

A/R, CLOSED, STANDARD

**United States District Court
Eastern District of Pennsylvania (Philadelphia)
CIVIL DOCKET FOR CASE #: 2:92-cv-04237-FVA**

NEWKIRK, et al v. SHEERS, et al
Assigned to: HONORABLE FRANKLIN S. VAN ANTWERPEN
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 07/22/1992
Date Terminated: 01/12/1994
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff**INGRID NEWKIRK**

represented by **GORDON A. EINHORN**
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Plaintiff**LAURA YANNE**

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Plaintiff**ROBIN LORD**

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Plaintiff

HEIDI PRESCOTT

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Plaintiff

ROBIN WALKER

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Plaintiff

ANN KOONS

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Plaintiff

SUE BREBNER

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Plaintiff

TERESA GIBBS

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Plaintiff

JENNY WOODS

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Plaintiff

DANA FORBES

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STEVE D. SHADOWEN
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V.

Defendant

PAUL SHEERS
in his official capacity as a Schuylkill
County Commissioner

represented by **DAVID LEE SCHWALM**
THOMAS THOMAS & HOFER LLP
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Defendant

FRANKLIN L. SHOLLENBERGER
in his official capacity as a Schuylkill
County Commissioner

represented by **DAVID LEE SCHWALM**
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Defendant

MARYANN CONWAY
in her official capacity as a Schuylkill
County Commissioner

represented by **DAVID LEE SCHWALM**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

HONORABLE JOSPEH F. MCCLOSKEY
in his official capacity as a member of the Schuylkill County Prison Board

represented by **DAVID LEE SCHWALM**
(See above for address)
LEAD ATTORNEY
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Defendant

LOIS WALLAVER
in her official capacity as a member of the Schuylkill County Prison Board

represented by **DAVID LEE SCHWALM**
(See above for address)
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ATTORNEY TO BE NOTICED

Defendant

CLAUDE SHIELDS
in his official capacity as a member of the Schuylkill County Prison Board

represented by **DAVID LEE SCHWALM**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

TIMOTHY HOLDEN
in his official capacity as a member of the Schuylkill County Prison Board

represented by **DAVID LEE SCHWALM**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

DONALD KERNS
in his official capacity as a member of the Schuylkill County Prison Board

represented by **DAVID LEE SCHWALM**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

DAVID KURTZ
in his official capacity as Warden of the Schuylkill County Prison

represented by **DAVID LEE SCHWALM**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

RAYMOND LORENT
in his official capacity as Deputy Warden of the Schuylkill County Prison

represented by **DAVID LEE SCHWALM**
(See above for address)
LEAD ATTORNEY
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Defendant

E. CUTLER
in his/her official capacity as Superintendent at the Schuylkill County Prison

represented by **DAVID LEE SCHWALM**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

J. KLING
in her/her official capacity as Superintendent at the Schuylkill County Prison

represented by **DAVID LEE SCHWALM**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**W. NASADOS**

*in his/her official capacity as
Superintendent at the Schuylkill County
Prison*

represented by **DAVID LEE SCHWALM**
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LEAD ATTORNEY
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Defendant**OFFICER LAUBACH**

*in her official capacity as a Prison Guard at
the Schuylkill County Prison
TERMINATED: 10/06/1992*

represented by **DAVID LEE SCHWALM**
(See above for address)
TERMINATED: 10/06/1992
LEAD ATTORNEY

Defendant**OFFICER MEDINSKY**

*in her official capacity as a Prison Guard at
the Schuylkill County Prison
TERMINATED: 10/06/1992*

represented by **DAVID LEE SCHWALM**
(See above for address)
TERMINATED: 10/06/1992
LEAD ATTORNEY

Defendant**OFFICER NEIDIG**

*in her official capacity as a Prison Guard at
the Schuylkill County Prison*

represented by **DAVID LEE SCHWALM**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**OFFICER DEANGELO**

*in her official capacity as a Prison Guard at
the Schuylkill County Prison*

represented by **DAVID LEE SCHWALM**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**OFFICER SHARTZER**

*in her official capacity as a Prison Guard at
the Schuylkill County Prison*

represented by **DAVID LEE SCHWALM**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**OFFICER HECKMAN**

*in her official capacity as a Prison Guard at
the Schuylkill County Prison
TERMINATED: 10/06/1992*

represented by **DAVID LEE SCHWALM**
(See above for address)
TERMINATED: 10/06/1992
LEAD ATTORNEY

Defendant**OFFICER SCHWARTZ**

*in her official capacity as a Prison Guard at
the Schuylkill County Prison, and
TERMINATED: 10/06/1992*

represented by **DAVID LEE SCHWALM**
(See above for address)
TERMINATED: 10/06/1992
LEAD ATTORNEY

Defendant**OFFICER MICKALOWSKI**

*in her official capacity as a Prison Guard at
the Schuylkill County Prison*

represented by **DAVID LEE SCHWALM**
(See above for address)
TERMINATED: 10/06/1992

*TERMINATED: 10/06/1992**LEAD ATTORNEY***Defendant****OFFICER HILDA LAUBACH**represented by **DAVID LEE SCHWALM**
(See above for address)
LEAD ATTORNEY
*ATTORNEY TO BE NOTICED***Defendant****OFFICER SANDI MEDINSKY**represented by **DAVID LEE SCHWALM**
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LEAD ATTORNEY
*ATTORNEY TO BE NOTICED***Defendant****OFFICER KATHLEEN SHARTZER**represented by **DAVID LEE SCHWALM**
(See above for address)
LEAD ATTORNEY
*ATTORNEY TO BE NOTICED***Defendant****OFFICER PATRICIA HECKMAN**represented by **DAVID LEE SCHWALM**
(See above for address)
LEAD ATTORNEY
*ATTORNEY TO BE NOTICED***Defendant****OFFICER BARBARA SCHWARTZ**represented by **DAVID LEE SCHWALM**
(See above for address)
LEAD ATTORNEY
*ATTORNEY TO BE NOTICED***Defendant****OFFICER CAROL A. MICKALOWSKI**represented by **DAVID LEE SCHWALM**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/22/1992	1	Complaint. filing fee \$ 120 receipt # 377029 (mrs) (Entered: 07/22/1992)
07/22/1992		Summons(es) issued Forwarded to: given to counsel 07/22/92 (mrs) (Entered: 07/22/1992)
07/22/1992		Standard Case Management Track. (mrs) (Entered: 07/22/1992)
08/21/1992	2	MOTION BY DEFENDANT PAUL SHEERS, DEFENDANT FRANKLIN L. SHOLLENBERGER, DEFENDANT MARYANN CONWAY, DEFENDANT JOSPEH F. MCCLOSKEY, DEFENDANT LOIS WALLAVER, DEFENDANT CLAUDE SHIELDS, DEFENDANT TIMOTHY HOLDEN, DEFENDANT DONALD KERNS, DEFENDANT DAVID KURTZ, DEFENDANT RAYMOND LORENT, DEFENDANT E. CUTLER TO DISMISS PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12, BRIEF, CERTIFICATE OF SERVICE. (jc)

		(Entered: 08/21/1992)
09/04/1992	3	Memorandum by PLAINTIFF INGRID NEWKIRK, PLAINTIFF LAURA YANNE, PLAINTIFF ROBIN LORD, PLAINTIFF HEIDI PRESCOTT, PLAINTIFF ROBIN WALKER, PLAINTIFF ANN KOONS, PLAINTIFF SUE BREBNER, PLAINTIFF TERESA GIBBS, PLAINTIFF JENNY WOODS, PLAINTIFF DANA FORBES in opposition to [2-1] MOTION TO DISMISS PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12 certificate of service. (jc) (Entered: 09/08/1992)
09/09/1992	4	Acknowledgement of service as to DEFENDANT MARYANN CONWAY 7/29/92 (mc) (Entered: 09/10/1992)
09/09/1992	5	Acknowledgement of service as to DEFENDANT JOSPEH F. MCCLOSKEY, DEFENDANT LOIS WALLAVER 8/19/92 (mc) (Entered: 09/10/1992)
09/09/1992	6	Acknowledgement of service as to DEFENDANT PAUL SHEERS, DEFENDANT FRANKLIN L. SHOLLENBERGER, DEFENDANT CLAUDE SHIELDS, DEFENDANT TIMOTHY HOLDEN, DEFENDANT DONALD KERNS, DEFENDANT DAVID KURTZ, DEFENDANT RAYMOND LORENT, DEFENDANT E. CUTLER, DEFENDANT J. KLING, DEFENDANT W. NASADOS, DEFENDANT LAUBACH, DEFENDANT MEDINSKY, DEFENDANT NEIDIG, DEFENDANT DEANGELO, DEFENDANT SHARTZER, DEFENDANT HECKMAN, DEFENDANT SCHWARTZ, DEFENDANT MICKALOWSKI "no date given". (mc) (Entered: 09/10/1992)
09/15/1992	7	ORDER THAT THE [2-1] MOTION TO DISMISS PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12 IS DENIED WITHOUT PREJUDICE TO THE DEFENDANTS' RIGHT TO MOVE FOR SUMMARY JUDGMENT WHEN DISCOVERY IS COMPLETE. PLAINTIFFS HAVE REQUESTED THE RIGHT TO AMEND THEIR COMPLAINT TO ASSERT CLAIMS AGAINST THE DEFENDANTS IN THEIR PERSONAL, AS WELL AS OFFICIAL CAPACITIES. WE DEEM PLAINTIFFS' REQUEST AS A MOTION TO AMEND THE COMPLAINT AND GRANT LEAVE TO DO SO WITHIN TWENTY DAYS OF THE DATE OF THIS ORDER. (SIGNED BY J. FRANKLIN S. VAN ANTWERPEN) 09/16/92 ENTERED AND COPIES MAILED. (jc) (Entered: 09/16/1992)
10/06/1992	8	Amended complaint by PLAINTIFF INGRID NEWKIRK, PLAINTIFF LAURA YANNE, PLAINTIFF ROBIN LORD, PLAINTIFF HEIDI PRESCOTT, PLAINTIFF ROBIN WALKER, PLAINTIFF ANN KOONS, PLAINTIFF SUE BREBNER, PLAINTIFF TERESA GIBBS, PLAINTIFF JENNY WOODS, PLAINTIFF DANA FORBES , amending [1-1] complaint, certificate of service. (jc) (Entered: 10/08/1992)
11/05/1992	9	ORDER THAT THE DEFENDANTS MAY HAVE AN ADDITIONAL TEN DAYS WITHIN WHICH TO FILE AN ANSWER TO THE PLAINTIFFS' FIRST AMENDED COMPLAINT. (SIGNED BY J. FRANKLIN S. VAN ANTWERPEN) 11/06/92 ENTERED AND COPIES MAILED. (jc) (Entered: 11/06/1992)
11/05/1992	10	STIPULATION AND ORDER THAT THE DEFENDANTS MAY HAVE AN ADDITIONAL TEN DAYS WITHIN WHICH TO FILE AN ANSWER TO THE PLAINTIFFS' FIRST AMENDED COMPLAINT. (SIGNED BY J. FRANKLIN S. VAN ANTWERPEN) 11/06/92 ENTERED AND COPIES MAILED. (jc) (Entered: 11/06/1992)
11/16/1992	11	Answer by PAUL SHEERS, FRANKLIN L. SHOLLENBERGER, MARYANN

		CONWAY, JOSPEH F. MCCLOSKEY, LOIS WALLAVER, CLAUDE SHIELDS, TIMOTHY HOLDEN, DONALD KERNS, DAVID KURTZ, RAYMOND LORENT, E. CUTLER, J. KLING, W. NASADOS, NEIDIG, DEANGELO, SHARTZER, HILDA LAUBACH, SANDI MEDINSKY, KATHLEEN SHARTZER, PATRICIA HECKMAN, BARBARA SCHWARTZ, CAROL A. MICKALOWSKI, to amended complaint, certificate of service (jc) (Entered: 11/17/1992)
12/18/1992	12	NON-JURY PRETRIAL ORDER THAT ALL DISCOVERY DUE FOR 7/12/93, FOLLOWING WHICH THIS CASE SHALL BE PLACED IN THE TRIAL POOL IN THE LEGAL INTELLIGENCER ; ETC. (SIGNED BY J. FRANKLIN S. VAN ANTWERPEN) 12/21/92 ENTERED AND COPIES MAILED BY CHAMBERS. (fe) Modified on 12/21/1992 (Entered: 12/21/1992)
06/04/1993	13	Stipulation of counsel for taking telephone depositions pursuant to Rule 30(b)(7), Cert. of Service. (kw) (Entered: 06/07/1993)
07/19/1993	14	ORDER THAT THE PARTIES WILL MAKE A GOOD FAITH EFFORT TO DRAFT A STATEMENT OF STIPULATED FACTS TO ACCOMPANY THEIR MOTIONS FOR SUMMARY JUDGMENT AND SHALL FILE THESE DOCUMENTS WITH THE COURT NO LATER THAN 7/26/93 ; THE COURT WILL REFRAIN FROM PLACING THIS CASE INTO THIS TRIAL POOL BUT MAY DO SO IF THE STATEMENT OF STIPULATED FACTS IS NOT FILED BY THE ABOVE DATE. (SIGNED BY J. FRANKLIN S. VAN ANTWERPEN) 7/20/93 ENTERED AND COPIES MAILED. (fe) (Entered: 07/20/1993)
07/30/1993	15	ORDER THAT THE PARTIES WILL MAKE A GOOD FAITH EFFORT TO RESOLVE COUNT XI OF PLFF'S COMPLAINT AND TO DRAFT A STATEMENT OF STIPULATED FACTS ON THE REMAINING CLAIMS BY 8/2/93; IF AGREED UPON, THE STATEMENT OF STIPULATED FACTS AND THE DISPOSITIVE MOTIONS SHALL BE FILED WITH THE COURT NO LATER THAN 8/3/93 . (SIGNED BY J. FRANKLIN S. VAN ANTWERPEN) 8/2/93 ENTERED AND COPIES MAILED. (fe) (Entered: 08/02/1993)
08/03/1993	16	MOTION BY DEFENDANTS FOR SUMMARY JUDGMENT , BRIEF, CERTIFICATES OF SERVICE. (fe) (Entered: 08/03/1993)
08/03/1993	17	Stipulated statement of facts, certificate of service. (fe) (Entered: 08/03/1993)
08/03/1993	18	MOTION BY PLAINTIFFS FOR SUMMARY JUDGMENT , MEMORANDUM, CERTIFICATE OF SERVICE. (fe) (Entered: 08/04/1993)
08/10/1993	19	STIPULATION AND ORDER THAT ALL CLAIMS OF PLFF, ANNE KOONS BE DISCONTINUED WITHOUT PREJUDICE; ALL CLAIMS AGAINST MARY ANNE CONWAY IN HER INDIVIDUAL CAPACITY BE DISMISSED WITH PREJUDICE; COUNTS II, IV, VII, VIII, IX AND X OF PLFFS' AMENDED COMPLAINT BE DISMISSED WITH PREJUDICE; COUNT I OF PLFFS' AMENDED COMPLAINT BE DISMISSED WITH PREJUDICE, ETC.; THE PARTIES SHALL NOTIFY THE COURT WHEN THE REVISED RECREATIONAL POLICY OF SCHUYLKILL COUNTY PRISON HAS BEEN APPROVED BY PA DEPT. OF CORRECTIONS AND THE SCHUYLKILL COUNTY PRISON BOARD SO THAT THE COURT MAY DISMISS COUNT XI OF PLFFS' AMENDED COMPLAINT. (SIGNED BY J. FRANKLIN S. VAN ANTWERPEN) 8/11/93 ENTERED AND COPIES MAILED. (fe) (Entered: 08/11/1993)
08/16/1993	20	Brief by defts in opposition to plffs' MOTION FOR SUMMARY JUDGMENT,

		certificate of service. (fe) (Entered: 08/16/1993)
08/19/1993	21	Memorandum by PLAINTIFF INGRID NEWKIRK, PLAINTIFF LAURA YANNE, PLAINTIFF ROBIN LORD, PLAINTIFF HEIDI PRESCOTT, PLAINTIFF ROBIN WALKER in opposition to DEFENDANT'S MOTION FOR SUMMARY JUDGMEN, certificate of service. (fe) (Entered: 08/20/1993)
09/16/1993	22	OPINION AND ORDER THAT PLFFS' AND DEFTS' MOTION FOR SUMMARY JUDGMENT ARE EACH GRANTED IN PART AND DENIED IN PART CONSISTENT WITH THE FOREGOING OPINION, ETC.; IF THE PARTIES WISH TO PRESENT ANY ADDITIONAL EVIDENCE, A NON-JURY TRIAL OR HEARING SHALL BE SCHEDULED BY THE DEPUTY CLERK TO DETERMINE FURTHER APPROPRIATE RELIEF AND ENTER FINAL JUDGMENT. (SIGNED BY JUDGE FRANKLIN S. VAN ANTWERPEN) 9/17/93 ENTERED AND COPIES MAILED. (fe) (Entered: 09/17/1993)
01/12/1994	23	CONSENT DECREE WITH COURT APPROVAL. THIS CASE IS CLOSED AND ANY OPEN MOTIONS ARE DISMISSED. (SIGNED BY J. FRANKLIN S. VAN ANTWERPEN) 1/12/94 ENTERED AND COPIES MAILED. (fe) (Entered: 01/12/1994)
01/12/1994		Case closed (kv) (Entered: 01/13/1994)

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