

PRISONER CASE

CIVIL DOCKET
UNITED STATES DISTRICT COURT

CA 33-67-R

Consol. with
5611-R
J: 6043-R
171-69-R

Case set: 7/14/99
On merits: _____
On motions: _____
on Pre-Trials: _____

D. C. Form No. 105 Rev.

TITLE OF CASE	J. S. #	ATTORNEYS
LEROY HAYON et al	5	JS-6
v.		
C. C. PEYTON, Supt of Va. State Penitentiary		
<p>REMOVE STATE COURT RECORDS UPON FINALITY OF THIS ACTION</p>		
<p>For plaintiff: Philip J. Hirschken 110 N. Royal St., P. O. Box 224 Alexandria, Va., 22315 LAURENCE FRIEDMAN</p>		
<p>For defendant: VANN H. LEFCOE, Asst. Atty. Gen. of Va</p>		
<p><i>Class Action No. 98-1331 et al</i> <i>In re: Virginia State Court Records</i></p>		
<p>REMOVE STATE COURT RECORDS UPON FINALITY OF THIS ACTION</p>		

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	AMT.	DIBS.
J.S. 5 mailed	Clerk	7/15/99	APRIL	1.20	3.80
J.S. 6 mailed	Marshal	7/15/99	18	6.30	3.30
Basis of Action:	Docket fee				
	Witness fees				
Action arose at:	Depositions				



CA-53-69-R

DOCKET ENTRIES

DATE 1969	PROCEEDINGS	Date Order or Judgment Made
Feb. 5	Order separating all issues other than that of segregation and filing such issues as a separate civil action, to be numbered CA-53-69-R, entered.	
" 6	Order that whereas this Court has ordered a severance of issues in C. A. 5611, and established another suit, to-wit: Mason v. Peyton, C. A. 53-69-B, same is not to in any manner affect the taking of depositions or any proper discovery procedure for which notice had been given prior to the aforementioned severance order ent. 2-6-69. Copies mailed counsel.	
" 14	Notice to take depositions of James V. Bennett filed by plfs.	
" 14	Order denying plaintiff's motion to enlarge order of Aug. 13, 1968, entered and filed Feb. 14, 1969 (on oral motion) Copies mailed counsel	
Feb. 19	Motion for Order allowing pltf's, Mason & Wansley to be present at taking of all depositions of defts. employed at State Penitentiary filed by Leroy Mason, et al filed.	
Feb. 26	Discovery depositions of Otis L. Brown, Glen Arnold Reynolds and R. M. Oliver taken by plaintiffs, received	
Mar. 11	Deposition of Jas. V. Bennett on behalf of plaintiffs, received	
" 14	Depositions of M. L. Royster, Richard Oliver and C. C. Peyton, rec'd	
Apr. 8	Notice to seek final hearing on prior motion to impose sanctions upon Reno Harp regarding vulgar language present and argue motion to compel, present & argue attached motion for production of documents, present and argue attached motion for costs and counsel fees for deft., present and argue attached motion to allow depositions of prisoners in this and related proceedings.	
Apr. 8	Motion to compel discovery by plaintiff filed.	
Apr. 8	Motion for production of documents by put pltf. filed.	
Apr. 8	Motion to depose inmates filed.	
Apr. 8	Motion for costs and counsel fees filed.	
April 14	IN OPEN COURT: Meshige, J. Appearances: Parties by counsel. Petitioner's motions of April 8, 1969, argued. Petitioner's motion to impose sanctions upon Reno Harp denied. Petitioner's motions to compel discovery, for production of documents, and to depose inmates, granted. Petitioner's motion for costs and counsel fees, continued. Petitioner's cutoff on discovery is 60 days, and SIXTY Defendants to be completed 30 days later.	
" 15	Order granting motion of plfs, to compel discovery. plf's motion for production of documents is granted with exception of that portion of motion which goes to prison files of persons named in para. 3 of said motion: deft. within 20 days from this date file a memorandum with a list of authorities as to why said para. should not be granted; plf. directed to reply to said memorandum within 14 days after receipt of same, with leave to defts. to file such rebuttal memo, as they deem appropriate within 5 days thereafter; plfs' motion to depose inmates is granted; plfs' motion for costs and counsel fees is continued; all discovery by plfs. shall be concluded within 60 days from this date and on behalf of defts. within 30 days after closing of plfs' discovery, ent. 4-15-69. Copies mailed counsel of record	
May 5	Court reporter's transcript of proceedings of 4-14-69, original and copy, filed.	
" 23	Notice to take depositions of C. C. Peyton filed by plfs.	
June 19	Deposition of C. C. Peyton, taken 29 May 1969, rec'd.	
Sept. 23	Deposition of Dr. Lawrence Ross received & filed	
Oct. 6	Motion of defts. to renew motion to dissolve injunctive order of 8-13-68, filed.	
" "	Memorandum in support of motion to dissolve injunction filed by defts.	
Oct. 16	TRIAL PROCEEDINGS: Meshige, J. Appearances: Parties by counsel. Case continued to December 18, 1969 at 3:00 P.M. for hearing on motion to dissolve.	
Oct. 16	Minutes of court filed.	
" 28	Reporters transcript with one copy of Oct. 16th as to Leroy Mason, et al	
1970		
Jan. 13	Motion for Continuance filed by Reno S. Harp, III, atty for defendant.	

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D. C. No. - Civil Docket Continuation

DOCKET ENTRIES

DATE	PROCEEDINGS	Date Order Judgment N
1970		
July 13	Motion of plaintiffs to not vacate order of 8/13/68 and to dismiss deft's motion to vacate order with supporting affidavit and excerpts from transcript of 8/13/68 filed by atty. for plaintiffs. (LG)	
" 16	Response to plfs' motion filed by respondents.	
July 21	Affidavit of Matthew N. Ott, Jr. filed (LG)	
Aug. 5	Memorandum of the Court filed. (lg)	
Aug. 5	ORDER that: 1) Defts motion to dissolve injunction denied; 2) defts motion to dismiss action or hold in abeyance & Court to decline jurisdiction, denied; 3) plfs motion for costs & fees is continued; ent. 8/5/70 and filed. Copies mailed to all counsel. (lg)	
Aug. 31	NOTICE OF APPEAL from order entered August 5, 1970, filed. Clerk mailed copy to Hirschkop, attorney.	
Aug. 31	APPEAL UNDERTAKING (\$250), filed	
Sept. 18	APPEAL RECORD (10 vols) delivered to Clerk USCA	
Oct. 9	APPEAL RECORD (10 vols) delivered to Clerk USCA	
1971		
June 24	Certified copy of Memorandum Decision of USCA, remanding case for appropriate modifications of order denying defts' motion, consistent with this opinion, rec'd from Clerk, USCA, filed. MLS	
July 16	Appeal record in one vol., transcript in eight vols and transcript of hearing on motions in one vol. (Vol. IV), recd. from Clerk, U. S. C. A. lg	
Aug. 16	Order modifying order of 8-5-70: denying defts' motion to dissolve the injunction heretofore entered in this cause; denying defts' motion to dismiss action, or in the alternative that the case be held in abeyance and that the court decline jurisdiction; the injunction ent. 8-13-68 shall remain in full force and effect until a hearing on the merits is conducted, at which time said injunction will either be made permanent or dissolved; continuing plfs' motion for costs and counsel fees, ent. 8-16-71. Copies mailed as directed	MLS
Dec. 23	ORDER relieving G. R. Humrickhouse & S. W. Hixon as counsel for defts; Atty. Gen. of Va. to represent defts; ent 12/23/71 & filed. Copies to counsel. (LG)	
1973		
Nov. 21	Motion for award of attorneys' fees and costs filed by plfs.	MLS
" "	Order awarding plfs, the following amount, \$3,890.58, ent. 11-21-73. Copies to counsel.	MLS
1974		
Feb. 19	ORDER dismissing action entn 2-19-74, filed. Copies mailed.	LG