

**U.S. District Court
Southern District of Mississippi (Northern (Jackson))
CIVIL DOCKET FOR CASE #: 3:20-cv-00340-TSL-RPM**

Waddell et al v. Taylor et al
Assigned to: District Judge Tom S. Lee
Referred to: Magistrate Judge Robert P. Myers, Jr
Cause: 42:1983 Civil Rights Act

Date Filed: 05/14/2020
Jury Demand: None
Nature of Suit: 555 Prisoner
Petitions - Prison
Jurisdiction: Federal Question

Plaintiff

Brittany Waddell
*individually and on behalf of a class
of all others similarly situated*

represented by **Paloma Wu**
PALOMA WU, ATTORNEY
P. O. Box 1023
5 Old River Place, Suite 203
(39202)
Jackson, MS 39215
601-352-2269
Fax: 601-352-4769
Email: pwu@mscenterforjustice.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cliff Johnson
MACARTHUR JUSTICE CENTER
- University
Director, University of Mississippi
School of Law
481 Chucky Mullins Drive
University, MS 38677
662-915-6863
Email:
cjohnson@macarthurjustice.org
ATTORNEY TO BE NOTICED

Joshua F. Tom
ACLU OF MISSISSIPPI - Jackson
P. O. Box 2242
233 East Capitol Street (39201)
Jackson, MS 39225-2242
601/354-3408
Fax: 601/355-6465
Email: jtom@aclu-ms.org
ATTORNEY TO BE NOTICED

Robert B. McDuff
THE LAW OFFICE OF ROBERT
MCDUFF
767 North Congress Street
Jackson, MS 39202
601/969-0802
Fax: 601/969-0804
Email: RBM@McDuffLaw.com
ATTORNEY TO BE NOTICED

Plaintiff

Roger Ewing
*individually and on behalf of a class
of all others similarly situated*

represented by **Paloma Wu**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cliff Johnson
(See above for address)
ATTORNEY TO BE NOTICED

Joshua F. Tom
(See above for address)
ATTORNEY TO BE NOTICED

Robert B. McDuff
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Tony Smith
*individually and on behalf of a class
of all others similarly situated*

represented by **Paloma Wu**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cliff Johnson
(See above for address)
ATTORNEY TO BE NOTICED

Joshua F. Tom
(See above for address)
ATTORNEY TO BE NOTICED

Robert B. McDuff

(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Daniel Hatten

*individually and on behalf of a class
of all others similarly situated*

represented by **Paloma Wu**

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cliff Johnson

(See above for address)
ATTORNEY TO BE NOTICED

Joshua F. Tom

(See above for address)
ATTORNEY TO BE NOTICED

Robert B. McDuff

(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Douglass Triplett

*individually and on behalf of a class
of all others similarly situated*

represented by **Paloma Wu**

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cliff Johnson

(See above for address)
ATTORNEY TO BE NOTICED

Joshua F. Tom

(See above for address)
ATTORNEY TO BE NOTICED

Robert B. McDuff

(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Erik Lewis

*individually and on behalf of a class
of all others similarly situated*

represented by **Paloma Wu**

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cliff Johnson
(See above for address)
ATTORNEY TO BE NOTICED

Joshua F. Tom
(See above for address)
ATTORNEY TO BE NOTICED

Robert B. McDuff
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Bob Henderson
*individually and on behalf of a class
of all others similarly situated*

represented by **Paloma Wu**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cliff Johnson
(See above for address)
ATTORNEY TO BE NOTICED

Joshua F. Tom
(See above for address)
ATTORNEY TO BE NOTICED

Robert B. McDuff
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Thomas Holder
*individually and on behalf of a class
of all others similarly situated*

represented by **Paloma Wu**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cliff Johnson
(See above for address)
ATTORNEY TO BE NOTICED

Joshua F. Tom
(See above for address)
ATTORNEY TO BE NOTICED

Robert B. McDuff

(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Jamarcus Davis

*individually and on behalf of a class
of all others similarly situated*

represented by **Paloma Wu**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cliff Johnson
(See above for address)
ATTORNEY TO BE NOTICED

Joshua F. Tom
(See above for address)
ATTORNEY TO BE NOTICED

Robert B. McDuff
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Tommy Taylor

*in his official capacity as Interim
Commissioner of the Mississippi
Department of Corrections*

represented by **John G. Wheeler**
MITCHELL, MCNUTT & SAMS
P. O. Box 7120
Tupelo, MS 38802-7120
662/842-3871
Fax: 662/842-8450
Email:
jwheeler@mitchellmcnutt.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cody C. Bailey
BRUNINI, GRANTHAM,
GROWER & HEWES, PLLC-
Jackson
P. O. Drawer 119
Pinnacle Bldg., Suite 100
190 East Capitol St. (39201)
Jackson, MS 39205-0119
601/973-8790
Fax: 601/960-6902

Email: cbailey@brunini.com
ATTORNEY TO BE NOTICED

Douglas T. Miracle-State Gov
MISSISSIPPI ATTORNEY
GENERAL'S OFFICE
550 High Street, Suite 1200
P. O. Box 220 (39205)
Jackson, MS 39201
601/359-5654
Fax: 601/359-2003
Email: doug.miracle@ago.ms.gov
ATTORNEY TO BE NOTICED

Michael D. Chase
MITCHELL, MCNUTT & SAMS,
PA - Tupelo
P. O. Box 7120
105 South Front Street
Tupelo, MS 38802-7120
662/842-3871
Fax: 662/842-8450
Email:
mchase@mitchellmcnutt.com
ATTORNEY TO BE NOTICED

William Trey E. Jones , III
BRUNINI, GRANTHAM,
GROWER & HEWES, PLLC-
Jackson
P. O. Drawer 119
Pinnacle Bldg., Suite 100
190 East Capitol St. (39201)
Jackson, MS 39205-0119
601/948-3101
Fax: 601/960-6902
Email: tjones@brunini.com
ATTORNEY TO BE NOTICED

Defendant

Ron King
in his official capacity as
Superintendent of Central
Mississippi Correctional Facility

represented by **John G. Wheeler**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cody C. Bailey

(See above for address)
ATTORNEY TO BE NOTICED

Douglas T. Miracle-State Gov
(See above for address)
ATTORNEY TO BE NOTICED

Michael D. Chase
(See above for address)
ATTORNEY TO BE NOTICED

William Trey E. Jones , III
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Joe Errington
*in his official capacity as
Superintendent of South Mississippi
Correctional Institution*

represented by **John G. Wheeler**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Cody C. Bailey
(See above for address)
ATTORNEY TO BE NOTICED

Douglas T. Miracle-State Gov
(See above for address)
ATTORNEY TO BE NOTICED

Michael D. Chase
(See above for address)
ATTORNEY TO BE NOTICED

William Trey E. Jones , III
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/14/2020	<u>1</u>	CLASS ACTION COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF against Joe Errington, Ron King, Tommy Taylor (Filing fee \$ 400 receipt number 0538-4274056), filed by Erik Lewis, Roger Ewing, Daniel Hatten, Douglass Triplett, Jamarcus Davis, Thomas Holder, Brittany Waddell, Bob Henderson,

		Tony Smith. (Attachments: # 1 Civil Cover Sheet)(LAT) (Entered: 05/14/2020)
05/14/2020	2	Summons Issued as to Joe Errington, Ron King, Tommy Taylor. (Attachments: # 1 Attachment - Summons Ron King, # 2 Attachment Summons Joe Errington)(LAT) (Entered: 05/14/2020)
05/14/2020	3	NOTICE of Appearance by Cliff Johnson on behalf of All Plaintiffs (Johnson, Cliff) (Entered: 05/14/2020)
05/15/2020	4	NOTICE of Appearance by Joshua F. Tom on behalf of All Plaintiffs (Tom, Joshua) (Entered: 05/15/2020)
05/18/2020	5	NOTICE of Appearance by Robert B. McDuff on behalf of All Plaintiffs (McDuff, Robert) (Entered: 05/18/2020)
05/25/2020	6	MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> by Jamarcus Davis, Roger Ewing, Daniel Hatten, Bob Henderson, Thomas Holder, Erik Lewis, Tony Smith, Douglass Triplett, Brittany Waddell (Attachments: # 1 Exhibit Ex. 1_Expert Report of Gregg Gonsalves (May 14, 2020), # 2 Exhibit Ex. 2_Expert Report of Homer Venters (May 24, 2020), # 3 Exhibit Ex. 3_Declaration of Jamarcus Davis, # 4 Exhibit Ex. 4_Declaration of Roger Ewing, # 5 Exhibit Ex. 5_Declaration of Daniel Hatten, # 6 Exhibit Ex. 6_Declaration of Bob Henderson, # 7 Exhibit Ex. 7_Declaration of Thomas Holder, # 8 Exhibit Ex. 8_Declaration of Oziel Guzman, # 9 Exhibit Ex. 9_Declaration of Derrick Guyton, # 10 Exhibit Ex. 10_Declaration of Erik Lewis, # 11 Exhibit Ex. 11_Declaration of Douglass TriplettDeclaration of Douglass Triplett, # 12 Exhibit Ex. 12_Declaration Brent Ryan, # 13 Exhibit Ex. 13_Declaration of Tony Smith, # 14 Exhibit Ex. 14_Declaration of Brittany Waddell, # 15 Exhibit Ex. 15_COVID-19 Questions and Answers, MDOC)(Wu, Paloma). Added MOTION for Preliminary Injunction on 5/26/2020 to correct filing (ND). (Entered: 05/25/2020)
05/25/2020	7	MEMORANDUM in Support re 6 MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> filed by Jamarcus Davis, Roger Ewing, Daniel Hatten, Bob Henderson, Thomas Holder, Erik Lewis, Tony Smith, Douglass Triplett, Brittany Waddell (Wu, Paloma) (Entered: 05/25/2020)
05/29/2020	8	AFFIDAVIT of Service for Service of Process served on Tommy Taylor via the Attorney General of Mississippi on May 21, 2020, filed by Jamarcus Davis, Roger Ewing, Daniel Hatten, Bob

		Henderson, Thomas Holder, Erik Lewis, Tony Smith, Douglass Triplett, Brittany Waddell. (Wu, Paloma) (Entered: 05/29/2020)
05/29/2020	<u>9</u>	AFFIDAVIT of Service for Service of Process served on Ron King via the Attorney General of Mississippi on May 21, 2020, filed by Jamarcus Davis, Roger Ewing, Daniel Hatten, Bob Henderson, Thomas Holder, Erik Lewis, Tony Smith, Douglass Triplett, Brittany Waddell. (Wu, Paloma) (Entered: 05/29/2020)
05/29/2020	<u>10</u>	AFFIDAVIT of Service for Service of Process served on Joe Errington via the Attorney General of Mississippi on May 21, 2020, filed by Jamarcus Davis, Roger Ewing, Daniel Hatten, Bob Henderson, Thomas Holder, Erik Lewis, Tony Smith, Douglass Triplett, Brittany Waddell. (Wu, Paloma) (Entered: 05/29/2020)
08/03/2020	<u>11</u>	ORDER REASSIGNING CASE. Case reassigned to Magistrate Judge Robert P. Myers, Jr for all further proceedings. Magistrate Judge Robert H. Walker no longer assigned to case Signed by Chief District Judge Daniel P. Jordan, III on 8/3/20 (MGB) (Entered: 08/04/2020)
08/03/2020		Parties should include the newly assigned Magistrate Judge's initials RPM on future filings. (MGB) (Entered: 08/04/2020)
09/15/2020	<u>12</u>	MOTION to Withdraw <u>6</u> MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> MOTION for Preliminary Injunction , Joint MOTION to Stay Proceedings by Jamarcus Davis, Roger Ewing, Daniel Hatten, Bob Henderson, Thomas Holder, Erik Lewis, Tony Smith, Douglass Triplett, Brittany Waddell (Johnson, Cliff) (Entered: 09/15/2020)
09/22/2020	<u>13</u>	NOTICE of Appearance by William Trey E. Jones, III on behalf of All Defendants (Jones, William Trey) (Entered: 09/22/2020)
10/01/2020	<u>14</u>	ORDER granting <u>12</u> Motion to Withdraw <u>6</u> MOTION for Temporary Restraining Order <i>and Preliminary Injunction</i> ; granting <u>12</u> Joint Motion to Stay Proceedings. Signed by Magistrate Judge Robert P. Myers, Jr on October 1, 2020 (King, Steve) (Entered: 10/01/2020)
10/01/2020		NOTICE of Hearing: TELEPHONIC Status Conference set for 10/22/2020 10:00 AM before Magistrate Judge Robert P. Myers Jr. Plaintiff will place the telephone call to Judge Myers' chambers with all necessary counsel on the line. (SR) (Entered: 10/01/2020)

10/21/2020	15	NOTICE of Appearance by Cody C. Bailey on behalf of Joe Errington, Ron King, Tommy Taylor (Bailey, Cody) (Entered: 10/21/2020)
10/21/2020	16	NOTICE of Appearance by Douglas T. Miracle-State Gov on behalf of Joe Errington, Ron King, Tommy Taylor (Miracle-State Gov, Douglas) (Entered: 10/21/2020)
10/22/2020		Minute Entry for proceedings held before Magistrate Judge Robert P. Myers, Jr: TELEPHONIC Status Conference held on 10/22/2020 with attorneys Paloma Wu, Cliff Johnson, Cody C. Bailey, William Trey E. Jones III and Douglas T. Miracle-State Gov. Memo of Understanding entered into by the parties. The Court will schedule a telephonic status conference to be conducted in 120 days to discuss the status of settlement negotiations. Stay will remain in effect until then. (SR) (Entered: 10/22/2020)
10/22/2020		NOTICE of Hearing: TELEPHONIC Status Conference set for 2/22/2021 10:00 AM before Magistrate Judge Robert P. Myers Jr. to discuss the status of settlement negotiations. Plaintiff will place the telephone call to Judge Myers' chambers with all necessary counsel on the line. (SR) (Entered: 10/22/2020)
01/22/2021	17	NOTICE of Appearance by John G. Wheeler on behalf of Joe Errington, Ron King, Tommy Taylor (Wheeler, John) (Entered: 01/22/2021)
01/22/2021	18	NOTICE of Appearance by Michael D. Chase on behalf of Joe Errington, Ron King, Tommy Taylor (Chase, Michael) (Entered: 01/22/2021)
01/25/2021		DOCKET ANNOTATION as to # 17 and 18 . Attorneys are directed to correct the judge initials in the case number on the pleadings to: 3:20-cv-340-TSL-RPM. (ND) (Entered: 01/25/2021)

PACER Service Center			
Transaction Receipt			
02/18/2021 23:13:57			
PACER Login:	CRClearinghouse:2563377:0	Client Code:	mcevoy
Description:	Docket Report	Search Criteria:	3:20-cv-00340-TSL-RPM
Billable Pages:	10	Cost:	1.00

