

CLOSED

**U.S. District Court
EASTERN DISTRICT OF NORTH CAROLINA (Western Division)
CIVIL DOCKET FOR CASE #: 5:89-ct-00705-BO**

Coleman, et al v. Allsbrook, et al
Assigned to: District Judge Terrence W. Boyle
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 09/06/1989
Date Terminated: 04/28/1994
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Grady Eugene Coleman

represented by **Cynthia Adcock**
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Plaintiff

Larry Carter

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Plaintiff

Harold E. McSwain

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Plaintiff

Lee Wayne Hunt

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V.

Defendant

Harry L. Allsbrook

represented by **Howard Edwin Hill**
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Defendant

Joseph R. Davis

represented by **James Peeler Smith**
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Date Filed	#	Docket Text
09/06/1989	1	Complaint filed – alleges conditions of confinement at Odom Corr. Ctr. violation of constitutional rights; seeks injunctive relief (gm) (Entered: 09/07/1989)
09/06/1989	2	Motion by Grady Eugene Coleman, to proceed in forma pauperis (gm) (Entered: 09/07/1989)
09/06/1989	2	Motion by Larry Carter, to proceed in forma pauperis (gm) (Entered: 09/07/1989)
09/06/1989	2	Motion by Harold E. McSwain, to proceed in forma pauperis (gm) (Entered: 09/07/1989)
09/06/1989	2	Motion by Lee Wayne Hunt, to proceed in forma pauperis (gm) (Entered: 09/07/1989)
09/27/1989	3	Trust Fund Account received from D.O.C. for pltf Hunt (gm) (Entered: 09/28/1989)
09/27/1989	3	Trust Fund Account received from D.O.C. for pltf Carter (gm) (Entered: 09/28/1989)
09/27/1989	3	Trust Fund Account received from D.O.C. for pltf McSwain (gm) (Entered: 09/28/1989)
09/27/1989	3	Trust Fund Account received from D.O.C. for pltf Coleman (gm) (Entered: 09/28/1989)
10/13/1989	4	Order Requiring Payment of Filing Fee signed by Leonard, Clerk, OB#55,pg16 and, to proceed in forma pauperis upon payment of filing fee of \$120.00. (pm) (Entered: 10/13/1989)
10/13/1989	4	Order Requiring Payment of Filing Fee signed by Leonard, Clerk, OB#55,pg16 and, setting Filing Fee Due for 11/15/89 , fee due of \$120.00. (pm) (Entered: 10/13/1989)
10/25/1989	5	Motion by Grady Eugene Coleman, to extend time to respond to court filing fee (pm) (Entered: 10/31/1989)
10/31/1989	6	Order granting [5–1] motion to extend time to respond to court filing fee, and resetting Filing Fee \$120 Due for 11/30/89 signed by Leonard, Clerk by Moore–Dade, Deputy Clerk. (pm) (Entered: 10/31/1989)
11/14/1989		Received filing fee payment of \$30.00 from Lee W. Hunt. Receipt No. 80524 (gm) (Entered: 11/14/1989)
11/14/1989		Received filing fee payment of \$30.00 from Larry Carter. Receipt No. 80523. (gm) (Entered: 11/14/1989)
11/17/1989		Received filing fee payment on behalf of Coleman and McSwain. Receipt No. 80587 (gm) (Entered: 11/17/1989)
11/17/1989	7	Notice of attorney appearance for Grady Eugene Coleman, Larry Carter, Harold E. McSwain, Lee Wayne Hunt by Linda Beth Weisel, Judith Thomas Naef (pm) (Entered: 11/20/1989)
11/17/1989		Terminated all motions to proceed in forma pauperis (gm) (Entered: 02/08/1990)
11/20/1989		Summons(es) issued to US Magistrate's Office for service as to Harry L. Allsbrook, Joseph R. Davis, cc to counsel and pltfs w/mag. consent ltr. (pm) (Entered: 11/20/1989)
11/28/1989	8	Return of service executed by cert. mail as to Harry L. Allsbrook 11/27/89 Answer due on 12/18/89 for Harry L. Allsbrook (gm) (Entered: 12/01/1989)
11/28/1989	9	Return of service unexecuted as to Joseph R. Davis. Endeavored 11/21/89 – Post Office Returned – Subject Deceased (gm) (Entered: 12/01/1989)

12/13/1989	10	Motion by Harry L. Allsbrook, to extend time to answer, move, or otherwise plead (gm) (Entered: 12/14/1989)
12/15/1989	11	Order granting [10-1] motion to extend time to answer, move, or otherwise plead, and resetting answer due for 1/8/90 for Harry L. Allsbrook signed by Leonard, Clerk by McDowell, Deputy Clerk. (gm) (Entered: 12/15/1989)
01/05/1990	12	Motion by Harry L. Allsbrook, to further extend time to answer, move, or otherwise plead (gm) (Entered: 01/09/1990)
01/09/1990	13	Order granting [12-1] motion to further extend time to answer, move, or otherwise plead, and resetting answer due for 1/29/90 for Harry L. Allsbrook signed by Mag. Leonard. (gm) (Entered: 01/09/1990)
01/25/1990	14	Answer to Complaint by Harry L. Allsbrook (gm) (Entered: 01/31/1990)
02/05/1990	15	Motion by Grady Eugene Coleman, Larry Carter, Harold E. McSwain, Lee Wayne Hunt, to certify class action (gm) (Entered: 02/07/1990)
02/05/1990	16	Memorandum by Grady Eugene Coleman, Larry Carter, Harold E. McSwain, Lee Wayne Hunt in support of [15-1] motion to certify class action (gm) (Entered: 02/07/1990)
02/05/1990	17	Motion by Grady Eugene Coleman, Larry Carter, Harold E. McSwain, Lee Wayne Hunt, to consolidate 89-705-CRT-BO, 88-703-CRT-BR and 89-248-D (gm) (Entered: 02/07/1990)
02/22/1990	18	Motion by Harry L. Allsbrook, Joseph R. Davis, to extend time within which to respond to plaintiff's motion for consolidation (original filed in 88-703-CRT-BR) (gm) (Entered: 02/23/1990)
02/22/1990	19	Motion by Harry L. Allsbrook, to extend time within which to respond to plaintiff's motion for class certification (gm) (Entered: 02/23/1990)
02/27/1990	20	Order granting [19-1] motion to extend time within which to respond to plaintiff's motion for class certification, and Response to motion reset to 3/30/90 for [15-1] motion to certify class action signed by Mag. Leonard. (gm) (Entered: 02/27/1990)
02/27/1990	21	Order granting [18-1] motion to extend time within which to respond to plaintiff's motion for consolidation, and Response to motion reset to 3/30/90 for [17-1] motion to consolidate 89-705-CRT-BO, 88-703-CRT-BR and 89-248-D signed by Mag. Leonard. (original filed in 88-703-CRT-BR) (gm) (Entered: 02/27/1990)
03/27/1990	22	Motion by Harry L. Allsbrook, to further extend time to respond to plaintiffs' motion for class certification (gm) (Entered: 03/27/1990)
03/27/1990	23	Motion by Harry L. Allsbrook, to further extend time within which to respond to plaintiffs' motion for consolidation (original filed in 88-703-CRT-BR) (gm) (Entered: 03/27/1990)
03/28/1990	24	Order granting [23-1] motion to further extend time within which to respond to plaintiffs' motion for consolidation, and Response to motion reset to 4/30/90 for [17-1] motion to consolidate 89-705-CRT-BO, 88-703-CRT-BR and 89-248-D signed by Mag. Leonard. (original filed in 88-703-CRT-BR) (gm) (Entered: 03/28/1990)
03/28/1990	25	Order granting [22-1] motion to further extend time to respond to plaintiffs' motion for class certification, and Response to motion reset to 4/30/90 for [15-1] motion to certify class action signed by Mag. Leonard. (gm) (Entered: 03/28/1990)
04/26/1990	26	Response by Harry L. Allsbrook to [15-1] motion to certify class action (gm) (Entered: 04/26/1990)
04/26/1990		Agreed Order signed by counsel for both parties received (gm) (Entered: 04/26/1990)
04/26/1990	27	Response by Harry L. Allsbrook to [17-1] motion to consolidate 89-705-CRT-BO, 88-703-CRT-BR and 89-248-D (original filed in 88-703-CRT-BR) (gm) (Entered: 04/27/1990)

05/31/1990		Motion(s) submitted to Judge Britt: [17-1] motion to consolidate 89-705-CRT-BO, 88-703-CRT-BR and 89-248-D (gm) Modified on 05/31/1990 (Entered: 05/31/1990)
06/12/1990	28	Order granting [17-1] motion to consolidate 89-705-CRT-BO, 88-703-CRT-BR and 89-248-D for purposes of discovery; plaintiffs may renew their motion to consolidate for purposes of pretrial proceedings and trial, defendant shall have 20 days after the renewal of plaintiffs' motion within which to respond signed by Judge Britt. OB Ref: 58, pg. 222 (original filed in 88-703-CRT-BR) cc to NCPLS and NCAG (gm) (Entered: 06/12/1990)
06/20/1990	29	Agreed Order certifying this action as a class action, pertaining to the original complex at Odom Correctional Inst., in Jackson, NC.; pltf consists of all persons who are and will be confined in Dormitories 1A, 1B, 1C, 1D, 2A, 2B, 2C, 2D, 3A, 3B, 3C, 3D, and 3E located in "original complex" at Odom, granting [15-1] motion to certify class action signed by Judge Boyle. OB Ref: 58, pg 253 (pm) (Entered: 06/20/1990)
08/01/1990	30	Motion by Harry L. Allsbrook, for protective order (original filed in 88-703-CRT-BR) (gm) (Entered: 08/08/1990)
08/08/1990		Motion(s) submitted to Judge Britt: [30-1] motion for protective order with proposed discovery protective order (gm) (Entered: 08/08/1990)
08/09/1990	31	Discovery Protective Order (granting [30-1] motion for protective order) by consent signed by Judge Britt. OB Ref: 59, pg. 141 (original filed in 88-703-CRT-BR) cc to NCPLS and NCAG (gm) (Entered: 08/09/1990)
09/27/1990	32	Motion by Harry L. Allsbrook, for leave to take depositions (original filed 88-703-CRT-BR) (gm) (Entered: 09/28/1990)
10/01/1990	33	Order granting [32-1] motion for leave to take depositions of Russell J. Tozzi and Lester Barnett, Jr. at 10:00 am on Thursday, October 11, 1990 at Central Prison signed by Mag. Leonard. OB Ref: 60, pg. 76 (Original filed in 88-703-CRT-BR) cc to all counsel (gm) (Entered: 10/01/1990)
04/25/1991	34	Motion, for Judith Naef NCPLS to withdraw as attorney original filed in 88-703-CRT-BR (fs) (Entered: 05/01/1991)
04/25/1991	35	Notice of attorney appearance for Grady Eugene Coleman, Larry Carter, Harold E. McSwain, Lee Wayne Hunt by Jack Holtzman original filed in 88-703-CRT-BR (fs) (Entered: 05/01/1991)
05/08/1991	36	Order granting [34-1] motion for Judith Naef NCPLS to withdraw as attorney (Terminated attorney Judith Thomas Naef for Lee Wayne Hunt, attorney Judith Thomas Naef for Harold E. McSwain, attorney Judith Thomas Naef for Larry Carter, attorney Judith Thomas Naef for Grady Eugene Coleman signed by Leonard, Magistrate Judge. OB Ref: 63, pg 64 (cs) (Original of order in case file #88-703-CRT-BR) (pm) (Entered: 05/08/1991)
12/09/1991	37	Motion by Lee Wayne Hunt, Harold E. McSwain, Larry Carter for clarification and for possible re-appointment of counsel cc to NCPLS (gm) (Entered: 12/13/1991)
12/19/1991	38	Letter from NC Attorney General's Office re: report on prospects of settlement of class action (gm) (Entered: 12/30/1991)
12/20/1991	39	Response by NCPLS to [37-1] motion for clarification, [37-2] motion for possible re-appointment of counsel (gm) (Entered: 12/30/1991)
12/27/1991	40	Reply by Larry Carter, Harold E. McSwain, Lee Wayne Hunt to response to [37-1] motion for clarification, [37-2] motion for possible re-appointment of counsel (entitled "Response to counsels response motion for clarification and possible reappointment") cc to NCPLS & NCAG (gm) (Entered: 12/30/1991)
01/09/1992		Motion(s) submitted to Judge Boyle: [37-1] motion for clarification submitted, [37-2] motion for possible re-appointment of counsel submitted (gm) (Entered: 01/09/1992)

01/27/1992		Issued Notice of Hearing: Motion hearing set for 3:00 pm in Raleigh, Courtroom #1, 7th Floor before Judge Boyle on 2/26/92 for [37-1] motion for clarification, set for 3:00 pm in Raleigh, Courtroom #1, 7th Floor before Judge Boyle on 2/26/92 for [37-2] motion for possible re-appointment of counsel (gm) (Entered: 01/27/1992)
02/04/1992	41	Motion by Cecil Piggie Bey for writ of habeas corpus ad testificandum (gm) (Entered: 02/19/1992)
02/19/1992	42	WRIT of Habeas Corpus Ad Testificandum issued to NCDOC to produce Larry Carter in Raleigh on 2/26/92 at 2:45 pm cc to Peggy Parrish and Supt. Odom Correctional Center (gm) (Entered: 02/19/1992)
02/19/1992	43	WRIT of Habeas Corpus Ad Testificandum issued to NCDOC to produce Harold E. McSwaim in Raleigh on 2/26/92 at 2:45 pm cc to Peggy Parrish and Supt. Odom Corr. Ctr. (gm) (Entered: 02/19/1992)
02/19/1992	44	WRIT of Habeas Corpus Ad Testificandum issued to produce Lee Wayne Hunt in Raleigh on 2/26/92 at 2:45 pm cc to Peggy Parrish and Supt. Odom Corr. Ctr. (gm) (Entered: 02/19/1992)
02/19/1992		Motion(s) submitted to Judge Boyle: [41-1] motion for writ of habeas corpus ad testificandum submitted (gm) (Entered: 02/19/1992)
02/20/1992	45	WRIT of Habeas Corpus Ad Testificandum issued to NCDOC to produce Cecil Piggie-Bey in Raleigh on 2/26/92 at 2:45 pm cc to Peggy Parrish and Supt. Odom Corr. Ctr (gm) (Entered: 02/20/1992)
02/20/1992		Terminated motion to issue writ of habeas corpus ad testificandum for Cecil Piggie Bey (gm) (Entered: 03/05/1992)
02/26/1992		Motion hearing re: [37-1] motion for clarification Motion hearing held, [37-2] motion for possible re-appointment of counsel Motion hearing held before Judge Boyle. Court Reporter: Jo Bush Counsel for plaintiff: Jack Holtzman Plaintiffs present: Larry Carter and Cecil Piggie-Bey Counsel for defendants: Howard Hill Case to be place on calendar in 60 days. Time: 1 hour 15 minutes (gm) (Entered: 02/27/1992)
02/27/1992		Issued Revised Calendar of Pre-trial conference set at 10:00 am in Raleigh, 6th Floor Courtroom 4/13/92 before Magistrate Judge Wallace W. Dixon (gm) (Entered: 02/28/1992)
02/27/1992		Bench trial set at 10:00 am in Raleigh on 4/27/92 before Judge Terrence W. Boyle (gm) (Entered: 02/28/1992)
03/05/1992	46	Order denying [37-2] motion for possible re-appointment of counsel, denying [37-1] motion for clarification and a hearing on the motion for preliminary injunction will be held approximately sixty days from the entry of this order at the court's next available calendar term signed by Judge Boyle. OB Ref: 69, pg. 1 cc to all counsel & pltf's Bey and Carter (gm) (Entered: 03/05/1992)
03/05/1992		Issued Notice of Hearing: continuing pre-trial and trial until further notice cc to all counsel (gm) (Entered: 03/05/1992)
03/09/1992		Issued Notice of Hearing: setting miscellaneous hearing before Judge Terrence W. Boyle to 2:00 pm in Raleigh on 4/29/92 for [46-1] order a hearing on the motion for preliminary injunction (gm) (Entered: 03/09/1992)
03/31/1992	47	Motion by Cecil Piggie-Bey and Kelvin Sellers-El for reconsideration of [46-1] order or in the alternative for leave to take an interlocutory appeal in forma pauperis (gm) Modified on 04/02/1992 (Entered: 04/02/1992)
04/02/1992		Motion(s) submitted to Judge Boyle: [47-1] motion for reconsideration of [46-1] order submitted, [47-2] motion for leave to take an interlocutory appeal in forma pauperis submitted (gm) (Entered: 04/02/1992)
04/15/1992	48	Order denying [47-1] motion for reconsideration of [46-1] order, denying [47-2] motion for leave to take an interlocutory appeal in forma pauperis signed by Judge Boyle. OB Ref: 69, pg. 212 cc to all counsel and pltf's Piggie-Bey and Sellers-El

		(gm) (Entered: 04/15/1992)
04/21/1992	49	WRIT of Habeas Corpus Ad Testificandum issued to NCDOC to produce Larry Carter on April 29, 1992 in Raleigh at 1:45 pm cc to Peggy Parrish, NCDOC and Supt. Odom Corr Ctr (gm) (Entered: 04/21/1992)
04/21/1992	50	WRIT of Habeas Corpus Ad Testificandum issued to NCDOC to produce Harold E. McSwain on April 29, 1992 in Raleigh at 1:45 pm cc to Peggy Parrish, NCDOC and Supt. Odom Corr Ctr (gm) (Entered: 04/21/1992)
04/21/1992	51	WRIT of Habeas Corpus Ad Testificandum issued to NCDOC to produce Lee Wayne Hunt in Raleigh on April 29, 1992 at 1:45 pm cc to Peggy Parrish, NCDOC and Supt. Odom Corr Ctr (gm) (Entered: 04/21/1992)
04/22/1992		Case submitted to: Judge Boyle [0-0] notice hearing setting miscellaneous hearing before Judge Terrence W. Boyle to 2:00 pm in Raleigh on 4/29/92 for [46-1] order a hearing on the motion for preliminary injunction submitted (gm) (Entered: 04/22/1992)
04/29/1992		Miscellaneous hearing re: [46-1] hearing on the motion for preliminary injunction held before Judge Boyle. Court Reporter: Donna Tomawski Counsel for plaintiff: Jack Holtzman and Michael Hamden Counsel for defendants: Howard Hill and James Peeler Smith Time: 2 hours and 45 minutes (gm) (Entered: 04/30/1992)
04/30/1992		Miscellaneous hearing continued re: [46-1] hearing on the motion for preliminary injunction held before Judge Boyle. in Raleigh. Court Reporter: Donna Tomowski Counsel for plaintiff: Jack Holtzman and Michael Hamden Counsel for defendants: Howard Hill and James Peeler Smith motion for priliminary injunction denied Time: 45 minutes (gm) (Entered: 04/30/1992)
05/11/1992	52	Motion by Larry Carter, Lee Wayne Hunt, Harold E. McSwain for reconsideration of the order of April 30, 1992 and for re-appointment of counsel cc to NCPLS & NCAG (gm) (Entered: 05/14/1992)
05/19/1992	53	Order denying [52-1] motion for reconsideration of the order of April 30, 1992 denying [52-2] motion for re-appointment of counsel signed by Judge Boyle. OB Ref: #70,pg.108 cc to pltf (fdc) (Entered: 05/19/1992)
12/07/1992	54	Document filed by defendant Joseph R. Davis, defendant Harry L. Allsbrook, plaintiff Lee Wayne Hunt, plaintiff Harold E. McSwain, plaintiff Larry Carter, plaintiff Grady Eugene Coleman titled: Report and Stipualtion Regarding Discovery (bl) (Entered: 12/09/1992)
12/22/1992	55	Motion by Joseph R. Davis, Harry L. Allsbrook to Take Deposition (fdc) (Entered: 01/04/1993)
01/04/1993	56	Order granting [55-1] motion to Take Deposition signed by Magistrate Judge Denson. OB Ref: #73,pg.215 cc to pltf & NCAG (fdc) (Entered: 01/04/1993)
01/26/1993		Notice of Settlement Conference issued: set before J. Boyle for Mon., Feb. 22, 1993 at 10 am, Ral, NC C.R.#1; cys: J. Boyle, Susan Pollitt-NCPLS, Cindy Adcock-Steffey-NCPLS, James Peeler Smith-NCAG, CtRprr., J. Todd and C.R. Dpty. (bl) (Entered: 01/27/1993)
02/02/1993	59	Response by Lee Wayne Hunt, Harold E. McSwain, Larry Carter to [57-1] motion for permission to dismiss class action - lc Judge Boyle. (fdc) (Entered: 02/17/1993)
02/09/1993	57	Motion by Lee Wayne Hunt, Harold E. McSwain, Larry Carter, Grady Eugene Coleman for permission to dismiss class action cy to J. Boyle (bl) (Entered: 02/10/1993)
02/09/1993	58	Motion by Lee Wayne Hunt, Harold E. McSwain, Larry Carter, Grady Eugene Coleman for judicial Tour & incorporated memorandum cy to J. Boyle (bl) (Entered: 02/10/1993)
02/10/1993		Case submitted to: J. Boyle (bl) (Entered: 02/10/1993)

02/10/1993	60	Motion by Lee Wayne Hunt, Harold E. McSwain, Larry Carter, Grady Eugene Coleman for Consent Order Substituting Attys. (bl) Modified on 02/17/1993 (Entered: 02/11/1993)
02/11/1993	61	Order granting [59-1] motion for Consent Order Substituting Attys. signed by Daniel, Clerk. OB Ref: 74, p. 87; cy to NCPLS & NCAG (bl) Modified on 02/17/1993 (Entered: 02/11/1993)
02/16/1993	62	Response by Joseph R. Davis, Harry L. Allsbrook to [58-1] motion for judicial Tour & incorporated memorandum, [57-1] motion for permission to dismiss class action; cy to J. Boyle (bl) Modified on 02/17/1993 (Entered: 02/17/1993)
02/17/1993	62	Response by Larry Carter to [57-1] motion for permission to dismiss class action – lc Judge Boyle (fdc) (Entered: 02/17/1993)
02/22/1993		Letter From: Larry Carter Re: Additional Information about situation concerning case. (fdc) (Entered: 03/03/1993)
02/24/1993	60	Order, parties are directed to submit proposed arrangements for the tour, including the scope of the court's inspection, once these recommendations are received, the court will set the time and circumstances under which the visit will occur signed by Judge Boyle. OB Ref: #74, pg. 147 cc to pltf & counsel. (fdc) (Entered: 02/24/1993)
02/24/1993		Settlement Conference held; CtRptr. Donna Tomawski; counsel present: Jane Garvey & Jim Smith, NCAG – Marvin Sparrow & Cindy Adcock–Steffey, NCPLS; court allows pltf. to w/draw their motion to dismiss class action; court orders this case be set for pretrial and trial; (bl) (Entered: 02/25/1993)
03/08/1993	64	Motion by Lee Wayne Hunt, Harold E. McSwain, Larry Carter, Grady Eugene Coleman for Judicial Tour and Incorporated Memorandum w/ prop. order (bl) (Entered: 03/09/1993)
03/09/1993		Motion(s) submitted to J. Boyle: [64-1] motion for Judicial Tour and Incorporated Memorandum submitted (bl) (Entered: 03/09/1993)
03/17/1993	65	Response by Joseph R. Davis, Harry L. Allsbrook to [64-1] motion for Judicial Tour and Incorporated Memorandum; cy to J. Boyle (bl) (Entered: 03/19/1993)
03/19/1993	66	Order granting [64-1] motion for Judicial Tour and Incorporated Memorandum, granting [58-1] motion for judicial Tour & incorporated memorandum signed by Judge Boyle. OB Ref: #74, p. 332; served (bb) (Entered: 03/19/1993)
04/02/1993	67	Order – a hrg. is set to evaluate the sufficiency of the settlement for 3 p.m. on 4/28/93 at Ral, NC, 7th Fl., CtRm. #1 before J. Boyle; signed by J. Boyle. OB Ref: 75, p. 102; cys: Jim Smith/Jane Garvey–NCAG, Marvin Sparrow/Susan Pollitt/Cindy Adcock–Steffey, NCPLS (bl) (Entered: 04/05/1993)
04/05/1993		Issued Notice for Hrg. for court to evaluate the sufficiency of the settlement for 3 pm on 4/28/93 at Ral, NC before J. Boyle, 7th Fl, CtRm. #1, cys: Jim Smith, Jane Garvey, Marvin Sparrow, Susan Pollitt, Cindy Adcock–Steffey, J. Todd, CTRptr. (bl) (Entered: 04/05/1993)
04/28/1993		Hearing re: settlement before J. Boyle, CtRm. #1, RL, NC; CNSL PRESENT: Marvin Sparrow and Cindy Adcock–Steffey for pltf, Jane Garvey and Jim Smith for dfts. Remarks by Mr. Sparrow; he submits a written agreement to the court w/ prop. order. Order signed by the court and all cnsl. Mr. Sparrow advises the court that he wants the Secretary for DOC to also sign. Court agrees. (time approx 10 min.) (bl) (Entered: 04/29/1993)
04/29/1993	68	Document filed by defendant Joseph R. Davis, defendant Harry L. Allsbrook, plaintiff Lee Wayne Hunt, plaintiff Harold E. McSwain, plaintiff Larry Carter, plaintiff Grady Eugene Coleman titled: SETTLEMENT AGREEMENT – signed by all cnsl and Sec. of Correction; cy to all cnsl (bl) (Entered: 05/05/1993)
04/29/1993	69	Order – court orders that notice of this proposed settlement be given to the pltf. class as follows: That the attached "Notice of Proposed Settlement" be posted in each dorm encompassed by this action beginning 5/3/93 thru 5/30/93. Court directs the clerk to compile any obj's. filed by members of the class, to make then available to the court by 6/14/93. The ct. will conduct a tour of the Orig. Complex

		Bldg. at Odom on 6/29/93 at 11 am. Pltf & Dft. may each have 2 lawyers attend the court tour. Court orders that cnsl. for all parties appear before the court on 7/27/93 for a hrg. re: approval of the proposed settlement; signed by J. Boyle. OB Ref: 76, p. 23; cy to all cnsl & J. Todd (bl) (Entered: 05/05/1993)
04/29/1993	70	Document filed titled: NOTICE re: Proposed Settlement that is to be posted at Odom Inst.; Signed by J. Boyle; OB#76, p. 24, cy to all cnsl & Odom Inst. (bl) (Entered: 05/05/1993)
06/01/1993	71	Document filed by Thomas Lee Dunlap titled: Objection to the Recommendation of the Settlement Agreement Proposed by Defendant and Their Attorneys or U.S. Dist. Ct. Judge cc to NCAG (gm) (Entered: 06/15/1993)
08/06/1993		Motion(s) submitted to Judge Boyle: [57-1] motion for permission to dismiss class action submitted (gm) (Entered: 08/06/1993)
08/12/1993		Issued Notice of Hearing: set miscellaneous hearing (Proposed Class Action Settlement) before Judge Terrence W. Boyle to 11:00 a.m. 7th Floor Courtroom #1 on 9/14/93 for [68-1] document(s) (fdc) (Entered: 08/12/1993)
09/09/1993	72	Letter from: Steven Pendley to Judge Boyle dated 9/6/93 (gm) (Entered: 09/11/1993)
09/09/1993	73	Letter from Timothy W. Nicholson to Judge Boyle dated 9/2/93. cc to all counsel (gm) (Entered: 09/11/1993)
09/14/1993		Settlement conference held at Raleigh before Judge Boyle. Court Reporter: Jo Bush; the court will tour the facility at Odom and consider the settlement proposal (bb) (Entered: 09/22/1993)
09/23/1993		Letter From: Cecil Piggie-Bey Re: Request for copy of Settlement Order (fdc) (Entered: 09/27/1993)
10/04/1993		Letter From: Gary Buckom Re: Request to meet with Judge Boyle during his visitation to institution. (fdc) (Entered: 10/05/1993)
11/02/1993		Letter from Joey Lynch addressed to J. Boyle placed on left side of file per instructions fr. J. Boyle (bl) (Entered: 11/03/1993)
03/03/1994		Judge Boyle to make tour of Odom facility on March 4, 1994 at 1:00pm. (gm) (Entered: 03/04/1994)
04/05/1994		Issued Notice of Hearing: set motion hearing before Judge Terrence W. Boyle at Raleigh, NC at 2:00 4/27/94 for [0-0] notice hearing cys: J. Boyle, NCPLS, NCAG, Joyce Todd and CtRptr (bl) (Entered: 04/26/1994)
04/28/1994		Miscellaneous hearing re: [0-0] motion hearing before Judge Terrence W. Boyle at Raleigh, NC at 2:00 4/28/94; cnsl present: Marvin Sparrow and Susan Pollitt, NCPLS for pltf; Jim Smith, NCAG for dfts; Mr. Sparrow advises court of Amended Settlement Agreement and Memorandum of Understanding; all cnsl sign; Judge signs and recognizes that this now closes this case.(Time: 10 minutes) (bl) (Entered: 04/28/1994)
04/28/1994	74	Document filed titled: Memorandum of Understanding; signed by all cnsl; cys: all cnsl (bl) (Entered: 04/28/1994)
04/28/1994	75	Document filed in open court titled: Amended Settlement Agreement; signed by all cnsl and Judge Boyle; OB82, p. 110, cys: NCAG & NCPLS (bl) (Entered: 04/28/1994)
04/28/1994		Case closed PERM (bl) (Entered: 04/28/1994)
12/14/1994	76	Motion by Joseph R. Davis, Harry L. Allsbrook to extend the time to comply with paragraph 2 of the settlement agreement (fs) (Entered: 12/19/1994)
12/19/1994	77	Order granting [76-1] motion to extend the time to comply with paragraph 2 of the settlement agreement the time is shortened to seven days signed by Judge Boyle. OB Ref: 87, p.44 1cc:NCPLS, NCAG, all counsel (fs) (Entered: 12/19/1994)

12/23/1994	78	Memorandum by Lee Wayne Hunt, Harold E. McSwain, Larry Carter, Grady Eugene Coleman in opposition to [76-1] motion to extend the time to comply with paragraph 2 of the settlement agreement cc faxed to Judge Boyle (gm) (Entered: 12/27/1994)
12/30/1994	79	Order, Motion hearing on 1/23/95 before Judge Terrence W. Boyle signed by Judge Boyle. OB Ref: #87,pg.108 (fdc) (Entered: 12/30/1994)
01/23/1995		Status conference held before Judge Boyle. Court Reporter: Jo Bush Court will allow a 45 day extension or sooner depending on Judge Britt's entry of ruling in Small v. Martin. (This matter to be reconsidered after 3/10/95 unless Judge Britt's ruling comes sooner.) (fdc) (Entered: 02/10/1995)
03/07/1995	80	Motion by Joseph R. Davis, Harry L. Allsbrook to further extend time to comply with paragraph 2 of the settlement agreement cc to Judge Boyle w/proposed order (gm) (Entered: 03/10/1995)
03/09/1995	81	Motion by Lee Wayne Hunt, Harold E. McSwain, Larry Carter, Grady Eugene Coleman to compel compliance cc to Judge Boyle (gm) (Entered: 03/10/1995)
03/09/1995	82	Memorandum by Lee Wayne Hunt, Harold E. McSwain, Larry Carter, Grady Eugene Coleman in support of [81-1] motion to compel compliance (gm) (Entered: 03/10/1995)
03/09/1995	82	Response by Lee Wayne Hunt, Harold E. McSwain, Larry Carter, Grady Eugene Coleman to [80-1] motion to further extend time to comply with paragraph 2 of the settlement agreement cc to Judge Boyle (gm) (Entered: 03/10/1995)
03/24/1995	83	Motion by Joseph R. Davis, Harry L. Allsbrook to delay compliance with settlement agreement's requirement to further reduce capacity in old dormitories at Odom Correctional Institution cc to Judge Boyle (gm) (Entered: 04/13/1995)
04/04/1995	84	Motion by Joseph R. Davis, Harry L. Allsbrook to substitute title page (gm) (Entered: 04/21/1995)
04/04/1995	85	Further Response by Joseph R. Davis, Harry L. Allsbrook to [81-1] motion to compel compliance (gm) (Entered: 04/21/1995)
04/19/1995	86	Reply by Lee Wayne Hunt, Harold E. McSwain, Larry Carter, Grady Eugene Coleman to further response to [81-1] motion to compel compliance (gm) (Entered: 04/21/1995)
04/21/1995		Issued Notice of Hearing: setting status conference before Judge Terrence W. Boyle for 2:00 pm in Raleigh, 7th Floor, Courtroom #1 on 4/26/95 (gm) (Entered: 04/21/1995)
04/25/1995		Case submitted to: Judge Boyle [0-0] notice hearing setting status conference before Judge Terrence W. Boyle for 2:00 pm in Raleigh, 7th Floor, Courtroom #1 on 4/26/95 submitted (gm) (Entered: 04/25/1995)
04/26/1995		Status conference held before Judge Boyle. Court Reporter: Donna Tomawski Counsel for plaintiff: Marvin Sparrow, Susan Pollitt, Letitia Echols Counsel for defendant: James P. Smith Time: 40 minutes Order dictated to court reporter; to be submitted to Judge Boyle (gm) (Entered: 04/26/1995)
04/26/1995		Case submitted to: Judge Boyle (gm) (Entered: 04/26/1995)
05/04/1995	87	Order, that by May 15, 1995, the population be reduced to 22 in the facilities governed by this settlement agreement, consistent with the express provisions of the agreement. If proof is made by a preponderance of the evidence by the defendants prior to that date that the standard in Small v. Martin and Thorne v. Martin, as calculated and applied to these facilities at Odom Prison, is higher than 22, then the court will review and revise this order upon a timely showing by the defendants. - signed by USDJ Boyle. OB Ref: 90, p.62 c:pltf, dfts. (fdc) (Entered: 05/04/1995)
05/11/1995	88	Motion by Joseph R. Davis, Harry L. Allsbrook to revise the court's order of 26 April 1995 and for permission to operate the downstairs dormitories at Odom Correctional Institution at 28 inmates in each dormitory until the court has ruled on

		defendants' motion to revise the 26 April order (gm) (Entered: 05/24/1995)
05/11/1995	89	Unnotarized Affidavit by W.L. Kautzky Re: [88-1] motion to revise the court's order of 26 April 1995, [88-2] motion for permission to operate the downstairs dormitories at Odom Correctional Institution at 28 inmates in each dormitory until the court has ruled on defendants' motion to revise the 26 April order (gm) (Entered: 05/24/1995)
05/11/1995	90	Affidavit by Carole Acquesta Re: [88-1] motion to revise the court's order of 26 April 1995, [88-2] motion for permission to operate the downstairs dormitories at Odom Correctional Institution at 28 inmates in each dormitory until the court has ruled on defendants' motion to revise the 26 April order (gm) (Entered: 05/24/1995)
05/11/1995	91	Affidavit by Lynn C. Phillips Re: [88-1] motion to revise the court's order of 26 April 1995, [88-2] motion for permission to operate the downstairs dormitories at Odom Correctional Institution at 28 inmates in each dormitory until the court has ruled on defendants' motion to revise the 26 April order (gm) (Entered: 05/24/1995)
05/12/1995	92	Notarized Affidavit by W.L. Kautzky Re: [88-1] motion to revise the court's order of 26 April 1995, [88-2] motion for permission to operate the downstairs dormitories at Odom Correctional Institution at 28 inmates in each dormitory until the court has ruled on defendants' motion to revise the 26 April order (gm) (Entered: 05/24/1995)
05/12/1995	93	Response by Lee Wayne Hunt, Harold E. McSwain, Larry Carter, Grady Eugene Coleman to [88-1] motion to revise the court's order of 26 April 1995 (gm) (Entered: 05/24/1995)
05/12/1995	93	Motion by Lee Wayne Hunt, Harold E. McSwain, Larry Carter, Grady Eugene Coleman to enforce order of 26 April 1995 requiring reduction of dormitory population to 22 inmates (gm) (Entered: 05/24/1995)
05/16/1995	94	Reply by Joseph R. Davis, Harry L. Allsbrook to response and Amendment to [88-1] motion to revise the court's order of 26 April 1995, [88-2] motion for permission to operate the downstairs dormitories at Odom Correctional Institution at 28 inmates in each dormitory until 1 June 1995 (gm) (Entered: 05/24/1995)
05/22/1995	95	Response by Lee Wayne Hunt, Harold E. McSwain, Larry Carter, Grady Eugene Coleman to amended motion to revise the court's order of 26 April 1995 and Response to defendants' motion for more time to deduce the dormitory population (gm) (Entered: 05/24/1995)
05/23/1995	96	Document filed by defendant Joseph R. Davis, defendant Harry L. Allsbrook titled: Defendants' Request for Clarification of order, if needed (gm) (Entered: 05/24/1995)
05/25/1995		Motion(s) submitted: [93-1] motion to enforce order of 26 April 1995 requiring reduction of dormitory population to 22 inmates submitted, [88-1] motion to revise the court's order of 26 April 1995 submitted, [88-2] motion for permission to operate the downstairs dormitories at Odom Correctional Institution at 28 inmates in each dormitory until the court has ruled on defendants' motion to revise the 26 April order submitted (gm) (Entered: 05/25/1995)
06/16/1995		Issued Notice of Hearing: Motion hearing before Judge Terrence W. Boyle set for 11:00 6/22/95 for [93-1] motion enforce order of 26 April 1995 requiring reduction of dormitory population to 22 inmates, set for 11:00 6/22/95 for [88-1] motion to revise the court's order of 26 April 1995, set for 11:00 6/22/95 for [88-2] motion for permission to operate the downstairs dormitories at Odom Correctional Institution at 28 inmates in each dormitory until the court has ruled on defendants' motion to revise the 26 April order c:served. (fdc) (Entered: 06/19/1995)
06/19/1995		Issued Notice of Hearing: Motion hearing before Judge Terrence W. Boyle set for 2:00 6/26/95 for [93-1] motion to enforce order of 26 April 1995 requiring reduction of dormitory population to 22 inmates, set for 2:00 6/26/95 for [88-1] motion to revise the court's order of 26 April 1995, set for 2:00 6/26/95 for [88-2] motion for permission to operate the downstairs dormitories at Odom Correctional

		Institution at 28 inmates in each dormitory until the court has ruled on defendants' motion to revise the 26 April order before Judge Boyle in Elizabeth City, c:served. (fdc) (Entered: 06/19/1995)
06/28/1995	97	Order, the court finds that the standard in Small v. Martin and Thorne v. Martin that shall apply in this case results in an inmate level of 26 inmates per dormitory unit. That standard is the cap consistent with the court's order in Small v. Martin and Thorne v. Martin as approved by Paragraph 2 of the Amended Settlement Agreement of March 27, 1995, in those cases. Therefore, the settlement previously imposed in this case is enforced at the population level of 26 inmates per dormitory – signed by USDJ Boyle. OB Ref: 91, p.129 c:pltfs, dfts. (fdc) (Entered: 06/28/1995)
06/28/1995		Terminated motion to further extend time to comply with paragraph 2, motion to compel compliance, motion to delay compliance with settlement agreement's requirement etc, motion to substitute title page, motion to revise the court's order of 26 April 1995 and for permission to operate the downstairs dormitories at Odom Correctional Institution at 28 etc, motion to enforce order of 26 April 1995 (gm) (Entered: 07/07/1995)
06/20/1996	98	Document filed titled: Joint Notice of Implementation (gm) (Entered: 07/11/1996)
06/20/1996	99	Motion by Joseph R. Davis, Harry L. Allsbrook to dismiss with prejudice (gm) (Entered: 07/11/1996)
06/20/1996	100	Memorandum by Joseph R. Davis, Harry L. Allsbrook in support of [99–1] motion to dismiss with prejudice (gm) (Entered: 07/11/1996)
07/15/1996	101	Response by Lee Wayne Hunt, Harold E. McSwain, Larry Carter, Grady Eugene Coleman to [99–1] motion to dismiss with prejudice (gm) (Entered: 08/23/1996)
07/29/1996	102	Reply by Joseph R. Davis, Harry L. Allsbrook to response to [99–1] motion to dismiss with prejudice (gm) (Entered: 08/23/1996)
07/30/1996	103	Motion by Lee Wayne Hunt, Harold E. McSwain, Larry Carter, Grady Eugene Coleman to withdraw [101–1] motion response (gm) (Entered: 08/23/1996)
08/23/1996		Motion(s) submitted to Judge Boyle: [103–1] motion to withdraw [101–1] motion response submitted, [99–1] motion to dismiss with prejudice submitted (gm) (Entered: 08/23/1996)
08/30/1996	104	Order granting [99–1] motion to dismiss with prejudice signed by Judge Boyle. OB Ref: 103, p. 156 cc: NCPLS, NCAG (gm) (Entered: 08/30/1996)