

CLOSED, STAYED

**U.S. District Court
Eastern District of California - Live System (Sacramento)
CIVIL DOCKET FOR CASE #: 2:04-cv-02381-FCD-EFB**

Kozlowski, et al v. Sacramento County, et al
Assigned to: Judge Frank C. Damrell, Jr
Referred to: Magistrate Judge Edmund F. Brennan
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 11/05/2004
Date Terminated: 03/02/2007
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Kimberly Kozlowski

represented by **Jeffrey I. Schwarzschild**
Department of Justice
Office of the Attorney General
Employment, Regulation & Administration
Section
1300 I Street
Sacramento, CA 95814
916/324-8630
Email: Jeffrey.Schwarzschild@doj.ca.gov
TERMINATED: 02/28/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark E. Merin
Law Office of Mark E. Merin
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V.

Defendant

Sacramento County

represented by **Terence John Cassidy**
Porter Scott, A Professional Corporation
350 University Avenue
Suite 200
Sacramento, CA 95825
(916) 929-1481 x316
Fax: (916) 927-3706

Email: tcassidy@porterscott.com
LEAD ATTORNEY
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Defendant

**Sacramento County Probation
Department**

represented by **Terence John Cassidy**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Verne Speirs
*Sac County Chief Probation Officer in his
individual and official capacity*

represented by **Terence John Cassidy**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Suzanne Collins
*Sac County Assistant Chief Probation
Officer in her individual and official
capacity*

represented by **Terence John Cassidy**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Jasmine Taggart
*a minor by and through her Guardian Ad
Litem*
guardian ad litem
Barbara Perry

represented by **Jeffrey I. Schwarzschild**
(See above for address)
TERMINATED: 02/28/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark E. Merin
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Alicia Anderson
*a minor by and through her Guardian Ad
Litem*
guardian ad litem
Priscilla Hairston

represented by **Jeffrey I. Schwarzschild**
(See above for address)
TERMINATED: 02/28/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark E. Merin
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/05/2004	1	COMPLAINT; jury demand, fee status pd, receipt # 8745, assigned to Judge Frank C. Damrell Jr referred to Magistrate Judge Dale A. Drozd (crf) (Entered: 11/08/2004)
11/05/2004	2	NOTICE by plaintiff Kimberly Kozlowski of related case(s) CIV.S-04-1617 FCD PAN (crf) (Entered: 11/08/2004)
11/05/2004	3	ORDER REQUIRING JOINT STATUS REPORT by Judge Frank C. Damrell Jr informing the parties on the procedure to follow in pursuing this action (crf) (Entered: 11/08/2004)
11/18/2004	4	RELATED CASE ORDER by Judge Frank C. Damrell Jr relating case(s) 2:04cv1617 FCD PAN with member case 2:04cv2381 FCD DAD; case 2:04cv2381 FCD DAD is REASSIGNED TO magistrate judge Peter A Nowinski [2-1] (cc: all counsel) (ljr) (Entered: 11/18/2004)
11/30/2004	5	AMENDED COMPLAINT (complaint [1-1] TERMINATED) by plaintiff Kimberly Kozlowski in 2:04-cv-02381 adding pltfs Jasmine Taggart and Alicia Anderson to case(s) 2:04-cv-02381,; jury demand (crf) (Entered: 12/01/2004)
11/30/2004		LODGED petition and proposed order for appointment of guardian ad litem by plaintiff Alicia Anderson in 2:04-cv-02381 (crf) (Entered: 12/01/2004)
12/03/2004	6	RETURN OF SERVICE executed upon defendants Sacramento County, Sac County Probation, Verne Speirs and Suzanne Collins in 2:04-cv-02381 on 12/1/04 (crf) (Entered: 12/06/2004)
12/03/2004		LODGED petition and proposed order for appointment of guardian ad litem by plaintiff Jasmine Taggart in 2:04-cv-02381 (crf) (Entered: 12/06/2004)
12/07/2004	7	ORDER by Judge Frank C Damrell Jr ORDERING that the petition for an order appointing Priscilla Hairston as guardian ad litem for petitioner Alicia Anderson is GRANTED; (cc: all counsel) (lm) (Entered: 12/07/2004)
12/07/2004	8	ORDER by Judge Frank C Damrell Jr ORDERING that the petition for an order appointing Barbara Perry as guardian ad litem for petitioner Jasmine Taggart is GRANTED; (cc: all counsel) (lm) (Entered: 12/07/2004)
12/09/2004	9	PROOF OF SERVICE by plaintiff in 2:04-cv-02381 of petitions and proposed orders for appointment of guardian ad litem (crf) (Entered: 12/10/2004)
12/10/2004	10	ADDENDUM by plaintiffs in 2:04-cv-02381 to first amended class action complaint [5-1] (crf) (Entered: 12/13/2004)
12/16/2004		LODGED stip and proposed order to extend time to respond to complaint (crf) (Entered: 12/17/2004)
12/20/2004	11	ORDER by Judge Frank C. Damrell Jr ORDERING stipulation to extend time to respond to complaint GRANTED; response is due on or before 1/11/05 (cc: all counsel) (daw) (Entered: 12/20/2004)

01/11/2005	12	First Amended MOTION to DISMISS <i>Pursuant to FRCivP 12(b)(6) by Defs. Suzanne Collins and</i> by Sacramento County, Sacramento County Probation, Verne Speirs. Motion Hearing set for 2/28/2005 at 10:00 AM in Courtroom 2 (FCD) before Judge Frank C. Damrell Jr.. (Cassidy, Terence) (Entered: 01/11/2005)
01/11/2005	13	MOTION to DISMISS <i>Notice of by Suzanne Collins and</i> by Sacramento County, Sacramento County Probation, Verne Speirs. Motion Hearing set for 2/25/2005 at 10:00 AM in Courtroom 2 (FCD) before Judge Frank C. Damrell Jr.. (Cassidy, Terence) (Entered: 01/11/2005)
01/12/2005	14	CLERK'S NOTICE of DOCKET CORRECTION re 12 First Amended MOTION to DISMISS <i>Pursuant to FRCivP 12(b)(6) by Defs. Suzanne Collins</i> , incorrectly set the motion hearing for 2/28/05 and is hereby VACATED. 13 Notice of MOTION to DISMISS <i>Notice of by Suzanne Collins and</i> SETS motion for 2/25/05. (Waggoner, D) (Entered: 01/12/2005)
01/31/2005	15	STATUS REPORT <i>JOINT</i> by Sacramento County, Sacramento County Probation, Verne Speirs. (Cassidy, Terence) (Entered: 01/31/2005)
02/11/2005	16	MEMORANDUM/RESPONSE in OPPOSITION re 12 First Amended MOTION to DISMISS <i>Pursuant to FRCivP 12(b)(6) by Defs. Suzanne Collins and.</i> (Merin, Mark) (Entered: 02/11/2005)
02/11/2005	17	DECLARATION of MARK E. MERIN in OPPOSITION TO re 12 First Amended MOTION to DISMISS <i>Pursuant to FRCivP 12(b)(6) by Defs. Suzanne Collins and.</i> (Attachments: # 1 Exhibit A to Merin Declaration# 2 Exhibit B to Merin Declaration)(Merin, Mark) (Entered: 02/11/2005)
02/17/2005	18	MINUTE ORDER: from CRD M. Price on 2/17/05 re: 13 Motion to Dismiss ***MOTION SUBMITTED: The hearing set for February 25, 2005 at 10:00 a.m. is VACATED. The Court will issue an order(Price, M) (Entered: 02/17/2005)
02/18/2005	19	REPLY/RESPONSE to Plaintiffs' Opposition to Motion to Dismiss by Sacramento County, Sacramento County Probation, Verne Speirs, Suzanne Collins re 16 Memorandum/Response in Opposition to Motion, 17 . (Cassidy, Terence) (Entered: 02/18/2005)
03/11/2005	20	ORDER granting in part and denying in part 13 Motion to Dismiss signed by Judge Frank C. Damrell Jr. on 3/11/05. (Price, M) (Entered: 03/11/2005)
03/17/2005	21	MINUTE ORDER: from CRD M. Price for Judge Frank C. Damrell Jr. on 3/17/05. Status Conference set for 4/15/2005 at 10:00 AM in Courtroom 2 (FCD) before Judge Frank C. Damrell Jr. The parties shall submit a supplemental joint status report on or before April 8, 2005 regarding the issues of class certification, the setting of a briefing schedule, and the possibility of consolidating this action with the related action. (Price, M) (Entered: 03/17/2005)
03/23/2005	22	ANSWER to AMENDED COMPLAINT <i>w/Demand for Jury Trial</i> by Sacramento County, Sacramento County Probation, Verne Speirs, Suzanne Collins. (Attachments: # 1 Demand for Jury Trial)(Cassidy, Terence) (Entered: 03/23/2005)

04/08/2005	23	STATUS REPORT <i>SUPPLEMENTAL [JOINT]</i> by Kimberly Kozlowski, Sacramento County, Sacramento County Probation, Verne Speirs, Suzanne Collins, Jasmine Taggart, Alicia Anderson. (Schwarzschild, Jeffrey) (Entered: 04/08/2005)
04/08/2005	24	MINUTE ORDER: from CRD M. Price for Judge Frank C. Damrell Jr. on 4/8/05. re 23 Status Report. Motion Hearing set for 9/23/2005 at 10:00 AM in Courtroom 2 (FCD) before Judge Frank C. Damrell Jr.. Status Conference set for 12/2/2005 at 10:00 AM in Courtroom 2 (FCD) before Judge Frank C. Damrell Jr. Joint report due by 11/29/05. (Price, M) (Entered: 04/08/2005)
06/16/2005	25	STIPULATION and PROPOSED ORDER : STIPULATED REQUEST TO RESET HEARING ON PLAINTIFFS' JOINT MOTION FOR CLASS CERTIFICATION by Kimberly Kozlowski, Sacramento County, Sacramento County Probation, Verne Speirs, Suzanne Collins, Jasmine Taggart, Alicia Anderson. (Merin, Mark) (Entered: 06/16/2005)
06/16/2005	26	STIPULATION and ORDER (hearing date modified) Plaintiffs' Joint Motion for Class Certification. Filing due by 9/20/2005. Opposition by 10/4/05. Reply due by 10/14/05. Motion Hearing set for 11/4/2005 at 10:00 AM in Courtroom 2 signed by Judge Frank C. Damrell Jr. on 6/16/05. (Price, M) (Entered: 06/16/2005)
09/13/2005	27	STIPULATED REQUEST and PROPOSED ORDER to Reset Hearing on Plaintiffs' Joint Motion for Class Certification; by Kimberly Kozlowski, Sacramento County, Sacramento County Probation, Verne Speirs, Suzanne Collins, Jasmine Taggart, Alicia Anderson. (Merin, Mark) Modified on 9/16/2005 (Mena-Sanchez, L). (Entered: 09/13/2005)
09/14/2005	28	STIPULATION and ORDER signed by Judge Frank C. Damrell Jr. on 9/14/05. Motion Hearing on Class Certification set for 12/2/2005 at 10:00 AM in Courtroom 2 (FCD) before Judge Frank C. Damrell Jr. Motions due by 11/1/2005. Opposition due by 11/15/05. Reply due by 11/23/05. Status Conference reset for 1/27/2006 at 10:00 AM in Courtroom 2 (FCD) before Judge Frank C. Damrell Jr. Status report filing due by 1/17/2006. (Price, M) (Entered: 09/14/2005)
10/07/2005	29	NOTICE by Sacramento County, Sacramento County Probation Department, Verne Speirs, Suzanne Collins of <i>Motion to Compel Deposition of Plaintiff Alicia Anderson</i> (Cassidy, Terence) (Entered: 10/07/2005)
10/17/2005	30	AMENDED DOCUMENT by Sacramento County, Sacramento County Probation Department, Verne Speirs, Suzanne Collins. Amendment to 29 Notice (Other) <i>Amended Notice of Motion to Compel Deposition of Plaintiff Alicia Anderson.</i> (Cassidy, Terence) (Entered: 10/17/2005)
10/18/2005	31	CLERK'S NOTICE of DOCKET CORRECTION. Parties are notified that this pleading 29 bears the incorrect case number CIV S 04-1617 FCD PAN and is deemed by the Clerk's Office as improperly filed. (Mena-Sanchez, L) (Entered: 10/18/2005)
10/18/2005	32	[CLERK'S CORRECTION - TEXT ONLY] SETTING AMENDED NOTICE OF MOTION to COMPEL 30 by Sacramento County, Sacramento County Probation Department, Verne Speirs, Suzanne Collins. Motion Hearing is SET for

		11/2/2005 at 09:00 AM in Courtroom 25 (PAN) before Magistrate Judge Peter A. Nowinski. (Mena-Sanchez, L) Modified on 10/18/2005 (Mena-Sanchez, L). (Entered: 10/18/2005)
10/28/2005	34	NOTICE OF WITHDRAW by Sacramento County, Sacramento County Probation Department, Verne Speirs, Suzanne Collins <i>of Defs' 30 Motion to Compel Deposition of Plaintiff Alicia Anderson</i> (Cassidy, Terence) Modified on 11/3/2005 (Kirkpatrick, S). (Entered: 10/28/2005)
11/01/2005	35	AMENDED NOTICE OF WITHDRAW by all defendants , <i>of Defs' 30 Motion to Compel Deposition of Plaintiff Alicia Anderson</i> (Cassidy, Terence) Modified on 11/3/2005 (Kirkpatrick, S). Modified on 11/3/2005 (Kirkpatrick, S). (Entered: 11/01/2005)
11/02/2005	36	STIPULATION and PROPOSED ORDER to Extend the Time for Plaintiffs to File Motion for Class Certification, Continue the Status Conference, and the Stay of Action for 120 Days by Kimberly Kozlowski, Sacramento County, Sacramento County Probation Department, Verne Speirs, Suzanne Collins, Jasmine Taggart, Alicia Anderson. (Attachments: # 1 Proposed Order)(Merin, Mark) Modified on 11/3/2005 (Kirkpatrick, S). (Entered: 11/02/2005)
11/02/2005	37	STIPULATION and ORDER signed by Judge Frank C. Damrell Jr. on 11/2/05. 36 Stipulation to Stay - GRANTED. All dates VACATED. Case stayed. The parties are directed to file a Joint Status Report setting forth the current status of this matter and future proceedings within ten (10) days from the running of the one hundred (120) day stay Order. (Price, M) (Entered: 11/02/2005)
02/21/2006	38	JOINT STATUS REPORT by Kimberly Kozlowski, Sacramento County, Sacramento County Probation Department, Verne Speirs, Suzanne Collins, Jasmine Taggart, Alicia Anderson. (Merin, Mark) (Entered: 02/21/2006)
02/21/2006	39	PROPOSED ORDER re: Joint Status Report and Stipulation to Extend the Time for Plaintiffs to File a Motion for Class Certification, Continue the Status Conference and Stay of Action for an Additional 90 Days by Kimberly Kozlowski, Sacramento County, Sacramento County Probation Department, Verne Speirs, Suzanne Collins, Jasmine Taggart, Alicia Anderson. (Merin, Mark) (Entered: 02/21/2006)
02/23/2006	40	STIPULATION and ORDER 39 signed by Judge Frank C. Damrell Jr. on 2/22/06. Action is STAYED for 90 days from date of Order. Parties directed to file Joint Status Report w/in 10 days from running of 90-day Stay Order. Plaintiffs' time to file Motion for Class Certification is EXTENDED to date and time to be rescheduled upon lifting of Stay Order.(Marciel, M) (Entered: 02/23/2006)
03/08/2006	41	NOTICE OF TEMPORARY ASSIGNMENT notifying parties that due to the retirement of Magistrate Judge Peter A. Nowinski, this action is temporarily reassigned to Magistrate Judge John F. Moulds. (Krueger, M) (Entered: 03/08/2006)
05/19/2006	42	JOINT STATUS REPORT and PROPOSED ORDER by Kimberly Kozlowski, Jasmine Taggart, Alicia Anderson. (Merin, Mark) Modified on 5/24/2006 (Reader, L). (Entered: 05/19/2006)

05/24/2006	43	ORDER signed by Judge Frank C. Damrell Jr. on 5/24/2006 ORDERING 42 that if the parties have not approved the stipulated settlement agreement within 30 Days of this order, they shall file a further status report requesting the setting of dates for hearing on Pltfs' Motion for Class Certification and/or the setting of a further status conference. The Parties shall either file the stipulated settlement or a joint status report within 30 Days of the expiration of the time period as noted above. (Reader, L) (Entered: 05/24/2006)
06/22/2006	44	JOINT STATUS REPORT by Kimberly Kozlowski, Jasmine Taggart, Alicia Anderson. (Merin, Mark) (Entered: 06/22/2006)
06/22/2006	45	PROPOSED ORDER as to 44 Status Report and Stipulated Motion for Preliminary Approval of Provisional Settlement Class by Kimberly Kozlowski, Jasmine Taggart, Alicia Anderson. (Merin, Mark) Modified on 6/23/2006 (Marciel, M). (Entered: 06/22/2006)
06/27/2006	46	ORDER signed by Judge Frank C. Damrell Jr. on 6/26/06 ORDERING that the parties shall file their Joint Stipulated Motion for Preliminary Approval of Provisional Settlement Class and Settlement of Class Action and Stipulation of Settlement on or before 7/10/06 and a hearing is set in this matter for 8/18/2006 at 10:00 AM in Courtroom 2 (FCD) before Judge Frank C. Damrell Jr.. (Yin, K) (Entered: 06/27/2006)
07/10/2006	47	STIPULATED Motion for Preliminary Approval of Provisional Settlement Class and Settlement of Class Action by Kimberly Kozlowski, Sacramento County, Sacramento County Probation Department, Verne Speirs, Suzanne Collins, Jasmine Taggart, Alicia Anderson. (Attachments: # 1 Exhibit 1 # 2 Exhibit 2 # 3 Exhibit 3)(Merin, Mark) Modified on 7/11/2006 (Krueger, M). (Entered: 07/10/2006)
07/10/2006	48	STIPULATION of Settlement by Kimberly Kozlowski, Sacramento County, Sacramento County Probation Department, Verne Speirs, Suzanne Collins, Jasmine Taggart, Alicia Anderson. (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Exhibit 3# 4 Exhibit 4)(Merin, Mark) (Entered: 07/10/2006)
07/10/2006	49	PROPOSED ORDER for Preliminary Approval of Settlement of Class Action by Defendants. (Attachments: # 1 Exhibit A # 2 Exhibit B)(Merin, Mark) Modified on 7/11/2006 (Krueger, M). (Entered: 07/10/2006)
07/10/2006	50	PROPOSED PROTECTIVE ORDER for Disclosure of Juvenile Records by Defendants. (Merin, Mark) Modified on 7/11/2006 (Krueger, M). (Entered: 07/10/2006)
08/08/2006	51	NOTICE of HEARING: from CRD M. Price on 8/8/06. The start time for the hearing on the stipulated motion for preliminary approval of settlement set for 8/18/2006 is RESET for 01:30 PM in Courtroom 2 (FCD) before Judge Frank C. Damrell Jr.. (TEXT ONLY)(Price, M) (Entered: 08/08/2006)
08/09/2006	52	MINUTE ORDER: from CRD M. Price for Judge Frank C. Damrell Jr. on 8/9/06. The 47 Stipulated Motion for Approval of Settlement-MOTION SUBMITTED: without oral argument. The hearing set for 8/18/06 is VACATED. The court shall issue a written order. (TEXT ONLY) (Price, M) (Entered: 08/09/2006)

08/11/2006	53	ORDER FOR PRELIMINARY APPROVAL OF SETTLEMENT OF CLASS ACTION signed by Judge Frank C. Damrell Jr. on 8/11/06. Class members shall have up to and including 1/8/07 in which to optout of settlement. Fairness Hearing set for 3/2/2007 at 10:00 AM in Courtroom 2 (FCD) before Judge Frank C. Damrell Jr..Objections to be filed by 2/16/07. (Attachments: # 1 Exhibit A# 2 Exhibit B)(Price, M) (Entered: 08/11/2006)
08/11/2006	54	PROTECTIVE ORDER FOR DISCLOSURE OF JUVENILE RECORDS signed by Judge Frank C. Damrell Jr. on 8/11/06. (See order for specifics)(Price, M) (Entered: 08/11/2006)
08/28/2006	55	ORDER by Chief Judge David F. Levi ORDERING due to the recent appointment of Magistrate Judge Edmund F. Brennan to the bench of the Eastern District, this action is REASSIGNED from Magistrate Judge Peter A. Nowinski for all further proceedings. (Davis, D) (Entered: 08/28/2006)
02/20/2007	58	LETTER from Winzer Hayden regarding the class action suit. (Carlos, K) (Entered: 02/21/2007)
02/21/2007	56	MOTION (APPLICATION) <i>for Approval of Stipulated Attorney's Fees and Reimbursement of Costs [This document is identical to the motion filed in the related case Robinson v. Sac County 04-CV 1617]</i> by Kimberly Kozlowski, Jasmine Taggart, Alicia Anderson. Motion Hearing set for 3/2/2007 at 10:00 AM in Courtroom 2 (FCD) before Judge Frank C. Damrell Jr.. (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Exhibit 3# 4 Exhibit 4)(Merin, Mark) Modified on 2/22/2007 (Marciel, M). (Entered: 02/21/2007)
02/21/2007	57	DECLARATION of Mark E. Merin in support of 56 MOTION (APPLICATION) <i>for Approval of Stipulated Attorney's Fees and Reimbursement of Costs.</i> (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C)(Merin, Mark) Modified on 2/22/2007 (Marciel, M). (Entered: 02/21/2007)
02/21/2007	59	NOTICE of <i>Joint Submission in support of Final Approval of Stipulated Settlement</i> by all parties(Attachments: # 1 Exhibit 1# 2 Exhibit 2)(Merin, Mark) Modified on 2/22/2007 (Marciel, M). (Entered: 02/21/2007)
02/21/2007	60	PROPOSED ORDER and Judgment of Dismissal by Kimberly Kozlowski, Sacramento County, Sacramento County Probation Department, Verne Speirs, Suzanne Collins, Jasmine Taggart, Alicia Anderson. (Merin, Mark) (Entered: 02/21/2007)
02/21/2007	61	DECLARATION of Markham Sherwood in support of Final Approval of the Settlement. (Merin, Mark) Modified on 2/22/2007 (Marciel, M). (Entered: 02/21/2007)
03/02/2007	62	MINUTES for proceedings held before Judge Frank C. Damrell Jr.: MOTION HEARING held on 3/2/2007 re 56 MOTION (APPLICATION) for Approval of Stipulated Attorney's Fees and Reimbursement of Costs filed by Kimberly Kozlowski,, Jasmine Taggart,, Alicia Anderson - GRANTED. The court to issue an order. Plaintiffs Counsel Mark Merin present. Defendants Counsel Terence Cassidy present. Court Reporter/CD Number: M. Babbitt. (TEXT ONLY) (Price, M) (Entered: 03/02/2007)

03/02/2007	63	ORDER AND JUDGMENT OF DISMISSAL signed by Judge Frank C. Damrell Jr. on 3/2/07. 56 Pltf's motion for attorney fees GRANTED. Pltf counsel approves payment of atty fees and costs \$1,500,000. Court approves payment from the fund a total of \$280,000 to be divided among pltf's as specified. The matter is DISMISSED with PREJUDICE and JUDGMENT entered. All pending dates VACATED. CASE CASE CLOSED.(Price, M) (Entered: 03/05/2007)
03/05/2007	64	JUDGMENT dated *3/2/07* signed by Judge Frank C. Damrell Jr. on 3/2/07 in accordance with order siged on 3/2/07. (Price, M) (Entered: 03/05/2007)

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