

**U.S. District Court
District of Oregon (Portland (3))
CIVIL DOCKET FOR CASE #: 3:18-cv-01634-HZ**

Mendoza et al v. Garrett et al
Assigned to: Judge Marco A. Hernandez
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 09/07/2018
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Cindy Mendoza
*on behalf of herself and all others
similarly situated*

represented by **Beth Shara Englander**
Disability Rights Oregon
610 SW Broadway
Suite 200
Portland, OR 97205
503-243-2081
Fax: 503-243-1738
Email: benglander@oregonlawcenter.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Emily Teplin Fox
Oregon Law Center
522 SW Fifth Ave., Suite 812
Portland, OR 97204
503-473-8314
Email: efox@oregonlawcenter.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jonathan M. Dennis
625 SE 41st AVE #38
Portland, OR 97214
503-805-0339
Email: jdennis@oregonlawcenter.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kelsey McCowan Heilman
Oregon Law Center
Portland Regional Office
522 SW Fifth Avenue
Portland, OR 97219
503-473-8324
Email: kheilman@oregonlawcenter.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marisa Antonia Samuelson
Oregon Law Center
Portland Regional Office
522 SW Fifth Ave., Suite 812
Portland, OR 97204
503-473-8325
Fax: 503-295-0676
Email: msamuelson@oregonlawcenter.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Gloria Bermudez
*on behalf of herself and all others
similarly situated*

represented by **Beth Shara Englander**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Emily Teplin Fox
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jonathan M. Dennis
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kelsey McCowan Heilman
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marisa Antonia Samuelson
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Rebecca Heath
*on behalf of herself and all others
similarly situated*

represented by **Beth Shara Englander**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Emily Teplin Fox
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jonathan M. Dennis
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kelsey McCowan Heilman
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marisa Antonia Samuelson
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Karl Wade Roberts
*on behalf of herself and all others
similarly situated*

represented by **Beth Shara Englander**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Emily Teplin Fox
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jonathan M. Dennis
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kelsey McCowan Heilman
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marisa Antonia Samuelson
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Cekais Toni Ganuelas
on behalf of themselves and all others
similarly situated

represented by **Beth Shara Englander**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Emily Teplin Fox
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jonathan M. Dennis
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kelsey McCowan Heilman
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marisa Antonia Samuelson
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Jeremy Chase
on behalf of themselves and all others
similarly situated

represented by **Beth Shara Englander**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Emily Teplin Fox
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jonathan M. Dennis
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Marisa Antonia Samuelson
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kelsey McCowan Heilman
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Matthew Garrett
*in his official capacity as Director of the
Oregon Department of Transportation*

represented by **Beth Andrews**
Oregon Department of Justice
1162 Court Street NE
Salem, OR 97301-4096
503-947-4700
Email: beth.andrews@doj.state.or.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Renee R. Stineman
Oregon Department of Justice
Trial Division
100 SW Market Street
Portland, OR 97201
971-673-1880
Fax: 971-673-5000
Email: renee.stineman@doj.state.or.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sadie Forzley
Oregon Department of Justice
Trial Division
100 SW Market Street
Portland, OR 97201
971-673-1880
Fax: 971-673-5000
Email: sadie.forzley@doj.state.or.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

G. Frank Hammond
Oregon Department of Justice
Trial Division
1162 Court Street
Salem, OR 97301
971-673-1880
Fax: 503-947-4792
Email: frank.hammond@state.or.us
TERMINATED: 11/06/2018

Defendant

Tammy Baney
*in her official capacity as Chair of the
Oregon Transportation Commission*

represented by **Beth Andrews**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Renee R. Stineman
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sadie Forzley
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

G. Frank Hammond
(See above for address)
TERMINATED: 11/06/2018

Defendant

Sean O'Hollaren
*in his official capacity as Member of the
Oregon Transportation Commission*

represented by **Beth Andrews**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Renee R. Stineman
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sadie Forzley
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

G. Frank Hammond
(See above for address)
TERMINATED: 11/06/2018

Defendant

Bob Van Brocklin
*in his official capacity as Member of the
Oregon Transportation Commission*

represented by **Beth Andrews**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Renee R. Stineman
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sadie Forzley
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

G. Frank Hammond
(See above for address)
TERMINATED: 11/06/2018

Defendant

Martin Callery
*in his official capacity as Member of the
Oregon Transportation Commission*

represented by **Beth Andrews**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Renee R. Stineman
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sadie Forzley
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

G. Frank Hammond
(See above for address)
TERMINATED: 11/06/2018

Defendant

Tom McClellan
*in his official capacity as Administrator
of Driver and Motor Vehicles Division,*

represented by **Beth Andrews**
(See above for address)
LEAD ATTORNEY

Oregon Department of Transportation

ATTORNEY TO BE NOTICED

Renee R. Stineman

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Sadie Forzley

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

G. Frank Hammond

(See above for address)

TERMINATED: 11/06/2018

Date Filed	#	Docket Text
09/07/2018	<u>1</u>	Complaint. Filing fee in the amount of \$400 collected. Agency Tracking ID: 0979-5544819 Jury Trial Requested: Yes. Filed by Cekais Toni Ganuelas, Gloria Bermudez, Cindy Mendoza, Rebecca Heath, Karl Wade Roberts against All Defendants (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Proposed Summons). (Fox, Emily) (Entered: 09/07/2018)
09/07/2018	<u>2</u>	Motion for Preliminary Injunction . Oral Argument requested. Filed by All Plaintiffs. (Fox, Emily) (Entered: 09/07/2018)
09/07/2018	<u>4</u>	Declaration of Gloria Bermudez . Filed by All Plaintiffs. (Related document(s): Motion to certify class 3 , Motion for Preliminary Injunction <u>2</u> .) (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4) (Fox, Emily) (Entered: 09/07/2018)
09/07/2018	<u>5</u>	Declaration of Beth Englander . Filed by All Plaintiffs. (Related document(s): Motion to certify class 3 .) (Fox, Emily) (Entered: 09/07/2018)
09/07/2018	<u>6</u>	Declaration of Cekais Toni Ganuelas . Filed by All Plaintiffs. (Related document(s): Motion to certify class 3 , Motion for Preliminary Injunction <u>2</u> .) (Attachments: # <u>1</u> Exhibit 1) (Fox, Emily) (Entered: 09/07/2018)
09/07/2018	<u>7</u>	Declaration of Rebecca Heath . Filed by All Plaintiffs. (Related document(s): Motion to certify class 3 , Motion for Preliminary Injunction <u>2</u> .) (Fox, Emily) (Entered: 09/07/2018)
09/07/2018	<u>8</u>	Declaration of Cindy Mendoza . Filed by All Plaintiffs. (Related document(s): Motion to certify class 3 , Motion for Preliminary Injunction <u>2</u> .) (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3) (Fox, Emily) (Entered: 09/07/2018)
09/07/2018	<u>9</u>	Declaration of Karl Wade Roberts . Filed by All Plaintiffs. (Related document(s): Motion to certify class 3 , Motion for Preliminary Injunction <u>2</u> .) (Attachments: # <u>1</u> Exhibit 1) (Fox, Emily) (Entered: 09/07/2018)
09/07/2018	<u>10</u>	Declaration of Marisa Samuelson . Filed by All Plaintiffs. (Related document(s): Motion to certify class 3 , Motion for Preliminary Injunction <u>2</u> .) (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8) (Fox, Emily) (Entered: 09/07/2018)
09/10/2018	<u>11</u>	Notice of Case Assignment to Judge Anna J. Brown and Discovery and Pretrial Scheduling Order. NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3-5. Discovery is to be completed by 1/8/2019. Joint Alternate Dispute Resolution Report is due by 2/7/2019. Pretrial Order is due by 2/7/2019. Ordered by Judge Anna J. Brown. (joha) (Entered: 09/10/2018)
09/10/2018	<u>12</u>	Summons Issued Electronically as to Tammy Baney, Martin Callery, Matthew Garrett, Tom McClellan, Sean O'Hollaren, Bob Van Brocklin. NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3-5. (joha) (Entered: 09/10/2018)

		09/10/2018)
09/13/2018	<u>13</u>	Notice of Appearance of G. Frank Hammond appearing on behalf of All Defendants Filed by on behalf of All Defendants. (Hammond, G.) (Entered: 09/13/2018)
09/13/2018	<u>14</u>	Notice of Case Reassignment: This case has been reassigned from Judge Anna J. Brown to Judge Marco A. Hernandez. (eo) (Entered: 09/13/2018)
09/14/2018	<u>15</u>	Scheduling Order by Judge Marco A. Hernandez regarding Motion for Preliminary Injunction <u>2</u> . Oral Argument is set for 10/11/2018 at 02:00PM in Portland Courtroom 15A before Judge Marco A. Hernandez. The Response to the motion is due by Noon on 9/25/2018. Reply is due by 10/2/2018. Ordered by Judge Marco A. Hernandez. (jp) (Entered: 09/14/2018)
09/18/2018	<u>16</u>	Waiver of Service of Summons Returned Executed by Tom McClellan waiver sent on 9/10/2018. Filed by All Plaintiffs. (Fox, Emily) (Entered: 09/18/2018)
09/18/2018	<u>17</u>	Waiver of Service of Summons Returned Executed by Matthew Garrett waiver sent on 9/10/2018. Filed by All Plaintiffs. (Fox, Emily) (Entered: 09/18/2018)
09/18/2018	<u>18</u>	Notice of Association of Attorney Renee R. Stineman,Renee R. Stineman for Martin Callery,Renee R. Stineman for Sean O'Hollaren,Renee R. Stineman for Tammy Baney,Renee R. Stineman for Tom McClellan,Renee R. Stineman for Bob Van Brocklin,Renee R. Stineman for Matthew Garrett. Filed by All Defendants. (Stineman, Renee) (Entered: 09/18/2018)
09/20/2018	<u>19</u>	Notice of Association of Attorney Beth Andrews,Beth Andrews for Martin Callery,Beth Andrews for Sean O'Hollaren,Beth Andrews for Tammy Baney,Beth Andrews for Tom McClellan,Beth Andrews for Bob Van Brocklin,Beth Andrews for Matthew Garrett. Filed by All Defendants. (Andrews, Beth) (Entered: 09/20/2018)
09/20/2018	<u>20</u>	Motion for Extension of Time (<i>Defendants' Opposed Motion to Extend Time for Response to Motion for Class Certification</i>). Filed by All Defendants. (Stineman, Renee) (Entered: 09/20/2018)
09/20/2018	<u>21</u>	Declaration of Renee Stineman . Filed by All Defendants. (Related document(s): Motion for Extension of Time <u>20</u> .) (Stineman, Renee) (Entered: 09/20/2018)
09/21/2018	<u>22</u>	Response in Opposition to Motion for Extension of Time (<i>Defendants' Opposed Motion to Extend Time for Response to Motion for Class Certification</i>) <u>20</u> . Filed by All Plaintiffs. (Heilman, Kelsey) (Entered: 09/21/2018)
09/24/2018	<u>23</u>	ORDER: Granting in part Defendant's motion to extend time to respond to the class certification motion, ECF 20. Defendant's response to the motion for class certification is extended until October 19, 2018. However, the Court will address the entire case schedule, including revisiting the briefing on the class certification motion, at the conclusion of the preliminary injunction hearing set for October 11, 2018. Ordered by Judge Marco A. Hernandez. (jp) (Entered: 09/24/2018)
09/25/2018	<u>24</u>	Memorandum in Opposition to Motion for Preliminary Injunction <u>2</u> Oral Argument requested. Filed by All Defendants. (Hammond, G.) (Entered: 09/25/2018)
09/25/2018	<u>25</u>	Declaration of Jad Lemhouse . Filed by All Defendants. (Related document(s): Memorandum in Opposition <u>24</u> .) (Hammond, G.) (Entered: 09/25/2018)
09/25/2018	<u>26</u>	Declaration of Karen Brisbin . Filed by All Defendants. (Related document(s): Memorandum in Opposition <u>24</u> .) (Hammond, G.) (Entered: 09/25/2018)
09/25/2018	<u>27</u>	Declaration of Mary Garcia . Filed by All Defendants. (Related document(s): Memorandum in Opposition <u>24</u> .) (Hammond, G.) (Entered: 09/25/2018)
09/26/2018	<u>28</u>	Waiver of Service of Summons Returned Executed by Tammy Baney waiver sent on 9/10/2018. Filed by All Plaintiffs. (Heilman, Kelsey) (Entered: 09/26/2018)
09/26/2018	<u>29</u>	Waiver of Service of Summons Returned Executed by Martin Callery waiver sent on 9/10/2018. Filed by All Plaintiffs. (Heilman, Kelsey) (Entered: 09/26/2018)
09/26/2018	<u>30</u>	Waiver of Service of Summons Returned Executed by Sean O'Hollaren waiver sent on 9/10/2018. Filed by All Plaintiffs. (Heilman, Kelsey) (Entered: 09/26/2018)

09/27/2018	<u>31</u>	Waiver of Service of Summons Returned Executed by Bob Van Brocklin waiver sent on 9/10/2018. Filed by All Plaintiffs. (Heilman, Kelsey) (Entered: 09/27/2018)
10/02/2018	<u>32</u>	Waiver Acceptance of Service on behalf of All Defendants of Motion for Preliminary Injunction, Motion to a Certify a Class. Filed by All Plaintiffs. (Heilman, Kelsey) (Entered: 10/02/2018)
10/02/2018	<u>33</u>	Reply to Motion for Preliminary Injunction <u>2</u> Oral Argument requested. Filed by All Plaintiffs. (Fox, Emily) (Entered: 10/02/2018)
10/02/2018	<u>34</u>	Declaration of Jeremy Chase in Support of Plaintiffs' Motion for Preliminary Injunction. Filed by All Plaintiffs. (Related document(s): Motion for Preliminary Injunction <u>2</u> .) (Fox, Emily) (Entered: 10/02/2018)
10/09/2018	<u>35</u>	Declaration of Kathy Stinnett . Filed by All Defendants. (Related document(s): Memorandum in Opposition <u>24</u> .) (Stineman, Renee) (Entered: 10/09/2018)
10/11/2018	<u>36</u>	Supplemental Declaration of Mary Garcia in Opposition to Motion for Preliminary Injunction. Filed by All Defendants. (Related document(s): Memorandum in Opposition <u>24</u> .) (Stineman, Renee) (Entered: 10/11/2018)
10/11/2018	37	MINUTES of Proceedings: Oral Argument held regarding Plaintiffs' Motion for Preliminary Injunction <u>2</u> . The Court took the matter under advisement as of 10/11/2018. Briefing on the class certification motion, ECF 3, is stayed until further order of the Court. After the Court resolves the motion for preliminary injunction, the Court will set a status conference to discuss the case schedule. Defendants' response to the Complaint, whether it be an Answer or a motion, is not due until after this status conference and at a date which will be set at that time. Emily Teplin Fox and Kelsey McCowan Heilman present as counsel for plaintiff(s). Beth Andrews and Renee R. Stineman present as counsel for defendant(s). Court Reporter: Nancy Walker. Judge Marco A. Hernandez presiding. (jp) (Entered: 10/12/2018)
10/16/2018	<u>38</u>	First Amended Complaint . Filed by Cekais Toni Ganuelas, Gloria Bermudez, Cindy Mendoza, Rebecca Heath, Karl Wade Roberts, Jeremy Chase against All Defendants (Attachments: # <u>1</u> Attachment Redline of Amended Complaint). (Heilman, Kelsey) (Entered: 10/16/2018)
11/06/2018	<u>39</u>	Notice of Attorney Substitution:Attorney Sadie Forzley is substituted as counsel of record in place of Attorney G. Frank Hammond Filed by All Defendants. (Forzley, Sadie) (Entered: 11/06/2018)
12/12/2018	<u>40</u>	OPINION & ORDER: Plaintiffs' motion for preliminary injunction <u>2</u> is denied. Signed on 12/12/2018 by Judge Marco A. Hernandez. (jp) (Entered: 12/12/2018)
12/20/2018	41	Scheduling Order by Judge Marco A. Hernandez. A Scheduling Telephone Conference is set for 1/9/2019 at 03:00PM before Judge Marco A. Hernandez. The parties shall call into the Court's conference line (the phone number provided via separate email) five minutes prior to the scheduled conference time. Ordered by Judge Marco A. Hernandez. (jp) (Entered: 12/20/2018)
01/09/2019	42	MINUTES of Proceedings: Scheduling Conference held. Status of case discussed as stated on the record. Plaintiff to file an Amended Complaint by 2/15/2019. ORDER: Staying the discovery deadline. The PTO and ADR deadlines previously set are STRIKEN and will be reset at a later date. A further Telephone Status Conference is set for 2/25/2019 at 03:00PM before Judge Marco A. Hernandez. The parties shall use the same conference call information used for today's call. Kelsey McGowan Heilman and Marisa Antonia Samuelson present as counsel for plaintiff(s). Beth Andrews, Sadie Forzley and G. Frank Hammond present as counsel for defendant(s).(Court Reporter Nancy Walker.) Judge Marco A. Hernandez presiding. (jp) (Entered: 01/10/2019)
01/11/2019	<u>43</u>	Motion to Withdraw Motion to certify class 3 . Filed by All Plaintiffs. (Heilman, Kelsey) (Entered: 01/11/2019)
01/14/2019	44	ORDER: Granting Motion to Withdraw <u>43</u> Motion to Certify the Class 3 . Ordered by Judge Marco A. Hernandez. (jp) (Entered: 01/14/2019)