

CLOSED, LEAD

U.S. District Court
Alabama Middle District (Opelika)
CIVIL DOCKET FOR CASE #: 3:96-cv-01140-WHA-VPM

Magill v. Lee County, et al
Assigned to: Honorable W. Harold Albritton, III
Referred to: Honorable Vanzetta P. McPherson
Demand: \$50,000
Cause: 42:1983 Civil Rights Act

Date Filed: 07/19/1996
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Sharon Magill

represented by **Jeffrey William Bennitt**
Jeff Bennitt & Associates LLC
PO Box 383063
4898 Valleydale Road
Suite A-3
Birmingham, AL 35238-3063
205-408-7240
Fax: 205-408-9236
Email: bennittlaw@aol.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robyn G. Bufford-Bennitt
Jeffrey W. Bennitt & Associates LLC
PO Box 383063
4898 Valleydale Rd, Suite A3
Birmingham, AL 35238-3063
205-408-7240
Fax: 408-9236
Email: bennittlaw@aol.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Consol Plaintiff

Sherrera Hudmon

represented by **Jeffrey William Bennitt**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robyn G. Bufford-Bennitt
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Lee County

represented by **Kelly G. Davidson**
Webb & Eley, P.C.
PO Box 238
Montgomery, AL 36101-0238
334-262-1850
Fax: 262-1889
Email: kdavidson@webbeley.com
TERMINATED: 03/12/1998
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kendrick E. Webb
Webb & Eley, P.C.
PO Box 240909
Montgomery, AL 36124-0909
334-262-1850
Fax: 334-262-1889
Email: kwebb@webbeley.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

James Patterson

Trooper

TERMINATED: 01/09/1997

represented by **Patrick Dennis Mahaney**
505 S Perry Street
Montgomery, AL 36104-4615
US
334-264-5054
Fax: 334-263-4766
TERMINATED: 01/09/1997
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Fictitious Defendant(s)

Three Unknown Deputy Sheriffs

Defendant

Herman Chapman

Sheriff Herman Chapman

represented by **Bart Gregory Harmon**
Webb & Eley, P.C.
PO Box 240909
Montgomery, AL 36124
334-262-1850
Fax: 334-262-1889
Email: bharmon@webbeley.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kelly G. Davidson

(See above for address)

*TERMINATED: 03/12/1998**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Kendrick E. Webb**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
07/19/1996	1	COMPLAINT Filing Fee \$ 120.00 Receipt # 60913 (ydw) (Entered: 07/22/1996)
07/19/1996	1	DEMAND for jury trial by Sharon Magill (ydw) (Entered: 07/22/1996)
07/19/1996	2	Request for service by certified mail by Sharon Magill (ydw) (Entered: 07/22/1996)
07/22/1996		File referred to Judge Albritton (ydw) (Entered: 07/22/1996)
07/26/1996	3	SUMMONS issued for Lee County, James Patterson; summons and complaint mailed by cmrrr to named defendants (ydw) (Entered: 07/26/1996)
07/30/1996	4	RETURN RECEIPT CARD showing service of summons and complaint on illegible on 7/29/96 for Lee County, James Patterson . Answer due on 8/18/96 for Lee County, for James Patterson (ydw) (Entered: 07/31/1996)
07/31/1996	5	Summons returned unexecuted as to James Patterson; summons and complaint returned unexecuted with following notation: "Attempted not known"; attorney notified. (ydw) (Entered: 08/02/1996)
08/20/1996	6	MOTION by Lee County to Dismiss defendant Lee County ; referred to Judge W. H. Albritton III (ydw) (Entered: 08/21/1996)
08/28/1996	7	OBJECTION by Sharon Magill to [6-1] motion to Dismiss defendant Lee County on Federal Claims (w/Attachments); referred to Judge W. H. Albritton III (ydw) (Entered: 08/28/1996)
08/28/1996	8	MOTION by Sharon Magill to Amend [1-1] complaint (Amended Complaint); referred to Judge W. H. Albritton III (ydw) (Entered: 08/28/1996)
09/03/1996		Stamped ORDER granting [8-1] motion to Amend [1-1] complaint (by Judge W. H. Albritton III) , copies mailed to counsel (ydw) (Entered: 09/03/1996)
09/03/1996	9	AMENDMENT TO COMPLAINT by Sharon Magill amending [1-1] complaint; jury demand against Herman Chapman (ydw) (Entered: 09/03/1996)
09/03/1996	9	DEMAND for jury trial by Sharon Magill (ydw) (Entered: 09/03/1996)

09/10/1996	10	OBJECTION by Sharon Magill to [6-1] motion to Dismiss defendant Lee County on Federal Claims; referred to Judge W. H. Albritton III (ydw) (Entered: 09/10/1996)
09/27/1996	11	ALIAS SUMMONS issued for Lee County, James Patterson, Herman Chapman; alias summons, complaint, motion, order and amendment to complaint mailed by cmrrr to named defendants. (ydw) (Entered: 09/27/1996)
10/01/1996	12	RETURN RECEIPT CARD showing service of alias summons, complaint, motion, order and amended complaint on Herman Chapman on 9/30/96 for Lee County, Herman Chapman . Answer due on 10/20/96 for Herman Chapman, for Lee County (ydw) (Entered: 10/02/1996)
10/02/1996	13	RETURN RECEIPT CARD showing service of alias summons, complaint, motion, order, amended complaint on Larry Thomas on 10/1/96 for James Patterson . Answer due on 10/21/96 for James Patterson (ydw) (Entered: 10/03/1996)
10/10/1996	14	MOTION by Sharon Magill to Amend [1-1] complaint ; referred to Judge W. H. Albritton III (ydw) (Entered: 10/11/1996)
10/11/1996	15	MOTION by James Patterson to Extend Time to answer complaint (w/Affidabit of James Patterson attached); referred to Judge W. H. Albritton III (ydw) (Entered: 10/11/1996)
10/15/1996	16	ORDER TO SHOW CAUSE as to why plaintiff's motion to amend complaint should not be granted: Response to Order to Show Cause due on 10/29/96 for Herman Chapman, for James Patterson, for County [14-1] motion to Amend [1-1] complaint by Sharon Magill set for submission on 10/29/96 (signed by Judge W. H. Albritton III) , copies mailed to counsel (ydw) (Entered: 10/15/1996)
10/17/1996	17	ORDER granting [15-1] motion to Extend Time to answer complaint, reset Answer deadline to 10/28/96 for James Patterson (signed by Judge W. H. Albritton III) , copies mailed to counsel (ydw) (Entered: 10/17/1996)
10/22/1996	18	MOTION by Herman Chapman to Dismiss this action against him ; referred to Judge W. H. Albritton III (ydw) (Entered: 10/22/1996)
10/23/1996	19	ORDER TO SHOW CAUSE as to why motion to dismiss defendant Herman Chapman should not be granted: Response to Order to Show Cause due on 11/6/96 for Sharon Magill, set reply brief deadline 11/13/96 for Herman Chapman, for James Patterson, for Lee County [18-1] motion to Dismiss this action against him by Herman Chapman set for submission on 11/13/96 (signed by Judge W. H. Albritton III) , copies mailed to counsel; furnished to EL (ydw) (Entered: 10/23/1996)
10/29/1996	20	MOTION by Herman Chapman, Lee County to Extend Time in which to respond to court's order to show cause of 10/15/96 referred to Judge W. H. Albritton III (dkt clerk) (Entered: 10/29/1996)
10/30/1996		Stamped ORDER granting [20-1] motion to Extend Time in which to respond to court's order to show cause of 10/15/96 (by Judge W. H. Albritton III) , copies mailed to counsel . (ajr) (Entered: 10/30/1996)

10/30/1996		Deadline updated; reset response to Order to Show Cause due on 11/8/96 for Herman Chapman, for Lee County (ajr) (Entered: 10/30/1996)
11/01/1996	21	ANSWER to Complaint by James Patterson (Attorney Patrick Mahaney), referred to Judge W. H. Albritton III (ydw) (Entered: 11/04/1996)
11/08/1996	22	RESPONSE by Lee County, Herman Chapman to [14-1] motion to Amend [1-1] complaint by Sharon Magill; referred to Judge W. H. Albritton III (ydw) (Entered: 11/12/1996)
11/14/1996	23	MOTION by Sharon Magill to Amend [1-1] complaint ; referred to Judge W. H. Albritton III (ydw) (Entered: 11/15/1996)
11/18/1996	24	ORDER granting [18-1] motion to Dismiss this action against him; dismissing Sheriff Herman Chapmans as a party defendant; (signed by Judge W. H. Albritton III) , copies mailed to counsel (ydw) (Entered: 11/18/1996)
11/18/1996	25	ORDER denying [14-1] motion to Amend [1-1] complaint denying [23-1] motion to Amend [1-1] complaint (signed by Judge W. H. Albritton III) , copies mailed to counsel (ydw) (Entered: 11/18/1996)
11/18/1996	26	ORDER granting the motion to dismiss as to Count II; that Count II and all state law claims contained therein are dismissed as to defendant Lee County; denying the motion to dismiss Count I of the complaint; set Answer deadline to 11/25/96 for Lee County ; (signed by Judge W. H. Albritton III) , copies mailed to counsel (ydw) (Entered: 11/18/1996)
11/18/1996	27	ORDER, setting Scheduling Conference for 8:15 12/2/96 before Judge W. H. Albritton III (signed by Judge W. H. Albritton III) , copies mailed to counsel; furnished to EL and MT (ydw) (Entered: 11/18/1996)
11/25/1996	28	ANSWER to Complaint by Lee County (Attorney Kendrick E. Webb, Kelly Gallops Davidson), referred to Judge W. H. Albritton III (ydw) (Entered: 11/26/1996)
12/02/1996	29	SCHEDULING ORDER setting Pretrial Conference for 9/19/97 before Judge W. H. Albritton III, in Opelika, AL; Motion Filing deadline on 6/11/97 ; Discovery cutoff 9/5/97 ; jury trial set for 10/20/97 before Judge W. H. Albritton III, in Opelika, AL; set amended pleading deadline for 2/15/97; Jury selection set for 10/20/97; Mediation Notice deadline on 3/13/97; (w/AOForm 85 attached); (signed by Judge W. H. Albritton III) , copies mailed to counsel; furnished to EL and MT VACATED AND SET ASIDE PER ORDER OF 5/20/97 (ydw) Modified on 05/20/1997 (Entered: 12/02/1996)
12/19/1996	30	MOTION by Sharon Magill to set aside dismissal , to Amend to add Sheriff Chapman as a party defendant (w/Affidavit and attachments); referred to Judge W. H. Albritton III (ydw) (Entered: 12/19/1996)
12/23/1996	31	ORDER granting [30-1] motion to set aside dismissal, set reply brief deadline for 1/10/97 for Herman Chapman denying as moot [30-2] motion to Amend to add Sheriff Chapman as a party defendant; (signed by Judge W. H. Albritton III) , copies mailed to counsel. (ydw) (Entered: 12/23/1996)
12/31/1996	32	RESPONSE by Sharon Magill to [18-1] motion to Dismiss this action against him by Herman Chapman, [6-1] motion to Dismiss defendant Lee County by Lee

		County; referred to Judge W. H. Albritton III (ydw) (Entered: 01/02/1997)
01/08/1997	33	MOTION by Sharon Magill to Dismiss Trooper James Patterson ; referred to Judge W. H. Albritton III (ajr) (Entered: 01/09/1997)
01/09/1997	34	ORDER dismissing defendant Trooper James Patterson with prejudice from this action; that the case shall proceed against the remaining defendants; (signed by Judge W. H. Albritton III) , copies mailed to counsel (ydw) (Entered: 01/09/1997)
01/10/1997	35	MOTION by Herman Chapman for Extension of Time in which to file his reply to plaintiff's response to the defendant's motion to dismiss ; referred to Judge W. H. Albritton III (ydw) (Entered: 01/10/1997)
01/15/1997		Stamped ORDER granting [35-1] motion for Extension of Time in which to file his reply to plaintiff's response to the defendant's motion to dismiss (by Judge W. H. Albritton III), copies mailed to counsel (ydw) (Entered: 01/15/1997)
01/16/1997	36	REPLY by Herman Chapman to response to [33-1] motion to Dismiss Trooper James Patterson by Sharon Magill referred to Judge W. H. Albritton III (ajr) (Entered: 01/16/1997)
01/16/1997	37	MOTION by Herman Chapman for Leave to File Reply Brief Out of Time referred to Judge W. H. Albritton III (ajr) (Entered: 01/16/1997)
01/16/1997	38	MOTION by Herman Chapman to Stay Discovery Pending Ruling on Qualified and Absolute Sovereign Immunity ; referred to Judge W. H. Albritton III (ajr) (Entered: 01/16/1997)
01/17/1997		Stamped ORDER granting [37-1] motion for Leave to File Reply Brief Out of Time (by Judge W. H. Albritton III) , copies mailed to counsel. (ydw) (Entered: 01/17/1997)
02/11/1997		Stamped ORDER granting [38-1] motion to Stay Discovery Pending Ruling on Qualified and Absolute Sovereign Immunity (by Mag Judge Vanzetta P. McPherson) , copies mailed to counsel. (ajr) (Entered: 02/11/1997)
02/13/1997	39	MOTION by Sharon Magill to Consolidate Case CA-97-D-25-E and CA-96-A-1140-E ; referred to Judge W. H. Albritton III (ydw) Modified on 03/12/1997 (Entered: 02/13/1997)
03/07/1997		File referred to Judge De Ment (ydw) (Entered: 03/07/1997)
03/12/1997	40	ORDER granting [39-1] motion to Consolidate Case CA-97-D-25-E and 96-A-1140-E; consolidating these cases for all purposes; that all future filings, showing the style of both cases, shall be made in Civil Action No. CV-96-A-1140-E; (signed by Judge W. H. Albritton III), copies mailed to counsel; furnished to EL (ydw) (Entered: 03/12/1997)
03/12/1997		Consolidated Lead Case (ydw) (Entered: 03/13/1997)
04/11/1997	41	MOTION by Sharon Magill to declar scheduling order null and void ; referred to Judge W. H. Albritton III (ydw) (Entered: 04/11/1997)
05/20/1997	42	MEMORANDUM OPINION AND ORDER denying in part, and granting in part defendant Chapman's motion to dismiss; denying defendant Chapman's motion to

		dismiss the plaintiffs' claims under 42 U.S.C. 1983 against him in his individual capacity; granting defendant Chapman's motion to dismiss the plaintiffs' state-law claims of invasion of privacy and outrageous conduct; dismissing plaintiff Magill's claim against defendant Chapman in his official capacity; setting Answer deadline to 5/30/97 for Herman Chapman (signed by Judge W. H. Albritton III), copies mailed to counsel (ydw) Modified on 01/20/1998 (Entered: 05/20/1997)
05/20/1997	43	ORDER granting [41-1] motion to declare scheduling order null and void, Vacating and set aside [29-1] Scheduling order , setting Scheduling Conference for 8:30 6/3/97 before Judge W. H. Albritton III, in Montgomery, AL ; that counsel for all parties must be present; that the court is willing to hold this conference by telephone if ALL COUNSEL wish to do, if so he or she must arrange for the telephone conference call; that the attorney must also notify the court and all other attorneys of the arrangement at least two days prior to the scheduling conference; lifting the stay of discovery, ordered by the Magistrate Judge on February 11, 1997; (signed by Judge W. H. Albritton III) , copies mailed to counsel; furnished to EL and MT (ydw) Modified on 01/20/1998 (Entered: 05/20/1997)
06/03/1997	44	SCHEDULING ORDER setting Pretrial Conference for 1/29/98 before Judge W. H. Albritton III Motion Filing deadline on 10/31/97; Discovery cutoff 1/15/98; jury trial set for 3/16/98 before Judge W. H. Albritton III; set amended pleading deadline for 8/17/97 Mediation Notice deadline on 9/12/97; (signed by Judge W. H. Albritton III). Copies mailed to counsel; furnished to MT, EL. (vmc) Modified on 11/17/1997 (Entered: 06/03/1997)
11/07/1997	45	MOTION by Lee County & Herman Chapman to Extend Time to file motion for Summary Judgment . Referred to Judge W. H. Albritton III (dkt clerk) (Entered: 11/10/1997)
11/10/1997		Stamped ORDER granting [45-1] motion to Extend Time to file motion for Summary Judgment; resetting Deadlines: Motion Filing deadline to 11/10/97; (signed by Judge W. H. Albritton III). Copies mailed to counsel. (dkt clerk) (Entered: 11/10/1997)
11/10/1997	46	MOTION by Herman Chapman for Summary Judgment . Referred to Judge W. H. Albritton III (dkt clerk) (Entered: 11/13/1997)
11/10/1997	47	MEMORANDUM BRIEF by Herman Chapman in Support of [46-1] motion for Summary Judgment by Herman Chapman. Referred to Judge W. H. Albritton III (dkt clerk) (Entered: 11/13/1997)
11/10/1997	48	MOTION by Lee County for Summary Judgment . Referred to Judge W. H. Albritton III (dkt clerk) (Entered: 11/13/1997)
11/10/1997	49	MEMORANDUM BRIEF by Lee County in Support of [48-1] motion for Summary Judgment by Lee County. Referred to Judge W. H. Albritton III (dkt clerk) (Entered: 11/13/1997)
11/10/1997	50	EVIDENTIARY MATERIALS by Lee County & Herman Chapman in Support of [46-1] motion for Summary Judgment by Herman Chapman and [48-1] for Summary Judgment by Lee County; (Exhibits A - H attached). Referred to Judge W. H. Albritton III (dkt clerk) (Entered: 11/13/1997)

11/13/1997		Deadlines updated; resetting Pretrial Conference for 1/29/98 before Judge W. H. Albritton III ; resetting Discovery deadline to 1/15/98 . (dkt clerk) (Entered: 11/13/1997)
11/13/1997	51	ORDER setting [46-1] motion for Summary Judgment by Herman Chapman and [48-1] motion for Summary Judgment by Lee County for submission on 12/11/97, without oral argument; affidavits, briefs, depositions or other documents which the Plaintiffs wish to file in opposition to said motions shall be filed on or before 12/4/97; the Defendants shall have until 12/11/97 to file any reply they wish to file; (signed by Judge W. H. Albritton III). Copies mailed to counsel. (dkt clerk) (Entered: 11/13/1997)
11/19/1997	52	Notice Concerning Settlement Conference and Mediation filed by Sharon Magill & Sherrera Hudmon. Referred to Judge W. H. Albritton III (dkt clerk) (Entered: 11/20/1997)
12/04/1997	53	OBJECTION by Sharon Magill & Sherrera Hudmon to [48-1] motion for Summary Judgment by Lee County. Referred to Judge W. H. Albritton III (dkt clerk) (Entered: 12/05/1997)
12/04/1997	54	EVIDENTIARY Submission by Sharon Magill & Sherrera Hudmon in Opposition to [48-1] motion for Summary Judgment by Lee County; (Exhibits 1 - 10 attached). Referred to Judge W. H. Albritton III (dkt clerk) (Entered: 12/05/1997)
12/04/1997	55	BRIEF by Sharon Magill & Sherrera Hudmon in Opposition to [48-1] motion for Summary Judgment. Referred to Judge W. H. Albritton III (dkt clerk) (Entered: 12/05/1997)
12/10/1997	56	ORDER setting Pretrial Conference for 9:00 a.m. on 1/29/98 in Chambers of Judge W. H. Albritton III in Montgomery, AL ; All motions which have not been otherwise submitted or ruled on will be heard at pretrial hearing time; setting Proposed Pretrial Order Deadline to 1/27/98 ; trial term is presently set to commence 3/16/98, in Opelika, AL; (signed by Judge W. Albritton III). Copies mailed to counsel; Furnished: Ern & Marie. (dkt clerk) (Entered: 12/10/1997)
12/10/1997	57	AMENDMENT to [54-1] Evidentiary Submission by Sharon MaGill and Sherrer Hudman in Opposition to defendants' motion for Summary Judgment; Affidavit by Ken Hudmon in support of said Amendment. Referred to Judge W. H. Albritton III (dkt clerk) (Entered: 12/12/1997)
12/11/1997	58	REPLY MEMORANDUM BRIEF by Herman Chapman in Opposition to [54-1] Response in Opposition to motion for Summary Judgment by Sherrera Hudmon & Sharon Magill. Referred to Judge W. H. Albritton III (dkt clerk) (Entered: 12/16/1997)
12/11/1997	59	REPLY MEMORANDUM BRIEF by Lee County in Opposition to [55-1] Brief in Opposition to motion for Summary Judgment by Sherrera Hudmon & Sharon Magill. Referred to Judge W. H. Albritton III (dkt clerk) (Entered: 12/16/1997)
01/07/1998	60	ORDER rescheduling Pretrial Conference for 11:30 a.m. on 1/21/98 in Chambers of Judge W. H. Albritton III in Montgomery, AL ; this new date shall have no effect on any deadlines determined by the original pretrial date of 1/29/98; (signed by Judge W. H. Albritton III). Copies mailed to counsel; Furnished:

		Marie & Ern. (dkt clerk) (Entered: 01/07/1998)
01/20/1998	61	MEMORANDUM OPINION (signed by Judge W. H. Albritton III). Copies mailed to counsel. (dkt clerk) (Entered: 01/20/1998)
01/20/1998	62	ORDER and JUDGMENT granting [46-1] and [48-1] motions for Summary Judgment; entering judgment for Lee County and Herman Chapman and against Sharon Magill and Sherrera Hudmon; taxing costs to the plaintiffs; (signed by Judge W. H. Albritton III). Copies mailed to counsel; (counsel contacted by telephone, per oral instructions from Judge). (dkt clerk) (Entered: 01/20/1998)
01/20/1998		Case closed (dkt clerk) (Entered: 01/20/1998)
02/19/1998	63	NOTICE OF APPEAL by Sharon Magill, Sherrera Hudmon to the U.S. Court of Appeals, Eleventh Circuit from the final order for summary judgment entered on January 20, 1998. (Copies mailed to Jeffrey W. Bennett, Esq., with appeal information sheet & civil docketing statement; Robyn Bufford, Esq., Kendrick Webb, Esq., Kelly Davidson, Esq., Bart Harmon, Esq., & certified copy to USCA with copies of orders appealed from and docket entires.) FILING FEE \$ 105.00 RECEIPT # 69730 (dkt clerk) (Entered: 02/19/1998)
02/19/1998		Notice of Appeal and certified copy of docket to USCA: [63-1] appeal by Sherrera Hudmon, Sharon Magill (dkt clerk) (Entered: 02/19/1998)
03/04/1998		USCA Case Number Re: [63-1] appeal by Sherrera Hudmon, Sharon Magill USCA NUMBER: 98-6144 (dkt clerk) (Entered: 03/05/1998)
03/09/1998		Request for Certificate of Readiness from USCA, 11th Circuit, Re: [63-1] appeal by Sherrera Hudmon, Sharon Magill (dkt clerk) (Entered: 03/31/1998)
03/11/1998	64	MOTION for Kelly Gallops Davidson to Withdraw as Attorney . Referred to Judge W. H. Albritton III (dkt clerk) (Entered: 03/11/1998)
03/12/1998		Stamped ORDER granting [64-1] motion for Kelly Gallops Davidson to Withdraw as Attorney; (Terminated attorney Kelly Gallops Davidson for Herman Chapman and Lee County); (signed by Judge W. H. Albritton III). Copies mailed to counsel. (dkt clerk) (Entered: 03/12/1998)
03/31/1998		CERTIFICATE OF READINESS of record on appeal mailed to USCA, 11th Circuit and counsel: [63-1] appeal by Sherrera Hudmon, Sharon Magill (dkt clerk) (Entered: 03/31/1998)
08/26/1998		REQUEST for Record On Appeal from USCA re: [63-1] appeal by Sherrera Hudmon, Sharon Magill (dkt clerk) (Entered: 08/26/1998)
08/26/1998		Certified and transmitted Record on Appeal to U.S. Court of Appeals: [63-1] appeal by Sherrera Hudmon, Sharon Magill (dkt clerk) (Entered: 08/26/1998)
09/08/1998		ACKNOWLEDGEMENT of RECEIPT of RECORD ON APPEAL from USCA Re: [63-1] appeal by Sherrera Hudmon, Sharon Magill USCA Number: 98-6144 (dkt clerk) (Entered: 09/16/1998)
11/02/1998		Received copy of PER CURIAM OPINION entered 9/30/98 of the USCA, 11th Circuit. (dkt clerk) (Entered: 11/10/1998)

11/02/1998	65	JUDGMENT OF USCA issued as mandate 10/30/98 Re: [63-1] appeal by Sherrera Hudmon, Sharon Magill, AFFIRMING the judgment of the District Court, further ORDERED that plaintiffs-appellants pay to the defendants-appellees, the costs on appeal to be taxed by the Clerk of Court. (Before: TJOFLAT, BLACK and HULL, Circuit Judges.) (dkt clerk) (Entered: 11/10/1998)
11/02/1998		Record on Appeal returned from U.S. Court of Appeals: [63-1] appeal (dkt clerk) (Entered: 11/10/1998)

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