

**United States District Court
Southern District of West Virginia (Charleston)
CIVIL DOCKET FOR CASE #: 2:78-cv-02375**

Gibson, et al v. Burdette, et al
Assigned to: Judge John T. Copenhaver, Jr.
Demand: \$200,000
Case in other court:
Cause: 28:1343 Violation of Civil Rights

Date Filed: 10/12/1978
Date Terminated: 12/07/1981
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

Ervin Gibson
and

Plaintiff

Dixie Gibson
*individually and on behalf of their
children*

Plaintiff

Gordon Reneau

Plaintiff

Ervin Reneau

Plaintiff

Gary Reneau

Plaintiff

Rebecca Gibson
and

Plaintiff

Brenda Gibson

Plaintiff

Ellen Facemier
*individually and on behalf of all her
infant children*

Plaintiff

Eugene Facemier
and

Plaintiff

Robert Lee Facemier

Plaintiff

Zurr E. Deal
*individually and on behalf of his infant
child*

Plaintiff

Phyllis Deal

Plaintiff

Margaret Stone

individually and on behalf of her infant child

Plaintiff

Kim Crew

individually and on behalf of a plaintiff class of all others similarly situated

Plaintiff

Judith A. Gleichauf

represented by **George D. Beter**
522 10th Street
Huntington, WV 25701
304/529-1173
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

J. Benjamin Dick
421 Park Street #2
Charlottesville, VA 22901
804/977-6607
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Joseph A. Gleichauf

represented by **George D. Beter**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

J. Benjamin Dick
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Katrina Gleichauf Jefferson

represented by **George D. Beter**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

J. Benjamin Dick
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Dorothy Allen

Assistant Commissioner for Social Services

Defendant

Rosella Archer

Director of Protective Services for the West Virginia Department of Welfare

Defendant

John E. Burdette, II

Defendant

John Burdette

Area Administrator, Area 17

Defendant

Sharon Paterno

Head of the Division of Protective Services, Kanawha County office of the West Virginia Department of Welfare

Defendant

Mark Hudnall

Social Worker, West Virginia Department of Welfare

Defendant

Patricia Moore

Social Worker working under contract from the West Virginia Department of Welfare

Defendant

Elmer D. Stricker

individually and on behalf of all Circuit Judges in the State of West Virginia

Defendant

Ronald K. Bischoff

individually and on behalf of a class of all Prosecuting Attorneys in the State of West Virginia

Defendant

Paul Girod

Area Administrator, Area 19

Defendant

Steven Frame

Protective Services Supervisor of Nicholas County

Defendant

Kathy Kelly

Social Worker, West Virginia Department of Welfare

Defendant

Duanne Drennen

and

Defendant

William Slemick

Kanawha County Deputy Sheriffs

Defendant

represented by

Leon H. Ginsberg
*Commissioner, West Virginia Department
of Welfare, His Successor*

Jan L. Fox
STEPTOE & JOHNSON
P. O. Box 1588
Charleston, WV 25326-1588
304-353-8000
Fax: 353-8180
Email: Jan.Fox@steptoe-johnson.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kelly R. Reed
STEPTOE & JOHNSON
P. O. Box 1588
Charleston, WV 25326-1588
304/353-8000
Fax: 353-8180
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William P. Jones
WEST VIRGINIA DEPARTMENT OF
HEALTH AND HUMAN RESOURCES
350 Capitol Street, Room 730
Charleston, WV 25301-3711
304/356-4531
Fax: 304/558-4577
Email: william.p.jones@wv.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Gretchen Lewis

represented by **Jan L. Fox**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kelly R. Reed
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Liz Rhodes
SSW II, and

represented by **Jan L. Fox**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kelly R. Reed
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Joyce McCormick
*SSW IV, Cabell County Social Service
Department*

represented by **Jan L. Fox**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kelly R. Reed
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant**Amanda Underwood**

represented by **Nancy A. Dalby**
 NANCY A. DALBY, ATTORNEY AT
 LAW
 202 North Charles Street
 Charles Town, WV 25414
 304/728-2063
 Fax: 866/540-2926
 Email: ndalby@frontiernet.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/07/1981		THIS CASE WAS CLOSED BEFORE BEING ENTERED COMPLETELY INTO THE AUTOMATED SYSTEM. FOR PREVIOUS ENTRIES, CHECK THE MANUAL DOCKET SHEET. (emb) Modified on 11/08/1996 (Entered: 10/21/1996)
10/07/1981		Case closed (emb) (Entered: 10/21/1996)
02/21/1996	160	MOTION/PETITION by Judith A. Gleichauf, Joseph A. Gleichauf and Katrina Gleichauf Jefferson for Contempt and Equitable, Legal, and Further Relief Under the Prior Orders of This Court , to Enforce the Said Orders, Decrees of This Court and for Vindication of the Power of This Court and the Rights and Liberty Interests of Petitioners and Prayer for Declaratory and Injunctive Relief and Damages Pursuant to Rule 56 and 57 of FRCP, and Per USC 2201-2, 1343 Et Seq., 1331, 1983. Against the Class Defendants and Request for Pretrial Conference. (emb) (Entered: 10/21/1996)
02/21/1996	161	STATEMENT OF VISITING ATTORNEY by J. Benjamin Dick for Judith A. Gleichauf, Joseph A. Gleichauf and Katrina Gleichauf Jefferson, with DESIGNATION OF LOCAL COUNSEL by George D. Beter. (emb) Modified on 11/08/1996 (Entered: 10/21/1996)
02/21/1996	163	LETTER from J. Benjamin Dick to Clerk, dated 02/20/96, re: enclosing corrected Page 25 of Plaintiffs' [160-1] motion/petition. (emb) Modified on 11/08/1996 (Entered: 10/21/1996)
02/21/1996	162	SEALED RECORDS of Court of Claims of WV, Claim No. CC-83-197, submitted by Judith A. Gleichauf, Joseph A. Gleichauf and Katrina Gleichauf Jefferson. (emb) Modified on 11/08/1996 (Entered: 10/21/1996)
02/23/1996	164	LETTER from J. Benjamin Dick to Clerk, dated 02/21/96, re: enclosing corrected Pages 10, 12, 25 and 26 of the [160-1] motion/petition. (emb) (Entered: 10/21/1996)
05/20/1996	165	RESPONSE by All Defendants in opposition to Plaintiffs' [160-1] Motion/Petition for Contempt and Equitable, Legal, and Further Relief. (This entry is incorporated with the following entry) (emb) (Entered: 10/21/1996)
05/20/1996	165	MOTION by All Defendants to Dismiss Plaintiffs' [160-1] Motion/Petition. (This entry is incorporated with the previous entry) (emb) (Entered: 10/21/1996)
06/04/1996	166	RESPONSE by Judith A. Gleichauf, Joseph A. Gleichauf, Katrina Gleichauf Jefferson to Defendants' [165-1] response in opposition to Plaintiffs' [160-1] motion/petition for Contempt and Equitable, Legal, and Further Relief. (This entry is incorporated with the following entry) (emb) (Entered: 10/21/1996)
06/04/1996	166	MOTION by Judith A. Gleichauf, Joseph A. Gleichauf and Katrina Gleichauf Jefferson to Reopen this Civil Action. (This entry is incorporated with the previous entry) (emb) (Entered: 10/21/1996)
08/02/1996	167	ORDER: denying Plaintiffs' [166-1] motion to Reopen this Civil Action, granting Defendants' [165-1] motion to Dismiss Plaintiffs' [160-1] Motion/Petition., dismissing Plaintiffs' [160-1] motion for Contempt and for Equitable, Legal, and

		Further Relief Under the Prior Orders of This Court, dismissing Plaintiffs' [160-2] motion to Enforce the Orders, Decrees This Court and for Vindication of the Power of This Court and the Rights and Liberty Interests of Petitioners, dismissing Plaintiffs' [160-3] motion Prayer for and Injunctive Relief and Damages Pursuant to Rule 56 and of FRCP, and Per USC 2201-2, 1343 Et Seq., 1331, 1983. Against the Class Defendants and Request for Pretrial Conference. (signed by Judge John T. Copenhaver Jr.) (cc: attys) (emb) Modified on 10/25/1996 (Entered: 10/21/1996)
08/07/1996	168	PETITION/MOTION by Judith A. Gleichauf, Joseph A. Gleichauf and Katrina Gleichauf Jefferson to Rehear. (emb) (Entered: 10/21/1996)
08/19/1996	169	RESPONSE by Defendants in opposition to Plaintiffs' [168-1] motion to Rehear. (emb) (Entered: 10/21/1996)
08/29/1996	170	REPLY by Judith A. Gleichauf, Joseph A. Gleichauf and Katrina Gleichauf Jefferson to Defendants' [169-1] response to Plaintiffs' [168-1] Petition/Motion to Rehear and Defendants' [165-1] motion to Dismiss Plaintiffs' [160-1] Motion/Petition. (This entry is incorporated with the following entry) (emb) (Entered: 10/21/1996)
08/29/1996	170	SUPPLEMENTAL PLEADING by Judith Gleichauf, Joseph Gleichauf and Katrina Gleichauf Jefferson to Plaintiffs' [168-1] Petition/Motion to Rehear. (This entry is incorporated with the previous entry) (emb) (Entered: 10/21/1996)
08/29/1996	170	CONVERSION TO COMPLAINT by Judith Gleichauf, Joseph Gleichauf and Katrina Gleichauf Jefferson. (This entry is incorporated with the previous entry) (emb) (Entered: 10/21/1996)
08/29/1996	170	EQUAL PROTECTION CLAIM by Judth Gleichauf, Joseph Gleichauf and Katrina Gleichauf Jefferson. (This entry is incorporated with the previous entry) (emb) (Entered: 10/21/1996)
10/08/1996	171	ORDER: denying Plaintiffs' [168-1] petition/motion to Rehear; denying request by said petitioners for oral argument; denying the Plaintiffs' [170-1] motion to convert Plaintiffs' [160-1] motion/petition to a complaint; denying Plaintiffs' motion to seal documents submitted by the defendants in support of their [165-1] motion to dismiss. (signed by Judge John T. Copenhaver Jr.) (cc: attys) (emb) (Entered: 10/21/1996)
10/18/1996	172	RETURN: [171-1] order entered 10/08/96 mailed to Andrew S. Nason, 710 Virginia Street East, Charleston, WV 25301 returned by U.S. Postal Service Marked "Undeliverable As Addressed Forwarding Order Expired, Return to Sender." (emb) (Entered: 10/21/1996)
11/06/1996	173	NOTICE OF APPEAL by Judith A. Gleichauf, Joseph A. Gleichauf and Katrina Gleichauf Jefferson. FILING FEE \$ 105.00 RECEIPT # 068279 Appeal record due on 12/6/96 from [167-1] and [171-1] orders. (emb) Modified on 12/05/1996 (Entered: 11/07/1996)
11/06/1996	174	Notice of Appellate Action with certified copy of docket, judgment order and notice of appeal to 4CCA: [173-1] appeal by Katrina Gleichauf Jefferson, Joseph A. Gleichauf and Judith A. Gleichauf (cc: attys) (emb) (Entered: 11/07/1996)
11/25/1996	175	NOTICE of Appellate Action received by 4CCA on 11/14/96, 4CCA # &fee status: Fee Paid 4CCA No. 96-2662 Case Manager: Sharon A. Wiley (emb)
12/16/1996	176	LETTER from 4CCA to Ronald D. Lawson, dated 12/11/96, re: informing the court that a transcript is not necessary for this appeal and requesting the transmission of the certificate of readiness in 4CCA No. 96-2662. (emb) Modified on 03/10/1997
12/16/1996	177	CERTIFICATE by Clerk of Readiness of Record on Appeal in 4CCA No. 96-2662, re: [173-1] appeal by Katrina Gleichauf Jefferson, Joseph A. Gleichauf and Judith A. Gleichauf. (emb) Modified on 12/18/1996
12/23/1996	178	ACKNOWLEDGMENT by 4CCA of receipt of certificate of readiness on 12/18/96 in 4CCA no. 96-2662. (skh)

12/01/1997	179	NOTICE by 4CCA of issuance of mandate and enclosing a copy of the unpublished opinion and a certified copy of the judgment in 4CCA #96-2662. (pdb)
12/01/1997	180	UNPUBLISHED 4CCA OPINION for [173-1] appeal by Katrina Gleichauf Jefferson, Joseph A. Gleichauf, Judith A. Gleichauf affirming the decision of the District Court in 4CCA #96-2662. (pdb)
12/01/1997	181	JUDGMENT OF 4CCA (certified copy) Re: [173-1] appeal by Katrina Gleichauf Jefferson, Joseph A. Gleichauf, Judith A. Gleichauf affirming the judgment of the District Court in 4CCA # 96-2662. (cc: attys, Judge Copenhaver) (pdb)
03/03/2011	<u>182</u>	MOTION AND PETITION by Amanda Underwood for Contempt and Equitable, Legal and Further Relief Under the Prior Orders of this Court on Behalf of the Class Member Amanda Underwood; and to Enforce the Said Orders, Decrees of this Court and for Vindication of the Power of this Court and the Rights and Liberty Interests of Petitioner; and Prayer for Declaratory and Injunctive Relief and Damages Pursuant to Rule 57 and 65 of FRCP, and Per 28 USC 2201-2, 1343 et seq., 1331, 1983 Against the Class Defendants, or their Successors Above (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Certificate of Service)(Dalby, Nancy) (Modified text to conform to filed document and to edit description of attachment #1 on 3/4/2011) (skh).
03/10/2011	<u>183</u>	ORDER pursuant to movant Amanda Underwood's <u>182</u> "MOTION AND PETITION FOR CONTEMPT AND EQUITABLE, LEGAL, AND FURTHER RELIEF UNDER THE PRIOR ORDERS OF THIS COURT ON BEHALF OF THE CLASS MEMBER AMANDA UNDERWOOD; AND TO ENFORCE THE SAID ORDERS, DECREES OF THIS COURT AND FOR VINDICATION OF THE POWER OF THIS COURT AND THE RIGHTS AND LIBERTY INTERESTS OF PETITIONER; AND PRAYER FOR DECLARATORY AND INJUNCTIVE RELIEF AND DAMAGES PURSUANT TO RULE 57 AND 65 OF FRCP, AND PER 28 USC 2201-2, 1343 ET SEQ., 1331, 1983 AGAINST THE CLASS DEFENDANTS, OR THEIR SUCCESSORS ABOVE" (motion for an order to show cause), directing that defendants or their successors are to respond to the motion for an order to show cause by 3/25/2011, addressing solely the propriety of embedding and adjudicating within this civil action the claims made in the motion for an order to show cause; plaintiff to reply by 4/8/2011. Signed by Judge John T. Copenhaver, Jr. on 3/10/2011. (cc: attys; any unrepresented parties) (taq)
03/10/2011		SET DEADLINE re: <u>182</u> MOTION AND PETITION (motion for an order to show cause) by Amanda Underwood. Response due by 3/25/2011 and reply due by 4/8/2011 pursuant to the court's <u>183</u> order. (taq)
03/14/2011	<u>184</u>	NOTICE OF SUBSTITUTION OF COUNSEL by William P. Jones on behalf of Leon H. Ginsberg (Jones, William) (Modified text to conform to filed document on 3/14/2011) (skh).
03/23/2011	<u>185</u>	RESPONSE AND MOTION by Leon H. Ginsberg to Dismiss <u>182</u> MOTION AND PETITION by Amanda Underwood for Contempt and Equitable, Legal and Further Relief Under the Prior Orders of this Court on Behalf of the Class Member Amanda Underwood; and to Enforce the Said Orders, Decrees of this Court and for Vindication of the Power of this Court and the Rights and Liberty Interests of Petitioner; and Prayer for Declaratory and Injunctive Relief and Damages Pursuant to Rule 57 and 65 of FRCP, and Per 28 USC 2201-2, 1343 et seq., 1331, 1983 Against the Class Defendants, or their Successors Above the Court's in Response to the Court's <u>183</u> Order.(Jones, William) (Modified on 3/23/2011 to convert event to a motion to dismiss, to add link to #182 motion and to remove memorandum and file as entry #187) (skh).
03/23/2011	<u>186</u>	ANSWER TO <u>182</u> MOTION AND PETITION by Amanda Underwood for Contempt and Equitable, Legal and Further Relief Under the Prior Orders of this Court on Behalf of the Class Member Amanda Underwood; and to Enforce the Said Orders, Decrees of this Court and for Vindication of the Power of this Court and the Rights and Liberty Interests of Petitioner; and Prayer for Declaratory and Injunctive Relief and Damages Pursuant to Rule 57 and 65 of FRCP, and Per 28 USC 2201-2, 1343 et seq., 1331, 1983 Against the Class Defendants, or their Successors Above by Leon H. Ginsberg.(Jones, William) (Modified on 3/23/2011

		to add link to #182 motion) (skh).
03/23/2011	<u>187</u>	MEMORANDUM by Leon H. Ginsberg in support of <u>185</u> RESPONSE AND MOTION by Leon H. Ginsberg to Dismiss <u>182</u> MOTION AND PETITION by Amanda Underwood for Contempt and Equitable, Legal and Further Relief Under the Prior Orders of this Court on Behalf of the Class Member Amanda Underwood (skh)
04/08/2011	<u>188</u>	REPLY by Amanda Underwood to <u>185</u> RESPONSE and MOTION by Leon H. Ginsberg to Dismiss <u>182</u> MOTION AND PETITION by Amanda Underwood for Contempt and Equitable, Legal and Further Relief Under the Prior Orders of this Court on Behalf of the Class Member Amanda Underwood. (Attachment: # <u>1</u> Certificate of Service)(Dalby, Nancy)(Modified on 4/13/2011 for clarity of text and to replace unsigned image of reply with signed image) (skh).
04/13/2011		NOTICE OF DOCKET CORRECTION re: <u>188</u> Reply by Amanda Underwood to <u>185</u> Response and Motion. ERROR: Unsigned image attached. CORRECTION: Unsigned image of reply replaced with signed image. (skh)
06/03/2011	<u>189</u>	MEMORANDUM OPINION AND ORDER denying movant Amanda Underwood's <u>182</u> MOTION for an order to show cause; the denial is without prejudice to movant's pursuit of any other available remedies. The court, accordingly, declines to reopen this case. Signed by Judge John T. Copenhaver, Jr. on 6/3/2011. (cc: attys; any unrepresented parties) (taq)
08/03/2011	<u>190</u>	ORDER pursuant to the 6/3/2011 <u>189</u> memorandum opinion and order denying the request for an order to show cause, directing the Clerk to terminate docket entry <u>185</u> to the extent that it moves for dismissal of the request for an order to show cause; further, the court declined to reopen the case in its 6/3/2011 memorandum opinion and order, directing the Clerk to reflect on the docket the closed nature of the action. Signed by Judge John T. Copenhaver, Jr. on 8/3/2011. (cc: attys; any unrepresented parties) (taq)