

TERMED 50BB

U.S. District Court
MIDDLE DISTRICT OF TENNESSEE (Columbia)

CIVIL DOCKET FOR CASE #: 94-CV-42

McKnight v. Rees, et al
Assigned to: Judge Thomas A. Higgins
Demand: \$400,000,000
Lead Docket: None
Dkt# in other court: None

Filed: 03/03/94
Jury demand: Plaintiff
Nature of Suit: 550
Jurisdiction: Federal Question

Cause: 42:1983 Prisoner Civil Rights

RONNIE LEE MCKNIGHT
pltf

Ronnie Lee McKnight
222102
[COR LD NTC] [PRO SE]
CJ-CCA SOUTH CENTRAL
CORRECTIONAL FACILITY
P O Box 279
Clifton, TN 38425-0279

v.

JOHN REES
deft
[term 07/06/94]

Kimberly Jennings Dean
[term 07/06/94]
[COR LD NTC]
Tennessee Attorney General's
Office
P O Box 20207
Nashville, TN 37202
(615) 741-3491

Julie Elizabeth Officer
[term 07/06/94]
[COR LD NTC]
One South Court Square
P O Box 636
Livingston, TN 38570-0636
(931) 823-5657

Charles R. Ray
[term 07/06/94]
[COR LD NTC]
P O Box 198288
211 Third Avenue, N
Nashville, TN 37219
(615) 256-2111

Linda G. Cooper
[term 07/06/94]

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[COR LD NTC]
Corrections Corporation of
America
Legal Department
10 Burton Hills Boulevard
Nashville, TN 37215
(615) 263-3011

(F/N/U) RICHARDSON,
Correctional Officer
(Transportation)
deft

Kimberly Jennings Dean
(See above)
[COR LD NTC]

Julie Elizabeth Officer
[term 10/26/95]
(See above)
[COR LD NTC]

Charles R. Ray
(See above)
[COR LD NTC]
Jeffery S. Frensley
[COR LD NTC]
P O Box 198288
211 Third Avenue, N
Nashville, TN 37219
(615) 256-2111

Linda G. Cooper
(See above)
[COR LD NTC]

JOHN DOE, Correctional Officer
(Transportation)
deft
[term 07/06/94]

Kimberly Jennings Dean
[term 07/06/94]
(See above)
[COR LD NTC]

Julie Elizabeth Officer
[term 07/06/94]
(See above)
[COR LD NTC]

Charles R. Ray
[term 07/06/94]
(See above)
[COR LD NTC]

Linda G. Cooper
[term 07/06/94]
(See above)
[COR LD NTC]

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J. WALKER
deft

Linda G. Cooper
(See above)
[COR LD NTC]

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3/3/94 1 COMPLAINT for Civil Rights w/attachments, 42:1983 (cm)
[Entry date 03/04/94]

3/4/94 2 APPLICATION by plaintiff Ronnie Lee McKnight to proceed in
forma pauperis (cm)

3/4/94 3 ORDER by Judge Thomas A. Higgins granting motion to
proceed in forma pauperis [2-1] Case referred to
Magistrate Judge Kent Sandidge III for consideration of
malicious or frivolous nature and if ifp appeal should be
certified (cc: all counsel, copy of cmp to Linda Cooper,
CCA, and K. Dean, AG) (EOD 3/4/94) (dm)

4/6/94 4 REPORT AND RECOMMENDATION by Magistrate Judge Kent
Sandidge III: Recommends that process issue to deft
Correctional Officer Richardson on pla's Eight Amd claim;
further recommend that pla's remaining claims be dismissed
as frivolous w/o prejudice; ifp appeal would not be in
good faith (cc: all counsel) (EOD 4/6/94) (dm)

4/7/94 5 ATTORNEY APPEARANCE for defendants by Charles R. Ray, Julie
Elizabeth Officer (dm) [Entry date 04/08/94]

4/25/94 6 OBJECTIONS by plaintiff Ronnie Lee McKnight to Report and
Recommendation [4-1] (dm)

7/6/94 7 ORDER by Judge Thomas A. Higgins adopting REPORT AND
RECOMMENDATION [4-1] Pla's objs [6-1] are sustained insofar
as the identity of the John Doe defts is alleged to be J.
Walker, a transport officer at SCC, for who process shall
issue; process shall issue to defts, Officer Richardson and
J. Walker dismissing party John Rees as frivolous, Case
remanded to Magistrate Judge Kent Sandidge III to oversee
the preparation of proposed scheduling and pretrial orders
to be submitted to the Court for approval and entry. The
Magistrate is directed to oversee pretrial preparations and
act, as appropriate, on all pretrial motions; Case is set
on the Columbia docket at 10:00 a.m. on 3/13/95. The final
pretrial conference shall be held in Nashville on Monday,
2/13/95, at 1:00 p.m. Any m raising the defense of
qualified immunity shall be filed w/i 45 days of the date
of entry of the SO. All discovery shall be completed w/i
90 days of the date of entry of the SO (cc: all counsel)
(EOD 7/6/94) (dm)

7/11/94 -- SUMMONS issued as to defts Richardson and J. Walker by
certified mail at SCC (dm)

7/13/94 -- RETURN OF SERVICE executed upon defendant Richardson -,
defendant J. Walker on 7/12/94 (dm) [Entry date 07/14/94]

7/22/94 8 ANSWER by defts Daryll Richardson and John Walker to [1-1]
(dm) [Entry date 07/26/94]

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8/11/94 9 RESPONSE by pla Ronnie Lee McKnight to Answer of defts Richardson and Walker [8-1] (dm)

8/11/94 10 MOTION by plaintiff Ronnie Lee McKnight to compel production of document (dm)

10/21/94 11 ORDER by Magistrate Judge Kent Sandidge III Joinder of Parties and Amendment of Pleadings ddl: 11/18/94; Qualified immunity shall be filed by 12/4/94; Discovery set for 12/30/94; Discovery motion deadline 12/30/94 ; Dispositive and other motion filing deadline 1/16/95; pretrial conference set 1:00 on 2/13/95 in Nashville; Jury trial set for 3/13/95 at 10:00 a.m., in Columbia; Pla is ORDERED to inform the Court at least 10 days prior to pretrial conference (cc: all counsel) (EOD 10/21/94) (dm)

12/2/94 12 MOTION by defendants to dismiss based upon the privilege of qualified immunity on behalf of the defendants (gi) [Entry date 12/05/94]

12/2/94 13 MEMORANDUM by defendants in support of motion to dismiss [12-1] (gi) [Entry date 12/05/94]

12/6/94 14 MOTION by defts Richardson and J. Walker for leave to take depo of pla (dm) [Entry date 12/07/94]

12/13/94 15 ORDER by Magistrate Judge Kent Sandidge III granting motion for leave to take depo of pla [14-1] (cc: all counsel) (EOD 12/13/94) (dm)

12/19/94 16 NOTICE by plaintiff Ronnie Lee McKnight of Compliance to deft's depo (dm) [Entry date 12/20/94]

12/22/94 17 MOTION by defendants for sanctions (dm) [Entry date 12/28/94]

12/22/94 18 MEMORANDUM of Authorities by defendants in support of motion for sanctions [17-1] (dm) [Entry date 12/28/94]

12/22/94 19 RESPONSE by defendants in opposition to pla's Notice of Compliance [16-1] (dm) [Entry date 12/28/94]

12/22/94 20 NOTICE by defendants of Filing: Abbreviated discovery deposition of the pla taken on 12/14/94, with attached exhibits (dm) [Entry date 12/28/94]

12/22/94 21 DEPOSITION of Ronnie McKnight taken on the following date(s): 12/14/94 (attached exhibits) (dm) [Entry date 12/28/94]

1/3/95 22 ORDER by Magistrate Judge Kent Sandidge III denying motion for sanctions [17-1] (cc: all counsel) (EOD 1/3/95) (dm)

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- 1/17/95 23 MOTION by defts Daryll Richardson and John Walker to amend SO (dm) [Entry date 01/18/95]
- 1/17/95 24 MEMORANDUM of AUTHORITIES by defts Richardson and J. Walker in support of motion to amend SO [23-1] (dm) [Entry date 01/18/95]
- 1/23/95 25 ORDER by Judge Thomas A. Higgins: The magistrate judge is directed to conduct the pretrial conference set at 1:00 on 2/13/95 in Nashville; prepare and submit a final PTO for Court's approval and entry; and prepare and necessary orders to produce (cc: all counsel) EOD 1/23/95 (pl) [Edit date 01/23/95]
- 2/2/95 26 REPORT AND RECOMMENDATION concerning motion to dismiss [12-1] by Magistrate Judge Juliet E. Griffin. The Court recommends that the motion be denied. (cc: all counsel) EOD 2/2/95 (gi)
- 2/2/95 27 ORDER by Magistrate Judge Juliet E. Griffin: Pretrial conference is set at 1:00 on 2/13/95 (cc: all counsel) EOD 2/2/95 (gi)
- 2/2/95 28 ORDER by Magistrate Judge Juliet E. Griffin: It is ordered that the State of TN and/or the TN Dept of Corrections and the Warden where plaintiff McKnight is confined produce and deliver plaintiff to pretrial conference set for 1:00 on 2/13/95. (cc: all counsel, Sgt Peach & US Marshal) EOD 2/2/95 (gi)
- 2/2/95 29 ORDER by Magistrate Judge Juliet E. Griffin granting motion to amend SO [23-1] with respect to extension of discovery and discovery motion deadlines. Defendants have 20 days from EOD in which to take plaintiff's deposition and file discovery motions. With respect to an extension for the filing of dispositive motions, the motion is denied. (cc: all counsel) EOD 2/2/95 (gi)
- 2/6/95 30 OBJECTIONS by defendants Richardson and J. Walker to Report and Recommendation [26-1] (gi) [Entry date 02/07/95]
- 2/8/95 -- PROPOSED pretrial Order (gi) [Entry date 02/09/95]
- 2/8/95 34 WITNESS/EXHIBIT list by defendants (dm) [Entry date 03/08/95]
- 2/9/95 -- MAIL Returned [28-1] addressed to Warden John Rees noting he is no longer employed at this location. Sgt. Peach was contacted re production of inmate for hearing and she advised inmate would be present at hearing. (gi) [Entry date 02/10/95]
- 2/14/95 31 CLERK'S RESUME: Pretrial conference held 2/13/95. Defense counsel to revise PTO. (gi) [Entry date 02/15/95]

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2/21/95 -- PROPOSED Final Pretrial Order by defts with attachments (dm)

3/1/95 32 ORDER by Judge Thomas A. Higgins overruling objs to R/R [30-1], adopting REPORT AND RECOMMENDATION [26-1], denying motion to dismiss [12-1] terminating case referral to Magistrate Judge Juliet E. Griffin (file not with Order #32) (cc: all counsel) (EOD 3/1/95) (dm)

3/6/95 36 MOTION by defendants Daryll Richardson and J. Walker to stay proceedings pending Interlocutory Appeal (dm) [Entry date 03/07/95] [Edit date 03/09/95]

3/6/95 37 MEMORANDUM of Authorities by defendants Richardson and Walker in support of motion to stay proceedings pending Interlocutory Appeal [36-1] (dm) [Entry date 03/07/95] [Edit date 03/09/95]

3/6/95 33 NOTICE OF APPEAL by defendants Richardson and Walker from Dist. Court decision [32] entered on 3/1/95, wherein the Court DENIED the defts' claim of qualified immunity. (dm) [Entry date 03/07/95]

3/6/95 -- RECEIVED filing fee and forwarded to 6th CCA. Receipt #35157, \$105.00. (dm) [Entry date 03/07/95]

- 3/8/95 35 REPORT TO THE COURT by Magistrate Judge Juliet E. Griffin Pursuant to this Court's Order entered 1/23/95 [25-1], [25-2], the Magistrate Judge directed the defts to prepare a proposed pretrial order to be forwarded to the pltf in advance of the pretrial conference, and directed the pltf to bring to the pretrial conference his own statement of his theory of the case. In addition, both parties were directed to bring to the pretrial conference their lists of witnesses expected to be called at trial and exhibits proposed to be introduced at trial. (Order entered 2/2/95, DE No. 27) On 2/8/95, the defts submitted a proposed pretrial order, and filed their witness and exhibit list. At the pretrial conference on 2/13/95, the pltf submitted a list of witnesses that he wanted to call at trial and an explanation of the exhibits he wished to tender at trial. At the conclusion of the pretrial conference on 2/13/95, the Court directed the defts to submit a revised pretrial order, which was submitted on 2/21/95, and to which was appended copies of the exhibits that the defts propose to introduce at trial. Attached hereto is a pretrial order submitted by the Magistrate Judge for the Court's consideration in this case scheduled for trial on 3/13/95. The Magistrate Judge made some minor changes from the pretrial order submitted by the defts on 2/21/95, but did not make any substantive alterations in the defts' portion of the order. The pretrial order herewith submitted also includes a statement of the pltf's theory of the case, as acknowledged by the pltf in open court at the pretrial conference, and a list of pltf's witnesses and exhibits, neither of which were included in the pretrial order submitted by the defts on 2/21/95. Because the defts have filed a motion to stay the proceedings pending the interlocutory appeal in this case, the Magistrate Judge has not entered orders for the production of two inmate witnesses who will testify on the pltf's behalf or for the issuance of a subpoena for the non-inmate, SCCC employee witness, all of whom are listed in the attached pretrial order (PTO attached for District Judge only) (cc: all counsel) (EOD 3/8/95) (dm)
- 3/9/95 38 ORDER by Judge Thomas A. Higgins granting motion to stay proceedings pending Interlocutory Appeal [36-1] CASE STAYED (EOD 3/9/95) (cc: all counsel) (dm) [Edit date 03/09/95]
- 3/9/95 39 PRE-TRIAL ORDER approved by Judge Thomas A. Higgins : (EOD 3/9/95) (cc: all counsel) (dm)
- 3/13/95 40 NOTICE by defts Daryll Richardson and John Walker of Filing complete discovery deposition of the pltf (dm) [Entry date 03/14/95]
- 3/13/95 41 DEPOSITION of Ronnie McKnight taken on the following date(s): 2/18/95 (attached depo exhibit) (dm)

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[Entry date 03/14/95]

3/14/95 -- SR Record on Appeal sent to 6th CCA re [32-1] (dm)
3/14/95 -- REMARK: File and Expandable sent to Judge Higgins (dm)
3/24/95 -- TRANSCRIPT Order Form for dates: (No dated on form) re
[33-1] (dm) [Entry date 03/31/95]
3/24/95 -- TRANSCRIPT Order Form [33-1] No transcript requested. (pc)
[Entry date 05/16/95]
3/27/95 -- NOTIFICATION by 6th CCA of Appellate Docket Number 95-5398
(dm)
10/16/95 42 MOTION by deft Doe, Rees & Richardson to withdraw attorney
Julie Officer & to substitute attorney Jeffrey S.
Frensley (db) [Entry date 10/18/95]
10/16/95 43 AFFIDAVIT of Julie E. Officer re [42-1], re [42-2] (db)
[Entry date 10/18/95]
10/26/95 44 ORDER by Judge Thomas A. Higgins granting motion to
withdraw attorney Julie Officer [42-1] for defts
Richardson, Rees & Doe and granting motion to substitute
attorney Jeffrey S. Frensley [42-2] (EOD 10/26/95) (cc: all
counsel) tlabels (db)
1/25/96 -- Certified Record on Appeal sent to 6th CCA re [33-1] (mg)
2/12/96 -- REMARK: Acknowledgment of C/R filed at 6C 2/2/96. (mg)
6/19/96 45 MOTION by pltf for determination of status of case (mg)
[Entry date 06/20/96]
6/21/96 46 ORDER by Judge Thomas A. Higgins granting motion for
determination of status of case [45-1]: This case is
pending before the 6CCA. Any further inquiry should be
directed to the Court of Appeals (cc: all counsel) EOD
6/21/96 (mg)
6/21/96 -- REMARK: Copy of docket sheet sent to Pltf McKnight. (mg)
7/12/96 -- INFORMATION COPY from 6th CCA: Judgment of the district
court is AFFIRMED. (mg) [Entry date 07/23/96]
8/5/96 47 MANDATE from 6th CCA affirming the decision of the District
Court [0-0] (mg) [Entry date 08/06/96]
[Edit date 08/06/96]
8/29/96 -- RECORD on appeal returned from 6th CCA re appeal [33-1] (mg)
[Entry date 09/12/96]

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9/20/96 48 NOTICE from U.S. Supreme Court of filing of petition for a writ of certiorari on 8/26/96 and placed on the docket 8/30/96. (mg) [Entry date 09/23/96]

12/9/96 49 NOTICE from 6CCA that a petition for writ of certiorari has been granted to Daryll Richardson and John Walker (copy of ltr granting writ from U.S. Supreme Court is attached) (mg) [Entry date 12/10/96]

1/29/97 -- Certified Record on Appeal sent to the U.S. Supreme Court re [33-1] (mg)

3/24/97 50 ORDER by Judge Thomas A. Higgins: dismissing case administratively for all reporting purposes since it is pending before Supreme Court. EOD 3/24/97 (cc: all counsel) (mk)

7/31/97 51 COPY OF JUDGMENT of the Supreme Court filed 7/23/97 AFFIRMING the jgm of the 6CCA. (mg) [Entry date 08/04/97]

9/29/97 -- RECORD on appeal returned from Supreme Court of the United States. (mg)

4/8/98 52 MOTION by pltf for determination of status of case (ts)

4/10/98 53 ORDER by Judge Thomas A. Higgins vacating order [38-1] entered 3/9/95, staying this action pending the outcome of the interlocutory appeal. The Clerk is directed to reinstate this action on the active docket; case reopened. This action is set for jury trial on 7/13/98 at 10:00am in Columbia. This action is remanded to the Magistrate Judge to prepare orders to produce the pltf & any inmate witnesses to testify at trial. (EOD 4/13/98) (cc: all counsel) (ts) [Entry date 04/13/98]

4/10/98 54 ORDER by Judge Thomas A. Higgins re mtn for determination of status of case [52-1]. The status of this case is that it is being reinstated on the active docket & will be set for trial. Case referred to Magistrate Judge Juliet E. Griffin. (EOD 4/13/98) (cc: all counsel) (ts) [Entry date 04/13/98]

6/5/98 55 ORDER by Magistrate Judge Juliet E. Griffin to produce pltf to the 7/13/98 jury trial no later than 9:30am in Columbia. (EOD 6/8/98) (cc: all counsel) (ts) [Entry date 06/08/98]

6/5/98 56 ORDER by Magistrate Judge Juliet E. Griffin to produce inmate Geno Gruzello to the 7/13/98 jury trial in Columbia. (EOD 6/8/98) (cc: all counsel) (ts) [Entry date 06/08/98]

6/5/98 57 ORDER by Magistrate Judge Juliet E. Griffin to produce inmate Jose Lee "Doc" Alvarez to the 7/13/98 jury trial in Columbia. (EOD 6/8/98) (cc: all counsel) (ts) [Entry date 06/08/98]

6/8/98 58 ORDER FOR SUBPOENA by Magistrate Judge Juliet E. Griffin; the Clerk of Court shall issue & cause to have served a subpoena for Janet White to appear as a witness for pltf at the 7/13/98 jury trial. (EOD 6/8/98) (cc: all counsel) (ts)

6/8/98 59 SUBPOENA issued to Janet White (ts)

6/12/98 60 ORDER by Magistrate Judge Juliet E. Griffin to produce inmate Gene Gruzella to the 7/13/98 trial no later than 9:30 am in Columbia. (EOD 6/12/98) (cc: all counsel) (ts)

6/12/98 61 ORDER by Magistrate Judge Juliet E. Griffin to produce inmate Roger Jesckke aka Jose Lee "Doc" Alvarez to the 7/13/98 trial no later than 9:30am in Columbia. (EOD 6/12/98) (cc: all counsel) (ts)

7/8/98 62 RETURN OF SERVICE of subpoena to Officer Janice White (ts)

7/9/98 63 WITNESS list submitted by defts (ts) [Entry date 07/10/98]

7/9/98 64 EXHIBIT list by defts (ts) [Entry date 07/10/98]

7/9/98 65 REQUEST FOR SPECIAL JURY INSTRUCTIONS (1-17) submitted by defts (ts) [Entry date 07/10/98]

7/13/98 66 CLERK'S RESUME: Jury trial held in Columbia 7/13/98. Jury found for defendant; clerk directed to enter judgment dismissing case w/prejudice. Witness/exhibit list attached. C/R : Jim Spence (pl) [Entry date 07/14/98]

7/13/98 67 JURY CHARGE filed (pl) [Entry date 07/14/98]

7/13/98 68 VERDICT for deft Darryl Richardson - against pltf Ronnie Lee McKnight (pl) [Entry date 07/14/98]

7/14/98 69 JUDGMENT: upon verdict by the jury for deft Darryl Richardson and against the pltf Ronnie McKnight, pltf's action is dismissed with prejudice. On the record at the hearing held 7/13/98, pltf voluntarily dismissed the deft Walker. As reflected in the 7/6/94 Order, pltf's claims against defts John Doe were dismissed & the claims against deft John Rees was found frivolous & dismissed without prejudice. (EOD 7/15/98) (cc: all counsel) (ts) [Entry date 07/15/98]

6/5/00 -- REMARK; pltf's exhibits destroyed this date. (bj)