

CLOSED, MOTREF

**U.S. District Court  
Western District of Pennsylvania (Johnstown)  
CIVIL DOCKET FOR CASE #: 3:92-cv-00033-DBS**

USA, et al v. COMMONWEALTH OF PA, et al  
Assigned to: Judge D. Brooks Smith  
Demand: \$0  
Cause: 42:1983 Civil Rights Act

Date Filed: 02/10/1992  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff****UNITED STATES OF AMERICA**

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V.

**Defendant**

**THOMAS J. RIDGE**  
*Governor of the Commonwealth of  
Pennsylvania*

represented by **Thomas B. York**  
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305 North Front Street

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**Defendant**

**FEATHER HOUSTOUN**  
*Acting Secretary Dept. of Public  
 Welfare*

represented by **Thomas B. York**  
 (See above for address)  
**LEAD ATTORNEY**  
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**Defendant**

**NANCY THALER**  
*Deputy Secretary of Mental Retardation  
 Office of Mental Retardation*

represented by **Thomas B. York**  
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**LEAD ATTORNEY**  
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**Defendant**

**ALAN M. BELLOMO**  
*Director Ebensburg Center*

represented by **Thomas B. York**  
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**Defendant**

**COMMONWEALTH OF  
 PENNSYLVANIA**

represented by **Thomas B. York**  
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**LEAD ATTORNEY**  
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<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
02/05/1993	20	Stipulation by U.S.A., COMMONWEALTH OF PA, ROBERT CASEY, KAREN F. SNIDER, STEVEN M. EIDELMAN and ALAN M. BELLOMO Extending Time for discovery with proposed order. (jjg) (Entered: 02/05/1993)
02/08/1993		ORDER upon stipulation granting [20-1] stipulation Extending Time for discovery, reset Discovery deadline to 3/12/93 ( signed by Judge D. B. Smith on 02/08/93 ) CM all parties of record. (jjg) (Entered: 02/10/1993)
03/09/1993	21	Joint Stipulation by Parties to extend Time for discovery to 5/7/93 with proposed order. (tam) (Entered: 03/09/1993)
03/10/1993		ORDER upon motion granting [21-1] stipulation to extend Time for discovery to 5/7/93 (signed by Judge D. B. Smith on 03/09/93) CM all parties of record. (tam) (Entered: 03/11/1993)
03/11/1993		Deadline updated; reset Discovery deadline to 5/7/93 (tam) (Entered: 03/11/1993)

04/23/1993	22	Joint Pretrial stipulation by U.S.A., COMMONWEALTH OF PA, ROBERT CASEY, KAREN F. SNIDER, STEVEN M. EIDELMAN, ALAN M. BELLOMO (jjg) (Entered: 04/23/1993)
05/17/1993	23	Non-Jury Trial set for 9:00 a.m. on 7/26/93, Courtroom A, U.S. District Court, 319 Washington St., Johnstown, PA. (jjg) (Entered: 05/19/1993)
07/06/1993	24	NOTICE to counsel from CRD setting Pre-Trial Conference for 7/20/93 at 1:00 p.m., Room 104 Penn Traffic Bldg., 319 Washington St., Johnstown, PA. (jjg) (Entered: 07/09/1993)
07/09/1993	25	MEMORANDUM ORDER that due to the exigencies of the Court's trial schedule and the finite amount of time available and the fact that counsel has advised the court that it will take several weeks at least to present the plaintiff's case-in-chief in this non-jury trial scheduled to commence 7/26/93, the Court is proposing to counsel the following: Each party will have the opportunity to present an opening statement which shall be no more than 2 hours in length; Each party will take videotape depositions of all witnesses, and present in lieu of live testimony, or by agreement shall submit transcripts of depositions, and as more fully stated; the parties shall begin deposing witnesses as their schedules permit, and may use the videotape facilities at the U.S. District Court, Pittsburgh, from 7/26/93 until they are completed. The parties, if they believe there are any witnesses whose videotape deposition cannot be taken and whose live testimony the Court must hear, shall present the names, subject matter, expected length of testimony, and compelling reasons why live testimony must be presented, at the final pretrial conference on 7/20/93. At the conclusion of the presentation of all the evidence by videotape deposition, stipulation, or transcript, each party will have the opportunity to present a closing statement which shall not exceed 2 hours in length. If either party wishes to follow this procedure, it will be followed, with the details to be worked out at the pretrial conference. If both parties believe that this procedure cannot be followed, they may present reasons in support thereof and proposed alternative trial dates at the pretrial conference. (signed by Judge D. B. Smith on 7/9/93) CM all parties of record. (tam) (Entered: 07/14/1993)
07/19/1993	26	MOTION by U.S.A. in Limine to strike Defts.' First Contested Issue of Law and Fact and to exclude evidence at trial with Proposed Order. (tam) (Entered: 07/19/1993)
07/19/1993	27	BRIEF by U.S.A. in support of [26-1] motion in Limine to strike Defts.' First Contested Issue of Law and Fact and to exclude evidence at trial by U.S.A. (tam) (Entered: 07/19/1993)
07/20/1993	28	Revisions to Pretrial stipulation by U.S.A. (jjg) (Entered: 07/22/1993)
07/20/1993	29	Pre-Trial Conference held before Judge D. B. Smith on 07/20/93. [ Reporter: Lisa Hand ] (jjg) (Entered: 07/22/1993)
07/20/1993		Non-Jury Trial set for 8:45 a.m. on 7/26/93 (jjg) (Entered: 07/22/1993)
07/26/1993	30	MEMORANDUM on Standard of Proof at Trial by USA. (jjg) (Entered: 07/26/1993)

		07/26/1993)
07/26/1993	31	REVISIONS to Pretrial stipulation by U.S.A. (jjg) (Entered: 07/26/1993)
07/26/1993	32	TRANSCRIPT of Pretrial Conference for date of 07/20/93. Court Reporter: Lisa M. Hand. (jjg) (Entered: 07/26/1993)
07/26/1993		Non-Jury Trial begins. Continued to 7/27/93 . (tam) (Entered: 08/02/1993)
07/27/1993		Non-Jury Trial continued. (tam) Modified on 09/30/1993 (Entered: 08/02/1993)
07/29/1993		Non-Jury Trial continued. (tam) Modified on 09/30/1993 (Entered: 08/02/1993)
07/29/1993		Non-Jury Trial continued. (tam) Modified on 09/30/1993 (Entered: 08/02/1993)
07/30/1993		Non-Jury Trial continued. (tam) Modified on 09/30/1993 (Entered: 08/02/1993)
08/02/1993		Non-Jury Trial continued. (tam) Modified on 09/30/1993 (Entered: 08/02/1993)
08/03/1993		Non-Jury Trial continued. (tam) Modified on 09/30/1993 (Entered: 08/04/1993)
08/04/1993	33	Non-Jury Trial held and continued to 9/13/93 before Judge D. B. Smith [ Reporter: S. Perry ] (jjg) Modified on 09/30/1993 (Entered: 08/05/1993)
08/05/1993	34	TRANSCRIPT of non-jury trial for date of 07/28/93. Court Reporter: Shirley D. Perry. (jjg) (Entered: 08/05/1993)
08/05/1993	35	TRANSCRIPT of non-jury trial for date of 07/29/93. Court Reporter: Shirley D. Perry. (jjg) (Entered: 08/05/1993)
08/05/1993	36	TRANSCRIPT of non-jury trial for date of 07/30/93. Court Reporter: Shirley D. Perry. (jjg) (Entered: 08/05/1993)
08/05/1993	37	TRANSCRIPT of non-jury trial for date of 08/02/93. Court Reporter: Shirley D. Perry. (jjg) (Entered: 08/05/1993)
08/05/1993	38	TRANSCRIPT of non-jury trail for date of 08/03/93. Court Reporter: Shirley D. Perry. (jjg) (Entered: 08/05/1993)
08/05/1993	39	TRANSCRIPT of non-jury trial for date of 08/04/93. Court Reporter: Shirley D. Perry. (jjg) (Entered: 08/05/1993)
08/05/1993	40	TRANSCRIPT of non-jury trial for date of 08/05/93. Court Reporter: Shirley D. Perry. (jjg) (Entered: 08/05/1993)
08/06/1993	41	TRANSCRIPT of non-jury trial for date of 07/27/93. Court Reporter: Shirley D. Perry. (jjg) (Entered: 08/10/1993)
08/06/1993	42	TRANSCRIPT of non-jury trial for date of 08/05/93. Court Reporter:

		Shirley D. Perry. (jjg) (Entered: 08/10/1993)
08/11/1993	43	TRANSCRIPT of non-jury trial for date of 07/26/93. Court Reporter: Shirley D. Perry. (jjg) (Entered: 08/13/1993)
08/31/1993	44	SUPPLEMENTAL MOTION by USA in Limine to exclude evidence at trial with Proposed Order. (jjg) (Entered: 09/01/1993)
08/31/1993	45	BRIEF by USA in support of [44-1] supplemental motion in Limine to exclude evidence at trial by USA (jjg) (Entered: 09/01/1993)
09/09/1993	47	ORDER the the resumption of trial scheduled for 09/09/93 is continued to 09/13/93 at 8:30 a.m. ( signed by Judge D. B. Smith on 09/08/93 ) CM all parties of record. (jjg) (Entered: 09/14/1993)
09/13/1993	46	NOTICE of Substitution of Exhibits by USA (jjg) (Entered: 09/13/1993)
09/13/1993		Non-Jury Trial continued. (jjg) (Entered: 09/14/1993)
09/14/1993		Non-Jury Trial continued. (jjg) (Entered: 09/14/1993)
09/17/1993	58	Non-Jury Trial held 9/15/93 through 9/17/93 and continued. Court Reporter: S. Perry. (tam) (Entered: 10/06/1993)
09/22/1993	48	TRANSCRIPT of Bench Trial for dates of 09/13/93. Court Reporter: Shirley Perry. (tam) (Entered: 09/22/1993)
09/22/1993	49	TRANSCRIPT of Bench Trial for dates of 09/14/93. Court Reporter: Shirley Perry. (tam) (Entered: 09/22/1993)
09/22/1993	50	TRANSCRIPT of Bench Trial for dates of 09/15/93. Court Reporter: Shirley Perry. (tam) (Entered: 09/22/1993)
09/22/1993	51	TRANSCRIPT bench trial for dates of 09/16/93. Court Reporter: Shirley Perry. (tam) (Entered: 09/22/1993)
09/22/1993	52	TRANSCRIPT of bench trial for dates of 09/17/93. Court Reporter: Shirley Perry. (tam) (Entered: 09/22/1993)
09/27/1993	53	MOTION by COMMONWEALTH OF PA, ROBERT CASEY, KAREN F. SNIDER, STEVEN M. EIDELMAN, ALAN M. BELLOMO for judgment on partial findings with Proposed Order. (jjg) (Entered: 09/28/1993)
09/27/1993		BRIEF by COMMONWEALTH OF PA, ROBERT CASEY, KAREN F. SNIDER, STEVEN M. EIDELMAN, ALAN M. BELLOMO in support of [53-1] motion for judgment on partial findings by said defendants. (jjg) (Entered: 09/28/1993)
09/28/1993	54	RESPONSE by USA to defendants' 09/23/93 correspondence to the court. (jjg) (Entered: 09/30/1993)
09/28/1993	55	ORDER granting the Commonwealth's motion for protective relief and denying [53-1] motion for judgment on partial findings. ( signed by Judge D. B. Smith on 09/28/93 ) CM all parties of record. (jjg) (Entered: 10/04/1993)

09/30/1993	56	MOTION by COMMONWEALTH OF PA, ROBERT CASEY, KAREN F. SNIDER, STEVEN M. EIDELMAN, ALAN M. BELLOMO for Reconsideration of [55-1] order denying defendants' motion for judgment on partial findings with Proposed Order. (jjg) (Entered: 10/04/1993)
10/01/1993	57	NOTICE of supplemental authorities in support of pending motions by USA. (jjg) (Entered: 10/05/1993)
10/12/1993		Non-Jury Trial continued. (tam) (Entered: 10/12/1993)
10/12/1993	59	FIRST set of counter-designations from deposition transcripts to be introduced into evidence at trail by Defendants. (tam) (Entered: 10/12/1993)
10/13/1993		Non-Jury Trial continued. (tam) (Entered: 10/13/1993)
10/14/1993		Non-Jury Trial continued. (tam) (Entered: 10/14/1993)
10/18/1993		Non-Jury Trial continued. (tam) (Entered: 10/18/1993)
10/19/1993		Non-Jury Trial continued (tam) (Entered: 10/19/1993)
10/19/1993	60	Non-Jury Trial continued. Court Reporter: S. Perry. (tam) (Entered: 10/21/1993)
10/21/1993	61	TRANSCRIPT of non-jury trial held 9/12/93. Court Reporter: Shirley Perry. (tam) (Entered: 10/21/1993)
10/21/1993	62	TRANSCRIPT of non jury trial held on 10/13/93. Court Reporter: Shirley Perry. (tam) (Entered: 10/21/1993)
10/21/1993	63	TRANSCRIPT of non jury trial held on 10/14/93. Court Reporter: Shirley Perry. (tam) (Entered: 10/21/1993)
10/21/1993	64	TRANSCRIPT of non jury trial held on 10/15/93. Court Reporter: Shirley Perry. (tam) (Entered: 10/21/1993)
10/21/1993	65	TRANSCRIPT of non jury trial held on 10/18/93. Court Reporter: Shirley Perry. (tam) (Entered: 10/21/1993)
10/21/1993	66	TRANSCRIPT of non jury trial held on 10/19/93. Court Reporter: Shirley Perry. (tam) (Entered: 10/21/1993)
11/01/1993	67	MOTION by USA for Remedy Hearing following liability determination with Proposed Order. (jjg) (Entered: 11/03/1993)
11/01/1993	68	BRIEF by USA in support of [67-1] motion for Remedy Hearing following liability determination by USA (jjg) (Entered: 11/03/1993)
11/01/1993	69	MOTION by USA for rebuttal testimony . (jjg) (Entered: 11/03/1993)
11/01/1993	70	Proffer of Rebuttal Testimony by USA. (jjg) (Entered: 11/03/1993)
11/05/1993	71	BRIEF by COMMONWEALTH OF PA, ROBERT CASEY, KAREN F. SNIDER, STEVEN M. EIDELMAN, ALAN M. BELLOMO in opposition to [67-1] motion for Remedy Hearing following liability

		determination by USA (jgg) (Entered: 11/09/1993)
11/05/1993	72	REPLY by USA to [71-1] brief in opposition by ALAN M. BELLOMO, STEVEN M. EIDELMAN, KAREN F. SNIDER, ROBERT CASEY, COMMONWEALTH OF PA (jgg) (Entered: 11/09/1993)
11/05/1993	73	SUPPLEMENTAL MOTION by USA for rebuttal testimony with Proposed Order. (jgg) (Entered: 11/09/1993)
11/15/1993	74	BRIEF by COMMONWEALTH OF PA, ROBERT CASEY, KAREN F. SNIDER, STEVEN M. EIDELMAN, ALAN M. BELLOMO in opposition to [69-1] motion for rebuttal testimony by USA (jgg) (Entered: 11/15/1993)
11/18/1993	75	RESPONSE by COMMONWEALTH OF PA, ROBERT CASEY, KAREN F. SNIDER, STEVEN M. EIDELMAN, ALAN M. BELLOMO to United States' reply concerning motion for rebuttal testimony. (jgg) (Entered: 11/19/1993)
11/22/1993	76	REPLY by USA to response in opposition to [69-1] motion for rebuttal testimony by USA (tam) (Entered: 11/22/1993)
11/23/1993	77	ORDER granting in part, denying in part [69-1] motion for rebuttal testimony; granting [73-1] supplemental motion for rebuttal testimony; rebuttal will be held on 12/13/93 at 9:00 a.m. with counsel to have three hours of clock time each; and as more fully stated in said order. ( signed by Judge D. B. Smith on 11/23/93 ) CM all parties of record. (jgg) (Entered: 11/23/1993)
12/10/1993	79	ORDER that in the interim between the 11/23/93 memorandum order (document #77) and next Monday's scheduled rebuttal testimony, several issues have arisen which have been communicated and in part resolved through conference calls. To memorialize what has been decided, said order is issued and those matters are more fully stated in said order. (signed by Judge D. B. Smith on 12/10/93 ) CM all parties of record. (tam) (Entered: 12/14/1993)
12/13/1993	78	PROFFER OF TESTIMONY regarding Jeff K. by USA. (tam) (Entered: 12/13/1993)
12/13/1993		Non-Jury Trial continued and concluded on 12/13/93. (jgg) (Entered: 12/17/1993)
12/14/1993	80	Hearing Memo on Rebuttal held before Judge Smith on 12/13/93. Court Reporter: S. Perry. (jgg) (Entered: 12/17/1993)
12/17/1993	81	TRANSCRIPT of non-jury trial for date of 12/13/93. Court Reporter: Shirley D. Perry. (jgg) (Entered: 12/21/1993)
01/21/1994	82	ORDER setting final argument for 3/4/94 at 9:00 a.m., Courtroom A, Johnstown, PA; Proposed Find of Fact and Concl of Law due 2/15/94, with replies to be filed by 02/25/94. ( signed by Judge D. B. Smith on 01/21/94 ) CM all parties of record. (jgg) (Entered: 01/21/1994)



02/17/1994	83	Proposed Findings of Fact - Volume I by USA (tam) (Entered: 02/17/1994)
02/17/1994	84	Proposed Findings of Fact - Volume II by USA (tam) (Entered: 02/17/1994)
02/17/1994	85	APPENDIX to [84-1] Proposed Findings of Fact by USA and [83-1] Proposed Findings of Fact by USA (tam) (Entered: 02/17/1994)
02/17/1994	86	PROPOSED SUMMARY FINDINGS OF FACT by USA (tam) (Entered: 02/17/1994)
02/17/1994	87	Proposed Conclusions of Law by USA (tam) (Entered: 02/17/1994)
02/17/1994		BRIEF by USA in support of Proposed Conclusions of Law. (w/Document #87). (tam) (Entered: 02/17/1994)
02/17/1994		Proposed Order by USA (tam) (Entered: 02/17/1994)
02/18/1994	88	Proposed Findings of Fact and Conclusions of Law by COMMONWEALTH OF PA, ROBERT CASEY, KAREN F. SNIDER, STEVEN M. EIDELMAN, and ALAN M. BELLOMO (jjg) (Entered: 02/18/1994)
03/10/1994	89	MEMORANDUM ORDER denying as moot [44-1] motion in Limine to exclude evidence at trial and denying as moot [26-1] motion in Limine to strike Defts.' First Contested Issue of Law and Fact and to exclude evidence at trial to the extent not otherwise rule upon as set forth and more fully stated in Order. (signed by Judge D. B. Smith on 03/09/94) CM all parties of record. (tam) (Entered: 03/11/1994)
03/11/1994	90	MOTION by COMMONWEALTH OF PA, ROBERT CASEY, KAREN F. SNIDER, STEVEN M. EIDELMAN, and ALAN M. BELLOMO to Extend Time to file Second Supplemental Proposed Findings of Fact with Proposed Order. (jjg) (Entered: 03/14/1994)
03/11/1994	91	Supplemental Proposed Findings of Fact and Conclusions of Law by COMMONWEALTH OF PA, ROBERT CASEY, KAREN F. SNIDER, STEVEN M. EIDELMAN, and ALAN M. BELLOMO (jjg) (Entered: 03/14/1994)
03/14/1994	92	RESPONSE by USA to [88-1] Proposed Findings of Fact by ALAN M. BELLOMO, STEVEN M. EIDELMAN, KAREN F. SNIDER, ROBERT CASEY, and COMMONWEALTH OF PA (jjg) (Entered: 03/14/1994)
03/14/1994	93	NOTICE to counsel from CRD scheduling Final Argument for 04/13/94 at 9:30 a.m., USDC, Courtroom A, Penn Traffic Bldg., 319 Washington St., Johnstown, PA. (jjg) (Entered: 03/15/1994)
03/14/1994		Non-Jury Trial continued to 4/13/94 at 9:30 a.m. (jjg) (Entered: 03/15/1994)
03/18/1994	94	RESPONSE In Opposition by USA to [90-1] motion to Extend Time to file Second Supplemental Proposed Findings of Fact by ALAN M. BELLOMO, STEVEN M. EIDELMAN, KAREN F. SNIDER, ROBERT

		CASEY, and COMMONWEALTH OF PA (tam) (Entered: 03/18/1994)
03/25/1994	95	Second Supplemental Proposed Findings of Fact and Conclusions of Law by COMMONWEALTH OF PA, ROBERT CASEY, KAREN F. SNIDER, STEVEN M. EIDELMAN, and ALAN M. BELLOMO (jjg) (Entered: 03/28/1994)
03/28/1994	96	MOTION by USA for Status Conference . (jjg) (Entered: 03/28/1994)
03/28/1994		ORDER upon motion granting [90-1] motion to Extend Time to file Second Supplemental Proposed Findings of Fact. Defendants shall file their Second Supplemental Proposed Findings of Fact on or before 3/25/94. (signed by Judge D. B. Smith on 03/28/94) CM all parties of record. (tam) (Entered: 03/29/1994)
03/29/1994	97	REPLY to USA's response in opposition to [90-1] motion to Extend Time to file Second Supplemental Proposed Findings of Fact by ALAN M. BELLOMO, STEVEN M. EIDELMAN, KAREN F. SNIDER, ROBERT CASEY and COMMONWEALTH OF PA (tam) (Entered: 03/29/1994)
03/31/1994	98	ORDER denying [56-1] motion for Reconsideration of [55-1] order denying defendants' motion for judgment on partial findings, denying [67-1] motion for Remedy Hearing following liability determination ( signed by Judge D. B. Smith on 03/31/94 ) CM all parties of record. (jjg) (Entered: 04/01/1994)
04/12/1994	99	MOTION by USA to submit errata sheet for United States' proposed detailed findings of fact . (jjg) (Entered: 04/13/1994)
04/12/1994	100	REPLY by USA to [95-1] Second Supplemental Proposed Findings of Fact by ALAN M. BELLOMO, STEVEN M. EIDELMAN, KAREN F. SNIDER, ROBERT CASEY, COMMONWEALTH OF PA (jjg) (Entered: 04/13/1994)
04/13/1994	101	ORDER denying [96-1] motion for Status Conference ( signed by Judge D. B. Smith on 04/12/94 ) CM all parties of record. (jjg) (Entered: 04/14/1994)
04/13/1994	102	Non-Jury Trial concluded. Motion to submit errata (doc. #99) is granted inasmuch as it is part of record. Court Reporter: S. Hall. (jjg) (Entered: 04/14/1994)
04/21/1994	113	TRANSCRIPT of closing arguments for date of 04/13/95. Court Reporter: Shirley Ann Hall. (jjg) (Entered: 06/15/1995)
05/09/1994	103	STATEMENT by defendants as to prejudice if the depositions of Lois Graham and Carole Sponsky are admitted in their entirety. (jjg) (Entered: 05/09/1994)
05/09/1994	104	Correction Sheet by defendants for defendants' proposed findings of fact, defendants' supplemental proposed findings of fact, and defendants' second supplemental proposed findings of fact. (jjg) (Entered: 05/09/1994)

07/13/1994	105	MOTION by USA to Reopen the record to admit documentary evidence about continuing deaths of Ebensburg Center Residents with Proposed Order. (jjg) (Entered: 07/13/1994)
07/13/1994	106	BRIEF by USA in support of [105-1] motion to Reopen the record to admit documentary evidence about continuing deaths of Ebensburg Center Residents by USA (jjg) (Entered: 07/13/1994)
07/13/1994	107	SEALED DOCUMENT (jjg) (Entered: 07/13/1994)
08/01/1994	108	BRIEF by ROBERT CASEY, KAREN F. SNIDER, STEVEN M. EIDELMAN, ALAN M. BELLOMO, and COMMONWEALTH OF PA in opposition to [105-1] motion to Reopen the record to admit documentary evidence about continuing deaths of Ebensburg Center Residents by USA (jjg) (Entered: 08/01/1994)
08/05/1994	109	REPLY by USA to response in opposition to [105-1] motion to Reopen the record to admit documentary evidence about continuing deaths of Ebensburg Center Residents by USA (tam) (Entered: 08/05/1994)
09/01/1994	110	NOTICE of additional authority in support of pending issue by USA (jjg) (Entered: 09/01/1994)
04/13/1995	111	MOTION by USA for final judgment . (jjg) (Entered: 04/13/1995)
04/28/1995	112	ORDER denying [105-1] motion to Reopen the record to admit documentary evidence about continuing deaths of Ebensburg Center Residents ( signed by Judge D. B. Smith on 04/28/95 ) CM all parties of record. (jjg) (Entered: 05/01/1995)
07/27/1995	114	OPINION AND ORDER denying [111-1] motion for final judgment; judgment is entered for the defendants. Clerk shall mark case closed. Notices mailed. ( signed by Judge D. B. Smith on 07/27/95 ) CM all parties of record. (jjg) (Entered: 07/28/1995)
07/27/1995		Case closed (crw) (Entered: 02/06/1998)
08/10/1995	115	MOTION by ALAN M. BELLOMO, STEVEN M. EIDELMAN, KAREN F. SNIDER, ROBERT CASEY, COMMONWEALTH OF PA for an award of Attorney's Fees and costs against the United States with Proposed Order. (jjg) (Entered: 08/10/1995)
08/10/1995	116	ORDER referring [115-1] motion for an award of Attorney's Fees and costs against the United States to Mag. Judge Keith A. Pesto ( signed by Judge D. B. Smith on 08/10/95 ) CM all parties of record. (jjg) (Entered: 08/10/1995)
08/24/1995	117	MOTION by USA to Extend Time to respond to defendants' motion for attorney fees with Proposed Order. (tam) Modified on 08/24/1995 (Entered: 08/24/1995)
08/24/1995		BRIEF by USA in support of [117-1] motion to Extend Time to repond to defendants' motion for attorney fees by USA. (W/document #117). (tam) (Entered: 08/24/1995)

08/24/1995		ORDER upon motion granting [117-1] motion to Extend Time to respond to defendants' motion for attorney fees. Plaintiff has 23 days after defendants serve plaintiff with brief and documentation of fees and costs to respond to defendant's motion. (signed by Mag. Judge Keith A. Pesto on 08/24/95) CM all parties of record. (tam) (Entered: 08/24/1995)
09/25/1995	118	NOTICE OF APPEAL by USA from [114-1] order denying United State's motion for summary judgment and entering judgment for defendants and Clerk shall mark case closed dated 07/27/95. NO FEES PAID. TPO issued. (tam) (Entered: 09/26/1995)
09/26/1995		Certified copy of Notice of Appeal [118-1] appeal by USA , certified copy of docket, certified copy of order dated 07/27/95 appealed from mailed to USCA; copy of Notice of Appeal and information sheet to all appellees, court reporters, and judge. Copy of information sheet to appellant. (tam) (Entered: 09/26/1995)
10/04/1995	119	TRANSCRIPT of William G. Hinkle Deposition for date of 12/16/93. Court Reporter: Heritage Reporting Corporation. (jgg) (Entered: 10/04/1995)
10/05/1995	120	Transcript Purchase order re: [118-1] appeal by USA by USA that transcripts already on file in D.C. Clerk's office. (tam) (Entered: 10/05/1995)
10/05/1995		Record complete for Appeal purposes, certified copy of docket entries forwarded to USCA. (tam) (Entered: 10/05/1995)
10/13/1995		NOTICE of Docketing ROA from USCA Re: [118-1] appeal by USA USCA Number: 95-3541 (jgg) (Entered: 10/16/1995)
11/06/1995	121	CERTIFIED COPY OF ORDER dated 11/2/95 from U.S. Court of Appeals for the Third Circuit directing that letter by Appellant, USA construed as a Motion to Amend the Caption is granted pursuant to Fed.R.App.P. 43(c)(1). The caption shall be amended as stated in said Order. (tam) (Entered: 11/06/1995)
11/06/1995		RECEIPT from USCA of certified copy of Order amending the caption. (tam) (Entered: 11/06/1995)
03/13/1996	122	ORDER denying [115-1] motion for an award of Attorney's Fees and costs against the United States without prejudice to reinstating the same, if appropriate, after the disposition of the pending appeal. ( signed by Mag. Judge Keith A. Pesto on 03/13/96 ) CM all parties of record. (jgg) (Entered: 03/13/1996)
10/18/1996	123	Certified copy of JUDGMENT issued in lieu of a formal mandate, affirming the judgment of the district court and taxing costs against the appellant, received from USCA re: [118-1] appeal by USA (jgg) (Entered: 10/21/1996)
11/29/1996	124	MOTION by COMMONWEALTH OF PA, THOMAS J. RIDGE, FEATHER HOUSTOUN, NANCY THALER, and ALAN M. BELLOMO to reinstate defendants' motion for an award of attorneys'

		fees and costs against the United States as amended and to issue a briefing schedule with Proposed Order. (jjg) (Entered: 11/29/1996)
12/02/1996	125	ORDER granting [124-1] motion to reinstate defendants' motion for an award of attorneys' fees and costs against the United States as amended, granting [124-2] motion to issue a briefing schedule; Defendant's brief is due by 01/10/97; plaintiff's response is due 02/07/97. Upon request of either party the matter shall be set down for oral argument. ( signed by Mag. Judge Keith A. Pesto on 12/02/96 ) CM all parties of record. (jjg) (Entered: 12/03/1996)
01/09/1997	126	MOTION by COMMONWEALTH OF PA, THOMAS J. RIDGE, FEATHER HOUSTOUN, NANCY THALER, ALAN M. BELLOMO to Extend Time to file defendants' brief in support of an award of attorneys' fees and costs against the United States with Proposed Order. (jjg) (Entered: 01/09/1997)
01/13/1997		ORDER upon motion granting [126-1] motion to Extend Time to file defendants' brief in support of an award of attorneys' fees and costs against the United States. Defendants shall file their brief by 01/17/97. Plaintiff's response is due 02/14/97. ( signed by Mag. Judge Keith A. Pesto on 01/13/97 ) CM all parties of record. (jjg) (Entered: 01/14/1997)
01/14/1997		Receipt for Exhibits (jjg) (Entered: 01/14/1997)
01/15/1997	127	MOTION by COMMONWEALTH OF PA, THOMAS J. RIDGE, FEATHER HOUSTOUN, NANCY THALER, ALAN M. BELLOMO to Extend Time to file brief in support of motion for attorneys' fees and costs with Proposed Order. (tam) (Entered: 01/15/1997)
01/15/1997		ORDER upon motion granting [127-1] motion to Extend Time to file brief in support of motion for attorneys' fees and costs, and Brief in Support due 1/27/97 and Plaintiff's response is due 2/24/97. (signed by Mag. Judge Keith A. Pesto on 1/15/97) CM all parties of record. (tam) (Entered: 01/15/1997)
01/29/1997	128	MOTION by COMMONWEALTH OF PA, THOMAS J. RIDGE, FEATHER HOUSTOUN, NANCY THALER, and ALAN M. BELLOMO to Extend Time to file defendants' brief in support of an award of attorneys' fees and costs against the United States with Proposed Order. (jjg) (Entered: 01/29/1997)
01/30/1997		ORDER upon motion granting [128-1] motion to Extend Time to file defendants' brief in support of an award of attorneys' fees and costs against the United States; Defendants shall file their brief by 02/04/97; Plaintiff's response is due 03/31/97. ( signed by Mag. Judge Keith A. Pesto on 01/30/97 ) CM all parties of record. (jjg) (Entered: 01/30/1997)
02/06/1997	129	MOTION by COMMONWEALTH OF PA, THOMAS J. RIDGE, FEATHER HOUSTOUN, NANCY THALER, ALAN M. BELLOMO to Extend Time to file defendants' brief in support of an award of attorneys' fees and costs against the United States . (jjg) (Entered: 02/06/1997)

02/06/1997	130	ORDER granting [129-1] motion to Extend Time to file defendants' brief in support of an award of attorneys' fees and costs against the United States; defendants shall file their brief by 02/10/97; plaintiff's response is due 04/07/97. ( signed by Mag. Judge Keith A. Pesto on 02/05/97 ) CM all parties of record. (jgg) (Entered: 02/06/1997)
02/11/1997	131	BRIEF by COMMONWEALTH OF PA, THOMAS J. RIDGE, FEATHER HOUSTOUN, NANCY THALER, ALAN M. BELLOMO in support of [115-1] motion for an award of Attorney's Fees and costs against the United States by said defendants. (jgg) (Entered: 02/11/1997)
02/11/1997	132	APPENDIX to [131-1] support brief by ALAN M. BELLOMO, NANCY THALER, FEATHER HOUSTOUN, THOMAS J. RIDGE, COMMONWEALTH OF PA (jgg) (Entered: 02/11/1997)
02/18/1997	133	EXHIBIT RECEIPT for all of U.S.A.'s trial exhibits left behind by defendant Commonwealth. (jgg) (Entered: 02/19/1997)
03/17/1997	134	MOTION by USA to Bifurcate Attorneys' Fees Proceedings with Proposed Order. (jgg) (Entered: 03/17/1997)
03/17/1997	135	BRIEF by USA in support of [134-1] motion to Bifurcate Attorneys' Fees Proceedings by USA (jgg) (Entered: 03/17/1997)
03/28/1997	136	MOTION by USA to Extend Time to file a brief in opposition to the Defendants' motion for an award of attorney's fees and costs with Proposed Order. (jgg) (Entered: 03/31/1997)
03/28/1997	137	RESPONSE by COMMONWEALTH OF PA, THOMAS J. RIDGE, FEATHER HOUSTOUN, NANCY THALER, ALAN M. BELLOMO in opposition to [134-1] motion to Bifurcate Attorneys' Fees Proceedings by USA (jgg) (Entered: 03/31/1997)
03/28/1997	138	BRIEF by COMMONWEALTH OF PA, THOMAS J. RIDGE, FEATHER HOUSTOUN, NANCY THALER, ALAN M. BELLOMO in opposition to [134-1] motion to Bifurcate Attorneys' Fees Proceedings by USA (jgg) (Entered: 03/31/1997)
04/01/1997	139	ORDER denying [134-1] motion to Bifurcate Attorneys' Fees Proceedings, granting [136-1] motion to Extend Time to file a brief in opposition to the Defendants' motion for an award of attorney's fees and costs. Plaintiff shall have until 04/21/97 to file a brief in opposition to defendants' motion for attorney fees. If additional time is needed, counsel should confer, and if counsel do not disagree, plaintiff may have such additional extension of time as it reasonably requires. ( signed by Mag. Judge Keith A. Pesto on 04/01/97 ) CM all parties of record. (jgg) (Entered: 04/01/1997)
04/17/1997	140	MOTION by USA to Extend Time to file brief in opposition to defendants' motion for attorneys' fees with Proposed Order. (jgg) (Entered: 04/17/1997)
04/21/1997		ORDER upon motion granting [140-1] motion to Extend Time to file brief in opposition to defendants' motion for attorneys' fees; further

		ordered that said brief is due 05/12/97. ( signed by Mag. Judge Keith A. Pesto on 04/21/97 ) CM all parties of record. (jtg) (Entered: 04/21/1997)
05/06/1997	141	MOTION by USA to Extend Time to file a brief in opposition to defendants' motion for attorneys' fees with Proposed Order. (jtg) (Entered: 05/06/1997)
05/06/1997		ORDER upon motion granting [141-1] motion to Extend Time to file a brief in opposition to defendants' motion for attorneys' fees; further ordered that the United States shall file its brief in opposition by 05/30/97. ( signed by Mag. Judge Keith A. Pesto on 05/06/97 ) CM all parties of record. (jtg) (Entered: 05/06/1997)
05/30/1997	142	BRIEF by USA in opposition to defendants' motion for attorney's fees. (jtg) (Entered: 05/30/1997)
06/06/1997	143	MOTION by COMMONWEALTH OF PA, THOMAS J. RIDGE, FEATHER HOUSTOUN, NANCY THALER, ALAN M. BELLOMO to supplement their motion for an award of attorneys' fees and costs against the United States as amended and to reply to the United States' brief in opposition to defendants' motion for attorneys' fees with Proposed Order. (jtg) (Entered: 06/06/1997)
06/17/1997		ORDER upon motion granting [143-1] motion to supplement their motion for an award of attorneys' fees and costs against the United States as amended, granting [143-2] motion to reply to the United States' brief in opposition to defendants' motion for attorneys' fees; set Reply Brief deadline to 6/30/97 ; Defendants may also file a supplemental list of attorneys' fees and costs along with an amended fee petition by 6/30/97. ( signed by Mag. Judge Keith A. Pesto on 06/17/97 ) CM all parties of record. (jtg) (Entered: 06/17/1997)
06/30/1997	144	MOTION by COMMONWEALTH OF PA, THOMAS J. RIDGE, FEATHER HOUSTOUN, NANCY THALER, ALAN M. BELLOMO to Extend Time to supplement their motion for an award of attorneys' fees and costs against the United States as amended and to Extend Time to file defendants' brief in reply to the United States brief in opposition to defendants' motion for attorney's fees with Proposed Order. (jtg) (Entered: 06/30/1997)
06/30/1997		ORDER upon motion granting [144-1] motion to Extend Time to supplement their motion for an award of attorneys' fees and costs against the United States as amended, granting [144-2] motion to Extend Time to file defendants' brief in reply to the United States brief in opposition to defendants' motion for attorney's fees; Defendants shall file their Reply Brief and a supplemental list of attorney's fees and costs by 7/15/97 ; Plaintiff's response is due no later tha 8/12/97. ( signed by Mag. Judge Keith A. Pesto on 06/30/97 ) CM all parties of record. (jtg) (Entered: 06/30/1997)
07/15/1997	145	MOTION by COMMONWEALTH OF PA, THOMAS J. RIDGE, FEATHER HOUSTOUN, NANCY THALER, and ALAN M. BELLOMO to Extend Time to supplement their motion for an award of

		attorneys' fees and costs against the United States as amended and to Extend Time to file defendants' brief in reply to the United States brief in opposition to defendants' motion for attorneys' fees with Proposed Order. (jjg) (Entered: 07/15/1997)
07/15/1997		ORDER upon motion granting [145-1] motion to Extend Time to supplement their motion for an award of attorneys' fees and costs against the United States as amended; granting [145-2] motion to Extend Time to file defendants' brief in reply to the United States brief in opposition to defendants' motion for attorneys' fees; Defendants shall file their Reply Brief and a supplemental list of attorneys' fees and costs by 8/8/97 ; Plaintiff's response is due no later that 9/12/97. ( signed by Mag. Judge Keith A. Pesto on 07/15/97 ) CM all parties of record. (jjg) (Entered: 07/15/1997)
08/08/1997	146	MOTION by COMMONWEALTH OF PA, THOMAS J. RIDGE, FEATHER HOUSTOUN, NANCY THALER, ALAN M. BELLOMO to Extend Time to supplement their motion for an award of attorneys' fees and costs against the United States as amended , and to Extend Time to file defendants' brief in reply to the United States brief in opposition to defendants' motion for attorney's fees with Proposed Order. (jjg) (Entered: 08/08/1997)
08/11/1997		ORDER upon motion granting [146-1] motion to Extend Time to supplement their motion for an award of attorneys' fees and costs against the United States as amended, granting [146-2] motion to Extend Time to file defendants' brief in reply to the United States brief in opposition to defendants' motion for attorney's fees; Defendant's shall file their Reply Brief and a supplemental list of attorney's fees and costs by 8/26/97 ; Plaintiff's response is due no later than 9/30/97. ( signed by Mag. Judge Keith A. Pesto on 08/11/97 ) CM all parties of record. (jjg) (Entered: 08/11/1997)
08/27/1997	147	MOTION by COMMONWEALTH OF PA, THOMAS J. RIDGE, FEATHER HOUSTOUN, NANCY THALER, ALAN M. BELLOMO to Extend Time to supplement their motion for an award of attorneys' fees and costs against the United States as amended and to Extend Time to file defendants' brief in reply to the United Staes brief in opposition to defendants' motion for attorney's fees with Proposed Order. (jjg) (Entered: 08/27/1997)
08/27/1997		ORDER upon motion granting [147-1] motion to Extend Time to supplement their motion for an award of attorneys' fees and costs against the United States as amended, granting [147-2] motion to Extend Time to file defendants' brief in reply to the United Staes brief in opposition to defendants' motion for attorney's fees; Defendants shall file their Reply Brief and a supplemental list of attorneys' fees and costs by 9/2/97 ; Plaintiff's response is due no later than 10/06/97. ( signed by Mag. Judge Keith A. Pesto on 08/27/97 ) CM all parties of record. (jjg) (Entered: 08/27/1997)
09/04/1997	148	MOTION by COMMONWEALTH OF PA, THOMAS J. RIDGE,



		FEATHER HOUSTOUN, NANCY THALER, ALAN M. BELLOMO to Extend Time to supplement their motion for an award of attorneys' fees and costs against the United States as amended and to Extend Time to file defendants' brief in reply to the United States brief in opposition to defendants' motion for attorney's fees with Proposed Order. (jjg) (Entered: 09/04/1997)
09/05/1997	149	REPLY BRIEF by COMMONWEALTH OF PA, THOMAS J. RIDGE, FEATHER HOUSTOUN, NANCY THALER, ALAN M. BELLOMO to [142-1] brief in opposition by USA (jjg) (Entered: 09/05/1997)
09/15/1997		ORDER upon motion granting [148-1] motion to Extend Time to supplement their motion for an award of attorneys' fees and costs against the United States as amended, granting [148-2] motion to Extend Time to file defendants' brief in reply to the United States brief in opposition to defendants' motion for attorney's fees; Defendants shall file their Reply Brief and a supplemental list of attorneys' fees and costs by 9/4/97 ; Plaintiff's response is due no later that 10/3/97. ( signed by Mag. Judge Keith A. Pesto on 09/15/97 ) CM all parties of record. (jjg) (Entered: 09/16/1997)
10/03/1997	150	RESPONSE by USA to [149-1] reply brief by ALAN M. BELLOMO, NANCY THALER, FEATHER HOUSTOUN, THOMAS J. RIDGE, COMMONWEALTH OF PA (tam) (Entered: 10/03/1997)
06/15/1998	151	NOTICE of change of firm/address by Thomas B. York, Esq. (jjg) (Entered: 06/15/1998)

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