

CLOSED, TRIAL-NORTHPLATTE

**U.S. District Court
District of Nebraska (7 North Platte)
CIVIL DOCKET FOR CASE #: 7:07-cv-05004-JFB-TDT**

Eastman et al v. Sheridan, County of et al
Assigned to: Judge Joseph F. Bataillon
Referred to: Magistrate Judge Thomas D. Thalken
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 02/09/2007
Date Terminated: 09/15/2010
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Arlyn J. Eastman
*Personal Representative Of The Estate Of
The Deceased*
—
Lino Lowell Spotted Elk, Jr.

represented by **Maren L. Chaloupka**
CHALOUPKA, HOLYOKE LAW FIRM
P.O. Box 2424
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ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

Plaintiff

Lino Lowell Spotted Elk, Jr.
Deceased

represented by **Maren L. Chaloupka**
(See above for address)
ATTORNEY TO BE NOTICED

Robin L. Zephier
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Sheridan, County of
A Nebraska Political Subdivision

represented by **Kristine R. Cecava**
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2425 Circle Drive
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 Email: mneilan@mjlilaw.com
 ATTORNEY TO BE NOTICED

Defendant

Levi McKillet
In His Individual And Official Capacities
 TERMINATED: 02/12/2009

represented by **Kristine R. Cecava**
 (See above for address)
 ATTORNEY TO BE NOTICED

Michael J. Javoronok
 (See above for address)
 ATTORNEY TO BE NOTICED

Monte L. Neilan
 (See above for address)
 ATTORNEY TO BE NOTICED

Defendant

Does 1-5
In Their Individual Capacities

represented by **Kristine R. Cecava**
 (See above for address)
 ATTORNEY TO BE NOTICED

Michael J. Javoronok
 (See above for address)
 ATTORNEY TO BE NOTICED

Monte L. Neilan
 (See above for address)
 ATTORNEY TO BE NOTICED

Defendant

Levi McKillip
In His Individual Capacity

represented by **Kristine R. Cecava**
 (See above for address)
 ATTORNEY TO BE NOTICED

Michael J. Javoronok
 (See above for address)
 ATTORNEY TO BE NOTICED

Monte L. Neilan
 (See above for address)
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/09/2007	<u>1</u>	COMPLAINT with Jury Demand against all defendants (Filing fee \$ 350, receipt number 922034), by Attorney Maren L. Chaloupka on behalf of ARLYN J. EASTMAN (Attachments: #(1) Complaint)(Chaloupka, Maren) Modified on 2/12/2007 to indicate the complaint is actually attachment #1 (JSF). (Entered: 02/09/2007)
02/12/2007	2	TEXT NOTICE OF JUDGES ASSIGNED: Judge Joseph F. Bataillon and Magistrate Judge Thomas D. Thalken assigned. (CS,) (Entered: 02/12/2007)

02/12/2007	<u>3</u>	ATTORNEY LETTER by Clerk that Attorney Robin Zephier has not registered for admittance to practice, nor registered for the system. If the requested action is not taken within fifteen (15) days of the date of this letter, this matter will be referred to the assigned magistrate judge for the entry of a show cause order. (JSF) (Entered: 02/12/2007)
02/12/2007		NOTICE of Docket Text Modification by Deputy Clerk regarding Complaint <u>1</u> ; Text modified on 2/12/2007 to indicate the complaint is actually attachment #1 (JSF) (Entered: 02/12/2007)
02/26/2007	<u>4</u>	APPLICATION/ORDER admitting for full-time admission Attorney Robin L. Zephier for Plaintiffs Arlyn J. Eastman, Lino Lowell Spotted Elk, Jr. Ordered by Deputy Clerk. (ADB) (Entered: 02/27/2007)
03/09/2007	<u>5</u>	Summons Requested as to defendant Sheridan, County of regarding Complaint, <u>1</u> . (Chaloupka, Maren) (Entered: 03/09/2007)
03/09/2007	<u>6</u>	Summons Requested as to defendant Levi McKillet regarding Complaint, <u>1</u> . (Chaloupka, Maren) (Entered: 03/09/2007)
03/09/2007	<u>7</u>	Summons Requested as to defendant Sheridan, County of regarding Complaint, <u>1</u> . (Chaloupka, Maren) (Entered: 03/09/2007)
03/09/2007	<u>8</u>	Summons Requested as to defendant Sheridan, County of regarding Complaint, <u>1</u> . (Chaloupka, Maren) (Entered: 03/09/2007)
03/09/2007	<u>9</u>	Summons Issued (COPY) as to defendant Sheridan, County of, Levi McKillet regarding Complaint, <u>1</u> . YOU MUST PRINT YOUR ISSUED SUMMONS, WHICH ARE ATTACHED TO THIS DOCUMENT. PAPER COPIES WILL NOT BE MAILED. (GJG,) (Entered: 03/09/2007)
03/29/2007	<u>10</u>	MOTION to Dismiss by Attorney Michael J. Javoronok on behalf of Defendants Sheridan, County of, Levi McKillet, Does 1-5.(Javoronok, Michael) (Entered: 03/29/2007)
03/29/2007	<u>11</u>	BRIEF In Support Of MOTION to Dismiss <u>10</u> by Attorney Michael J. Javoronok on behalf of Defendants Sheridan, County of, Levi McKillet, Does 1-5.(Javoronok, Michael) (Entered: 03/29/2007)
04/06/2007	<u>12</u>	MOTION to Extend <i>time in which to respond to Defendants Motion to Dismiss</i> by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman.(Chaloupka, Maren) (Entered: 04/06/2007)
04/11/2007	<u>13</u>	TEXT ORDER granting <u>12</u> Plaintiff's Motion to Extend Time until 4/20/2007 to respond to <u>10</u> Motion to Dismiss. Ordered by Judge Joseph F. Bataillon.(MGH,) (Entered: 04/11/2007)
04/20/2007	<u>14</u>	BRIEF In Opposition to <i>Defendant's Motion to Dismiss</i> by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman.(Chaloupka, Maren) (Entered: 04/20/2007)
04/20/2007	<u>15</u>	MOTION for Leave to <i>File Amended Complaint</i> by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman. (Attachments: # <u>1</u>)(Chaloupka, Maren) (Entered: 04/20/2007)
04/23/2007	<u>16</u>	TEXT Order granting <u>15</u> MOTION to amend. The plaintiff is allowed to make the amendment as a matter of course pursuant to Fed. R. Civ. P. 15(a). The plaintiff shall have until May 7, 2007, to file the amended complaint. Ordered by Magistrate Judge Thomas D. Thalken. (PAV) (Entered: 04/23/2007)
04/24/2007	<u>17</u>	AMENDED COMPLAINT against Defendant all defendants, by Attorney Maren L. Chaloupka on behalf of Arlyn J. Eastman(Chaloupka, Maren) (Entered: 04/24/2007)
04/24/2007	<u>18</u>	TEXT ORDER denying as moot <u>10</u> Defendants' Motion to Dismiss per <u>17</u> . Ordered by Judge Joseph F. Bataillon.(SMS,) (Entered: 04/24/2007)
04/30/2007	<u>19</u>	SCHEDULING PACKET – Rule 26 Meeting Report Deadline set for 6/4/2007. Ordered by Magistrate Judge Thomas D. Thalken. (PAV) (Entered: 04/30/2007)

05/02/2007	<u>20</u>	MOTION to Strike <i>Make More Definite and Certain or Dismiss</i> by Attorney Michael J. Javoronok on behalf of Defendants Sheridan, County of, Levi McKillet, Does 1–5.(Javoronok, Michael) (Entered: 05/02/2007)
05/02/2007	<u>21</u>	BRIEF In Support of <i>Defendants' Motion to Strike, Make More Definite and Certain or Dismiss</i> by Attorney Michael J. Javoronok on behalf of Defendants Sheridan, County of, Levi McKillet, Does 1–5.(Javoronok, Michael) (Entered: 05/02/2007)
05/11/2007	<u>22</u>	SUMMONS Returned Executed upon <i>Tecumseh State Correctional Institution</i> defendant Levi McKillet on 3/17/2007. (Chaloupka, Maren) (Entered: 05/11/2007)
05/11/2007	<u>23</u>	STRICKEN – SUMMONS Returned Executed upon <i>Sheridan County Commissioners -- Vernon Platt, Dan Kling, and Lewis Abold</i> defendant Sheridan, County of on 3/13/2007. (Chaloupka, Maren) Modified on 5/14/2007; document incomplete and stricken per order 26 (ADB). (Entered: 05/11/2007)
05/11/2007	<u>24</u>	MOTION to Extend <i>Time to Respond to Defendant's Motion to Strike, Make More Definite and Certain, or Dismiss</i> by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman.(Chaloupka, Maren) (Entered: 05/11/2007)
05/11/2007	25	TEXT ORDER granting <u>24</u> Motion to Extend. The plaintiffs shall have until May 21, 2007, to respond to the defendants' MOTION to Strike <i>Make More Definite and Certain or Dismiss</i> <u>20</u> . Ordered by Magistrate Judge Thomas D. Thalken. (TRL) (Entered: 05/11/2007)
05/14/2007	26	TEXT STRIKE ORDER that Pursuant to General Order Number 2006–01, the Summons Returned Executed <u>23</u> is stricken for the following reason: document incomplete. The party is directed to re–file the document. Ordered by Deputy Clerk. (ADB) (Entered: 05/14/2007)
05/14/2007	<u>27</u>	SUMMONS Returned Executed upon <i>Lewis Abold, Sheridan County Commissioner</i> , defendant Sheridan, County of on 3/14/2007. (Chaloupka, Maren) (Entered: 05/14/2007)
05/14/2007	<u>28</u>	SUMMONS Returned Executed upon <i>Dan Kling, Sheridan County Commissioner</i> , defendant Sheridan, County of. (Chaloupka, Maren) (Entered: 05/14/2007)
05/14/2007	<u>29</u>	SUMMONS Returned Executed upon <i>Vernon Platt, Sheridan County Commissioner</i> , defendant Sheridan, County of on 3/13/2007. (Chaloupka, Maren) (Entered: 05/14/2007)
05/25/2007	<u>30</u>	MOTION to Extend by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman.(Chaloupka, Maren) (Entered: 05/25/2007)
05/25/2007	31	TEXT ORDER granting <u>30</u> Motion to Extend. The plaintiffs shall have until May 29, 2007, to respond to the defendants' MOTION to Strike <i>Make More Definite and Certain or Dismiss</i> <u>20</u> . Ordered by Magistrate Judge Thomas D. Thalken.(TRL) (Entered: 05/25/2007)
05/25/2007	<u>32</u>	STRICKEN–REPORT of Rule 26(f) Planning Meeting by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman.(Chaloupka, Maren) Modified on 5/29/2007 to strike per order 33 (TCL,). (Entered: 05/25/2007)
05/29/2007	33	TEXT STRIKE ORDER that Pursuant to General Order Number 2006–01, the Report of Rule 26(f) Planning Meeting <u>32</u> is stricken for the following reason(s): incorrect PDF document attached. The party is directed to re–file the document. Ordered by Deputy Clerk. (TCL,) (Entered: 05/29/2007)
05/29/2007	<u>34</u>	REPORT of Rule 26(f) Planning Meeting by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman.(Chaloupka, Maren) (Entered: 05/29/2007)
05/29/2007	<u>35</u>	BRIEF In Opposition to <i>Defendant's Motion to Strike, to Make More Definite and Certain and to Dismiss</i> <u>20</u> by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman.(Chaloupka, Maren) (Entered: 05/29/2007)
05/30/2007	<u>36</u>	ORDER SETTING SCHEDULE FOR INITIAL PROGRESSION OF A CIVIL CASE – Counsel for plaintiff shall initiate the planning conference call to the court at 10:00 a.m. (Central Time) on 10/29/07. Counsel shall notify the undersigned

		magistrate judge by joint or separate letters by August 1, 2007 addressing mediation requirements. Trial is tentatively set for May 5, 2008, and is tentatively scheduled for 4 trial days. Ordered by Magistrate Judge Thomas D. Thalken. (JAE,) (Entered: 05/30/2007)
06/20/2007	<u>37</u>	MOTION to Continue by Attorney Michael J. Javoronok on behalf of Defendants Sheridan, County of, Levi McKillet, Does 1-5. (Attachments: # <u>1</u> Affidavit of Michel J. Javoronok)(Javoronok, Michael) (Entered: 06/20/2007)
06/21/2007	<u>38</u>	PART 1 OF 2 – ORDER AND REPORT AND RECOMMENDATION – IT IS ORDERED and/or recommended to Judge Bataillon that the defendants' Rule 12 Motion to Strike, Make More Definite and Certain, or Dismiss <u>20</u> be granted, in part, and denied, in part as set forth in this Order. The parties shall have ten (10) business days after being served with this Order, Report and Recommendation to file any objections. The brief in support of any appeal or objection shall be filed at the time of filing such appeal or objection. Failure to file a brief in support of any appeal or objection may be deemed an abandonment of the appeal or objection. Ordered by Magistrate Judge Thomas D. Thalken. (KBJ) (Entered: 06/21/2007)
06/21/2007		REPORT AND RECOMMENDATION – That the MOTION to Strike <i>Make More Definite and Certain or Dismiss</i> <u>20</u> be granted in part and denied in part as set forth in the Order as Part 1. Ordered by Magistrate Judge Thomas D. Thalken. – PART 2 OF 2 (KBJ) (Entered: 06/21/2007)
06/21/2007	<u>39</u>	ORDER granting <u>37</u> Motion to Reschedule the telephone planning conference; the telephone planning conference with the undersigned magistrate judge is rescheduled to November 5, 2007 at 10:00a.m. Central Standard Time. Plaintiff's counsel shall initiate the telephone conference. Ordered by Magistrate Judge Thomas D. Thalken.(PCV,) (Entered: 06/21/2007)
06/22/2007	40	TEXT ORAL MOTION – Joint motion to reschedule planning conference. (KBJ,) (Entered: 06/22/2007)
06/22/2007	<u>41</u>	ORDER – Upon the oral request of counsel for the parties 40 the telephone planning conference with the undersigned magistrate judge is rescheduled to November 2, 2007 at 10:00 a.m. Central Daylight Time. Plaintiff's counsel shall initiate the telephone conference. Ordered by Magistrate Judge Thomas D. Thalken.(KBJ) (Entered: 06/22/2007)
07/16/2007	<u>42</u>	ORDER that the Report and Recommendation, Filing No. <u>38</u> , is adopted in its entirety; The defendants' Rule 12 Motion to Strike, Make More Definite and Certain, or Dismiss (Filing No. <u>20</u>) is granted in part and denied in part as set forth in the magistrate's Report and Recommendation. Ordered by Judge Joseph F. Bataillon.(ADB) (Entered: 07/16/2007)
08/15/2007	<u>43</u>	AMENDED COMPLAINT (<i>Second Amended</i>) against Defendant all defendants, by Attorney Maren L. Chaloupka on behalf of Arlyn J. Eastman(Chaloupka, Maren) (Entered: 08/15/2007)
08/16/2007	<u>44</u>	MOTION to Extend <i>for Enlargement of Time</i> by Attorney Michael J. Javoronok on behalf of Defendants Sheridan, County of, Levi McKillet, Does 1-5.(Javoronok, Michael) (Entered: 08/16/2007)
08/28/2007	<u>45</u>	MOTION to Extend <i>Time</i> by Attorney Michael J. Javoronok on behalf of Defendants Sheridan, County of, Levi McKillet, Does 1-5.(Javoronok, Michael) (Entered: 08/28/2007)
08/28/2007	<u>46</u>	MOTION to Strike <i>Make More Definite and Certain or Dismiss</i> by Attorney Michael J. Javoronok on behalf of Defendants Sheridan, County of, Levi McKillet, Does 1-5.(Javoronok, Michael) (Entered: 08/28/2007)
08/28/2007	<u>47</u>	BRIEF in support of <i>Rule 12 Motion to Strike, Make More Definite and Certain or Dismiss</i> by Attorney Michael J. Javoronok on behalf of Defendants Sheridan, County of, Levi McKillet, Does 1-5.(Javoronok, Michael) (Entered: 08/28/2007)
08/29/2007	48	TEXT ORDER granting <u>45</u> Motion For Enlargement of Time. Ordered by Magistrate Judge Thomas D. Thalken.(AMS) Modified on 8/29/2007 (Added the word "TEXT")(AMS). (Entered: 08/29/2007)

08/29/2007	<u>49</u>	TEXT ORDER denying as moot <u>44</u> Motion For Enlargement of Time. Ordered by Magistrate Judge Thomas D. Thalken.(AMS) Modified on 8/29/2007 (added the words "TEXT" &"of")(AMS). Modified on 8/29/2007 (AMS,). (Entered: 08/29/2007)
09/10/2007	<u>50</u>	MOTION to Amend <i>Complaint</i> by Attorney Robin L. Zephier on behalf of Plaintiff Arlyn J. Eastman.(Zephier, Robin) (Entered: 09/10/2007)
09/10/2007	<u>51</u>	STRICKEN – AMENDED COMPLAINT against Defendant Arlyn J. Eastman, by Attorney Robin L. Zephier on behalf of Arlyn J. Eastman(Zephier, Robin) Modified on 10/10/2007 to reflect that this pleading is stricken from the record pursuant to the Order <u>55</u> (KBJ). (Entered: 09/10/2007)
09/11/2007	<u>52</u>	TEXT NOTICE OF DEFICIENCY by Deputy Clerk that the Motion to Amend <u>50</u> has been filed and is considered deficient due to no certificate of service. The plaintiff shall correct the deficiency within 15 days of the date of this entry or the pleading may be stricken from the record of this case. See Administrative Procedure II.B.(ADB) (Entered: 09/11/2007)
09/11/2007	<u>53</u>	MOTION to Amend <i>Complaint</i> by Attorney Robin L. Zephier on behalf of Plaintiff Arlyn J. Eastman.(Zephier, Robin) (Entered: 09/11/2007)
09/11/2007	<u>54</u>	AMENDED COMPLAINT against Defendant Arlyn J. Eastman, by Attorney Robin L. Zephier on behalf of Arlyn J. Eastman(Zephier, Robin) (Entered: 09/11/2007)
10/09/2007	<u>55</u>	ORDER – The Plaintiff's' Second Motion To Amend Complaint <u>53</u> is granted. The plaintiff shall have to on or before October 23, 2007, to file the third amended complaint. The Plaintiff's' Second Motion To Amend Complaint <u>50</u> is denied as moot and plaintiff's Third Amended Complaint <u>51</u> is stricken from the record in this case. Ordered by Magistrate Judge Thomas D. Thalken. (KBJ) (Entered: 10/10/2007)
10/18/2007	<u>56</u>	STRICKEN–AMENDED COMPLAINT <i>3rd</i> against Defendant all defendants, by Attorney Robin L. Zephier on behalf of Arlyn J. Eastman(Zephier, Robin) Modified on 10/19/2007 to strike per Order 57 (MKR,). (Entered: 10/18/2007)
10/19/2007	<u>57</u>	TEXT STRIKE ORDER that Pursuant to General Order Number 2006–01, the Amended Complaint <u>56</u> is stricken for the following reason: Incorrect PDF document attached. The party is directed to re–file the document. Ordered by Deputy Clerk. (MKR) (Entered: 10/19/2007)
10/22/2007	<u>58</u>	AMENDED COMPLAINT <i>Third</i> against Defendant all defendants, by Attorney Robin L. Zephier on behalf of Arlyn J. Eastman, Lino Lowell Spotted Elk, Jr(Zephier, Robin) (Entered: 10/22/2007)
11/08/2007	<u>59</u>	MOTION to Strike or Dismiss Plaintiff's Third Amended Complaint by Attorney Michael J. Javoronok on behalf of Defendants Sheridan, County of, Levi McKillet, Does 1–5.(Javoronok, Michael) (Entered: 11/08/2007)
11/08/2007	<u>60</u>	BRIEF in support of Rule 12 Motoin to Strike or Dismiss Plaintiff's Third Amended Complaint by Attorney Michael J. Javoronok on behalf of Defendants Sheridan, County of, Levi McKillet, Does 1–5.(Javoronok, Michael) (Entered: 11/08/2007)
11/08/2007	<u>61</u>	ORDER – A telephone conference with the undersigned magistrate judge will be held on April 18, 2008, at 10:00 a.m. Central Daylight Time for the purpose of reviewing the preparation of the case to date and the scheduling of the case to trial. Plaintiff's counsel shall initiate the call. Telephone Conference set for 4/18/2008 at 10:00 AM before Magistrate Judge Thomas D. Thalken. Ordered by Magistrate Judge Thomas D. Thalken. (JAE,) (Entered: 11/08/2007)
11/28/2007	<u>62</u>	ORDER denying as moot <u>46</u> Defendants' Motion to Strike/Dismiss. Ordered by Judge Joseph F. Bataillon. (SMS,) (Entered: 11/28/2007)
12/06/2007	<u>63</u>	ORDER granting in part and denying in part <u>59</u> Motion to Strike. The plaintiff shall have until December 20, 2007, to file a fourth amended complaint in compliance with the court's previous orders. Ordered by Magistrate Judge Thomas D. Thalken. (TRL) (Entered: 12/06/2007)

12/19/2007	<u>64</u>	AMENDED COMPLAINT (<i>Fourth Amended</i>) against Defendant all defendants, by Attorney Maren L. Chaloupka on behalf of Arlyn J. Eastman(Chaloupka, Maren) (Entered: 12/19/2007)
01/16/2008	<u>65</u>	MOTION to Dismiss by Attorney Michael J. Javoronok on behalf of Defendants Sheridan, County of, Levi McKillet, Does 1–5.(Javoronok, Michael) (Entered: 01/16/2008)
01/28/2008	<u>66</u>	RESPONSE to <i>Defendant's Fourth Motion to Dismiss</i> by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman.(Chaloupka, Maren) (Entered: 01/28/2008)
04/18/2008	<u>67</u>	ORDER: Planning Conference set for 4/23/2008 at 10:00 AM by telephone before Magistrate Judge Thomas D. Thalken. Plaintiff's counsel shall initiate the telephone conference. Ordered by Magistrate Judge Thomas D. Thalken. (TRL) (Entered: 04/18/2008)
04/23/2008	<u>68</u>	ORDER SETTING SCHEDULE FOR PROGRESSION OF A CIVIL CASE – Depositions due 2/27/2009. Pretrial Conference set for 4/13/2009 at 02:30 PM in North Platte Courtroom before Magistrate Judge Thomas D. Thalken. Jury Trial set for 5/11/2009 at 08:30 AM in North Platte Courtroom before Chief Judge Joseph F. Bataillon. Ordered by Magistrate Judge Thomas D. Thalken. (PAV) (Entered: 04/23/2008)
04/25/2008	<u>69</u>	ORDER – The defendants' Motion to Dismiss <u>65</u> is denied. Ordered by Chief Judge Joseph F. Bataillon.(KBJ) (Entered: 04/25/2008)
05/09/2008	<u>70</u>	Certificate of Service by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman.(Chaloupka, Maren) (Entered: 05/09/2008)
05/15/2008	<u>71</u>	ANSWER to Amended Complaint <u>64</u> by Attorney Michael J. Javoronok on behalf of Defendants Sheridan, County of, Levi McKillet, Does 1–5 Amended Complaint <u>64</u> filed by Arlyn J. Eastman (Javoronok, Michael) (Entered: 05/15/2008)
06/10/2008	<u>72</u>	Certificate of Service by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman.(Chaloupka, Maren) (Entered: 06/10/2008)
12/31/2008	<u>73</u>	NOTICE to Take Deposition of Loren Wilson by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman (Chaloupka, Maren) (Entered: 12/31/2008)
12/31/2008	<u>74</u>	NOTICE to Take Deposition of Sandra Arthur by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman (Chaloupka, Maren) (Entered: 12/31/2008)
12/31/2008	<u>75</u>	NOTICE to Take Deposition of Deputy Sheriff Donald Ray Heath by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman (Chaloupka, Maren) (Entered: 12/31/2008)
12/31/2008	<u>76</u>	NOTICE to Take Deposition of Levi McKillip by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman (Chaloupka, Maren) (Entered: 12/31/2008)
12/31/2008	<u>77</u>	NOTICE to Take Deposition of Larry Holladay by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman (Chaloupka, Maren) (Entered: 12/31/2008)
01/05/2009	<u>78</u>	NOTICE to Take Deposition of Arlyn J. Eastman by Attorney Michael J. Javoronok on behalf of Defendants Sheridan, County of, Levi McKillet, Does 1–5 (Javoronok, Michael) (Entered: 01/05/2009)
01/19/2009	<u>79</u>	Certificate of Service by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman.(Chaloupka, Maren) (Entered: 01/19/2009)
01/22/2009	<u>80</u>	MOTION for Leave to <i>File Fifth Amended Complaint</i> by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman.(Chaloupka, Maren) (Entered: 01/22/2009)
01/22/2009	<u>81</u>	Certificate of Service by Attorney Michael J. Javoronok on behalf of Defendants Sheridan, County of, Levi McKillet, Does 1–5.(Javoronok, Michael) (Entered: 01/22/2009)
01/23/2009	<u>82</u>	MOTION for Summary Judgment by Attorney Michael J. Javoronok on behalf of Defendants Sheridan, County of, Levi McKillet, Does 1–5.(Javoronok, Michael)

		(Entered: 01/23/2009)
01/23/2009	<u>83</u>	BRIEF in support of MOTION for Summary Judgment <u>82</u> by Attorney Michael J. Javoronok on behalf of Defendants Sheridan, County of, Levi McKillet, Does 1-5.(Javoronok, Michael) (Entered: 01/23/2009)
01/23/2009	<u>84</u>	INDEX in support of MOTION for Summary Judgment <u>82</u> by Attorney Michael J. Javoronok on behalf of Defendants Sheridan, County of, Levi McKillet, Does 1-5.(Javoronok, Michael) (Entered: 01/23/2009)
01/23/2009	<u>85</u>	INDEX – CONTINUED <i>Amended</i> by Attorney Michael J. Javoronok on behalf of Defendants Sheridan, County of, Levi McKillet, Does 1-5. (Attachments: # <u>1</u> Exhibit 1-4)(Javoronok, Michael) (Entered: 01/23/2009)
02/02/2009	<u>86</u>	BRIEF in opposition to MOTION for Summary Judgment <u>82</u> by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman.(Chaloupka, Maren) (Entered: 02/02/2009)
02/05/2009	<u>87</u>	Certificate of Service by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman.(Chaloupka, Maren) (Entered: 02/05/2009)
02/05/2009	<u>88</u>	Certificate of Service by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman.(Chaloupka, Maren) (Entered: 02/05/2009)
02/05/2009	<u>89</u>	NOTICE to Take Deposition of Sheriff Terry Robbins by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman (Chaloupka, Maren) (Entered: 02/05/2009)
02/06/2009	<u>90</u>	NOTICE to Take Deposition of Charles Canaday by Attorney Michael J. Javoronok on behalf of Defendants Sheridan, County of, Levi McKillet, Does 1-5 (Javoronok, Michael) (Entered: 02/06/2009)
02/10/2009	91	TEXT ORDER granting <u>80</u> Motion for Leave. Amended Complaint due by 2/17/2009. Ordered by Magistrate Judge Thomas D. Thalken. (TRL) (Entered: 02/10/2009)
02/10/2009	<u>92</u>	AMENDED COMPLAINT (<i>Fifth Amended</i>) against Defendant all defendants, by Attorney Maren L. Chaloupka on behalf of Arlyn J. Eastman(Chaloupka, Maren) (Entered: 02/10/2009)
02/17/2009	<u>93</u>	Unopposed MOTION to Continue <i>Deposition Settings and Discovery Deadline</i> by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman.(Chaloupka, Maren) (Entered: 02/17/2009)
02/18/2009	94	TEXT ORDER granting <u>93</u> Motion to Continue. The deadline for the parties to complete discovery is hereby extended to March 27, 2009. Ordered by Magistrate Judge Thomas D. Thalken. (TRL) (Entered: 02/18/2009)
03/02/2009	<u>95</u>	<i>Defendants'</i> ANSWER to Amended Complaint <u>92</u> by Attorney Michael J. Javoronok on behalf of Defendants Levi McKillip, Sheridan, County of, Levi McKillet, Does 1-5 Answer to Amended Complaint <u>71</u> filed by Does 1-5, Sheridan, County of, Levi McKillet (Javoronok, Michael) (Entered: 03/02/2009)
03/11/2009	<u>96</u>	MOTION for Hearing – <i>Telephonic Status Conference</i> by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman.(Chaloupka, Maren) (Entered: 03/11/2009)
03/12/2009	<u>97</u>	ORDER granting <u>96</u> Motion for Hearing; A telephone status conference with the undersigned magistrate judge is scheduled to March 13, 2009, at 10:00 a.m. Plaintiff's counsel shall initiate the telephone conference. Ordered by Magistrate Judge Thomas D. Thalken. (ADB,) (Entered: 03/12/2009)
03/13/2009	<u>98</u>	AMENDED ORDER SETTING FINAL SCHEDULE FOR PROGRESSION OF A CIVIL CASE – Depositions due June 30, 2009. Final Pretrial Conference set for 4/12/2010 at 01:30 PM with a magistrate judge, in chambers, Federal Building, 3rd Floor, 300 East 3rd Street, North Platte, Nebraska. Jury Trial set for 5/10/2010 in North Platte, Nebraska before Chief Judge Joseph F. Bataillon and a jury. Ordered by Magistrate Judge Thomas D. Thalken. (MKR) Modified on 3/18/2009 to correct pretrial conference information(TJS). Modified on 2/26/2010 to correct trial

		location(MKR). (Entered: 03/13/2009)
03/30/2009	<u>99</u>	ORDER that defendants' motion for summary judgment <u>82</u> is denied as moot. Ordered by Chief Judge Joseph F. Bataillon. (CJP) (Entered: 03/30/2009)
04/01/2009	<u>100</u>	MOTION to Substitute Party by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman.(Chaloupka, Maren) (Entered: 04/01/2009)
04/21/2009	101	TEXT ORDER granting <u>100</u> Motion to Substitute Party. The plaintiff shall have until April 29, 2009, to file an amended complaint substituting Deputy Sheriff Ray Heath in place of Doe 1 and voluntarily dismissing Does 2-5. Ordered by Magistrate Judge Thomas D. Thalken. (TRL) (Entered: 04/21/2009)
09/29/2009	<u>102</u>	Certificate of Service by Attorney Michael J. Javoronok on behalf of Defendants Levi McKillip, Sheridan, County of, Levi McKillet, Does 1-5.(Javoronok, Michael) (Entered: 09/29/2009)
10/13/2009	<u>103</u>	Certificate of Service by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman.(Chaloupka, Maren) (Entered: 10/13/2009)
10/22/2009	<u>104</u>	Certificate of Service by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman.(Chaloupka, Maren) (Entered: 10/22/2009)
10/28/2009	<u>105</u>	Certificate of Service by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman.(Chaloupka, Maren) (Entered: 10/28/2009)
02/12/2010	<u>106</u>	Certificate of Service by Attorney Michael J. Javoronok on behalf of Defendants Does 1-5, Levi McKillet, Levi McKillip, Sheridan, County of.(Javoronok, Michael) (Entered: 02/12/2010)
03/11/2010	<u>107</u>	LETTER regarding Pretrial Conference – set for April 12, 2010, at 1:30 p.m. Signed by Magistrate Judge Thomas D. Thalken. (WMB) (Entered: 03/11/2010)
03/22/2010	<u>108</u>	MOTION for Reasonable Time for Voir Dire and Opening Statement by Attorney Maren L. Chaloupka on behalf of Plaintiff Lino Lowell Spotted Elk, Jr.(Chaloupka, Maren) (Entered: 03/22/2010)
03/22/2010	<u>109</u>	BRIEF in support of MOTION for Reasonable Time for Voir Dire and Opening Statement <u>108</u> by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman.(Chaloupka, Maren) (Entered: 03/22/2010)
03/26/2010	<u>110</u>	MOTION for Summary Judgment <i>Of Defendants</i> by Attorney Michael J. Javoronok on behalf of Defendants Does 1-5, Levi McKillet, Levi McKillip, Sheridan, County of.(Javoronok, Michael) (Entered: 03/26/2010)
03/26/2010	<u>111</u>	BRIEF in support of MOTION for Summary Judgment <i>Of Defendants</i> <u>110</u> by Attorney Michael J. Javoronok on behalf of Defendants Does 1-5, Levi McKillet, Levi McKillip, Sheridan, County of.(Javoronok, Michael) (Entered: 03/26/2010)
03/26/2010	<u>112</u>	INDEX in support of MOTION for Summary Judgment <i>Of Defendants</i> <u>110</u> by Attorney Michael J. Javoronok on behalf of Defendants Does 1-5, Levi McKillet, Levi McKillip, Sheridan, County of. (Attachments: # <u>1</u> Exhibit Exhibits 1 – 5)(Javoronok, Michael) (Entered: 03/26/2010)
03/26/2010	<u>113</u>	MOTION to Dismiss <i>Rule 12</i> by Attorney Michael J. Javoronok on behalf of Defendants Does 1-5, Levi McKillet, Levi McKillip, Sheridan, County of.(Javoronok, Michael) (Entered: 03/26/2010)
03/29/2010	114	TEXT NOTICE REGARDING ELECTRONIC SIGNATURE re Motion to Dismiss <u>113</u> by Deputy Clerk. The attorney login does not match the s/signature on this document. This notice is for your information for future filings. (SED) (Entered: 03/29/2010)
03/30/2010	<u>115</u>	MOTION to Strike MOTION to Dismiss <i>Rule 12</i> <u>113</u> , MOTION for Summary Judgment <i>Of Defendants</i> <u>110</u> by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman.(Chaloupka, Maren) (Entered: 03/30/2010)
03/30/2010	<u>116</u>	LETTER regarding Pretrial Conference – The time of the conference is changed to 10:30 A.M. on April 12, 2010. Plaintiff's counsel shall initiate the telephone

		conference. (JAE) (Entered: 03/30/2010)
04/01/2010	<u>117</u>	EXHIBIT LIST of <i>Defendants</i> by Attorney Michael J. Javoronok on behalf of Defendants Does 1–5, Levi McKillet, Levi McKillip, Sheridan, County of. (Javoronok, Michael) (Entered: 04/01/2010)
04/01/2010	<u>118</u>	EXHIBIT LIST <i>Defendants' Amended</i> by Attorney Michael J. Javoronok on behalf of Defendants Does 1–5, Levi McKillet, Levi McKillip, Sheridan, County of. (Javoronok, Michael) (Entered: 04/01/2010)
04/01/2010	<u>119</u>	EXHIBIT LIST by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman. (Chaloupka, Maren) (Entered: 04/01/2010)
04/02/2010	120	TEXT NOTICE REGARDING ELECTRONIC SIGNATURE re Exhibit List <u>117</u> , Exhibit List <u>118</u> by Deputy Clerk. This document does not comply with NECivR 11.1(a) regarding signatures or The attorney login does not match the s/signature on this document. This notice is for your information for future filings.(KBJ) (Entered: 04/02/2010)
04/06/2010	<u>121</u>	BRIEF in opposition to MOTION to Strike MOTION to Dismiss <i>Rule 12</i> <u>113</u> , MOTION for Summary Judgment Of <i>Defendants</i> <u>110</u> <u>115</u> by Attorney Kristine R. Cecava on behalf of Defendants Does 1–5, Levi McKillet, Levi McKillip, Sheridan, County of.(Cecava, Kristine) (Entered: 04/06/2010)
04/08/2010	<u>122</u>	ORDER – Defendants' motion for summary judgment, Filing No. <u>110</u> , and defendants' motion to dismiss, Filing No. <u>113</u> , are both denied as untimely. It is further ordered that plaintiff's motion to strike, Filing No. <u>115</u> , is granted. Ordered by Chief Judge Joseph F. Bataillon. (JAE) (Entered: 04/08/2010)
04/08/2010	<u>123</u>	STRICKEN – ORDER – On or before April 19, 2010, the defendant shall comply with Fed. R. Civ. P. 7.1 or show cause by written affidavit why it cannot comply with the rules of the court. Show Cause Deadline set for 4/19/2010. Ordered by Magistrate Judge Thomas D. Thalken. (JAE) Modified on 4/8/2010 to indicate stricken per Order 124 (JAE). (Entered: 04/08/2010)
04/08/2010	124	TEXT STRIKE ORDER that Pursuant to General Order Number 2006–01, the Order to Show Cause <u>123</u> is stricken for the following reason : document filed in incorrect case. Ordered by Deputy Clerk. (JAE) (Entered: 04/08/2010)
04/09/2010	<u>125</u>	MOTION in Limine by Attorney Kristine R. Cecava on behalf of Defendants Does 1–5, Levi McKillet, Levi McKillip, Sheridan, County of. (Attachments: # <u>1</u> Exhibit Article 1, # <u>2</u> Exhibit Article pg 2)(Cecava, Kristine) (Entered: 04/09/2010)
04/12/2010	126	TEXT NOTICE OF INDEX OF EVIDENCE <u>125</u> by Deputy Clerk. Pursuant to NECivR 7.0.1(a)(2) and (b)(2), evidence in support of a motion or brief shall be identified on an electronically–filed index of evidence. The index of evidence must identify the motion or brief to which it relates. Attachments to the index must be described using the System–generated prompt box. This notice is for your information for future filings.(KBJ) (Entered: 04/12/2010)
04/12/2010	<u>127</u>	INDEX in support of MOTION in Limine <u>125</u> by Attorney Kristine R. Cecava on behalf of Defendants Does 1–5, Levi McKillet, Levi McKillip, Sheridan, County of. (Attachments: # <u>1</u> Exhibit Article page 1, # <u>2</u> Exhibit Article page 2)(Cecava, Kristine) (Entered: 04/12/2010)
04/12/2010	<u>128</u>	PRETRIAL ORDER – estimated length of trial is 4 days. Jury Trial set for 5/10/2010 at 9:00 AM in North Platte Courtroom, Federal Building, 300 East 3rd Street, North Platte, NE before Chief Judge Joseph F. Bataillon.Ordered by Magistrate Judge Thomas D. Thalken. (JAE) (Entered: 04/12/2010)
04/12/2010	<u>129</u>	RESPONSE regarding MOTION in Limine <u>125</u> by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman.(Chaloupka, Maren) (Entered: 04/12/2010)
04/12/2010	<u>130</u>	INDEX in opposition to MOTION in Limine <u>125</u> by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Chaloupka, Maren) (Entered: 04/12/2010)

04/13/2010	<u>131</u>	ORDER denying at this time <u>108</u> the Plaintiffs' Motion for additional time for voir dire, but such motion will be reconsidered during the pretrial meeting with counsel prior to trial. Ordered by Chief Judge Joseph F. Bataillon. (MKR) (Entered: 04/13/2010)
04/13/2010	<u>132</u>	REPLY regarding MOTION in Limine <u>125</u> <i>Plaintiff's Response</i> by Attorney Kristine R. Cecava on behalf of Defendants Does 1-5, Levi McKillet, Levi McKillip, Sheridan, County of.(Cecava, Kristine) (Entered: 04/13/2010)
04/14/2010	<u>133</u>	RESPONSE regarding MOTION in Limine <u>125</u> (<i>Supplemental</i>) by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman.(Chaloupka, Maren) (Entered: 04/14/2010)
04/19/2010	<u>134</u>	ORDER that defendants' motion in limine <u>125</u> is denied in part at this time, but such motion will be reconsidered during the pretrial meeting with counsel prior to trial as set forth herein. Ordered by Chief Judge Joseph F. Bataillon. (JSF) (Entered: 04/19/2010)
04/21/2010	<u>135</u>	PROPOSED JURY INSTRUCTIONS by Arlyn J. Eastman. (Chaloupka, Maren) (Entered: 04/21/2010)
05/03/2010	<u>136</u>	BRIEF <i>for Trial</i> by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman.(Chaloupka, Maren) (Entered: 05/03/2010)
05/03/2010	<u>137</u>	BRIEF <i>OF TRIAL OF DEFENDANTS</i> by Attorney Kristine R. Cecava on behalf of Defendants Does 1-5, Levi McKillet, Levi McKillip, Sheridan, County of, Plaintiff Lino Lowell Spotted Elk, Jr.(Cecava, Kristine) (Entered: 05/03/2010)
05/03/2010	<u>138</u>	PROPOSED JURY INSTRUCTIONS <i>of DEFENDANTS</i> by Does 1-5, Levi McKillet, Levi McKillip, Sheridan, County of. (Cecava, Kristine) (Entered: 05/03/2010)
05/06/2010	<u>139</u>	ORDER – Upon notice of settlement given to the court, on or before June 7, 2010, the parties shall electronically file a joint stipulation for dismissal. The trial previously scheduled is cancelled upon the representation that this case is settled. (Dismissal Papers Deadline due by 6/7/2010.) Ordered by Magistrate Judge Thomas D. Thalken. (JAE) (Entered: 05/06/2010)
05/06/2010	<u>140</u>	MOTION to Enforce Settlement by Attorney Maren L. Chaloupka on behalf of Plaintiff Lino Lowell Spotted Elk, Jr.(Chaloupka, Maren) (Entered: 05/06/2010)
05/06/2010	<u>141</u>	INDEX in support of MOTION to Enforce Settlement <u>140</u> by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit, # <u>14</u> Exhibit, # <u>15</u> Exhibit, # <u>16</u> Exhibit, # <u>17</u> Exhibit, # <u>18</u> Exhibit, # <u>19</u> Exhibit, # <u>20</u> Exhibit, # <u>21</u> Exhibit, # <u>22</u> Exhibit, # <u>23</u> Exhibit)(Chaloupka, Maren) (Entered: 05/06/2010)
05/07/2010	<u>142</u>	INDEX in support of MOTION to Enforce Settlement <u>140</u> (<i>Supplemental</i>) by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman. (Attachments: # <u>1</u> Affidavit)(Chaloupka, Maren) (Entered: 05/07/2010)
05/07/2010	<u>143</u>	BRIEF in support of MOTION to Enforce Settlement <u>140</u> by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman.(Chaloupka, Maren) (Entered: 05/07/2010)
05/07/2010	<u>144</u>	INDEX in opposition to MOTION to Enforce Settlement <u>140</u> by Attorney Kristine R. Cecava on behalf of Defendants Does 1-5, Levi McKillet, Levi McKillip, Sheridan, County of.(Cecava, Kristine) (Entered: 05/07/2010)
05/07/2010	<u>145</u>	AFFIDAVIT <i>of Kristine R. Cecava</i> regarding Index <u>144</u> by Attorney Kristine R. Cecava on behalf of Defendants Does 1-5, Levi McKillet, Levi McKillip, Sheridan, County of, Plaintiff Arlyn J. Eastman.(Cecava, Kristine) (Entered: 05/07/2010)
05/07/2010	146	TEXT MINUTE ENTRY for proceedings held before Magistrate Judge Thomas D. Thalken; Motion Hearing held on 5/7/2010 regarding MOTION to Enforce Settlement <u>140</u> ; Settlement reached. Terms stated on the record. Hearing held in Omaha. Courtroom Deputy: Ed Champion; Reporter: Digital Recorder; Telephonic

		Appearance for Plaintiff: Maren Chaloupka: Telephonic Appearance for Defendant: Kristine Cecava; Parties given until August 2, 2010 to file settlement documents; Written order forthcoming. Time Start: 11:03 a.m. Time Stop: 11:39 a.m. (ETC) (Entered: 05/07/2010)
05/07/2010	<u>147</u>	ORDER upon notice of settlement by all parties on all issues in this case. Accordingly, on or before August 2, 2010, the parties shall electronically file a joint stipulation for dismissal and shall submit to Chief Judge Joseph F. Bataillon, a draft order which will fully dispose of the case. The plaintiff's Motion to Enforce Settlement <u>140</u> is denied as moot. ***Set All Deadlines: (Dismissal Papers Deadline due by 8/2/2010.) Ordered by Magistrate Judge Thomas D. Thalken. (MKR) (Entered: 05/07/2010)
08/18/2010	<u>149</u>	MOTION to Dismiss by Attorney Maren L. Chaloupka on behalf of Plaintiff Arlyn J. Eastman.(Chaloupka, Maren) (Entered: 08/18/2010)
09/15/2010	<u>150</u>	ORDER – The Court sustains Plaintiff's Motion to Dismiss <u>149</u> , subject to the preservation of claims contained in the settlement agreement between the parties. This Order shall not act to bar future claims relative to enforcement of/compliance with the settlement agreement. Ordered by Chief Judge Joseph F. Bataillon. (JAE) (Entered: 09/15/2010)