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**DISTRICT OF COLUMBIA COURT OF APPEALS**

Nos. 04-CV-488 and 04-CV-547

WILLIE VARNER, *et al.*,  
APPELLANTS,

v.

DISTRICT OF COLUMBIA, *et al.*,  
APPELLEES.

Appeals from the Superior Court of the  
District of Columbia  
(CA9049-01)

(Hon. Herbert B. Dixon, Jr., Trial Judge)

(Argued December 7, 2005

Decided February 2, 2006)

*Barry J. Nace* for appellants.

*Mary T. Connelly*, Assistant Attorney General, with whom *Robert J. Spagnoletti*, Attorney General for the District of Columbia, and *Edward E. Schwab*, Deputy Attorney General, were on the brief, for the District of Columbia.

*Susan M. Cook*, with whom *Steven J. Routh* was on the brief, for appellee Gallaudet University.

Before SCHWELB and FARRELL, *Associate Judges*, and NEBEKER, *Senior Judge*.

SCHWELB, *Associate Judge*: Willie and Diane Varner appeal from an order granting summary judgment in favor of defendants Gallaudet University and the District of Columbia<sup>1</sup> in the wrongful death and survival action brought against these defendants following the murder at Gallaudet University of the Varners' son, Benjamin Varner. We conclude, as did the trial court, that the Varners' evidence, viewed in the light most favorable to them, did not establish a standard of care applicable to the University or the breach of such a standard, that

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<sup>1</sup> The Varners also joined Detective Kyle Cimiotti as a defendant. In this opinion, we refer to the District of Columbia and Detective Cimiotti collectively as "the District."

no genuine issue of material fact was presented, and that the University was entitled to judgment as a matter of law. We further conclude that the trial judge did not err in granting summary judgment in favor of the District on the basis of the public duty doctrine. Accordingly, we affirm.

## I.

### THE TRIAL COURT PROCEEDINGS

Most of the principal historical facts relevant to these appeals are undisputed. Gallaudet University is an educational institution in Washington, D.C., for students who are deaf or hard of hearing. At the time of his death, Benjamin Varner was a freshman at the University, and he resided on campus at Cogswell Hall.

On September 28, 2000, Eric Plunkett, another student living in Cogswell Hall, was murdered in his room. Plunkett had cerebral palsy and, unable to defend himself from an unexpected attack, he was beaten to death. It was subsequently established that Plunkett's killer was his fellow-student, Joseph Mesa, and that Mesa murdered both Plunkett and Varner. Following Plunkett's death, however, the police arrested freshman Thomas Minch and accused Minch of the murder. Minch had come under suspicion because he had allegedly accused Plunkett of making sexual advances on him. Detective Cimiotti claimed at the time that Minch had confessed to the murder. The United States Attorney declined to file charges against Minch, however, and Minch was released from custody. Nevertheless, Minch remained under suspicion, and he was suspended by the University. It was later

discovered that Mesa had stolen Plunkett's credit card and had used it to make purchases, but the police, believing that Minch was responsible, did not attempt to determine whether the murder was related to a theft.

On February 3, 2001, Benjamin Varner was stabbed to death in his room. The police promptly discovered that Varner's checkbook had been stolen, and the use of the checks was traced to Mesa. Mesa was arrested and acknowledged his guilt, and he was subsequently convicted of both murders.

On December 11, 2001, Varner's parents filed suit against the University and the District,<sup>2</sup> alleging that both defendants had been negligent. The Varners' principal allegations against the University were

1. that the University was negligent in allowing Mesa to be on campus and by failing to expel him in 1999, after it had been determined that Mesa had committed a number of major thefts and other offenses, and that this negligence on the University's part put Benjamin Varner and other students at risk of bodily harm;<sup>3</sup> and

2. that the University was negligent in its security procedures following

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<sup>2</sup> The Varners also sued Mesa, who defaulted.

<sup>3</sup> The University's Coordinator of Student Judicial Affairs ruled that Mesa should be suspended for two years. Mesa appealed to the Dean of Students, who reduced the sanction to suspension for one year. Following his suspension, and notwithstanding a staff recommendation to the contrary, Mesa was permitted to live in a student dormitory.

Plunkett's murder, thereby proximately causing Benjamin Varner's death.

The Varners further alleged that after the Plunkett homicide, the police provided assurances to Gallaudet students, including Benjamin Varner, that they would receive special protection, that their security would be accorded the highest priority, and that it was therefore safe for them to remain in school. According to the Varners, Benjamin and other students relied on these assurances.

Following extensive discovery, the District and Gallaudet filed separate motions for summary judgment. On April 8, 2004, in an eleven-page written order, the trial court granted both motions. The Varners filed a timely appeal.

## II.

### SUMMARY JUDGMENT STANDARD

In order to be entitled to summary judgment, a moving party must show that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law. Super. Ct. Civ. R. 56 (c). We review the trial court's judgment *de novo*, *Drejza v. Vaccaro*, 650 A.2d 1308, 1312 (D.C. 1994), and we apply the same substantive standard on appeal as does the trial court in initially considering the motion. *Fry v. Diamond Constr., Inc.*, 659 A.2d 241, 245 (D.C. 1995). The record is viewed in the light most favorable to the party opposing the motion. *Graff v. Malawer*, 592 A.2d 1038, 1040 (D.C. 1991). "Summary judgment is proper when a party fails to establish an essential element of

his case upon which he bears the burden of proof.” *Pannell v. District of Columbia*, 829 A.2d 474, 478 (D.C. 2003).<sup>4</sup>

### III.

#### THE JUDGMENT FOR THE UNIVERSITY

A. *The University’s failure to expel Mesa.*

(1) *The contentions of the parties.*

“In an action for negligence, the plaintiff has the burden of proving by a preponderance of the evidence the applicable standard of care, a deviation from that standard by the defendant, and a causal relationship between the deviation and the plaintiff’s injury.” *District of Columbia v. Wilson*, 721 A.2d 591, 597 (D.C. 1998) (citing *District of Columbia v. Watkins*, 684 A.2d 395, 401 (D.C. 1996)). The Varners’ principal claim against the University is that by failing to expel Mesa for theft and other misconduct, or to suspend him for a longer period, the University caused him to be present on the campus and in a position to murder Benjamin Varner (as well as Eric Plunkett). In particular, the Varners assert that the University’s decision in 1999 to suspend Mesa for one year (rather than to expel him) for thefts of several thousand dollars violated the applicable standard of care and

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<sup>4</sup> We have recently had occasion to articulate the summary judgment standard in substantially greater detail. See *Virginia Acad. of Clinical Psychologists v. Group Hospitalization, Inc.*, 878 A.2d 1226, 1232 (D.C. 2005); *Weakley v. Burnham Corp.*, 871 A.2d 1167, 1173 (D.C. 2005). We adhere to the principles expressed in these decisions, but do not repeat them here.

proximately caused Benjamin Varner's death. The University contends that the Varners' evidence, viewed in the light most favorable to them, did not demonstrate the existence of an applicable standard of care or the breach of any such standard, that no genuine issue of material fact was raised in regard to the University's negligence, and that the University is entitled to judgment as a matter of law. We agree with the University.

(2) *The need for expert testimony.*

The Varners first assert that the question whether the University was negligent was not "beyond the ken" of the average lay person, *Toy v. District of Columbia*, 549 A.2d 1, 6 (D.C. 1988), and that therefore no expert testimony was required. "Where negligent conduct is alleged in a context which is within the realm of common knowledge and everyday experience, the plaintiff is not required to adduce expert testimony either to establish the applicable standard of care or to prove that the defendant failed to adhere to it." *Beard v. Goodyear Tire & Rubber Co.*, 587 A.2d 195, 200 (D.C. 1991) (citations omitted). The Varners point out that Mesa had been disciplined for various acts of misconduct beginning in 1995 when he was attending the high school affiliated with Gallaudet; that he had been repeatedly warned that further misconduct could result in dismissal; and that prior to his suspension in 1999, among other crimes, he had stolen \$3,000 from his roommate by misappropriating the victim's ATM card. The Varners also rely on the enumeration, in the University's student handbook, of specific acts of misconduct that, "because of the immediate or eventual jeopardy they pose to human life and/or University property, will more than likely result in automatic and immediate dismissal":

1. activating a false fire alarm or bomb threat
2. tampering with fire apparatus
3. acts of vandalism
4. theft
5. physical assault and battery
6. possession of firearms, explosives, other weapons, or dangerous chemicals
7. other serious offenses as determined by the administration

Pointing out that by 1999, Mesa had committed almost all of these infractions, including repeated thefts, the Varners assert that, even without expert testimony, a genuine issue of material fact was presented as to whether the University failed to exercise reasonable care in deciding not to expel Mesa, or (at least) in permitting him to reside on campus in a student dormitory.

At first blush, there is arguably some common sense appeal to the Varners' suggestion that the average juror does not require advice from experts from academe in order to be able to identify repeated major thefts as misconduct warranting expulsion, or, at least, exclusion from on-campus dormitories. There can be no doubt that, had Mesa been criminally prosecuted for and convicted of some of his misdeeds, he would have faced the prospect of incarceration, perhaps for several years. The precise question here, however, is whether the trial judge committed reversible error in holding that a lay juror could not be expected to determine whether the result of the University's disciplinary process was unreasonable. Mesa was suspended for a year, but not expelled, and the Varners' claim that a lay jury is entitled to override the University's judicial process and rule that this substantial suspension was inadequate and violated the applicable standard of care.

The decision whether to admit or require expert testimony on a particular state of facts is confided to the sound discretion of the trial court, and we have described that discretion as “broad.” *District of Columbia v. White*, 442 A.2d 159, 165 (D.C. 1982); *District of Columbia v. Davis*, 386 A.2d 1195, 1200 (D.C. 1978). In *Davis*, the trial court ruled that expert testimony was required to prove that the District had negligently trained and supervised a police trainee in the use of his service revolver, and that the plaintiff was injured as a result of this negligence. We affirmed a directed verdict in the District’s favor, holding that “the decision whether or not to admit (and presumably require) expert testimony is within the discretion of the trial court, whose ruling should be sustained unless clearly erroneous.” *Id.* at 1200. The Supreme Court has likewise held that “[t]he trial judge has broad discretion in the matter of the admission or exclusion of expert evidence, and his action is to be sustained unless manifestly erroneous.” *Salem v. United States Lines Co.*, 370 U.S. 31, 35 (1962). We have stated that our deference to the trial judge’s decision whether to require expert testimony does not differ from our deference to a ruling as to the admissibility of such evidence. *White*, 442 A.2d at 165; *Davis*, 386 A.2d at 1200.<sup>5</sup>

In this case, the trial judge did not err or abuse his discretion in holding that, without expert testimony, there was insufficient evidence of negligence to present a jury question. Just as courts should not leave it “to a jury of tailors and haberdashers to pass judgment unaided by expert testimony on how to make a wet and rolling deck in a seaway a safe place to work,” *Beard*, 587 A.2d at 200 (quoting *Zinnel v. United States Shipping Bd., E.F. Corp.*,

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<sup>5</sup> In several of our decisions, however, without citing *White* or *Davis*, we have simply stated that expert testimony is required, or that we agree with the trial court that such testimony is required, without specifying a standard of review. *See, e.g.*, cases cited at pp. 8-9, *infra*. In any event, in this case, we would reach the same result under a *de novo* standard as we do in reviewing for abuse of discretion, although the question would then be a closer one.

10 F.2d 47, 49 (2d Cir. 1925) (dissenting opinion)), so the trial court could reasonably conclude that questions as to the appropriateness and sufficiency of academic discipline should not be left to a lay jury to decide without expert testimony.

This court has held, in a substantial number of cases presenting a variety of factual scenarios, that on the particular record before the court, the determination that a defendant was negligent was beyond the ken of a lay jury, and that the plaintiff must present expert testimony to establish the standard of care and its breach. *See, e.g., Katkish v. District of Columbia*, 763 A.2d 703, 706 (D.C. 2000) (expert testimony required to show that a leaning tree created a dangerous situation requiring an emergency response); *District of Columbia v. Arnold & Porter*, 756 A.2d 427, 433-34 (D.C. 2000) (plaintiff required to present expert testimony to establish standard of care for operation and maintenance of a municipal water main system); *Clark v. District of Columbia*, 708 A.2d 632, 634-35 (D.C. 1997) (expert testimony necessary to establish standard of care applicable to District officials operating juvenile detention center, where juvenile in custody committed suicide); *District of Columbia v. Hampton*, 666 A.2d 30, 35-36 (D.C. 1995) (in negligence action against the District, brought after a two-year-old child died in foster care as a result of foster parent's alleged negligence, plaintiff must present expert testimony to establish standard of care for selection and supervision of foster parents); *Beard*, 587 A.2d at 200 (proof of objective standard of care to which retail merchants should be held in processing applications for credit cards requires expert testimony); *but cf. District of Columbia v. Shannon*, 696 A.2d 1359, 1365 (D.C. 1997) (expert testimony not required where minor's thumb was severed in playground accident due to holes in playground equipment).

Significantly, this court has affirmed trial court rulings that expert testimony is required to establish the standard of care in negligence cases such as this one, which involve issues of safety, security and crime prevention. *See, e.g., Clark*, 708 A.2d at 634-35; *Hampton*, 666 A.2d at 35-36. In *Hill v. Metro. African Methodist Episcopal Church*, 779 A.2d 906 (D.C. 2001), the plaintiff was injured when, while leaving an inauguration ceremony for an official of the NAACP, she was caught in a rush of people on a crowded stairway. The plaintiff failed, however, to proffer expert testimony regarding the applicable standard of care for crowd control. In affirming an award of summary judgment in favor of the church at which the ceremony was held, this court stated that

[n]o doubt attendance at large gatherings of many types – religious services, graduation ceremonies, sporting events, theatrical performances, and so on – and the process of entering and exiting from the relevant locales are events within common knowledge and experience. But that is a far cry from any experience with the process of planning for the handling of large crowds in such circumstances, both architecturally and through various crowd control measures.

*Id.* at 910. In light of these authorities, we conclude that the judge did not err in holding that in this case, proof of the applicable standard of care or its breach required expert testimony.

(3) *The sufficiency of the expert testimony.*

In the alternative, the Varners contend that, even if expert testimony was required in order to establish the applicable standard of care regarding the University's failure to expel Mesa, they satisfied this requirement with the deposition testimony and affidavit of Dr. Timothy F. Brooks. At the time of his deposition testimony, Dr. Brooks was the Dean of

Students at the University of Delaware, having served in that capacity for over twenty years. Dr. Brooks testified as an expert on the subject of the disciplining of students for wrongdoing against other students, and about the responsibilities of universities in this regard.

In his deposition and, especially, in his subsequent affidavit,<sup>6</sup> Dr. Brooks was extremely critical of Gallaudet's handling of Mesa's case. In his affidavit, he stated, *inter alia*:

In my opinion, the judicial system of Gallaudet was not typical of judicial systems across the country; it was poor policy, and not in keeping with the accepted practice or within the standard of care.

\* \* \*

In my opinion, it was a gross breach of the required duties and the standard of practice for Gallaudet to suspend Joseph Mesa for only one year.

Other than his own personal opinion, however, Dr. Brooks was unable to suggest any recognized standard, written or oral, which addressed the question whether imposition of a one-year suspension was unreasonable in a case such as Mesa's. Indeed, Dr. Brooks acknowledged, under examination by counsel for the University, that he knew of no such standard:

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<sup>6</sup> The filing of an affidavit by a witness who has previously testified at a deposition sometimes encounters judicial disfavor, especially where the affidavit contradicts some of the deposition testimony. See *Hancock v. Bureau of Nat'l Affairs*, 645 A.2d 588, 590-91 (D.C. 1994); cf. *Hinch v. Lucy Webb Hayes Nat'l Training Sch. for Deaconesses & Missionaries Conducting Sibley Mem'l Hosp.*, 814 A.2d 926, 929-31 (D.C. 2003). Because we decide the case on other grounds, we need not resolve any issue raised by the University's criticism of and disenchantment with the Varners' use of post-deposition affidavits by their expert witnesses.

Q: Is there any standard stated orally or in writing that you're aware of that required – would have required expulsion of Mr. Mesa in the spring of 1999?

A: If you're looking at a written national standard, no.

\* \* \*

Q: Is there any written standard other than a national standard that you think requires expulsion of Mr. Mesa in the spring of 1999?

A: Not that I'm aware of.

\* \* \*

Q: Is there something you could point to and say, even though it's not written, it was everyone's agreement at the conference on student affairs, and we took a voice vote? I just want to make sure. If there's some basis you can point to other than you're saying it is this way because you know it – is there any other standard you can point to that required expulsion of Mr. Mesa in the spring of '99?

A: Not that I can think of.

The foregoing questions were not ones that it should have been impossible for Dr. Brooks to answer. The witness claimed, remarkably, that he had handled about 20,000 – twenty thousand! – “judicial” cases involving students during his twenty-five-year university career.<sup>7</sup> He was a board member of the Association of Student Judicial Affairs, the principal national organization which deals with student discipline. Many hundreds of the cases which Dr. Brooks handled, or with which he otherwise became familiar – indeed, thousands of such cases – must surely have involved thefts. Nevertheless, Dr. Brooks

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<sup>7</sup> This breaks down to approximately eight hundred cases a year (or about sixteen a week, dubiously assuming a fifty-week academic year, or twenty a week, more credibly assuming a forty-week academic year).

offered no statistics or estimates as to how thefts by students were handled in various institutions, nor did he identify a norm. He likewise failed to articulate any particular criteria on the basis of which a choice between expulsion and suspension was generally made, or ought to be made. Thus, the only standard offered by Dr. Brooks was his own opinion, unfavorable to Gallaudet, though he also obviously believed that others in his profession would have agreed with his opinion.

We have repeatedly held that such testimony is insufficient. Especially in circumstances in which, as in this case, the defendant is alleged to have failed to protect the plaintiff from harm, the expert must “clearly articulate *and reference* a standard of care by which the defendant’s actions can be measured.” *See, e.g., Clark*, 708 A.2d at 635 (emphasis in original); *District of Columbia v. Carmichael*, 577 A.2d 312, 314-15 (D.C. 1990).<sup>8</sup> Dr. Brooks referred to no such standard, and his testimony would not enlighten the jury as to what the practice was at other universities with respect to suspension or expulsion, what criteria are or ought to be used in order to make that choice, or how Gallaudet’s actions compared with any national standard or norm.

Nor can the Varners prevail on the basis of the provisions in the Gallaudet Handbook,<sup>9</sup>

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<sup>8</sup> We have made it clear that “[t]he protection of an individual from himself, or from the criminal conduct of third parties, presents issues different in kind from those that arise in a medical malpractice case,” and that in “protection from harm” cases like *Clark*, 708 A.2d at 635-36 (and the present case), we apply more “exacting standards” in evaluating the sufficiency of expert testimony. *Wilson*, 721 A.2d at 600.

<sup>9</sup> The University argues that it did not violate the policies in its Handbook. The Handbook states, *inter alia*, that acts of theft will “most likely” result in dismissal. A “dismissal,” according to the University, may be either a suspension or an expulsion, with the latter also being referred to as a “*permanent* dismissal.” (Emphasis added.) Therefore, according to the University, Mesa’s one-year suspension conformed to the policies in the Handbook.

(continued...)

to which Dr. Brooks also referred, in order to defeat summary judgment. In *Clark*, 708 A.2d at 636-37, this court held that violations of procedures prescribed by an agency's internal manual – in that case, the District's Suicide Prevention Plan – while arguably admissible as evidence of the standard of care, are not sufficient to require that the defendant's motion for a directed verdict be denied, for a defendant “cannot be held liable for aspiring to efforts beyond an applicable national standard.” Similarly, in this case, assuming that the punishment meted out to Mesa was less severe than that suggested in the Handbook, that fact is insufficient to defeat summary judgment. *See Beard*, 587 A.2d at 199 (“the test for deciding a motion for summary judgment is essentially the same as that for a motion for a directed verdict”) (citations omitted).

The Varners also assert on appeal that Gallaudet was negligent in permitting Mesa to live in a dormitory following his return to campus after his suspension. The point is not frivolous; arguably, thieves should not be permitted to live in dormitories, even when a year or more has elapsed since the thefts. One might reasonably ask whether the other residents of the dormitory were not entitled to a warning that a former thief was in their midst. Although the issue is not an easy one, however, we conclude that the trial judge did not err in his disposition of this issue.

The expert evidence presented by the plaintiffs on this aspect of the case was legally insufficient. During his deposition, the Varners' expert on disciplinary matters, Dr. Brooks,

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<sup>9</sup>(...continued)

The soundness of this argument is not obvious. One who reads the relevant language of the Handbook in a non-technical manner might well receive the impression that Mesa was treated a good deal more leniently than the authors of the Handbook contemplated. As we note in the text, however, the Handbook does not represent a standard of care.

failed to articulate or identify any established standard prohibiting a student from living in a dormitory upon the end of his suspension, even if that suspension was for theft. In his supplemental affidavit, Dr. Brooks likewise failed to identify a single university that would have prohibited Mesa from living on campus under the circumstances. Rather, Dr. Brooks simply concluded that Gallaudet's decision to permit Mesa to return to a dormitory was "below the standard of care." Such a conclusory assertion is insufficient to establish an objective standard of care. *See, e.g., Pannell*, 829 A.2d at 479-80.

Finally, the disciplining of students by universities is an area in which we are obliged to tread carefully and exercise restraint. "Courts must enter the realm of school discipline with caution and allow schools flexibility in establishing and enforcing disciplinary procedures." *Harwood v. Johns Hopkins Univ.*, 747 A.2d 205, 209 (Md. Ct. Spec. App. 2000) (citations omitted). Just as "[p]ublic policy considerations undergird the deference accorded [an] academic institution in grading its students," *Jung v. George Washington Univ.*, 875 A.2d 95, 108 (D.C. 2005), so too courts must respect the authority of a university to select the appropriate discipline to be meted out to a student who has violated the university's rules. In this case, when Mesa's thefts were discovered, the University's security officers promptly reported them to the Metropolitan Police Department (MPD), but at the complainant's request, the police took no action. The University also immediately instituted disciplinary proceedings against Mesa for theft. As we have previously explained, see note 3, *supra*, Mesa was originally suspended for two years; the Dean of Students reduced the suspension to one year based on Mesa's cooperation and his reimbursement of his victims. The University obviously took seriously its responsibility to take disciplinary action; the

Varners' quarrel is only with the sanction that the University imposed.<sup>10</sup> Under these circumstances, the need for judicial restraint reinforces our conclusion that Dr. Brooks' testimony, viewed in the light most favorable to the Varners, was not sufficient to show negligence, *i.e.*, an identifiable standard of care or its breach, or to warrant denial of the University's motion for summary judgment.<sup>11</sup>

B. *The claim of inadequate campus security procedures.*

(1) *The issues.*

The Varners' secondary claim of negligence on the part of the University relates to the security procedures put in effect following the murder of Eric Plunkett in September 2000. In support of this claim, the Varners presented the deposition testimony of two experts on security, Ira Somerson and Norman Bates. The Varners contend

1. that Gallaudet should have altered the programming of students' key cards to permit students to enter only their own dormitories; and
2. that Gallaudet "violated the common practice among universities to provide

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<sup>10</sup> In his affidavit, Dr. Brooks opined that, in his view, a four-year suspension might have been adequate. There is no indication in the record as to how he arrived at four years. We question whether, at least absent exceptional circumstances, the *length* of a suspension is a matter in which courts should presume to second-guess the University's disciplinary authorities.

<sup>11</sup> The trial judge did not consider and, in light of our disposition of the appeals on other grounds, we likewise do not reach the questions whether it was foreseeable that Mesa's presence on the campus would place Benjamin Varner in physical danger and whether it was incumbent upon the plaintiffs to present evidence that violence on Mesa's part (as opposed to theft) was foreseeable in order to avoid summary judgment.

information potentially relevant to a crime investigation to police.”

The evidence presented by the Varners in support of these contentions was insufficient to raise a genuine issue of material fact warranting the denial of summary judgment.

Mr. Somerson candidly acknowledged at his deposition that he was unaware of any national standard applicable to Gallaudet’s security procedures:

Q: What was your understanding of the standards that are applicable to a college or university with regard to security it provides to students?

A: There is no such animal.

Q: There’s no standard?

A: No.

Mr. Somerson went on to testify that “[i]t’s a tinkering game. That’s how you get at your standard of care.” Thus, according to one of the Varners’ security experts, no standard exists against which the University’s security procedures could fairly be measured.

(2) *The programming of key cards.*

The Varners claim that Gallaudet violated a national standard of care by failing to program their key cards to prevent students from entering dormitories other than their own. When asked whether most universities restricted access in this way in 2001, the year in which Benjamin Varner was murdered, Mr. Bates responded that he did not know, because he had

not done a survey on the subject. He indicated, however, that “five years prior to 2001 it was adopted by their own industry trade group as an accepted practice.” The witness was apparently referring to a “recommended practice” of the International Association of Campus Law Enforcement Administrators (IACLEA) adopted in 1996 and published in IACLEA’s *The Complete Campus Crime Prevention Manual*. The Manual itself makes it clear, however, that the IACLEA’s recommendations were not standards but aspirational goals:

Recognizing that academic environments vary widely – as do the safety and security risks they experience – *these recommended practices are not intended to serve as a formal security code or set of standards*. Rather, they are designed to represent *optimum* crime prevention practices for colleges and universities. Although crime prevention practices are recommended, institutions may elect to develop appropriate alternatives to these recommendations.

(Emphasis added.)<sup>12</sup>

Aspirational practices do not establish the standard of care which the plaintiff must prove in support of an allegation of negligence. *Messina v. District of Columbia*, 663 A.2d 535, 538 (D.C. 1995). To paraphrase what we stated in a different but somewhat analogous context in *Clark*, 708 A.2d at 636, “[t]o hold otherwise would create the perverse incentive for [universities and their administrators] to write [their manuals] in such a manner as to impose minimal duties upon [universities] in order to limit civil liability.”

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<sup>12</sup> In his affidavit, Mr. Bates stated that “[i]n my opinion, the standards set forth in IACLEA do establish a national standard of care and guidelines for campus security and it was in effect at the time that Mr. Varner was murdered.” Mr. Bates’ “opinion” appears to be directly contrary to the italicized language in the Manual, and as we have indicated in the text, Mr. Bates had no information about the actual practices of universities in 2001.

Moreover, even the aspirational policy favored by the IACLEA arguably has no application to this case. Mesa had lived in Cogswell Hall prior to Plunkett's murder, but together with some other students, he was moved to Krug Hall after that event. On the night that he murdered Benjamin Varner, some of his belongings were still at Cogswell Hall, and he was in the process of moving between Cogswell Hall and his new dormitory, Krug Hall. That evening, according to Mesa, he was admitted to Cogswell Hall by a Resident Assistant with whom he signed in, ostensibly so that he (Mesa) could rent a dolly in order to move his belongings. After Mesa was permitted entry into the dormitory, Benjamin Varner voluntarily admitted Mesa to Benjamin's room, which had a bolt lock. Mr. Bates candidly acknowledged that he had no opinion regarding whether the applicable standard of care was violated under these circumstances.

(3) *Failure to provide information to the police.*

The Varners' argument in their brief on appeal to the effect that the University negligently failed to provide relevant information to the police reads, in its entirety, as follows:

In addition to addressing access control, Bates testified that Gallaudet violated the common practice among universities to provide information potentially relevant to a crime investigation to police, as part of their general duty to protect their students, a standard Gallaudet breached by not providing police with any of its information on Mesa's five-year crime spree. The affidavit filed by Gallaudet's expert on this point did not dispute the existence of this *standard*; in it, the expert merely disagreed with Bates over whether the standard was breached on the facts of this case.

We disagree with this contention.

First, Mr. Bates was unable to identify any specific standard of care requiring Gallaudet to collect, without a request or subpoena from police or prosecutors, incident reports relating to non-violent crimes involving a student who had not been identified as a potential suspect. Rather, Mr. Bates relied solely upon “the general duty that a university would have to protect its students from harm from others.” He went on to concede that he knew of no standard specifically requiring a college or university to provide such information to the police during a homicide investigation. An expert may not rely upon a general duty of care to establish an objective standard requiring specific conduct. *See Carmichael*, 577 A.2d at 315 (“when normative standards are used by an expert as a basis for assessing negligence, at the very least the expert must be specific as to what standards were violated and how they were violated”). Mr. Bates was unable to point to any specific standard of care with which the University failed to comply, nor could he identify a single college or university that did what he claimed Gallaudet should have done. On this record, we find unpersuasive the Varners’ claim that the University was negligent by failing to volunteer information about Mesa to the police.

Moreover, within a day of the Plunkett murder, Gallaudet security personnel specifically identified Mesa to the police as a student who had engaged in suspicious behavior, and they suggested that the officers talk to Mesa. The police interviewed Mesa on at least two separate occasions and reported to Gallaudet that Mesa had been “cleared.” It is undisputed that the police believed – and informed Gallaudet representatives that they believed – that Minch was responsible for Plunkett’s murder. Further, the investigating

officers never informed Gallaudet, prior to Benjamin Varner's murder, that the Plunkett homicide a few months earlier had involved theft. Under these circumstances, Mesa's history of theft had no apparent relevance to the investigation of Plunkett's death. Moreover, the police never requested, and the prosecutors or grand jury never issued subpoenas for, any documents relating to disciplinary action against Mesa or any other student. As a result, Gallaudet was not apprised that Mesa's disciplinary records – or, more broadly, information relating to past thefts on campus – would be of any use to the police in determining the identity of Plunkett's killer.<sup>13</sup>

There is no suggestion in this record that the University impeded the investigation of the murder of Eric Plunkett in any way, or declined to provide any assistance requested by the police. Both police witnesses testified at their depositions that Gallaudet cooperated fully in the investigation of the Plunkett homicide, and that University representatives provided all of the documents and evidence that the police requested. In sum, the Varners have not identified any standard requiring the University to do anything that it did not do in order to assist the police in identifying Plunkett's murderer.

### *C. Conclusion.*

For the foregoing reasons, we agree with the trial court that the University was entitled to summary judgment as a matter of law.

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<sup>13</sup> It also appears that, at least in the absence of a subpoena, the University was precluded by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232 (g), from releasing Mesa's disciplinary records.

**IV.****THE JUDGMENT FOR THE DISTRICT OF COLUMBIA**

The Varners claim that the District of Columbia, and specifically Detective Kyle Cimiotti, were negligent in their investigation of the Plunkett murder. They contend that if the police had exercised reasonable care in investigating that murder, Mesa would have been swiftly apprehended, and he would therefore have had no opportunity to kill Benjamin Varner. Retired Detective Jeffery Greene, formerly of the homicide squad of the MPD, stated in an affidavit which was filed by the Varners in opposition to the District's motion for summary judgment:

It is . . . my opinion that had reasonable and professional techniques been employed in the Plunkett homicide investigation, that the MPD homicide detectives would have learned that Mr. Plunkett's credit cards and ATM cards were missing, that Mr. Mesa had used Mr. Plunkett's credit cards and ATM cards after Mr. Plunkett's death, and that had said practice been employed, that within a reasonable degree of certainty the MPD homicide detectives would have learned that Joseph Mesa, Jr. had used Mr. Plunkett's computer and Internet account and credit card to order bikes and have it [sic] delivered to his mailing address and also made other purchases.

Detective Greene further stated that, in his opinion, "the way that Defendant District of Columbia employees handled the Plunkett murder was grossly below the required, necessary, and acceptable standard of care and showed disregard for the safety of the students at Gallaudet . . . ." It was Greene's opinion that "had the homicide investigation followed standard procedures, [then] within a reasonable degree of investigative certainty, the murder

of Benjamin Varner would not have taken place.”

The District filed a motion for summary judgment, relying in part on the public duty doctrine. The District argued that

plaintiffs are seeking to hold the government liable for the criminal conduct [of] Mr. Mesa. However, under the well established common law of the District of Columbia, if the District owed no duty of care to the decedent beyond the general duty owed to the public at large, judgment must be entered for the District defendants.

Under the public duty doctrine,

[the District of Columbia] and its agents owe no duty to provide public services to particular citizens as individuals. Instead, absent some “special relationship” between the government and the individual, the District’s duty is to provide public services to the public at large.

*Powell v. District of Columbia*, 602 A.2d 1123, 1125 (D.C. 1992) (citations omitted). The public duty doctrine shields the municipality and its agencies from suits attacking the manner in which the District of Columbia deploys its manpower and undertakes to discharge its obligation to the general public. *Hines v. District of Columbia*, 580 A.2d 133 (D.C. 1990); see also *Platt v. District of Columbia*, 467 A.2d 149 (D.C. 1983).

It is well-settled in the District of Columbia that “a government and its agents are under no general duty to provide public services . . . to any particular citizen.” *Warren v. District of Columbia*, 444 A.2d 1, 4 (D.C. 1981) (*en banc*); see also *Johnson v. District of Columbia*, 580 A.2d 140 (D.C. 1990); *Hines, supra*; *Wanzer v. District of Columbia*, 580 A.2d 127 (D.C. 1990). With respect to such public services, such as police protection, “the duty is to the public, and absent a special relationship, the District of Columbia cannot be held liable.” *Platt, supra* (plaintiff’s claims dismissed because the District of Columbia’s frequent fire inspections and the issuance of

certificate of occupancy did not create a special relationship with the District and the theatre patrons).

Adopting language from our opinion in *Powell*, the District contended that “a duty owing to everybody can never become the foundation of an action until some individual is placed in [a] position which gives him particular occasion to insist upon its performance; it then becomes a duty to him personally.” 602 A.2d at 1127 (quoting *Orzechowski v. State*, 485 A.2d 545, 549 n.3 (R.I. 1984)) (quoting 3 COOLEY, LAW OF TORTS § 478, at 366 (4th ed. 1932)).

The trial judge granted the District’s motion, essentially endorsing the District’s position. The judge wrote that

under the public duty doctrine, public officials such as police officers cannot be held liable for harm caused by criminals unless there was a “special relationship” between the victim and the official. *See, e.g., Platt v. District of Columbia*, 467 A.2d 149 (D.C. 1983). In order to find that a “special relationship” had been created, a two-prong test applies: there must be either [sic] a direct or continuing contact between the victim and the police department, and there must be a justifiable reliance on that contact by the victim. *See id.*

In the present case, neither prong of the test is met. Plaintiffs argue that a special relationship had been created by the prior murder of a Gallaudet student, and because the MPD had a presence on the Gallaudet campus. [Citation to record omitted.] Plaintiffs present no argument or evidence, however, to show that Benjamin Varner himself had any direct or continuing contact with the MPD. Merely because the police are present in an area does not create a special relationship with the people in that area. To the contrary, finding that a special relationship exists in such a situation would obviate the public duty doctrine, as a special relationship would be created between the police and the people in any area in which the police are doing their job. Thus, absent any information or argument by

plaintiffs that a special relationship had been created between Detective Cimiotti and Benjamin Varner himself, as opposed to the entire Gallaudet student body, the public duty doctrine applies to this case.

We substantially agree with the District's argument and with the trial judge's analysis.

On appeal, the Varners contend, as they did in the trial court, that the police had created a "special relationship" with Benjamin Varner and with other students at Gallaudet, that Benjamin had relied on this special relationship and on promises of protection, and that the public duty doctrine therefore had no application. The Varners cite, *inter alia*, the affidavit of Benjamin's friend and fellow student, Casey Przygoda. In that affidavit, Ms. Przygoda stated in pertinent part:

After Eric Plunkett was killed, I, *and other students at Gallaudet University*, were assured by the District of Columbia Police ("DC Police") that they were going to give us special protection in addition to what the rest of the community was given because *as students we were all frightened* and upset with what had happened.

\* \* \*

I remember a meeting where the DC Police told us that they were there specifically to protect us and provide for our safety so that there would not be another murder. The DC Police also assured us they were working even harder to solve this murder because it has happened right on campus.

I, *and other students at Gallaudet University*, relied upon the police to provide us the necessary protection from the person who had committed the murders.

(Emphasis added.) In addition, plaintiffs Willie and Diane Varner, Benjamin Varner's

parents, filed a joint affidavit in which they stated, in effect, that according to Benjamin, he personally was relying on assurances from the police that he and other students would be protected.<sup>14</sup>

In our view, these affidavits, and the arguments which the Varners have made on the basis of their factual representations, are insufficient to take the case out of the reach of the public duty doctrine. As the italicized language in Ms. Przygoda's affidavit itself reveals, any assurances of protection made by the police were directed to the Gallaudet students collectively, not to Benjamin Varner or to any other student individually. Gallaudet has approximately 2000 undergraduates and graduate students, as well as many faculty members and administrators. The presence of police officers on the campus, and their promises of protection, cannot reasonably be viewed as having created more than 2000 "special relationships." If, at Gallaudet, all 2000 students were entitled to avail themselves of the "special relationship" exception to the public duty doctrine, then that exception would emasculate and nullify the doctrine itself. Indeed, although the police owe a duty to the public, any crime will primarily involve a segment of the public, often residents of a particular neighborhood, or, as in this case, students and faculty members at a particular institution. If, in such cases, all of the residents, students, or others who receive reassurance from the police, have a right of action against the District for any alleged negligence in solving one crime or in preventing a second, then the public duty doctrine effectively becomes a nullity.<sup>15</sup>

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<sup>14</sup> Given our disposition, we need not decide whether the Varners' joint affidavit was based on inadmissible hearsay, in violation of Super. Ct. Civ. R. 56 (e).

<sup>15</sup> We recently reiterated, in the context of a rescue operation, that even the plaintiff's reliance  
(continued...)

A *caveat* may be in order. “There is perhaps no doctrine more firmly established than the principle that liability follows tortious wrongdoing; that where negligence is the proximate cause of injury, the rule is liability and immunity is the exception.” *Miller*, 841 A.2d at 1249 (concurring opinion) (quoting *Stone v. Ariz. Highway Comm’n*, 381 P.2d 107, 112 (Ariz. 1963)). The “public duty” line of cases represents a major exception to this generally salutary principle. In this case, if Detective Greene, formerly of the MPD’s homicide squad, is correct in his assessment of the quality of the police investigation of the Plunkett homicide, then negligence on the part of the police proximately resulted in the untimely death of the plaintiffs’ son at the hands of a murderer who should have been apprehended long before he could harm Benjamin Varner.<sup>16</sup> Nevertheless, the public duty doctrine is well-established in this jurisdiction, and we entertain no doubt that it bars the Varners’ suit against the District. Accordingly, we conclude that the trial judge properly granted the District’s motion for summary judgment.

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<sup>15</sup>(...continued)

on negligent misrepresentation of fact by police officers does not render the public duty doctrine inapplicable. *Miller v. District of Columbia*, 841 A.2d 1244, 1248 (D.C. 2004). Indeed, this court has rejected the “special relationship” exception to the doctrine in a number of cases in which the proffered basis for finding a “special relationship” was far more plausible than the Varners’ claim is in this case. See, e.g., *Miller*, 841 A.2d at 1246-48; *Warren*, 444 A.2d at 3; *Allison Gas Turbine v. District of Columbia*, 642 A.2d 841, 845 (D.C. 1994).

<sup>16</sup> To avoid any misunderstanding, we take no position as to whether the District was in fact negligent, as Detective Greene alleged. There has been no trial of the issue, and neither the Superior Court nor this court has had the opportunity to hear the District’s side of the argument.

**V.**

**CONCLUSION**

For the foregoing reasons, the judgment of the Superior Court in both appeals is

*Affirmed.*

## 2001 CA 009049 B VARNER, WILLIE Vs. DISTRICT OF COLUMBIA

<b>File Date</b>	12/11/2001	<b>Case Status</b>	Closed	<b>Case Status Date</b>	12/11/2001
		<b>Case Disposition</b>	Order Granting Motion for Judgment Entered on Dkt	<b>Case Disposition Date</b>	04/08/2004

**Party Information**

<b>Party Name</b>	<b>Party Alias(es)</b>	<b>Party Type</b>	<b>Attorney(s)</b>	<b>Attorney Phone</b>
VARNER, WILLIE		PLAINTIFF	NACE, Mr BARRY J J (202)463-1999	
VARNER, DIANE		PLAINTIFF	NACE, Mr BARRY J J (202)463-1999	
DISTRICT OF COLUMBIA		Defendant	PRO SE	
CIMIOTTI, KYLE		Defendant	PRO SE	
GALLAUDET UNIVERSITY		Defendant	PRO SE	
MESA JR 287-628, JOSEPH		Defendant	PRO SE	

**Docket Entries**

<b>Date</b>	<b>Text</b>
08/23/2006	COA Mandate Affirming Appeal Nos. 04CV488 and 04CV547 Filed 8/22/06.
08/23/2006	COA Order Affirming Appeal Nos. 04CV488 and 04CV547 Filed 2/2/06.
02/02/2006	ORDERED and ADJUDGED that the judgment in both appeals is affirmed. Signed by Pinkston, Jr
02/02/2006	Mandate Issued By Pinkston, Jr
02/02/2006	Mandate Issued By Pinkston, Jr
12/21/2005	Judge Caseload Transfer The judge was changed from DIXON Jr, HERBERT B. to WEISBERG, FREDERICK H.
07/16/2004	(can) STATUS conference @10:00am LSDATE: 20040507st cnx TDMS TYPE: EVT TDMS EVENT: 0297b2D CREATED BY/ON: #414 Weaver, 06-21-2004 LAST MODIFIED BY/ON: #414 Weaver, 07-01-2004
07/01/2004	ORDERED, sua sponte, that appeals nos. 04-CV-488 & 04-CV-547 are consolidated for all purposes. See Lg., FURTHER ORDERED, that a briefing will be issued upon the filing in this court, by the Clerk of the Superior Court, the record index required by D.C. App. R . 11(b)(3)(A) ENTRY BY: Pinkston TDMS TYPE: DOC TDMS EVENT: 1133ord+ CREATED BY/ON: #486 Colaire, 08-19-2004 LAST MODIFIED BY/ON: #486 Colaire, 08-19-2004
06/29/2004	Order Vacating Status Hearing JLD 381279 425141 ENTRY BY: J/DixonHB #00000 TDMS TYPE: DOC TDMS EVENT: 1133 . CREATED BY/ON: #B12 You, Shi 07-01-2004 LAST MODIFIED BY/ON: #B12 You, Shi 07-01-2004
06/28/2004	ORDERED vacating status hrg,seelg,fld 6-30-04 ORDERED that the status hrg scheduled for 7-17-04 shall be vacated ENTRY BY: J/Dixon TDMS TYPE: DOC TDMS EVENT: 1133ord+ CREATED BY/ON: #485 Cox, Kin 07-02-2004 LAST MODIFIED BY/ON: #485 Cox, Kin 07-02-2004
06/21/2004	Continued to 20040716st @10:00am from 20040507st per transmittal LSDATE: 20040507st cnx TDMS TYPE: SCX TDMS EVENT: 0200cnx CREATED BY/ON: #414 Weaver, 06-21-2004 LAST MODIFIED BY/ON: #414 Weaver, 06-21-2004
06/09/2004	Motion for Interlocutory Appeal TDMS TYPE: MOT TDMS EVENT: 9103 * CREATED BY/ON: #B12 You, Shi 05-20-2004 LAST MODIFIED BY/ON: #4AU Russell, 06-16-2004
06/02/2004	Notice of Appeal mailed to interested parties ENTRY BY: clerk TDMS TYPE: DOC TDMS EVENT: 9107not* CREATED BY/ON: #4AR Richards 06-02-2004 LAST MODIFIED BY/ON: #4AR Richards 06-02-2004

06/01/2004 Notice of appeal filed by W. Varner from order entered May 4,2004 ENTRY BY: Varner TDMS TYPE: DOC TDMS EVENT: 2214by TDMS FLAG: s\* CREATED BY/ON: #4AR Richards 06-02-2004 LAST MODIFIED BY/ON: #4AR Richards 06-02-2004

05/21/2004 ORDERED, that the clerk of the court is directed to enter judgment for defts Gallaudet Univ., Kyle Cimiotti, seelg, fld 5/24/04 and the District of Columbia pursuant to Superior Court Civil Rule 54(b) ENTRY BY: J/Dixon TDMS TYPE: DOC TDMS EVENT: 1133ord+ CREATED BY/ON: #468 Vaughn, 05-25-2004 LAST MODIFIED BY/ON: #468 Vaughn, 05-25-2004

05/19/2004 MEMORANDUM OF DEFENDANT GALLAUDET UNIVERSITY IN RESPONSE TO PLAINTIFFS MOTION FOR INTERLOCUTORY APPEAL JLD 359966 400438 ENTRY BY: D000A #376068 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 05-20-2004 LAST MODIFIED BY/ON: #B12 You, Shi 05-20-2004

05/18/2004 Motion for Interlocutory Appeal JLD 359536 399893 ENTRY BY: P001A #130724 Ba TDMS TYPE: MOT TDMS EVENT: 9103 \* CREATED BY/ON: #B12 You, Shi 05-20-2004 LAST MODIFIED BY/ON: #B12 You, Shi 05-20-2004

05/07/2004 Atty Nace for pltf only present. Status hrg. held. No further Status set at this time. Counsel notes he has filed an appeal. (jkt) ENTRY BY: J/Dixon TDMS TYPE: DOC TDMS EVENT: 0000att\* CREATED BY/ON: #465 Jones, G 05-11-2004 LAST MODIFIED BY/ON: #465 Jones, G 05-11-2004

05/07/2004 Notice of appeal mailed to interested parties ENTRY BY: clerk TDMS TYPE: DOC TDMS EVENT: 9107not\* CREATED BY/ON: #4AR Richards 05-07-2004 LAST MODIFIED BY/ON: #4AR Richards 05-07-2004

05/07/2004 (rst) STATUS conference @ 2:00pm NSDATE: 20040716st cnx LSDATE: 20040402st cnx TDMS TYPE: EVT TDMS EVENT: 0297b2D CREATED BY/ON: #414 Weaver, 04-02-2004 LAST MODIFIED BY/ON: #414 Weaver, 06-21-2004

05/05/2004 Notice of appeal filed by W. varneret. al. from order entered April 8,2004 ENTRY BY: Varner TDMS TYPE: DOC TDMS EVENT: 2214by TDMS FLAG: s\* CREATED BY/ON: #4AR Richards 05-07-2004 LAST MODIFIED BY/ON: #4AR Richards 05-07-2004

05/04/2004 ORDERED, That Judgment Be, & It Hereby Is, Entered In Favor Of The Defts., Gallaudet Univ., See Lg., Fld 5-4-04, Mld 5-6-04 Kyle Cimiotti, and the District Of Columbia ENTRY BY: (clerk) TDMS TYPE: DOC TDMS EVENT: 1133ord+ CREATED BY/ON: #4AU Russell, 05-06-2004 LAST MODIFIED BY/ON: #4AU Russell, 05-06-2004

04/08/2004 \*L\*Order Granting Judgment for Defendants Gallaudet University, Cimiotti, and the District of Columbia on Defendants' Motions for Sum JLD 3393756 3762402 Order Granting Judgment for Defendants Gallaudet University, Cimiotti, and the D istrict of Columbia on Defendants' Motions for Summary Judgment; ENTRY BY: J/DixonHB #00000 TDMS TYPE: DOC TDMS EVENT: 1133 . CREATED BY/ON: #GBR Hariss, 12-23-2004 LAST MODIFIED BY/ON: #GBR Hariss, 12-23-2004

04/08/2004 MEMORANDUM DECISION GRANTING Defts Gallaudet, Cimiotti & DC's Mtns For S.J., See Lg., Fld. 4-9-04 In accordance with the foregoing, this ct grants deft Gallaudet Univ's mot for summ judg., and grants defts Kyle Cimiotti and the Dist of Col's mot for r summ judg. An appropriate order in accordance with this Memorandum Decision is separately and contemporaneously issued this 8th day of April 2004. SEE ORDER I N CT JKT ENTRY BY: J/Dixon, Jr TDMS TYPE: DOC TDMS EVENT: 0000mem+ CREATED BY/ON: #4AU Russell, 04-13-2004 LAST MODIFIED BY/ON: #4AU Russell, 04-13-2004

04/08/2004 Memorandum Decision Granting Defendants' Motions for Summary Judgment JLD 339375 376240 ENTRY BY: J/DixonHB #00000 TDMS TYPE: DOC TDMS EVENT: 1133 . CREATED BY/ON: #B12 You, Shi 04-12-2004 LAST MODIFIED BY/ON: #B12 You, Shi 04-12-2004

04/08/2004 ORDER & JUDGMENT GRANTING Mot Of Deft Gallaudet Univ For Summ Judg., See Lg., Fld. 4-9-04 ORDERED, that the clerk of the ct is directed to enter judgment for de fendants Gallaudet Univ., Kyle Cimiotti, and the Dist of Col ENTRY BY: J/Dixon, Jr TDMS TYPE: MOT TDMS EVENT: 1075Mot+ CREATED BY/ON: #B12 You, Shi 02-02-2004 LAST MODIFIED BY/ON: #4AU Russell, 04-13-2004

04/08/2004 ORDER & JUDGMENT GRANTING Defts KYLE CIMIOTTI & D.C.'s Mot For Summ Judg., See Lg., Fld. 4-9-04 ORDERED, that the clerk of the ct is directed to enter judgment for def endants Gallaudet Univ., Kyle Cimiotti, and the Dist of Col ENTRY BY: J/Dixon, Jr TDMS TYPE: MOT TDMS EVENT: 1075Mot+ CREATED BY/ON: #B12 You, Shi 12-01-2003 LAST MODIFIED BY/ON: #4AU Russell, 04-13-2004

04/02/2004 Continued to 20040507st @ 2:00pm from 20040402st per transmittal LSDATE: 20040402st cnx TDMS TYPE: SCX TDMS EVENT: 0200cnx CREATED BY/ON: #414 Weaver, 04-02-2004 LAST MODIFIED BY/ON: #414 Weaver, 04-02-2004

04/02/2004 (rst) STATUS conference @10:30am NSDATE: 20040507st cnx LDATE: 20040206st cnt TDMS TYPE: EVT TDMS EVENT: 0297b2D CREATED BY/ON: #414 Weaver, 01-22-2004 LAST MODIFIED BY/ON: #414 Weaver, 04-02-2004

03/29/2004 ORDER RESCHEDULING STATUS HRG., See Lg., Fld 3-30-04 ORDERED that this matter is set for a status hrg in ctrm 220 on Fri., 5- 7-04 @ 2pm; and it is further ORDERED that the status hrg sched for 4-2-04 @ 10a m is canceled ENTRY BY: J/Dixon Jr TDMS TYPE: DOC TDMS EVENT: 1133ord+ CREATED BY/ON: #4AU Russell, 03-31-2004 LAST MODIFIED BY/ON: #4AU Russell, 03-31-2004

03/29/2004 Order Rescheduling Status Hearing JLD 333772 369850 ENTRY BY: J/DixonHB #00000 TDMS TYPE: DOC TDMS EVENT: 1133 . CREATED BY/ON: #B12 You, Shi 03-30-2004 LAST MODIFIED BY/ON: #B12 You, Shi 03-30-2004

02/23/2004 Amended Consent Motion for Additional Time to Respond to Gallaudets Motion for Summary Judgment TDMS TYPE: MOT TDMS EVENT: 9203Mot\* CREATED BY/ON: #B12 You, Shi 02-11-2004 LAST MODIFIED BY/ON: #4AU Russell, 03-17-2004

02/17/2004 EXHIBIT 1 JLD 3121572 3450355 ENTRY BY: X000A #000000 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #GBR Hariss, 12-23-2004 LAST MODIFIED BY/ON: #GBR Hariss, 12-23-2004

02/17/2004 EXHIBIT 4 JLD 3121572 3450358 ENTRY BY: X000A #000000 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #GBR Hariss, 12-23-2004 LAST MODIFIED BY/ON: #GBR Hariss, 12-23-2004

02/17/2004 EXHIBIT 5 JLD 3121572 3450359 ENTRY BY: X000A #000000 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #GBR Hariss, 12-23-2004 LAST MODIFIED BY/ON: #GBR Hariss, 12-23-2004

02/17/2004 EXHIBIT 3 JLD 3121572 3450357 ENTRY BY: X000A #000000 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #GBR Hariss, 12-23-2004 LAST MODIFIED BY/ON: #GBR Hariss, 12-23-2004

02/17/2004 EXHIBIT 2 JLD 3121572 3450356 ENTRY BY: X000A #000000 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #GBR Hariss, 12-23-2004 LAST MODIFIED BY/ON: #GBR Hariss, 12-23-2004

02/17/2004 EXHIBIT 7 JLD 3121572 3450362 ENTRY BY: X000A #000000 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #GBR Hariss, 12-23-2004 LAST MODIFIED BY/ON: #GBR Hariss, 12-23-2004

02/17/2004 EXHIBIT 8 JLD 3121572 3450365 ENTRY BY: X000A #000000 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #GBR Hariss, 12-23-2004 LAST MODIFIED BY/ON: #GBR Hariss, 12-23-2004

02/17/2004 REPLY BRIEF IN SUPPORT OF DEFENDANT GALLAUDET UNIVERSITYS MOTION FOR SUMMARY JUDGMENT JLD 312157 345035 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 02-26-2004 LAST MODIFIED BY/ON: #B12 You, Shi 02-26-2004

02/17/2004 EXHIBIT 6 JLD 312157 345036 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 02-26-2004 LAST MODIFIED BY/ON: #B12 You, Shi 02-26-2004

02/06/2004 (rst) STATUS conference @10:00am NSDATE: 20040402st cnt LDATE: 20031212st cnx TDMS TYPE: EVT TDMS EVENT: 0297b2D CREATED BY/ON: #437 Young, V 11-10-2003 LAST MODIFIED BY/ON: #414 Weaver, 01-22-2004

02/03/2004 Order Granting Amended Motion for Additional Time JLD 305661 337121 ENTRY BY: J/DixonHB #00000 TDMS TYPE: DOC TDMS EVENT: 1133 . CREATED BY/ON: #B12 You, Shi 02-11-2004 LAST MODIFIED BY/ON: #B12 You, Shi 02-11-2004

02/02/2004 Plaintiffs Amended Statement of Undisputed Facts JLD 304695 336000 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 0000 \* CREATED BY/ON: #B12 You, Shi 02-11-2004 LAST MODIFIED BY/ON: #B12 You, Shi 02-11-2004

02/02/2004 Amended Opposition to Defendants Cimiotti and The District of Columbias Motion for Summary Judgment JLD 304695 335996 ENTRY BY: P001A #130724 Ba TDMS TYPE: MOT TDMS EVENT: 0000Opp. CREATED BY/ON: #B12 You, Shi 02-11-2004 LAST MODIFIED BY/ON: #B12 You, Shi 02-11-2004

02/02/2004 Amended Consent Motion for Additional Time to Respond to Gallaudets Motion for Summary Judgment JLD 304668 335944 ENTRY BY: P001A #130724 Ba TDMS TYPE: MOT TDMS EVENT: 9203Mot\* CREATED BY/ON: #B12 You, Shi 02-11-2004 LAST MODIFIED BY/ON: #B12 You, Shi 02-11-2004

01/31/2004 Cimiotti Deposition Part I-C JLD 3046178 3358781 ENTRY BY: X000A #000000 Ba TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #GBR Hariss, 12-22-2004 LAST MODIFIED BY/ON: #GBR Hariss, 12-22-2004

01/31/2004 Gallaudet records Part IV JLD 304617 335884 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 02-11-2004 LAST MODIFIED BY/ON: #B12 You, Shi 02-11-2004

01/31/2004 Gallaudet records Part III JLD 304617 335883 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 02-11-2004 LAST MODIFIED BY/ON: #B12 You, Shi 02-11-2004

01/31/2004 Cimiotti Deposition Part I-B JLD 304617 335877 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 02-11-2004 LAST MODIFIED BY/ON: #B12 You, Shi 02-11-2004

01/31/2004 Gallaudet records Part I JLD 304617 335878 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 02-11-2004 LAST MODIFIED BY/ON: #B12 You, Shi 02-11-2004

01/31/2004 Gallaudet records Part II JLD 304617 335879 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 02-11-2004 LAST MODIFIED BY/ON: #B12 You, Shi 02-11-2004

01/30/2004 Jennifer Greene 8.11.03 transcript JLD 3046079 3358622 ENTRY BY: X000A #000000 Ba TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #GBR Hariss, 12-22-2004 LAST MODIFIED BY/ON: #GBR Hariss, 12-22-2004

01/30/2004 Holt Deposition JLD 3046079 3358620 ENTRY BY: X000A #000000 Ba TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #GBR Hariss, 12-22-2004 LAST MODIFIED BY/ON: #GBR Hariss, 12-22-2004

01/30/2004 Exhibit 3 JLD 3046079 3358607 ENTRY BY: X000A #000000 Ba TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #GBR Hariss, 12-22-2004 LAST MODIFIED BY/ON: #GBR Hariss, 12-22-2004

01/30/2004 Exhibit 2 JLD 3046079 3358606 ENTRY BY: X000A #000000 Ba TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #GBR Hariss, 12-22-2004 LAST MODIFIED BY/ON: #GBR Hariss, 12-22-2004

01/30/2004 Exhibit 1 JLD 3046079 3358605 ENTRY BY: X000A #000000 Ba TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #GBR Hariss, 12-22-2004 LAST MODIFIED BY/ON: #GBR Hariss, 12-22-2004

01/30/2004 Coye Deposition JLD 3046079 3358618 ENTRY BY: X000A #000000 Ba TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #GBR Hariss, 12-22-2004 LAST MODIFIED BY/ON: #GBR Hariss, 12-22-2004

01/30/2004 James LaFranchise 7.9.03 transcript JLD 3046079 3358621 ENTRY BY: X000A #000000 Ba TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #GBR Hariss, 12-22-2004 LAST MODIFIED BY/ON: #GBR Hariss, 12-22-2004

01/30/2004 Kyle Cimiotti 5.23.03 transcript JLD 304607 335862 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 02-11-2004 LAST MODIFIED BY/ON: #B12 You, Shi 02-11-2004

01/30/2004 DC records JLD 304607 335860 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 02-11-2004 LAST MODIFIED BY/ON: #B12 You, Shi 02-11-2004

01/30/2004 DeStefano Deposition JLD 304607 335861 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 02-11-2004 LAST MODIFIED BY/ON: #B12 You, Shi 02-11-2004

01/22/2004 Order Rescheduling Status Hearing JLD 299669 329964 ENTRY BY: J/DixonHB #00000 TDMS TYPE: DOC TDMS EVENT: 1133 . CREATED BY/ON: #B12 You, Shi 01-23-2004 LAST MODIFIED BY/ON: #B12 You, Shi 01-23-2004

01/22/2004 Continued to 20040402st @10:30am from 20040206st - Per transmittal form LSDATE: 20040206st cnt TDMS TYPE: SCX TDMS EVENT: 0218cnt CREATED BY/ON: #414 Weaver, 01-22-2004 LAST MODIFIED BY/ON: #414 Weaver, 01-22-2004

01/21/2004 ORDER RESCHEDULING Status Hearing, SEE LG. FLD 1/22/04 ORDERED, that this matter is set for a status hearing in Courtroom 220 on 4/2/04 @ 10:30 a.m.; FURTHER ORDERED, that the status hearing scheduled on 2/6/04 @ 10:00 a.m. is cancelled ENTRY BY: J/Dixon TDMS TYPE: DOC TDMS EVENT: 1133ord+ CREATED BY/ON: #47F Newell, 01-28-2004 LAST MODIFIED BY/ON: #47F Newell, 01-28-2004

01/20/2004 EXHIBIT 23 JLD 2983867 3284335 ENTRY BY: X000A #000000 St TDMS TYPE: DOC TDMS  
EVENT: 0000 . CREATED BY/ON: #GBR Hariss, 12-22-2004 LAST MODIFIED BY/ON: #GBR  
Hariss, 12-22-2004

01/20/2004 EXHIBIT 10 JLD 2983867 3284244 ENTRY BY: X000A #000000 St TDMS TYPE: DOC TDMS  
EVENT: 0000 . CREATED BY/ON: #GBR Hariss, 12-22-2004 LAST MODIFIED BY/ON: #GBR  
Hariss, 12-22-2004

01/20/2004 EXHIBIT 7 JLD 2983867 3284238 ENTRY BY: X000A #000000 St TDMS TYPE: DOC TDMS  
EVENT: 0000 . CREATED BY/ON: #GBR Hariss, 12-22-2004 LAST MODIFIED BY/ON: #GBR  
Hariss, 12-22-2004

01/20/2004 EXHIBIT 2 JLD 2983867 3284212 ENTRY BY: X000A #000000 St TDMS TYPE: DOC TDMS  
EVENT: 0000 . CREATED BY/ON: #GBR Hariss, 12-22-2004 LAST MODIFIED BY/ON: #GBR  
Hariss, 12-22-2004

01/20/2004 EXHIBIT 3 JLD 2983867 3284215 ENTRY BY: X000A #000000 St TDMS TYPE: DOC TDMS  
EVENT: 0000 . CREATED BY/ON: #GBR Hariss, 12-22-2004 LAST MODIFIED BY/ON: #GBR  
Hariss, 12-22-2004

01/20/2004 EXHIBIT 6 JLD 2983867 3284231 ENTRY BY: X000A #000000 St TDMS TYPE: DOC TDMS  
EVENT: 0000 . CREATED BY/ON: #GBR Hariss, 12-22-2004 LAST MODIFIED BY/ON: #GBR  
Hariss, 12-22-2004

01/20/2004 EXHIBIT 9 JLD 2983867 3284242 ENTRY BY: X000A #000000 St TDMS TYPE: DOC TDMS  
EVENT: 0000 . CREATED BY/ON: #GBR Hariss, 12-22-2004 LAST MODIFIED BY/ON: #GBR  
Hariss, 12-22-2004

01/20/2004 EXHIBIT 12 JLD 2983867 3284255 ENTRY BY: X000A #000000 St TDMS TYPE: DOC TDMS  
EVENT: 0000 . CREATED BY/ON: #GBR Hariss, 12-22-2004 LAST MODIFIED BY/ON: #GBR  
Hariss, 12-22-2004

01/20/2004 EXHIBIT 21 JLD 2983867 3284320 ENTRY BY: X000A #000000 St TDMS TYPE: DOC TDMS  
EVENT: 0000 . CREATED BY/ON: #GBR Hariss, 12-22-2004 LAST MODIFIED BY/ON: #GBR  
Hariss, 12-22-2004

01/20/2004 EXHIBIT 19 JLD 2983867 3284311 ENTRY BY: X000A #000000 St TDMS TYPE: DOC TDMS  
EVENT: 0000 . CREATED BY/ON: #GBR Hariss, 12-22-2004 LAST MODIFIED BY/ON: #GBR  
Hariss, 12-22-2004

01/20/2004 EXHIBIT 16 JLD 2983867 3284291 ENTRY BY: X000A #000000 St TDMS TYPE: DOC TDMS  
EVENT: 0000 . CREATED BY/ON: #GBR Hariss, 12-22-2004 LAST MODIFIED BY/ON: #GBR  
Hariss, 12-22-2004

01/20/2004 EXHIBIT 24 JLD 298386 328433 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS  
EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 02-02-2004 LAST MODIFIED BY/ON: #B12  
You, Shi 02-02-2004

01/20/2004 EXHIBIT 13 JLD 298386 328425 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS  
EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 02-02-2004 LAST MODIFIED BY/ON: #B12  
You, Shi 02-02-2004

01/20/2004 EXHIBIT 8 JLD 298386 328423 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS  
EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 02-02-2004 LAST MODIFIED BY/ON: #B12  
You, Shi 02-02-2004

01/20/2004 MOTION OF DEFENDANT GALLAUDET UNIVERSITY FOR SUMMARY JUDGMENT JLD 298386  
328418 ENTRY BY: D003A #376068 St TDMS TYPE: MOT TDMS EVENT: 1075Mot. CREATED  
BY/ON: #B12 You, Shi 02-02-2004 LAST MODIFIED BY/ON: #B12 You, Shi 02-02-2004

01/20/2004 STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT OF MOTION OF DEFENDANT  
GALLAUDET UNIVERSITY FOR SUMMARY JUDGMENT JLD 298386 328419 ENTRY BY: D003A  
#376068 St TDMS TYPE: DOC TDMS EVENT: 0000 \* CREATED BY/ON: #B12 You, Shi  
02-02-2004 LAST MODIFIED BY/ON: #B12 You, Shi 02-02-2004

01/20/2004 EXHIBIT 1 JLD 298386 328420 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS  
EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 02-02-2004 LAST MODIFIED BY/ON: #B12  
You, Shi 02-02-2004

01/20/2004 EXHIBIT 4 JLD 298386 328421 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS  
EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 02-02-2004 LAST MODIFIED BY/ON: #B12  
You, Shi 02-02-2004

01/20/2004 EXHIBIT 5 JLD 298386 328422 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS  
EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 02-02-2004 LAST MODIFIED BY/ON: #B12  
You, Shi 02-02-2004

01/20/2004 EXHIBIT 11 JLD 298386 328424 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS  
EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 02-02-2004 LAST MODIFIED BY/ON: #B12  
You, Shi 02-02-2004

01/20/2004 EXHIBIT 14 JLD 298386 328426 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS  
EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 02-02-2004 LAST MODIFIED BY/ON: #B12  
You, Shi 02-02-2004

01/20/2004 EXHIBIT 20 JLD 298386 328431 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS  
EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 02-02-2004 LAST MODIFIED BY/ON: #B12  
You, Shi 02-02-2004

01/20/2004 EXHIBIT 18 JLD 298386 328430 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS  
EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 02-02-2004 LAST MODIFIED BY/ON: #B12  
You, Shi 02-02-2004

01/20/2004 EXHIBIT 15 JLD 298386 328428 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS  
EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 02-02-2004 LAST MODIFIED BY/ON: #B12  
You, Shi 02-02-2004

01/20/2004 EXHIBIT 17 JLD 298386 328429 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS  
EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 02-02-2004 LAST MODIFIED BY/ON: #B12  
You, Shi 02-02-2004

01/20/2004 EXHIBIT 22 JLD 298386 328432 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS  
EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 02-02-2004 LAST MODIFIED BY/ON: #B12  
You, Shi 02-02-2004

01/03/2004 ORDER GRANTING AMENDED CONSENT MOT FOR ADDT'L TIME TO RESPOND TO  
GALLAUDET'S MOT FOR SUMM JUDG., See Lg., Fld 2-3-04 ORDERED that plfts' opposition to  
deft Gallaudet's mot for summ judg is due on 2-9-04 ENTRY BY: J/Dixon, Jr TDMS TYPE: DOC  
TDMS EVENT: 1131ord+ CREATED BY/ON: #4AU Russell, 02-03-2004 LAST MODIFIED BY/ON:  
#4AU Russell, 02-03-2004

12/12/2003 (rst) STATUS conference @ 9:30am NSDATE: 20031212st cnx LDATE: 20030321st cnx  
TDMS TYPE: EVT TDMS EVENT: 0297b2D CREATED BY/ON: #414 Weaver, 03-27-2003 LAST  
MODIFIED BY/ON: #414 Weaver, 03-27-2003

12/12/2003 (rst) STATUS conference @ 9:30am NSDATE: 20040206st cnx LDATE: 20031212st cnx  
TDMS TYPE: EVT TDMS EVENT: 0297b2D CREATED BY/ON: #414 Weaver, 03-27-2003 LAST  
MODIFIED BY/ON: #437 Young, V 11-10-2003

12/09/2003 Order Granting Consent Motion to Extend Time JLD 280891 307287 ENTRY BY: J/DixonHB  
#00000 TDMS TYPE: DOC TDMS EVENT: 1133 . CREATED BY/ON: #B12 You, Shi 12-17-2003  
LAST MODIFIED BY/ON: #B12 You, Shi 12-17-2003

12/08/2003 ORDER GRANTING Consent Mot to Ext Time to Respond to Defts Kyle Cimiotti & DC's Mot For  
Summ Judg., See Lg., Fld. 12-10-03 ORDERED that defts' opposition to defts Kyle Cimiotti  
and the Dist of Col's mot for summ judg is due on 1-30-04 ENTRY BY: J/Dixon, Jr TDMS TYPE:  
MOT TDMS EVENT: 9203Mot+ CREATED BY/ON: #B12 You, Shi 12-05-2003 LAST MODIFIED  
BY/ON: #4AU Russell, 12-10-2003

12/03/2003 CERTIFICATE REGARDING DISCOVERY JLD 277802 303588 ENTRY BY: D003A #376068 St  
TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 12-17-2003 LAST  
MODIFIED BY/ON: #B12 You, Shi 12-17-2003

12/03/2003 Certificate Regarding Discovery JLD 277782 303566 ENTRY BY: P001A #130724 Ba TDMS  
TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 12-05-2003 LAST  
MODIFIED BY/ON: #B12 You, Shi 12-05-2003

11/26/2003 Consent Motion to Extend Time to Respond to Defendants Kyle Cimiotti and the District of  
Columbias Motion for Summary Judgment JLD 275614 300976 ENTRY BY: P001A #130724 Ba  
TDMS TYPE: MOT TDMS EVENT: 9203Mot\* CREATED BY/ON: #B12 You, Shi 12-05-2003 LAST  
MODIFIED BY/ON: #B12 You, Shi 12-05-2003

11/17/2003 Exhibits 1 to 4 JLD 271093 295470 ENTRY BY: D001A #334480 St TDMS TYPE: DOC TDMS  
EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 12-01-2003 LAST MODIFIED BY/ON: #B12  
You, Shi 12-01-2003

11/17/2003 DEFENDANTS KYLE CIMIOTTI AND THE DISTRICT OF COLUMBIAS MOTION FOR SUMMARY  
JUDGMENT JLD 271093 295467 ENTRY BY: D001A #334480 St TDMS TYPE: MOT TDMS  
EVENT: 1075Mot. CREATED BY/ON: #B12 You, Shi 12-01-2003 LAST MODIFIED BY/ON: #B12  
You, Shi 12-01-2003

11/10/2003 Continued to 20040206st @10:00am from 20031212st (PER T.M. FORM) LDATE:  
20031212st cnx TDMS TYPE: SCX TDMS EVENT: 0200cnx CREATED BY/ON: #437 Young, V  
11-10-2003 LAST MODIFIED BY/ON: #437 Young, V 11-10-2003

11/07/2003 Order Denying Plaintiffs Motion to Strike Defendants Experts and Modifying Scheduling Order  
JLD 267179 290656 ENTRY BY: J/DixonHB #00000 TDMS TYPE: DOC TDMS EVENT: 1133 .  
CREATED BY/ON: #B12 You, Shi 11-10-2003 LAST MODIFIED BY/ON: #B12 You, Shi  
11-10-2003

11/07/2003 Order Denying Defendants Motion to Strike Plaintiffs Expert JLD 267179 290619 ENTRY BY: J/DixonHB #00000 TDMS TYPE: DOC TDMS EVENT: 1133 . CREATED BY/ON: #B12 You, Shi 11-10-2003 LAST MODIFIED BY/ON: #B12 You, Shi 11-10-2003

11/07/2003 ORDER GRANTING IN PART Pltf's mot to Strike Defts Expert Witnes and/or to modify the Schedul See lg fld 11-10-03 ,mld 11-13-03 order to permit pltfs to take defts expert depositions and delay the filing of dispositive mots and opp there to. ORDERED That pltfs mot shall be and is hereby granted in part and denied in part ;and it is ordered that pltfs mot to strike defts expert witness shall be and is hereby denied and it is ordered that the status hearing on 12-12-03 is vacated and it is ordered that the following scheduling order is now in effect completion of all depositions 12-31-03,mots deadline 1-20-04,status hearing at 10:00am 2-6-04 ENTRY BY: J/Dixon,Jr TDMS TYPE: MOT TDMS EVENT: 9103 + CREATED BY/ON: #B12 You, Shi 10-28-2003 LAST MODIFIED BY/ON: #477 Hartfiel 11-13-2003

11/07/2003 ORDER DENYING MOTION OF DEFENDANT GALLAUDET UNIVERSITY TO STRIKE PLAINTIFFS DESIGNATION OF NORMAN BATES, SEE LG, FLD 11/10/03 ORDERED that pltfs shall make Norman bates available for deposition by 12/31/03. All parties and counsel shall make every reasonable effort to establish a deposition date as soon as possible ENTRY BY: J/DIXON TDMS TYPE: MOT TDMS EVENT: 9103 + CREATED BY/ON: #B12 You, Shi 10-21-2003 LAST MODIFIED BY/ON: #47E Smith, N 11-14-2003

11/06/2003 Exhibit 5 JLD 266284 289575 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 11-10-2003 LAST MODIFIED BY/ON: #B12 You, Shi 11-10-2003

11/06/2003 Exhibit 4 JLD 266284 289574 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 11-10-2003 LAST MODIFIED BY/ON: #B12 You, Shi 11-10-2003

11/06/2003 Exhibit 2 JLD 266284 289570 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 11-10-2003 LAST MODIFIED BY/ON: #B12 You, Shi 11-10-2003

11/06/2003 \*L\*Defendant Gallaudet Universitys Opposition to Plaintiffs Motion to Strike Defendants Experts and Reply in Support of its Motion to JLD 266284 289534 ENTRY BY: D003A #376068 St TDMS TYPE: MOT TDMS EVENT: 0000Opp. CREATED BY/ON: #B12 You, Shi 11-10-2003 LAST MODIFIED BY/ON: #B12 You, Shi 11-10-2003

11/06/2003 Exhibit 1 JLD 266284 289569 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 11-10-2003 LAST MODIFIED BY/ON: #B12 You, Shi 11-10-2003

11/06/2003 Exhibit 3 JLD 266284 289572 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 11-10-2003 LAST MODIFIED BY/ON: #B12 You, Shi 11-10-2003

11/03/2003 Certificate Regarding Discovery Dowling and Pavela JLD 264105 286943 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 11-05-2003 LAST MODIFIED BY/ON: #B12 You, Shi 11-05-2003

10/24/2003 \*L\*Exhibit 1 to Plaintiffs Motion to Strike Defendants Expert Witnesses and or to Modify the Scheduling Order to Permit Plaintiffs to JLD 260549 282697 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 10-28-2003 LAST MODIFIED BY/ON: #B12 You, Shi 10-28-2003

10/24/2003 \*L\*Plaintiffs Motion to Strike Defendants Expert Witnesses and or to Modify the Scheduling Order to Permit Plaintiffs to Take Defenda JLD 260549 282694 ENTRY BY: P001A #130724 Ba TDMS TYPE: MOT TDMS EVENT: 9103 \* CREATED BY/ON: #B12 You, Shi 10-28-2003 LAST MODIFIED BY/ON: #B12 You, Shi 10-28-2003

10/24/2003 Exhibit 2 to Opposition to Defendant Gallaudet Universitys Motion to Strike Plaintiffs Designation of Norman Bates JLD 260506 282653 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 10-28-2003 LAST MODIFIED BY/ON: #B12 You, Shi 10-28-2003

10/24/2003 Exhibit 1 to Opposition to Defendant Gallaudet Universitys Motion to Strike Plaintiffs Designation of Norman Bates JLD 260506 282650 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 10-28-2003 LAST MODIFIED BY/ON: #B12 You, Shi 10-28-2003

10/24/2003 Opposition to Defendant Gallaudet Universitys Motion to Strike Plaintiffs Designation of Norman Bates JLD 260506 282643 ENTRY BY: P001A #130724 Ba TDMS TYPE: MOT TDMS EVENT: 0000Opp. CREATED BY/ON: #B12 You, Shi 10-28-2003 LAST MODIFIED BY/ON: #B12 You, Shi 10-28-2003

10/16/2003 Exhibit 2 JLD 256170 277563 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 10-21-2003 LAST MODIFIED BY/ON: #B12 You, Shi 10-21-2003

10/16/2003 EXHIBIT 1 JLD 256170 277562 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 10-21-2003 LAST MODIFIED BY/ON: #B12 You, Shi 10-21-2003

10/16/2003 MOTION OF DEFENDANT GALLAUDET UNIVERSITY TO STRIKE PLAINTIFFS DESIGNATION OF NORMAN BATES JLD 256170 277560 ENTRY BY: D003A #376068 St TDMS TYPE: MOT TDMS EVENT: 9103 \* CREATED BY/ON: #B12 You, Shi 10-21-2003 LAST MODIFIED BY/ON: #B12 You, Shi 10-21-2003

10/07/2003 CERTIFICATE REGARDING DISCOVERY JLD 251903 272551 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 10-14-2003 LAST MODIFIED BY/ON: #B12 You, Shi 10-14-2003

09/22/2003 CERTIFICATE REGARDING DISCOVERY JLD 245007 264478 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 09-25-2003 LAST MODIFIED BY/ON: #B12 You, Shi 09-25-2003

07/31/2003 CURRICULUM VITAE OF MARC WEINSTEIN JLD 222484 238059 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 08-06-2003 LAST MODIFIED BY/ON: #B12 You, Shi 08-06-2003

07/31/2003 DEFENDANT GALLAUDET UNIVERSITYS REBUTTAL EXPERT DISCLOSURE STATEMENT JLD 222484 238057 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 0000 \* CREATED BY/ON: #B12 You, Shi 08-06-2003 LAST MODIFIED BY/ON: #B12 You, Shi 08-06-2003

07/31/2003 CURRICULUM VITAE OF GARY PAVELA JLD 222484 238058 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 08-06-2003 LAST MODIFIED BY/ON: #B12 You, Shi 08-06-2003

06/30/2003 CURRICULUM VITAE JLD 196708 209985 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #RCE Crouch, 07-07-2003 LAST MODIFIED BY/ON: #RCE Crouch, 07-07-2003

06/30/2003 RULE 26(B)(4) STATEMENT OF DEFENDANT GALLAUDET UNIVERSITY JLD 196708 209984 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 0000 \* CREATED BY/ON: #RCE Crouch, 07-07-2003 LAST MODIFIED BY/ON: #RCE Crouch, 07-07-2003

06/30/2003 Plaintiffs Expert Designation JLD 196528 209772 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 0000 \* CREATED BY/ON: #RCE Crouch, 07-07-2003 LAST MODIFIED BY/ON: #RCE Crouch, 07-07-2003

06/23/2003 Amended Certificate Regarding Discovery JLD 193392 206111 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 06-27-2003 LAST MODIFIED BY/ON: #B12 You, Shi 06-27-2003

06/18/2003 CERTIFICATE REGARDING DISCOVERY JLD 191955 204404 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 06-23-2003 LAST MODIFIED BY/ON: #B12 You, Shi 06-23-2003

06/17/2003 AMENDED ORDER GRANTING Deft's Motion to Dismiss Pltfs' Amended Count V, seelg, fld 030624 ORDERED, that Deft Gallaudet Univ.'s Motion to Dismiss Pltfs' Amended Cou nt V shall be and is hereby GRANTED. ORDERED, that Pltfs' Amended Count V of the complaint shall be and is her eby DISMISSED ENTRY BY: J/Dixon TDMS TYPE: DOC TDMS EVENT: 1131ame+ CREATED BY/ON: #465 Jones, G 06-25-2003 LAST MODIFIED BY/ON: #465 Jones, G 06-25-2003

06/17/2003 Amended Order Granting Defendant Motion to Dismiss Amended Count V JLD 191210 203570 ENTRY BY: J/DixonHB #00000 TDMS TYPE: DOC TDMS EVENT: 1133 . CREATED BY/ON: #B12 You, Shi 06-19-2003 LAST MODIFIED BY/ON: #B12 You, Shi 06-19-2003

06/16/2003 Second Amended Notice of Deposition of D.C. Metropolitan Police Detective Pamela Reed JLD 190793 203081 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1135Dep. CREATED BY/ON: #B12 You, Shi 06-19-2003 LAST MODIFIED BY/ON: #B12 You, Shi 06-19-2003

06/16/2003 Certificate Regarding Discovery JLD 190795 203083 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 06-19-2003 LAST MODIFIED BY/ON: #B12 You, Shi 06-19-2003

06/13/2003 ORDER GRANTING Deft Gallaudet Univ's. Mot To Dismiss Pltf's. Amended Count V, See Lg., Fld. 6-13-03 ORDERED, that pltfs' Amended Count V of the crmpt shall be and is hereby D ISMISSED ENTRY BY: J/Dixon, Jr TDMS TYPE: DOC TDMS EVENT: 1131ord+ CREATED BY/ON: #4AU Russell, 06-18-2003 LAST MODIFIED BY/ON: #4AU Russell, 06-18-2003

06/13/2003 Order Granting Defendant Gallaudet Motion to Dismiss Plaintiffs Amended Count V JLD 189991 202176 ENTRY BY: J/DixonHB #00000 TDMS TYPE: DOC TDMS EVENT: 1133 . CREATED BY/ON: #B12 You, Shi 06-16-2003 LAST MODIFIED BY/ON: #B12 You, Shi 06-16-2003

06/12/2003 Order Denying Plaintiffs Motion for Costs for Failure of Investigator Kyle Cimiotti to Appear for Deposition JLD 189502 201630 ENTRY BY: J/DixonHB #00000 TDMS TYPE: DOC TDMS EVENT: 1133 . CREATED BY/ON: #B12 You, Shi 06-13-2003 LAST MODIFIED BY/ON: #B12 You, Shi 06-13-2003

06/12/2003 (ORDER DENYING) Pltfs Motion for Costs for Failure of Defendant District of Columbia to, SEE LG. FLD 6/17/03 Not Produce Investigator Kyle Cimiotti for Deposition ENTRY BY: J/Dixon TDMS TYPE: MOT TDMS EVENT: 9103 + CREATED BY/ON: #B12 You, Shi 05-21-2003 LAST MODIFIED BY/ON: #47F Newell, 06-17-2003

06/07/2003 Motion to Supplement Plaintiffs Memorandum of Points and Authorities in Support of Plaintiffs Motion for Costs for Failure of Defe TDMS TYPE: MOT TDMS EVENT: 9103 \* CREATED BY/ON: #B12 You, Shi 05-21-2003 LAST MODIFIED BY/ON: #47F Newell, 06-17-2003

05/30/2003 REPLY IN SUPPORT OF MOTION OF DEFENDANT GALLAUDET UNIVERSITY TO DISMISS PLAINTIFFS AMENDED COUNT V JLD 184158 195542 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 06-03-2003 LAST MODIFIED BY/ON: #B12 You, Shi 06-03-2003

05/22/2003 Entry of Appearance JLD 181284 192229 ENTRY BY: X000A #004218 Jo TDMS TYPE: DOC TDMS EVENT: 1120Pra. CREATED BY/ON: #B12 You, Shi 05-23-2003 LAST MODIFIED BY/ON: #B12 You, Shi 05-23-2003

05/21/2003 \*L\*Reply to Defendant District of Columbia t JLD 180452 191326 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 05-22-2003 LAST MODIFIED BY/ON: #B12 You, Shi 05-22-2003

05/20/2003 Second Amended Notice of Deposition of DC Metropolitan Police Detective Kyle Cimiotti JLD 180360 191204 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1135Dep. CREATED BY/ON: #B12 You, Shi 05-21-2003 LAST MODIFIED BY/ON: #B12 You, Shi 05-21-2003

05/20/2003 Certificate Regarding Discovery JLD 180363 191234 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 05-21-2003 LAST MODIFIED BY/ON: #B12 You, Shi 05-21-2003

05/16/2003 Plaintiffs Opposition to Motion of Defendant Gallaudet University to Dismiss Plaintiffs Amended Count V JLD 178937 189583 ENTRY BY: P001A #130724 Ba TDMS TYPE: MOT TDMS EVENT: 0000Opp. CREATED BY/ON: #B12 You, Shi 05-21-2003 LAST MODIFIED BY/ON: #B12 You, Shi 05-21-2003

05/16/2003 \*L\*Opposition to Plaintiffs Motion for Costs for Failure of Defendant District of Columbia to not .sic. produce investigator Kyle Cim JLD 178936 189685 ENTRY BY: D001A #334480 St TDMS TYPE: MOT TDMS EVENT: 0000Opp. CREATED BY/ON: #B12 You, Shi 05-21-2003 LAST MODIFIED BY/ON: #B12 You, Shi 05-21-2003

05/16/2003 \*L\*Motion to Supplement Plaintiffs Memorandum of Points and Authorities in Support of Plaintiffs Motion for Costs for Failure of Defe JLD 179080 189744 ENTRY BY: P001A #130724 Ba TDMS TYPE: MOT TDMS EVENT: 9103 \* CREATED BY/ON: #B12 You, Shi 05-21-2003 LAST MODIFIED BY/ON: #B12 You, Shi 05-21-2003

05/15/2003 Exhibit 1 JLD 178482 189044 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 05-21-2003 LAST MODIFIED BY/ON: #B12 You, Shi 05-21-2003

05/15/2003 \*L\*Plaintiffs Motion for Costs for Failure of Defendant District of Columbia to Not Produce Investigator Kyle Cimiotti for Deposition JLD 178482 189041 ENTRY BY: P001A #130724 Ba TDMS TYPE: MOT TDMS EVENT: 9103 \* CREATED BY/ON: #B12 You, Shi 05-21-2003 LAST MODIFIED BY/ON: #B12 You, Shi 05-21-2003

05/15/2003 Exhibit 2 JLD 178482 189048 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 05-21-2003 LAST MODIFIED BY/ON: #B12 You, Shi 05-21-2003

05/15/2003 Exhibit 3 JLD 178482 189052 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 05-21-2003 LAST MODIFIED BY/ON: #B12 You, Shi 05-21-2003

05/15/2003 Exhibit 5 JLD 178482 189057 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 05-21-2003 LAST MODIFIED BY/ON: #B12 You, Shi 05-21-2003

05/15/2003 Exhibit 4 JLD 178482 189054 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 05-21-2003 LAST MODIFIED BY/ON: #B12 You, Shi 05-21-2003

05/14/2003 CERTIFICATE REGARDING DISCOVERY JLD 178390 188928 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 05-15-2003 LAST MODIFIED BY/ON: #B12 You, Shi 05-15-2003

05/14/2003 Plaintiffs Fourth Request for Production of Documents to Defendant Gallaudet University JLD 178350 188880 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1164Pro. CREATED BY/ON: #B12 You, Shi 05-15-2003 LAST MODIFIED BY/ON: #B12 You, Shi 05-15-2003

05/13/2003 Amended Notice of Deposition of DC Metropolitan Police Detective Kyle Cimiotti JLD 177597 188028 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1135Dep. CREATED BY/ON: #B12 You, Shi 05-14-2003 LAST MODIFIED BY/ON: #B12 You, Shi 05-14-2003

05/13/2003 Certificate Regarding Discovery JLD 177600 188031 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 05-14-2003 LAST MODIFIED BY/ON: #B12 You, Shi 05-14-2003

05/09/2003 Amended Notice of Deposition of DC Metropolitan Police Detective Pamela Reed JLD 176381 186635 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1135Dep. CREATED BY/ON: #B12 You, Shi 05-12-2003 LAST MODIFIED BY/ON: #B12 You, Shi 05-12-2003

05/09/2003 Certificate Regarding Discovery JLD 176381 186637 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 05-12-2003 LAST MODIFIED BY/ON: #B12 You, Shi 05-12-2003

05/07/2003 Plaintiffs Notice of Rule 30(b)(6) Deposition JLD 174923 185046 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1135Dep. CREATED BY/ON: #B12 You, Shi 05-09-2003 LAST MODIFIED BY/ON: #B12 You, Shi 05-09-2003

05/07/2003 Certificate Regarding Discovery JLD 174925 185048 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 05-09-2003 LAST MODIFIED BY/ON: #B12 You, Shi 05-09-2003

05/07/2003 Notice of Deposition of DC Metropolitan Police Detective Pamela Reed JLD 174924 185048 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1135Dep. CREATED BY/ON: #B12 You, Shi 05-09-2003 LAST MODIFIED BY/ON: #B12 You, Shi 05-09-2003

05/07/2003 Notice of Deposition of DC Metropolitan Police Detective Kyle Cimiotti JLD 174924 185047 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1135Dep. CREATED BY/ON: #B12 You, Shi 05-09-2003 LAST MODIFIED BY/ON: #B12 You, Shi 05-09-2003

05/07/2003 Order Granting Plaintiffs Consent Motion for Time to Respond to Motion to Dismiss JLD 174918 185041 ENTRY BY: J/DixonHB #00000 TDMS TYPE: DOC TDMS EVENT: 1133 . CREATED BY/ON: #B12 You, Shi 05-07-2003 LAST MODIFIED BY/ON: #B12 You, Shi 05-07-2003

05/06/2003 ORDER RE: TIME TO RESPOND, SEE LG., FLD 5/7/03 ORDERED that the motions shall be and is hereby granted and it is further ORDERED that pltf's shall have until 5/19/03 to respond to the defts mot to dismiss ENTRY BY: J/DIXON TDMS TYPE: DOC TDMS EVENT: 1133ord+ CREATED BY/ON: #47E Smith, N 05-12-2003 LAST MODIFIED BY/ON: #47E Smith, N 05-12-2003

05/06/2003 Answer by Defendant District of Columbia to plaintiffs complaint JLD 174591 184669 ENTRY BY: D001A #334480 St TDMS TYPE: CAC TDMS EVENT: 1150 . CREATED BY/ON: #B12 You, Shi 05-07-2003 LAST MODIFIED BY/ON: #B12 You, Shi 05-07-2003

04/30/2003 Consent Motion to Allow Plaintiffs Further Time to Respond to Defendant Gallaudets Motion to Dismiss Plaintiffs Amended Count V JLD 1719369 1816646 ENTRY BY: X000A #000000 Ba TDMS TYPE: MOT TDMS EVENT: 9203Mot\* CREATED BY/ON: #GBR Hariss, 12-23-2004 LAST MODIFIED BY/ON: #GBR Hariss, 12-23-2004

04/30/2003 Proposed Order JLD 171936 181664 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 05-05-2003 LAST MODIFIED BY/ON: #B12 You, Shi 05-05-2003

04/17/2003 Answer by Defendant Cimiotti to Plaintiffs Complaint JLD 167104 176255 ENTRY BY: D001A #334480 St TDMS TYPE: CAC TDMS EVENT: 1150 . CREATED BY/ON: #B12 You, Shi 04-18-2003 LAST MODIFIED BY/ON: #B12 You, Shi 04-18-2003

04/07/2003 MOTION OF DEFENDANT GALLAUDET UNIVERSITY TO DISMISS AMENDED COUNT V JLD 162613 171194 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 0000LT \* CREATED BY/ON: #B12 You, Shi 04-09-2003 LAST MODIFIED BY/ON: #B12 You, Shi 04-09-2003

- 04/02/2003 Order re Certification Requirement for SL Interpreters JLD 160584 168885 ENTRY BY: J/DixonHB #00000 TDMS TYPE: DOC TDMS EVENT: 1133 . CREATED BY/ON: #B12 You, Shi 04-03-2003 LAST MODIFIED BY/ON: #B12 You, Shi 04-03-2003
- 04/02/2003 Order Granting In Part Pltfs Mtn to Conduct Further Depos JLD 160582 168884 ENTRY BY: J/DixonHB #00000 TDMS TYPE: DOC TDMS EVENT: 1133 . CREATED BY/ON: #B12 You, Shi 04-03-2003 LAST MODIFIED BY/ON: #B12 You, Shi 04-03-2003
- 04/02/2003 ORDER Requiring Proficiency Certification for Sign Language Interpreters. See Lg fld 4-2-03 ORDERED: That any individual proffered to provide sign language interpretation of sworn testimony in this litigation shall possess, at minimum, a proficiency certification by the Registry of Interpreters for the Deaf or the National Association of the Deaf, and it is further ordered that the interpreter's proficiency certification must be in sign language(s) in which the deaf or hard of hearing witness chooses to testify ENTRY BY: J/Dixon, Jr TDMS TYPE: DOC TDMS EVENT: 1133ord+ CREATED BY/ON: #477 Hartfiel 04-03-2003 LAST MODIFIED BY/ON: #477 Hartfiel 04-03-2003
- 04/02/2003 (ORDER GRANTING IN PART) Pltfs' Motion to Conduct Further Depositions, SEE LG. FLD 4/2/03 ORDERED, that Pltfs' Motion to Conduct Further Discovery shall be and is hereby GRANTED IN PART; FURTHER ORDERED, that Pltfs are permitted to take 4 additional depositions beyond the limit of 10 depositions imposed by Rule 30(a)(2)(A) ENTRY BY: J/Dixon TDMS TYPE: DOC TDMS EVENT: 0000ord+ CREATED BY/ON: #47F Newell, 04-03-2003 LAST MODIFIED BY/ON: #47F Newell, 04-03-2003
- 03/27/2003 SUR-REPLY OF GALLAUDET UNIVERSITY TO PLAINTIFFS "SUPPLEMENT TO REPLY" REGARDING THE INTERPRETER ISSUE JLD 157792 166413 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 03-31-2003 LAST MODIFIED BY/ON: #B12 You, Shi 03-31-2003
- 03/27/2003 Continued to 20031212st @ 9:30am from 20030321st per transmittal LSDATE: 20030321st cnx TDMS TYPE: SCX TDMS EVENT: 0200cnx CREATED BY/ON: #414 Weaver, 03-27-2003 LAST MODIFIED BY/ON: #414 Weaver, 03-27-2003
- 03/27/2003 Continued to 20031212st @ 9:30am from 20031212st per transmittal LSDATE: 20031212st cnx TDMS TYPE: SCX TDMS EVENT: 0200cnx CREATED BY/ON: #414 Weaver, 03-27-2003 LAST MODIFIED BY/ON: #414 Weaver, 03-27-2003
- 03/27/2003 (can) MEDIATION conference @ 9:00am CSSDUE: 20030217 TDMS TYPE: EVT TDMS EVENT: 0118bsw1 CREATED BY/ON: #414 Weaver, 12-31-2002 LAST MODIFIED BY/ON: #T99 Young, C 03-28-2003
- 03/25/2003 Supplement to Plaintiffs Reply to Defendant Gallaudet University's Reply in Support of Their Motion for a Protective Order JLD 156973 165493 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 0000 \* CREATED BY/ON: #B12 You, Shi 03-27-2003 LAST MODIFIED BY/ON: #B12 You, Shi 03-27-2003
- 03/21/2003 Order Modifying Scheduling Order JLD 155568 164077 ENTRY BY: J/DixonHB #00000 TDMS TYPE: DOC TDMS EVENT: 1133 . CREATED BY/ON: #B12 You, Shi 03-24-2003 LAST MODIFIED BY/ON: #B12 You, Shi 03-24-2003
- 03/21/2003 Order Granting in Part Plaintiff Motion to Compel JLD 155695 164240 ENTRY BY: J/DixonHB #00000 TDMS TYPE: DOC TDMS EVENT: 1133 . CREATED BY/ON: #B12 You, Shi 03-24-2003 LAST MODIFIED BY/ON: #B12 You, Shi 03-24-2003
- 03/21/2003 ORDER GRANTING & DENYING IN PART Pltfs. Mot to Compel Defts DC & Kyle Cimiottis Responses, See Lg., Fld. 3-24-03 to pltfs' discovery requests. ORDERED, that pltfs' mot to compel production of documents is GRANTED. Defts. shall make available the requested documents on or before 3-25-03, to resume copying and inspection of same and, in accordance with the availability of counsel, establish a schedule to complete copying and inspection of same at the earliest practical date, but not later than 4-12-03; and it is further ORDERED, that pltfs' mot to compel responses to interrogatories is DENIED on grounds of mootness because defts. have provided their answers to pltfs' interrogatories, albeit after pltfs' mot to compel was filed. To the extent that defts' answers are insufficient, the parties shall make a good faith effort to resolve the disputed issues as required by Rules 26(i) and 37(a) ENTRY BY: J/Dixon, Jr TDMS TYPE: MOT TDMS EVENT: 9205Mot+ CREATED BY/ON: #B12 You, Shi 02-14-2003 LAST MODIFIED BY/ON: #4AU Russell, 03-24-2003
- 03/21/2003 (rst) STATUS conference @ 10:15am NSDATE: 20031212st cnx LSDATE: 20030214st cnt TDMS TYPE: EVT TDMS EVENT: 0297b2D CREATED BY/ON: #414 Weaver, 02-14-2003 LAST MODIFIED BY/ON: #414 Weaver, 03-27-2003
- 03/21/2003 ORDER GRANTING Pltfs Mot to Conduct Further Depositions, See Lg., Fld. 3-21-03 ORDERED, that the March 27, 2003 Multi-Door Mediation Session in this matter shall be and is hereby CANCELLED; and it is further ORDERED that the following S/O is now in effect: Complete discovery of non-expert witnesses 5-14-03, Proponent's 26(b)(4) 6-30-03, Opponent's

26(b)(4) 7-31-03, Complete discovery of expert witnesses 9-30-03, Mtns Deadline 11-17-03, Status Hrg @ 9:30am 12-12-03 ENTRY BY: J/Dixon, Jr TDMS TYPE: MOT TDMS EVENT: 9103 + CREATED BY/ON: #B12 You, Shi 02-13-2003 LAST MODIFIED BY/ON: #4AU Russell, 03-24-2003

03/19/2003 Plaintiffs Amended Count V JLD 154931 163359 ENTRY BY: P001A #130724 Ba TDMS TYPE: CAC TDMS EVENT: 1142 . CREATED BY/ON: #B12 You, Shi 03-24-2003 LAST MODIFIED BY/ON: #B12 You, Shi 03-24-2003

03/19/2003 Order Denying Defendant Cimiottis Motion to Dismiss JLD 154959 163393 ENTRY BY: J/ZeldonJ #00000 TDMS TYPE: DOC TDMS EVENT: 1133 . CREATED BY/ON: #B12 You, Shi 03-24-2003 LAST MODIFIED BY/ON: #B12 You, Shi 03-24-2003

03/19/2003 ORDER DENYING Mot of deft Kyle Cimiotti to Dismiss Pltf Cmpt., Fld 3-19-03 t ENTRY BY: J/Zeldon TDMS TYPE: MOT TDMS EVENT: 1075Mot. CREATED BY/ON: #B12 You, Shi 11-15-2002 LAST MODIFIED BY/ON: #4AU Russell, 03-24-2003

03/19/2003 (ORDER DENYING) Motion of Defendant Kyle Cimiotti to Dismiss Plaintiffs Complaint, fld 030408 ENTRY BY: J/Zeldon TDMS TYPE: MOT TDMS EVENT: 1075Mot. CREATED BY/ON: #B12 You, Shi 11-15-2002 LAST MODIFIED BY/ON: #465 Jones, G 04-09-2003

03/17/2003 DECLARATION OF DR. JANE K. FERNANDES JLD 1539365 1624706 ENTRY BY: X000A #000000 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #GBR Hariss, 12-23-2004 LAST MODIFIED BY/ON: #GBR Hariss, 12-23-2004

03/17/2003 PRAECIPE JLD 153936 162470 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 9104Pra\* CREATED BY/ON: #B12 You, Shi 03-24-2003 LAST MODIFIED BY/ON: #B12 You, Shi 03-24-2003

03/14/2003 Order Granting in Part and Denying in Part Defendant District of Columbias Motion for Summary Judgment JLD 153098 161992 ENTRY BY: J/ZeldonJ #00000 TDMS TYPE: DOC TDMS EVENT: 1133 . CREATED BY/ON: #B12 You, Shi 03-17-2003 LAST MODIFIED BY/ON: #B12 You, Shi 03-17-2003

03/14/2003 ORDER GRANTING IN PART AND DENYING IN PART Deft District of Columbia's mot to dismiss, or in the, fld 3/14/03, mld 3/17/03 for summ judg. ORDERED, that deft District of COLUMBIA's mot for summ jdug is granted in p art and denied in part; and it is further ORDERED, that deft's mot for summ judg is denied at to Counts I, II and Vi; and it is further ORDERED, that the Court will permit Pltf discovery relating to the existence of a "special relationship" between pltf's and defts DC and Kyle Cimiotti; and it is further ORDERED, that the Schedule for discovery shall be established by Judge Herbert Dixon, who now presides over the case; and it is further, ORDERED, that the COurt will dismiss Count VII (neglignet infliction of emotional distress - Texas law) against Defts District of Columbia and Klye Cimiotti ENTRY BY: J/Zeldon TDMS TYPE: DOC TDMS EVENT: 1131ord+ CREATED BY/ON: #47E Smith, N 03-17-2003 LAST MODIFIED BY/ON: #47E Smith, N 03-17-2003

03/14/2003 ORDER GRANTING IN PART & DENYING IN PART Mot To Dismiss Or Alter For Summ Judg. By Defts DC & Kyle Cimiotti, See Lg., Fld 4-18-03 ORDERED that Defts' Mot for Summ Judg. is denied at to Counts I, II and VI; and it is further ORDERED, that the Ct. will permit Pltf. discovery relatin g to the existence of a "special relationship" btwn plaintiffs and defts. Dist o f Col and Kyle Cimiotti; and it is further ORDERED, that the Schedule for discov ery shall be established by Judge Herbert Dixon, who now presides over the case; and it is further ORDERED that the Ct will dismiss Count VII (negligent inflict ion of emotional distress-Texas law)against Defts. Dist of Col & Kyle Cimiotti ENTRY BY: J/Zeldon TDMS TYPE: MOT TDMS EVENT: 1075Mot+ CREATED BY/ON: #B12 You, Shi 10-10-2002 LAST MODIFIED BY/ON: #4AU Russell, 04-23-2003

03/12/2003 Plaintiffs Reply to Defendant Gallaudet Universitys Reply in Support of Their Motion for a Protective Order JLD 151591 160780 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 03-14-2003 LAST MODIFIED BY/ON: #B12 You, Shi 03-14-2003

03/11/2003 Certificate Regarding Discovery JLD 151176 160281 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 03-14-2003 LAST MODIFIED BY/ON: #B12 You, Shi 03-14-2003

03/11/2003 Certificate Regarding Discovery JLD 151184 160291 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 03-14-2003 LAST MODIFIED BY/ON: #B12 You, Shi 03-14-2003

03/05/2003 ANSWER OF DEFENDANT GALLAUDET UNIVERSITY JLD 148434 157772 ENTRY BY: D003A #376068 St TDMS TYPE: CAC TDMS EVENT: 1150 . CREATED BY/ON: #B12 You, Shi 03-07-2003 LAST MODIFIED BY/ON: #B12 You, Shi 03-07-2003

02/26/2003 DECLARATION OF BRUCE RILEY JLD 1457014 1547020 ENTRY BY: X000A #000000 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #GBR Hariss, 12-23-2004 LAST MODIFIED BY/ON: #GBR Hariss, 12-23-2004

02/26/2003 REPLY IN SUPPORT OF MOTION OF GALLAUDET UNIVERSITY FOR PROTECTIVE ORDER JLD 1457014 1547015 ENTRY BY: X000A #000000 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #GBR Hariss, 12-23-2004 LAST MODIFIED BY/ON: #GBR Hariss, 12-23-2004

02/26/2003 RESUME OF BRUCE RILEY JLD 145701 154703 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 02-28-2003 LAST MODIFIED BY/ON: #B12 You, Shi 02-28-2003

02/26/2003 REPORT OF MONITORING INTERPRETERS JLD 145701 154706 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 02-28-2003 LAST MODIFIED BY/ON: #B12 You, Shi 02-28-2003

02/26/2003 RESUME OF DIANA MARKEL JLD 145701 154702 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 02-28-2003 LAST MODIFIED BY/ON: #B12 You, Shi 02-28-2003

02/26/2003 DECLARATION OF DIANA MARKEL JLD 145701 154701 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 02-28-2003 LAST MODIFIED BY/ON: #B12 You, Shi 02-28-2003

02/25/2003 CERTIFICATE OF SERVICE JLD 145217 154183 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 0000 \* CREATED BY/ON: #B12 You, Shi 02-28-2003 LAST MODIFIED BY/ON: #B12 You, Shi 02-28-2003

02/24/2003 MEMORANDUM OF DEFENDANT GALLAUDET UNIVERSITY IN OPPOSITION TO PLAINTIFFS RENEWED MOTION TO CONDUCT FURTHER DEPOSITIONS JLD 144652 153551 ENTRY BY: D003A #376068 St TDMS TYPE: MOT TDMS EVENT: 0000Opp. CREATED BY/ON: #B12 You, Shi 02-28-2003 LAST MODIFIED BY/ON: #B12 You, Shi 02-28-2003

02/24/2003 \*L\*Plaintiffs Reply to Defendants DC and Kyle Cimiottis Opposition to Plaintiffs Motion to Compel Responses to Plaintiffs Discovery R JLD 144644 153545 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 02-28-2003 LAST MODIFIED BY/ON: #B12 You, Shi 02-28-2003

02/21/2003 MEDIATION within 30 days following..... TDMS TYPE: EVT TDMS EVENT: 0325med TDMS FLAG: sr CREATED BY/ON: #DM1 DP (batc 06-25-2002 LAST MODIFIED BY/ON: #DM1 DP (batc 06-25-2002

02/20/2003 Plaintiffs Opposition to Defendant Gallaudet Universitys Motion for a Protective Order JLD 143558 152330 ENTRY BY: P001A #130724 Ba TDMS TYPE: MOT TDMS EVENT: 0000Opp. CREATED BY/ON: #B12 You, Shi 02-25-2003 LAST MODIFIED BY/ON: #B12 You, Shi 02-25-2003

02/19/2003 Order Granting in Part and Denying in Part Gallaudets Motion to Dismiss JLD 142932 151645 ENTRY BY: J/ZeldonJ #00000 TDMS TYPE: DOC TDMS EVENT: 1133 . CREATED BY/ON: #B12 You, Shi 02-20-2003 LAST MODIFIED BY/ON: #B12 You, Shi 02-20-2003

02/19/2003 (ORDER GRANTING & DENYING IN PART) MOTION to dismiss, SEE LG. FLD 2/20/03 FURTHER ORDERED, that Deft's Motion to Dismiss Count I (D.C. wrongful death statute) and Count II (D.C. Survival statute) of the Complaint is DENIED; FURTHER ORDERED, that Deft's Motion to Dismiss Count V (breach of fiduciary duty) is hereby GRANTED W/OUT PREJUDICE; FURTHER ORDERED, that Pltfs shall have until 3/20/03 to submit another Count V of the Complaint ENTRY BY: J/Zeldon TDMS TYPE: MOT TDMS EVENT: 1076mop+ CREATED BY/ON: #47E Smith, N 01-24-2002 LAST MODIFIED BY/ON: #47F Newell, 03-05-2003

02/15/2003 D.C. Defendants Status Report JLD 142195 150831 ENTRY BY: D001A #334480 St TDMS TYPE: DOC TDMS EVENT: 0000Sta. CREATED BY/ON: #B12 You, Shi 02-25-2003 LAST MODIFIED BY/ON: #B12 You, Shi 02-25-2003

02/14/2003 Continued to 20030321st @10:15am from 20030214st - Per transmittal form LDATE: 20030214st cnt TDMS TYPE: SCX TDMS EVENT: 0218cnt CREATED BY/ON: #414 Weaver, 02-14-2003 LAST MODIFIED BY/ON: #414 Weaver, 02-14-2003

02/14/2003 (rst) STATUS conference @10:00am NSDATE: 20030321st cnt LDATE: 20020621st cnx TDMS TYPE: EVT TDMS EVENT: 0297b2D CREATED BY/ON: #414 Weaver, 01-30-2003 LAST MODIFIED BY/ON: #414 Weaver, 02-14-2003

02/12/2003 Certificate Regarding Discovery JLD 140837 149313 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 02-14-2003 LAST MODIFIED BY/ON: #B12 You, Shi 02-14-2003

02/12/2003 Certificate Regarding Discovery JLD 141041 149539 ENTRY BY: D001A #334480 St TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 02-14-2003 LAST MODIFIED BY/ON: #B12 You, Shi 02-14-2003

02/12/2003 Order Rescheduling Status Conference JLD 141056 149545 ENTRY BY: J/DixonHB #00000 TDMS TYPE: DOC TDMS EVENT: 1133 . CREATED BY/ON: #B12 You, Shi 02-13-2003 LAST MODIFIED BY/ON: #B12 You, Shi 02-13-2003

02/12/2003 ORDER RESCHEDULING STATUS CONFERENCE, See Lg., Fld. 2-12-03 ORDERED, that this matter is set for a status conf. in Ctrm 200 on Fri. , March 21, 2003 @ 10:15am, and it is further ORDERED that the status conf. on 2 -14-03 is canceled ENTRY BY: J/Dixon, Jr TDMS TYPE: DOC TDMS EVENT: 1133ord+ CREATED BY/ON: #4AU Russell, 02-13-2003 LAST MODIFIED BY/ON: #4AU Russell, 02-13-2003

02/11/2003 EXHIBIT A - HEARING TRANSCRIPT JLD 1404356 1488856 ENTRY BY: X000A #000000 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #GBR Hariss, 12-23-2004 LAST MODIFIED BY/ON: #GBR Hariss, 12-23-2004

02/11/2003 STATUS REPORT OF DEFENDANT GALLAUDET UNIVERSITY JLD 140435 148885 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 0000Sta. CREATED BY/ON: #B12 You, Shi 02-14-2003 LAST MODIFIED BY/ON: #B12 You, Shi 02-14-2003

02/11/2003 Certificate Regarding Discovery JLD 140270 148714 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 02-14-2003 LAST MODIFIED BY/ON: #B12 You, Shi 02-14-2003

02/11/2003 Plaintiffs Motion to Compel Defendants DC and Kyle Cimiottis Responses to Plaintiffs Discovery Requests JLD 140321 148773 ENTRY BY: P001A #130724 Ba TDMS TYPE: MOT TDMS EVENT: 9205Mot\* CREATED BY/ON: #B12 You, Shi 02-14-2003 LAST MODIFIED BY/ON: #B12 You, Shi 02-14-2003

02/11/2003 Plaintiffs Status Report Pursuant to the Courts January 27th Order JLD 140479 148932 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 0000Sta. CREATED BY/ON: #B12 You, Shi 02-14-2003 LAST MODIFIED BY/ON: #B12 You, Shi 02-14-2003

02/10/2003 MOTION OF DEFENDANT GALLAUDET UNIVERSITY FOR PROTECTIVE ORDER JLD 139827 148211 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 0000LT \* CREATED BY/ON: #B12 You, Shi 02-14-2003 LAST MODIFIED BY/ON: #B12 You, Shi 02-14-2003

02/10/2003 EXHIBIT A JLD 139827 148212 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 02-14-2003 LAST MODIFIED BY/ON: #B12 You, Shi 02-14-2003

02/10/2003 Plaintiffs Motion to Conduct Further Depositions JLD 139698 148074 ENTRY BY: P001A #130724 Ba TDMS TYPE: MOT TDMS EVENT: 9103 \* CREATED BY/ON: #B12 You, Shi 02-13-2003 LAST MODIFIED BY/ON: #B12 You, Shi 02-13-2003

02/06/2003 Discovery Order JLD 139095 147358 ENTRY BY: D001A #334480 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 02-13-2003 LAST MODIFIED BY/ON: #B12 You, Shi 02-13-2003

02/06/2003 Notice of Filing JLD 139095 147353 ENTRY BY: D001A #334480 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 02-13-2003 LAST MODIFIED BY/ON: #B12 You, Shi 02-13-2003

02/06/2003 Deadline for ruling on DISPOSITIVE motions..... TDMS TYPE: EVS TDMS EVENT: 0332rul CREATED BY/ON: #429 Hawkins, 06-21-2002 LAST MODIFIED BY/ON: #EDD Hariss, 05-02-1988

01/30/2003 Continued to 20030214st @10:00am from 20020621st LDATE: 20020621st cnx TDMS TYPE: SCX TDMS EVENT: 0200cnx CREATED BY/ON: #414 Weaver, 01-30-2003 LAST MODIFIED BY/ON: #414 Weaver, 01-30-2003

01/27/2003 Order Denying Without Prejudice Plaintiffs Motion to Conduct Further Depositions, and Scheduling Status Conference JLD 135010 142755 ENTRY BY: J/DixonHB #00000 TDMS TYPE: DOC TDMS EVENT: 1133 . CREATED BY/ON: #GBR Hariss, 01-28-2003 LAST MODIFIED BY/ON: #GBR Hariss, 01-28-2003

01/27/2003 ORDER DENYING Plaintiffs Motion to Conduct Further Depositions, SEE LE., FLD 1/27/03 ORDERED that pltf's have neither provided sufficient information to identify specific witnesses that pltf's desire to depose nor made a particularized showing of why the additional discovery is necessary; and it is further ORDERED that this matter is set for a status conf in Ctrm 220 on 2/14/03 @ 10 am. and it is FURTHER ORDERED that on or before 2/11/03, counsel and any unrepresented party shall file an individual or joint status report that includes at least the following: 1. A list of any outstanding motions, 2. a list of any remaining discovery; 3. a brief recitation of settlement efforts, and 4. a proposed original or modified scheduling order ENTRY BY: J/DIXON TDMS TYPE: MOT TDMS EVENT: 9103 + CREATED BY/ON: #B12 You, Shi 01-15-2003 LAST MODIFIED BY/ON: #47E Smith, N 01-29-2003

01/23/2003 Plaintiffs Reply to Defendant Gallaudet Universitys Opposition to Plaintiffs Motion to Conduct Further Depositions JLD 134146 141756 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 01-29-2003 LAST MODIFIED BY/ON: #B12 You, Shi 01-29-2003

01/21/2003 Certificate Regarding Discovery JLD 132840 140360 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 01-29-2003 LAST MODIFIED BY/ON: #B12 You, Shi 01-29-2003

01/17/2003 MEMORANDUM OF DEFENDANT GALLAUDET UNIVERSITY IN OPPOSITION TO PLAINTIFFS MOTION TO CONDUCT FURTHER DEPOSITIONS JLD 132388 139830 ENTRY BY: D003A #376068 St TDMS TYPE: MOT TDMS EVENT: 0000Opp. CREATED BY/ON: #B12 You, Shi 01-22-2003 LAST MODIFIED BY/ON: #B12 You, Shi 01-22-2003

01/16/2003 Certificate Regarding Discovery JLD 122715 130062 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 01-21-2003 LAST MODIFIED BY/ON: #B12 You, Shi 01-21-2003

01/09/2003 Plaintiffs Motion to Conduct Further Depositions JLD 118273 125255 ENTRY BY: P001A #130724 Ba TDMS TYPE: MOT TDMS EVENT: 9103 \* CREATED BY/ON: #B12 You, Shi 01-15-2003 LAST MODIFIED BY/ON: #B12 You, Shi 01-15-2003

01/07/2003 CERTIFICATE REGARDING DISCOVERY JLD 1176272 1245360 ENTRY BY: X000A #000000 St TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #GBR Hariss, 12-23-2004 LAST MODIFIED BY/ON: #GBR Hariss, 12-23-2004

01/06/2003 Certificate of Discovery JLD 117162 124013 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 01-08-2003 LAST MODIFIED BY/ON: #B12 You, Shi 01-08-2003

01/06/2003 Deadline for filing MOTIONS..... TDMS TYPE: EVS TDMS EVENT: 0323mot CREATED BY/ON: #429 Hawkins, 06-21-2002 LAST MODIFIED BY/ON: #EDD Hariss, 05-02-1988

12/31/2002 Set mediation conference for 20030327sw @ 9:00am per sr list TDMS TYPE: SCH TDMS EVENT: 0118bsw1 CREATED BY/ON: #414 Weaver, 12-31-2002 LAST MODIFIED BY/ON: #414 Weaver, 12-31-2002

12/21/2002 All DISCOVERY CLOSED..... TDMS TYPE: EVS TDMS EVENT: 0322dis CREATED BY/ON: #429 Hawkins, 06-21-2002 LAST MODIFIED BY/ON: #EDD Hariss, 05-02-1988

12/20/2002 CERTIFICATE REGARDING DISCOVERY JLD 113209 120253 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 12-24-2002 LAST MODIFIED BY/ON: #B12 You, Shi 12-24-2002

12/19/2002 CERTIFICATE REGARDING DISCOVERY JLD 113133 120160 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 12-24-2002 LAST MODIFIED BY/ON: #B12 You, Shi 12-24-2002

12/17/2002 Certificate Regarding Discovery JLD 112105 119009 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 12-19-2002 LAST MODIFIED BY/ON: #B12 You, Shi 12-19-2002

12/10/2002 Certificate Regarding Discovery JLD 110428 117226 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 12-13-2002 LAST MODIFIED BY/ON: #B12 You, Shi 12-13-2002

12/09/2002 Exh 1, partial transcript of 2-21-02 Court proceeding JLD 110245 117028 ENTRY BY: D001A #334480 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 12-13-2002 LAST MODIFIED BY/ON: #B12 You, Shi 12-13-2002

12/09/2002 Notice of Filing JLD 110245 117027 ENTRY BY: D001A #334480 St TDMS TYPE: DOC TDMS EVENT: 0000 \* CREATED BY/ON: #B12 You, Shi 12-13-2002 LAST MODIFIED BY/ON: #B12 You, Shi 12-13-2002

12/05/2002 Certificate Regarding Discovery JLD 109317 115975 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 12-13-2002 LAST MODIFIED BY/ON: #B12 You, Shi 12-13-2002

12/05/2002 Certificate Regarding Discovery JLD 109305 115963 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 12-13-2002 LAST MODIFIED BY/ON: #B12 You, Shi 12-13-2002

12/02/2002 AFFIDAVIT of service of subpoena by special process server on Cynthia Duvall on 11/21/02 ENTRY BY: (clerk) TDMS TYPE: DOC TDMS EVENT: 1182sps CREATED BY/ON: #47F Newell, 12-03-2002 LAST MODIFIED BY/ON: #47F Newell, 12-03-2002

11/27/2002 Certificate Regarding Discovery JLD 107891 114576 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 12-02-2002 LAST MODIFIED BY/ON: #B12 You, Shi 12-02-2002

11/26/2002 Plaintiffs Opposition to Defendant Kyle Cimiottis Motion to Dismiss Plaintiffs Complaint JLD 107564 114208 ENTRY BY: P001A #130724 Ba TDMS TYPE: MOT TDMS EVENT: 0000Opp. CREATED BY/ON: #B12 You, Shi 12-02-2002 LAST MODIFIED BY/ON: #B12 You, Shi 12-02-2002

11/22/2002 Certificate Regarding Discovery JLD 106870 113429 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 11-26-2002 LAST MODIFIED BY/ON: #B12 You, Shi 11-26-2002

11/22/2002 Certificate Regarding Discovery JLD 106862 113421 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 11-26-2002 LAST MODIFIED BY/ON: #B12 You, Shi 11-26-2002

11/20/2002 Certificate Regarding Discovery JLD 106251 112714 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 11-21-2002 LAST MODIFIED BY/ON: #B12 You, Shi 11-21-2002

11/19/2002 Certificate Regarding Discovery JLD 105765 112184 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 11-21-2002 LAST MODIFIED BY/ON: #B12 You, Shi 11-21-2002

11/14/2002 Certificate Regarding Discovery JLD 104851 111084 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 11-21-2002 LAST MODIFIED BY/ON: #B12 You, Shi 11-21-2002

11/13/2002 Motion of Defendant Kyle Cimiotti to Dismiss Plaintiffs Complaint JLD 104557 110762 ENTRY BY: D001A #334480 St TDMS TYPE: MOT TDMS EVENT: 1075Mot. CREATED BY/ON: #B12 You, Shi 11-15-2002 LAST MODIFIED BY/ON: #B12 You, Shi 11-15-2002

11/13/2002 Exhibit 1 JLD 104566 110778 ENTRY BY: D001A #334480 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #B12 You, Shi 11-15-2002 LAST MODIFIED BY/ON: #B12 You, Shi 11-15-2002

11/13/2002 Motion of Defendant Kyle Cimiotti to Dismiss Plaintiffs Complaint JLD 104566 110776 ENTRY BY: D001A #334480 St TDMS TYPE: MOT TDMS EVENT: 1075Mot. CREATED BY/ON: #B12 You, Shi 11-15-2002 LAST MODIFIED BY/ON: #B12 You, Shi 11-15-2002

11/13/2002 AFFIDAVIT of service of subpoena by special process server on Gregory Borges on 11/6/02 ENTRY BY: (clerk) TDMS TYPE: DOC TDMS EVENT: 1182sps CREATED BY/ON: #47F Newell, 11-14-2002 LAST MODIFIED BY/ON: #47F Newell, 11-14-2002

11/13/2002 AFFIDAVIT of service of subpoena by special process server on wylie myers on 11-6-02 ENTRY BY: (clerk) TDMS TYPE: DOC TDMS EVENT: 1182sps CREATED BY/ON: #485 Cox, Kin 11-14-2002 LAST MODIFIED BY/ON: #485 Cox, Kin 11-14-2002

11/11/2002 Certificate Regarding Discovery JLD 104093 110166 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 11-13-2002 LAST MODIFIED BY/ON: #B12 You, Shi 11-13-2002

11/09/2002 OPPONENT'S Rule 26(b) (4) statements due..... TDMS TYPE: EVS TDMS EVENT: 0320opp CREATED BY/ON: #429 Hawkins, 05-21-2002 LAST MODIFIED BY/ON: #EDD Hariss, 05-02-1988

11/05/2002 Certificate Regarding Discovery JLD 102870 108739 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 11-08-2002 LAST MODIFIED BY/ON: #B12 You, Shi 11-08-2002

11/05/2002 Certificate Regarding Discovery JLD 102869 108738 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 11-08-2002 LAST MODIFIED BY/ON: #B12 You, Shi 11-08-2002

10/30/2002 \*L\*Plaintiffs Opposition to Defendants District of Columbia and Kyle Cimiottis Motion to Dismiss, or Alternatively, for Summary Judgm JLD 101657 107324 Plaintiffs Opposition to Defendants District of Columbia and Kyle Cimiottis Moti on to Dismiss, or Alternatively, for Summary Judgment; ENTRY BY: P001A #130724 Ba TDMS TYPE: MOT TDMS EVENT: 0000Opp. CREATED BY/ON: #B12 You, Shi 10-31-2002 LAST MODIFIED BY/ON: #B12 You, Shi 10-31-2002

10/29/2002 Certificate Regarding Discovery JLD 101552 107209 ENTRY BY: D000A #000000 Su TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 10-31-2002 LAST MODIFIED BY/ON: #B12 You, Shi 10-31-2002

10/24/2002 ORDERED that the order granting consent mtn to extend time to answer defts mtn to dismiss is voided &,see lg, fld 10-29-02 that pltf shall have until 10-30-02 to answer deft district of columbia mtn to dismiss ENTRY BY: J/Zeldon TDMS TYPE: DOC TDMS EVENT: 1133ord+

CREATED BY/ON: #485 Cox, Kin 10-31-2002 LAST MODIFIED BY/ON: #485 Cox, Kin 10-31-2002

10/24/2002 Further Order Regarding Plaintiffs Motion to Extend Time to Answer Defendants Motion to Dismiss JLD 100651 106188 ENTRY BY: J/ZeldonJ #00000 TDMS TYPE: DOC TDMS EVENT: 1133 . CREATED BY/ON: #B12 You, Shi 10-25-2002 LAST MODIFIED BY/ON: #B12 You, Shi 10-25-2002

10/21/2002 Certificate Regarding Discovery JLD 996139 105083 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 10-23-2002 LAST MODIFIED BY/ON: #B12 You, Shi 10-23-2002

10/17/2002 Order Granting Consent Motion to Extend Time to Answer Defendants Motion to Dismiss JLD 988084 104177 ENTRY BY: J/ZeldonJ #00000 TDMS TYPE: DOC TDMS EVENT: 1133 . CREATED BY/ON: #B12 You, Shi 10-21-2002 LAST MODIFIED BY/ON: #B12 You, Shi 10-21-2002

10/17/2002 (ORDER GRANTING) Consent Motion to Extend Time to Answer District Defendants Motion, SEE LG. FLD 10/10/02 to Dismiss, or Alternatively, for Summary Judgment ORDERED, that the Consent Motion to Extend Time until 10/30/02 be and hereby is GRANTED ENTRY BY: J/Zeldon TDMS TYPE: MOT TDMS EVENT: 9203Mot+ CREATED BY/ON: #B12 You, Shi 10-17-2002 LAST MODIFIED BY/ON: #47F Newell, 10-22-2002

10/15/2002 Consent Motion to Extend Time to Answer District Defendants Motion to Dismiss, or Alternatively, for Summary Judgment JLD 982118 103534 ENTRY BY: P001A #130724 Ba TDMS TYPE: MOT TDMS EVENT: 9203Mot\* CREATED BY/ON: #B12 You, Shi 10-17-2002 LAST MODIFIED BY/ON: #B12 You, Shi 10-17-2002

10/08/2002 MOTION TO DISMISS, OR ALTERNATIVELY, FOR SUMMARY JUDGMENT BY DEFENDANTS DISTRICT OF COLUMBIA AND KYLE CIMIOTTI JLD 969128 102072 ENTRY BY: D001A #334480 St TDMS TYPE: MOT TDMS EVENT: 1075Mot. CREATED BY/ON: #B12 You, Shi 10-10-2002 LAST MODIFIED BY/ON: #B12 You, Shi 10-10-2002

10/07/2002 Certificate Regarding Discovery and Certificate of Service JLD 965333 101680 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 10-10-2002 LAST MODIFIED BY/ON: #B12 You, Shi 10-10-2002

10/07/2002 Certificate Regarding Discovery and Certificate of Service JLD 965326 101679 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 1440Cer. CREATED BY/ON: #B12 You, Shi 10-10-2002 LAST MODIFIED BY/ON: #B12 You, Shi 10-10-2002

10/05/2002 PROPONENT'S Rule 26(b) (4) statements due..... TDMS TYPE: EVS TDMS EVENT: 0319pro CREATED BY/ON: #429 Hawkins, 06-21-2002 LAST MODIFIED BY/ON: #EDD Hariss, 05-02-1988

10/04/2002 Plaintiffs Status Report JLD 963440 101507 ENTRY BY: P001A #130724 Ba TDMS TYPE: DOC TDMS EVENT: 0000Sta. CREATED BY/ON: #RCE Crouch, 10-07-2002 LAST MODIFIED BY/ON: #RCE Crouch, 10-07-2002

10/04/2002 Order Granting Plaintiffs Motion for Entry of Default Against Defendant Joseph Mesa Jr JLD 963446 101508 ENTRY BY: J/ZeldonJ #00000 TDMS TYPE: DOC TDMS EVENT: 1133 . CREATED BY/ON: #RCE Crouch, 10-07-2002 LAST MODIFIED BY/ON: #RCE Crouch, 10-07-2002

10/04/2002 (ORDER GRANTING) MOTION for default against Deft J. Mesa Jr, SEE LG. FLD 10/9/02 FURTHER ORDERED, that default be entered against Deft, Joseph Mesa Jr ENTRY BY: J/Zeldon TDMS TYPE: MOT TDMS EVENT: 1073mot+ CREATED BY/ON: #47F Newell, 02-11-2002 LAST MODIFIED BY/ON: #47F Newell, 10-11-2002

10/03/2002 Order Denying Defendants Motion to Stay the Proceedings JLD 960533 101186 ENTRY BY: J/ZeldonJ #00000 TDMS TYPE: DOC TDMS EVENT: 1133 . CREATED BY/ON: #RCE Crouch, 10-04-2002 LAST MODIFIED BY/ON: #RCE Crouch, 10-04-2002

10/02/2002 CERTIFICATE regarding discovery filed ENTRY BY: varner TDMS TYPE: DOC TDMS EVENT: 1440cer CREATED BY/ON: #47E Smith, N 10-04-2002 LAST MODIFIED BY/ON: #47E Smith, N 10-04-2002

10/02/2002 (ORDER DENIED AS MOOT) Motion to stay the proceeding, fld 10/9/02 ENTRY BY: J/Zeldon TDMS TYPE: MOT TDMS EVENT: 9103mop\* CREATED BY/ON: #477 Hartfiel 02-15-2002 LAST MODIFIED BY/ON: #468 Vaughn, 10-11-2002

09/25/2002 Defendant District of Columbias Response to August 30, 2002, Order JLD 941331 990864 ENTRY BY: D001A #334480 St TDMS TYPE: DOC TDMS EVENT: 0000 . CREATED BY/ON: #RCE Crouch, 09-27-2002 LAST MODIFIED BY/ON: #RCE Crouch, 09-27-2002

09/21/2002 Deadline for DISCOVERY REQUESTS..... TDMS TYPE: EVS TDMS EVENT: 0301dis CREATED BY/ON: #429 Hawkins, 06-21-2002 LAST MODIFIED BY/ON: #EDD Hariss, 05-02-1988

09/21/2002 EXCHANGE lists of fact WITNESSES..... TDMS TYPE: EVS TDMS EVENT: 0318exc CREATED BY/ON: #429 Hawkins, 06-21-2002 LAST MODIFIED BY/ON: #EDD Hariss, 05-02-1988

09/17/2002 Defendant Gallaudet Universitys Status Report JLD 924521 969890 ENTRY BY: D003A #376068 St TDMS TYPE: DOC TDMS EVENT: 0000Sta. CREATED BY/ON: #B12 You, Shi 09-19-2002 LAST MODIFIED BY/ON: #B12 You, Shi 09-19-2002

09/13/2002 pltf's status report pursuant to the court's civil I designation order ENTRY BY: varner TDMS TYPE: DOC TDMS EVENT: 0000plt\* CREATED BY/ON: #485 Cox, Kin 09-16-2002 LAST MODIFIED BY/ON: #485 Cox, Kin 09-16-2002

09/13/2002 Status Report ENTRY BY: Gallaudet TDMS TYPE: DOC TDMS EVENT: 0000sta\* CREATED BY/ON: #47F Newell, 09-16-2002 LAST MODIFIED BY/ON: #47F Newell, 09-16-2002

08/30/2002 ORDER GRANTING Mot to place on civil 1 calendar (consent), SEE LG., FLD 9/4/02 ORDERED, that pursuant to Superior Court Civil Rule 40II (a), this case is designated Civil I and assigned to Judge Zeldon, Calendar 4; and it is further ORDERED, that any hearing presently scheduled in this case shall be and is hereby vacated, subject to reinstatement or rescheduling by Judge Zeldon; and it is further ORDERED, that effective 9/6/02, this case is designated an E file case in the electronic filing pilot project of this court pursuant to Administrative Order No. 01-06, subject to the rules governing the electronic filing and service of pleadings and other documents as established and said Administrative Order; and it is further ORDERED, that on or before 9/13/02. counsel and any unrepresented party shall file an individual or joint status report that includes at least the following: 1. A brief statement of facts. 2. A brief list of significant legal issues. 3. A list of all outstanding motions; 4. A list of all remaining discovery 5. A brief recitation of settlement efforts; and 6. A proposed original or modified scheduling order ENTRY BY: J/DIXON TDMS TYPE: MOT TDMS EVENT: 9103mot+ CREATED BY/ON: #477 Hartfiel 08-07-2002 LAST MODIFIED BY/ON: #47E Smith, N 09-10-2002

08/20/2002 CERTIFICATE regarding discovery filed By District of Columbia ENTRY BY: (clerk) TDMS TYPE: DOC TDMS EVENT: 1440by CREATED BY/ON: #47F Newell, 08-21-2002 LAST MODIFIED BY/ON: #47F Newell, 08-21-2002

08/13/2002 PRAECIPE to enter appearance of steven anderson as atty for defts ENTRY BY: district TDMS TYPE: DOC TDMS EVENT: 1120of CREATED BY/ON: #485 Cox, Kin 08-15-2002 LAST MODIFIED BY/ON: #485 Cox, Kin 08-15-2002

08/06/2002 Mot to place on civil 1 calendar (consent) ENTRY BY: Varner TDMS TYPE: MOT TDMS EVENT: 9103mot\* CREATED BY/ON: #477 Hartfiel 08-07-2002 LAST MODIFIED BY/ON: #477 Hartfiel 08-07-2002

07/29/2002 CERTIFICATE regarding discovery filed ENTRY BY: gallaudet TDMS TYPE: DOC TDMS EVENT: 1440cer CREATED BY/ON: #477 Hartfiel 07-30-2002 LAST MODIFIED BY/ON: #477 Hartfiel 07-30-2002

07/29/2002 CERTIFICATE regarding discovery filed ENTRY BY: gallaudet TDMS TYPE: DOC TDMS EVENT: 1440cer CREATED BY/ON: #477 Hartfiel 07-30-2002 LAST MODIFIED BY/ON: #477 Hartfiel 07-30-2002

07/22/2002 CERTIFICATE regarding discovery filed ENTRY BY: gallaudet TDMS TYPE: DOC TDMS EVENT: 1440cer CREATED BY/ON: #477 Hartfiel 07-23-2002 LAST MODIFIED BY/ON: #477 Hartfiel 07-23-2002

07/22/2002 CERTIFICATE regarding discovery filed ENTRY BY: gallaudet TDMS TYPE: DOC TDMS EVENT: 1440cer CREATED BY/ON: #477 Hartfiel 07-23-2002 LAST MODIFIED BY/ON: #477 Hartfiel 07-23-2002

06/21/2002 SCHEDULING conference @ 9:30am LSDATE: 20020614ss cnt TDMS TYPE: EVT TDMS EVENT: 0298b2B TDMS FLAG: ss CREATED BY/ON: #414 Weaver, 06-19-2002 LAST MODIFIED BY/ON: #414 Weaver, 06-19-2002

06/21/2002 (rst) STATUS conference @ 9:30am NSDATE: 20030214st cnx TDMS TYPE: EVT TDMS EVENT: 0297b2B- CREATED BY/ON: #414 Weaver, 05-30-2002 LAST MODIFIED BY/ON: #414 Weaver, 01-30-2003

06/19/2002 Continued to 20020621ss @ 9:45am from 20020614ss - Per transmittal form LSDATE: 20020614ss cnt TDMS TYPE: SCX TDMS EVENT: 0218cnt CREATED BY/ON: #414 Weaver, 06-19-2002 LAST MODIFIED BY/ON: #414 Weaver, 06-19-2002

06/14/2002 case cont'd to 6-21-02 @ 9:30am for status hrg & ss hrg. the court authorized atty lee to answer in 30 dys (jkt entry) ENTRY BY: J/Rankin TDMS TYPE: DOC TDMS EVENT: 0000cas\* CREATED BY/ON: #485 Cox, Kin 06-17-2002 LAST MODIFIED BY/ON: #485 Cox, Kin 06-17-2002

06/14/2002 (rst) SCHEDULING conference @ 9:30am NSDATE: 20020621ss cnt LSDATE: 20020315ss cnt TDMS TYPE: EVT TDMS EVENT: 0298b2B CREATED BY/ON: #2CJ Wilson, 03-25-2002 LAST MODIFIED BY/ON: #414 Weaver, 06-19-2002

05/30/2002 Set hearing on STATUS conference calendar for 20020621st @11:00am TDMS TYPE: SCH TDMS EVENT: 0297b2B CREATED BY/ON: #414 Weaver, 05-30-2002 LAST MODIFIED BY/ON: #414 Weaver, 05-30-2002

05/28/2002 ORDERED that all parties appear before the court in ctrm 519 on 6-21-02 for a status hrg,see lg, fld 5-29-02, mld 5-31-02 the purpose of the hrg is to address scheduling and to resolve outstanding mtns ENTRY BY: J/Rankin TDMS TYPE: DOC TDMS EVENT: 1133ord+ CREATED BY/ON: #485 Cox, Kin 05-31-2002 LAST MODIFIED BY/ON: #485 Cox, Kin 05-31-2002

04/16/2002 DEFAULT pursuant to SCR-Civil 55(a) is denied - Motions filed on 2-7-02 and 2-13-02 have not been ruled on ENTRY BY: (ds) TDMS TYPE: REJ TDMS EVENT: 1449z CREATED BY/ON: #416 Smith, D 04-16-2002 LAST MODIFIED BY/ON: #416 Smith, D 04-16-2002

03/25/2002 Continued to 20020614ss @ 9:30am from 20020315ss - Per transmittal form LSDATE: 20020315ss cnt TDMS TYPE: SCX TDMS EVENT: 0218cnt CREATED BY/ON: #2CJ Wilson, 03-25-2002 LAST MODIFIED BY/ON: #2CJ Wilson, 03-25-2002

03/15/2002 (rst) Initial SCHEDULING conference @ 9:30am NSDATE: 20020614ss cnt FSDATE: 20020315ss TDMS TYPE: EVT TDMS EVENT: 0296b2B CREATED BY/ON: #4CJ Jenkins, 12-11-2001 LAST MODIFIED BY/ON: #2CJ Wilson, 03-25-2002

03/14/2002 Reply in support of deft Gallaudet Univ.'s motion to dismiss complaint ENTRY BY: Gallaudet TDMS TYPE: DOC TDMS EVENT: 0000rep\* CREATED BY/ON: #465 Jones, G 03-19-2002 LAST MODIFIED BY/ON: #465 Jones, G 03-19-2002

02/15/2002 district of columbia's supplemental exhibits ENTRY BY: District TDMS TYPE: DOC TDMS EVENT: 0000dis\* CREATED BY/ON: #485 Cox, Kin 02-21-2002 LAST MODIFIED BY/ON: #485 Cox, Kin 02-21-2002

02/15/2002 (opp) Motion to stay the proceeding ENTRY BY: Varner TDMS TYPE: MOT TDMS EVENT: 9103mop\* CREATED BY/ON: #47E Smith, N 02-19-2002 LAST MODIFIED BY/ON: #47E Smith, N 02-19-2002

02/14/2002 (opp) MOTION to dismiss ENTRY BY: Varner TDMS TYPE: MOT TDMS EVENT: 1076mop CREATED BY/ON: #485 Cox, Kin 02-15-2002 LAST MODIFIED BY/ON: #485 Cox, Kin 02-15-2002

02/14/2002 ORDER GRANTING Motion to extend time to answer deft Gallaudet Unv mtn to dismiss complaint, FLD 2-15-02, MLD 2-19-02 ENTRY BY: J/Rankin TDMS TYPE: MOT TDMS EVENT: 9203mot\* CREATED BY/ON: #477 Hartfiel 02-12-2002 LAST MODIFIED BY/ON: #485 Cox, Kin 02-19-2002

02/13/2002 Motion to stay the proceeding ENTRY BY: D.C TDMS TYPE: MOT TDMS EVENT: 9103mot\* CREATED BY/ON: #477 Hartfiel 02-15-2002 LAST MODIFIED BY/ON: #477 Hartfiel 02-15-2002

02/11/2002 Motion to extend time to answer deft Gallaudet Unv motion to dismiss complaint ENTRY BY: varner TDMS TYPE: MOT TDMS EVENT: 9203mot\* CREATED BY/ON: #477 Hartfiel 02-12-2002 LAST MODIFIED BY/ON: #4AU Russell, 02-13-2002

02/07/2002 MOTION for default against Deft J. Mesa Jr ENTRY BY: Varner TDMS TYPE: MOT TDMS EVENT: 1073mot CREATED BY/ON: #47F Newell, 02-11-2002 LAST MODIFIED BY/ON: #47F Newell, 02-11-2002

01/23/2002 MOTION to dismiss ENTRY BY: Gallaudet TDMS TYPE: MOT TDMS EVENT: 1076mot CREATED BY/ON: #47E Smith, N 01-24-2002 LAST MODIFIED BY/ON: #47E Smith, N 01-24-2002

01/03/2002 Praecipe of the parties noting agreement for extension of time within which deft Gallaudet University, See Lg., may answer or otherwise respond to the Complaint until on or before January 23, 2002 ENTRY BY: Gallaudet TDMS TYPE: DOC TDMS EVENT: 9104pra+ CREATED BY/ON: #486 Colaire, 01-07-2002 LAST MODIFIED BY/ON: #486 Colaire, 01-07-2002

01/02/2002 AFFIDAVIT of service of writ of attachment by special process server on Kyle Cimiotti on 12-27-01 ENTRY BY: (clerk) TDMS TYPE: DOC TDMS EVENT: 1181sps CREATED BY/ON: #477 Hartfiel 01-03-2002 LAST MODIFIED BY/ON: #477 Hartfiel 01-03-2002

12/21/2001 AFFIDAVIT of service of summons and complaint by special process server on District of Columbia Mayor Anthony Williams on 12/14/01 ENTRY BY: (clerk) TDMS TYPE: DOC TDMS EVENT: 1180sps CREATED BY/ON: #47E Smith, N 12-26-2001 LAST MODIFIED BY/ON: #47E Smith, N 12-26-2001

12/21/2001 AFFIDAVIT of service of summons and complaint by special process server on Joseph Mess Jr on 12/14/01 ENTRY BY: (clerk) TDMS TYPE: DOC TDMS EVENT: 1180sps CREATED BY/ON: #47F Newell, 12-26-2001 LAST MODIFIED BY/ON: #47F Newell, 12-26-2001

12/21/2001 AFFIDAVIT of service of summons and complaint by special process server on District of Columbia on 12/14/01 ENTRY BY: (clerk) TDMS TYPE: DOC TDMS EVENT: 1180sps CREATED BY/ON: #47F Newell, 12-26-2001 LAST MODIFIED BY/ON: #47F Newell, 12-26-2001

12/17/2001 CERTIFICATE regarding discovery filed ENTRY BY: D.C TDMS TYPE: DOC TDMS EVENT: 1440cer CREATED BY/ON: #477 Hartfiel 12-18-2001 LAST MODIFIED BY/ON: #477 Hartfiel 12-18-2001

12/14/2001 AFFIDAVIT of service of summons and complaint by special process server on Gallaudet University on 12/14/01 ENTRY BY: GALLaudet TDMS TYPE: DOC TDMS EVENT: 1180sps CREATED BY/ON: #47E Smith, N 12-26-2001 LAST MODIFIED BY/ON: #47E Smith, N 12-26-2001

12/11/2001 Complaint for Wrongful death TDMS TYPE: CAC TDMS EVENT: 9101C18 CREATED BY/ON: #4CJ Jenkins, 12-11-2001 LAST MODIFIED BY/ON: #4CJ Jenkins, 12-11-2001