

CLOSED

**U.S. District Court
Eastern District of California – Live System (Fresno)
CIVIL DOCKET FOR CASE #: 1:00-cv-06616-OWW-LJO**

Loomis, et al v. Visalia Unified Dist, et al
Assigned to: Senior Judge Oliver W. Wanger
Referred to: Magistrate Judge Lawrence J. O'Neill, MJ
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 09/29/2000
Date Terminated: 08/15/2002
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

George S Loomis

represented by **George S Loomis**
1228 E Elizabeth
Fresno, CA 93728
559-264-2515
PRO SE

Plaintiff

Gay-Straight Alliance Network

represented by **John Elliott Eichorst**
Howard Rice Nemerovski Canady Falk
and Rabkin
Three Embarcadero Center
Suite 700
San Francisco, CA 94111
415-434-1600
Email: jeichhorst@howardrice.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Visalia Unified School District

represented by **John Laurence Rozier**
Nelson, Rozier and Bettencourt
3924 West Caldwell Avenue
Suite A
Visalia, CA 93277
(559) 713-0159
Fax: (559) 713-0166
Email: litigate@visalialawyers.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Linda Gonzales
Superintendent

represented by **John Laurence Rozier**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Bob Cesena

represented by **John Laurence Rozier**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Gig Stevens

represented by **John Laurence Rozier**
(See above for address)
LEAD ATTORNEY

*ATTORNEY TO BE NOTICED***Defendant****Juan – Garcia**represented by **John Laurence Rozier**
(See above for address)
LEAD ATTORNEY
*ATTORNEY TO BE NOTICED***Defendant****Sarah Karam***TERMINATED: 01/24/2001***Defendant****Carlyn Lambert**
*Superintendent*represented by **John Laurence Rozier**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/29/2000	1	COMPLAINT for Damages, injunctive and declaratory relief; jury demand, fee status paid, receipt # 191198, assigned to Judge Oliver W. Wanger referred to Magistrate Judge Lawrence J. O'Neill (rcf) Modified on 09/29/2000 (Entered: 09/29/2000)
09/29/2000	2	RECEIPT of \$150.00 for plaintiff George S Loomis by George Loomis Receipt # 191198 (rcf) Modified on 09/29/2000 (Entered: 09/29/2000)
09/29/2000	3	ORDER setting mandatory scheduling conference for 8:45 1/11/01 before Judge Oliver W. Wanger (rcf) (Entered: 09/29/2000)
09/29/2000	4	STANDING ORDER by Judge Oliver W. Wanger (cc: all counsel) (rcf) (Entered: 09/29/2000)
01/08/2001	5	NOTICE: from G Lucas scheduling conference continued to 8:45 3/1/01 before Wanger (old) (Entered: 01/09/2001)
01/12/2001	6	REQUEST by plaintiff George S Loomis for summons and aid in service of summons (mm) (Entered: 01/16/2001)
01/16/2001	7	LETTER to court from counsel for pla George S Loomis requesting the scheduling conference be moved to 8:45 3/9/01 before Judge Wanger (hm) (Entered: 01/18/2001)
01/24/2001	8	FIRST AMENDED COMPLAINT [1-1] by plaintiff George S Loomis terminating defendant Sarah Karam and adding pltf Gay-Straight Alliance Network and dft Carlyn Lambert; jury demand (jv) (Entered: 01/25/2001)
02/14/2001	9	RETURN OF SERVICE executed upon defendant Visalia Unified Dist, defendant Carlyn Lambert, defendant Bob Cesena, defendant Gig Stevens, defendant Juan – Garcia on 1/30/01 (sr) (Entered: 02/15/2001)
02/15/2001	10	MOTION to dismiss for failure to state a claim upon which relief can be granted , for more definite statement , to strike portions of the complaint , for summary judgment or for summary adjudication of issues by dfts Visalia Unified, Lambert, Gonzales, Cesena, Stevens, Garcia motion TO BE HEARD by Judge Oliver W. Wanger; Motion Hearing Set For 3/19/01 at 10:00 (sr) (Entered: 02/16/2001)
02/15/2001	11	MEMORANDUM OF POINTS AND AUTHORITIES by dfts Visalia Unified , Linda Gonzales, Bob Cesena, Gig Stevens, Juan Garcia, Carlyn Lambert in support of motion to dismiss [10-1], motion for more definite statement [10-2], motion to strike [10-3], motion for summary judgment of for summary adjudication of issues [10-4] (sr) (Entered: 02/16/2001)

02/15/2001	12	DECLARATION of John Rozier in support of motion to dismiss [10-1], motion for more definite statement [10-2], motion to strike [10-3], motion for summary judgment or summary adjudication [10-4] (sr) (Entered: 02/16/2001)
02/15/2001	13	STATEMENT by dfts Visalia Unified Dist, Linda Gonzales, Bob Cesena, Gig Stevens, Juan – Garcia, Carlyn Lambert of undisputed facts in support of motion to dismiss [10-1], motion for more definite statement [10-2], motion to strike [10-3], motion for summary judgment or summary adjudication [10-4] (sr) (Entered: 02/16/2001)
02/15/2001	14	REQUEST for Judicial notice by dfts Visalia Unified Dist, Linda Gonzales, Bob Cesena, Gig Stevens, Juan – Garcia, Carlyn Lambert (sr) (Entered: 02/16/2001)
02/15/2001	15	TABLE OF CONTENTS by dfts Visalia Unified Dist, Linda Gonzales, Bob Cesena, Gig Stevens, Juan – Garcia, Carlyn Lambert RE: motion to dismiss for failure to state a claim upon which relief can be granted [10-1], RE: motion for more definite statement [10-2], RE: motion to strike portions of the complaint [10-3], RE: motion for summary judgment or for summary adjudication of issues by dfts Visalia Unified, Lambert, Gonzales, Cesena, Stevens, Garcia [10-4] (sr) (Entered: 02/16/2001)
02/21/2001	16	EXHIBIT "B" by dfts Visalia Unified Dist, Linda Gonzales, Bob Cesena, Gig Stevens, Juan – Garcia regarding [10-1], [10-2], [10-3], [10-4] (rab) (Entered: 02/22/2001)
02/23/2001	17	JOINT SCHEDULING REPORT by pltf's, dfts (jv) (Entered: 02/26/2001)
03/05/2001	18	OPPOSITION by pltf's George S Loomis, Gay–Straight to motion to dismiss for failure to state a claim upon which relief can be granted [10-1], to motion for more definite statement [10-2], to motion to strike portions of the complaint [10-3], to motion for summary judgment or for summary adjudication of issues by dfts Visalia Unified, Lambert, Gonzales, Cesena, Stevens, Garcia [10-4] (rcf) (Entered: 03/05/2001)
03/05/2001	19	SEPARATE STATEMENT by pltf's George S Loomis, Gay–Straight of facts in opposition to [10-1], [10-2], [10-3], [10-4] (rcf) (Entered: 03/05/2001)
03/05/2001	20	DECLARATION of Edward B Mullen III in support of pltf's opposition [18-1] (rcf) (Entered: 03/05/2001)
03/05/2001		LODGED (Proposed) Order denying motion to dismiss for failure to state a claim; for a more definite statement; to strike portions of complaint; for summary jgmt and/or summary adjudication of issues by pltf's George S Loomis, Gay–Straight (rcf) (Entered: 03/05/2001)
03/05/2001	21	PROOF OF SERVICE by pltf's George S Loomis, Gay–Straight of [0-0], [20-1], [19-1], [18-1] (rcf) (Entered: 03/05/2001)
03/06/2001	22	PROOF OF SERVICE by plaintiff Gay–Straight of [21-1], [0-0], [20-1], [18-1] (rcf) (Entered: 03/07/2001)
03/12/2001	23	NOTICE by plaintiff George S Loomis of hearing scheduling conference continued to 10:00 3/19/01 before Judge Wanger ctrm 2 (cc: all counsel) (rab) (Entered: 03/13/2001)
03/12/2001	24	REPLY BRIEF IN SUPPORT OF MOTIONS by dfts Visalia Unified Dist, Linda Gonzales, Bob Cesena, Gig Stevens, Juan Garcia, Carlyn Lambert to to dismiss for failure to state a claim upon which relief can be granted [10-1], to motion for more definite [10-2], to motion to strike portions of the complaint [10-3], to motion for summary judgment or for summary adjudication of issues by dfts Visalia Unified, Lambert, Gonzales, Cesena, Stevens, Garcia [10-4] (rab) (Entered: 03/14/2001)
03/19/2001	25	MINUTES of 3/19/01 before Judge Oliver W. Wanger motion to dismiss for failure to state a claim upon which relief can be granted [10-1], motion for more definite statement [10-2], motion to strike portions of the complaint [10-3], motion for summary judgment or for summary adjudication of issues by dfts Visalia Unified, Lambert, Gonzales, Cesena, Stevens, Garcia [10-4] SUBMITTED until further briefing, opening brief 3/26/01; reply brief 4/2/01; C/R S Crump (sr) (Entered: 03/20/2001)

03/22/2001	<u>26</u>	SCHEDULING CONFERENCE ORDER by Judge Oliver W. Wanger ORDERING pretrial conference set for 11:00 1/22/02, before Judge Wanger, Ctrm 2; trial set for 9:00 2/26/02, before Judge Wanger, Ctrm 2; settlement conference set for 10:30 7/11/01, before Judge O'Neill, Ctrm 6; non-dispositive motion filing ddl set for 10/30/01 and dispositive motion filing ddl set for 11/9/01; discovery cut-off ddl set for 10/15/01 (cc: all counsel) (jh) (Entered: 03/26/2001)
03/28/2001	<u>27</u>	MEMORANDUM, Opinion and Order: by Judge Wanger request for judicial notice by dfts [14-1] GRANTED, motion to dismiss for failure to state a claim upon which relief can be granted [10-1] DENIED, motion for more definite statement [10-2] DENIED, motion to strike portions of the complaint [10-3] DENIED, motion for summary judgment or for summary adjudication of issues by dfts Visalia Unified, Lambert, Gonzales, Cesena, Stevens, Garcia [10-4] DENIED (cc: all counsel) (old) (Entered: 03/29/2001)
04/11/2001	28	OBJECTIONS by pla George S Loomis to dfts' "request for clarification" (hm) (Entered: 04/12/2001)
04/11/2001	<u>29</u>	MEMORANDUM, Opinion and Order: by Judge Wanger; the memorandum, opinion and order filed on 3/28/01 <u>27</u> is corrected to read: pursuant to California Govt Code section 818, public entities such as dft, VISALIA UNIFIED SCHOOL DISTRICT, are immune from exposure to punitive damages from State law claims. Plas at oral argument have expressed their intent not to seek punitive damages from the VISALIA UNIFIED SCHOOL DISTRICT. Dfts' motion to dismiss pla GEORGE LOOMIS' prayer for punitive damages against dft VISALIA UNIFIED SCHOOL DISTRICT is GRANTED (cc: all counsel) (hm) (Entered: 04/12/2001)
04/25/2001	30	ANSWER to first amended complaint by dfts Visalia Unified Dist, Linda Gonzales, Bob Cesena, Gig Stevens, Juan - Garcia (mm) (Entered: 04/26/2001)
07/20/2001	31	COURT NOTICE: from Irma Lira, Deputy Clerk settlement conference CONTINUED to 10:00 a.m. 9/27/01 before Judge O'Neill, Ctrm 6 (cc: all counsel) (jh) (Entered: 07/24/2001)
08/24/2001		LODGED stipulation and order by plaintiffs George S Loomis, and Gay-Straight (old) (Entered: 08/27/2001)
08/28/2001		LODGED stipulation and order extending trial date and case management deadlines by plaintiffs George S Loomis, and Gay-Straight (old) (Entered: 08/29/2001)
08/29/2001	<u>32</u>	STIPULATION AND ORDER by Judge Oliver W. Wanger pretrial conference set for 11:00 4/9/02; trial set for 9:00 5/14/02; non-dispositive pre-trial motion filing ddl set for 1/18/02; hearing on non-dispositive pre-trial motions set for 2/18/02 at 9:00 before Magistrate Judge O'Neill; discovery ddl set for 12/21/01 Discovery cut-off ddk 12/21/02; last date to file dispositive motions 2/1/02; hearing on dispositive motions set for 3/4/02 at 10:00; expert witness disclosure ddl 11/4/01; supplemental expert witness disclosure ddl 11/26/01 (cc: all counsel) (old) (Entered: 08/29/2001)
09/04/2001	33	NOTICE by plaintiff's Gay-Straight, George S Loomis [4-1] of entry of order (wh) (Entered: 09/05/2001)
09/10/2001	<u>34</u>	STIPULATION AND ORDER by Judge Oliver W. Wanger pretrial conference set for 11:00 am 4/9/02; trial set for 9:00 am 5/14/02; designation of expert witnesses set for 11/5/01; supplemental expert disclosure set for 11/26/01; motion filing ddl set for 1/18/02; last date to file non-dispositive motions 02/1/02; hearing on non-dispositive motions 2/18/02 at 9:00 am before Magistrate Judge Lawrence J. O'Neill; hearing on dispositive motions 03/4/02 at 10:00 am; discovery ddl set for 12/21/01 (cc: all counsel) (tel) (Entered: 09/12/2001)
09/27/2001	35	MINUTES of 9/27/01 before Magistrate Judge Dennis L. Beck settlement conference held on 9/27/01 ; no settlement; counsel to notify court if parties have settled (old) (Entered: 09/28/2001)
12/10/2001	36	NOTICE by plaintiff George S Loomis of hearing settlement conference set for 10:30 1/29/02 before Magistrate Beck (wh) (Entered: 12/11/2001)

01/22/2002	37	NOTICE by Counsel for defendants Visalia Unified Dist, Linda Gonzales, Bob Cesena, Gig Stevens and Juan – Garcia of change of Firm Name and Address to Nelson, Rozier & Bettencourt 3924 W Caldwell, Suite A Visalia, CA 93277 (tel) (Entered: 01/23/2002)
01/24/2002	38	STANDING ORDER by Magistrate Judge Lawrence J. O'Neill informing the parties on the procedure to follow in pursuing this action (tel) (Entered: 01/25/2002)
01/25/2002		LODGED stipulation and order extending and/or vacating trial date and case management deadlines by plaintiff George S Loomis, plaintiff Gay–Straight (sr) (Entered: 01/28/2002)
01/29/2002	39	MINUTES of 1/29/02 before Magistrate Judge Dennis L. Beck settlement conference held on 1/29/02; no settlement reached, although discussions will continue (sr) (Entered: 01/30/2002)
01/31/2002	<u>40</u>	STIPULATION AND ORDER Judge Oliver W. Wanger ORDERING that trial dates and case management ddls be VACATED (cc: all counsel) (sr) (Entered: 02/01/2002)
03/08/2002	41	MAIL returned stipulation and order extending and/or vacating trial date and case mgmt ddls [40–1] addressed to plaintiff George S Loomis at 1228 E Elizabeth, Fresno CA 93728; (order will not be re–served as pltf is no longer pro per; pltf is represented by counsel who was served with copy of order) (jv) (Entered: 03/11/2002)
03/12/2002		LODGED Stipulation and order re trial date and case management deadlines by pltf George S Loomis, Gay–Straight (rcf) (Entered: 03/13/2002)
03/13/2002	<u>42</u>	STIPULATION AND ORDER by Judge Oliver W. Wanger Stipulation to continue trial date and case management deadlines [0–0] GRANTED case mgmt ddl set for 4/19/02 to present new trial date and appropriate case mgmt ddls to the Court should not settle by 4/15/02 (cc: all counsel) (rcf) (Entered: 03/14/2002)
03/21/2002	43	MAIL returned [42–2] addressed to plaintiff George S Loomis (moved left no address, unable to forward) (sr) (Entered: 03/22/2002)
08/15/2002	<u>44</u>	ORDER by Judge Oliver W. Wanger ORDERING Consent Decree and Order; Stipulation of dismissal GRANTED; pltf's and dft's consent to and the Court hereby ORDERS that this action is dismissed w/prejudice provided however, that the Court shall retain jurisdiction over this action for the period specified to ensure compliance w/all provisions of this Consent Order CASE DISMISSED with prejudice (cc: all counsel) (rcf) (Entered: 08/16/2002)
08/23/2002	45	MAIL returned [44–2] addressed to plaintiff George S Loomis envelope states RETURN TO SENDER–MOVED LEFT NO ADDRESS (rcf) Modified on 08/26/2002 (Entered: 08/26/2002)
03/09/2004	2	RETURNED Receipt from Federal Records Center; 2 volumes (jv) (Entered: 03/10/2004)