

Docket as of July 28, 2003 8:02 pm  
Web PACER (v2.4)

U.S. District Court

MIDDLE DISTRICT OF TENNESSEE (Northeastern)

CIVIL DOCKET FOR CASE #: 02-CV-93

City of Cookeville, et al v. Upper Cumberland Ele, et al

Filed: 11/20/02  
Assigned to: Judge Thomas A. Wiseman, Jr.  
Referred to: Magistrate Judge Joe B. Brown  
Demand: \$0,000  
Nature of Suit: 210  
Lead Docket: None  
Jurisdiction: US Defendant  
Dkt # in Cirt Ct/Putnam Co : is 01N0280  
Cause: 28:1441 Notice of Removal-Real Property

TENNESSEE STATE OF, on the John H. Sinclair, Jr.  
relation of [COR LD NTC]  
pltf Office of the Attorney General  
[term 06/03/03] and Reporter  
P O Box 20207  
Nashville, TN 37202  
(615) 741-3491

CITY OF COOKEVILLE, TENNESSEE Frank Stovall King, Jr.  
pltf [COR LD NTC]  
King & Ballow  
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(615) 259-3456

Thomas Michael O'Mara  
[COR LD NTC]  
O'Mara & Johnson, PLLC

317 W Spring Street  
Cookeville, TN 38501  
(931) 526-8812

v.

UPPER CUMBERLAND ELECTRIC      J. Richard Lodge  
MEMBERSHIP CORPORATION      [COR]

deft                      W. Brantley Phillips, Jr.  
                                 [COR LD NTC]  
                                 Russell S. Baldwin  
                                 [COR]  
                                 Bass, Berry & Sims  
                                 315 Deaderick Street

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Nashville, TN 37238-0002  
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Jacky Orange Bellar  
[COR LD NTC]  
Bellar & Bellar  
P O Box 332  
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Carthage, TN 37030  
(615) 735-1684

HILDA G. LEGG                      W. Brantley Phillips, Jr.

deft                      (See above)  
                                 [COR LD NTC]

Jacky Orange Bellar  
(See above)  
[COR LD NTC]

RURAL UTILITIES SERVICES, an      Michael L. Roden

agency of the                      [COR LD NTC]  
deft                      Office of the United States  
                                 Attorney  
                                 110 Ninth Avenue, S  
                                 Suite A961  
                                 Nashville, TN 37203-3870  
                                 (615) 736-5151

Frances M. Toole  
[COR LD NTC]



DOCKET PROCEEDINGS

DATE	#	DOCKET ENTRY
11/20/02	1	NOTICE OF REMOVAL by defts Rural Utilities Service & US Dept of Agriculture from the Circuit Court of Putnam County, Case Number 01N0280 (w/ attachments) (af) [Entry date 11/22/02] [2:02cv93]
11/20/02	2	NOTICE by defts Rural Utilities Service & US Dept of Agriculture of filing notice of removal (af) [Entry date 11/22/02] [2:02cv93]
11/20/02	3	ANSWER by defts Rural Utilities Service & US Dept of Agriculture to the Amended Complaint att'd to the Notice of Removal [1-1] (af) [Entry date 11/22/02] [2:02cv93]
11/22/02	4	NOTICE of Initial Case Management Conference: ICMC set for 11:00 a.m. on 1/21/03, Case referred to Magistrate Judge E. C. Knowles (xc: counsel of record) (af) [2:02cv93]
11/22/02	5	LETTER from Clerk to Govt's counsel, Michael Roden, regarding reassignment of case from Judge Haynes to Judge Wiseman & setting of ICMC (xc: counsel of record w/ docket sheet & notice of ICMC) (af) [2:02cv93]
11/25/02	6	MOTION by USA on behalf of Rural Utilities Services and U.S. Department of Agriculture for additional time through 01/06/03 to respond to pltf's motion for summary judgment (w/attached proposed Order) (ot) [Entry date 11/26/02] [2:02cv93]
12/2/02	7	ATTORNEY APPEARANCE for deft Upper Cumberland Ele by J. Richard Lodge (jb) [Entry date 12/03/02] [2:02cv93]
12/2/02	8	ATTORNEY APPEARANCE for deft Upper Cumberland Ele by Russell S. Baldwin (jb) [Entry date 12/03/02] [2:02cv93]
12/2/02	9	MOTION by deft Upper Cumberland Ele for additional time to respond to pltf's motion for summary judgment (jb) [Entry date 12/03/02] [2:02cv93]

- 12/3/02 10 ATTORNEY APPEARANCE for deft Upper Cumberland Ele by W. Brantley Phillips, Jr. (dlt) [2:02cv93]
- 12/3/02 11 NOTICE OF ATTORNEY APPEARANCE for deft National Rural Utilities by Paul C. Ney, Jr. (ot) [Entry date 12/04/02] [2:02cv93]
- 12/3/02 12 MOTION by deft National Rural Utilities for additional time through 01/10/03 to respond to pltf's motion for summary judgment (ot) [Entry date 12/04/02] [2:02cv93]
- 12/5/02 13 RESPONSE by pltf Cookeville City of to motion for additional time through 01/06/03 to respond to pltf's motion for summary judgment [6-1]. (ot) [Entry date 12/06/02] [2:02cv93]
- 12/5/02 -- PROPOSED Order denying motion to enlarge time to respond to the pltf's motion for summary judgment. (ot) [Entry date 12/06/02] [2:02cv93]
- 12/5/02 14 MOTION by pltf Cookeville City of to remand the case for lack of subject matter jurisdiction (w/attached proposed Order) (ot) [Entry date 12/06/02] [2:02cv93]
- 12/5/02 15 MEMORANDUM of Law by pltf Cookeville City of in support of motion to remand the case for lack of subject matter jurisdiction [14-1]. (ot) [Entry date 12/06/02] [2:02cv93]
- 12/9/02 16 RESPONSE by pltf City of Cookeville Dept of Electricity to motion for additional time to respond to pltf's motion for summary judgment [9-1]. (w/attached Exhibits 1-4) (ot) [Entry date 12/10/02] [2:02cv93]
- 12/9/02 17 RESPONSE by pltf City of Cookeville to motion for additional time through 01/10/03 to respond to pltf's motion for summary judgment [12-1]. (ot) [Entry date 12/10/02] [2:02cv93]
- 12/9/02 18 ORDER by Magistrate Judge E. C. Knowles; Case Management Conference currently set for 1/21/03 is cancelled and will be rescheduled by the Magistrate Judge to who this action is reassigned; Order of recusal and reassigned to Magistrate Judge Joe B. Brown. EOD 12/12/02 (cc: all counsel) (ot) [Entry date 12/12/02] [Edit date 12/18/02] [2:02cv93]

- 12/16/02 19 ANSWER by deft National Rural Utili to [1-1]. (ot) [2:02cv93]
- 12/19/02 20 RESPONSE by deft Upper Cumberland Ele to motion to remand the case for lack of subject matter jurisdiction [14-1]. (dlt) [Entry date 12/20/02] [2:02cv93]
- 12/19/02 21 MOTION by defts Rural Utilities Ser & AGRI for additional time to respond to pltf's mtn to remand. (w/ att'd proposed order) (dlt) [Entry date 12/20/02] [2:02cv93]
- 12/23/02 24 ORDER by Judge Thomas A. Wiseman Jr. granting motion for additional time through 01/10/03 to respond to pltf's motion for summary judgment [6-1]. EOD 12/23/02 (cc: all counsel) (ot) [2:02cv93]
- 12/23/02 25 ORDER by Judge Thomas A. Wiseman Jr. granting motion for additional time through 01/10/03 to respond to pltf's motion for summary judgment [9-1]. EOD 12/23/02 (cc: all counsel) (ot) [2:02cv93]
- 12/23/02 26 ORDER by Judge Thomas A. Wiseman Jr. granting motion for additional time through 01/10/03 to respond to pltf's motion summary judgment [12-1]. EOD 12/23/03 (cc: all counsel) (ot) [Edit date 12/27/02] [2:02cv93]
- 12/23/02 27 ORDER by Judge Thomas A. Wiseman Jr. granting motion for additional time through 02/07/03 to respond to pltf's mtn to remand [21-1]. EOD 12/23/02 (cc: all counsel) (ot) [2:02cv93]
- 12/23/02 22 SUPPLEMENT by pltf City of Cookeville to motion to remand this case for lack of subject matter jurisdiction re [14-1]. (w/attached Exhibits 1-2) (ot) [Entry date 03/13/03] [2:02cv93]
- 12/23/02 23 DECLARATION by pltf City of Cookeville of Joseph A. Peek [22-1] (ot) [Entry date 03/14/03] [2:02cv93]
- 12/27/02 28 NOTICE by United States of American, counsel for deft Rural Utilities Service of filing of all documents that were filed with the Circuit Court of Putnam County prior to the pltf's filing of its amended complaint naming the RUS as a deft. (w/attached copies of documents) (ot) [2:02cv93]
- 12/27/02 29 COPY OF MOTION by pltf City of Cookeville for summary

judgment against Upper Cumberland Electric Membership Corp. of pltf's Count Five filed with the Circuit Court of Putnam County (w/attached Exhibits 1-2) (ot) [2:02cv93]

12/27/02 30 COPY OF Concise Statement of material facts in support of pltf's motion for summary judgment against Upper Cumberland Electric Membership Corp. on pltf's Count Five by pltf City of Cookeville filed with the Circuit Court of Putnam County in support of [29-1]. (w/attached Exhibits 1-2) (ot) [2:02cv93]

12/27/02 31 RESPONSE by pltf Cookeville City of to Upper Cumberland's opposition to motion to remand the case for lack of subject matter jurisdiction [14-1] (vm) [Entry date 12/30/02] [2:02cv93]

1/10/03 32 BRIEF by deft Upper Cumberland Electric in opposition to motion for summary judgment against Upper Cumberland Electric Membership Corp. of pltf's Count Five filed with the Circuit Court of Putnam County [29-1]. (w/attached Exhibits 1-3) (ot) [Entry date 01/13/03] [2:02cv93]

1/10/03 33 RESPONSE by deft Upper Cumberland Electric to statement of material facts [30-1]. (ot) [Entry date 01/13/03] [2:02cv93]

1/10/03 34 STATEMENT of additional material facts by deft Upper Cumberland Electric in support of [29-1] (ot) [Entry date 01/13/03] [2:02cv93]

1/10/03 35 NOTICE by deft Upper Cumberland Electric of filing of affidavit of Carl V. Brandt. (w/attached copy of affidavit w/attached Exhibit 1)) (ot) [Entry date 01/13/03] [2:02cv93]

1/10/03 36 RESPONSE by deft National Rural Utilities to motion for summary judgment against Upper Cumberland Electric Membership Corp. of pltf's Count Five filed with the Circuit Court of Putnam County [29-1]. (ot) [Entry date 01/13/03] [2:02cv93]

1/23/03 37 RESPONSE by deft National Rural Utilities to pltf's request for admission under Rule 36. (ot) [Entry date 01/24/03] [2:02cv93]

2/7/03 38 RESPONSE by pltf City of Cookeville to Upper Cumberland

Electric Membership Corp's statement of additional material facts pertaining to pltf's motion for summary judgment [34-1]. (w/attached Exhibits 1-6) (ot) [2:02cv93]

- 2/7/03 39 CORRECTED DECLARATION by pltf City of Cookeville of Joseph A. Peek re [22-1]. (w/attached Exhibits 1A-1B) (ot) [2:02cv93]
- 2/7/03 40 REQUEST by deft Rural Utilities Service for status conference and additional time of 30 days to respond to pltf's motion to remand (ot) [Entry date 02/10/03] [2:02cv93]
- 2/11/03 41 RESPONSE by pltf City of Cookeville to motion for status conference [40-1] and for additional time of 30 days to respond to pltf's motion to remand [40-2]. (ot) [Entry date 02/12/03] [2:02cv93]
- 2/11/03 42 ORDER by Judge Thomas A. Wiseman Jr. denying motion for status conference for the present [40-1] and granting motion for additional time of 30 days to respond to pltf's motion to remand [40-2]. EOD 02/12/03 (cc: all counsel) (ot) [Entry date 02/12/03] [2:02cv93]
- 3/7/03 43 RESPONSE by deft RUS to motion to remand the case for lack of subject matter jurisdiction [14-1] (ot) [Entry date 03/14/03] [2:02cv93]
- 3/13/03 44 RESPONSE by deft Upper Cumberland Electric in opposition to pltf's supplement to motion to remand [22-1]. (ot) [Entry date 03/14/03] [2:02cv93]
- 3/13/03 45 RESPONSE by pltf City of Cookeville to objection to the motion to remand [14-1]. (ot) [Entry date 03/14/03] [2:02cv93]
- 3/25/03 46 MEMORANDUM OF THE COURT. EOD 03/26/03 (cc: all counsel) (ot) [Entry date 03/26/03] [2:02cv93]
- 3/25/03 47 ORDER by Judge Thomas A. Wiseman Jr. denying motion to remand the case for lack of subject matter jurisdiction [14-1] and denying motion for summary judgment against Upper Cumberland Electric Membership Corp. of pltf's Count Five filed with the Circuit Court of Putnam County [29-1]. EOD 03/26/03 (cc: all counsel) (ot) [Entry date 03/26/03] [2:02cv93]

- 4/17/03 48 MOTION by pltf City of Cookeville to amend complaint (gi) [2:02cv93]
- 5/15/03 49 ORDER by Judge Thomas A. Wiseman Jr.: The Court having granted the motion to consolidate Civil Action 2:03-0042 and Civil Action No. 2:02-0093, all further pleadings shall be filed under the lead case 2:02-cv-0093. EOD 05/15/03 (cc: all counsel) (ot) [2:02cv93]
- 5/19/03 50 ORDER by Magistrate Judge Joe B. Brown: The District Judge has consolidated these two actions and directed that all further pleadings shall be filed under the lead case No. 2:02-0093. Case No. 2:03-0042 is set for a case management conference on 07/07/03 at 10:00 a.m. Case Management Conference on the consolidated case 2:02-0093 is set for 10:00 7/7/03. Parties are reminded that they need to prepare a proposed case management conference in accordance with the Local Rules and submit it to the Magistrate Judge 3 business days prior to 07/07/03. EOD 05/19/03 (cc: all counsel) (ot) [2:02cv93]
- 5/28/03 51 ORDER by Judge Thomas A. Wiseman Jr. granting motion to amend complaint [48-1]. EOD 05/28/03 (cc: all counsel) (Amendment contained in Order) (ot) [Edit date 05/28/03] [2:02cv93]
- 5/30/03 52 UNOPPOSED MOTION by pltf State of Tennessee to change case caption (w/attached proposed Agreed Order) (ot) [2:02cv93]
- 6/3/03 53 AGREED ORDER by Judge Thomas A. Wiseman Jr. granting motion to change case caption [52-1] to remove State of TN as a party of record, there being no opposition to the motion the court finds that the motion is well taken and caption reads as City of Cookeville v Upper Cumberland Electric Membership Corp. et al. EOD 06/03/03 (cc: all counsel) (ot) [Edit date 06/06/03] [2:02cv93]
- 6/4/03 54 RETURN OF SERVICE executed upon deft Upper Cumberland Ele on 5/7/03 by certified mail (summons issued in case no. 2:03-0042) (vm) [2:02cv93]
- 6/4/03 55 RETURN OF SERVICE executed upon deft Hilda G. Legg on 5/13/03 by certified mail (summons issued in case no. 2:03-0042) (vm) [2:02cv93]

- 6/4/03 56 RETURN OF SERVICE executed upon deft Sheldon C. Peterson on 5/5/03 by personal service (summons issued in case no. 2:03-0042) (vm) [2:02cv93]
- 6/5/03 57 ORDER by Magistrate Judge Joe B. Brown: Due to change in the Magistrate Judge's schedule, it has become necessary to cancel the 07/07/03 ICMC and reset it for 10:00 7/11/03 in Nashville. EOD 06/05/03 (cc: all counsel) (ot) [2:02cv93]
- 6/6/03 58 ANSWER by deft Upper Cumberland Ele to complaint [1-1]. (dlt) [Entry date 06/09/03] [2:02cv93]
- 7/8/03 -- PROPOSED Case Management Order NO. 1 (dlt) [2:02cv93]
- 7/11/03 59 CASE MANAGEMENT ORDER NO. 1 by Magistrate Judge Joe B. Brown: Case Management Conference held 7/11/03; With the exception of Expert Discovery, all discovery to be completed by 12/31/03; All written discovery to be completed in sufficient time so that the responses shall be in hand by 12/31/03; parties shall prepare admissions of facts and or stipulations regarding the authenticity of documents to avoid unnecessary discovery or proof by 01/15/04; discovery of experts to be completed by 02/20/04; discovery related motions to be filed by 02/20/04; dispositive motions to be filed by 3/29/04, replies to be filed by 05/10/04; telephone conference to discuss case progress set for 2:00 11/17/03; Non-jury Trial set for 10:00 9/20/04 in Nashville; final pretrial conference set 10:00 9/10/04. EOD 07/11/03 (cc: all counsel) (ot) [2:02cv93]
- 7/11/03 60 ANSWER by deft National Rural Utili to [1-1] (ot) [2:02cv93]
- 7/28/03 61 ORDER by Judge Thomas A. Wiseman Jr.: Non-jury trial is set for 10:00 a.m. on 9/20/04; pretrial conference is set for 10:00 a.m. on 9/10/04; joint proposed pretrial order ddl 9/8/04; brief ddl 9/8/04; stipulations, exhibit lists, witness lists, original of all depositions that are to be introduced as evidence, objections to any depositions or exhibits which are to be offered into evidence, and any expert witness statements shall be filed by 12:00 p.m. on 9/8/04. (cc: all counsel) EOD 7/28/03 (vm) [2:02cv93]

Case Flags:  
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END OF DOCKET: 2:02cv93

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