

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

BETTY WALKER HARRIS,)

Plaintiff,)

v.)

ALABAMA DEPARTMENT OF)

YOUTH SERVICES;)

JAMES CALDWELL,)

Defendants.)

CASE NO.: 2:06CV409-DRB

CALDWELL’S NOTICE ON STATUS OF MEDIATION

Comes now the Defendant, James Caldwell (“Caldwell”) and pursuant to the Court’s Order dated, August 15, 2006, hereby files this Notice on the current status of mediation. Defendant Caldwell states as follows:

1. Caldwell has not had any recent communications with the mediator but understands that the mediator is in ongoing discussions with Plaintiff’s counsel and Representatives of the State in an attempt to globally settle all of these actions.

2. Finally, counsel for Defendant Caldwell informs the Court that his client has filed an appeal with the Eleventh Circuit in the action of *Peoples, et al. v. DYS*, Case No.: CV01-CO-1433-S and the Eleventh Circuit has set that appeal for oral argument the week of November 27, 2006. It is hoped that because of the impending oral argument in that suit that there will be an incentive for the parties to settle.

WHEREFORE, premises considered, Caldwell hereby requests that the Court stay this action pending resolution of the global efforts at mediation.

Dated this 1st day of October, 2006.

/s/ Peter H. Burke
Peter H. Burke
Attorney for Defendant, James Caldwell

OF COUNSEL:
WHATLEY DRAKE, LLC
2323 2nd Avenue North
Birmingham, AL 35203
(205) 328-9576 (phone)

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of November, 2006, I filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following counsel of record:

Robert Drummond
Law Offices of Robert Drummond
323 Delamere Avenue
Fairhope, AL 36532
(251) 990-6249

T. Dudley Perry
Alabama Department of Youth Services
P.O. Box 66
Mount Meigs, AL 36057-0066
(334) 215-3803

H. Lewis Gillis
Fred Bolling
Camille Edwards
Christopher Whitehead
THOMAS MEANS GILLIS & SEAY, P.C.
400 Financial Center
505 20th Street North
Birmingham, Alabama 35203
(205) 328-7915

/s/ Peter H. Burke
Peter H. Burke