

CLOSED

**United States District Court
Western District of Michigan (Southern Division (5))
CIVIL DOCKET FOR CASE #: 5:02-cv-00044-DWM**

Eager et al v. Engler et al
Assigned to: Judge David W. McKeague
Cause: 42:1396 – Tort Negligence

Date Filed: 03/19/2002
Date Terminated: 02/02/2004
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

plaintiff

Robert Eager

represented by **Mark A. Cody**
Michigan Protection & Advocacy Service,
Inc. (Lansing)
4095 Legacy Pkwy., Ste. 500
Lansing, MI 48911
(517) 487-1755
Email: mcody@mpas.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

plaintiff

Dora Oats
through her next friend Crystal Oats

represented by **Mark A. Cody**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

plaintiff

Howard Hugger
through his guardian Sharon Cook

represented by **Mark A. Cody**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

plaintiff

Terrell King

represented by **Mark A. Cody**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

plaintiff

Georgette Kraft
through her husband and next friend, Roy Kraft

represented by **Mark A. Cody**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

plaintiff

Dennis Lowe
through his guardian John Munger

represented by **Mark A. Cody**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

plaintiff

Evelyn G. Wright
through her son and next friend, Paul Mayzes

represented by **Mark A. Cody**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

plaintiff

Michigan Campaign for Quality Carerepresented by **Mark A. Cody**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED**plaintiff****Great Lakes Center for Independent Living**represented by **Mark A. Cody**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED**plaintiff****Grand Rapids Center for Independent Living**represented by **Mark A. Cody**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED**plaintiff****Michigan Association of Centers For Independent Living**represented by **Mark A. Cody**
(See above for address)
ATTORNEY TO BE NOTICED**plaintiff****Michigan Disability Rights Coalition**represented by **Mark A. Cody**
(See above for address)
ATTORNEY TO BE NOTICED

V.

defendant**John Engler***in his official capacity as Governor of the State of Michigan*represented by **Erica Weiss Marsden**
MI Dept Attorney General
(Education/Social Services)
Education & Social Services Division
P.O. Box 30758
Lansing, MI 48909
(517) 373-7700
Email: marsdene@michigan.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED**defendant****James K. Haveman, Jr.***in his official capacity as Director of the Michigan Dept of Community Health*represented by **Erica Weiss Marsden**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|--|
| 03/19/2002 | <u>1</u> | COMPLAINT against all defendants; filed by Robert Eager, Grand Rapids Center for Independent Living, Great Lakes Center for Independent Living, Howard Hugger, Terrell King, Georgette Kraft, Dennis Lowe, Michigan Association of Centers For Independent Living, Michigan Campaign for Quality Care, Michigan Disability Rights Coalition, Dora Oats, Evelyn G. Wright (Attachments: # <u>1</u> , # <u>2</u> , # <u>3</u>)(ldm,) (Entered: 03/19/2002) |
| 03/19/2002 | | Summons Issued as to John Engler (ldm,) (Entered: 03/19/2002) |
| 03/19/2002 | | Summons Issued as to James K. Haveman Jr. (ldm,) (Entered: 03/19/2002) |

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| 03/19/2002 | | RECEIPT in the amount of \$150.00, receipt number 105733 for filing fee (ldm) (Entered: 03/19/2002) |
| 04/04/2002 | <u>2</u> | SUMMONS Returned Executed; John Engler served on 3/19/2002, answer due 4/8/2002 (lkd,) (Entered: 04/04/2002) |
| 04/04/2002 | <u>3</u> | SUMMONS Returned Executed; James K. Haveman Jr. served on 3/19/2002, answer due 4/8/2002 (lkd,) (Entered: 04/04/2002) |
| 04/08/2002 | <u>4</u> | ANSWER to Complaint ; <i>Affirmative Defenses</i> by John Engler, James K. Haveman Jr. (pjl,) (Entered: 04/09/2002) |
| 04/08/2002 | <u>5</u> | PROOF OF SERVICE by John Engler, James K. Haveman Jr. re <u>4</u> <i>Answer to Complaint and Affirmative Defenses</i> (pjl,) (Entered: 04/09/2002) |
| 04/09/2002 | <u>6</u> | ORDER Setting Rule 16 Scheduling Conference before Judge David W. McKeague: Rule 16 scheduling conference set for 5/6/2002 at 11:00 AM at Lansing, MI; status report due by 5/1/2002; signed by Judge David W. McKeague (Judge David W. McKeague, bsd) (Entered: 04/09/2002) |
| 04/10/2002 | | Copies of Order Setting Rule 16 Scheduling Conference #6 sent via U.S. Mail to Attorneys Mark A. Cody and Erica Marsden (ldm) (Entered: 04/10/2002) |
| 04/11/2002 | <u>7</u> | CHANGE OF ADDRESS by Mark A. Cody (copy of address change forwarded to atty maint clerk) (pjl) (Entered: 04/11/2002) |
| 05/01/2002 | <u>8</u> | JOINT STATUS REPORT submitted for filing (lkd) Modified on 5/3/2002 (lkd). (Entered: 05/03/2002) |
| 05/06/2002 | <u>9</u> | Notice of Rule 16 scheduling conference re-set for 5/17/2002 at 11:00 AM at Lansing, MI;before Judge David W. McKeague (Judge David W. McKeague, bsd) (Entered: 05/06/2002) |
| 05/06/2002 | | Copies of <u>9</u> Notice of Hearing sent via U.S. Mail to attys Cody and Marsden (pjl) (Entered: 05/06/2002) |
| 05/17/2002 | <u>11</u> | Minute Entry: Scheduling Conference held before David W. McKeague (Judge David W. McKeague, bsd) (Entered: 05/24/2002) |
| 05/24/2002 | <u>10</u> | CASE MANAGEMENT ORDER: telephone status conference set for 6/13/2002 at 04:30 PM at Lansing, MI;; signed by Judge David W. McKeague (Judge David W. McKeague, bsd) (Entered: 05/24/2002) |
| 05/24/2002 | | Copies of #10 sent via U.S. Mail to attys Cody and Marsden (lkd) (Entered: 05/28/2002) |
| 06/13/2002 | <u>12</u> | Minute Entry: Telephone Status Conference held before David W. McKeague (Judge David W. McKeague, bsd) (Entered: 06/17/2002) |
| 06/19/2002 | <u>13</u> | SECOND CASE MANAGEMENT ORDER: telephone status conference set for 11/4/2002 at 02:30 PM at Lansing, MI;; signed by Judge David W. McKeague (Judge David W. McKeague, bsd) (Entered: 06/19/2002) |
| 06/19/2002 | | Copies of #13 sent via U.S. Mail to attys Cody and Marsden (lkd) (Entered: 06/19/2002) |
| 08/07/2002 | <u>14</u> | STIPULATION re <u>13</u> to <i>Modify Second Case Management Order filed by John Engler and by Robert Eager, Grand Rapids Center for Independent Living, Great Lakes Center for Independent Living, Howard Hugger, Terrell King, Georgette Kraft, Dennis Lowe, Michigan Association of Centers For Independent Living, Michigan Campaign for Quality Care, Michigan Disability Rights Coalition, Dora Oats, Evelyn G. Wright</i> (pjl,) (Entered: 08/07/2002) |
| 08/14/2002 | <u>15</u> | ORDER MODIFYING SECOND CASE MANAGEMENT ORDER re <u>14</u> ; signed by Judge David W. McKeague (Judge David W. McKeague, pjr) (Entered: 08/14/2002) |
| 08/14/2002 | | Copies of <u>15</u> Order sent via U.S. Mail to Mark Cody and Erica Marsden (pjl) (Entered: 08/14/2002) |

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| 10/16/2002 | <u>16</u> | NOTICE REGARDING PUBLIC ACCESS directed to Mark Cody and Erica Marsden (pjl) (Entered: 10/16/2002) |
| 12/16/2002 | <u>17</u> | Minute Entry: Status Conference held before David W. McKeague; to be rescheduled for March, 2003, at which time defendant shall report position of new administration; (Judge David W. McKeague, bsd) (Entered: 12/20/2002) |
| 12/20/2002 | <u>18</u> | NOTICE of telephone status conference set for 3/3/2003 at 11:45 AM before Judge David W. McKeague (Judge David W. McKeague, bsd) (Entered: 12/20/2002) |
| 12/20/2002 | | Copies of <u>18</u> Notice of Hearing sent via U.S. Mail to Mark Cody and Erica Marsden (pjl) (Entered: 12/20/2002) |
| 03/03/2003 | <u>19</u> | Minutes of telephone status conference held before Judge David W. McKeague (Judge David W. McKeague, bsd) (Entered: 03/03/2003) |
| 03/03/2003 | <u>20</u> | NOTICE of telephone status conference set for 5/12/2003 at 08:30 AM at Lansing, MI before Judge David W. McKeague; (Judge David W. McKeague, bsd) (Entered: 03/03/2003) |
| 03/03/2003 | | Copy of Notice of Hearing <u>20</u> sent via U.S. Mail to Mark Cody and Erica Marsden (pjl) (Entered: 03/03/2003) |
| 05/16/2003 | <u>21</u> | NOTICE of telephone status conference re-set for 7/7/2003 at 02:30 PM at Lansing, MI before Judge David W. McKeague; (Judge David W. McKeague, bsd) (Entered: 05/16/2003) |
| 05/16/2003 | | Copy of Notice of Hearing <u>21</u> sent via U.S. Mail to Mark Cody and Erica Marsden (pjl) (Entered: 05/19/2003) |
| 06/26/2003 | <u>22</u> | NOTICE of TIME CHANGE for status conference on 7/7/2003 to 10:30 AM at Lansing, MI before Judge David W. McKeague; (Judge David W. McKeague, bsd) (Entered: 06/26/2003) |
| 06/27/2003 | | Copy of Notice of Time Change <u>22</u> sent via U.S. Mail to Mark Cody and Erica Marsden (pjl,) (Entered: 06/27/2003) |
| 07/07/2003 | <u>23</u> | Minutes of status conference held before Judge David W. McKeague. Parties agree to continue settlement discussions for an additional 60 days. In-person status conference to be held after that time, if no settlement is achieved. Seven days prior to conference, parties shall file joint statement of outstanding points of disagreement. (Judge David W. McKeague, bsd) (Entered: 07/07/2003) |
| 07/07/2003 | <u>24</u> | NOTICE of status conference set for 9/8/2003 at 08:00 AM at Lansing, MI before Judge David W. McKeague; status report due by 9/1/2003 (Judge David W. McKeague, bsd) (Entered: 07/07/2003) |
| 07/08/2003 | | Copy of Notice of Hearing <u>24</u> sent via U.S. Mail to attys Cody and Marsden (lkd) (Entered: 07/08/2003) |
| 07/14/2003 | <u>25</u> | NOTICE of status conference re-set to 9/9/2003 at 08:00 AM at Lansing, MI before Judge David W. McKeague; (Judge David W. McKeague, bsd) (Entered: 07/14/2003) |
| 07/14/2003 | | Copy of Re-Notice of Status Conference <u>25</u> sent via U.S. Mail to Mark Cody and Erica Marsden (pjl,) (Entered: 07/14/2003) |
| 08/12/2003 | <u>26</u> | NOTICE of status conference re-set for 9/15/2003 at 08:00 AM at Lansing, MI before Judge David W. McKeague; status report due by 9/8/2003 (Judge David W. McKeague, bsd) (Entered: 08/12/2003) |
| 08/12/2003 | | Copy of Notice of Hearing <u>26</u> sent via U.S. Mail to attys Cody and Marsden (lkd) (Entered: 08/12/2003) |
| 09/04/2003 | <u>27</u> | NOTICE of status conference set for 10/20/2003 at 01:30 PM at Lansing, MI before Judge David W. McKeague; status report due by 10/14/2003 (Judge David W. McKeague, bsd) (Entered: 09/04/2003) |
| 09/05/2003 | | Copy of Notice of Hearing <u>27</u> sent via U.S. Mail to Attys Mark Cody and Erica Marsden (ldm,) (Entered: 09/05/2003) |

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| 10/14/2003 | <u>28</u> | JOINT STATUS REPORT submitted for filing by plaintiffs Robert Eager, Grand Rapids Center for Independent Living, Great Lakes Center for Independent Living, Howard Hugger, Terrell King, Georgette Kraft, Dennis Lowe, Michigan Association of Centers For Independent Living, Michigan Campaign for Quality Care, Michigan Disability Rights Coalition, Dora Oats, Evelyn G. Wright, defendants John Engler, James K. Haveman Jr. (ldm,) (Entered: 10/14/2003) |
| 10/20/2003 | <u>29</u> | MINUTES of status conference held before Judge David W. McKeague; final closing documents to be submitted to court for signature no later than December 15, 2003 (Judge David W. McKeague, bsd) (Entered: 10/21/2003) |
| 12/15/2003 | <u>30</u> | STIPULATION <i>OF SETTLEMENT</i> by plaintiffs Robert Eager, Grand Rapids Center for Independent Living, Great Lakes Center for Independent Living, Howard Hugger, Terrell King, Georgette Kraft, Dennis Lowe, Michigan Association of Centers For Independent Living, Michigan Campaign for Quality Care, Michigan Disability Rights Coalition, Dora Oats, Evelyn G. Wright, defendants John Engler, James K. Haveman Jr. (pjl,) (Entered: 12/17/2003) |
| 01/20/2004 | <u>31</u> | PROPOSED STIPULATION and ORDER <i>re: Settlement</i> by plaintiffs Robert Eager, Grand Rapids Center for Independent Living, Great Lakes Center for Independent Living, Howard Hugger, Terrell King, Georgette Kraft, Dennis Lowe, Michigan Association of Centers For Independent Living, Michigan Campaign for Quality Care, Michigan Disability Rights Coalition, Dora Oats, Evelyn G. Wright, defendants John Engler, James K. Haveman Jr. (pjl,) (Entered: 01/21/2004) |
| 02/02/2004 | <u>32</u> | ORDER granting STIPULATION re <u>31</u> stipulation for settlement is approved and constitutes a final adjudication of this matter ; signed by Judge David W. McKeague (Judge David W. McKeague, pjr) (Entered: 02/02/2004) |
| 02/02/2004 | | Copy of Order on Stipulation and Proposed Order <u>32</u> sent via U.S. Mail to attys Marsden and Cody (lkd) (Entered: 02/02/2004) |