

**U.S. District Court
Western District of Missouri (Jefferson City)
CIVIL DOCKET FOR CASE #: 2:12-cv-04219-NKL**

Lane d/b/a Caged Potential v. Lombardi et al
Assigned to: District Judge Nanette K. Laughrey
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 08/09/2012
Date Terminated: 10/22/2014
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Bobbie Y. Lane d/b/a Caged Potential

represented by **Andrew McNulty**
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V.

Defendant

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Defendant

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Miscellaneous

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Miscellaneous

Billy Turner
TERMINATED: 06/13/2014

Miscellaneous

Maejed Inc.
TERMINATED: 06/16/2014

Miscellaneous

James Boley
TERMINATED: 06/18/2014

Miscellaneous

Prison Legal News
TERMINATED: 06/26/2014

Miscellaneous

Melvin Leroy Tyler
TERMINATED: 08/18/2014

Miscellaneous

Roger D Merchant
TERMINATED: 08/18/2014

Miscellaneous

Michael L. Gorman
TERMINATED: 09/25/2014

Miscellaneous

Charles Johnson
TERMINATED: 09/26/2014

Miscellaneous

George Bidy
TERMINATED: 09/26/2014

Miscellaneous

Daniel M. Coy
TERMINATED: 09/26/2014

Miscellaneous

Larry Windeknecht
TERMINATED: 09/26/2014

Date Filed	#	Docket Text
08/09/2012	<u>1</u>	COMPLAINT against All Defendants filed by Anthony E. Rothert on behalf of Bobbie Y. Lane d/b/a Caged Potential. Filing fee \$350, receipt number 0866-3193696. Service due by 12/10/2012. (Attachments: # <u>1</u> Civil Cover Sheet)(Rothert, Anthony)

		(Entered: 08/09/2012)
08/10/2012	<u>2</u>	MOTION for preliminary injunction filed by Anthony E. Rothert on behalf of Bobbie Y. Lane d/b/a Caged Potential. Suggestions in opposition/response due by 8/27/2012 unless otherwise directed by the court. (Rothert, Anthony) (Entered: 08/10/2012)
08/10/2012	<u>3</u>	SUGGESTIONS in support re <u>2</u> MOTION for preliminary injunction filed by Anthony E. Rothert on behalf of Plaintiff Bobbie Y. Lane d/b/a Caged Potential. (Attachments: # <u>1</u> Exhibit Declaration of Bobbie Y. Lane)(Related document(s) <u>2</u>) (Rothert, Anthony) (Entered: 08/10/2012)
08/10/2012	<u>4</u>	MOTION to certify class filed by Anthony E. Rothert on behalf of Bobbie Y. Lane d/b/a Caged Potential. Suggestions in opposition/response due by 8/27/2012 unless otherwise directed by the court. (Rothert, Anthony) (Entered: 08/10/2012)
08/10/2012	<u>5</u>	SUGGESTIONS in support re <u>4</u> MOTION to certify class filed by Anthony E. Rothert on behalf of Plaintiff Bobbie Y. Lane d/b/a Caged Potential. (Related document(s) <u>4</u>) (Rothert, Anthony) (Entered: 08/10/2012)
08/10/2012	<u>6</u>	ORDER TRANSFERRING/REASSIGNING CASE. Case reassigned to District Judge Nanette K. Laughrey for all further proceedings. Signed on 8/10/12 by Magistrate Judge Matt J. Whitworth. This is a TEXT ONLY ENTRY. No document is attached. (James, Carrie) (Entered: 08/10/2012)
08/10/2012	<u>7</u>	Notice of EAP assignment to United States Magistrate Judge Matt J. Whitworth. (Attachments: # <u>1</u> General Order)(James, Carrie) (Entered: 08/10/2012)
08/10/2012		SUMMONS ISSUED as to Mariann B. Atwell, Dave Dormire, George A. Lombardi. (James, Carrie) (Entered: 08/10/2012)
08/13/2012	<u>8</u>	RETURN OF SERVICE of complaint executed by Bobbie Y. Lane d/b/a Caged Potential. Mariann B. Atwell served on 8/13/2012, answer due 9/4/2012. (Rothert, Anthony) (Entered: 08/13/2012)
08/13/2012	<u>9</u>	RETURN OF SERVICE of complaint executed by Bobbie Y. Lane d/b/a Caged Potential. Dave Dormire served on 8/13/2012, answer due 9/4/2012. (Rothert, Anthony) (Entered: 08/13/2012)
08/13/2012	<u>10</u>	RETURN OF SERVICE of complaint executed by Bobbie Y. Lane d/b/a Caged Potential. George A. Lombardi served on 8/13/2012, answer due 9/4/2012. (Rothert, Anthony) (Entered: 08/13/2012)
08/28/2012	<u>11</u>	NOTICE of appearance by Emily A. Dodge on behalf of Mariann B. Atwell, Dave Dormire, George A. Lombardi (Dodge, Emily) (Entered: 08/28/2012)
08/28/2012	<u>12</u>	MOTION for extension of time filed by Emily A. Dodge on behalf of Mariann B. Atwell, Dave Dormire, George A. Lombardi. Suggestions in opposition/response due by 9/14/2012 unless otherwise directed by the court. (Dodge, Emily) (Entered: 08/28/2012)
08/29/2012	<u>13</u>	ORDER entered by Judge Nanette Laughrey. Defendant's Motion for Extension of Time to Respond <u>12</u> is GRANTED. Defendant's response to Plaintiff's Motion for Preliminary Injunction <u>2</u> , Motion for Class Certification <u>4</u> , and Cross-Action Complaint for Declaratory and Injunctive Relief <u>1</u> is due on or before September 19, 2012. This is a TEXT ONLY ENTRY. No document is attached. (Kanies, Renea) (Entered: 08/29/2012)
09/19/2012	<u>14</u>	NOTICE of appearance by Elizabeth Callahan on behalf of All Defendants (Callahan, Elizabeth) (Entered: 09/19/2012)
09/19/2012	<u>15</u>	ANSWER to <u>1</u> Complaint, on behalf of Mariann B. Atwell, Dave Dormire, George A. Lombardi.(Dodge, Emily) (Entered: 09/19/2012)
09/19/2012	<u>16</u>	SUGGESTIONS in opposition re <u>4</u> MOTION to certify class filed by Emily A. Dodge on behalf of Defendants Mariann B. Atwell, Dave Dormire, George A. Lombardi. Reply suggestions due by 10/9/2012 unless otherwise directed by the court (Related document(s) <u>4</u>) (Dodge, Emily) (Entered: 09/19/2012)

09/19/2012	<u>17</u>	SUGGESTIONS in opposition re <u>2</u> MOTION for preliminary injunction filed by Emily A. Dodge on behalf of Defendants Mariann B. Atwell, Dave Dormire, George A. Lombardi. Reply suggestions due by 10/9/2012 unless otherwise directed by the court (Attachments: # <u>1</u> Affidavit Dave Dormire, # <u>2</u> Affidavit Wilma Morgan, # <u>3</u> Affidavit Sylvia Fitzwater)(Related document(s) <u>2</u>) (Dodge, Emily) (Entered: 09/19/2012)
10/04/2012	<u>18</u>	Consent MOTION for extension of time to file response/reply as to <u>2</u> MOTION for preliminary injunction <i>through and including October 19, 2012</i> , filed by Anthony E. Rothert on behalf of Bobbie Y. Lane d/b/a Caged Potential. Suggestions in opposition/response due by 10/22/2012 unless otherwise directed by the court. (Related document(s) <u>2</u>) (Rothert, Anthony) (Entered: 10/04/2012)
10/05/2012	<u>19</u>	REPLY SUGGESTIONS to motion re <u>4</u> MOTION to certify class filed by Anthony E. Rothert on behalf of Plaintiff Bobbie Y. Lane d/b/a Caged Potential. (Related document(s) <u>4</u>) (Rothert, Anthony) (Entered: 10/05/2012)
10/10/2012	20	ORDER by Judge Nanette Laughrey. Plaintiff's Motion for Extension of Time to File <u>18</u> is GRANTED. Plaintiff's reply is due on or before October 19, 2012. This is a TEXT ONLY ENTRY. No document is attached. (Kanies, Renea) (Entered: 10/10/2012)
10/15/2012	<u>21</u>	REPLY SUGGESTIONS to motion re <u>2</u> MOTION for preliminary injunction filed by Anthony E. Rothert on behalf of Plaintiff Bobbie Y. Lane d/b/a Caged Potential. (Related document(s) <u>2</u>) (Rothert, Anthony) (Entered: 10/15/2012)
11/08/2012	<u>22</u>	ORDER entered by Judge Nanette Laughrey. the Court finds that class certification is appropriate in this case. Accordingly, Plaintiff's Motion [Doc. # 4] is GRANTED. Pursuant to Fed. R. Civ. P. 23(c), the Court certifies the following class: All current and future publishers, distributors, and authors of written materials, who mail books, publications, or other written materials to inmates incarcerated in prisons operated by MODOC. Pursuant to Fed. R. Civ. P. 23(g), the Court appoints Grant R. Doty and Anthony E. Rothert, of the ACLU of Eastern Missouri, and Stephen Douglas Bonney, of the ACLU of Kansas & Western Missouri, as Class counsel. (Kanies, Renea) (Entered: 11/08/2012)
11/15/2012	<u>23</u>	ORDER entered by Judge Nanette Laughrey. Plaintiff's Motion for a Preliminary Injunction [Doc. # 2] is GRANTED. Defendants are required to provide notice and an opportunity to appeal to senders whose communications with prisoners are censored or seized by Defendants or their officers, agents, or subordinate employees. (Kanies, Renea) (Entered: 11/15/2012)
11/20/2012	<u>24</u>	Settlement Conference set for 1/15/2013 10:00 AM in Magistrate Courtroom 3B, Jefferson City (WAK) before Magistrate Judge William A. Knox. (Price, Jackie) (Entered: 11/20/2012)
01/08/2013	25	AMENDED** NOTICE OF HEARING – This is the official notice for this hearing. Settlement Conference set for 1/15/2013 10:00 AM in **Magistrate Courtroom 3A, Jefferson City (MJW) before Magistrate Judge Matt J. Whitworth. THIS IS A CHANGE IN LOCATION AND JUDGE ONLY. TEXT ENTRY ONLY – no document is attached. (Price, Jackie) (Entered: 01/08/2013)
01/15/2013	26	Minute Entry. Proceedings held before Magistrate Judge Matt J. Whitworth: SETTLEMENT CONFERENCE held on 1/15/2013. Counsel Grant Doty, Anthony Rothert, Emily Dodge and Elizabeth Callahan participated in person. Case settled. Case requires an approval hearing before the district judge. Confidential settlement record made. TEXT ENTRY ONLY – no document is attached. To order a transcript of this hearing please contact Jackie Price, 573–636–4015. (Price, Jackie) (Entered: 01/15/2013)
01/23/2013	27	ORDER SETTING TELECONFERENCE entered by Judge Nanette Laughrey. A Telephone Conference is set for 1/28/2013 at 10:00 AM regarding the settlement approval hearing. The parties shall call 877–336–1828, access code 8503666 to participate in the conference. This is a TEXT ONLY ENTRY. No document is attached. (Kanies, Renea) (Entered: 01/23/2013)
01/23/2013	28	ORDER SETTING TELECONFERENCE entered by Judge Nanette Laughrey. A Telephone Conference is set for 1/31/2013 at 9:30 AM regarding the settlement

		approval hearing. The parties shall call 877-336-1828, access code 8503666 to participate in the conference. This is a TEXT ONLY ENTRY. No document is attached. (Kanies, Renea) (Entered: 01/23/2013)
01/31/2013	29	MINUTE ENTRY. Teleconference held before Judge Nanette Laughrey on January 31, 2013. Time: 9:30 a.m. 9:38 a.m. Comments: Teleconference held regarding a settlement approval hearing. Lance Weber, counsel for Prison Legal News, requested permission to listen to the conference call. No party had an objection. The Court permitted Mr. Weber to listen in on the conference call. The parties stated that final review of documents needs to be completed and notice published in two major newspapers and on the ACLU's website prior to the settlement approval hearing. The plaintiff will file a motion for approval of settlement by early March. The Court set a final settlement approval hearing for May 21, 2013, at 10:00 a.m. in Jefferson City. All parties stated they are available on this date. Plaintiffs by: Grant Doty and Douglas Bonney. Defendants by: Emily Dodge and Elizabeth Callahan. Court Reporter: None. CRD: Renea Kanies. (Kanies, Renea) (TEXT ENTRY ONLY – NO DOCUMENT ATTACHED) (Entered: 01/31/2013)
04/05/2013	<u>30</u>	Joint MOTION to continue <i>Final Settlement Approval Hearing</i> filed by Emily A. Dodge on behalf of All PARTIES. Suggestions in opposition/response due by 4/22/2013 unless otherwise directed by the court. (Dodge, Emily) Modified on 4/5/2013 to reflect document filed on behalf of all parties (Lock, Tania). (Entered: 04/05/2013)
04/05/2013	31	ORDER entered by Judge Nanette Laughrey. The Parties' Joint Motion to Continue <u>30</u> is GRANTED. The final settlement approval hearing currently set for May 21, 2013, will be rescheduled to a date on or after October 1, 2013. This is a TEXT ONLY ENTRY. No document is attached. (Smith, Fran) (Entered: 04/05/2013)
10/04/2013	<u>32</u>	NOTICE of filing <i>Notice of Change of Address</i> by Mariann B. Atwell, Dave Dormire, George A. Lombardi (Callahan, Elizabeth) (Entered: 10/04/2013)
03/11/2014	<u>33</u>	NOTICE of appearance by Gillian R. Wilcox on behalf of Bobbie Y. Lane d/b/a Caged Potential (Attorney Gillian R. Wilcox added to party Bobbie Y. Lane d/b/a Caged Potential(pty:pla))(Wilcox, Gillian) (Entered: 03/11/2014)
03/24/2014	34	ORDER SETTING TELECONFERENCE entered by Judge Nanette Laughrey. A Telephone Conference is set for 3/26/2014 at 10:30 AM regarding the status of the case. The parties shall call conference number 877-336-1828, access code: 8503666 to participate in the call. This is a TEXT ONLY ENTRY. No document is attached. (Matthes, Renea) (Entered: 03/24/2014)
03/26/2014	35	MINUTE ENTRY. Teleconference held before the Honorable Nanette K. Laughrey on March 26, 2014. Time: 10:30 a.m. to 10:40 a.m. Teleconference held regarding the status of the case. Mr. Rothert stated the parties have reached a settlement and the parties have agreed on the settlement agreement and the notice to the class regarding the settlement. The Court directed the parties to file a motion to approve their proposed notice to the class and to include in that motion how the parties plan to distribute notice to the class. After the notice is approved, the case will then be set for a fairness hearing and the parties shall submit the settlement agreement and a proposed order approving the settlement to the Court. The parties discussed how to most effectively distribute notice and agreed they will work with each other regarding publication of the notice. Mr. Rothert stated they will file the motion to approve class notice by Friday, March 28, and the case should be ready for a fairness hearing in 3-4 weeks. Appearances: Plaintiff by Anthony Rothert, Stephen Bonney, and Gillian Wilcox. Defendant by Emily Dodge and Elizabeth Callahan. Court Reporter: None. CRD: Renea Matthes. (Matthes, Renea) (Entered: 03/26/2014)
03/27/2014	<u>36</u>	Joint MOTION for order approving and directing notice to certified class, establishing deadline for objections to proposed settlement, and scheduling a fairness hearing filed by Anthony E. Rothert on behalf of Bobbie Y. Lane d/b/a Caged Potential. Suggestions in opposition/response due by 4/14/2014 unless otherwise directed by the court. (Attachments: # <u>1</u> Exhibit Proposed Settlement, # <u>2</u> Exhibit Proposed Notice)(Rothert, Anthony) (Entered: 03/27/2014)
03/28/2014	<u>37</u>	ORDER entered by Judge Nanette Laughrey. The Parties Joint Motion to Approve and Direct Notice of Settlement to the Certified Class, <u>36</u> , is GRANTED. The Parties shall

		complete the notice process no later than 30 days from the date of this Order. The period in which class members may file objections shall expire 90 days from the date of this Order. A fairness hearing is set for 07/01/2014, at 10:00 a.m., in District Courtroom 4A, Jefferson City, Missouri. (Cross, Ashley) (Entered: 03/28/2014)
04/04/2014	<u>38</u>	Joint MOTION for extension of time <i>from April 28, 2014, to May 8, 2014, in which to publish notice of settlement in Prison Legal News</i> filed by Anthony E. Rothert on behalf of Bobbie Y. Lane d/b/a Caged Potential. Suggestions in opposition/response due by 4/21/2014 unless otherwise directed by the court. (Rothert, Anthony) (Entered: 04/04/2014)
04/04/2014	39	ORDER entered by Judge Nanette Laughrey. The Parties' Joint Motion to Modify Order, <u>38</u> , is GRANTED. Plaintiff is ordered to direct notice by publication in Prison Legal News on or before May 8, 2014. This is a TEXT ONLY ENTRY. No document is attached. (Cross, Ashley) (Entered: 04/04/2014)
05/21/2014	<u>40</u>	OBJECTION to settlement by Michael S. Connors. Related document: <u>37</u> Order on Motion for Miscellaneous Relief.(Bax, Laura) (Entered: 05/23/2014)
05/23/2014	<u>41</u>	OBJECTION to settlement by Thurman Fuller Related document: <u>37</u> Order on Motion for Miscellaneous Relief.(Bax, Laura) (Entered: 05/23/2014)
05/23/2014	<u>42</u>	OBJECTION to settlement by Enoch Sellassie Related document: <u>37</u> Order on Motion for Miscellaneous Relief.(Bax, Laura) (Entered: 05/23/2014)
05/28/2014	<u>43</u>	MOTION to intervene filed by Christopher Wirth, Christopher Donnelly, Jonathan Rich, Adam Klebold, Edward Breivik, James Jahar Thule. Suggestions in opposition/response due by 6/16/2014 unless otherwise directed by the court. (Bax, Laura) (Entered: 05/28/2014)
05/30/2014	<u>44</u>	OBJECTION to settlement by Kevin William. Related document: <u>37</u> Order on Motion for Miscellaneous Relief.(Bax, Laura) (Entered: 05/30/2014)
06/02/2014	<u>45</u>	OBJECTIONS to settlement by Roderick Nunley. Related document: <u>37</u> Order on Motion for Miscellaneous Relief.(Bax, Laura) (Entered: 06/02/2014)
06/06/2014	<u>46</u>	RESPONSE to motion re <u>43</u> MOTION to intervene filed by Anthony E. Rothert on behalf of Plaintiff Bobbie Y. Lane d/b/a Caged Potential. Reply suggestions due by 6/23/2014 unless otherwise directed by the court (Rothert, Anthony) (Entered: 06/06/2014)
06/06/2014	<u>47</u>	OBJECTIONS to settlement by David G. White. (James, Carrie) (Entered: 06/09/2014)
06/11/2014	48	ORDER SETTING TELECONFERENCE entered by Judge Nanette Laughrey. A teleconference is set for 6/16/2014 at 02:30 PM to discuss the settlement objections filed by current and former inmates. The Parties shall call 877-336-1828. Access code is 8503666. This is a TEXT ONLY ENTRY. No document is attached. (Cross, Ashley) (Entered: 06/11/2014)
06/13/2014	<u>49</u>	OBJECTION to Settlement by Billy Turner. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Envelope)(Chorny, Traci) (Entered: 06/13/2014)
06/16/2014	50	MINUTE ENTRY. Teleconference held before the Honorable Nanette K. Laughrey on June 16, 2014. Time: 2:30 p.m. to 2:39 p.m. Teleconference held. The Court discussed with the Parties what procedure they believe should be followed to address inmate objections to the settlement. The Parties agreed that there is no need to make arrangements for the inmate objectors to appear in person at the fairness hearing and that addressing the written objections will be sufficient. The Parties also agreed that it is likely that the inmates are not members of the class because inmates are not allowed to send mail to each other while incarcerated, although there could be exceptions in certain circumstances. The Court will proceed with the fairness hearing scheduled for July 1, 2014. Apparnaces: Plaintiff by Anthony Rothert and Stephen Bonney and Defendant by Emily Dodge and Elizabeth Callahan. Court Reporter: None. CRD: Renea Matthes. (Text entry only – no document attached) (Matthes, Renea) (Entered: 06/16/2014)

06/16/2014	<u>51</u>	OBJECTIONS (non motions) to settlement by Maejed Inc.. (Attachments: # <u>1</u> Envelope)(James, Carrie) (Entered: 06/16/2014)
06/16/2014	<u>52</u>	SUGGESTIONS in opposition re <u>43</u> MOTION to intervene filed by Emily A. Dodge on behalf of Defendants Mariann B. Atwell, Dave Dormire, George A. Lombardi. Reply suggestions due by 7/3/2014 unless otherwise directed by the court (Related document(s) <u>43</u>) (Dodge, Emily) (Entered: 06/16/2014)
06/16/2014	53	OBJECTIONS (non motions) to settlement by Maejed Inc.. (Attachments: # 1 Envelope)(Martin, Jan) Modified on 6/18/2014 – document deleted as it was duplicative to document no. 51. (Bax, Laura). (Entered: 06/17/2014)
06/18/2014		NOTICE OF DOCKET MODIFICATION. A modification has been made to the document filed on 6/16/14 as Document No. 53, Objections to settlement. The document has been deleted as it was duplicative of Document No. 51. This is a text entry only – no document is attached. (Bax, Laura) (Entered: 06/18/2014)
06/18/2014	<u>54</u>	OBJECTIONS (non motions)to Settlement by James Boley re <u>37</u> Order on Motion for Miscellaneous Relief,. Related document: <u>37</u> Order on Motion for Miscellaneous Relief,. (Attachments: # <u>1</u> Envelope)(James, Carrie) (Entered: 06/18/2014)
06/23/2014	55	ORDER SETTING TELECONFERENCE. As requested by the Parties, a teleconference is set for 6/24/2014 at 10:00 AM to correct information previously provided to the Court. This is a TEXT ONLY ENTRY. No document is attached. (Cross, Ashley) (Entered: 06/23/2014)
06/25/2014	<u>56</u>	Movants Donnelly, Wirth, Rich, Breivik, Thule, and Klebold's Motion to Intervene, <u>43</u> , is DENIED. A copy of this Order was mailed on 6/25/14 to each Movant at the addresses listed on the docket. (Cross, Ashley) (Entered: 06/25/2014)
06/26/2014	<u>57</u>	OBJECTIONS (non motions) by Prison Legal News <i>to proposed settlement of class claims</i> . (Attachments: # <u>1</u> Exhibit 1 – Declaration of Lance Weber, # <u>2</u> Exhibit 2 – Declaration of John W. Kurtz, # <u>3</u> Exhibit 3 – Declaration of Sanford J. Rosen)(Weber, Lance) (Entered: 06/26/2014)
06/26/2014	<u>58</u>	Supplemental OBJECTIONS <u>57</u> by Prison Legal News . (Weber, Lance) Modified on 6/27/2014 to correct docket text(Bax, Laura). (Additional attachment(s) added on 6/30/2014: # <u>1</u> Exhibit) (Bax, Laura). (Entered: 06/26/2014)
06/27/2014	59	Supplemental OBJECTIONS by Prison Legal News re <u>57</u> Objections (non motion) . Related document: <u>58</u> Objections (non motion) filed by Prison Legal News.(Weber, Lance) Modified on to correct docket text 6/27/2014 (Bax, Laura). Modified on 6/30/2014 – document attached to entry no. 58 and deleted from this entry per instructions from chambers (Bax, Laura). (Entered: 06/27/2014)
06/30/2014		NOTICE OF DOCKET MODIFICATION. A modification has been made to the document filed on 6/27/14 as Document No. 59, Objections (non–motion). The document has been deleted and attached to Document No. 58. This is a text entry only – no document is attached. (Bax, Laura) (Entered: 06/30/2014)
06/30/2014	60	MINUTE ENTRY. Teleconference held before the Honorable Nanette K. Laughrey on June 24, 2014. Time: 10:00 a.m. to 10:17 a.m. Mr. Rothert stated that inmates who are not in administrative segregation are generally allowed to correspond with inmates at other correctional facilities and, as such, inmates may be class members. The parties stated that they had discussed notice to inmate class members regarding the settlement and making a copy of the settlement agreement available in the library of each prison. The parties proposed that, in the library of each correctional facility, notice to the class be posted and a copy of the proposed settlement made available by a date certain. The Court approved that means of providing notice. Notice will be posted in the library of each prison within 30 days of the date of this Order. Inmates will be provided 30 days after posting of the notice to submit objections. The Court will proceed with the fairness hearing scheduled for July 1, 2014. The Court will schedule a second hearing in September to consider objections filed by inmates. Appearances: Plaintiffs by Anthony Rothert and Stephen Bonney and Defendants by Emily Dodge and Elizabeth Callahan. Court Reporter: None. CRD: Renea Matthes.(Cross, Ashley) (Entered: 06/30/2014)

07/01/2014	<u>61</u>	Minute Entry. Proceedings held before District Judge Nanette K. Laughrey: SETTLEMENT APPROVAL HEARING held on 7/1/2014. To order a transcript of this hearing please contact Katie Wirt, 816-512-5608. (Matthes, Renea) (Entered: 07/03/2014)
07/01/2014	<u>62</u>	EXHIBIT INDEX – Settlement Approval Hearing held 7/1/2014. (Matthes, Renea) (Entered: 07/03/2014)
07/07/2014	<u>63</u>	OBJECTIONS (non motions) by Prison Legal News re <u>57</u> Objections (non motion), . Related document: <u>57</u> Objections (non motion), filed by Prison Legal News.(Weber, Lance) (Entered: 07/07/2014)
07/07/2014	<u>64</u>	Joint MOTION for order approval of supplemental notice to class re 60 Telephone Conference,,,,, filed by Anthony E. Rothert on behalf of All Plaintiffs. Suggestions in opposition/response due by 7/24/2014 unless otherwise directed by the court. (Attachments: # <u>1</u> Proposed Supplemental Notice to Class)(Related document(s) 60) (Rothert, Anthony) (Entered: 07/07/2014)
07/08/2014	65	ORDER entered by Judge Nanette Laughrey. The Parties' Joint Motion to Approve and Direct Supplemental Notice of Settlement, [Doc. 64], is GRANTED. Defendants will post the notice in the library of each Missouri Department of Corrections facility by July 18, 2014. Class members may file objections to the Parties' proposed settlement by no later than August 18, 2014. A fairness hearing required by Federal Rule of Civil Procedure 23(e)(2) is set for September 5, 2014, at 10:00 a.m. The hearing will be held at: Christopher S. Bond United States Courthouse, 80 Lafayette Street, Jefferson City, MO 65101 This is a TEXT ONLY ENTRY. No document is attached. (Cross, Ashley) (Entered: 07/08/2014)
07/31/2014	<u>66</u>	MAIL RETURNED as undeliverable. Mail sent to Adam Klebold. (Related document(s) <u>56</u>) (Lock, Tania) (Entered: 07/31/2014)
08/18/2014	<u>67</u>	OBJECTIONS (non motions) by Billy Turner to proposed settlement. (Attachments: # <u>1</u> Envelope)(Russel, Jeri) (Entered: 08/18/2014)
08/18/2014	<u>68</u>	OBJECTIONS (non motions) by Melvin Leroy Tyler. (Bax, Laura) (Entered: 08/18/2014)
08/18/2014	<u>69</u>	OBJECTIONS (non motions) by Roger D Merchant. (Bax, Laura) (Entered: 08/18/2014)
09/05/2014	70	Minute Entry. Proceedings held before District Judge Nanette K. Laughrey: SETTLEMENT FAIRNESS HEARING held on 9/5/2014. Grant Dody appeared on behalf of Plaintiffs. Emily Dodge and Elizabeth Callahan appeared on behalf of Defendants. This is the second settlement fairness hearing in this case after Defendants agreed to provide notice of the settlement to prisoners in the custody of the Missouri Department of Corrections. Three additional objections were submitted by mail after the second notice was issued. Both Parties believe the objections are not relevant to the narrow issues before the Court. No objectors were present at the hearing. The Court ordered the Parties to submit a proposed order approving the settlement by no later than September 15, 2014. The proposed order should address issues raised by Prison Legal News, including the issue of attorney's fees for enforcement of a civil rights action. The Parties should email the proposed order to Alana Barragan-Scott (alana_barragan-scott@mow.uscourts.gov). TEXT ENTRY ONLY- no document attached. To order a transcript of this hearing please contact Tania Lock, 573-556-7552. FTR: 10:00am – 10:07am (Lock, Tania) (Entered: 09/05/2014)
09/23/2014	<u>71</u>	MOTION to intervene filed by Michael L. Gorman. Suggestions in opposition/response due by 10/10/2014 unless otherwise directed by the court. (James, Carrie) (Entered: 09/23/2014)
09/25/2014	72	ORDER entered by Judge Nanette Laughrey. Michael Gorman, an inmate in the Jefferson City Correctional Center, filed a Motion to Intervene in this case. <u>71</u> . In his Motion, Mr. Gorman states that personnel in the Jefferson City Correctional Center opened sealed, legal mail within his cell while they were moving Mr. Gorman to a new cell. He requests that he be "added to this case." A party's right to intervene is governed by Federal Rule of Civil Procedure 24. Mr. Gorman's Motion does not satisfy the requirements of Rule 24. For example, in his Motion, Mr. Gorman failed to state the grounds for intervention and did not include a pleading that sets out the claim

		<p>or defense for which intervention is sought, as required by Federal Rule of Civil Procedure 24(c). Further, Mr. Gorman has not met the requirements of either Rule 24(a) or 24(b). As to Rule 24(a)(1), Mr. Gorman does not identify a federal statute that gives him the unconditional right to intervene. As to Rule 24(a)(2), Mr. Gorman does not explain how he has an interest in the subject matter of this case beyond class membership. He does not explain how disposal of this action without his intervention will impair or impede his ability to protect his own interests. To the extent that Mr. Gorman mails material to inmates in the custody of other MODOC facilities, Mr. Gorman is a member of the certified class, which is adequately represented by named Plaintiff Bobbie Lane. As to Rules 24(b)(1) and (b)(2), Mr. Gorman does not identify a federal statute that gives him a conditional right to intervene and does not identify a claim or defense that shares with the main action a common question of law or fact. Mr. Gorman states that his legal mail has been opened, which is an entirely different allegation than the one being alleged in this case. Further, pursuant to Rule 24(b)(3), intervention is inappropriate because it will unduly delay or prejudice the adjudication of the original parties' rights. The Parties have presented argument at two settlement fairness hearings, have fielded various objections, and have sent notice to class members on two separate occasions. Mr. Gorman's letter, which is dated September 19, 2014, was written long after the time to file objections to the settlement of this case has passed. Accordingly, Mr. Gorman's Motion to Intervene, [Doc. 71], is denied. This is a TEXT ONLY ENTRY. No document is attached. (Cross, Ashley). A copy of this Order was mailed to Mr. Gorman on 9/25/2014, at Jefferson City Correctional Center, 8200 No More Victims Rd., Jefferson City, MO 65101. (Entered: 09/25/2014)</p>
09/26/2014	<u>73</u>	<p>OBJECTIONS (non motion) to settlement by Charles Johnson, George Bidy, Daniel M. Coy & Larry Windeknecht. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Envelope) Sealed envelope attached to "exhibit 8" returned to Larry Windeknecht as the court cannot forward correspondence.(Bax, Laura) (Entered: 09/29/2014)</p>
10/21/2014	<u>74</u>	<p>NOTICE of appearance by Andrew McNulty on behalf of All Plaintiffs (Attorney Andrew McNulty added to party Bobbie Y. Lane d/b/a Caged Potential(pty:pla))(McNulty, Andrew) (Entered: 10/21/2014)</p>
10/22/2014	<u>75</u>	<p>ORDER. Settlement Agreement is approved. It is further ordered that pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiffs' claims are dismissed with prejudice. Signed on 10/22/14 by District Judge Nanette K. Laughrey. (Matthes, Renea) (Entered: 10/22/2014)</p>
11/05/2014	<u>76</u>	<p>OBJECTIONS (non motions) by Michael S. Connors. (Attachments: # <u>1</u> Envelope)(James, Carrie) (Entered: 11/06/2014)</p>