (ktt) (Entered: 10/02/2019)
10/02/2019	<u>107</u>	AMENDED CASE MANAGEMENT ORDER - <u>105</u> Unopposed MOTION for Extension of Time to Complete Discovery is GRANTED. Close of Fact Discovery due by 4/28/2020. Plaintiff Expert Report is due by 5/28/2020. Defendant Expert Report is due by 7/13/2020. Expert Discovery Deadline is due by 9/14/2020. Dispositive Motions due by 10/14/2020. Telephonic Status Conference set for 4/2/2020 at 10:00 AM before Magistrate Judge Susan E. Schwab. Signed by Magistrate Judge Susan E. Schwab on 10/2/2019. (ktt) (Entered: 10/02/2019)
10/22/2019	<u>108</u>	Unopposed MOTION to Exceed Page Limitation by David J. Ebbert, Mark S. Inch, The Federal Bureau of Prisons. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Certificate of Concurrence)(Judge, Timothy) (Entered: 10/22/2019)
10/23/2019	<u>110</u>	ORDER granting <u>108</u> Motion for Leave to File Excess Pages. Signed by Magistrate Judge Susan E. Schwab on 10/23/2019 (ktt) (Entered: 10/23/2019)
11/20/2019		VERBAL ORDER by Chief Judge Christopher C. Conner - Case Reassigned to Honorable Jennifer P. Wilson. Honorable Yvette Kane no longer assigned to the case. (jw) (Entered: 11/20/2019)
11/20/2019	<u>111</u>	Reply in Support of Plaintiffs' Motion for Class Certification by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary. . (Metz, Kevin) (Entered: 11/20/2019)
01/29/2020	<u>112</u>	ORDER directing pltfs to, by 2/21/2020, show cause, if there is any, why the named pltfs' individual claims should not be

		dismissed as MOOT. (See order for complete details.)Signed by Magistrate Judge Susan E. Schwab on 1/29/20. (ki) (Entered: 01/29/2020)
01/29/2020	<u>113</u>	REPORT AND RECOMMENDATIONS, recommending that court deny pltfs' motion for class cerification 98 . Objections to R&R due by 2/12/2020. (See R&R for complete details.)Signed by Magistrate Judge Susan E. Schwab on 1/29/20. (ki) (Entered: 01/29/2020)
02/07/2020	<u>114</u>	NOTICE of Appearance by Amy B. Ernst on behalf of All Plaintiffs (Ernst, Amy) (Entered: 02/07/2020)
02/10/2020	<u>115</u>	Unopposed MOTION for Extension of Time to Respond to Order to Show Cause by Joseph R. Coppola, Jusamuel Rodriguez McCreary. (Attachments: # <u>1</u> Proposed Order)(Metz, Kevin) (Entered: 02/10/2020)
02/10/2020	<u>116</u>	Joint MOTION for Extension of Time to Respond to Report and Recommendation by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary. (Attachments: # <u>1</u> Proposed Order)(Metz, Kevin) (Entered: 02/10/2020)
02/11/2020	<u>117</u>	ORDER granting <u>115</u> Motion to Extend Time. Plaintiffs shall file their response to the Order to Show Cause by April 8, 2020. Signed by Honorable Jennifer P. Wilson on 2/11/2020 (ve) (Entered: 02/11/2020)
02/11/2020	<u>118</u>	ORDER granting <u>116</u> Motion to Extend Time. Plaintiffs and Defendants shall file their respective responses to the Report and Recommendation by April 8, 2020. Signed by Honorable Jennifer P. Wilson on 2/11/2020 (ve) (Entered: 02/11/2020)
03/13/2020	<u>119</u>	ORDER CANCELING 4/2/20 telephonic status call before Chief Magistrate Judge Schwab in amended CMO <u>107</u> . (See order for complete details.) Signed by Magistrate Judge Susan E. Schwab on 3/13/20. (ki) (Entered: 03/13/2020)
03/25/2020	<u>120</u>	Unopposed MOTION for Extension of Time to Respond to Order to Show Cause by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary.(Boynton, Marissa) (Entered: 03/25/2020)
03/26/2020	<u>121</u>	ORDER granting <u>120</u> Motion to Extend Time. Plaintiffs shall file their response to the Order to Show Cause thirty (30) days following the date on which the Court rules on the Report and Recommendation on Plaintiffs Motion for Class Certification.

		Signed by Honorable Jennifer P. Wilson on 3/26/2020 (ve) (Entered: 03/26/2020)
04/08/2020	<u>122</u>	SEALED DOCUMENT - Defendants' objections in part to <u>113</u> Report and Recommendation. (lg) (Entered: 04/08/2020)
04/08/2020	<u>123</u>	SEALED DOCUMENT - Defendants' brief in support of <u>122</u> objections to Report and Recommendation. (Attachment: # <u>1</u> Exhibit(s)) (lg) (Attachment 1 replaced on 4/8/2020) (lg). (Entered: 04/08/2020)
04/08/2020	<u>124</u>	OBJECTION to <u>113</u> Report and Recommendations by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Proposed Order)(Metz, Kevin) (Entered: 04/08/2020)
04/22/2020	<u>125</u>	MEMORANDUM OF LAW by David J. Ebbert, Mark S. Inch, The Federal Bureau of Prisons re <u>124</u> Objection to Report and Recommendations " <i>BRIEF IN OPPOSITION OF PLAINTIFFS OBJECTIONS TO THE COURTS JANUARY 29, 2020 REPORT AND RECOMMENDATION</i> ". (Attachments: # <u>1</u> Exhibit(s))(Judge, Timothy) (Entered: 04/22/2020)
04/22/2020	<u>126</u>	RESPONSE by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary to <u>124</u> Objection to Report and Recommendations . (Metz, Kevin) (Entered: 04/22/2020)
04/27/2020	<u>127</u>	Joint MOTION to Stay <i>Scheduled Case Deadlines</i> by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary. (Attachments: # <u>1</u> Proposed Order)(Boynton, Marissa) (Entered: 04/27/2020)
04/28/2020	<u>128</u>	ORDER granting <u>127</u> Motion to Stay Scheduled Case Deadlines. Signed by Honorable Jennifer P. Wilson on 4/28/2020 (ve) (Entered: 04/28/2020)
04/29/2020	<u>129</u>	REPLY by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary. to <u>125</u> Memorandum of Law, . (Metz, Kevin) (Entered: 04/29/2020)
04/29/2020	<u>130</u>	MEMORANDUM OF LAW by David J. Ebbert, Mark S. Inch, The Federal Bureau of Prisons re <u>122</u> Document Sealed <i>Defendants' Reply Brief in Support of Their Objections in Part to the Report and Recommendation Dated January 29, 2020</i> . (Attachments: # <u>1</u> Unpublished Opinion(s))(Judge, Timothy) (Entered: 04/29/2020)

06/16/2020	<u>131</u>	MOTION to Withdraw as Attorney <i>Lyndsay A. Niles</i> by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary.(Niles, Lyndsay) (Entered: 06/16/2020)
06/17/2020	<u>132</u>	ORDER granting <u>131</u> Motion to Withdraw as Attorney. Attorney Lyndsay A. Niles terminated. Signed by Honorable Jennifer P. Wilson on 6/17/2020 (ve) (Entered: 06/17/2020)
02/11/2021	<u>133</u>	First MOTION to Withdraw <i>Amy Ernst as Counsel</i> by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary. (Attachments: # <u>1</u> Proposed Order)(Ernst, Amy) (Entered: 02/11/2021)
02/16/2021	<u>134</u>	ORDER granting <u>133</u> Motion to Withdraw. Signed by Honorable Jennifer P. Wilson on 2/16/2021 (ve) (Entered: 02/16/2021)
02/24/2021	<u>135</u>	MEMORANDUM (Order to follow as separate docket entry) re <u>113</u> Report and Recommendation. Signed by Honorable Jennifer P. Wilson on 2/24/2021. (ve) (Entered: 02/24/2021)
02/24/2021	<u>136</u>	ORDER (Memorandum filed previously as a separate entry) - IT IS ORDERED AS FOLLOWS: 1. The court DECLINES TO ADOPT the section of the report and recommendation that recommends that Plaintiffs motion be denied for a lack of numerosity. (Doc. 113.) The remaining portions of the report and recommendation are ADOPTED in full. (Id.) 2. This case shall be RECOMMITTED to Magistrate Judge Schwab for additional findings. SEE ORDER FOR FURTHER DETAILS. Signed by Honorable Jennifer P. Wilson on 2/24/2021 (ve) (Entered: 02/24/2021)
03/04/2021	<u>137</u>	ORDER - The parties shall submit supplemental briefing on the following schedule in order to address the issues raised in Judge Wilson's memorandum & order <u>135</u> <u>136</u> : Plaintiffs' brief due by 3/26/21,Defendants' responsive brief due by 4/9/21 & Plaintiffs' reply due by 4/23/21; Once supplemental briefing is complete, we will address the motion for class certification in due course. (See order for complete details.) Signed by Magistrate Judge Susan E. Schwab on 3/4/21. (ki) (Entered: 03/04/2021)
03/23/2021	<u>138</u>	STIPULATION of Dismissal by Richard C. Anamanya, Joseph R. Coppola, Jusamuel Rodriguez McCreary. (Metz, Kevin) (Entered: 03/23/2021)
03/24/2021		DOCKET ANNOTATION: Civil Case Terminated Upon Stipulation of Dismissal <u>138</u> . (ki) (Entered: 03/24/2021)

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