

CLOSED

**U.S. District Court
Northern District of Georgia (Newnan)
CIVIL DOCKET FOR CASE #: 3:01-cv-00009-JTC**

Evans, et al v. Zebulon, Georgia, et al
Assigned to: Judge Jack T. Camp
Demand: \$0

Case: [3:02-cv-00124-JTC](#)
Case in other court: 11th Circuit, 02-16424-DD
11th Circuit, 02-16424-DD
11TH CIRCUIT, :00-00002-16424
Cause: 42:1983 Civil Rights Act

Date Filed: 01/22/2001
Date Terminated: 11/27/2002
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Peter Evans

represented by **Clark E. Gulley**
Foster Jensen & Gulley
1447 Peachtree Street, N.E.
Suite 1009
Atlanta, GA 30309-3027
404-873-5200
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David James Worley
Motley Rice, LLC
One Georgia Center, Suite 800
600 West Peachtree Street
Atlanta, GA 30308
404-201-6900
Fax: 404-876-4476
Email: dworley@motleyrice.com
TERMINATED: 04/06/2001
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Dovre Christian Jensen, Jr.
Foster Jensen & Gulley
1447 Peachtree Street, N.E.
Suite 1009
Atlanta, GA 30309-3027
404-873-5200
Email: Debbie.McDonald@FJGLaw.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Norman J. Slawsky
Jacobs Slawsky & Barnett
1401 Peachtree Street
Suite 238
Atlanta, GA 30309

404-897-1000
Fax: 404-897-2771
Email: nslawsky@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Detree Jordan

represented by **Clark E. Gulley**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David James Worley
(See above for address)
TERMINATED: 04/06/2001
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Dovre Christian Jensen, Jr.
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Norman J. Slawsky
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

City of Zebulon, Georgia
TERMINATED: 11/20/2002

represented by **Andrew J. Whalen, III**
Mullins Whalen & Westbury
P.O. Box 133
101 South Hill Street
Griffin, GA 30224-0133
770-227-9456
Email: ajwhalen3@bellsouth.net
TERMINATED: 04/02/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James Richard Westbury, Jr.
Mullins Whalen & Westbury
P.O. Box 133
101 South Hill Street
Griffin, GA 30224-0133
770-227-9456
Email: jrwestbu@msn.com
TERMINATED: 04/02/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Norman Carter Pearson, III

Chambless Higdon Richardson Katz &
Griggs
P.O. Box 246
577 Walnut Street, Suite 200
Macon, GA 31202-0246
478-745-1181
Email: npearson@chrkglaw.com
TERMINATED: 11/20/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas Frank Richardson
Chambless Higdon Richardson Katz &
Griggs
P.O. Box 246
577 Walnut Street, Suite 200
Macon, GA 31202-0246
478-745-1181
Email: trichardson@chrkglaw.com
TERMINATED: 11/20/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Robert Loomis
*individually and in his capacity as Police
Chief of the City of Zebulon, Georgia*
TERMINATED: 11/20/2002

represented by **Andrew J. Whalen, III**
(See above for address)
TERMINATED: 04/01/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James Richard Westbury, Jr.
(See above for address)
TERMINATED: 04/01/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Laurel E. Henderson
Office of Laurel E. Henderson
315 West Ponce de Leon Avenue
Suite 912
Decatur, GA 30030
404-378-7417
Email: lhenderson@bellsouth.net
TERMINATED: 11/20/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Dennis Stephens

represented by **Andrew J. Whalen, III**
(See above for address)
TERMINATED: 04/01/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James Richard Westbury, Jr.

(See above for address)

*TERMINATED: 04/01/2002**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Richard A. Carothers**

Carothers & Mitchell, LLC

278 West Main Street

Buford, GA 30518

770-932-3552

Fax: 770-932-6348

Email: richard.carothers@carmitch.com

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Thomas M. Mitchell**

Carothers & Mitchell, LLC

278 West Main Street

Buford, GA 30518

770-932-3552

Fax: 770-932-6348

Email: thomas.mitchell@carmitch.com

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
01/22/2001	1	COMPLAINT filed and summons(es) issued. Consent form to proceed before U.S. magistrate and pretrial instructions given to attorney; FILING FEE \$ 150.00 RECEIPT # 465711 (rsh) (Entered: 01/22/2001)
01/22/2001	2	ANSWERS TO MANDATORY DISCLOSURES by plas (rsh) (Entered: 01/22/2001)
04/03/2001	3	ANSWER w/jury demand by City of Zebulon, Georgia & Robert Loomis to complaint [1-1]; Discovery ends 8/31/01. (scg) (Entered: 04/03/2001)
04/04/2001		Summons issued for Dennis Stephens & mailed to atty w/PTI (scg) (Entered: 04/04/2001)
04/06/2001	4	Notice of withdrawal of David James Worley as atty for plas. (scg) (Entered: 04/11/2001)
04/06/2001	5	Attorney appearance for plas by Dovre Christian Jensen Jr. & Clark E. Gulley (scg) (Entered: 04/11/2001)
04/16/2001	6	Return of service executed 4/9/01 as to Dennis Stephens on original complaint (rsh) (Entered: 04/18/2001)
05/02/2001	7	ANSWER by Dennis Stephens to complaint [1-1]; jury demand (scg) (Entered: 05/04/2001)
07/17/2001	8	Preliminary Report and Discovery Schedule. (to JTC) (rsh) (Entered: 07/17/2001)
08/21/2001		ENDORSED ORDER on report by Judge Jack T. Camp APPROVING [8-1]

		preliminary planning report & scheduling order, case projected for trial Nov/Dec, 2002 unless ready sooner. (cc) (scg) (Entered: 08/21/2001)
08/22/2001	9	Joint MOTION to extend time for discovery w/proposed order (to JTC) (rsh) (Entered: 08/23/2001)
08/24/2001	10	CONSENT ORDER by ct. dep. APPROVING [9-1] joint motion to extend time for discovery Discovery ends 1/4/02 (cc) (rsh) (Entered: 08/24/2001)
12/20/2001	11	Joint MOTION to extend time for discovery through 3/15/02 (to JTC) (rsh) (Entered: 12/20/2001)
01/22/2002	12	CONSENT ORDER by Judge Jack T. Camp GRANTING [11-1] joint motion to extend time for discovery, Discovery ends 3/15/02 Case remains projected for trial Nov/Dec '02 (cc) (rsh) Modified on 01/22/2002 (Entered: 01/22/2002)
02/11/2002	13	Notice to take deposition of Dennis Stephens, Jeff Oliver, Steve Olander, Robert Lummus by pla (rsh) (Entered: 02/12/2002)
03/13/2002	14	MOTION by plas for leave to file amended complaint & demand for jury trial w/brief in support (amended complaint & demand/jury trial attached) (rsh) (Entered: 03/13/2002)
03/13/2002	15	Notice to take deposition of Steve Olander, Jeff Oliver, Michael Beres by pla (rsh) (Entered: 03/13/2002)
03/15/2002	16	Joint MOTION to extend time for discovery w/proposed order (to JTC) (rsh) (Entered: 03/15/2002)
03/21/2002	17	ORDER by Judge Jack T. Camp GRANTING [16-1] joint motion to extend time for discovery, Discovery ends 4/15/02 and plas are permitted to file amended complaint & demand a jury trial (cc) (rsh) (Entered: 03/21/2002)
03/22/2002	18	Notice to take depositions of Michael Beres, Jeff Oliver, Steve Olander by pla (rsh) (Entered: 03/26/2002)
03/29/2002	19	AMENDED COMPLAINT by pla; jury demand (rsh) (Entered: 04/01/2002)
04/01/2002	20	Atty appearance of Richard Carothers, Thomas Mitchell for dft Dennis Stephens, replacing attys James Richard Westbury, Andrew J. Whalen (rsh) (Entered: 04/01/2002)
04/01/2002	21	ANSWER to amended complaint [19-1] by Dennis Stephens; jury demand (rsh) (Entered: 04/01/2002)
04/01/2002	22	ANSWER to amended complaint [19-1] by City of Zebulon, Georgia (rsh) (Entered: 04/01/2002)
04/01/2002	23	Notice of Substitution of Counsel for dft Robert Loomis. Laurel E. Henderson replacing attys James Richard Westbury, Andrew J. Whalen (rsh) (Entered: 04/02/2002)
04/01/2002	24	ANSWER to amended complaint [19-1] by Robert Loomis (rsh) (Entered: 04/02/2002)
04/01/2002	25	MOTION by dfts to quash or modify subpoenas & notices of deposition w/memorandum, affidavit, certificate of good faith conferral in support and..... (rsh) (Entered: 04/02/2002)
04/01/2002	25	MOTION by dfts for protective order (rsh) (Entered: 04/02/2002)

04/02/2002	26	Certification of Consent to Substitution of Counsel for dft City of Zebulon, Georgia. Thomas F. Richardson, Norman C. Pearson, III replacing attys James Richard Westbury, Andrew J. Whalen (rsh) (Entered: 04/03/2002)
04/02/2002	27	Affidavit of Norman C. Pearson, III (rsh) (Entered: 04/04/2002)
04/03/2002	28	Notice of filing affidavit of Thomas M. Mitchell by counsel for dft Dennis Stephens (rsh) (Entered: 04/04/2002)
04/08/2002	29	Notice to take deposition of Steve Olander, Jeff Oliver, Michael Beres by pla (rsh) (Entered: 04/08/2002)
04/15/2002	30	MOTION by dft to preclude use of expert witnesses & to preclude use of any expert testimony w/brief in support. (rsh) (Entered: 04/15/2002)
04/19/2002		SUBMITTED to Judge Jack T. Camp on dfts' motion [25-1] to quash or modify subpoenas & notices of deposition and [25-1] motion for protective order (scg) (Entered: 04/19/2002)
04/26/2002	31	Response by plas in opposition to [30-1] dfts' motion to preclude use of expert witnesses & to preclude use of any expert testimony w/brief in support (rsh) (Entered: 04/26/2002)
04/26/2002	32	Notice of filing of expert affidavit by plas (rsh) (Entered: 04/26/2002)
05/01/2002	33	MOTION by dfts to extend time for filing motions for sum.jgm. with brief in support & proposed order. (to JTC) (scg) (Entered: 05/02/2002)
05/03/2002	34	Response by plas to dfts' [33-1] motion to extend time for filing motions for sum.jgm. (scg) (Entered: 05/06/2002)
05/03/2002	35	Notice of filing of expert affidavit (William M. Taylor) by plas. (scg) (Entered: 05/06/2002)
05/06/2002	36	ORDER by Judge Jack T. Camp denying as moot the dfts' motions [25-1] to quash or modify subpoenas & notices of deposition & [25-1] for protective order (cc) (scg) (Entered: 05/06/2002)
05/06/2002	37	ORDER by Judge Jack T. Camp GRANTING [33-1] motion to extend time through 5/20/02 for filing motions for sum.jgm. (cc) (rsh) (Entered: 05/06/2002)
05/06/2002		SUBMITTED to Judge Jack T. Camp on dfts' [30-1] motion to preclude use of expert witnesses & to preclude use of any expert testimony ***FILE IN CHAMBERS*** (scg) (Entered: 05/06/2002)
05/15/2002	38	Reply by dfts in support of [30-1] motion to preclude use of expert witnesses & to preclude use of any expert testimony (rsh) (Entered: 05/15/2002)
05/20/2002	39	MOTION by dft Robert Loomis for summary judgment w/brief, statement of material facts, request for filing original discovery & affidavits in support. (rsh) (Entered: 05/20/2002)
05/20/2002	40	MOTION by dft Dennis Stephens for summary judgment w/brief & statement of material facts in support (rsh) (Entered: 05/20/2002)
05/21/2002	41	MOTION by dft City of Zebulon, Georgia for summary judgment with stmt. of undisputed facts & brief in support w/Notice of filing original discovery & Motion (request) for plas to file original deposition of Michael Beres. (scg) (Entered: 05/22/2002)

05/21/2002	42	Joint Exhibits by dfts in support of their motions for sum.jgm. (1 env. w/videotape) (scg) (Entered: 05/22/2002)
05/21/2002	43	Depositions of DETREE D. JORDAN, PETER EVANS, & ANDRE DAWSON taken for dft City of Zebulon, Georgia (scg) (Entered: 05/22/2002)
06/11/2002	44	Response by pla to [41-1], [40-1], [39-1] motions for summary judgment w/statements of material facts, consolidated exhibits, notice of filing original discovery in support (rsh) (Entered: 06/11/2002)
06/11/2002	45	Depositions of DENIS STEPHENS, ROBERT LUMMUS, OFFICER STEPHEN OLINGER, MICHAEL BERES, OFFICER JEFF OLIVER taken for pla (rsh) Modified on 06/11/2002 (Entered: 06/11/2002)
06/19/2002		SUBMITTED to Judge Jack T. Camp on [39-1] motion by Robert Loomis for summary judgment, [40-1] motion by Dennis Stephens for summary judgment, [41-1] motion by City of Zebulon for summary judgment ***FILE IN CHAMBERS*** (scg) (Entered: 06/19/2002)
06/21/2002	46	Reply brief in support of [39-1] his motion for summary judgment by dft Robert Loomis (rsh) (Entered: 06/21/2002)
06/24/2002	47	Notice of change of address by Laurel E. Henderson, atty for dft Robert Loomis. (scg) (Entered: 06/24/2002)
06/26/2002	48	Reply brief in support of their [41-1] motion for summary judgment by dft City of Zebulon, Georgia (rsh) (Entered: 06/26/2002)
07/01/2002	49	Reply brief in support of his [40-1] motion for summary judgment by dft Dennis Stephens. (rsh) (Entered: 07/02/2002)
10/31/2002	50	Notice by CRD to counsel, pretrial conference set for 2:00 p.m. on 11/20/02 (scg) (Entered: 10/31/2002)
10/31/2002	51	Notice by CRD to counsel, jury trial calendar set for 9:30 a.m. on 12/2/02 (scg) (Entered: 10/31/2002)
11/14/2002	52	Memo by CRD to counsel, pretrial conference reset for 10:30 a.m. on 11/26/02 (scg) (Entered: 11/15/2002)
11/20/2002	53	ORDER by Judge Jack T. Camp GRANTING [39-1] motion by dft Lummus for sum.jgm., GRANTING IN PART (as to plas' claims for false arrest) AND DENYING IN PART (as to plas' claims for unconstitutional search) [40-1] motion by dft Stephens for sum.jgm., GRANTING [41-1] motion by dft City of Zebulon for sum.jgm., pre-trial order due by noon on 11/25/02 (cc by fax on 11/20/02) (scg) (Entered: 11/21/2002)
11/22/2002	54	MOTION by dft Dennis Stephens in limine to exclude testimony of plas' proposed experts with brief in support. (scg) (Entered: 11/22/2002)
11/22/2002	55	NOTICE OF APPEAL by Dennis Stephens from [53-1] order; FILING FEE \$ 105.00 RECEIPT # 348272; Appeal information sheet due 12/6/02 (cc) (scg) (Entered: 11/22/2002)
11/22/2002		Notice of appeal and certified copy of docket to USCA RE: [55-1] appeal (scg) (Entered: 11/22/2002)
11/25/2002		Acknowledgment by USCA RE: [55-1] appeal; USCA dkt no. 02-16424-D (scg) (Entered: 11/29/2002)

11/26/2002		Proposed pre-trial order received from parties. (to JTC) (scg) (Entered: 11/26/2002)
11/26/2002	56	STATUS CONFERENCE HELD before Judge Jack T. Camp, because dft has filed appeal, case removed from trial calendar. (scg) (Entered: 11/27/2002)
11/27/2002	57	ORDER by Judge Jack T. Camp, that clerk administratively terminate the action , w/in 30 days of receipt of mandate of USCA, any party may move to reopen case. (cc) (scg) Modified on 11/27/2002 (Entered: 11/27/2002)
11/27/2002		Case terminated. (scg) (Entered: 11/27/2002)
12/03/2002	58	MOTION by plas for reconsideration of [53-1] order with brief in support. (scg) (Entered: 12/03/2002)
12/03/2002	59	Request by plas for dfts to file original deposition transcript. (scg) (Entered: 12/03/2002)
12/03/2002	60	MOTION by plas for leave to supplement the record . (scg) (Entered: 12/03/2002)
12/03/2002	61	MOTION by plas for enlargement of time to file notice of cross-appeal with brief in support. (scg) (Entered: 12/03/2002)
12/03/2002	62	Amendment to [58-1] motion for reconsideration of [53-1] order by plas. (scg) (Entered: 12/03/2002)
12/03/2002	63	Notice of filing original discovery by dft Dennis Stephens (scg) (Entered: 12/03/2002)
12/03/2002	64	Deposition of JOHN ALLEN REVIERE taken for Dennis Stephens (scg) (Entered: 12/03/2002)
12/04/2002	65	Appeal information sheet RE: [55-1] appeal; COR due 12/14/02 (scg) (Entered: 12/05/2002)
12/06/2002	66	Notice of filing original discovery by dft Dennis Stephens (scg) (Entered: 12/09/2002)
12/06/2002	67	Deposition of ERIC DARRELL HEARN taken for dft Dennis Stephens (scg) (Entered: 12/09/2002)
12/10/2002	68	Appeal information sheet RE: [55-1] appeal - COR due 12/20/02 (scg) (Entered: 12/10/2002)
12/12/2002	69	Stipulation of parties to supplement record w/depositions (scg) (Entered: 12/13/2002)
12/12/2002	70	Response by City of Zebulon to plas' [58-1] motion for reconsideration of [53-1] order (scg) (Entered: 12/13/2002)
12/12/2002	71	Response by City of Zebulon to plas' [60-1] motion for leave to supplement the record (scg) (Entered: 12/13/2002)
12/12/2002	72	Response by City of Zebulon to plas' [61-1] motion for enlargement of time to file notice of cross-appeal (scg) (Entered: 12/13/2002)
12/13/2002	73	Response by Robert Loomis to plas' [58-1] motion for reconsideration of [53-1] order (scg) (Entered: 12/13/2002)
12/13/2002	74	Response by Robert Loomis to plas' [60-1] motion for leave to supplement the record (scg) (Entered: 12/13/2002)

12/13/2002	75	Response by Robert Loomis to plas' [59-1] request for filing of original deposition transcript. (scg) (Entered: 12/13/2002)
12/17/2002	76	NOTICE OF APPEAL by plas from [53-1] order, FILING FEE \$ 105.00 RECEIPT # 348287; Appeal information sheet due 12/31/02 (cc)(appeal information sheet given to atty) (scg) (Entered: 12/19/2002)
12/19/2002	77	Notice of filing original discovery (2 videotapes of traffic stops) by plas. (scg) (Entered: 12/19/2002)
12/19/2002		Notice of appeal and certified copy of docket to USCA RE: [76-1] appeal (scg) (Entered: 12/19/2002)
12/19/2002		Proposed order allowing plas to supplement the record. (to JTC) (scg) (Entered: 12/19/2002)
12/20/2002	78	Stipulation, to supplement the record w/the 2 depositions filed after dft Stephens' notice of appeal (scg) (Entered: 12/20/2002)
12/20/2002		Acknowledgment by USCA RE: [76-1] appeal; USCA dkt no. 02-16424-D (scg) (Entered: 12/31/2002)
12/23/2002	79	Response by City of Zebulon to [77-1] plas' notice of filing original discovery (scg) (Entered: 12/26/2002)
12/23/2002	80	Appeal information sheet RE: [76-1] appeal - USCA dkt # 02-16424-DD; COR due 1/2/03 (scg) (Entered: 12/26/2002)
12/27/2002		SUBMITTED to Judge Jack T. Camp on plas' [58-1] motion for reconsideration of [53-1] order, plas' [60-1] motion for leave to supplement the record, plas' [61-1] motion for enlargement of time to file notice of cross-appeal (scg) (Entered: 12/27/2002)
12/31/2002	81	ORDER by Judge Jack T. Camp, allowing plas to supplement the record w/2 videotapes (1) dft Stephens' video excerpts prior to 1/22/99 & (2) ZPD Officer Joe Henslee's video excerpts prior to 1/22/99. (cc) (scg) (Entered: 12/31/2002)
12/31/2002	82	ORDER by Judge Jack T. Camp APPROVING [78-1] stipulation to supplement the record w/the 2 depositions (of John Allen Reviere & Eric Darrell Hearn) filed after dft Stephens' notice of appeal. (cc) (scg) (Entered: 12/31/2002)
01/03/2003	83	Objections by Robert Loomis to plas' [77-1] notice of filing original discovery (2 videotapes) (scg) (Entered: 01/03/2003)
02/07/2003	84	Certified copy of ORDER of USCA dismissing plas' [76-1] cross-appeal, to the extent that the order of 11/20/02 granted Loomis & City of Zebulon's motions for sum.jgm; USCA dkt no. 02-16424-DD (scg) (Entered: 02/07/2003)
02/12/2003		FORTHWITH LETTER from USCA via e-mail regarding [55-1] appeal. USCA dkt no. 02-16424-DD (scg) (Entered: 03/04/2003)
03/03/2003		FORTHWITH LETTER from USCA via e-mail regarding [55-1] appeal (2nd request). USCA dkt no. 02-16424-DD (scg) (Entered: 03/04/2003)
03/05/2003		CERTIFICATE OF READINESS of appeal record with certified copy of docket mailed to USCA RE: [55-1] appeal; USCA # 02-16424-DD (cc) (scg) (Entered: 03/05/2003)
03/05/2003		Certified and transmitted record to USCA RE: [76-1] appeal USCA dkt no. 02-a6424-DD (5 vols. pleadings, 12 vols. exhibits) (scg) (Entered: 03/05/2003)

03/06/2003		USCA acknowledgment of COR & Appeal Record RE: [55-1] appeal; USCA # 02-16424 (scg) (Entered: 03/13/2003)
08/06/2003	85	Notice to take deposition of Fred G. Robinette, III by dft Dennis Stephens (rsh) (Entered: 08/06/2003)
08/14/2003	86	ORDER by Judge Jack T. Camp DENYING plas' motions for reconsideration of [53-1] order [58-1],[62-1]; GRANTING plas' [60-1] motion for leave to supplement the record as to deposition of Johnny Reverie & DENYING AS MOOT as to the excerpts of video taped traffic stops; DENYING AS MOOT plas' [61-1] motion for enlargement of time to file notice of cross-appeal. (cc) (scg) (Entered: 08/14/2003)
04/07/2004	87	Certified copy of ORDER of USCA re: [76-1] appeal granting a rehearing en banc & vacating the previous panel's opinion; USCA dkt no. 02-16424 (scg) Modified on 04/21/2004 (Entered: 04/08/2004)
05/31/2005	88	Application (motion) for Leave of Absence for the following date(s): 7/15/05 - 8/15/05, by Thomas M. Mitchell. (rsh) (Entered: 05/31/2005)
07/20/2005	89	Request for Leave of Absence for the following date(s): 11/18/05, 11/21/05, 11/22/05, 11/23/05, 11/24/05, 11/25/05, 11/28/05, 11/29/05, by Thomas M. Mitchell. (Mitchell, Thomas) (Entered: 07/20/2005)
09/09/2005	90	Certified copy of JUDGMENT of USCA AFFIRMING in part, REVERSING in part & REMANDING the decision of the District Court re:[55] Notice of Appeal filed by Dennis Stephens, Case Appealed to 11th Circuit, Case Number 02-16424. (Attachments: # 1 Opinion)(scg) (Entered: 09/12/2005)
09/09/2005		Appeal Record Returned: [55] Notice of Appeal, [76] Notice of Appeal; Case Appealed to 11th Circuit, Case Number 02-16424-DD (5 vols. pleadings, 12 vols. exhibits/depositions). (scg) (Entered: 12/30/2005)
09/12/2005	91	PROPOSED Mandate Order re: 90 USCA Judgment. (scg) (Entered: 09/12/2005)
10/05/2005	92	MOTION to Reopen Case by Peter Evans. (Jensen, Dovre) (Entered: 10/05/2005)
10/24/2005		Submission of 92 MOTION by Peter Evans to Reopen Case, submitted to District Judge Jack T. Camp. (scg) (Entered: 10/24/2005)
01/25/2006	93	MOTION to Dismiss by Peter Evans, Detree Jordan. (Attachments: # 1)(Jensen, Dovre) (Entered: 01/25/2006)
02/13/2006		Submission of 93 Plaintiffs' MOTION to Dismiss, submitted to District Judge Jack T. Camp. (scg) (Entered: 02/13/2006)
02/21/2006	94	ORDER making the USCA mandate the judgment of this Court re [55] & [76] Notices of Appeal, USCA Appeal Number 02-16424-DD; Signed by Judge Jack T. Camp on 2/21/06. (scg) (Entered: 02/21/2006)
02/28/2006	95	ORDER granting 93 Plaintiffs' Motion to Dismiss case with prejudice (Settlement Agreement attached). Signed by Judge Jack T. Camp on 2/24/06. (scg) (Entered: 03/01/2006)

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