

**U.S. District Court  
Eastern District of Arkansas (Pine Bluff)  
CIVIL DOCKET FOR CASE #: 5:06-cv-00110-SWW**

Nooner v. Norris et al  
Assigned to: Judge Susan Webber Wright  
Member case: [\(View Member Case\)](#)  
Case in other court: USCA8, 06-02748  
USCA8, 07-03165  
USCA8, 07-03167  
USCA8, 08-02978

Date Filed: 05/01/2006  
Date Terminated: 08/05/2008  
Jury Demand: None  
Nature of Suit: 555 Prison Condition: Civil Rights  
Jurisdiction: Federal Question

Cause: 42:1983 Prisoner Civil Rights

**Plaintiff**

**Terrick Terrell Nooner**

represented by **Julie C. Brain**  
Federal Public Defenders Office –  
Wilmington  
800 King Street  
Suite 200  
Wilmington, DE 19801  
302-573-6010 ext 252  
Email: [julie\\_brain@fd.org](mailto:julie_brain@fd.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Consol Plaintiff**

**Frank Williams, Jr**

represented by **Julie C. Brain**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Intervenor Plaintiff**

**Don William Davis**  
ADC #SK-920

represented by **Deborah Ruth Sallings**  
Arkansas Public Defender Commission –  
Little Rock  
101 East Capitol Avenue  
Suite 201  
Little Rock, AR 72201  
501-682-9070  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**E. Alvin Schay**  
Attorney At Law  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Intervenor Plaintiff**

**Jack Harold Jones, Jr**

represented by

**Dale E. Adams**  
Montgomery, Adams & Wyatt, PLC  
308 East 8th Street  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jeffrey M. Rosenzweig**  
Attorney at Law  
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501-372-5247  
Email: [jrosenzweig@att.net](mailto:jrosenzweig@att.net)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Larry Norris**  
*in his official capacity as Director,  
Arkansas Department of Correction*

represented by **Joseph V. Svoboda**  
Attorney at Law  
Post Office Box 554  
Carlisle, AR 72024  
870-552-3436  
Fax: 870-552-3677  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Mark Arnold Hagemeyer**  
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*TERMINATED: 01/04/2007*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**C. Joseph Cordi , Jr.**  
Arkansas Attorney General's Office  
Catlett-Prien Tower Building  
323 Center Street  
Suite 200  
Little Rock, AR 72201-2610  
(501) 682-1317  
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*ATTORNEY TO BE NOTICED*

**Kelly K. Hill**  
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323 Center Street  
Suite 200  
Little Rock, AR 72201-2610  
(501) 682-8068  
Email: [kelly.hill@arkansasag.gov](mailto:kelly.hill@arkansasag.gov)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Gaylon Lay**  
*in his official capacity as Warden,  
Arkansas Department of Correction,  
Cummins Unit*

represented by **C. Joseph Cordi , Jr.**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Joseph V. Svoboda**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Mark Arnold Hagemeyer**  
(See above for address)  
*TERMINATED: 01/04/2007  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Kelly K. Hill**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Wendy Kelly**  
*in her official capacity as Deputy  
Director for Health and Correctional  
Programs, Arkansas Department of  
Correction*

represented by **C. Joseph Cordi , Jr.**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Joseph V. Svoboda**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Mark Arnold Hagemeyer**  
(See above for address)  
*TERMINATED: 01/04/2007  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Kelly K. Hill**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**John Byus**  
*in his official capacity as Administrator,  
Correctional Medical Services, Arkansas  
Department of Correction*

represented by **C. Joseph Cordi , Jr.**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Joseph V. Svoboda**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Mark Arnold Hagemeyer**  
(See above for address)  
*TERMINATED: 01/04/2007  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Kelly K. Hill**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant****Does**

*1–50, unknown executioners, in their official capacities as employees and/or agents of the Arkansas Department of Correction*

represented by **C. Joseph Cordi , Jr.**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Joseph V. Svoboda**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Mark Arnold Hagemeyer**  
(See above for address)  
**TERMINATED: 01/04/2007**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Kelly K. Hill**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
05/01/2006	<u>1</u>	COMPLAINT against all defendants filed by Terrick Terrell Nooner; summonses issued and returned to counsel(jap) (Entered: 05/02/2006)
05/01/2006	<u>2</u>	APPLICATION for Leave to Appear purs to Local Rule 83.5(d) by Julie Brain (jap) (Entered: 05/02/2006)
05/04/2006	<u>3</u>	MOTION to Intervene by Don William Davis. (vjt) (Entered: 05/05/2006)
05/05/2006	<u>4</u>	SUMMONS Returned Executed. John Byus served on 5/3/2006, answer due 5/23/2006. (bkp, ) (MODIFICATION: Docket text modified on 5/8/2006 to correct the name of the party served.) (thd) (Entered: 05/08/2006)
05/05/2006	<u>5</u>	SUMMONS Returned Executed. Larry Norris served on 5/3/2006, answer due 5/23/2006. (bkp, ) (Entered: 05/08/2006)
05/05/2006	<u>6</u>	SUMMONS Returned Executed. Gaylon Lay served on 5/4/2006, answer due 5/24/2006. (bkp, ) (Entered: 05/08/2006)
05/05/2006	<u>7</u>	SUMMONS Returned Executed. Wendy Kelly served on 5/3/2006, answer due 5/23/2006. (bkp, ) (Entered: 05/08/2006)
05/05/2006		Set/Reset Deadlines: John Byus answer due 5/23/2006. (bkw) (Entered: 05/08/2006)
05/05/2006		***Answer Deadline set for Terrick Nooner terminated. (bkw) (Entered: 05/08/2006)
05/08/2006		NOTICE OF DOCKET CORRECTION re: <u>4</u> Summons Returned Executed. CORRECTION: Docket text modified to reflect the correct party served as Defendant John Byus. (thd) (Entered: 05/08/2006)
05/08/2006	<u>8</u>	CERTIFICATE OF MAILING by the Clerk re Notice of Docket Correction. (thd) (Entered: 05/08/2006)
05/15/2006	<u>9</u>	RESPONSE to Motion re <u>3</u> MOTION to Intervene filed by Larry Norris, Gaylon Lay, Wendy Kelly, John Byus, Does. (Svoboda, Joseph) (Entered: 05/15/2006)
05/15/2006	<u>10</u>	Notice of Appearance by Larry Norris, Gaylon Lay, Wendy Kelly, John Byus, Does. (Hagemeyer, Mark) (Modified entry on 5/16/2006 to correct text – incorrectly filed as a motion) (bkw). (Entered: 05/15/2006)
05/15/2006		***Attorney Mark Arnold Hagemeyer for Larry Norris, Gaylon Lay, Wendy Kelly, John Byus, and all other unnamed employees and agents of the Arkansas

		Department of Correction added. (bfw) (Entered: 05/16/2006)
05/15/2006		***Motions terminated: <u>10</u> MOTION for Leave to Appear Notice of Appearance filed by John Byus, Gaylon Lay, Larry Norris, Does, Wendy Kelly. (Entry was incorrectly filed as a Motion instead of Notice of Appearance) (bfw) (Entered: 05/16/2006)
05/16/2006		NOTICE OF DOCKET CORRECTION: <u>10</u> MOTION for Leave to Appear Notice of Appearance – (modified entry incorrectly filed as a motion to correct text to Notice of Appearance) (bfw) (Entered: 05/16/2006)
05/17/2006	<u>11</u>	ORDER directing plaintiff to, within 30 days of the entry date of this order, submit either an application requesting leave to proceed ifp or the \$350 filing fee in full; and granting <u>2</u> Motion for Leave to Appear of Julie Brain. Signed by Judge John F. Forster Jr. on 5/17/06. (bkp, ) (Entered: 05/17/2006)
05/17/2006	<u>12</u>	CERTIFICATE OF MAILING by the Clerk re <u>11</u> Order on Motion for Leave to Appear, (bkp, ) (Entered: 05/17/2006)
05/19/2006	<u>13</u>	MOTION to Dismiss by Larry Norris, Gaylon Lay, Wendy Kelly, John Byus, Does. (Svoboda, Joseph) (Entered: 05/19/2006)
05/19/2006	<u>14</u>	BRIEF IN SUPPORT filed by Larry Norris, Gaylon Lay, Wendy Kelly, John Byus, Does re <u>1</u> Complaint <i>Brief in Support of Motion to Dismiss</i> . (Svoboda, Joseph) (Entered: 05/19/2006)
05/26/2006	<u>15</u>	ORDER re <u>3</u> Motion to Intervene, Don William Davis is hereby granted leave to intervene as a plaintiff in this action . Signed by Judge Susan Webber Wright on 5/26/06. (vjt) (Entered: 05/26/2006)
05/26/2006	<u>16</u>	CERTIFICATE OF MAILING by the Clerk re <u>15</u> Order on Motion to Intervene (vjt) (Entered: 05/26/2006)
05/30/2006	<u>17</u>	ORDER that the referral to the Magistrate Judge in this matter should be terminated. Signed by Judge Susan Webber Wright on 5/30/06. (vjt) (Entered: 05/31/2006)
05/30/2006		Judge John F. Forster, Jr no longer assigned to case per Order <u>17</u> . (vjt) (Entered: 05/31/2006)
05/31/2006	<u>18</u>	CERTIFICATE OF MAILING by the Clerk re <u>17</u> Order (vjt) (Entered: 05/31/2006)
05/31/2006	<u>19</u>	MOTION for Leave to Proceed in forma pauperis by Terrick Terrell Nooner. (Brain, Julie) (Entered: 05/31/2006)
06/02/2006	<u>20</u>	RESPONSE in Opposition re <u>13</u> MOTION to Dismiss filed by Terrick Terrell Nooner. (Brain, Julie) (Entered: 06/02/2006)
06/12/2006	<u>21</u>	MOTION for Preliminary Injunction by Don William Davis. (Attachments: # <u>1</u> Exhibit 1–ADC Admn Directive 96–06# <u>2</u> Exhibit 2–Newspaper article 3–5–83 "Pharmacy Dean resents role"# <u>3</u> Exhibit 3–Newspaper Article 3–12–83 "May Not Sign Injection Bill"# <u>4</u> Exhibit 4–Newspaper article 5–15–83 "Sponsor Recalls Lethal Injection Bill"# <u>5</u> Exhibit Newspaper Article 3–26–83 Clinton Signs Injection Bill# <u>6</u> Exhibit 6A# <u>7</u> Exhibit 6–B# <u>8</u> Exhibit 6–C# <u>9</u> Exhibit 6–D# <u>10</u> Exhibit 7# <u>11</u> Exhibit 8# <u>12</u> Exhibit 9# <u>13</u> Exhibit 10# <u>14</u> Exhibit 11# <u>15</u> Exhibit 12# <u>16</u> Exhibit 13# <u>17</u> Exhibit 14# <u>18</u> Exhibit 15# <u>19</u> Exhibit 16# <u>20</u> Exhibit 17# <u>21</u> Exhibit 18# <u>22</u> Exhibit 19# <u>23</u> Exhibit 20# <u>24</u> Exhibit 21# <u>25</u> Exhibit 22# <u>26</u> Exhibit 23# <u>27</u> Exhibit 24# <u>28</u> Exhibit 25# <u>29</u> Exhibit 26# <u>30</u> Errata 27# <u>31</u> Exhibit 28# <u>32</u> Exhibit 29# <u>33</u> Exhibit 30# <u>34</u> Exhibit 31# <u>35</u> Exhibit 32# <u>36</u> Exhibit 33# <u>37</u> Exhibit 34# <u>38</u> Exhibit 35# <u>39</u> Exhibit 36# <u>40</u> Exhibit 37# <u>41</u> Exhibit 38# <u>42</u> Exhibit 39# <u>43</u> Exhibit 40# <u>44</u> Exhibit 41# <u>45</u> Exhibit 42# <u>46</u> Exhibit 43# <u>47</u> Exhibit 44# <u>48</u> Exhibit 45# <u>49</u> Exhibit 46# <u>50</u> Exhibit 47# <u>51</u> Exhibit 48# <u>52</u> Exhibit 49# <u>53</u> Exhibit INDEX)(Schay, E.) (Entered: 06/12/2006)
06/12/2006	<u>22</u>	MOTION for Leave to Proceed in forma pauperis filed by Don William Davis. (pag, )(copy mailed) (Entered: 06/13/2006)

06/14/2006	<u>23</u>	RESPONSE in Opposition re <u>13</u> MOTION to Dismiss filed by Terrick Terrell Nooner. (Brain, Julie) (Entered: 06/14/2006)
06/19/2006	<u>24</u>	ORDER denying <u>13</u> Defts' Motion to Dismiss . Signed by Judge Susan Webber Wright on 6/19/06. (vjt) (Entered: 06/19/2006)
06/19/2006	<u>25</u>	CERTIFICATE OF MAILING by the Clerk re <u>24</u> Order on Motion to Dismiss (vjt) (Entered: 06/19/2006)
06/19/2006	<u>26</u>	ORDER Directing Monthly Payments be made from Prison Accounts of Terrick Nooner and Don William Davis until the \$350 filing fee is paid in full; granting motions for leave to proceed ifp <u>19 22</u> ; the Court assesses an initial partial filing fee of \$11.87 for Nooner and \$75.74 for Davis. Signed by Judge Susan Webber Wright on 6/19/06. (vjt) (Entered: 06/20/2006)
06/20/2006	<u>27</u>	CERTIFICATE OF MAILING by the Clerk re <u>26</u> Order Directing Prisoner Payment, Terminate Motions (copy of Order forwarded to Warden–Varner Supermax, ADC Compliance Office and ADC Trust Fund Office) (vjt) (Entered: 06/20/2006)
06/22/2006	<u>28</u>	RESPONSE to Motion re <u>21</u> MOTION for Preliminary Injunction filed by Larry Norris, Gaylon Lay, Wendy Kelly, John Byus, Does. (Attachments: # <u>1</u> Defendant's Exhibit A)(Svoboda, Joseph) (Entered: 06/22/2006)
06/26/2006	<u>29</u>	ORDER granting <u>21</u> Davis's motion for preliminary injunction; IT IS HEREBY ORDERED that the State of Arkansas is STAYED from implementing an order for the execution of Don William Davis until further notice from this Court; the Court will attempt to set an expedited hearing, depending on the schedules of the involved parties. Signed by Judge Susan Webber Wright on 6/26/06. (vjt) (Entered: 06/26/2006)
06/26/2006	<u>30</u>	CERTIFICATE OF MAILING by the Clerk re <u>29</u> Order on Motion for Preliminary Injunction (vjt) (Entered: 06/26/2006)
06/27/2006	<u>31</u>	NOTICE OF AMENDMENT AND CORRECTION TO ORDER <u>29</u> ENTERED June 26, 2006, the footnote contains an error. (vjt) (Entered: 06/27/2006)
06/27/2006	<u>32</u>	CERTIFICATE OF MAILING by the Clerk re <u>31</u> Notice of Amendment and Correction (vjt) (Entered: 06/27/2006)
06/30/2006	<u>33</u>	NOTICE OF APPEAL as to <u>29</u> Order on Motion for Preliminary Injunction, by Larry Norris, Gaylon Lay, Wendy Kelly, John Byus, Does. Filing fee \$ 455, receipt number 001369. (dac, ) (Entered: 06/30/2006)
06/30/2006	<u>34</u>	NOTIFICATION OF APPEAL and NOA SUPPLEMENT as to <u>33</u> Notice of Appeal, <u>29</u> Order on Motion for Preliminary Injunction. (dac, ) (Entered: 06/30/2006)
06/30/2006		*** COA BATCH RECEIPT of Notice of Appeal and related supporting documents sent on: Fri Jun 30 13:27:46 CDT 2006 (dac, ) (Entered: 06/30/2006)
06/30/2006	<u>35</u>	CERTIFICATE OF MAILING by the Clerk re <u>33</u> Notice of Appeal, <u>34</u> Notification of Appeal and NOA Supplement (dac, ) (Entered: 06/30/2006)
06/30/2006	<u>36</u>	USCA Docketing Letter as to <u>33</u> Notice of Appeal filed by John Byus, Gaylon Lay, Larry Norris, Does, Wendy Kelly. USCA Case Number 06–2748 (dac, ) (Entered: 06/30/2006)
07/05/2006	<u>37</u>	ANSWER to Complaint by Larry Norris, Gaylon Lay, Wendy Kelly, John Byus, Does.(Svoboda, Joseph) (Entered: 07/05/2006)
08/08/2006	<u>38</u>	ORDER advising pltf Nooner that if he wishes to pursue claims in addition to those at issue in this action, he must file a separate lawsuit. Signed by Judge Susan Webber Wright on 8/8/06. (vjt) (Entered: 08/08/2006)
08/08/2006	<u>39</u>	CERTIFICATE OF MAILING by the Clerk re <u>38</u> Order (vjt) (Entered: 08/08/2006)
11/22/2006		***Party Jack Harold Jones, Jr rep by Dale E. Adams & Jeffrey M. Rosenzweig added. (smb) (Entered: 11/22/2006)

11/22/2006	<u>40</u>	MOTION to Intervene by Jack Harold Jones, Jr. (smb) (Entered: 11/22/2006)
11/29/2006	<u>41</u>	RESPONSE to Motion re <u>40</u> MOTION to Intervene filed by Larry Norris, Gaylon Lay, Wendy Kelly, John Byus, Does. (Svoboda, Joseph) (Entered: 11/29/2006)
12/01/2006		***Party Jack Harold Jones, Jr rep by Dale E. Adams, Jeffrey M. Rosenzweig added. Party Jack Harold Jones, Jr terminated. (dac, ) (Entered: 12/01/2006)
12/01/2006	<u>42</u>	ORDER granting <u>40</u> Motion to Intervene of Jack Harold Jones, Jr. Signed by Judge Susan Webber Wright on 12/1/06. (dac, ) (Entered: 12/01/2006)
12/01/2006	<u>43</u>	CERTIFICATE OF MAILING by the Clerk re <u>42</u> Order on Motion to Intervene (dac, ) (Entered: 12/01/2006)
12/13/2006	<u>44</u>	ORDER, Clerk is directed to return to Plaintiff Nooner without docketing his "Motion of Amended Civil Action". Signed by Judge Susan Webber Wright on 12/13/06. (dac, ) (Entered: 12/13/2006)
12/13/2006	<u>45</u>	CERTIFICATE OF MAILING by the Clerk re <u>44</u> Order (dac, ) (Entered: 12/13/2006)
12/14/2006	<u>46</u>	MOTION (pro se) of Voluntary Dismissal by Terrick Terrell Nooner. (dac, ) (Modified entry on 12/15/2006 to attach correct document – motion & notice combined as one document at the direction of chambers) (bfw). (Entered: 12/15/2006)
12/15/2006	<u>47</u>	NOTICE OF DOCKET CORRECTION: <u>46</u> MOTION to Dismiss – (modified entry to attach correct document; motion & notice combined at the direction of chambers) (copy of document attached hereto for service on counsel) (bfw) (Entered: 12/15/2006)
12/15/2006	<u>48</u>	CERTIFICATE OF MAILING by the Clerk re <u>47</u> Notice of Docket Correction, <u>46</u> MOTION to Dismiss (dac, ) (Entered: 12/15/2006)
12/15/2006	<u>49</u>	ORDER Julie Brian, FPD is directed to respond within 15 days from the entry date of this order to Nooner's <u>46</u> Motion to Dismiss . Signed by Judge Susan Webber Wright on 12/15/06 (dac, ) (Entered: 12/18/2006)
12/18/2006	<u>50</u>	CERTIFICATE OF MAILING by the Clerk re <u>49</u> Order on Motion to Dismiss (dac, ) (Entered: 12/18/2006)
01/02/2007	<u>51</u>	MOTION to Substitute Attorney <i>C. Joseph Cordi, Jr., in place of Mark Hagemeyer by all Defendants</i> by Larry Norris. (Cordi, C.) (Entered: 01/02/2007)
01/03/2007	<u>52</u>	RESPONSE to Motion re <u>46</u> MOTION to Dismiss filed by Terrick Terrell Nooner. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4)(Brain, Julie) (Entered: 01/03/2007)
01/04/2007		***Set/Clear Flags (pag, ) (Entered: 01/04/2007)
01/04/2007	<u>53</u>	ORDER granting <u>51</u> Motion to Substitute Attorney. Added attorney C. Joseph Cordi, Jr for Gaylon Lay and Wendy Kelly. Attorney Mark Arnold Hagemeyer terminated . Signed by Judge Susan Webber Wright on 1/4/07. (dac, ) (Entered: 01/04/2007)
01/04/2007	<u>54</u>	CERTIFICATE OF MAILING by the Clerk re <u>53</u> Order on Motion to Substitute Attorney (dac, ) (Entered: 01/04/2007)
03/27/2007	<u>55</u>	AMENDED MOTION to Voluntary Dismiss by Terrick Terrell Nooner (copy mailed) (dac) (Entered: 03/27/2007)
03/27/2007	<u>57</u>	ORDER, defendant's counsel is directed to file a response to Nooner's <u>46</u> motion for voluntary dismissal and Nooner's <u>55</u> amended motion for voluntary dismissal within 15 days from the entry date of this order. Signed by Judge Susan Webber Wright on 3/27/07. (dac) (Entered: 03/27/2007)
04/05/2007	<u>59</u>	AMENDMENT TO MOTION to Dismiss by Terrick Terrell Nooner (dac) (Entered: 04/05/2007)

04/11/2007	<u>61</u>	RESPONSE to Motion re <u>46</u> MOTION to Dismiss, <u>55</u> MOTION to Dismiss, <u>59</u> MOTION to Dismiss filed by Larry Norris. (Cordi, C.) (Entered: 04/11/2007)
04/18/2007	<u>62</u>	REPLY to Response to Motion re <u>59</u> MOTION to Dismiss <i>Pro Se Filings</i> filed by Terrick Terrell Nooner. (Brain, Julie) (Entered: 04/18/2007)
05/07/2007	<u>63</u>	ORDER denying <u>46</u> Motion to Dismiss <u>55</u> Motion to Dismiss <u>59</u> Motion to Dismiss. Signed by Judge Susan Webber Wright on 5/7/07. (dac) (Entered: 05/07/2007)
07/09/2007	<u>65</u>	OPINION of USCA, because the district court failed to apply the correct legal standard, we reverse the district court's grant of a preliminary injunction, and we vacate the stay of execution it issued in this case, as to <u>33</u> Notice of Appeal filed by Does, Larry Norris, Wendy Kelly, Gaylon Lay, John Byus. (dac) (Entered: 07/09/2007)
07/09/2007	<u>66</u>	USCA JUDGMENT as to <u>33</u> Notice of Appeal filed by Does, Larry Norris, Wendy Kelly, Gaylon Lay, John Byus. Judgment of the district court is reversed and the stay of execution is vacated in accordance with the opinion of this court (dac) (Entered: 07/09/2007)
07/10/2007	<u>67</u>	MOTION for Discovery <i>Expedited</i> by Terrick Terrell Nooner (Brain, Julie) (Entered: 07/10/2007)
07/11/2007	<u>68</u>	MOTION to Shorten Time <i>for Response to Motion for Expedited Discovery</i> by Terrick Terrell Nooner (Brain, Julie) (Entered: 07/11/2007)
07/11/2007	<u>69</u>	RESPONSE to Motion re <u>68</u> MOTION to Shorten Time <i>for Response to Motion for Expedited Discovery</i> filed by Larry Norris, Gaylon Lay, Wendy Kelly, John Byus. (Cordi, C.) (Entered: 07/11/2007)
07/12/2007	<u>70</u>	Amended MOTION for Discovery <i>Expedited</i> by Terrick Terrell Nooner (Brain, Julie) (Entered: 07/12/2007)
07/16/2007	<u>71</u>	ORDER granting in part <u>68</u> Motion to Shorten Time for Defendants' to Respond to Motion for Expedited Discovery. Defendants have up to and including 7/17/07 to file a response. Signed by Judge Susan Webber Wright on 7/16/07. (dac) (Entered: 07/16/2007)
07/17/2007	<u>73</u>	MOTION for Summary Judgment by Larry Norris, Gaylon Lay, Wendy Kelly, John Byus (Cordi, C.) (Entered: 07/17/2007)
07/17/2007	<u>74</u>	STATEMENT OF FACTS (Local Rule 56.1) re <u>73</u> Motion for Summary Judgment filed by Larry Norris, Gaylon Lay, Wendy Kelly, John Byus. (Attachments: # <u>1</u> Declaration of Larry Norris# <u>2</u> Exhibit A to Declaration of Larry Norris# <u>3</u> Declaration of Dr. Mark Dershwitz)(Cordi, C.) (Entered: 07/17/2007)
07/17/2007	<u>75</u>	BRIEF IN SUPPORT filed by Larry Norris, Gaylon Lay, Wendy Kelly, John Byus re <u>73</u> Motion for Summary Judgment (Cordi, C.) (Entered: 07/17/2007)
07/17/2007	<u>76</u>	RESPONSE to Motion re <u>67</u> MOTION for Discovery <i>Expedited</i> , <u>70</u> Amended MOTION for Discovery <i>Expedited</i> filed by Larry Norris, Gaylon Lay, Wendy Kelly, John Byus. (Attachments: # <u>1</u> Exhibit A, Nooner's Request for Production of Documents# <u>2</u> Exhibit B, Nooner's Interrogatories to Defendants)(Cordi, C.) (Entered: 07/17/2007)
07/17/2007	<u>77</u>	DECLARATION ( <i>Substituted</i> ) of Larry Norris bearing his signature by Larry Norris, Gaylon Lay, Wendy Kelly, John Byus. re <u>74</u> Statement of Facts (Local Rule 56.1), Statement of Facts (Local Rule 56.1) filed by Larry Norris, Wendy Kelly, Gaylon Lay, John Byus (Cordi, C.) (Entered: 07/17/2007)
07/23/2007	<u>78</u>	MOTION to Consolidate Cases by Larry Norris, Gaylon Lay, Wendy Kelly, John Byus (Attachments: # <u>1</u> Notice of Related Case Filed in Williams v. Norris, 5:07cv173 WRW/HDY)(Cordi, C.) (Entered: 07/23/2007)
07/23/2007	<u>79</u>	BRIEF IN SUPPORT filed by Larry Norris, Gaylon Lay, Wendy Kelly, John Byus re <u>78</u> Motion to Consolidate Cases (Cordi, C.) (Entered: 07/23/2007)



07/30/2007	<u>80</u>	RESPONSE in Opposition re <u>73</u> MOTION for Summary Judgment filed by Terrick Terrell Nooner. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2)(Brain, Julie) (Entered: 07/30/2007)
07/30/2007	<u>81</u>	STATEMENT OF FACTS (Local Rule 56.1) re <u>80</u> Response in Opposition to Motion <i>For Summary Judgment</i> filed by Terrick Terrell Nooner. (Attachments: # <u>1</u> Exhibit Index)(Brain, Julie) (Entered: 07/30/2007)
07/31/2007	<u>82</u>	EXHIBITS 1 – 50 to <u>81</u> Statement of Facts (Local Rule 56.1) filed by plaintiffs. (available in 2 spiral binders, PAPER FORMAT ONLY) (dac) (Entered: 07/31/2007)
08/01/2007	<u>83</u>	REPLY to Response to Motion re <u>67</u> MOTION for Discovery <i>Expedited</i> filed by Terrick Terrell Nooner. (Brain, Julie) (Entered: 08/01/2007)
08/03/2007	<u>84</u>	RESPONSE in Opposition re <u>78</u> MOTION to Consolidate Cases <i>By Frank Williams</i> filed by Terrick Terrell Nooner. (Brain, Julie) (Entered: 08/03/2007)
08/03/2007	<u>85</u>	REPLY to Response to Motion re <u>73</u> MOTION for Summary Judgment filed by Larry Norris, Gaylon Lay, Wendy Kelly, John Byus. (Cordi, C.) (Entered: 08/03/2007)
08/06/2007	<u>86</u>	NOTICE of Appearance by Kelly K. Hill on behalf of all defendants (Hill, Kelly) (Entered: 08/06/2007)
08/08/2007	<u>87</u>	MOTION for Preliminary Injunction <i>or Stay of Execution</i> by Terrick Terrell Nooner (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4)(Brain, Julie) (Entered: 08/08/2007)
08/09/2007	<u>88</u>	ORDER DENYING <u>67</u> <u>70</u> Motion for Discovery; GRANTING <u>78</u> Motion to Consolidate Cases. The Clerk of the Court is directed to consolidate Williams v. Norris, 5:07cv00173 WRW with this case, Nooner v. Norris, 5:06cv00110 SWW. The parties are advised that all future motions, pleadings, orders and other filings in the consolidated cases will be filed in the LEAD CASE, 5:06CV00110. Signed by Judge Susan Webber Wright on 8/9/07. (dac) (Entered: 08/09/2007)
08/22/2007	<u>89</u>	MOTION for Order <i>to Cease Collecting Filing Fee and to Remit Fee Already Collected by Frank Williams</i> by Terrick Terrell Nooner (Brain, Julie) (Entered: 08/22/2007)
08/22/2007	<u>90</u>	RESPONSE in Opposition re <u>87</u> MOTION for Preliminary Injunction <i>or Stay of Execution</i> filed by Larry Norris, Gaylon Lay, Wendy Kelly, John Byus. (Cordi, C.) (Entered: 08/22/2007)
08/28/2007	<u>91</u>	REPLY to Response to Motion re <u>87</u> MOTION for Preliminary Injunction <i>or Stay of Execution</i> filed by Terrick Terrell Nooner. (Brain, Julie) (Entered: 08/28/2007)
09/04/2007	<u>92</u>	MOTION to Stay <i>Execution or for Preliminary Injunction</i> by Jack Harold Jones, Jr (Rosenzweig, Jeffrey) (Entered: 09/04/2007)
09/11/2007	<u>93</u>	ORDER denying <u>87</u> Motion for Preliminary Injunction; denying <u>92</u> Motion to Stay. Signed by Judge Susan Webber Wright on 9/11/07. (dac) (Entered: 09/12/2007)
09/13/2007	<u>94</u>	ORDER of USCA the petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied as to <u>33</u> Notice of Appeal filed by Does, Larry Norris, Wendy Kelly, Gaylon Lay, John Byus (dac) (Entered: 09/13/2007)
09/18/2007	<u>95</u>	NOTICE OF APPEAL as to <u>93</u> Order on Motion for Preliminary Injunction, Order on Motion to Stay by Jack Harold Jones, Jr. (Rosenzweig, Jeffrey) (Entered: 09/18/2007)
09/19/2007	<u>96</u>	NOTIFICATION OF APPEAL and NOA SUPPLEMENT as to <u>95</u> Notice of Appeal, <u>93</u> Order on Motion for Preliminary Injunction, Order on Motion to Stay. (dac) (Entered: 09/19/2007)
09/19/2007	<u>97</u>	NOTICE OF APPEAL as to <u>93</u> Order on Motion for Preliminary Injunction, Order on Motion to Stay by Terrick Terrell Nooner. (Brain, Julie) (Entered: 09/19/2007)

09/19/2007		*** COA BATCH RECEIPT of Notice of Appeal and related supporting documents sent on: Wed Sep 19 12:17:42 CDT 2007 (COA3, ) (Entered: 09/19/2007)
09/19/2007	<u>98</u>	NOTIFICATION OF APPEAL and NOA SUPPLEMENT as to <u>97</u> Notice of Appeal, <u>93</u> Order on Motion for Preliminary Injunction, Order on Motion to Stay. (dac) (Entered: 09/19/2007)
09/19/2007	<u>99</u>	ORDER of USCA appellant's motion to stay the mandate is denied as to <u>33</u> Notice of Appeal filed by Does, Larry Norris, Wendy Kelly, Gaylon Lay, John Byus (dac) (Entered: 09/19/2007)
09/19/2007		*** COA BATCH RECEIPT of Notice of Appeal and related supporting documents sent on: Wed Sep 19 13:43:56 CDT 2007 (COA3, ) (Entered: 09/19/2007)
09/20/2007	<u>100</u>	MANDATE of USCA in accordance with the opinion and judgment of 7/9/07 as to <u>33</u> Notice of Appeal filed by Does, Larry Norris, Wendy Kelly, Gaylon Lay, John Byus (dac) (Entered: 09/20/2007)
09/20/2007	<u>101</u>	MOTION For Nunc Pro Tunc Appointment of Counsel by Don William Davis (dac) (Entered: 09/20/2007)
09/20/2007	<u>102</u>	USCA Docketing Letter as to <u>95</u> Notice of Appeal filed by Jack Harold Jones, Jr. USCA Case Number 07-3165 (dac) (Entered: 09/20/2007)
09/20/2007	<u>103</u>	ORDER of USCA case is remanded to the district court for calculation and collection of appellate filing fees pursuant to Henderson v. Norris as to <u>95</u> Notice of Appeal filed by Jack Harold Jones, Jr (dac) (Entered: 09/20/2007)
09/20/2007	<u>104</u>	USCA Docketing Letter as to <u>97</u> Notice of Appeal filed by Terrick Terrell Nooner. USCA Case Number 07-3167 (dac) (Entered: 09/20/2007)
09/25/2007	<u>105</u>	USCA Docketing Letter as to <u>97</u> Notice of Appeal filed by Terrick Terrell Nooner. USCA Case Number 07-3167 (dac) (Entered: 09/25/2007)
09/25/2007	<u>106</u>	ORDER plaintiff Jones has until 10/18/07 to submit the \$455 appellate filing fee in full or submit a completed application to proceed on appeal in forma pauperis with calculation sheet. The Clerk is directed to send plaintiff an in forma pauperis application and calculation sheet, re <u>103</u> USCA Order Signed by Judge Susan Webber Wright on 9/25/07. (dac) (Entered: 09/25/2007)
10/08/2007	<u>108</u>	FINANCIAL AFFIDAVIT by Jack Harold Jones, Jr (Adams, Dale) (Entered: 10/08/2007)
10/09/2007	<u>109</u>	ORDER Directing Monthly Payments be made from Prison Account of Jack Harold Jones until the \$455 appellate docketing and filing fees have been paid, re. <u>108</u> . Signed by Judge Susan Webber Wright on 10/9/07. (dac) (Entered: 10/09/2007)
10/09/2007		*** COA BATCH RECEIPT of <u>109</u> Order and related supporting documents sent on: Tue Oct 9 14:44:01 CDT 2007 (Collins, Doris) (Entered: 10/09/2007)
10/11/2007	<u>111</u>	ORDER of USCA as to <u>95</u> Notice of Appeal filed by Jack Harold Jones, Jr. finding that Appellant Jack Harold Jones's motion for stay of execution is granted. (thd) (Entered: 10/12/2007)
10/16/2007	<u>112</u>	ORDER U S Supreme Court, the application to vacate the stay of execution of sentence of death entered by the U. S. Court of Appeals for the Eighth Circuit on 10/11/07 is DENIED (dac) (Entered: 10/17/2007)
10/22/2007	<u>113</u>	MOTION to Stay <i>Execution</i> by Don William Davis (Schay, E.) (Entered: 10/22/2007)
10/29/2007	<u>114</u>	RESPONSE in Opposition re <u>113</u> MOTION to Stay <i>Execution of Intervenor-Plaintiff Don Davis</i> filed by Larry Norris, Gaylon Lay, Wendy Kelly, John Byus. (Cordi, C.) (Entered: 10/29/2007)
10/30/2007	<u>115</u>	ORDER granting <u>101</u> Motion to Appoint Counsel E. Alvin Schay for Don William Davis nunc pro tunc to 5/26/06. Signed by Judge Susan Webber Wright on

		10/30/07. (dac) (Entered: 10/31/2007)
10/30/2007	<u>116</u>	ORDER granting <u>113</u> Motion to Stay as to Intervenor Don William Davis. Signed by Judge Susan Webber Wright on 10/30/07. (dac) (Entered: 10/31/2007)
10/30/2007	<u>120</u>	CJA 30: Appointment of Attorney E. Alvin Schay for Don William Davis in Death Penalty Proceedings. Signed by Judge Susan Webber Wright on 10/30/07. (dac) (Entered: 11/13/2007)
11/08/2007	<u>117</u>	ORDER granting <u>89</u> Motion for Order to be relieved of paying two filing fees. The ADC or his designee or any future custodian is directed that only a single filing fee of \$350 is required for the consolidated cases Nooner v. Norris, No. 5:06cv00110 and Williams v. Norris No. 5:07cv00173. Any payments that have been collected from Williams's inmate trust account and forwarded to the Clerk toward payment of the filing fee in Williams v. Norris, No. 5:07cv00173 should be credited toward the single, \$350 filing fee obligation in the consolidated cases. Signed by Judge Susan Webber Wright on 11/8/07. (dac) (Entered: 11/08/2007)
11/09/2007	<u>119</u>	ORDER STAYING CASE, pending the Supreme Court's decision in Baze v. Rees. The Clerk is directed to administratively terminate this case. It is Further Ordered that Plaintiffs shall have 30 days following a final decision by the Supreme Court in Baze in which to file a motion to reopen this case. Denying Without Prejudice <u>73</u> MOTION for Summary Judgment filed by Larry Norris, Gaylon Lay, John Byus. Signed by Judge Susan Webber Wright on 11/9/07. (dac) (Entered: 11/09/2007)
12/05/2007	<u>121</u>	Letter from Jack Jones (copy mailed) (dac) (Entered: 12/05/2007)
12/12/2007		Docket Note: The filing fee of \$350.00 has been received and satisfied in full by the Plaintiff. (thd) (Entered: 12/12/2007)
12/20/2007	<u>122</u>	Letter from USCA8 Clerk, petition for a writ of certiorari was filed in the U. S. Supreme Court on 12/11/07 and placed on the docket 12/14/07 as No. 07-8195 (dac) (Entered: 12/20/2007)
01/18/2008	<u>123</u>	ORDER denying without prejudice <u>10</u> defendants' motion to dismiss or, alternatively, for summary judgment, case no. 5:07cv00173). Signed by Judge Susan Webber Wright on 1/18/08. (dac) (Entered: 01/18/2008)
02/26/2008	<u>124</u>	Letter from USCA Clerk, petition for a writ of certiorari is denied by the U S Supreme Court, case no 07-8195 (dac) (Entered: 02/26/2008)
05/15/2008	<u>125</u>	MOTION to Reopen Case <i>and for Issuance of Initial Scheduling Order</i> by Terrick Terrell Nooner (Brain, Julie) (Entered: 05/15/2008)
05/21/2008	<u>126</u>	ORDER REOPENING CASE, granting in part Pltfs' <u>125</u> MOTION to Reopen Case and for Issuance of Initial Scheduling Order; finding that a response from Defts is necessary before a decision can be made re Pltfs' request for a scheduling order. Signed by Judge Susan Webber Wright on 5/21/08. (vjt) (Entered: 05/21/2008)
06/04/2008	<u>127</u>	RESPONSE to Motion re <u>125</u> MOTION to Reopen Case <i>and for Issuance of Initial Scheduling Order</i> filed by Larry Norris, Gaylon Lay, Wendy Kelly, John Byus, Does. (Cordi, C.) (Entered: 06/04/2008)
06/04/2008	<u>128</u>	Second MOTION for Summary Judgment by Larry Norris, Gaylon Lay, Wendy Kelly, John Byus, Does (Cordi, C.) (Entered: 06/04/2008)
06/04/2008	<u>129</u>	STATEMENT OF FACTS (Local Rule 56.1) re <u>128</u> Motion for Summary Judgment filed by Larry Norris, Gaylon Lay, Wendy Kelly, John Byus, Does. (Attachments: # <u>1</u> Affidavit Larry Norris with Exhibit A, # <u>2</u> July 2007 Declaration of Dr. Dershwitz, # <u>3</u> May 2008 Dec of Dr Dershwitz)(Cordi, C.) (Entered: 06/04/2008)
06/04/2008	<u>130</u>	BRIEF IN SUPPORT filed by Gaylon Lay, Wendy Kelly, John Byus, Does re <u>128</u> Motion for Summary Judgment (Cordi, C.) (Entered: 06/04/2008)
06/04/2008	<u>131</u>	MOTION to Lift Stay <i>of Execution re Don William Davis</i> by Larry Norris, Gaylon Lay, Wendy Kelly, John Byus, Does (Cordi, C.) (Entered: 06/04/2008)

06/13/2008	<u>132</u>	MOTION for Extension of Time to File Response/Reply as to <u>131</u> MOTION to Lift Stay of Execution re Don William Davis by Don William Davis (Schay, E.) (Entered: 06/13/2008)
06/13/2008	<u>133</u>	MOTION for Extension of Time to File Response/Reply as to <u>128</u> Second MOTION for Summary Judgment, <u>129</u> Statement of Facts (Local Rule 56.1), Statement of Facts (Local Rule 56.1), <u>130</u> Brief in Support by Terrick Terrell Nooner (Brain, Julie) (Entered: 06/13/2008)
06/27/2008	<u>134</u>	ORDER granting Pltfs' Motions <u>131</u> <u>132</u> for Extension of Time; Pltfs have until 7/16/08 to file responses to Defts' <u>131</u> motion to lift the stay of execution and Defts' <u>128</u> second motion for summary judgment. Signed by Judge Susan Webber Wright on 6/27/08. (vj) (Entered: 06/30/2008)
07/16/2008	<u>135</u>	RESPONSE in Opposition re <u>128</u> Second MOTION for Summary Judgment filed by Terrick Terrell Nooner. (Brain, Julie) (Entered: 07/16/2008)
07/16/2008	<u>136</u>	RESPONSE in Opposition re <u>131</u> MOTION to Lift Stay of Execution re Don William Davis filed by Don William Davis. (Schay, E.) (Entered: 07/16/2008)
07/16/2008	<u>137</u>	STATEMENT OF FACTS (Local Rule 56.1) re <u>135</u> Response in Opposition to Motion for Summary Judgment filed by Terrick Terrell Nooner. (Attachments: # <u>1</u> Exhibit Index, # <u>2</u> Exhibit 1-ADC Administrative Directive 08-28, # <u>3</u> Exhibit 2-7/30/07 Declaration of Mark J.S. Heath, M.D., # <u>4</u> Exhibit 3-Arkansas Department of Correction 2006 Annual Report, # <u>5</u> Exhibit 4-Declaration of Bill Simmons, # <u>6</u> Exhibit 5-Charles Singleton Execution Newspaper Article, # <u>7</u> Exhibit 6-Curriculum Vitae and Biography of John Byus, # <u>8</u> Exhibit 7-6/11/06 Declaration of Mark J.S. Heath, M.D., # <u>9</u> Exhibit 8-Declaration of Charles L. Carpenter, # <u>10</u> Exhibit 9-Sтивен Hill Execution Newspaper Article, # <u>11</u> Exhibit 10-Ronald Gene Simmons Execution Newspaper Article, # <u>12</u> Document 11-Rickey Ray Rector Execution Newspaper Article, # <u>13</u> Exhibit 12-Rickey Ray Rector Execution Newspaper Article 2, # <u>14</u> Exhibit 13-Excerpt of Deposition of Dr. Mark Dershwitz, # <u>15</u> Exhibit 14-Rickey Ray Rector Post Mortem Photograph 1, # <u>16</u> Exhibit 15-Rickey Ray Rector Post Mortem Photograph 2, # <u>17</u> Exhibit 16-Rickey Ray Rector Post Mortem Photograph 3, # <u>18</u> Exhibit 17-Rickey Ray Rector Post Mortem Photograph 4, # <u>19</u> Exhibit 18-Rickey Ray Rector Post Mortem Photograph 5, # <u>20</u> Exhibit 19-Rickey Ray Rector Post Mortem Photograph 6, # <u>21</u> Exhibit 20-rickey Ray Rector Post Mortem Photograph 7, # <u>22</u> Exhibit 21-Rickey Ray Rector Post Mortem Photograph 8, # <u>23</u> Exhibit 22-Rickey Ray Rector Post Mortem Photograph 9, # <u>24</u> Exhibit 23-Rickey Ray Rector Autopsy Report, # <u>25</u> Exhibit 24-Rickey Ray Rector Execution Newspaper Article 3, # <u>26</u> Exhibit 25-Declaration of John Jewell)(Brain, Julie) (Entered: 07/16/2008)
07/16/2008	<u>138</u>	NOTICE by Terrick Terrell Nooner, re <u>137</u> Statement of Facts (Local Rule 56.1), of Additional Exhibits (Attachments: # <u>1</u> Exhibit 26-Clay Smith Post Mortem Photograph 1, # <u>2</u> Exhibit 27-Clay Smith Post Mortem Photograph 2, # <u>3</u> Exhibit 28-Clay Smith Post Mortem Photograph 3, # <u>4</u> Exhibit 29-Clay Smith Post Mortem Photograph 4, # <u>5</u> Exhibit 30-ADC Administrative Directive 05-43, # <u>6</u> Exhibit 31-7/16/08 Declaration of Mark J.S. Heath, M.D., # <u>7</u> Exhibit 32-Photograph of Execution Chamber 1, # <u>8</u> Exhibit 33-Photograph of Injection Room 1, # <u>9</u> Exhibit 34-Photograph of Injection Room 2, # <u>10</u> Exhibit 35-Photograph of Injection Room 3, # <u>11</u> Exhibit 36-Photograph of Injection Room 4, # <u>12</u> Exhibit 37-Photograph of Injection Room 5, # <u>13</u> Exhibit 38-Photograph of Execution Chamber 2, # <u>14</u> Exhibit 39-Photograph of Execution Chamber 3, # <u>15</u> Exhibit 40-Sтивен Hill Post Mortem Photograph 1, # <u>16</u> Exhibit 41-Sтивен Hill Post Mortem Photograph 2, # <u>17</u> Exhibit 42-Sтивен Hill Post Mortem Photograph 3, # <u>18</u> Exhibit 43-Affidavit of Neal Dupree, # <u>19</u> Exhibit 44-Testimony of Neal Dupree, # <u>20</u> Exhibit 45-Testimony of Randall Polk, # <u>21</u> Exhibit 46-Testimony of Timothy Westveer, # <u>22</u> Exhibit 47-Testimony of Williams Frank Hampilton, M.D., # <u>23</u> Exhibit 48-The Governor's Commission on Administration of Lethal Injection, Final Report, # <u>24</u> Exhibit 49-Testimony of Primary Executioner, # <u>25</u> Exhibit 50-Medical Examiner Consultation Form - Christina Riggs, # <u>26</u> Exhibit 51-Christina Riggs Post Mortem Photograph 1, # <u>27</u> Exhibit 52-Christina Riggs Post Mortem Photograph 2, # <u>28</u> Exhibit 53-Christina Riggs Execution Newspaper Article, # <u>29</u> Exhibit 54-Ronald Gene Simmons Post

		Mortem Photograph 1, # <u>30</u> Exhibit 55–Ronald Gene Simmons Post Mortem Photograph 2, # <u>31</u> Exhibit 56–Ronald Gene Simmons Post Mortem Photograph 3, # <u>32</u> Exhibit 57–Medical Examiner Consultation Form – Ronald Gene Simmons, # <u>33</u> Exhibit 58–Kentucky Lethal Injection Protocol, # <u>34</u> Exhibit 59–Findings of Fact and Conclusions of Law, Baze v. Rees, # <u>35</u> Exhibit 60–Clay Smith Autopsy Report, # <u>36</u> Exhibit 61–Medical Examiner Consultation Form – Rickey Ray Rector, # <u>37</u> Exhibit 62–Medical Examiner Consultation Form – Steven Hill)(Brain, Julie) Modified on 7/17/2008 to remove duplicate text (jct). (Entered: 07/16/2008)
07/21/2008	<u>139</u>	RESPONSE in Opposition re <u>128</u> Second MOTION for Summary Judgment <i>Supplemental</i> filed by Terrick Terrell Nooner. (Attachments: # <u>1</u> Exhibit 63 – Associated Press Article July 18, 2008)(Brain, Julie) (Entered: 07/21/2008)
07/31/2008	<u>140</u>	REPLY to Response to Motion re <u>128</u> Second MOTION for Summary Judgment filed by Larry Norris, Gaylon Lay, Wendy Kelly, John Byus, Does. (Attachments: # <u>1</u> Affidavit Ray Hobbs, including Exhibit thereto)(Cordi, C.) (Entered: 07/31/2008)
07/31/2008	<u>141</u>	REPLY to Response to Motion re <u>131</u> MOTION to Lift Stay of Execution re <i>Don William Davis</i> filed by Larry Norris, Gaylon Lay, Wendy Kelly, John Byus, Does. (Cordi, C.) (Entered: 07/31/2008)
08/05/2008	<u>142</u>	ORDER granting <u>128</u> Motion for Summary Judgment; granting <u>131</u> Motion to Lift Stay as to Don William Davis. The stay of execution granted by the Eighth Circuit as to Plaintiff Jones and the stay of execution granted by Chief Judge Holmes as to Plaintiff Nooner are still in place. Signed by Judge Susan Webber Wright on 8/5/08. (dac) (Entered: 08/06/2008)
08/05/2008	<u>143</u>	JUDGMENT case is DISMISSED WITH PREJUDICE, re <u>142</u> Order on Motion for Summary Judgment, Order on Motion to Lift Stay. Signed by Judge Susan Webber Wright on 8/5/08. (dac) (Entered: 08/06/2008)
08/29/2008	<u>144</u>	USCA AMENDED JUDGMENT as to <u>97</u> Notice of Appeal filed by Terrick Terrell Nooner is dismissed on motion filed by appellees (dac) (Entered: 08/29/2008)
08/29/2008	<u>145</u>	USCA AMENDED JUDGMENT as to <u>95</u> Notice of Appeal filed by Jack Harold Jones, Jr is dismissed, the stay of execution entered October 11, 2007 is dissolved. (dac) (Entered: 08/29/2008)
08/29/2008	<u>146</u>	NOTICE OF APPEAL as to <u>143</u> Judgment by Terrick Terrell Nooner. (Brain, Julie) (Entered: 08/29/2008)
08/29/2008	<u>147</u>	NOTIFICATION OF APPEAL and NOA SUPPLEMENT as to <u>142</u> Order on Motion for Summary Judgment, Order on Motion to Lift Stay <u>143</u> Judgment <u>146</u> Notice of Appeal. (dac) (Entered: 08/29/2008)
09/03/2008	<u>148</u>	USCA Docketing Letter and Briefing Schedule as to <u>146</u> Notice of Appeal filed by Terrick Terrell Nooner. USCA Case Number 08–2978 (dac) (Entered: 09/03/2008)
09/08/2008	<u>149</u>	CORRECTED NOTIFICATION OF APPEAL and NOA SUPPLEMENT as to <u>142</u> Order on Motion for Summary Judgment, Order on Motion to Lift Stay <u>143</u> Judgment, <u>146</u> Notice of Appeal. (dac) (Entered: 09/08/2008)
09/19/2008	<u>150</u>	MANDATE of USCA in accordance with the judgment of 8/29/08 as to <u>95</u> Notice of Appeal filed by Jack Harold Jones, Jr (dac) (Entered: 09/19/2008)
09/19/2008	<u>151</u>	MANDATE of USCA in accordance with the judgment of 8/29/08 as to <u>97</u> Notice of Appeal filed by Terrick Terrell Nooner (dac) (Entered: 09/19/2008)
09/25/2008	<u>152</u>	DESIGNATION of Record on Appeal by Larry Norris, Gaylon Lay, Wendy Kelly, John Byus, Does re <u>146</u> Notice of Appeal (Cordi, C.) (Entered: 09/25/2008)
02/08/2010	<u>153</u>	OPINION of USCA as to <u>146</u> Notice of Appeal filed by Terrick Terrell Nooner (dac) (Entered: 02/10/2010)
02/08/2010	<u>154</u>	USCA JUDGMENT as to <u>146</u> Notice of Appeal filed by Terrick Terrell Nooner. Judgment of the district court in this cause is affirmed in accordance with the

		opinion of this Court.(dac) (Entered: 04/06/2010)
04/06/2010	<u>155</u>	MANDATE of USCA In accordance with the opinion and judgment of 02/08/2010, as to <u>146</u> Notice of Appeal filed by Terrick Terrell Nooner (dac) (entry modified on 4/6/2010 to attach: # <u>1</u> Correct Main Document) (bfw). (Entered: 04/06/2010)
04/06/2010	<u>156</u>	NOTICE OF DOCKET CORRECTION re <u>155</u> USCA Mandate: (entry modified to attach correct document) (copy attached hereto for service on counsel) (bfw) (Entered: 04/06/2010)
04/09/2010	<u>157</u>	ORDER of USCA, Don William Davis request for stay of execution is dismissed for lack of jurisdiction. (dac) (Entered: 04/12/2010)
04/22/2010	<u>158</u>	Letter from USCA Clerk, petition for a writ of certiorari filed in the U S Supreme Court as No. 09-10120 (dac) (Entered: 04/22/2010)
05/10/2010	<u>159</u>	NOTICE from U S Supreme Court petition for writ of certiorari and the application for stay of execution of sentence of death re Don W Davis are dismissed (dac) (Entered: 05/10/2010)
09/28/2010	<u>160</u>	Letter from USCA8, petition for a writ of certiorari filed in U S Supreme as No 10-6263 (dac) (Entered: 09/28/2010)
11/10/2010	<u>161</u>	Letter from USCA Clerk, petition for a writ of certiorai denied by U S Supreme Court (dac) (Entered: 11/10/2010)