

**U.S. District Court
Eastern District of Virginia – (Richmond)
CIVIL DOCKET FOR CASE #: 3:18-cv-00611-REP**

Reyes v. Clarke et al
Assigned to: District Judge Robert E. Payne
Referred to: Magistrate Judge Roderick C. Young (Settlement)
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 09/04/2018
Date Terminated: 09/04/2019
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Nicolas Reyes

represented by **Claire Guthrie Gastanaga**

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*TERMINATED: 06/05/2019
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ATTORNEY TO BE NOTICED

Defendant

Harold Clarke

Director of Virginia Dept. of Corrections

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ATTORNEY TO BE NOTICED

Defendant

A. David Robinson
Chief of Corrections Operations

represented by **Margaret Hoehl O'Shea**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Laura Haeberle Cahill
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jeffrey Kiser
Warden of Red Onion State Prison

represented by **Margaret Hoehl O'Shea**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Laura Haeberle Cahill
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Randall Mathena
*Security Operation Manager and Former
Warden of Red Onion State Prison*

represented by **Margaret Hoehl O'Shea**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Laura Haeberle Cahill
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Earl Barksdale
Former Warden of Red Onion State Prison

represented by **Margaret Hoehl O'Shea**
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LEAD ATTORNEY
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Laura Haeberle Cahill
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ATTORNEY TO BE NOTICED

Defendant

Arvil Gallihar
Chief of Housing and Programs

represented by **Margaret Hoehl O'Shea**
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LEAD ATTORNEY
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Laura Haerberle Cahill
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ATTORNEY TO BE NOTICED

Defendant

Amee Duncan

represented by **Margaret Hoehl O'Shea**
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LEAD ATTORNEY
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Laura Haerberle Cahill
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ATTORNEY TO BE NOTICED

Defendant

Larry Collins

represented by **Margaret Hoehl O'Shea**
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LEAD ATTORNEY
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Laura Haerberle Cahill
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ATTORNEY TO BE NOTICED

Defendant

Justin Kiser

represented by **Margaret Hoehl O'Shea**
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LEAD ATTORNEY
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Laura Haerberle Cahill
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Defendant

Christopher Gilbert

represented by **Margaret Hoehl O'Shea**
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LEAD ATTORNEY
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Laura Haerberle Cahill
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Defendant

Garry Adams

represented by **Margaret Hoehl O'Shea**
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LEAD ATTORNEY
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Laura Haeberle Cahill
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Defendant

James Lambert

represented by **Margaret Hoehl O'Shea**
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LEAD ATTORNEY
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Laura Haeberle Cahill
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ATTORNEY TO BE NOTICED

Defendant

William Lee

represented by **Margaret Hoehl O'Shea**
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LEAD ATTORNEY
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Laura Haeberle Cahill
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ATTORNEY TO BE NOTICED

Defendant

Terrance Huff

represented by **Margaret Hoehl O'Shea**
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LEAD ATTORNEY
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Laura Haeberle Cahill
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ATTORNEY TO BE NOTICED

Defendant

D. Trent

represented by **Margaret Hoehl O'Shea**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Laura Haeberle Cahill
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Everett Ellison McDuffie

represented by

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Laura Haeberle Cahill
 (See above for address)
TERMINATED: 11/14/2018

Margaret Hoehl O'Shea
 (See above for address)
TERMINATED: 11/14/2018

Defendant

Steven Herrick
Health Services Director

represented by **Margaret Hoehl O'Shea**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Laura Haeberle Cahill
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/04/2018	<u>1</u>	COMPLAINT against All Defendants (Filing fee: \$400, receipt number: 0422-6257218), filed by Nicolas Reyes. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Civil Cover Sheet).(ccol,) (Attachment 4 replaced on 9/6/2018. NEF Regenerated.) (smej,). Modified docket text on 9/6/2018 (smej,). (Entered: 09/05/2018)
09/05/2018	<u>2</u>	Summons Issued as to All Defendants. NOTICE TO ATTORNEY: Print out two Electronically issued summons and one copy of the attachments for each defendant to be served with the complaint. Before Printing Summons please remove header from the top of the page (Attachments: # <u>1</u> Summon Barksdale, # <u>2</u> Summon Clarke, # <u>3</u> Summon Collins, # <u>4</u> Summon Duncan, # <u>5</u> Summon Gallihar, # <u>6</u> Summon Gilbert, # <u>7</u> Summon Herrick, # <u>8</u> Summon Huff, # <u>9</u> Summon Jeffrey Kiser, # <u>10</u> Summon Justin Kiser, # <u>11</u> Summon Lambert, # <u>12</u> Summon Lee, # <u>13</u> Summon Mathena, # <u>14</u> Summon McDuffie, # <u>15</u> Summon Robinson, # <u>16</u> Summon Trent)(ccol,) (Entered: 09/05/2018)
09/11/2018	<u>3</u>	Motion to appear Pro Hac Vice by Eden Heilman and Certification of Local Counsel Claire Gastanaga Filing fee \$ 75, receipt number 0422-6266749. by Nicolas Reyes. (Gastanaga, Claire) (Entered: 09/11/2018)
09/11/2018	<u>4</u>	Motion to appear Pro Hac Vice by Locke E. Bowman and Certification of Local Counsel Claire Gastanaga Filing fee \$ 75, receipt number 0422-6266768. by Nicolas Reyes. (Gastanaga, Claire) (Entered: 09/11/2018)
09/11/2018	<u>5</u>	

		Motion to appear Pro Hac Vice by Maggie E. Filler and Certification of Local Counsel Claire Gastanaga Filing fee \$ 75, receipt number 0422-6266779. by Nicolas Reyes. (Gastanaga, Claire) (Entered: 09/11/2018)
09/14/2018	<u>6</u>	ORDER granting <u>3</u> , <u>4</u> , and <u>5</u> Motions for Pro hac vice. Eden B. Heilman, Locke E Bowman, and Maggie E. Filler appointed for Nicolas Reyes. Signed by District Judge Robert E. Payne on 9/13/2018. (jsmi,) (Entered: 09/14/2018)
09/20/2018	<u>7</u>	SUMMONS Returned Executed. Harold Clarke served on 9/14/2018, answer due 10/5/2018; Steven Herrick served on 9/14/2018, answer due 10/5/2018; William Lee served on 9/14/2018, answer due 10/5/2018; Randall Mathena served on 9/14/2018, answer due 10/5/2018; A. David Robinson served on 9/14/2018, answer due 10/5/2018. (jsmi,) (Entered: 09/21/2018)
09/27/2018	<u>8</u>	NOTICE of Appearance by Laura Haeberle Cahill on behalf of Garry Adams, Earl Barksdale, Harold Clarke, Larry Collins, Ameer Duncan, Arvil Gallihar, Christopher Gilbert, Steven Herrick, Terrance Huff, Jeffrey Kiser, Justin Kiser, James Lambert, William Lee, Randall Mathena, Everett Ellison McDuffie, A. David Robinson, D. Trent (Cahill, Laura) (Entered: 09/27/2018)
09/27/2018	<u>9</u>	NOTICE of Appearance by Margaret Hoehl O'Shea on behalf of Garry Adams, Earl Barksdale, Harold Clarke, Larry Collins, Ameer Duncan, Arvil Gallihar, Christopher Gilbert, Steven Herrick, Terrance Huff, Jeffrey Kiser, Justin Kiser, James Lambert, William Lee, Randall Mathena, Everett Ellison McDuffie, A. David Robinson, D. Trent (O'Shea, Margaret) (Entered: 09/27/2018)
10/03/2018	<u>10</u>	MOTION for Extension of Time to File Responsive Pleading by Garry Adams, Earl Barksdale, Harold Clarke, Larry Collins, Ameer Duncan, Arvil Gallihar, Christopher Gilbert, Steven Herrick, Terrance Huff, Jeffrey Kiser, Justin Kiser, James Lambert, William Lee, Randall Mathena, Everett Ellison McDuffie, A. David Robinson, D. Trent. (Attachments: # <u>1</u> Proposed Order)(O'Shea, Margaret) (Entered: 10/03/2018)
10/09/2018	<u>11</u>	ORDER that the defendants' <u>10</u> MOTION FOR ENLARGEMENT OF TIME TO FILE RESPONSIVE PLEADINGS is granted. It is further ORDERED that the defendants shall file their Answers and any other motions with respect to the Complaint by October 12, 2018. Signed by District Judge Robert E. Payne on 10/5/2018. (jsmi,) (Entered: 10/09/2018)
10/11/2018	<u>12</u>	SUMMONS Returned Executed. Earl Barksdale served on 9/13/2018. (jsmi,) (Entered: 10/11/2018)
10/12/2018	<u>13</u>	MOTION to Dismiss <i>under Rule 12(b)(3) for Improper Venue</i> by Garry Adams, Earl Barksdale, Harold Clarke, Larry Collins, Ameer Duncan, Arvil Gallihar, Christopher Gilbert, Steven Herrick, Terrance Huff, Jeffrey Kiser, Justin Kiser, James Lambert, William Lee, Randall Mathena, Everett Ellison McDuffie, A. David Robinson, D. Trent. (O'Shea, Margaret) (Entered: 10/12/2018)
10/12/2018	<u>14</u>	Memorandum in Support re <u>13</u> MOTION to Dismiss <i>under Rule 12(b)(3) for Improper Venue</i> filed by Garry Adams, Earl Barksdale, Harold Clarke, Larry Collins, Ameer Duncan, Arvil Gallihar, Christopher Gilbert, Steven Herrick, Terrance Huff, Jeffrey Kiser, Justin Kiser, James Lambert, William Lee, Randall Mathena, Everett Ellison McDuffie, A. David Robinson, D. Trent. (Attachments: # <u>1</u> Exhibit 1 – Adams Affidavit, # <u>2</u> Exhibit 2 – McDuffie Affidavit, # <u>3</u> Exhibit 3 – Huff Affidavit)(O'Shea, Margaret) (Entered: 10/12/2018)
10/12/2018	<u>15</u>	MOTION to Dismiss for Failure to State a Claim by Garry Adams, Earl Barksdale, Harold Clarke, Larry Collins, Ameer Duncan, Arvil Gallihar, Christopher Gilbert, Steven Herrick, Terrance Huff, Jeffrey Kiser, Justin Kiser, James Lambert, William Lee, Randall Mathena, Everett Ellison McDuffie, A. David Robinson, D. Trent. (O'Shea, Margaret) (Entered: 10/12/2018)
10/12/2018	<u>16</u>	Memorandum in Support re <u>15</u> MOTION to Dismiss for Failure to State a Claim filed by Garry Adams, Earl Barksdale, Harold Clarke, Larry Collins, Ameer Duncan, Arvil Gallihar, Christopher Gilbert, Steven Herrick, Terrance Huff, Jeffrey Kiser, Justin Kiser, James Lambert, William Lee,

		Randall Mathena, Everett Ellison McDuffie, A. David Robinson, D. Trent. (Attachments: # <u>1</u> Exhibit 1 – OP 830.2, # <u>2</u> Exhibit 2 – OP 841.4, # <u>3</u> Exhibit 3 – OP 730.3)(O'Shea, Margaret) (Entered: 10/12/2018)
10/17/2018	<u>17</u>	NOTICE of Appearance by Vishal Mahendra Agraharkar on behalf of Nicolas Reyes (Agraharkar, Vishal) (Entered: 10/17/2018)
10/17/2018	<u>18</u>	SUMMONS Returned Executed. Garry Adams served on 9/14/2018, answer due 10/5/2018; Larry Collins served on 9/14/2018, answer due 10/5/2018; Ameer Duncan served on 9/14/2018, answer due 10/5/2018; Arvil Gallihar served on 9/14/2018, answer due 10/5/2018; Christopher Gilbert served on 9/14/2018, answer due 10/5/2018; Jeffrey Kiser served on 9/14/2018, answer due 10/5/2018; Justin Kiser served on 9/14/2018, answer due 10/5/2018; James Lambert served on 9/14/2018, answer due 10/5/2018; Everett Ellison McDuffie served on 9/14/2018, answer due 10/5/2018. (jsmi,) (Entered: 10/18/2018)
10/18/2018	<u>19</u>	Motion to appear Pro Hac Vice by Alan J.J. Swirski and Certification of Local Counsel Vishal Agraharkar Filing fee \$ 75, receipt number 0422–6322846. by Nicolas Reyes. (Attachments: # <u>1</u> Supplement Federal Court Admissions)(Agraharkar, Vishal) (Entered: 10/18/2018)
10/18/2018	<u>20</u>	Motion to appear Pro Hac Vice by Erica Perdomo and Certification of Local Counsel Vishal Agraharkar Filing fee \$ 75, receipt number 0422–6322888. by Nicolas Reyes. (Agraharkar, Vishal) (Entered: 10/18/2018)
10/18/2018	<u>21</u>	SUMMONS Returned Executed. Terrance Huff served on 9/14/2018, answer due 10/5/2018; D. Trent served on 9/14/2018, answer due 10/5/2018. (jsmi,) (Entered: 10/18/2018)
10/19/2018	<u>22</u>	ORDER GRANTING <u>19</u> Motion by Nicolas Reyes for the Admission of Alan J.J. Swirski, Esquire Pro Hac Vice. Signed by District Judge Robert E. Payne on 10/19/2018. (walk,) (Entered: 10/19/2018)
10/19/2018	<u>23</u>	ORDER GRANTING <u>20</u> Motion by Nicolas Reyes for the Admission of Erica L. Perdomo, Esquire Pro Hac Vice. Signed by District Judge Robert E. Payne on 10/19/2018. (walk,) (Entered: 10/19/2018)
10/22/2018	<u>24</u>	ORDER that, by October 24, 2018, the defendants, HaroldW. Clarke, A. David Robinson, Jeffrey Kiser, Randall Mathena, Earl Barksdale, Arvil Gallihar, Ameer Duncan, Larry Collins, and Justin Kiser, shall file their Answers to the Complaint. See Order for details. Signed by District Judge Robert E. Payne on 10/22/2018. (jsmi,) (Entered: 10/22/2018)
10/23/2018	<u>25</u>	DISREGARD. SEE DOCKET ENTRY <u>28</u> . Consent MOTION for Extension of Time to File Responses to Defendants' <u>13</u> & <u>15</u> Rule 12 Motions by Nicolas Reyes. (Attachments: # <u>1</u> Proposed Order (Proposed) Agreed Order for Extension of Time). (Agraharkar, Vishal) Modified docket text on 10/25/2018 (smej,). (Entered: 10/23/2018)
10/24/2018	<u>26</u>	DISREGARD. SEE DOCKET ENTRY <u>29</u> . MOTION for Leave to File Excess Pages by Nicolas Reyes. (Attachments: # <u>1</u> Proposed Order Proposed Agreed Order)(Agraharkar, Vishal) Modified on 10/25/2018 (jsmi,). Modified on 10/25/2018 (jsmi,). (Entered: 10/24/2018)
10/24/2018	<u>27</u>	ANSWER to <u>1</u> Complaint, by Garry Adams, Earl Barksdale, Harold Clarke, Larry Collins, Ameer Duncan, Arvil Gallihar, Christopher Gilbert, Steven Herrick, Terrance Huff, Jeffrey Kiser, Justin Kiser, James Lambert, William Lee, Randall Mathena, Everett Ellison McDuffie, A. David Robinson, D. Trent.(O'Shea, Margaret) (Entered: 10/24/2018)
10/25/2018	<u>28</u>	Joint MOTION for Extension of Time to File Response/Reply by Nicolas Reyes. (Attachments: # <u>1</u> Proposed Order)(Agraharkar, Vishal) (Entered: 10/25/2018)
10/25/2018	<u>29</u>	Joint MOTION for Leave to File Excess Pages by Nicolas Reyes. (Attachments: # <u>1</u> Proposed Order)(Agraharkar, Vishal) (Entered: 10/25/2018)

10/25/2018	<u>30</u>	ORDER that Plaintiff's <u>28</u> Motion for Extension of Time be and is GRANTED for good cause shown. It is further ORDERED that Plaintiff submit his opposition to the motions on or before November 2, 2018..Signed by District Judge Robert E. Payne on 10/25/2018. (jsmi,) (Entered: 10/25/2018)
10/25/2018	<u>31</u>	ORDER that Plaintiff's <u>29</u> Motion for Leave to File Excess Pages be and is GRANTED for good cause shown. Signed by District Judge Robert E. Payne on 10/25/2018. (jsmi,) (Entered: 10/25/2018)
11/02/2018	<u>32</u>	Memorandum in Opposition re <u>13</u> MOTION to Dismiss <i>under Rule 12(b)(3) for Improper Venue</i> filed by Nicolas Reyes. (Agraharkar, Vishal) (Entered: 11/02/2018)
11/02/2018	<u>33</u>	Memorandum in Opposition re <u>15</u> MOTION to Dismiss for Failure to State a Claim filed by Nicolas Reyes. (Agraharkar, Vishal) (Entered: 11/02/2018)
11/07/2018	<u>34</u>	MOTION to Substitute Attorney by Everett Ellison McDuffie. (Attachments: # <u>1</u> Proposed Order)(Jessee, John) (Entered: 11/07/2018)
11/08/2018	<u>35</u>	REPLY to Response to Motion re <u>13</u> MOTION to Dismiss <i>under Rule 12(b)(3) for Improper Venue</i> filed by Garry Adams, Earl Barksdale, Harold Clarke, Larry Collins, Ameer Duncan, Arvil Gallihar, Christopher Gilbert, Steven Herrick, Terrance Huff, Jeffrey Kiser, Justin Kiser, James Lambert, William Lee, Randall Mathena, A. David Robinson, D. Trent. (O'Shea, Margaret) (Entered: 11/08/2018)
11/08/2018	<u>36</u>	REPLY to Response to Motion re <u>15</u> MOTION to Dismiss for Failure to State a Claim filed by Garry Adams, Earl Barksdale, Harold Clarke, Larry Collins, Ameer Duncan, Arvil Gallihar, Christopher Gilbert, Steven Herrick, Terrance Huff, Jeffrey Kiser, Justin Kiser, James Lambert, William Lee, Randall Mathena, A. David Robinson, D. Trent. (O'Shea, Margaret) (Entered: 11/08/2018)
11/09/2018	<u>I</u>	Notice of Correction re <u>34</u> MOTION to Substitute Attorney. Filing attorney is notified that pro hac vice attorneys are not permitted to sign pleadings filed with the Court. (jsmi,) (Entered: 11/09/2018)
11/09/2018	<u>37</u>	RESPONSE in Support re <u>13</u> MOTION to Dismiss <i>under Rule 12(b)(3) for Improper Venue</i> filed by Everett Ellison McDuffie. (Jessee, John) (Entered: 11/09/2018)
11/09/2018	<u>38</u>	RESPONSE in Support re <u>15</u> MOTION to Dismiss for Failure to State a Claim filed by Everett Ellison McDuffie. (Jessee, John) (Entered: 11/09/2018)
11/13/2018	<u>39</u>	MOTION to Transfer Case <i>to the Western District of Virginia, under 28 USC 1404(a)</i> by Garry Adams, Earl Barksdale, Harold Clarke, Larry Collins, Ameer Duncan, Arvil Gallihar, Christopher Gilbert, Steven Herrick, Terrance Huff, Jeffrey Kiser, Justin Kiser, James Lambert, William Lee, Randall Mathena, A. David Robinson, D. Trent. (O'Shea, Margaret) (Entered: 11/13/2018)
11/13/2018	<u>40</u>	Memorandum in Support re <u>39</u> MOTION to Transfer Case <i>to the Western District of Virginia, under 28 USC 1404(a)</i> filed by Garry Adams, Earl Barksdale, Harold Clarke, Larry Collins, Ameer Duncan, Arvil Gallihar, Christopher Gilbert, Steven Herrick, Terrance Huff, Jeffrey Kiser, Justin Kiser, James Lambert, William Lee, Randall Mathena, A. David Robinson, D. Trent. (Attachments: # <u>1</u> Exhibit 1 – Beverly Affidavit, # <u>2</u> Exhibit 2 – Kiser Affidavit)(O'Shea, Margaret) (Entered: 11/13/2018)
11/13/2018	<u>41</u>	ORDERED that this action is referred to United States Magistrate Judge Roderick C. Young for settlement negotiations. Counsel shall be responsible for contacting the Chambers of Magistrate Judge Young within five (5) days of the date of this Order. SEE ORDER FOR DETAILS. Signed by District Judge Robert E. Payne on 11/13/2018. (smej,) (Entered: 11/13/2018)
11/13/2018	<u>I</u>	

		Case Referred to Magistrate Judge Roderick C. Young for Settlement purposes. (smej,) (Entered: 11/13/2018)
11/14/2018	<u>42</u>	ORDER GRANTING SUBSTITUTION OF COUNSEL. Defendant Everett McDuffie, M.D. substitutes John T. Jessee in place of Margaret Hoehl O'Shea and Laura H. Cahill. See Order for details. Signed by District Judge Robert E. Payne on 11/13/2018. (jsmi,) (Entered: 11/14/2018)
11/20/2018	<u>43</u>	ORDER REGARDING PROCEDURES FOR SETTLEMENT CONFERENCE. The Court has scheduled this case for a settlement conference on February 19, 2019 at 9:30 A.M. At that time, the parties shall report to the chambers of Magistrate Judge Roderick C. Young. Signed by Magistrate Judge Roderick C. Young on 11/20/2018. (jsmi,) (Entered: 11/20/2018)
11/20/2018	<u>44</u>	MOTION to Transfer Case <i>to the Western District of Virginia, under 28 USC 1404(a)</i> by Everett Ellison McDuffie. (Jessee, John) (Entered: 11/20/2018)
11/21/2018	<u>45</u>	Joint MOTION for Extension of Time to File Response/Reply <i>to Defendants' Motion to Transfer</i> by Nicolas Reyes. (Attachments: # <u>1</u> Proposed Order (Proposed) Agreed Order for Extension of Time)(Agraharkar, Vishal) (Entered: 11/21/2018)
11/21/2018	<u>46</u>	MEMORANDUM ORDER (Granting Motion for Extension of Time)Plaintiff has moved for an extension of time to respond to Defendants' Motion to Transfer Venue. Defendants have no opposition to Motion for Enlargement of Time. Upon good cause shown, see Fed. R. Civ. P. 6(b)(1)(A), the Motion for Enlargement of Time <u>45</u> is GRANTED. Plaintiff shall file any opposition to the Motion to Transfer Venue on or before November 30, 2018. See Order for details. Signed by Magistrate Judge Roderick C. Young on 11/21/2018. Copy sent to counsels of record. (ccol,) (Entered: 11/21/2018)
11/27/2018	<u>I</u>	Settlement Conference set for 2/19/2019 at 9:30 AM in Richmond Judges Chamber before Magistrate Judge Roderick C. Young. (mful,) (Entered: 11/27/2018)
11/28/2018	<u>47</u>	Motion to appear Pro Hac Vice by Sean Tepe and Certification of Local Counsel Vishal Agraharkar Filing fee \$ 75, receipt number 0422-6382526. by Nicolas Reyes. (Agraharkar, Vishal) (Entered: 11/28/2018)
11/30/2018	<u>48</u>	Memorandum in Opposition re <u>39</u> MOTION to Transfer Case <i>to the Western District of Virginia, under 28 USC 1404(a)</i> filed by Nicolas Reyes. (Attachments: # <u>1</u> Exhibit Declaration of Vishal Agraharkar)(Agraharkar, Vishal) (Entered: 11/30/2018)
11/30/2018	<u>49</u>	Memorandum in Opposition re <u>44</u> MOTION to Transfer Case <i>to the Western District of Virginia, under 28 USC 1404(a)</i> filed by Nicolas Reyes. (Agraharkar, Vishal) (Entered: 11/30/2018)
12/04/2018	<u>50</u>	ORDER granting <u>47</u> Motion for Pro hac vice. Sean Michael Tepe appointed for Nicolas Reyes. Signed by District Judge Robert E. Payne on 12/4/2018. (jsmi,) (Entered: 12/04/2018)
01/02/2019	<u>51</u>	ORDER that the Warden at Red Onion State Prison shall arrange for Plaintiff, Nicolas Reyes, #1135803, to be transported to the Robinson-Merhige United States Courthouse, 701 East Broad Street, Richmond, Virginia, 23219, on February 19, 2019, so that Plaintiff may participate in the settlement conference that shall begin at 9:30 a.m. Signed by Magistrate Judge Roderick C. Young on 1/2/19. (mful,) Modified on 1/3/2019 (mful,) – COPIES MAILED AS DIRECTED. (Entered: 01/03/2019)
02/04/2019	<u>52</u>	NOTICE by Nicolas Reyes re <u>51</u> Order, <i>Certifying arrangement of translation services for Settlement Conference</i> (Agraharkar, Vishal) (Entered: 02/04/2019)
02/19/2019	<u>I</u>	Minute Entry for proceedings held before Magistrate Judge Roderick C. Young:Settlement Conference held on 2/19/2019. (mful,) (Entered: 02/19/2019)
04/03/2019	<u>56</u>	

		ORDER GRANTING SUBSTITUTION OF COUNSEL. Notice is hereby given that Defendant Everett McDuffie, M.D. substitutes John T. Jessee as counsel of record in place of Margaret Hoehl O'Shea and Laura H. Cahill. The substitution of counsel is hereby approved and so ORDERED. Signed by District Judge Robert E. Payne on 4/2/2019. Filed nunc pro tunc November 7, 2018. (jsmi,) (Entered: 04/03/2019)
05/06/2019	<u>57</u>	MOTION for Leave to File a <i>Supplemental Brief on New Case Law Authority in Support of Plaintiff's Opposition to Rule 12(b)(6) Motion to Dismiss</i> by Nicolas Reyes. (Attachments: # <u>1</u> Exhibit)(Agraharkar, Vishal) (Entered: 05/06/2019)
05/06/2019	<u>58</u>	Memorandum in Support re <u>57</u> MOTION for Leave to File a <i>Supplemental Brief on New Case Law Authority in Support of Plaintiff's Opposition to Rule 12(b)(6) Motion to Dismiss</i> filed by Nicolas Reyes. (Agraharkar, Vishal) (Entered: 05/06/2019)
06/05/2019	<u>59</u>	MOTION to Withdraw as Attorney by Nicolas Reyes. (Attachments: # <u>1</u> Proposed Order)(Agraharkar, Vishal) (Entered: 06/05/2019)
06/05/2019	<u>60</u>	Brief in Support to <u>59</u> MOTION to Withdraw as Attorney filed by Nicolas Reyes. (Agraharkar, Vishal) (Entered: 06/05/2019)
06/05/2019	<u>61</u>	MEMORANDUM ORDER that granting Plaintiff's <u>57</u> Motion for Leave to File a Supplemental Brief on New Case Law Authority in Support of Plaintiff's Opposition to Rule 12(b)(6) Motion to Dismiss. Signed by District Judge Henry E. Hudson on 6/5/2019. (jsmi,) (Entered: 06/05/2019)
06/05/2019	<u>62</u>	ORDER that the UNOPPOSED <u>59</u> MOTION TO WITHDRAW APPEARANCE OF COUNSEL is granted. It is further ORDERED that the Clerk shall remove Erica L. Perdomo, Esquire as pro hac vice counsel for the plaintiff. Signed by Magistrate Judge David J. Novak on 6/5/2019. (jsmi,) (Entered: 06/05/2019)
06/12/2019	<u>63</u>	Brief in Support to <u>33</u> Memorandum in Opposition to <i>Defendants' Rule 12(b)(6) Motion to Dismiss re: new case law authority</i> filed by Nicolas Reyes. (Agraharkar, Vishal) (Entered: 06/12/2019)
06/19/2019	<u>64</u>	Brief in Support to <u>15</u> MOTION to Dismiss for Failure to State a Claim , <u>63</u> Brief in Support filed by Everett Ellison McDuffie. (Jessee, John) (Entered: 06/19/2019)
06/19/2019	<u>65</u>	REPLY to Response to Motion re <u>15</u> MOTION to Dismiss for Failure to State a Claim (<i>Reply to Plaintiff's Supplemental Brief in Opposition</i>) filed by Garry Adams, Earl Barksdale, Harold Clarke, Larry Collins, Ameer Duncan, Arvil Gallihar, Christopher Gilbert, Steven Herrick, Terrance Huff, Jeffrey Kiser, Justin Kiser, James Lambert, William Lee, Randall Mathena, A. David Robinson, D. Trent. (O'Shea, Margaret) (Entered: 06/19/2019)
08/27/2019	<u>66</u>	MEMORANDUM OPINION. Signed by District Judge Robert E. Payne on 8/27/2019. (jsmi,) (Entered: 08/27/2019)
08/27/2019	<u>67</u>	ORDER that <u>15</u> Motion to Dismiss is denied. Signed by District Judge Robert E. Payne on 8/27/2019. (jsmi,) (Entered: 08/27/2019)
09/04/2019	<u>68</u>	MEMORANDUM OPINION. Signed by District Judge Robert E. Payne on 9/4/2019. (jsmi,) (Entered: 09/04/2019)
09/04/2019	<u>69</u>	ORDER that <u>39</u> and <u>44</u> Motions to Transfer are granted. The Clerk is directed to transfer the action to the United States District Court for the Western District of Virginia. Defendants' <u>13</u> Motion to Dismiss under Rule 12(b)(3) for Improper Venue is denied. Signed by District Judge Robert E. Payne on 9/4/2019. (jsmi,) (Entered: 09/04/2019)
09/04/2019	<u>I</u>	Case transferred to District of Western District of Virginia. (jsmi,) (Entered: 09/04/2019)