

U.S. District Court
Northern District of Georgia (Rome)
CIVIL DOCKET FOR CASE #: 4:10-cv-00030-HLM

Lucas v. City of Braswell, Georgia et al
Assigned to: Judge Harold L. Murphy
Cause: 42:1983 Civil Rights Act

Date Filed: 01/07/2010
Date Terminated: 12/03/2010
Jury Demand: Defendant
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Robert Richard Lucas

represented by **William J.S. Atkins**
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ATTORNEY TO BE NOTICED

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V.

Defendant

City of Braswell, Georgia

represented by **C. King Askew**
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LEAD ATTORNEY
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ATTORNEY TO BE NOTICED

Defendant

Walter A. Williams

represented by **C. King Askew**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark Maynard Jackson Webb
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Richard Fennell

represented by **C. King Askew**
(See above for address)
TERMINATED: 10/19/2010

Hendrick Lafayette Cromartie , III
H.L. Cromartie III, P.C.
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ATTORNEY TO BE NOTICED

Mark Maynard Jackson Webb
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TERMINATED: 10/19/2010

Defendant

Allen Fennell

represented by **C. King Askew**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark Maynard Jackson Webb
(See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

City of Braswell, Georgia

V.

Counter Defendant

Robert Richard Lucas

represented by **William J.S. Atkins**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Natalie Suzanne Woodward
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/07/2010	1	COMPLAINT with Jury Demand, filed by Robert Richard Lucas; and Summon(s) issued. Consent form to proceed before U.S. Magistrate and pretrial instructions provided. (Filing fee \$ 350.00 receipt number 20027.) (Attachments: # 1 Summons, # 2 Civil Cover Sheet)(eop) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 01/11/2010)
01/20/2010	2	Return of Service Executed on 1/11/2010 as to Richard E. Fennell as to Kelly Fennell (wife). Answer due 02/01/2010. (Atkins, William) Modified on 1/21/2010 to correct docket text to accurately reflect e-filed pleading (rvb). (Entered: 01/20/2010)
01/20/2010	3	Return of Service executed on 1/11/2010 as to Allen Fennell as to Connie Austin (daughter). Answer due 2/1/2010 (Atkins, William) Modified on 1/21/2010 to correct docket text to accurately reflect e-filed pleading (rvb). (Entered: 01/20/2010)
01/20/2010	4	Return of Service Executed on 1/11/2010 as to Walter A. Williams. Answer due on 02/01/2010 (Atkins, William) Modified on 1/21/2010 to correct docket text to accurately reflect e-filed pleading (rvb). (Entered: 01/20/2010)
01/21/2010		Notification of Docket Correction re 2 Affidavit of Service, 3 Affidavit of Service, 4 Affidavit of Service. Docket text corrected to reflect e-filed pleadings as return of service executed and to reflect answer due dates as 02/01/2010. (rvb) (Entered: 01/21/2010)
02/01/2010	5	ANSWER to 1 COMPLAINT by City of Braswell, Georgia. Discovery ends on 7/1/2010. (Webb, Mark) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. Modified on 2/2/2010 to delete duplicative text (rvb). (Entered: 02/01/2010)
02/01/2010	6	ANSWER to 1 COMPLAINT by Allen Fennell.(Webb, Mark) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. Modified on 2/2/2010 to delete duplicative text (rvb). (Entered: 02/01/2010)
02/01/2010	7	ANSWER to 1 COMPLAINT by Richard Fennell.(Webb, Mark) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. Modified on 2/2/2010 to delete duplicative text (rvb). (Entered: 02/01/2010)
02/01/2010	8	ANSWER to 1 COMPLAINT by Walter A. Williams.(Webb, Mark) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. Modified on 2/2/2010 to delete duplicative text (rvb). (Entered: 02/01/2010)
03/15/2010	9	Joint PRELIMINARY REPORT AND DISCOVERY PLAN filed by City of Braswell, Georgia, Walter A. Williams, Richard Fennell, Allen Fennell, Robert Richard Lucas. (Webb, Mark) Modified on 3/16/2010 to add plaintiff as joint filer (rvb). (Entered: 03/15/2010)
03/15/2010	10	Consent MOTION to Transfer Case to Rome Division by City of Braswell, Georgia, Walter A. Williams, Richard Fennell, Allen Fennell, Robert Richard Lucas. (Webb, Mark) Modified on 3/16/2010 to add plaintiff as filer (rvb). (Entered: 03/15/2010)

03/15/2010	11	PROPOSED CONSENT ORDER Transfer Case to Rome Division re: 10 Consent MOTION to Transfer Case to Rome Division. (Webb, Mark) (Entered: 03/15/2010)
03/15/2010	12	ORDER granting 10 Motion to Transfer Case to the Rome Division. Signed by Judge Marvin H. Shoob on 03/15/2010. (rvb) (Entered: 03/16/2010)
03/15/2010		Case transferred in from Atlanta Division Division. Case Number 1:10-cv-43. Case assigned to Judge Harold L. Murphy. (rvb) (Entered: 03/16/2010)
03/24/2010	13	DOCUMENT FILING ERROR-INCORRECT CASE NO. First MOTION to Amend <i>Answer</i> by City of Braswell, Georgia, Walter A. Williams, Richard Fennell, Allen Fennell. (Attachments: # 1 Exhibit First Amended Answer of the City of Braswell) (Webb, Mark) Modified on 3/25/2010 (bjh). (Entered: 03/24/2010)
03/25/2010		Notification of Docket Correction re 13 First MOTION to Amend <i>Answer</i> . Attorney has been electronically notified to re-file this Motion and Attachments w/the correct Case No. (bjh) (Entered: 03/25/2010)
03/25/2010	14	MOTION to Amend <i>Answer</i> by City of Braswell, Georgia, Walter A. Williams, Richard Fennell, Allen Fennell. (Attachments: # 1 Exhibit First Amended Answer of Defendant City of Braswell)(Webb, Mark) (Entered: 03/25/2010)
03/25/2010	15	Notice for Leave of Absence for the following date(s): April 2, 2010 - April 9, 2010, by William J.S. Atkins. (Atkins, William) (Entered: 03/25/2010)
04/12/2010	16	ORDER granting defendant City of Braswell's 14 Motion to Amend Answer. The Court directs counsel for Defendant City of Braswell to file the proposed Amended Answer attached as an Exhibit to the Motion to Amend Answer electronically with the Clerk WITHIN FOURTEEN (14) DAYS OF THE DATE OF THIS ORDER. Signed by Judge Harold L. Murphy on 4/12/10. (jta) (Entered: 04/12/2010)
04/12/2010	17	AMENDED ANSWER to <i>Complaint of Plaintiff</i> , First COUNTERCLAIM for <i>Trover and Conversion</i> against Robert Richard Lucas by City of Braswell, Georgia. (Webb, Mark) (Entered: 04/12/2010)
04/12/2010	18	First Initial Disclosures by City of Braswell, Georgia, Walter A. Williams, Richard Fennell, Allen Fennell.(Webb, Mark) (Entered: 04/12/2010)
04/21/2010	19	CERTIFICATE OF SERVICE <i>Defendants' First Interrogatories and Requests for Production to Plaintiff</i> by City of Braswell, Georgia, Walter A. Williams, Richard Fennell, Allen Fennell.(Webb, Mark) (Entered: 04/21/2010)
05/06/2010	20	ANSWER to 17 Counterclaim by Robert Richard Lucas.(Atkins, William) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 05/06/2010)
08/24/2010	21	ORDER for the Parties to submit a Proposed Consolidated Pretrial Order to the Court w/in 21 days from the date of this Order or else Show Cause why this case should not be Dismissed for Want of Prosecution. The Clerk shall re-submit this Order at the conclusion of the specified time. Signed by Judge Harold L. Murphy on 8/24/2010. (bjh) (Entered: 08/24/2010)
09/14/2010	22	Proposed Pretrial Order <i>Plaintiff's</i> by Robert Richard Lucas. (Attachments: # 1 Exhibit Attachment A, # 2 Exhibit Attachment B-1, # 3 Exhibit Attachment B-2, # 4 Exhibit Attachment C, # 5 Exhibit Attachment D, # 6 Exhibit Attachment F-1, # 7 Exhibit Attachment F-2, # 8 Exhibit Attachment G-1, # 9 Exhibit Attachment G-2)(Atkins, William) (Entered: 09/14/2010)
09/15/2010		Submission of 21 Order directing the Parties to submit a Proposed Consolidated Pretrial

		Order to the Court w/in 21 days from the date of this Order or else Show Cause why this case should not be Dismissed for Want of Prosecution; with Plaintiff's 22 Proposed Pretrial Order to District Judge Harold L. Murphy. (bjh) (Entered: 09/15/2010)
09/15/2010	23	ORDER ORDERING Defendants to submit their portion of the proposed pretrial order WITHIN FOURTEEN (14) DAYS OF THE DATE OF THIS ORDER, or else show cause why the Court should not enter a default judgment against Defendants or dismiss their Counterclaim for want of prosecution. The Court DIRECTS the Clerk to RE-SUBMIT this case to the Court after the conclusion of the fourteen-day period. Signed by Judge Harold L. Murphy on 9/15/2010. (bjh) (Entered: 09/15/2010)
09/29/2010	24	Proposed Pretrial Order (<i>Defendants' Portion of</i>) by City of Braswell, Georgia, Allen Fennell, Richard Fennell, Walter A. Williams. (Webb, Mark) (Entered: 09/29/2010)
09/30/2010		Submission of 23 Order for Defendants to submit their portion of the proposed pretrial order WITHIN FOURTEEN (14) DAYS OF THE DATE OF THIS ORDER, or else show cause why the Court should not enter a default judgment against Defendants or dismiss their Counterclaim for want of prosecution, with Defendants' 24 Proposed Pretrial Order, to District Judge Harold L. Murphy. (bjh) (Entered: 09/30/2010)
09/30/2010	25	ORDER for counsel to confer and consolidate their respective portions of the pretrial order, and to file the parties' Proposed Consolidated Pretrial Order WITHIN FOURTEEN (14) DAYS OF THE DATE OF THIS ORDER. The Court DIRECTS the Clerk to RE-SUBMIT this case to the Court after the conclusion of the fourteen-day period. Signed by Judge Harold L. Murphy on 9/30/2010. (bjh) (Entered: 09/30/2010)
10/07/2010	26	NOTICE setting Trial: Jury Trial set for 11/8/2010 at 10:00 AM in ROME Courtroom 300 before Judge Harold L. Murphy. (smj) (Entered: 10/07/2010)
10/13/2010	27	DOCUMENT FILING ERROR-INCORRECT CASE NUMBER MOTION in Limine with Brief In Support by City of Braswell, Georgia, Allen Fennell, Richard Fennell, Walter A. Williams. (Attachments: # 1 Brief)(Webb, Mark) Modified on 10/14/2010 (bjh). (Entered: 10/13/2010)
10/13/2010	28	Unopposed MOTION to Withdraw Mark Maynard Jackson Webb as Attorney with Brief In Support by City of Braswell, Georgia, Allen Fennell, Richard Fennell, Walter A. Williams. (Attachments: # 1 Brief)(Webb, Mark) (Entered: 10/13/2010)
10/13/2010	29	Proposed Pretrial Order <i>Consolidated</i> by City of Braswell, Georgia, Allen Fennell, Richard Fennell, Robert Richard Lucas, Walter A. Williams. (Webb, Mark) (Entered: 10/13/2010)
10/14/2010		Notification of Docket Correction re 27 MOTION in Limine. Incorrect case number on documents, attorney has been electronically notified to re-file. (bjh) (Entered: 10/14/2010)
10/14/2010	30	MOTION in Limine with Brief In Support by City of Braswell, Georgia, Allen Fennell, Richard Fennell, Walter A. Williams. (Attachments: # 1 Brief)(Webb, Mark) (Entered: 10/14/2010)
10/15/2010	31	PROPOSED ORDER re: 28 Unopposed MOTION to Withdraw Mark Maynard Jackson Webb as Attorney. (Webb, Mark) (Entered: 10/15/2010)
10/15/2010	32	ORDER Granting Defendant Richard Fennell's 28 Motion to Withdraw C. King Askew and Mark M.J. Webb as Attorneys. Upon filing of a Notice of Appearance of Counsel, Hendrick L. Cromartie, III, may be substituted as counsel of record for Richard Fennell. Signed by Judge Harold L. Murphy on 10/15/2010. (bjh) (Entered: 10/15/2010)
10/19/2010	33	NOTICE of Appearance by Hendrick Lafayette Cromartie, III on behalf of Richard

		Fennell (Cromartie, Hendrick) (Entered: 10/19/2010)
10/25/2010	34	Expert Report of Arthur T. Anthony by Robert Richard Lucas. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Atkins, William) (Entered: 10/25/2010)
11/02/2010		Submission of Defendants' 30 MOTION in Limine, to District Judge Harold L. Murphy. (bjh) (Entered: 11/02/2010)
11/03/2010	35	NOTICE setting Trial: Jury Trial set for 11/29/2010 at 10:00 AM in ROME Courtroom 300 before Judge Harold L. Murphy. (smj) (Entered: 11/03/2010)
11/03/2010	36	ORDER Granting Defendants' 30 Motion in Limine, and prohibits Plaintiff, Plaintiff's counsel, or any witness other than Carlos McConnell or Defendant Williams from making references to the following matters in the presence of the jury, during voir dire, during opening statements, during questioning or testimony by any witness, or during any argument: Any comment upon, or reference to, directly or indirectly, the transactions or communications made by or between Carlos McConnell and Walter Williams for the purchase of the 2002 Crown Victoria, other than sworn testimony by Carlos McConnell or Walter Williams. Signed by Judge Harold L. Murphy on 11/3/2010. (bjh) (Entered: 11/03/2010)
11/04/2010		NOTICE of Hearing: Pretrial Conference set for 11/9/2010 at 02:00 PM in ROME Courtroom Number 300 before Judge Harold L. Murphy. (smj) (Entered: 11/04/2010)
11/05/2010		NOTICE of Hearing: Pretrial Conference has been reset for 11/8/2010 at 01:30 PM in ROME Courtroom 300 before Judge Harold L. Murphy. (smj) Modified on 11/8/2010 to edit spelling in text (bjh). (Entered: 11/05/2010)
11/08/2010	37	ORDER: The parties must file all motions in limine BY NO LATER THAN 12:00 NOON ON MONDAY, NOVEMBER 15, 2010. The parties must file all responses to motions in limine BY NO LATER THAN 5:00 P.M. ON WEDNESDAY, NOVEMBER 17, 2010. The parties must file their shortened contentions of the case, if any, BY NO LATER THAN 12:00 MIDNIGHT ON WEDNESDAY, NOVEMBER 17,2010. The parties must file their proposed requests to charge BY NO LATER THAN 12:00 MIDNIGHT ON WEDNESDAY, NOVEMBER 17, 2010. The parties must file any additional trial briefs BY NO LATER THAN 5:00 P.M. ON MONDAY, NOVEMBER 22,2010. Signed by Judge Harold L. Murphy on 11/8/2010. (bjh) (Entered: 11/08/2010)
11/08/2010	38	Minute Entry for proceedings held before Judge Harold L. Murphy: Status Conference held on 11/8/2010. See Written Order 37 . (Court Reporter Alicia Bagley)(bjh) (Entered: 11/08/2010)
11/12/2010	39	NOTICE Of Filing Subpoena for Production of Documents to City of Powder Springs, City Hall by Robert Richard Lucas (Atkins, William) (Entered: 11/12/2010)
11/12/2010	40	NOTICE Of Filing Subpoena for Production of Documents to First National Bank of Polk County by Robert Richard Lucas (Atkins, William) (Entered: 11/12/2010)
11/12/2010	41	NOTICE Of Filing Subpoena for Production of Documents to Floyd County Police Department by Robert Richard Lucas (Atkins, William) (Entered: 11/12/2010)
11/12/2010	42	NOTICE Of Filing Subpoena for Production of Documents to Georgia Bureau of Investigation by Robert Richard Lucas (Atkins, William) (Entered: 11/12/2010)
11/12/2010	43	NOTICE Of Filing Subpoena for Production of Documents to Paulding County Magistrate Court by Robert Richard Lucas (Atkins, William) (Entered: 11/12/2010)
11/12/2010	44	NOTICE Of Filing Subpoena for Production of Documents to Paulding County Sheriff's Office by Robert Richard Lucas (Atkins, William) (Entered: 11/12/2010)

11/12/2010	45	NOTICE Of Filing Subpoena for Production of Documents to Paulding County Tax Assessor by Robert Richard Lucas (Atkins, William) (Entered: 11/12/2010)
11/12/2010	46	NOTICE Of Filing Subpoena for Production of Documents to Polk County Tax Assessors by Robert Richard Lucas (Atkins, William) (Entered: 11/12/2010)
11/12/2010	47	NOTICE Of Filing Subpoena for Production of Documents to WSB-TV, Channel 2 by Robert Richard Lucas (Atkins, William) (Entered: 11/12/2010)
11/12/2010	48	NOTICE Of Filing Subpoena for Production of Documents to Floyd County Sheriff Office by Robert Richard Lucas (Atkins, William) (Entered: 11/12/2010)
11/15/2010	49	MOTION in Limine with Brief In Support by City of Braswell, Georgia, Allen Fennell, Walter A. Williams. (Attachments: # 1 Brief, # 2 Exhibit A)(Webb, Mark) Modified on 11/15/2010 to edit text to reflect pdf (bjh). (Entered: 11/15/2010)
11/15/2010	50	MOTION in Limine by <i>Defendant Richard Fennell</i> with Brief In Support by Richard Fennell. (Attachments: # 1 Brief)(Cromartie, Hendrick) (Entered: 11/15/2010)
11/15/2010	51	DOCUMENT FILING ERROR-MULTI PART MOTION FILED AS SINGLE PART MOTION MOTION to Quash Subpoenas Issued by Plaintiff <i>Or in the Alternative For a Protective Order</i> by City of Braswell, Georgia, Allen Fennell, Walter A. Williams. (Attachments: # 1 Exhibit A to Motion to Quash, # 2 Brief)(Webb, Mark) Modified on 11/16/2010 (bjh). (Entered: 11/15/2010)
11/15/2010	52	RE-FILED 51 MOTION to Quash Subpoenas Issued by Plaintiff, or in the Alternative, MOTION for Protective Order by Defendants City of Braswell, Georgia, Allen Fennell, Walter A. Williams. (Attachments: # 1 Exh A, # 2 Brief in Support)(bjh) Modified on 11/16/2010 (bjh). (Entered: 11/16/2010)
11/16/2010		Notification of Docket Correction re 51 MOTION to Quash Subpoenas Issued by Plaintiff <i>Or in the Alternative For a Protective Order</i> . Clerk refiled correctly using two events, atty has been electronically notified. (bjh) (Entered: 11/16/2010)
11/16/2010	53	ORDER for Plaintiff to file his response, if any, to the Motion to Quash 52 BY NO LATER THAN 5:00 P.M. E.S.T. ON WEDNESDAY, NOVEMBER 17, 2010. The Court further ORDERS Defendants City of Braswell, Allen Fennell, and Williams to file their reply, if any, in support of the Motion to Quash BY NO LATER THAN 5:00 P.M. E.S.T. ON THURSDAY, NOVEMBER 18,2010. Signed by Judge Harold L. Murphy on 11/16/2010. (bjh) (Entered: 11/16/2010)
11/17/2010	54	MOTION to Amend 29 Proposed Pretrial Order with Brief In Support by City of Braswell, Georgia, Allen Fennell, Walter A. Williams. (Attachments: # 1 Brief In Support of Motion to Amend Pre-Trial Order, # 2 Exhibit Amendments F-2, G-2 and Objections, # 3 Text of Proposed Order)(Webb, Mark) (Entered: 11/17/2010)
11/17/2010	55	RESPONSE re 51 MOTION to Quash Subpoenas Issued by Plaintiff <i>Or in the Alternative For a Protective Order</i> , 52 MOTION to Quash Subpoenas Issued by Plaintiff MOTION for Protective Order filed by Robert Richard Lucas. (Atkins, William) (Entered: 11/17/2010)
11/17/2010	56	BRIEF IN OPPOSITION re 49 MOTION in Limine Evidence filed by Robert Richard Lucas. (Atkins, William) Modified on 11/18/2010 to edit text to reflect pdf (bjh). (Entered: 11/17/2010)
11/17/2010	57	RESPONSE TO 50 MOTION in Limine by <i>Defendant Richard Fennell</i> filed by Robert Richard Lucas. (Atkins, William) Modified on 11/18/2010 to edit text to reflect pdf (bjh). (Entered: 11/17/2010)

11/17/2010	58	Amended Succinct Factual Summary by City of Braswell, Georgia, Allen Fennell, Walter A. Williams. (Webb, Mark) Modified on 11/18/2010 to edit text to reflect pdf (bjh). (Entered: 11/17/2010)
11/17/2010	59	Outline Of The Case re 29 Proposed Pretrial Order by Richard Fennell. (Cromartie, Hendrick) Modified on 11/18/2010 to edit text to reflect pdf (bjh). (Entered: 11/17/2010)
11/17/2010	60	Requests to Charge by Robert Richard Lucas. (Atkins, William) Modified on 11/18/2010 to delete double wording (bjh). (Entered: 11/17/2010)
11/17/2010	61	Requests to Charge by City of Braswell, Georgia. (Webb, Mark) (Entered: 11/17/2010)
11/17/2010	62	Requests to Charge by Allen Fennell. (Webb, Mark) Modified on 11/18/2010 to edit text to reflect pdf (bjh). (Entered: 11/17/2010)
11/17/2010	63	Requests to Charge by Walter A. Williams. (Webb, Mark) Modified on 11/18/2010 to edit text to reflect pdf (bjh). (Entered: 11/17/2010)
11/18/2010		Notification of Docket Correction re 56 Reply Brief. Atty has been electronically notified this should have been filed as a "Response in Opposition to Motion", Clerk has made the necessary corrections. (bjh) (Entered: 11/18/2010)
11/18/2010		Notification of Docket Correction re 57 Reply Brief. Atty has been electronically notified this should have been filed as a "Response to Motion", Clerk has made the necessary corrections. (bjh) (Entered: 11/18/2010)
11/18/2010		Notification of Docket Correction re 58 First MOTION to Amend <i>Succinct Factual Summary</i> . Atty verified via phone this should not have been filed as a Motion, Clerk has made the necessary corrections. (bjh) (Entered: 11/18/2010)
11/18/2010		Notification of Docket Correction re 59 MOTION to Amend 29 Proposed Pretrial Order <i>Defendant Richard Fennell's Outline of the Case</i> . Atty verified via phone this should not have been filed as a Motion, Clerk has made the necessary corrections. (bjh) (Entered: 11/18/2010)
11/18/2010	64	ORDER for Defendants to file their replies, if any, in support of their respective Motions in Limine 49 , 50 BY NO LATER THAN 12:00 noon E.S.T. on FRIDAY, NOVEMBER 19, 2010. Signed by Judge Harold L. Murphy on 11/18/2010. (bjh) (Entered: 11/18/2010)
11/18/2010	65	Requests to Charge re 61 , 62 , and 63 by Richard Fennell. (Cromartie, Hendrick) Modified on 11/18/2010 to provide linkage and edit text to properly reflect pdf (bjh). (Entered: 11/18/2010)
11/18/2010	66	ORDER: Because the trial of this case is scheduled for November 29, 2010, the Court finds that it is necessary to shorten the time period in which Plaintiff may respond to the Motion to Amend Proposed Pretrial Order. The Court therefore ORDERS Plaintiff to file his response, if any, to the Motion to Amend Proposed Pretrial Order 52 BY NO LATER THAN 3:00 P.M. E.S.T. ON FRIDAY, NOVEMBER 19,2010. The Court further ORDERS Defendants City of Braswell, Allen Fennell, and Williams to file their reply, if any, in support of the Motion to Amend Proposed Pretrial Order BY NO LATER THAN 12:00 noon ON MONDAY, NOVEMBER 22,2010. Signed by Judge Harold L. Murphy on 11/18/2010. (bjh) (Entered: 11/18/2010)
11/18/2010	67	REPLY to Response to Motion re 52 MOTION to Quash Subpoenas Issued by Plaintiff MOTION for Protective Order filed by City of Braswell, Georgia, Allen Fennell, Walter A. Williams. (Webb, Mark) (Entered: 11/18/2010)
11/18/2010	68	REPLY BRIEF re 49 MOTION in Limine Evidence filed by City of Braswell, Georgia, Allen Fennell, Walter A. Williams. (Webb, Mark) (Entered: 11/18/2010)

11/19/2010	69	REPLY to Response to Motion re 50 MOTION in Limine filed by Richard Fennell. (Cromartie, Hendrick) Modified on 11/19/2010 to delete double wording (bjh). (Entered: 11/19/2010)
11/19/2010	70	ORDER Denying Defendant Richard Fennell's 50 Motion in Limine. Signed by Judge Harold L. Murphy on 11/19/2010. (bjh) (Entered: 11/19/2010)
11/19/2010	71	ORDER: The Court GRANTS IN PART AND DENIES IN PART the Motion in Limine filed by Defendants Braswell, Williams, and Allen Fennell 49 . The Court DENIES the Motion solely as to testimony by Mr. Plummer that is within his personal knowledge and as to hearsay testimony from Mr. Plummer that does not qualify for one of the hearsay exceptions. The Court will address specific instances of admissibility of Mr. Plummer's testimony as those issues arise at trial. The Court GRANTS the remainder of the Motion, and excludes the following testimony: (1) testimony from Mr. Plummer about matters that are not within his personal knowledge, as well as hearsay testimony that does not qualify for an exception to the hearsay rules; (2) evidence, argument, or statements concerning Defendants' wealth and assets during the liability phase of this case; and (3) evidence, argument, or statements pertaining to investigations by the GBI or WSBTV. The Court GRANTS IN PART AND DENIES IN PART the Motion to Quash Subpoenas Issued by Plaintiff, or in the Alternative, Motion for Protective Order ("Motion to Quash") filed by Defendants Braswell, Williams, and Allen Fennell 52 . The Court QUASHES the subpoenas issued to the Georgia Bureau of Investigation, to WSB-TV, to the Paulding County Tax Assessor, and to the Polk County Tax Assessor, but declines to quash the subpoenas to the Floyd County Sheriff's Office, the Paulding County Sheriff's Office, the Paulding County Magistrate Court, the Floyd County Police Department, the First National Bank of Polk County, and the City of Powder Springs. The Court grants the portion of the Motion for Protective Order that seeks an Order prohibiting Plaintiff from introducing any documents at trial obtained in response to subpoenas to the Georgia Bureau of Investigation, the Polk County Tax Assessor, the Paulding County Tax Assessor, and WSB-TV. The Court modifies the remaining subpoenas issued by Plaintiff as follows, so that only the following portions of the subpoenas must be obeyed: (1) the portion of the subpoena to the Floyd County Sheriff's Office that seeks to obtain Plaintiff's Exhibits 2,40, and 41; (2) the portion of the subpoena to the Paulding County Sheriff's Office that seeks to obtain Plaintiff's Exhibit 43; (3) the portion of the subpoena to the Paulding County Magistrate Court Clerk that seeks to obtain Plaintiff's Exhibit 42; (4) the portion of the subpoena to the Floyd County Police Department that seeks to obtain Plaintiff's Exhibit 1; (5) the portion of the subpoena to the First National Bank of Polk County that seeks to obtain Plaintiff's Exhibits 6 and 44; and (6) the portion of the subpoena to the City of Powder Springs that seeks to obtain Plaintiff's Exhibit 14. The Court DENIES the Motion for Protective Order and Motion to Quash solely as to the portion of the subpoenas that seek to require the production of those Exhibits, and GRANTS a protective order prohibiting Plaintiff from introducing any other documents at trial that may already have been produced in response to those subpoenas. Signed by Judge Harold L. Murphy on 11/19/2010. (bjh) (Entered: 11/19/2010)
11/19/2010	72	RESPONSE re 54 MOTION to Amend 29 Proposed Pretrial Order filed by Robert Richard Lucas. (Atkins, William) Modified on 11/19/2010 to delete double wording (bjh). (Entered: 11/19/2010)
11/19/2010	73	MOTION to Amend 29 Proposed Pretrial Order with Brief In Support by Robert Richard Lucas. (Attachments: # 1 Exhibit Amd Witness List, # 2 Exhibit Amd. Exhibit List) (Atkins, William) (Entered: 11/19/2010)
11/20/2010	74	Supplemental Requests to Charge by Robert Richard Lucas (<i>Oontentions Charge</i>). (Atkins, William) (Entered: 11/20/2010)

11/22/2010	75	ORDER directing Defendants to file their responses, if any, to 73 MOTION to Amend 29 Proposed Pretrial Order filed by Robert Richard Lucas by no later than 12:00 noon on 11/23/2010. The Court further ORDERS Plaintiff to file his reply, if any, in support of the Motion to Amend Proposed Pretrial Order BY NO LATER THAN 12:00 noon on 11/24/2010. Signed by Judge Harold L. Murphy on 11/22/2010. (dob) (Entered: 11/22/2010)
11/22/2010	76	ORDER granting 54 Motion to Amend. Signed by Judge Harold L. Murphy on 11/22/2010. (dob) (Entered: 11/22/2010)
11/22/2010	77	TRIAL BRIEF <i>Supplemental</i> by City of Braswell, Georgia, Allen Fennell, Walter A. Williams. (Webb, Mark) (Entered: 11/22/2010)
11/22/2010	78	TRIAL BRIEF <i>of Defendant Richard Fennell</i> by Richard Fennell. (Cromartie, Hendrick) (Entered: 11/22/2010)
11/22/2010	79	Notice of Filing of Plaintiff's Supplemental Responses to Defendants Interrogatories and Request for Production of Documents by Robert Richard Lucas.(Stern, Corey) Modified on 11/23/2010 to edit event used (dob). (Entered: 11/22/2010)
11/22/2010	80	TRIAL BRIEF by Robert Richard Lucas. (Atkins, William) (Entered: 11/22/2010)
11/23/2010		Notification of Docket Correction re 79 Certificate of Service. Wrong event used. Clerk made necessary changes. (dob) (Entered: 11/23/2010)
11/23/2010	81	RESPONSE re 73 MOTION to Amend 29 Proposed Pretrial Order filed by City of Braswell, Georgia, Allen Fennell, Walter A. Williams. (Webb, Mark) (Entered: 11/23/2010)
11/23/2010	82	ORDER granting 73 Motion to Amend and permits Plaintiff to add two new witnesses to his witness list, as provided in Attachment F-1 to his Motion to Amend, and to add additional documents to his exhibit list, as provided in Attachment G-1 to his Motion to Amend. The Court also will permit Defendants to assert their Objections to Plaintiffs new exhibits, and, if necessary, to Plaintiffs new witnesses, at trial. Signed by Judge Harold L. Murphy on 11/23/2010. (dob) (Additional attachment(s) added on 11/29/2010: # 1 Complete PDF) (dob). (Entered: 11/23/2010)
11/23/2010	83	Supplemental Requests to Charge by City of Braswell, Georgia, Allen Fennell, Walter A. Williams. (Webb, Mark) (Entered: 11/23/2010)
11/29/2010		Notification of Docket Correction re 82 Order on Motion to Amend. Incomplete PDF attached. Clerk made necessary changes. (dob) (Entered: 11/29/2010)
11/29/2010	84	Second MOTION in Limine <i>of Defendant Richard Fennell</i> with Brief In Support by Richard Fennell. (Attachments: # 1 Brief)(Cromartie, Hendrick) (Entered: 11/29/2010)
11/29/2010	85	Supplemental Requests to Charge by City of Braswell, Georgia, Allen Fennell, Richard Fennell, Walter A. Williams. (Cromartie, Hendrick) (Entered: 11/29/2010)
11/29/2010	86	Minute Entry for proceedings held before Judge Harold L. Murphy: Jury Trial began on 11/29/2010, selected & sworn. The Court orally Grants Defendant Fennell's 84 Motion in Limine. Plaintiff Orally moves to w/draw all of their state claims; Court Orally Grants this Motion. (Court Reporter Alicia B. Bagley)(bjh) (Entered: 11/30/2010)
11/29/2010		ORAL MOTION to Withdraw all of his State Claims by Robert Richard Lucas. (bjh) (Entered: 11/30/2010)
11/29/2010		ORAL ORDER Granting Plaintiff's [Oral] Motion to Withdraw all of his State Claims, by Judge Harold L. Murphy. (bjh) (Entered: 11/30/2010)

11/30/2010	90	Minute Entry for proceedings held before Judge Harold L. Murphy: Jury Trial continued on 11/30/2010. (Court Reporter Alicia B. Bagley)(bjh) (Entered: 12/02/2010)
12/01/2010	91	Minute Entry for proceedings held before Judge Harold L. Murphy: Jury Trial continued on 12/1/2010. (Court Reporter Alicia B. Bagley)(bjh) (Entered: 12/02/2010)
12/02/2010	87	MOTION for Judgment as a Matter of Law with Brief In Support by City of Braswell, Georgia, City of Braswell, Georgia, Allen Fennell, Walter A. Williams. (Attachments: # 1 Brief, # 2 Exhibit A, # 3 Exhibit B)(Webb, Mark) (Entered: 12/02/2010)
12/02/2010	88	Supplemental Requests to Charge by City of Braswell, Georgia, Allen Fennell, Walter A. Williams. (Webb, Mark) (Entered: 12/02/2010)
12/02/2010	89	MOTION for Judgment as a Matter of Law with Brief In Support by Richard Fennell. (Attachments: # 1 Brief)(Cromartie, Hendrick) Modified on 12/3/2010 to delete double wording (bjh). (Entered: 12/02/2010)
12/02/2010	92	ORDER: At the conclusion of Plaintiff's portion of the trial of this case, Defendants filed Motions for Judgment as a Matter of Law. (Docket Entries Nos. 87, 89.) The Court orally denied those Motions. Because the Court has found, as a matter of law, that Defendants are not entitled to qualified immunity, interrogatories requesting the jury to make factual findings as to whether Defendants had arguable probable cause to obtain an arrest warrant for Plaintiff or to instigate Plaintiff's prosecution are no longer necessary in this case. The Court therefore will not submit such interrogatories to the jury, and will instead modify the verdict form to eliminate all of the proposed interrogatories to the jury. Signed by Judge Harold L. Murphy on 12/2/2010. (bjh) (Entered: 12/02/2010)
12/02/2010	93	Minute Entry for proceedings held before Judge Harold L. Murphy: Jury Trial continued on 12/2/2010. Plaintiff made an Oral Motion for Judgment as a Matter of Law - Court Orally Denied said Motion. Charge Conference. (Court Reporter Alicia B. Bagley)(bjh) (Entered: 12/06/2010)
12/02/2010		ORAL MOTION for Judgment as a Matter of Law by Robert Richard Lucas. (bjh) (Entered: 12/06/2010)
12/02/2010		ORAL ORDER Denying Plaintiff's [Oral] Motion for Judgment as a Matter of Law. (bjh) (Entered: 12/06/2010)
12/03/2010	94	Minute Entry for proceedings held before Judge Harold L. Murphy: Jury Trial continued and concluded on 12/3/2010. Defendants renew Motion as a Matter of Law and the Court Orally Denies said Motion. Jury deliberates. Verdict Returned. (Attachments: # 1 Exhibit & Witness List) (Court Reporter Alicia B. Bagley)(bjh) (Entered: 12/06/2010)
12/03/2010		ORAL MOTION for Judgment as a Matter of Law by Defendants. (bjh) (Entered: 12/06/2010)
12/03/2010		ORAL ORDER Denying Defendants' [Oral] Motion for Judgment as a Matter of Law. (bjh) (Entered: 12/06/2010)
12/03/2010	95	Jury Notes. (bjh) (Entered: 12/06/2010)
12/03/2010	96	JURY VERDICT for Plaintiff and against Defendants City of Braswell, Georgia, Walter A. Williams, Richard Fennell, and Allen Fennell in the amount of \$560,000 compensatory damages; and for Plaintiff and against Defendants Walter A. Williams, Richard Fennell and Allen Fennell in the amount of \$440,000 punitive damages. (bjh) (Entered: 12/06/2010)
12/03/2010	97	JURY VERDICT ON COUNTERCLAIM for Plaintiff and against Defendant, City of Braswell, Georgia. (bjh) (Entered: 12/06/2010)

12/03/2010	98	JUDGMENT ON JURY VERDICT: This action came on for trial before a jury and the Court, the Honorable Harold L. Murphy, U.S. District Judge presiding. The issue of damages having been presented, and the jury having rendered its verdict, it is Ordered and Adjudged that the Plaintiff, Robert Richard Lucas, recover of the Defendants, City of Braswell, Georgia, Walter A. Williams, Richard Fennell, and Allen Fennell, the sum of Five Hundred Sixty Thousand and 00/100 Dollars (\$560,000.00) for Compensatory Damages; the Plaintiff, Robert Richard Lucas recover of the Defendants, Walter A. Williams, Richard Fennell, and Allen Fennell, the sum of Four Hundred Forty Thousand and 00/100 Dollars (\$440,000.00) for Punitive Damages, with interest thereon at the rate as provided by law, together with costs. As to the Counterclaim, it is ORDERED AND ADJUDGED, that the Defendant, City of Braswell, Georgia, take nothing, that the action be dismissed on the merits as to the Plaintiff, Robert Richard Lucas. Signed by Samuel M. Johnston, Deputy Clerk on 12/3/2010. --Please refer to http://www.ca11.uscourts.gov to obtain an appeals jurisdiction checklist--(bjh) (Entered: 12/06/2010)
12/03/2010		Civil Case Terminated. (bjh) (Entered: 12/06/2010)
12/13/2010	99	TRANSCRIPT of Testimony of Rick Richardson held on 12/2/2010, before Judge Harold L. Murphy. Court Reporter/Transcriber Alicia B. Bagley, Telephone number 706-378-4017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/3/2011. Redacted Transcript Deadline set for 1/13/2011. Release of Transcript Restriction set for 3/14/2011. (Attachment: # 1 Notice of Filing) (bjh) (Entered: 12/13/2010)
12/14/2010	100	TRANSCRIPT of Trial Testimony of Walter Williams held on 11/29/2010 and 11/30/2010, before Judge Harold L. Murphy. Court Reporter/Transcriber Alicia B. Bagley, Telephone number 706-378-4017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/4/2011. Redacted Transcript Deadline set for 1/14/2011. Release of Transcript Restriction set for 3/14/2011. (Attachment: # 1 Notice of Filing) (bjh) (Entered: 12/14/2010)
12/16/2010	101	TRANSCRIPT of Trial Testimony of Richard Lucas held on December 1-2, 2010, before Judge Harold L. Murphy. Court Reporter/Transcriber Alicia B. Bagley, Telephone number 706-378-4017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/6/2011. Redacted Transcript Deadline set for 1/18/2011. Release of Transcript Restriction set for 3/16/2011. (Attachment: # 1 Notice of Filing) (bjh) (Entered: 12/17/2010)
12/17/2010	102	TRANSCRIPT of Trial Testimony of Patricia Vaughn held on 11/30/2010, before Judge Harold L. Murphy. Court Reporter/Transcriber Alicia B. Bagley, Telephone number 706-378-4017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/7/2011. Redacted Transcript Deadline set for 1/18/2011. Release of Transcript Restriction set for 3/17/2011. (Attachment: # 1 Notice of Filing) (bjh) (Entered: 12/17/2010)
02/16/2011	103	MOTION - <i>To Enforce Settlement Agreement</i> with Brief In Support by Robert Richard Lucas. (Attachments: # 1 Exhibit A - High/Low Agreement, # 2 Exhibit B - Email Correspondence)(Atkins, William) Modified on 2/17/2011 to delete double wording (bjh). (Entered: 02/16/2011)
03/04/2011	104	NOTICE by Robert Richard Lucas <i>Satisfaction of Judgment</i> (Stern, Corey) (Entered: 03/04/2011)

		03/04/2011)
03/04/2011	105	ORDER Denying as Moot Plaintiff's 103 Motion to Enforcement Settlement Agreement. Signed by Judge Harold L. Murphy on 3/4/11. (bjh) (Entered: 03/04/2011)
10/06/2011	106	TRANSCRIPT of Proceedings held on December 1 and 2, 2010, before Judge Harold L Murphy. Court Reporter/Transcriber Alicia B. Bagley, Telephone number 706-378-4017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/27/2011. Redacted Transcript Deadline set for 11/7/2011. Release of Transcript Restriction set for 1/4/2012. (Attachments: # 1 Notice of Filing Transcript) (dob) (Entered: 10/06/2011)
04/09/2012	107	NOTICE TO COUNSEL OF RECORD regarding RECLAMATION AND DISPOSITION OF UNCLAIMED EXHIBITS pursuant to Local Rule 79.1D(2). (bjh) (Entered: 04/09/2012)
05/15/2012		Exhibits destroyed re 107 Exhibit Return Notification. (jta) (Entered: 05/15/2012)

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