

CLOSED, JURY, PROTO

**U.S. District Court
Eastern District of Virginia - (Alexandria)
CIVIL DOCKET FOR CASE #: 1:98-cv-01064-LMB**

Shvern, et al v. George Mason Univ., et al
Assigned to: District Judge Leonie M. Brinkema
Demand: \$5,000,000
Case in other court: 99-02159
Cause: 28:1331 Fed. Question: Civil Rights Violation-False
Arrest

Date Filed: 07/28/1998
Date Terminated: 09/10/2001
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff**Robert Shvern**

represented by **Chanda L. Kinsey**
Kinsey, Lynch & Filipour
4120 Leonard Drive
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Plaintiff**Ryan Whelan**

represented by **Chanda L. Kinsey**
(See above for address)
*LEAD ATTORNEY
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Plaintiff**Two Radical Technologies, Inc.**

represented by **Chanda L. Kinsey**
(See above for address)
*LEAD ATTORNEY
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Defendant

George Mason University
TERMINATED: 12/29/1998

represented by **William Eugene Thro**
Office of the Attorney General
900 E Main St
Richmond , VA 23219
804-786-2436
Fax: 804-786-1991
Email: wthro@oag.state.va.us
*TERMINATED: 12/29/1998
LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED***Defendant****Alan Merten***Dr.**TERMINATED: 12/29/1998*

represented by **William Eugene Thro**
(See above for address)
TERMINATED: 12/29/1998
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**McKinley Bowman, Jr.***Investigator**TERMINATED: 07/22/1999*

represented by **William Eugene Thro**
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TERMINATED: 07/22/1999
LEAD ATTORNEY
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Defendant**George Mason University Police****Department***TERMINATED: 12/29/1998*

represented by **William Eugene Thro**
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TERMINATED: 12/29/1998
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Defendant**Donald Desrosiers**

represented by **William Eugene Thro**
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Defendant**Peter Denning***Dr., Dean of Site**TERMINATED: 12/29/1998*

represented by **William Eugene Thro**
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Defendant**John Hanks***TERMINATED: 12/29/1998*

represented by **William Eugene Thro**
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Defendant**Cynthia Traeger**

represented by **William Eugene Thro**
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Defendant

A. Jefferson Offutt
Dr.

represented by **William Eugene Thro**
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Defendant

Anne Marchant
Dr.
TERMINATED: 07/31/2001

represented by **William Eugene Thro**
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TERMINATED: 07/31/2001
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Date Filed	#	Docket Text
07/28/1998	1	COMPLAINT Filing Fee \$ 150.00 Receipt # 100 122779; jury demand (clerk) (Entered: 07/30/1998)
07/28/1998		Jury Trial Flag (clerk) (Entered: 07/30/1998)
08/27/1998	2	MOTION by defendants to Dismiss the Complaint (clar) (Entered: 08/28/1998)
08/27/1998	3	MEMORANDUM by George Mason Univ., Alan Merten, McKinley Bowman Jr., GMU Police Dep., Donald Desrosiers, Peter Denning, John Hanks, Cynthia Traeger, A. Jefferson Offutt, Anne Marchant in support of [2-1] motion by defendants to Dismiss the Complaint (clar) (Entered: 08/28/1998)
08/27/1998	4	MOTION by defendants to Stay all Discovery (clar) (Entered: 08/28/1998)
08/27/1998	5	MEMORANDUM by George Mason Univ., Alan Merten, McKinley Bowman Jr., GMU Police Dep., Donald Desrosiers, Peter Denning, John Hanks, Cynthia Traeger, A. Jefferson Offutt, Anne Marchant in support of [4-1] motion by defendants to Stay all Discovery (clar) (Entered: 08/28/1998)
08/27/1998	6	NOTICE of Hearing: Motion Hearing set for 10:00 10/9/98 for [4-1] motion by defendants to Stay all Discovery, set for 10:00 10/9/98 for [2-1] motion by defendants to Dismiss the Complaint (clar) (Entered: 08/28/1998)
09/09/1998	7	RESPONSE Memorandum and Supporting Memorandum by Robert Shvern, Ryan Whelan, Two Radical Tech. to [2-1] motion by defendants to Dismiss the Complaint by defendants (pmil) (Entered: 09/10/1998)
09/16/1998	8	REPLY by George Mason Univ., Alan Merten, McKinley Bowman Jr., GMU Police Dep., Donald Desrosiers, Peter Denning, John Hanks, Cynthia Traeger, A. Jefferson Offutt, Anne Marchant to response to [2-1] motion by defendants to Dismiss the Complaint (clar) (Entered: 09/16/1998)
09/30/1998	9	Amended NOTICE of Hearing: Motion Hearing set for 10:00 11/6/98 for [4-1] motion by defendants to Stay all Discovery, set for 10:00 11/6/98 for [2-1] motion by defendants to Dismiss the Complaint (clar) (Entered: 09/30/1998)
10/14/1998	10	SCHEDULING ORDER setting Discovery cutoff 1/29/99 ; Pretrial Conference for 11:40 2/18/99 ; (signed by Judge Claude M. Hilton) Copies Mailed: yes (clar) (Entered: 10/16/1998)

10/26/1998	11	ANSWER to Complaint by George Mason Univ., Alan Merten, McKinley Bowman Jr., Donald Desrosiers, Peter Denning, John Hanks, Cynthia Traeger, A. Jefferson Offutt, Anne Marchant (Attorney William Eugene Thro) (clerk) (Entered: 10/26/1998)
11/02/1998	12	MOTION by Two Radical Tech., Ryan Whelan, Robert Shvern to Continue the hearing set for 11/6/98 (clerk) (Entered: 11/03/1998)
11/04/1998	13	ORDER that the hearing on defendants' motions to dismiss presently set for 11/6/98 is vacated and the motions are rescheduled for 12/18/98 at 10:00 am and further that discovery is stayed pending a hearing on these motions - ent & filed (signed by Judge Leonie M. Brinkema) Copies Mailed: yes (clar) (Entered: 11/05/1998)
11/04/1998		Deadline updated; Motion Hearing set for 10:00 12/18/98 for [4-1] motion by defendants to Stay all Discovery, set for 10:00 12/18/98 for [2-1] motion by defendants to Dismiss the Complaint (clar) (Entered: 11/05/1998)
11/05/1998	14	AMENDED NOTICE of Hearing: Motion Hearing set for 10:00 12/18/98 for [4-1] motion by defendants to Stay all Discovery, set for 10:00 12/18/98 for [2-1] motion by defendants to Dismiss the Complaint (clerk) (Entered: 11/05/1998)
12/18/1998		Minute entry: Judge Brinkema, Reporter: Thomson; Appearances by Counsel. Matter came on for Dft's motion to dismiss complaint, Dft's motion to stay all discovery. Motion to dismiss argued and Granted as to deft's George Mason University, George Mason University Police Dept. and all defendant sued in their official capacity from this action. Cnt. 1 of the complaint is dismissed as to deft's A. Merten, A. Offutt, C. Traeger in individual capacity. Remainder of the complaint is Dismissed w/o Prejudice and the Pltf has 11 days to file an amended complaint. Motion to Stay-moot. (rtra) (Entered: 12/18/1998)
12/18/1998	15	ORDER granting [2-1] motion by defendants to Dismiss the Complaint (See Order for details) Pltf. has eleven (11) days from the date of this order to file and amended complaint. (signed by Judge Leonie M. Brinkema) Copies Mailed: 12.18.98 (rtra) (Entered: 12/21/1998)
12/29/1998	16	AMENDED COMPLAINT by Robert Shvern, Ryan Whelan, Two Radical Tech. amending [1-1] complaint ;; jury demand (pmil) (Entered: 12/30/1998)
01/06/1999	17	MOTION by Anne Marchant, A. Jefferson Offutt, Cynthia Traeger, Donald Desrosiers, McKinley Bowman Jr. to Dismiss the Amended Complaint (clar) (Entered: 01/08/1999)
01/06/1999	18	MEMORANDUM by McKinley Bowman Jr., Donald Desrosiers, Cynthia Traeger, A. Jefferson Offutt, Anne Marchant in support of [17-1] motion by Anne Marchant, A. Jefferson Offutt, Cynthia Traeger, Donald Desrosiers, McKinley Bowman Jr. to Dismiss the Amended Complaint (clar) (Entered: 01/08/1999)
01/06/1999	19	MOTION by Anne Marchant, A. Jefferson Offutt, Cynthia Traeger, Donald Desrosiers, McKinley Bowman Jr. to Stay all Proceedings (clar) (Entered: 01/08/1999)

01/06/1999	20	MEMORANDUM by McKinley Bowman Jr., Donald Desrosiers, Cynthia Traeger, A. Jefferson Offutt, Anne Marchant in support of [19-1] motion by Anne Marchant, A. Jefferson Offutt, Cynthia Traeger, Donald Desrosiers, McKinley Bowman Jr. to Stay all Proceedings (clar) (Entered: 01/08/1999)
01/06/1999	21	NOTICE of Hearing: Motion Hearing set for 10:00 2/19/99 for [19-1] motion by Anne Marchant, A. Jefferson Offutt, Cynthia Traeger, Donald Desrosiers, McKinley Bowman Jr. to Stay all Proceedings, set for 10:00 2/19/99 for [17-1] motion by Anne Marchant, A. Jefferson Offutt, Cynthia Traeger, Donald Desrosiers, McKinley Bowman Jr. to Dismiss the Amended Complaint (clar) (Entered: 01/08/1999)
01/20/1999	22	RESPONSE MEMORANDUM by Robert Shvern, Ryan Whelan, Two Radical Tech. to dfts' [17-1] motion to dismiss amended complaint and [18-1] supporting memorandum. (clerk) (Entered: 01/25/1999)
02/05/1999	23	TRANSCRIPT for dates of 12/18/98 before Judge Brinkema. (clerk) (Entered: 02/10/1999)
02/10/1999	24	ORDERED that this action be removed from the 2/18/99 pretrial calendar. ORDERED that pltf's must file a second amended complaint by noon (Tuesday) 2/16/99. ORDERED that pltf's must deliver a copy of the second amended complaint to dft's by noon (Monday) 2/15/99. -ent & filed (signed by Judge Leonie M. Brinkema) Copies Mailed: yes (clerk) (Entered: 02/10/1999)
02/16/1999	25	SECOND AMENDED COMPLAINT by Robert Shvern, Ryan Whelan, Two Radical Tech. amending [16-1] amended complaint ; jury demand (clerk) (Entered: 02/17/1999)
02/19/1999		Minute entry: Judge Brinkema; Reporter: Thomson; Appearances by counsel for parties; Matter came on for defendant's motion to dismiss amended complaint-Argued and Granted as to defendant Bowman; Denied as to defendant Desrosiers. Order to follow. (rtra) (Entered: 02/19/1999)
02/19/1999	26	ORDER states that dfts' motion to dismiss amended complaint is GRANTED as to dft Bowman and DENIED as to dft Desrosiers. Count I is therefore dismissed as to Bowman only, and this Court retains supplemental jurisdiction over the pendant state law claims. -ent. & filed (signed by Judge Leonie M. Brinkema) Copies Mailed: yes (clerk) (Entered: 02/19/1999)
03/02/1999	27	ANSWER by McKinley Bowman Jr., Donald Desrosiers, Peter Denning, John Hanks, Cynthia Traeger, A. Jefferson Offutt, Anne Marchant to second amended complaint (clerk) (Entered: 03/11/1999)
03/09/1999	28	MOTION by Anne Marchant, A. Jefferson Offutt, Cynthia Traeger, Donald Desrosiers, McKinley Bowman Jr. to Dismiss the State Law Claims (WILL NOTICE) (clerk) (Entered: 03/12/1999)
03/09/1999	29	MEMORANDUM by McKinley Bowman Jr., Donald Desrosiers, Cynthia Traeger, A. Jefferson Offutt, Anne Marchant in support of [28-1] motion by Anne Marchant, A. Jefferson Offutt, Cynthia Traeger, Donald Desrosiers, McKinley Bowman Jr. to Dismiss the State Law Claims (clerk) (Entered: 03/12/1999)

03/15/1999	30	NOTICE of Hearing: Motion Hearing set for 10:00 4/9/99 for [28-1] motion by Anne Marchant, A. Jefferson Offutt, Cynthia Traeger, Donald Desrosiers, McKinley Bowman Jr. to Dismiss the State Law Claims (clerk) (Entered: 03/16/1999)
03/15/1999	31	MOTION by Two Radical Tech., Ryan Whelan, Robert Shvern to Extend Time to file responsive pleading (clerk) (Entered: 03/17/1999)
03/18/1999	32	AGREED ORDER states that pltf's are granted [31-1] motion for an Extension of Time to file its response to dft's motion to dismiss state law claims until the close of business 3/30/99 - entered & filed. (signed by Judge Claude M. Hilton) Copies Mailed: yes (clerk) (Entered: 03/19/1999)
03/30/1999	33	MEMORANDUM by Robert Shvern, Ryan Whelan, Two Radical Tech. in opposition to [28-1] motion by Anne Marchant, A. Jefferson Offutt, Cynthia Traeger, Donald Desrosiers, McKinley Bowman Jr. to Dismiss the State Law Claims Desrosiers, McKinley Bowman Jr. (clerk) (Entered: 03/30/1999)
04/02/1999	34	MEMORANDUM by Robert Shvern, Ryan Whelan, Two Radical Tech. in opposition to [28-1] motion by Anne Marchant, A. Jefferson Offutt, Cynthia Traeger, Donald Desrosiers, McKinley Bowman Jr. to Dismiss the State Law Claims by Anne Marchant, A. Jefferson Offutt, Cynthia Traeger, Donald Desrosiers, McKinley Bowman Jr. (clerk) (Entered: 04/02/1999)
04/06/1999	35	REPLY by McKinley Bowman Jr., Donald Desrosiers, Cynthia Traeger, A. Jefferson Offutt, Anne Marchant to Pltfs' response to [28-1] motion by Anne Marchant, A. Jefferson Offutt, Traeger, Donald Desrosiers, McKinley Bowman Jr. to Dismiss the State Law Claims (pmil) (Entered: 04/07/1999)
05/10/1999	36	NOTICE of Hearing: Motion Hearing set for 10:00 6/18/99 for [28-1] motion by Anne Marchant, A. Jefferson Offutt, Cynthia Traeger, Donald Desrosiers, McKinley Bowman Jr. to Dismiss the State Law Claims (clerk) (Entered: 05/12/1999)
06/16/1999	37	REQUEST for a new scheduling Order by Anne Marchant, A. Jefferson Offutt, Cynthia Traeger, Donald Desrosiers, McKinley Bowman Jr. (ATTORNEY TO NOTICE) (clerk) Modified on 06/30/1999 (Entered: 06/22/1999)
06/18/1999		Minute entry: Judge Brinkema; Reporter: Thomson; Appearances by counsel for parties. Matter came on for deft's motion to dismiss state law claims-Argued and Taken under advisement. (rtra) (Entered: 06/18/1999)
06/22/1999	38	Defendant's (McKinley Bowman Jr., Donald Desrosiers, Cynthia Traeger, A. Jefferson Offutt, Anne Marchant) Suggested Questions for Certification to the Supreme Court of VA. (clerk) (Entered: 06/30/1999)
06/25/1999	39	Suggested Questions for Certification to the Supreme Court of VA filed by plaintiff Robert Shvern, plaintiff Ryan Whelan, plaintiff Two Radical Tech. (clerk) (Entered: 06/30/1999)
06/25/1999	40	Statement of Legislative History of VA code 8.01-195 filed by plaintiff Robert Shvern, plaintiff Ryan Whelan, plaintiff Two Radical Tech. (clerk) (Entered: 06/30/1999)

07/22/1999	41	MEMORANDUM OPINION (signed by Judge Leonie M. Brinkema) Copies Mailed: yes (clerk) (Entered: 07/22/1999)
07/22/1999	42	ORDER granting in part, denying in part [28-1] motion by Anne Marchant, A. Jefferson Offutt, Cynthia Traeger, Donald Desrosiers, McKinley Bowman Jr. to Dismiss the State Law Claims ORDERED that counts II, IV, and V are DISMISSED against dft Bowman. All other counts and dfts remain in this civil action. - entered & filed (signed by Judge Leonie M. Brinkema) Copies Mailed: yes (clerk) (Entered: 07/22/1999)
08/23/1999	43	NOTICE OF APPEAL OF Order of 07/22/99 by Donald Desrosiers, Cynthia Traeger, A. Jefferson Offutt, Anne Marchant . FILING FEE \$ 105.00 RECEIPT # 100 130966 Copies sent to Robert Shvern, Ryan Whelan, Two Radical Tech., George Mason Univ., Alan Merten, McKinley Bowman Jr., GMU Police Dep., Donald Desrosiers, Peter Denning, John Hanks, Cynthia Traeger, A. Jefferson Offutt, Anne Marchant; Copy of Notice, Order, and Certified Docket Entries mailed to USCA. (pmil) (Entered: 08/24/1999)
09/01/1999		USCA Case Number Re: [43-1] appeal by defendantsss CASE MANAGER: Donna Brown USCA NUMBER: 99-2159 (pmil) (Entered: 09/03/1999)
10/26/1999		Certification of completion sent to USCA re: [43-1] appeal by Anne Marchant, A. Jefferson Offutt, Cynthia Traeger, Donald Desrosiers. Copies of docket entries and transmittal to counsel. (clerk) (Entered: 10/26/1999)
11/24/2000	44	Opinion of USCA decided 11/22/00 affirmed by unpublished per curiam opinion re: [43-1] appeal by Anne Marchant, A. Jefferson Offutt, Cynthia Traeger, Donald Desrosiers (clerk) (Entered: 12/04/2000)
12/15/2000	45	JUDGMENT OF USCA (certified copy) together with unpublished opinion of USCA affirming the judgment of the District Court. Re: [43-1] appeal dated 8/23/99 by Anne Marchant, A. Jefferson Offutt, Cynthia Traeger, Donald Desrosiers (clerk) Modified on 12/26/2000 (Entered: 12/21/2000)
04/10/2001	46	ORDERED that the Clerk reinstate this civil action to the active docket and schedule a FRCP16 conference immediately (See order for details) (signed by Judge Leonie M. Brinkema) Copies Mailed: yes [EOD Date: 4/11/01] (clerk) (Entered: 04/11/2001)
04/25/2001	47	ORDER setting Initial Pretrial Conference for 10:15 5/16/01 Discovery Deadline for 9/14/01 Final Pretrial Conference for 12:50 9/20/01 (see order for details) (signed by Judge Claude M. Hilton) Copies Mailed: yes (clerk) (Entered: 04/26/2001)
05/11/2001	48	Discovery Plan by Robert Shvern, Ryan Whelan, Two Radical Tech., McKinley Bowman Jr., Donald Desrosiers, Cynthia Traeger, A. Jefferson Offutt, Anne Marchant (clerk) (Entered: 05/14/2001)
05/16/2001		Initial pretrial conference held; MJ Jones; Appearances of counsel; R16 order to be entered; Discovery Plan: Approved; Consent to Trial by a Magistrate Judge: Have not, but will discuss; ADR/Settlement: Discussed. (clerk) (Entered: 05/16/2001)
05/16/2001	49	Rule 16(B) Scheduling Order - Pursuant to the Rule 16(B) Conference it is

		hereby ordered that: The Rule 26(f) report previously filed with the court, as amended and initialed by the court, is approved and shall control discovery to the extent of its application unless modified by the court; Any motion to amend the pleadings or to join a party shall be made as soon as possible after counsel becomes aware of the grounds for the motion. (see order for details) (signed by Magistrate Judge Thomas R. Jones Jr.) Copies Mailed: yes (clerk) (Entered: 05/17/2001)
05/31/2001	50	Rule 26 Disclosure by Robert Shvern, Ryan Whelan, Two Radical Tech. (Large Pleading) (clerk) (Entered: 06/01/2001)
06/04/2001	51	Designation of Expert Witnesses by Robert Shvern, Ryan Whelan, Two Radical Tech. (clerk) (Entered: 06/07/2001)
06/25/2001	52	MOTION by Two Radical Tech., Ryan Whelan, Robert Shvern for Protective Order (Told to Notice or Send in Consent) (clerk) (Entered: 06/26/2001)
07/18/2001	53	TRANSCRIPT for dates of 02/19/99 (LMB) - filed (clerk) (Entered: 07/23/2001)
07/25/2001	54	MOTION by plaintiffss, defendant for Continuance of Pre-Trial Conference , and by plaintiffss, defendant Extension of Discovery Deadlines (clar) (Entered: 07/26/2001)
07/25/2001		Motion hearing re: [54-1] motion by plaintiffss, defendant for Continuance of Pre-Trial Conference set at 10:00 8/3/01, [54-2] motion by plaintiffss, defendant Extension of Discovery Deadlines set at 10:00 8/3/01 (clar) (Entered: 07/26/2001)
07/31/2001		Deadline updated; Motion Hearing Deadline set for 10:00 8/10/01 for [54-1] motion by plaintiffss, defendant for Continuance of Pre-Trial Conference, set for 10:00 8/10/01 for [54-2] motion by plaintiffss, defendant Extension of Discovery Deadlines (clar) (Entered: 07/31/2001)
07/31/2001	55	Protective Order as to Robert Shvern, Ryan Whelan, Two Radical Tech., McKinley Bowman Jr., Donald Desrosiers, Cynthia Traeger, A. Jefferson Offutt, Anne Marchant governing the handling and labeling of confidential documents (See order for details) (signed by Judge Claude M. Hilton) Copies Mailed yes (clerk) (Entered: 08/01/2001)
07/31/2001		**Set Protective Order Flag. (clerk) (Entered: 08/01/2001)
07/31/2001	56	Consent Order amending the recorded style of the suit and that Dr. Anne Marchant is hereby dismissed with prejudice as a party deft (See order for details) (signed by Judge Claude M. Hilton) Copies Mailed: yes (clerk) (Entered: 08/01/2001)
08/10/2001		Minute entry: Mag. Judge Jones. Rpt Rudiger and Green. Appearance of counsel. Tape 326. Matter called, argued, and pltf's motion for cont. of Pretrial conference- denied, Pltfs' motion for extension of discovery deadlines- granted/denied in part. Order to be entered. (dana) (Entered: 08/10/2001)
08/14/2001	57	ORDERED, from the bench, denying [54-1] motion by plaintiffss, defendant for Continuance of Pre-Trial Conference, granting in part, denying in part [54-

		2] motion by plaintiffss, defendant Extension of Discovery Deadlines, to the extent stated from the bench (signed by Magistrate Judge Thomas R. Jones Jr.) Copies Mailed: y [EOD Date: 8/14/01] (dana) (Entered: 08/14/2001)
09/10/2001	58	Order of Stipulation that pursuant to FRCP 41(a), this action is hereby Dismissed without prejudice to the pltfs' right to re-file the action within the authorized period of time and proceed thereon (See order for details) (signed by Judge Leonie M. Brinkema) Copies Mailed: yes (clerk) (Entered: 09/12/2001)
09/10/2001		CASE assigned to Judge Leonie M. Brinkema (clerk) (Entered: 09/12/2001)
09/10/2001		Case closed (clerk) (Entered: 09/12/2001)
09/10/2001		All pleadings accounted for and in order. (clerk) (Entered: 09/12/2001)

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02/03/2010 18:23:01			
PACER Login:	ro1706	Client Code:	
Description:	Docket Report	Search Criteria:	1:98-cv-01064-LMB
Billable Pages:	6	Cost:	0.48