

MANDATE,CLOSED

**U.S. District Court
Southern District of Indiana (Indianapolis)
CIVIL DOCKET FOR CASE #: 1:06-cv-01859-RLY-WTL**

TIMBERLAKE v. DONAHUE et al
Assigned to: Judge Richard L. Young
Referred to: Judge William T. Lawrence
Case in other court: 7th Circuit, 07-02001
7th Circuit, 07-02378
7th Circuit, 07-03228

Date Filed: 12/29/2006
Date Terminated: 08/16/2007
Jury Demand: None
Nature of Suit: 555 Prisoner Petitions –
Prison Condition
Jurisdiction: Federal Question

Cause: 42:1983 Prisoner Civil Rights

Plaintiff

NORMAN TIMBERLAKE

represented by **Brent Westerfeld**
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V.

Defendant

J. DAVID DONAHUE
*Commissioner Indiana Department of
Correction*

represented by **Betsy M. DeNardi**
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Defendant

ED BUSS
 Superintendent Indiana State Prison
 Michigan City, Indiana

represented by **Betsy M. DeNardi**
 (See above for address)
 ATTORNEY TO BE NOTICED

Thomas D. Quigley
 (See above for address)
 ATTORNEY TO BE NOTICED

Defendant**UNKNOWN EXECUTIONERS**

Date Filed	#	Docket Text
12/29/2006	<u>1</u>	COMPLAINT against J. DAVID DONAHUE, ED BUSS, UNKNOWN EXECUTIONERS, filed by plaintiff NORMAN TIMBERLAKE. (Attachments: # <u>1</u> Exhibit A Order Setting Date# <u>2</u> Exhibit B Letter dated May 2,2003# <u>3</u> Exhibit C DOC Operation Directive# <u>4</u> Exhibit D Article# <u>5</u> Exhibit E Executive Order 06-260# <u>6</u> Exhibit F South Bend Medical# <u>7</u> Exhibit G Report to St. Anthony's Hospital# <u>8</u> Exhibit H Command Center Minutes)(AAM) (Entered: 12/29/2006)
12/29/2006	<u>2</u>	CIVIL COVER SHEET, filed by Plaintiff NORMAN TIMBERLAKE. (AAM) (Entered: 12/29/2006)
12/29/2006	<u>3</u>	MOTION for Leave to Proceed in forma pauperis, filed by Plaintiff NORMAN TIMBERLAKE. (AAM) (Entered: 12/29/2006)
12/29/2006	<u>4</u>	WAIVER OF SERVICE Returned Executed, filed by NORMAN TIMBERLAKE. J. DAVID DONAHUE waiver sent on 12/29/2006. (AAM) (Entered: 12/29/2006)
12/29/2006	<u>5</u>	WAIVER OF SERVICE Returned Executed, filed by NORMAN TIMBERLAKE. (AAM) (Entered: 12/29/2006)
12/29/2006	<u>6</u>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (AAM) (Entered: 12/29/2006)
01/03/2007	<u>7</u>	NOTICE of Appearance by Thomas D. Quigley on behalf of Defendants J. DAVID DONAHUE, ED BUSS. (Quigley, Thomas) (Entered: 01/03/2007)
01/03/2007	<u>8</u>	NOTICE of Appearance by Stephen R. Creason on behalf of Defendants J. DAVID DONAHUE, ED BUSS. (Creason, Stephen) (Entered: 01/03/2007)
01/04/2007	<u>9</u>	ENTRY concerning conference of 1/3/07. Signed by Judge Richard L. Young on 1/4/07. (CLL) (Entered: 01/04/2007)
01/04/2007	<u>10</u>	NOTICE of Appearance by Betsy M. Isenberg on behalf of Defendants J. DAVID DONAHUE, ED BUSS. (Isenberg, Betsy) (Entered: 01/04/2007)
01/05/2007	<u>11</u>	ANSWER to Complaint <i>and Statement of Defenses</i> , filed by J. DAVID DONAHUE, ED BUSS.(Quigley, Thomas) (Entered: 01/05/2007)
01/08/2007	<u>12</u>	ENTRY concerning selected matter (See Entry). Signed by Judge Richard L. Young on 1/8/07. (CLL) (Entered: 01/08/2007)
01/08/2007	<u>13</u>	RESPONSE to Discovery Request from Norman Timberlake, filed by Defendant ED BUSS. (Attachments: # <u>1</u> Exhibit Plaintiff's First Request for Production of Documents# <u>2</u> Exhibit Operation Directive ISP 02-04# <u>3</u> Exhibit Operation Directive ISP 06-26)(Quigley, Thomas) (Entered: 01/08/2007)
01/09/2007	<u>14</u>	MOTION for Preliminary Injunction, filed by Plaintiff NORMAN TIMBERLAKE., (Westerfeld, Brent) (Entered: 01/09/2007)

01/09/2007	<u>15</u>	EXHIBIT in Support re <u>14</u> MOTION for Preliminary Injunction <i>Exhibit 1 in support of motion for preliminary injunction</i> , filed by Plaintiff NORMAN TIMBERLAKE. (Westerfeld, Brent) (Entered: 01/09/2007)
01/09/2007	<u>16</u>	EXHIBIT in Support re <u>14</u> MOTION for Preliminary Injunction <i>Exhibit 2 in support of motion for preliminary injunction</i> , filed by Plaintiff NORMAN TIMBERLAKE. (Westerfeld, Brent) (Entered: 01/09/2007)
01/09/2007	<u>17</u>	EXHIBIT in Support re <u>14</u> MOTION for Preliminary Injunction <i>Exhibit 3 in support of motion for preliminary injunction</i> , filed by Plaintiff NORMAN TIMBERLAKE. (Westerfeld, Brent) (Entered: 01/09/2007)
01/09/2007	<u>18</u>	EXHIBIT in Support re <u>14</u> MOTION for Preliminary Injunction <i>Exhibit 4 in support of motion for preliminary injunction</i> , filed by Plaintiff NORMAN TIMBERLAKE. (Westerfeld, Brent) (Entered: 01/09/2007)
01/10/2007	<u>19</u>	MOTION to Strike <u>14</u> MOTION for Preliminary Injunction, filed by Defendant ED BUSS., (Attachments: # <u>1</u> Text of Proposed Order)(Isenberg, Betsy) (Entered: 01/10/2007)
01/10/2007	<u>20</u>	RESPONSE in Opposition re <u>14</u> MOTION for Preliminary Injunction, filed by Defendant ED BUSS. (Quigley, Thomas) (Entered: 01/10/2007)
01/10/2007	<u>21</u>	SCHEDULING ORDER:Bench Trial set for 1/17/2007 09:30 AM in room #349 before Judge Richard L. Young. If plaintiff wishes to be produced as a witness at trial, his counsel shall promptly notify a pro se clerk at 317-229-3950. Signed by Judge Richard L. Young on 1/10/07. (CLL) (Entered: 01/10/2007)
01/10/2007	<u>22</u>	ORDER denying <u>19</u> Motion to Strike. Signed by Judge Richard L. Young on 1/10/07. (CLL) (Entered: 01/10/2007)
01/10/2007	<u>23</u>	EXHIBIT in Support re <u>14</u> MOTION for Preliminary Injunction <i>Exhibit 8 in support of Motion for Preliminary Injunction</i> , filed by Plaintiff NORMAN TIMBERLAKE. (Westerfeld, Brent) (Entered: 01/10/2007)
01/10/2007	<u>24</u>	EXHIBIT in Support re <u>14</u> MOTION for Preliminary Injunction <i>Exhibit 9 in support of Motion for Preliminary Injunction</i> , filed by Plaintiff NORMAN TIMBERLAKE. (Westerfeld, Brent) (Entered: 01/10/2007)
01/10/2007	<u>25</u>	MOTION for Judgment on the Pleadings, filed by Defendant ED BUSS., (Quigley, Thomas) (Entered: 01/10/2007)
01/10/2007	<u>26</u>	BRIEF/MEMORANDUM in Support re <u>25</u> MOTION for Judgment on the Pleadings, filed by Defendant ED BUSS. (Quigley, Thomas) (Entered: 01/10/2007)
01/10/2007	<u>27</u>	MOTION to Expedite Discovery, filed by Defendant ED BUSS., (Attachments: # <u>1</u> Exhibit Interrogatories to the plaintiff# <u>2</u> Text of Proposed Order)(Quigley, Thomas) (Entered: 01/10/2007)
01/11/2007	<u>28</u>	Submission <i>supplmenting Motion to proceed in forma pauperis</i> , filed by Plaintiff NORMAN TIMBERLAKE. (Attachments: # <u>1</u> Supplement Petitioner's inmate trust account history)(Westerfeld, Brent) (Entered: 01/11/2007)
01/11/2007	<u>29</u>	First MOTION to Amend/Correct <u>14</u> MOTION for Preliminary Injunction <i>Counsel's Motion to Adopt Pleading filed under ECF registration and passwd</i> , filed by Plaintiff NORMAN TIMBERLAKE., (Westerfeld, Brent) (Entered: 01/11/2007)
01/11/2007	<u>30</u>	RESPONSE to Discovery Request from Plaintiff Timberlake, filed by Defendant ED BUSS. (Attachments: # <u>1</u> Exhibit draft procedure)(Quigley, Thomas) (Entered: 01/11/2007)
01/12/2007	<u>31</u>	ORDER granting <u>3</u> Motion for Leave to Proceed in forma pauperis; granting <u>29</u> Motion Amend/Correct Motion for Preliminary Injunction; taking under advisement <u>25</u> Motion for Judgment on the Pleadings; granting <u>27</u> Motion to Expedite Discovery. Signed by Judge Richard L. Young on 1/12/07. (CLL) Modified docket no. 29 instead of docket no. 14 1/12/2007 (CLL). (Entered: 01/12/2007)
01/12/2007	<u>32</u>	Submission of <i>Protocol</i> , filed by Defendant ED BUSS. (Attachments: # <u>1</u> Operation Directive ISP 06-26# <u>2</u> Appendix O to Operation Directive ISP 06-26)(Isenberg, Betsy) (Entered: 01/12/2007)

01/12/2007	<u>33</u>	MOTION for Reconsideration re <u>31</u> Order on Motion for Leave to Proceed in forma pauperis,, Order on Motion for Preliminary Injunction,, Order on Motion for Judgment on the Pleadings,,, filed by Defendant ED BUSS., (Attachments: # <u>1</u> Text of Proposed Order)(Quigley, Thomas) (Entered: 01/12/2007)
01/15/2007	<u>34</u>	REPLY in Support of Motion re <u>14</u> MOTION for Preliminary Injunction <i>Reply to Defendant's Reponse in Opposition to Motion for Preliminary Injunction</i> , filed by Plaintiff NORMAN TIMBERLAKE. (Westerfeld, Brent) (Entered: 01/15/2007)
01/15/2007	<u>35</u>	Witness List <i>and Exhibit List</i> , filed by Plaintiff NORMAN TIMBERLAKE. (Westerfeld, Brent) (Entered: 01/15/2007)
01/16/2007	<u>36</u>	Witness List <i>and Exhibit List</i> , filed by Defendant ED BUSS. (Isenberg, Betsy) (Entered: 01/16/2007)
01/16/2007	<u>37</u>	NOTICE of Appearance by Richard A. Waples on behalf of Plaintiff NORMAN TIMBERLAKE. (Waples, Richard) (Entered: 01/16/2007)
01/16/2007	<u>38</u>	ORDER granting in part and denying in part <u>33</u> Motion for Reconsideration. Signed by Judge Richard L. Young on 1/16/07. (CLL) (Entered: 01/16/2007)
01/16/2007	<u>39</u>	Witness List <i>Amendment to Witness List</i> , filed by Plaintiff NORMAN TIMBERLAKE. (Westerfeld, Brent) (Entered: 01/16/2007)
01/16/2007	<u>40</u>	Exhibit List <i>Second Amended Witness and Exhibit List</i> , filed by Plaintiff NORMAN TIMBERLAKE. (Westerfeld, Brent) (Entered: 01/16/2007)
01/16/2007	<u>41</u>	Witness List <i>Plaintiff's Report on Witness Availability</i> , filed by Plaintiff NORMAN TIMBERLAKE. (Westerfeld, Brent) (Entered: 01/16/2007)
02/09/2007	<u>42</u>	NORMAN TIMBERLAKE has made a Partial Payment of \$ 4.00. Receipt is #0102. (CLL) (Entered: 02/15/2007)
03/01/2007	<u>43</u>	MOTION to Intervene <i>as Plaintiff-Intervenor.</i> , (Freedman, Alan) (Entered: 03/01/2007)
03/01/2007	<u>44</u>	NOTICE of Appearance by Alan M. Freedman on behalf of Intervenor Plaintiff MICHAEL ALLEN LAMBERT. (Freedman, Alan) (Entered: 03/01/2007)
03/01/2007	<u>45</u>	APPLICATION <i>to Proceed without Prepayment of Fees and Affidavit</i> , filed by Intervenor Plaintiff MICHAEL ALLEN LAMBERT. (Attachments: # <u>1</u> Certificat of Service for Pauper's Petition)(Freedman, Alan) (Entered: 03/01/2007)
03/01/2007	<u>46</u>	NOTICE of Appearance by Carol Rose Heise on behalf of Intervenor Plaintiff MICHAEL ALLEN LAMBERT. (Heise, Carol) (Entered: 03/01/2007)
03/01/2007	<u>47</u>	NOTICE of Appearance by Laurence E. Komp on behalf of Intervenor Plaintiff MICHAEL ALLEN LAMBERT. (Komp, Laurence) (Entered: 03/01/2007)
03/05/2007	<u>48</u>	First MOTION to Intervene., (Van Der Pol, William) (Entered: 03/05/2007)
03/05/2007	<u>49</u>	NOTICE of Appearance by William Van Der Pol, Jr on behalf of Intervenor Plaintiff David Leon Woods. (Van Der Pol, William) (Entered: 03/05/2007)
03/05/2007	<u>50</u>	MOTION for Leave to Proceed in forma pauperis, filed by Intervenor Plaintiff David Leon Woods. (Van Der Pol, William) (Entered: 03/05/2007)
03/06/2007	<u>51</u>	MOTION to Amend/Correct <i>Leave to proceed in forma pauperis</i> , filed by Intervenor Plaintiff David Leon Woods., (Van Der Pol, William) (Entered: 03/06/2007)
03/08/2007	<u>52</u>	NOTICE of Withdrawal of Appearance by <i>Stephen R. Creason</i> on behalf of J. DAVID DONAHUE, ED BUSS (Creason, Stephen) (Entered: 03/08/2007)
03/19/2007	<u>53</u>	RESPONSE in Opposition re <u>43</u> MOTION to Intervene <i>as Plaintiff-Intervenor</i> , filed by Defendant ED BUSS. (Quigley, Thomas) (Entered: 03/19/2007)
03/20/2007	<u>54</u>	RESPONSE in Opposition re <u>48</u> First MOTION to Intervene <i>of David Leon Woods</i> , filed by Defendant ED BUSS. (Quigley, Thomas) (Entered: 03/20/2007)
03/21/2007	<u>55</u>	RESPONSE to Motion re <u>43</u> MOTION to Intervene <i>as Plaintiff-Intervenor</i> , <u>48</u> First MOTION to Intervene, filed by Plaintiff NORMAN TIMBERLAKE. (Attachments: #

		<u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C)(Westerfeld, Brent) (Entered: 03/21/2007)
03/27/2007	<u>56</u>	CASE MANAGEMENT PLAN TENDERED, filed by Plaintiff NORMAN TIMBERLAKE. (Attachments: # <u>1</u> Text of Proposed Order Case Management Plan Summary)(Westerfeld, Brent) (Entered: 03/27/2007)
04/10/2007	<u>57</u>	ORDER granting <u>43</u> Motion to Intervene; granting <u>48</u> Motion to Intervene; granting <u>50</u> Motion for Leave to Proceed in forma pauperis; granting <u>51</u> Motion to Amend/Correct; denying <u>14</u> Motion for Preliminary Injunction; denying <u>25</u> Motion for Judgment on the Pleadings. Signed by Judge Richard L. Young on 4/10/07. (CLL) (Entered: 04/10/2007)
04/11/2007	<u>58</u>	NOTICE of Appearance by Linda M. Wagoner on behalf of Intervenor Plaintiff DAVID LEON WOODS. (Wagoner, Linda) (Entered: 04/11/2007)
04/11/2007	<u>59</u>	SCHEDULING ORDER:Status Conference set for 4/12/2007 11:30 AM in Telephonic before Judge Richard L. Young. Counsel shall call the Court at 317-229-3964. Signed by Judge Richard L. Young on 4/11/07. (CLL) (Entered: 04/11/2007)
04/11/2007	<u>60</u>	ENTRY does not approve the tendered cmp. The parties have 21 days to file an amended cmp. Intervenor plaintiffs, Lambert and Woods, have through 4/17/07 to file a statement of claim. The defendant shall have through 4/25/07 to answer plaintiffs' Statements. Signed by Judge Richard L. Young on 4/11/07. (CLL) (Entered: 04/11/2007)
04/12/2007	<u>61</u>	MOTION for Discovery <i>Expedited</i> , filed by Intervenor Plaintiff DAVID LEON WOODS., (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Text of Proposed Order)(Wagoner, Linda) (Entered: 04/12/2007)
04/13/2007	<u>62</u>	Minute Order. Proceedings held before Judge Richard L. Young :Telephone Conference held on 4/13/2007.(CLL) (Entered: 04/13/2007)
04/16/2007	<u>63</u>	ORDER granting in part and denying in part <u>61</u> Motion for Expedited Discovery. Signed by Judge Richard L. Young on 4/16/07. (CLL) (Entered: 04/16/2007)
04/17/2007	<u>64</u>	Intervenor COMPLAINT <i>Statement of Claim</i> , filed by MICHAEL ALLEN LAMBERT.(Freedman, Alan) (Entered: 04/17/2007)
04/17/2007	<u>65</u>	MOTION <i>For Order to Answer Interrogatories</i> , filed by Intervenor Plaintiff DAVID LEON WOODS., (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Text of Proposed Order)(Wagoner, Linda) (Entered: 04/17/2007)
04/17/2007	<u>66</u>	Intervenor COMPLAINT, filed by DAVID LEON WOODS.(Wagoner, Linda) (Entered: 04/17/2007)
04/18/2007	<u>67</u>	MOTION for Preliminary Injunction, filed by Intervenor Plaintiff DAVID LEON WOODS., (Attachments: # <u>1</u> Text of Proposed Order)(Wagoner, Linda) (Entered: 04/18/2007)
04/20/2007	<u>68</u>	SCHEDULING ORDER:Preliminary Injunction Hearing set for 4/26/2007 09:30 AM in room #349 before Judge Richard L. Young. Signed by Judge Richard L. Young on 4/20/07. (CLL) (Entered: 04/20/2007)
04/23/2007	<u>69</u>	ENTRY, SCHEDULING ORDER: Status Conference set for 4/25/2007 11:30 AM in Telephonic before Judge Richard L. Young. Signed by Judge Richard L. Young on 4/23/07. (CLL) (Entered: 04/23/2007)
04/23/2007	<u>70</u>	ANSWER to Intervenor Complaint of <i>Michael Allen Lambert and Statement of Defenses</i> , ANSWER to Intervenor Complaint of <i>David Leon Woods and Statement of Defenses</i> , filed by ED BUSS.(Isenberg, Betsy) (Entered: 04/23/2007)
04/24/2007	<u>71</u>	NOTICE, filed by Plaintiff NORMAN TIMBERLAKE, re <u>35</u> Witness List. <i>Notice Withdrawing Name from Witness List</i> . (Westerfeld, Brent) (Entered: 04/24/2007)
04/24/2007	<u>72</u>	Witness List, filed by Intervenor Plaintiff DAVID LEON WOODS. (Wagoner, Linda) (Entered: 04/24/2007)
04/24/2007	<u>73</u>	Witness List <i>and Exhibit List</i> , filed by Defendant ED BUSS. (Isenberg, Betsy) (Entered: 04/24/2007)

04/24/2007	<u>74</u>	MOTION for Summary Judgment (<i>procedural issues</i>), filed by Defendant ED BUSS., (Quigley, Thomas) (Entered: 04/24/2007)
04/24/2007	<u>75</u>	BRIEF/MEMORANDUM in Support re <u>74</u> MOTION for Summary Judgment (<i>procedural issues</i>), filed by Defendant ED BUSS. (Attachments: # <u>1</u> Affidavit Declaraton of Ed Buss# <u>2</u> Affidavit Declaration of Barry Nothstine# <u>3</u> Affidavit Declaration of Howard Morton)(Quigley, Thomas) (Entered: 04/24/2007)
04/24/2007	<u>76</u>	Exhibit List, filed by Intervenor Plaintiff DAVID LEON WOODS. (Wagoner, Linda) (Entered: 04/24/2007)
04/25/2007	<u>77</u>	MOTION to Produce <i>Documents</i> , filed by Intervenor Plaintiff DAVID LEON WOODS., (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Text of Proposed Order)(Wagoner, Linda) (Entered: 04/25/2007)
04/25/2007	<u>78</u>	RESPONSE to Discovery Request from David Woods, filed by Defendant ED BUSS.(Quigley, Thomas) (Entered: 04/25/2007)
04/25/2007	<u>79</u>	Witness List, filed by Intervenor Plaintiff DAVID LEON WOODS. (Wagoner, Linda) (Entered: 04/25/2007)
04/25/2007	<u>80</u>	RESPONSE in Opposition re <u>67</u> MOTION for Preliminary Injunction, filed by Defendant ED BUSS. (Quigley, Thomas) (Entered: 04/25/2007)
04/25/2007	<u>81</u>	ORDER denying <u>65</u> Motion for order to answer interrogatories; denying <u>77</u> Motion to Produce documents. Signed by Judge Richard L. Young on 4/25/07. (CLL) (Entered: 04/25/2007)
04/27/2007	<u>82</u>	MINUTE ENTRY on 4/26/07 hearing on the application of intervenor plaintiff Woods' for a preliminary injunction. (See Entry) Signed by Judge Richard L. Young on 04/26/2007. (TMA) (Entered: 04/27/2007)
04/30/2007	<u>83</u>	RESPONSE in Opposition re <u>74</u> MOTION for Summary Judgment (<i>procedural issues</i>), <u>67</u> MOTION for Preliminary Injunction, filed by Intervenor Plaintiff DAVID LEON WOODS. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit)(Van Der Pol, William) (Entered: 04/30/2007)
04/30/2007	84	TRANSCRIPT of Proceedings held on April 26, 2007 before Judge Richard L. Young. Court Reporter: Pat Cline. (CLL) (Entered: 04/30/2007)
05/01/2007	<u>85</u>	REPLY in Support of Motion re <u>74</u> MOTION for Summary Judgment (<i>procedural issues</i>), filed by Defendant ED BUSS. (Quigley, Thomas) (Entered: 05/01/2007)
05/01/2007	<u>86</u>	ORDER denying <u>74</u> Motion for Summary Judgment. Signed by Judge Richard L. Young on 5/1/07. (CLL) (Entered: 05/01/2007)
05/01/2007	<u>87</u>	Surreply re <u>67</u> MOTION for Preliminary Injunction <i>Response to Defendant's Reply</i> , filed by Intervenor Plaintiff DAVID LEON WOODS. (Van Der Pol, William) (Entered: 05/01/2007)
05/01/2007	<u>88</u>	MOTION for Leave to File <i>Response to Defendant's Reply</i> , filed by Intervenor Plaintiff DAVID LEON WOODS., (Van Der Pol, William) (Entered: 05/01/2007)
05/01/2007	<u>89</u>	ORDER denying as moot <u>88</u> Motion for Leave to File Response to Defendant's Reply. Signed by Judge Richard L. Young on 5/1/07. (CLL) (Entered: 05/01/2007)
05/01/2007	<u>90</u>	ORDER denying <u>67</u> Motion for Preliminary Injunction. Signed by Judge Richard L. Young on 5/1/07. (CLL) (Entered: 05/01/2007)
05/02/2007	<u>91</u>	NOTICE OF APPEAL as to <u>86</u> Order on Motion for Summary Judgment, <u>90</u> Order on Motion for Preliminary Injunction, filed by Intervenor Plaintiff DAVID LEON WOODS. (Van Der Pol, William) (Entered: 05/02/2007)
05/02/2007	<u>92</u>	MOTION for Leave to Appeal in forma pauperis, filed by Intervenor Plaintiff DAVID LEON WOODS. (Van Der Pol, William) (Entered: 05/02/2007)
05/02/2007	<u>93</u>	MOTION to Stay re <u>86</u> Order on Motion for Summary Judgment, <u>90</u> Order on Motion for Preliminary Injunction, filed by Intervenor Plaintiff DAVID LEON WOODS., (Van Der Pol, William) (Entered: 05/02/2007)

05/02/2007	<u>94</u>	DOCKETING STATEMENT by DAVID LEON WOODS re <u>91</u> Notice of Appeal (Van Der Pol, William) (Entered: 05/02/2007)
05/02/2007	<u>95</u>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>91</u> Notice of Appeal. In addition, Parties' Short Record, Instructions, and Designation of Record information attached. (TMA) (Entered: 05/02/2007)
05/02/2007	<u>96</u>	ORDER GRANTING <u>92</u> Motion for Leave to Appeal in forma pauperis; denying <u>93</u> Motion to Stay. (See Entry) Signed by Judge Richard L. Young on 05/02/2007. (TMA) Modified on 5/2/2007 (TMA). (Entered: 05/02/2007)
05/02/2007	97	Transmitted Entire Record on Appeal to US Court of Appeals re <u>91</u> Notice of Appeal, via email as pdf documents. (TMA) (Entered: 05/02/2007)
05/02/2007	<u>98</u>	USCA Case Number 07-2001 for <u>91</u> Notice of Appeal filed by DAVID LEON WOODS. (TMA) (Entered: 05/02/2007)
05/18/2007	<u>99</u>	SCHEDULING ORDER:Bench Trial set for 9/17/2007 09:30 AM in room #349 before Judge Richard L. Young. The Court allots 4 days to try this case. Signed by Judge Richard L. Young on 5/18/07. (CLL) (Entered: 05/18/2007)
05/21/2007	<u>100</u>	ENTRY directing further proceedings. Signed by Judge Richard L. Young on 5/21/07. (CLL) (Entered: 05/21/2007)
05/25/2007	<u>101</u>	CASE MANAGEMENT PLAN TENDERED, filed by Plaintiff NORMAN TIMBERLAKE. (Attachments: # <u>1</u> Appendix Magistrate summary)(Westerfeld, Brent) (Entered: 05/25/2007)
05/29/2007	<u>102</u>	MOTION to Withdraw as Attorney, filed by Intervenor Plaintiff DAVID LEON WOODS. (Attachments: # <u>1</u> Text of Proposed Order)(Wagoner, Linda) (Entered: 05/29/2007)
05/29/2007	<u>103</u>	MANDATE of USCA as to <u>91</u> Notice of Appeal filed by DAVID LEON WOODS – The district court's decision denying Woods' motion for preliminary injunction is AFFIRMED. Woods' application for a Stay of Execution is DENIED, in accordance with the decision of the USCA entered on 5/3/07. (TMA) (Entered: 05/31/2007)
05/31/2007	<u>104</u>	ENTRY—The directions in Part II of the May 21, 2007, Entry directing intervenor plaintiff Lambert to respond to the pending motion for summary judgment is vacated. Signed by Judge Richard L. Young on 5/31/07. (CLL) (Entered: 05/31/2007)
06/06/2007	<u>105</u>	MOTION for Preliminary Injunction, filed by Intervenor Plaintiff MICHAEL ALLEN LAMBERT., (Attachments: # <u>1</u> Exhibit Cooley Stay Order# <u>2</u> Exhibit Moore Order# <u>3</u> Text of Proposed Order)(Komp, Laurence) (Entered: 06/06/2007)
06/07/2007	<u>106</u>	ENTRY – A scrivener's error exists in the Entry issued on 5/31/07. The error is corrected pursuant to Rule 60(a) of the Federal Rules of Civil Procedure as follows: The word "are" is substituted for the word "is" in the first sentence of the Entry. Signed by Judge Richard L. Young on 06/07/2007. (TMA) (Entered: 06/07/2007)
06/08/2007	<u>107</u>	ENTRY CONCERNING SELECTED MATTERS – DISMISSAL – The motion to withdraw filed by one of Intervenor plaintiff Woods' attorneys on 5/29/07, reveals that Woods was executed, as had been scheduled, on 5/04/07. Because Woods sought only injunctive relief through his intervention in this action and because that is no longer available to him in this action, his claim is moot and he is dismissed as a party. <u>102</u> Attorney Wagoner's MOTION to Withdraw as Attorney for DAVID LEON WOODS is DENIED AS MOOT. Signed by Judge Richard L. Young on 06/08/2007. (TMA) (Entered: 06/08/2007)
06/08/2007	<u>108</u>	ENTRY AND NOTICE – In resolving intervenor plaintiff Lambert's motion for preliminary injunction the court will consider, and the parties may do likewise, the evidence and argument presented in conjunction with the motion for preliminary injunction filed by intervenor plaintiff David Leon Woods. Signed by Judge Richard L. Young on 06/08/2007. (TMA) (Entered: 06/08/2007)
06/08/2007	<u>109</u>	RESPONSE in Opposition re <u>105</u> MOTION for Preliminary Injunction, filed by Defendant ED BUSS. (Quigley, Thomas) (Entered: 06/08/2007)

06/08/2007	<u>110</u>	REPLY in Support of Motion re <u>105</u> MOTION for Preliminary Injunction, filed by Intervenor Plaintiff MICHAEL ALLEN LAMBERT. (Komp, Laurence) (Entered: 06/08/2007)
06/12/2007	<u>111</u>	ENTRY denying <u>105</u> Lambert's Motion for Preliminary Injunction. (See Entry) Signed by Judge Richard L. Young on 06/12/2007. (TMA) (Entered: 06/12/2007)
06/13/2007	<u>112</u>	NOTICE OF APPEAL as to <u>111</u> Order on Motion for Preliminary Injunction, filed by Intervenor Plaintiff MICHAEL ALLEN LAMBERT. (Komp, Laurence) (Entered: 06/13/2007)
06/13/2007	<u>113</u>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>112</u> Notice of Appeal. In addition, Parties' Short Record, Instructions, and Designation of Record information attached. (TMA) (Entered: 06/13/2007)
06/13/2007	<u>114</u>	USCA Case Number 07-2378 for <u>112</u> Notice of Appeal filed by MICHAEL ALLEN LAMBERT. (CBU) (Entered: 06/13/2007)
06/14/2007	<u>115</u>	MOTION for Summary Judgment <i>upon Claim of Norman Timberlake</i> , filed by Defendant ED BUSS., (Quigley, Thomas) (Entered: 06/14/2007)
06/14/2007	<u>116</u>	BRIEF/MEMORANDUM in Support re <u>115</u> MOTION for Summary Judgment <i>upon Claim of Norman Timberlake</i> , filed by Defendant ED BUSS. (Quigley, Thomas) (Entered: 06/14/2007)
07/09/2007	<u>117</u>	MANDATE of USCA as to <u>112</u> Notice of Appeal filed by MICHAEL ALLEN LAMBERT – The court adopts Judge Young's decision as its own. And with that, Lambert's motion for a stay of execution must be DENIED, in accordance with the decision of the USCA entered on 6/14/07. (Long record had been transmitted electronically.) (TMA) (Entered: 07/10/2007)
07/12/2007	<u>118</u>	ENTRY DISMISSES Lambert's claim as moot and DISMISSES him as a party. The representation of Lambert by his attorneys in this action is now terminated. The CMP tendered on 5/25/07 is APPROVED with modifications. Plaintiff shall respond to the pending motion for summary judgment on or before 7/30/07. Signed by Judge Richard L. Young on 7/12/07. (CLL) (Entered: 07/12/2007)
07/12/2007		DISMISSAL – MICHAEL ALLEN LAMBERT terminated. Signed by Judge Richard L. Young on 7/12/07. (CLL) (Entered: 07/12/2007)
07/30/2007	<u>119</u>	RESPONSE in Opposition re <u>115</u> MOTION for Summary Judgment <i>upon Claim of Norman Timberlake</i> , filed by Plaintiff NORMAN TIMBERLAKE. (Attachments: # <u>1</u> Exhibit Exhibit 1 Declaration of Dr. Mark Heath# <u>2</u> Exhibit Exhibit 2 Declaration of Steven Schutte)(Westerfeld, Brent) (Entered: 07/30/2007)
07/30/2007	<u>120</u>	First MOTION <i>for extension of time to complete discovery</i> , filed by Plaintiff NORMAN TIMBERLAKE., (Attachments: # <u>1</u> Text of Proposed Order Order granting extension to complete discovery)(Westerfeld, Brent) (Entered: 07/30/2007)
07/31/2007	<u>121</u>	REPLY in Support of Motion re <u>115</u> MOTION for Summary Judgment <i>upon Claim of Norman Timberlake</i> , filed by Defendant ED BUSS. (Quigley, Thomas) (Entered: 07/31/2007)
08/09/2007	<u>122</u>	ORDER granting in part and denying in part <u>120</u> Motion for extension of time to 9/5/07 to respond to discovery; the motion is denied as to the parties authorized to conduct additional discovery. Signed by Judge Richard L. Young on 8/9/07. (CLL) (Entered: 08/09/2007)
08/10/2007	<u>123</u>	Witness List <i>and Exhibit List (preliminary)</i> , filed by Defendant ED BUSS. (Quigley, Thomas) (Entered: 08/10/2007)
08/16/2007	<u>124</u>	ORDER granting <u>115</u> Motion for Summary Judgment. The trial setting for September 17, 2007 is hereby VACATED. Signed by Judge Richard L. Young on 8/16/07. (CLL) (Entered: 08/16/2007)
08/16/2007	<u>125</u>	CLOSED JUDGMENT in favor of defendant against plaintiff. Plaintiff take nothing by his complaint. Signed by Judge Richard L. Young on 8/16/07. (CLL) (Entered: 08/16/2007)

08/17/2007	<u>126</u>	ORDER directs issuance of amended judgment. Signed by Judge Richard L. Young on 8/17/07. (CLL) (Entered: 08/17/2007)
08/17/2007	<u>127</u>	AMENDED JUDGMENT in favor of Defendants against Plaintiffs. Signed by Judge Richard L. Young on 8/17/07. (CLL) Additional attachment(s) added on 8/20/2007 (CLL). (Entered: 08/17/2007)
09/17/2007	<u>128</u>	NOTICE OF APPEAL as to <u>126</u> Order, <u>124</u> Order on Motion for Summary Judgment, <u>127</u> Judgment, <u>125</u> Closed Judgment, filed by Plaintiff NORMAN TIMBERLAKE. (Westerfeld, Brent) (Entered: 09/17/2007)
09/18/2007	<u>129</u>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>128</u> Notice of Appeal. In addition, Parties' Short Record, Instructions, and Designation of Record information attached. (TMA) (Entered: 09/18/2007)
09/19/2007	<u>130</u>	USCA Case Number 07-3228 for <u>128</u> Notice of Appeal filed by NORMAN TIMBERLAKE. (Attachments: # <u>1</u> Fee Notice and Order)(TMA) (Entered: 09/19/2007)
09/26/2007	<u>131</u>	DESIGNATION of Record on Appeal by NORMAN TIMBERLAKE re <u>128</u> Notice of Appeal (Attachments: # <u>1</u> Docket Sheet)(Westerfeld, Brent) (Entered: 09/26/2007)
01/02/2008	<u>132</u>	MANDATE of USCA as to <u>128</u> Notice of Appeal filed by NORMAN TIMBERLAKE – Appeal #07-3228 – The judgment of the District Court is VACATED and the case is REMANDED with instructions to dismiss for lack of a case or controversy, in accordance with the decision of the USCA entered on 12/05/07. (Record w/USDC.) (TMA) (Entered: 01/04/2008)
01/09/2008	<u>133</u>	ENTRY dismisses action in conformity with appellate mandate. Signed by Judge Richard L. Young on 1/9/2008.(CLL) (Entered: 01/09/2008)

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