

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

**FILED**

JAN 23 2002

G. PATRICK MURPHY,  
DISTRICT JUDGE  
SOUTHERN DISTRICT OF ILLINOIS  
EAST ST. LOUIS, ILLINOIS

ROBERT WESTEFER, et al., Each )  
Individually and on Behalf of All Others )  
Similarly Situated, )

Plaintiffs, )

vs. )

DONALD SNYDER, et al., )

Defendants. )

CIVIL NO. 00-162-GPM

**ORDER**

**MURPHY, Chief District Judge:**

This matter is before the Court on Plaintiff Timothy Hall's motion for voluntary dismissal from the litigation subclass (Doc. 58). This motion has caused the Court to review the file in this case and, specifically, the Court's December 20, 2000, Memorandum and Order (Doc. 34). The Court has determined that the dismissal of Counts Two and Three should be with prejudice. Accordingly, the Court, *sua sponte*, hereby **MODIFIES** the December 20, 2000, Memorandum and Order (Doc. 34), such that Counts Two and Three are **DISMISSED with prejudice** for failure to state a claim upon which relief can be granted. Count Four, which pertains to all named Plaintiffs, **REMAINS dismissed without prejudice** for lack of subject matter jurisdiction. Only Count One remains, and it pertains only to those Plaintiffs that are part of the litigation subclass.

In the motion that is pending (Doc. 58), Plaintiff Timothy Hall requests that the Court dismiss him as a member of the litigation subclass but seeks to remain a named Plaintiff and member of the

gang subclass. According to the motion, Plaintiff Hall's inclusion in the litigation subclass was an error by counsel. As set forth above, the only claim remaining in this action involves the litigation subclass. Having been fully considered by the Court, Plaintiff Hall's motion is **GRANTED in part and DENIED in part**. He is hereby **WITHDRAWN** from the litigation subclass and his name is **STRICKEN** from paragraphs 94 and 102 of the complaint. Because he is no longer a member of the litigation subclass and all of his other claims have been dismissed, Plaintiff Timothy Hall is hereby **DISMISSED** as a party to this action.

In light of the foregoing, the Court finds it necessary to clarify the parties' posture in this case. The only remaining named Plaintiffs are the following members of the litigation subclass: Mark Von Perbandt, Corey A. Taylor, Michael Sparling, Joe Sorrentino, Anibal Santiago, Edward Rodriguez, Vincente Rodriguez, William Lasley, Ted Knox, Eugene Horton, George Harper, Robert Felton, Kennard Combs, Laverne Clayton, Marcus Chapman, Ronnie W. Carroll, Roosevelt Burrell, and Aryules Bivens.<sup>1</sup> All of the claims asserted by the following Plaintiffs have been dismissed from this action, and, consequently, the following are **dismissed** as parties to this action: Robert Westefer, Alejandro Villazana, Armando Tinajero, Tyshawn Ross, Vincent Reyna, Alex Muller, Michael Johnson, Timothy Hall, John Gill, Larry Gambrell, Larry Foutch, Maurice Coleman, Gary Clark, Finner Bryant, and Larry Brown.

Finally, the Court notes that this case was presumptively set for jury trial in June 2001 (*see* Doc. 5). The trial did not take place in June, presumably because of certain discovery disputes. Those disputes have been resolved (*see* Docs. 56, 63). Accordingly, this matter is hereby **SET** for

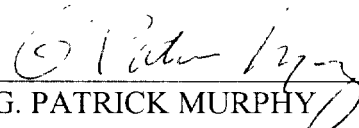
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<sup>1</sup>Milton Smith, who was named in the complaint as a member of the litigation subclass, was voluntarily dismissed without prejudice from this action (*see* Doc. 32).

**jury trial on Tuesday, August 6, 2002, at 8:00 a.m.** in the United States District Courthouse for the Southern District of Illinois, 750 Missouri Avenue, East St. Louis, Illinois. **No further notice will be given.**

**IT IS SO ORDERED.**

DATED this 11<sup>th</sup> day of January, 2002.

  
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G. PATRICK MURPHY  
Chief United States District Judge