

Web PACER (v2.4)

Docket as of February 1, 2002 7:01 pm

Page 1

Proceedings include all events.

TERMED

2:97cv108 Putnam Pit, Inc., et al v. Cookeville, City of, et al APPEAL

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TERMED APPEAL

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

CIVIL DOCKET FOR CASE #: 97-CV-108

Putnam Pit, Inc., et al v. Cookeville, City of, et al Filed: 10/27/97

Assigned to: Judge Thomas A. Wiseman, Jr. Jury demand: Defendant

Demand: \$0,000

Nature of Suit: 440

Lead Docket: None

Jurisdiction: Federal Question

Dkt # in Chery Ct/Putnam Co : is 97-396

Cause: 28:1441 Notice of Removal- Civil Rights Act

PUTNAM PIT, INC., THE Samuel J. Harris

pltf

[COR LD NTC]

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GEOFFREY DAVIDIDAN

Samuel J. Harris

pltf

(See above)

[COR LD NTC]

John W. Allen

(See above)

[COR LD NTC]



- 10/27/97 1 NOTICE OF REMOVAL by defts City of Cookeville & Jim Shipley from Chancery Court/Putnam County Case Number: 97-396 (w/ attachments) (af) [Entry date 11/03/97]
- 10/27/97 2 NOTICE of filing notice of removal to Putnam County Chancery Court Clerk w/ Cert. of Service to pltf's counsel by deft Cookeville, City of, deft Jim Shipley (af) [Entry date 11/03/97]
- 10/31/97 3 NOTICE of Initial Case Management Conference Case referred to Magistrate Judge William J. Haynes Jr., ; Case Management Conference set for 11:30 12/10/97 (af) [Entry date 11/03/97]
- 11/3/97 -- REMARK - Copy of Notice of ICMC sent to attys of record (af)
- 11/3/97 4 AMENDED COMPLAINT and PETITION to enjoin City of Cookeville from denying inspection of public records and to force compliance with TN Public Records Law by pltfs; jury demand (dm) [Entry date 11/04/97]
- 11/24/97 5 MOTION by pltf for preliminary injunctive relief (dm)
- 11/24/97 6 MEMORANDUM of LAW by pltfs in support of motion for preliminary injunctive relief [5-1] (dm)
- 11/24/97 7 DECLARATION by pltf Geoffrey Davididan re [6-1] (dm)
- 11/24/97 8 MOTION by pltfs for hearing on motion [5] on 12/10/97 (dm)
- 12/4/97 9 ORDER by Senior Judge Thomas A. Wiseman Jr. denying motion for preliminary injunctive relief [5-1] (cc: all counsel) EOD 12/4/97 (dm)
- 12/8/97 10 ANSWER by defts City of Cookeville and Jim Shipley to Amended Cmp [4-1] (dm) [Entry date 12/09/97]
- 12/10/97 11 CLERK'S RESUME: Case Management Conference held 12/10/97. C/R: Taped, #4609. The parking tickets will be available for the pltf on tomorrow as agreed by deft, City of Cookeville. CM plan to be redrafted for specific claims. Discovery disputes re: parking tickets request should be submitted at least 5 days prior to date of review. Counsel given (1) week to resubmit the case management plan. (30) days thereafter for filing of dispositive motion. Dispositive motions will be decided by

Judge Wiseman and the parking tickets will be made available. Mr. O'Mara to draft order (dm)

12/17/97 -- REMARK: Received Second Amended Cmp; forwarded to Judge Haynes (dm)

12/19/97 -- PROPOSED Agreed Case Management Order (dm)

Docket as of February 1, 2002 7:01 pm Page 4

Proceedings include all events. **TERMED**  
2:97cv108 Putnam Pit, Inc., et al v. Cookeville, City of, et al APPEAL  
50BD

12/23/97 12 INITIAL CASE MANGEMENT ORDER by Magistrate Judge William J. Haynes Jr.: Hearing held 12/10/97. ORDERED that pltf's file an Amended Cmp w/i seven days of the date of the Initial Case Management Conference more specifically defining the federal constitutional rights they are asserting in this cause and the factual manner in which pltf's allege the defts violated those rights. Defts shall have thirty days from the date of filing of pltf's Amended Cmp w/i which to file a potentially dispositive motion challenging the sufficiency of the allegations of pltf's Amended Cmp. It is further ORDERED that with respect to interim discovery, defts have agreed to provide pltf's written documentation with respect to parking tickets in the City of Cookeville for the past five years by 12/11/97, and thereafter at any time upon five days written notice by pltf of such requests (cc: all counsel) EOD 12/23/97 (dm)

12/29/97 13 ATTORNEY APPEARANCE for defts: City of Cookeville & Jim Shipley by Thomas Michael O'Mara (tlc)

1/20/98 14 MOTION by defts to dismiss pltf's second amended cmp, or in the alternative for summary judgment (dm)  
[Entry date 01/21/98]

1/20/98 15 MEMORANDUM by defts in support of motion to dismiss pltf's second amended cmp [14-1], of motion for summary judgment [14-2] (Attachments) (dm) [Entry date 01/21/98]

1/20/98 16 AFFIDAVIT of Jim Shipley re [14-1], re [14-2] (dm)  
[Entry date 01/21/98]

- 1/20/98 17 STATEMENT of facts by defts in support of [14-1], in support of [14-2] (dm) [Entry date 01/21/98]
- 2/2/98 18 MEMORANDUM OF LAW by pltf's in response to motion to dismiss pltf's second amended cmp [14-1] (dm) [Entry date 02/03/98]
- 2/2/98 19 AFFIDAVIT of Geoffrey Davidian re [18-1] (Attachments) (dm) [Entry date 02/03/98]
- 2/10/98 20 ORDER by Judge John T. Nixon Case reassigned to Judge Thomas A. Higgins (cc: all counsel) EOD 2/11/98 (dm) [Entry date 02/11/98]
- 2/23/98 21 ORDER by Judge Thomas A. Higgins denying motion to dismiss pltf's second amended cmp [14-1], denying motion for summary judgment [14-2] (cc: all counsel) EOD 2/25/98 (dm) [Entry date 02/25/98]

Docket as of February 1, 2002 7:01 pm Page 5

Proceedings include all events. **TERMED**  
2:97cv108 Putnam Pit, Inc., et al v. Cookeville, City of, et al APPEAL  
50BD

- 2/23/98 22 ORDER by Judge Thomas A. Higgins: Case Management Conference set for 2:30 3/30/98. All counsel to attend conference. All references to the Magistrate Judge for case management purposes are VACATED, as well as all case management orders previously entered [12] (cc: all counsel, Judge Haynes) EOD 2/25/98 (dm) [Entry date 02/25/98]
- 2/26/98 23 MAGISTRATE'S REPORT by Magistrate Judge William J. Haynes Jr. vacating [22-1] Scheduling order, vacating [22-2] order. There will be no further proceedings before the Magistrate Judge (cc: all counsel) EOD 2/27/98 (dm) [Entry date 02/27/98]
- 3/4/98 -- PROPOSED Agreed Order Resetting Case Management Conference (dm) [Entry date 03/05/98]
- 3/6/98 24 AGREED ORDER by Judge Thomas A. Higgins: Case Management Conference reset for 2:30 on 4/17/98. EOD 3/9/98 (cc: all counsel) (mk) [Entry date 03/09/98]

- 3/25/98 -- PROPOSED Order rescheduling case management conference (dm)
- 3/25/98 25 AGREED ORDER approved by Judge Thomas A. Higgins: Case Management Conference reset for 2:00 on 4/13/98 (cc: all counsel) EOD 3/26/98 (dm) [Entry date 03/26/98]
- 4/13/98 26 CLERK'S RESUME: Case Management Conference held 4/13/98. C/R: Jim Spence. Order to enter (dm) [Entry date 04/15/98]
- 4/14/98 27 ORDER by Judge Thomas A. Higgins: Discovery ddl: 7/10/98. Discovery motion filing ddl: 7/14/98. Dispositive motion filing ddl: 7/20/98. Pretrial order ddl: 9/21/98. Pretrial conference set for 1:30 on 9/21/98, in Columbia. Jury trial set for 9:00 on 10/20/98, in Nashville (cc: all counsel) EOD 4/15/98 (dm) [Entry date 04/15/98]
- 7/7/98 28 NOTICE by defts City of Cookeville and Jim Shipley of designation of expert witness (Steven W. Corder) w/ attachment (mk)
- 7/7/98 29 AUTHENTICATION by defts City of Cookeville and Jim Shipley of deposition testimony (w/ attached copy of depo of Steven W. Corder) (mk)
- 7/20/98 30 MOTION by defts for summary judgment (tlc)
- 7/20/98 31 MEMORANDUM by defts in support of motion for summary judgment [30-1] (tlc)
- 7/20/98 32 EXHIBITS to defts' motion for summary judgment, DE #30; cited in memorandum in support of motion, DE #31; w/attached exhibits 1-10 (tlc)

Docket as of February 1, 2002 7:01 pm

Page 6

Proceedings include all events.

TERMED

2:97cv108 Putnam Pit, Inc., et al v. Cookeville, City of, et al APPEAL  
50BD

- 7/20/98 33 AFFIDAVIT of Gail Fowler in support of motion for summary judgment [30-1]; filed as exhibit 4 to memorandum in support exhibits (tlc)
- 7/20/98 34 AFFIDAVIT of Jim Shipley in support of motion for summary judgment [30-1]; filed as exhibit 7 to memorandum in

support (tlc)

- 7/20/98 35 STATEMENT of material facts by deft in support of motion for summary judgment [30-1] (tlc)
- 8/10/98 36 RESPONSE by pltf to motion for summary judgment [30-1] (pa) [Entry date 08/11/98]
- 8/10/98 37 RESPONSE by pltf to [35-1] (pa) [Entry date 08/11/98]
- 8/10/98 38 EXHIBITS to pltf's memo of law and facts in response to motion to dismiss. (pa) [Entry date 08/11/98]
- 8/10/98 39 Notice and DEPOSITION of Jimmy Dale Shipley taken on the following date(s): 6/25/98 (pa) [Entry date 08/11/98]
- 9/8/98 40 ORDER by Judge Thomas A. Higgins: The clerk is directed to file the second amended cmp as a part of the record (cc: all counsel) EOD 9/9/98 (dm) [Entry date 09/09/98]
- 9/8/98 41 SECOND AMENDED COMPLAINT [4-1] by pltf's; jury demand (dm) [Entry date 09/09/98]
- 9/18/98 42 ATTORNEY APPEARANCE for pltf Putnam Pit, Inc., pltf Geoffrey Davididan by John W. Allen (pa)
- 9/21/98 43 MEMORANDUM OF THE COURT (cc: all counsel) EOD 9/24/98 (dm) [Entry date 09/24/98]
- 9/21/98 44 ORDER by Judge Thomas A. Higgins granting motion for summary judgment [30-1] as to pltf's federal claims. Pltf's First Amendment, substantive due process, and equal protection claims are dismissed w/prej. Pltf's state claim under the TN Public Records Act is dismissed w/o prej; dismissing case (cc: all counsel) EOD 9/24/98 (dm) [Entry date 09/24/98]
- 10/13/98 45 NOTICE OF APPEAL by pltf's from Dist. Court decision [44-2] (mg)
- 10/20/98 46 RECEIVED filing fee and forwarded to 6th CCA, rcpt #65594 (mg) [Entry date 10/21/98]
- 10/21/98 -- SR Record on Appeal sent to 6th CCA re [45-1] (mg)
- 10/22/98 47 BILL OF COSTS submitted by deft City of Cookeville (dm)

[Entry date 10/28/98]

Docket as of February 1, 2002 7:01 pm Page 7

Proceedings include all events. **TERMED**  
2:97cv108 Putnam Pit, Inc., et al v. Cookeville, City of, et al APPEAL  
50BD

- 10/28/98 48 NOTICE by deft City of Cookeville of date for entry of  
Taxation [47] of costs by the clerk is set for 2:00 on  
11/6/98 (dm)
- 11/4/98 50 NOTIFICATION by 6th CCA of Appellate Docket Number 98-6438  
(mg) [Entry date 11/06/98]
- 11/6/98 49 COSTS taxed for deft City of Cookeville in the amount of  
\$745.50 against plfts at 2:00 on 11/6/98 (cc: all counsel)  
EOD 11/6/98 (dm)
- 11/9/98 -- TRANSCRIPT Order Form re [45-1] Unnecessary (mg)  
[Entry date 11/10/98]
- 3/16/99 -- CR Record on Appeal sent to 6th CCA re [45-1] (mg)
- 3/29/99 -- REMARK: CR filed at 6C 3/22/99 (mg) [Entry date 03/30/99]
- 7/21/00 51 INFORMATION COPY from 6th CCA AFFIRMING the district  
court's grant of summary judgment on Dvidian's claim that  
his First Amendment rights were violated by the city's  
failure to provide him with electronic parking ticket  
records, and REVERSE and REMAND for further proceedings on  
Davidian's claim that his First Amendment rights were  
violated by denial of a hyperlink to the city's Web site.  
(mg)
- 8/14/00 52 MANDATE issued 8/10/00 from 6th CCA reversing and remanding  
the Decision of the District Court [Appeal [51-1] pursuant  
to the court's info order filed 7/19/00. (mg)  
[Entry date 08/15/00]
- 8/24/00 -- RECORD on appeal returned from 6th CCA re appeal [45-1] (mg)
- 8/28/00 53 ORDER by Judge Thomas A. Higgins Case reassigned to Judge  
Thomas A. Wiseman Jr. (cc: all counsel) (EOD 8/29/00) (jb)  
[Entry date 08/29/00]



9/11/00 54 ORDER by Judge Thomas A. Wiseman Jr.; Jury Trial set for 10:00 6/4/00 before Judge Wiseman in Cookeville, TN. If the action settles, the courtroom deputy shall be so notified by noon on Friday before the trial. (cc: all counsel) (EOD 9/12/00) (jb) [Entry date 09/12/00]

9/11/00 55 ORDER by Judge Thomas A. Wiseman Jr.; Pretrial Conference set for 1:00 5/25/01; Pretrial Brief ddl set 5/23/01; Proposed Agreed Pretrial Order ddl 5/23/01 (cc: all counsel) (EOD 9/12/00) (jb) [Entry date 09/12/00]

9/29/00 56 MOTION by pltfs for order to change trial date and trial location (jb) [Entry date 10/02/00]

10/10/00 57 RESPONSE by defts in opposition to pltfs' motion for order to change trial date and trial location [56-1] (jb)

Docket as of February 1, 2002 7:01 pm Page 8

Proceedings include all events. TERMED  
2:97cv108 Putnam Pit, Inc., et al v. Cookeville, City of, et al APPEAL  
50BD  
[Entry date 10/11/00]

10/13/00 58 ORDER by Judge Thomas A. Wiseman Jr.; The Motion to Transfer the case to the Nashville Division is denied. The Motion to Continue the Trial Date is granted, & the trial date is continued. Jury Trial is reset for 10:00 7/23/01 in Cookeville ; Pretrial Conference is reset 1:00 7/13/01 in Nashville in Judge Wiseman's chambers (cc: all counsel) (EOD 10/13/00) (jb)

10/31/00 59 MOTION by deft Cookeville City of for order for alternative trial date (jb) [Entry date 11/01/00]

11/7/00 60 ORDER by Judge Thomas A. Wiseman Jr. granting motion for order for alternative trial date [59-1]; Jury Trial is reset for 10:00 10/9/01 in Cookeville; Pretrial Conference is reset 10:00 9/28/01 in Nashville. (cc: all counsel) (EOD 11/7/00) (jb)

9/5/01 61 ORDER by Judge Thomas A. Wiseman Jr.; Pretrial Conference is reset for 10:00 9/21/01; Proposed Pretrial Order ddl is reset for 9/20/01; Brief ddl is reset for 9/20/01 (cc: all

counsel) (EOD 9/6/01) (jb) [Entry date 09/06/01]

- 9/20/01 62 MOTION by pltfs in limine-attorney's fees (jb)
- 9/20/01 63 STIPULATIONS of ptys (jb)
- 9/20/01 -- PROPOSED Pretrial Order (jb)
- 9/20/01 64 PRETRIAL BRIEF FILED by pltfs (jb)
- 9/20/01 65 EXHIBIT list by pltf Putnam Pit, Inc. & pltf Geoffrey Davididan (jb)
- 9/20/01 66 WITNESS list submitted by pltfs (jb)
- 9/20/01 67 JURY INSTRUCTIONS NOS. 1-5 submitted by pltfs (jb)
- 9/20/01 68 PROPOSED VERDICT FORM by pltfs (jb)
- 9/20/01 69 WITNESS/EXHIBIT list by defts (jb) [Entry date 09/24/01]
- 9/20/01 70 MOTION by defts in limine to exclude during the trial anticipated proffered evidence by pltfs regarding alleged denial of access to public records and electronic information or alleged limitations on the pltf's access to city records (w/attached exhs. 1-4) (jb) [Entry date 09/24/01]
- 9/20/01 71 MOTION by defts for an extension of time until 9/28/01 to file requested jury instructions and pre-trial brief (jb) [Entry date 09/24/01]

Docket as of February 1, 2002 7:01 pm

Page 9

Proceedings include all events.

TERMED

2:97cv108 Putnam Pit, Inc., et al v. Cookeville, City of, et al APPEAL

50BD

- 9/21/01 72 CLERK'S RESUME; Pretrial Conference held 9/21/01; motion of deft in limine reserved to trial; motion of deft for extension of time to file pretrial brief and request for jury instructions till 9/28/01 is granted; motion by pltf in limine to prevent deft from mentioning atty fee award if pltf prevails is granted; trial by jury to proceed on 10/9/01 in Cookeville (jb) [Entry date 09/24/01]

- 9/21/01 73 ORDER by Judge Thomas A. Wiseman Jr. granting motion for an extension of time until 9/28/01 to file requested jury instructions and pre-trial brief [71-1] (cc: all counsel) (EOD 9/24/01) (jb) [Entry date 09/24/01]
- 9/21/01 74 ORDER by Judge Thomas A. Wiseman Jr. granting motion in limine-attorney's fees [62-1] (cc: all counsel) (EOD 9/24/01) (jb) [Entry date 09/24/01]
- 9/21/01 75 PRE-TRIAL ORDER approved by Judge Thomas A. Wiseman Jr.: the pleadings are amended to conform to the pretrial order; this pretrial order supplants the pleadings (cc: all counsel) (EOD 9/24/01) (jb) [Entry date 09/24/01]
- 9/28/01 76 REQUESTED JURY INSTRUCTIONS NOS. 1-4 submitted by defts (jb) [Entry date 10/01/01] [Edit date 10/01/01]
- 10/1/01 77 TRIAL BRIEF FILED by defts (jb)
- 10/9/01 78 EXHIBIT list by pltf Putnam Pit, Inc., pltf Geoffrey Davididan amended and updated for trial. (st)
- 10/9/01 79 EXHIBIT list by deft Cookeville City of and deft Jim Shipley amended and updated for trial. (st)
- 10/12/01 80 CLERK'S RESUME; Jury Trial held 10/9/01 to 10/12/01; Verdict for defts; w/attached exhibit and witness list; C/R: Charlotte Sloan (jb) [Entry date 10/15/01] [Edit date 10/15/01]
- 10/12/01 81 VERDICT for defts against pltf's (jb) [Entry date 10/15/01]
- 10/15/01 82 JUDGMENT by Judge Thomas A. Wiseman Jr. on jury verdict; upon the jury's verdict for the defts, judgment is rendered in favor of the deft; dismissing case (cc: all counsel) (EOD 10/15/01) (jb)
- 10/29/01 83 MOTION by pltf Geoffrey Davididan for judgment notwithstanding verdict (jb)
- 11/6/01 84 SUPPLEMENTAL BILL OF COSTS submitted by deft Cookeville City of re [82-2] (mk) [Entry date 11/07/01]
- 11/7/01 85 OPPOSITION by deft City of Cookeville to pltf's mtn for judgment notwithstanding verdict [83-1] (mk)

[Entry date 11/08/01]

Docket as of February 1, 2002 7:01 pm

Page 10

Proceedings include all events.

TERMED

2:97cv108 Putnam Pit, Inc., et al v. Cookeville, City of, et al APPEAL  
50BD

- 11/9/01 86 ORDER by Judge Thomas A. Wiseman Jr. denying motion for judgment notwithstanding verdict [83-1] (cc: all counsel) (EOD 11/9/01) (jb)
- 11/16/01 87 NOTICE by depts of taxing of costs; taxing of costs shall take place on 12/7/01 at 11:30 re bill of costs [84-1] (jb) [Entry date 11/19/01]
- 12/7/01 88 COSTS taxed for deft Cookeville City of in the amount of \$1725.50 against pltf Putnam Pit, Inc. & pltf Geoffrey Davididan (cc: all counsel) (EOD 12/7/01) (jb)
- 12/7/01 89 NOTICE OF APPEAL by pltfs from Dist. Court decision [86-1] (mg) [Entry date 12/10/01]
- 12/7/01 90 RECEIVED filing fee and forwarded to 6th CCA, rcpt #83189 (mg) [Entry date 12/13/01]
- 12/12/01 -- REMARK: Copy of NOA and docket sheet sent to the parties. (mg)
- 12/12/01 -- SR Record on Appeal sent to 6th CCA re [89-1] (mg)
- 12/17/01 91 STATEMENT of issues by pltfs presented on appeal (jb)
- 12/17/01 -- TRANSCRIPT Order Form for dates: 10/9-12/01 re [89-1] (mg) [Entry date 01/03/02]
- 1/16/02 92 NOTIFICATION by 6th CCA of Appellate Docket Number -01-6599 (mg) [Entry date 01/18/02]
- 1/31/02 93 TRANSCRIPT filed of proceedings before Judge Wiseman on 10/9/01; Vol I (mg) [Entry date 02/01/02]
- 1/31/02 94 TRANSCRIPT filed of proeedings before Judge Wiseman on 10/10/01, Vol II (mg) [Entry date 02/01/02]

1/31/02 95 TRANSCRIPT filed of proceedings before Judge Wiseman on  
10/11/01, Vol III (mg) [Entry date 02/01/02]  
[Edit date 02/01/02]

1/31/02 96 TRANSCRIPT filed of proceedings before Judge Wiseman on  
10/12/01, Vol IV; CR: Charlotte Sloan (mg)  
[Entry date 02/01/02]

[END OF DOCKET: 2:97cv108]

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