

**U.S. District Court
Southern District of California (San Diego)
CIVIL DOCKET FOR CASE #: 3:05-cv-01013-DMS-PCL**

Kiniti v. Wagner, et al
Assigned to: Judge Dana M Sabraw
Referred to: Magistrate Judge Peter C. Lewis
Demand: \$0
Case in other court: USCA, 08-56677
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 05/09/2005
Date Terminated: 01/28/2009
Jury Demand: Defendant
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Isaac Kigonde Kiniti
*on behalf of themselves and all others
similarly situated*

represented by **Anthony Michael Stiegler**
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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

Fred Ngugi

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V.

Defendant

. Barbara Wagner
Warden
TERMINATED: 08/04/2005

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Defendant

– **Harper**
Officer
TERMINATED: 02/27/2007

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Defendant

– **Alvarez**
Officer
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Defendant

– **Winters**
Officer
TERMINATED: 02/27/2007

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Defendant

Payne
Officer
TERMINATED: 02/27/2007

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Defendant

Teran
Officer

represented by **Daniel P Struck**
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Defendant

Correction Corporation of America
TERMINATED: 08/04/2005

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Defendant

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Defendant

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*Director, Office of Detention and
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Defendant

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Defendant

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Defendant

**Corrections Corporation of America,
Inc.**
(CCA)

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Defendant

Joe Easterling
SDCF Warden, CCA
TERMINATED: 12/20/2007

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Defendant

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SDCF Assistant Warden, CCA

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Defendant

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Amicus

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Date Filed	#	Docket Text
05/09/2005	<u>1</u>	Complaint Filed; (referred to Magistrate Judge Peter C. Lewis) Receipt No/Amt of Fee: Fee not paid, IFP submitted (dkt clerk) (Entered: 05/11/2005)
05/09/2005	<u>2</u>	Notice of Motion and Motion by plaintiff Isaac Kigondu Kiniti to proceed in forma pauperis [motion(s) referred to Judge Dana M. Sabraw] (dkt clerk) (Entered: 05/11/2005)
08/04/2005	<u>3</u>	Order by Judge Dana M. Sabraw granting motion to proceed in forma pauperis [2-1]; all claims in the Complaint against all defendants are dismissed sua sponte without prejudice for failing to state a claim upon which relief can be granted pursuant to 28 U.S.C. 1915(e)(2), with the exception of pla's Fifth Amendment claim against defendants Alvarez and Payne, and his claim for retaliation against dft Teran; terminating party Correction Corp, party Winters, party Harper, party Barbara Wagner ; pla is granted forty-five days from the date this Order is stamped "filed" to file a First Amended Complaint or to inform the Court that he does not wish to amend his Complaint and wishes the Court to order the USM to serve a copy of the summons and Complaint on defendants Alvarez, Payne and Teran only, pla is cautioned that if he chooses to proceed with his original complaint against these defendants only, he will forfeit the opportunity to amend his Complaint with respect to the claims dismissed in this Order (kaj) (Entered: 08/05/2005)
09/23/2005	<u>4</u>	Motion by Isaac Kigondu Kiniti to extend time ti file 1st amd cmp ; [motion referred to Judge Dana M. Sabraw] (cag) (Entered: 09/23/2005)
09/23/2005	<u>5</u>	Order by Judge Dana M. Sabraw granting motion to extend time to file 1st amd cmp [4-1] and denying request for appt of counsel [4-1]; 1st amd cmp due no later than 60 days from date of this order (cag) (Entered: 09/23/2005)
12/01/2005	<u>6</u>	DISCREPANCY ORDER by Judge Dana M. Sabraw rejecting document: letter from plaintiff Isaac Kigondu Kiniti, non-compliance with local rule 83.9 (cag) (Entered: 12/01/2005)
05/10/2006	<u>7</u>	Notice of hearing (In-House); Order to show cause hrg 4m and Order to show cause hrg 41.1 set for 10:30 5/26/06 before Judge Dana M. Sabraw (cag) (Entered: 05/10/2006)
05/25/2006	<u>8</u>	DISCREPANCY ORDER by Judge Dana M. Sabraw accepting document: motion to reconsider from plaintiff Isaac Kigondu Kiniti, non-compliance with local rule 5.1, document is to be filed nunc pro tunc to the date received (cag) (Entered: 05/25/2006)
05/25/2006	<u>9</u>	Motion by Isaac Kigondu Kiniti for reconsideration ; [motion referred to Judge Dana M. Sabraw]; NUNC PRO TUNC to 5/19/06 (cag) (Entered: 05/25/2006)
05/26/2006	<u>10</u>	Minutes: Enter Order by Judge Dana M. Sabraw Order to show cause hrg off calendar , Ct to file order. Court Reporter: L. Pence (cag) (Entered: 05/31/2006)
05/30/2006	<u>11</u>	Order by Judge Dana M. Sabraw denying motion for reconsideration [9-1]; Order to show cause 41.1 reset for 10:30 8/4/06 before Judge Dana M. Sabraw , 1st amd cmp due by 7/7/06 (cag) (Entered: 05/31/2006)

06/29/2006	<u>12</u>	1st Amended complaint [1-1] (cag) (Entered: 06/30/2006)
07/27/2006	<u>13</u>	Order by Judge Dana M. Sabraw directing USM to effect service of summons and 1st amd cmp upon dfts Harper, Alvarez, Winters, Payne and Teran (ifp pkg mailed) (cag) (Entered: 08/01/2006)
08/01/2006	<u>14</u>	Summons on 1st amd cmp issued as to Harper, Alvarez, Winters, Payne, Teran (cag) (Entered: 08/01/2006)
08/01/2006	<u>15</u>	DISCREPANCY ORDER by Judge Dana M. Sabraw accepting document: notice of change of address from plaintiff Isaac Kigondu Kiniti, document is to be filed nunc pro tunc to the date received (cag) (Entered: 08/01/2006)
08/01/2006	<u>16</u>	Notice by Isaac Kigondu Kiniti of change of address; NUNC PRO TUNC to 7/27/06 (cag) (Entered: 08/01/2006)
08/01/2006	<u>17</u>	Notice of hearing (In-House): Order to show cause hrg 4m set for 10:30 8/25/06 before Judge Dana M. Sabraw (cag) (Entered: 08/02/2006)
08/01/2006	<u>18</u>	Notice of hearing (In-House): Order to show cause hrg 41.1 vacated 10:30 8/4/06 (cag) (Entered: 08/02/2006)
08/24/2006	<u>19</u>	Minutes: Enter Order by Judge Dana M. Sabraw: Order to show cause hrg 4m vacated 10:30 8/25/06 ; Court Reporter: n/a (cag) (Entered: 08/24/2006)
09/28/2006	<u>20</u>	WAIVER OF SERVICE OF SUMMONS Returned Executed by Isaac Kigondu Kiniti. Harper waiver sent on 8/29/2006, answer due 10/28/2006. (cag) (Entered: 09/28/2006)
10/12/2006	<u>21</u>	WAIVER OF SERVICE Returned Executed by Isaac Kigondu Kiniti. Defendant Payne waiver sent on 8/29/2006, answer due 10/28/2006. (cag) (Entered: 10/12/2006)
10/12/2006	<u>22</u>	WAIVER OF SERVICE Returned Executed by Isaac Kigondu Kiniti. Defendant Teran waiver sent on 8/29/2006, answer due 10/28/2006. (cag) (Entered: 10/12/2006)
10/12/2006	<u>23</u>	WAIVER OF SERVICE Returned Executed by Isaac Kigondu Kiniti. Defendant Winters waiver sent on 8/29/2006, answer due 10/28/2006. (cag) (Entered: 10/12/2006)
10/12/2006	<u>24</u>	Summons Returned Unexecuted by Isaac Kigondu Kiniti as to Alvarez. (cag) (Entered: 10/13/2006)
10/30/2006	<u>25</u>	ANSWER to 1st Amended Complaint by Defendants Harper, Winters, Payne, Teran Harpe (cag) (Entered: 10/31/2006)
10/30/2006	<u>26</u>	DEMAND for Trial by Jury by Defendants Harper, Winters, Payne, Teran. (cag) (Entered: 10/31/2006)
11/06/2006	<u>27</u>	NOTICE and ORDER setting Early Neutral Evaluation for 12/6/2006 01:45 PM in El Centro before Magistrate Judge Peter C. Lewis. Signed by Judge Peter C. Lewis on 11/6/06. (cag) (Entered: 11/06/2006)
12/06/2006	<u>29</u>	Minute Entry for proceedings held before Judge Peter C. Lewis : Early Neutral Evaluation Conference held on 12/6/2006. Case Management Conference set for 1/24/2007 01:45 PM before Judge Dana M. Sabraw. (Plaintiff Attorney Isaac Kiniti, pro se).(Defendant Attorney Micaela Shelton and Rachel Halvorson). (erf,) (Entered: 12/08/2006)
12/07/2006	<u>28</u>	ORDER Following Early Neutral Evaluation Conference, Setting Rule 26 Compliance and Notice of Case Management Conference. ENE Conference was held 12/06/06 at 1:30 pm. Rule 26 Conference shall be completed before 01/03/07. Date of

		initial disclosure pursuant to Rule 26 shall occur before 01/19/07. Discovery Plan shall be lodged before 01/12/07. Case Management Conference set for 1/24/2007 01:45 PM in El Centro before Magistrate Judge Peter C. Lewis. Signed by Judge Peter C. Lewis on 12/07/06. (jxj) (Entered: 12/07/2006)
12/28/2006	<u>30</u>	PRO HAC VICE APPOINTED: Rachel Love Halvorson appearing for Defendants Harper, Alvarez, Winters, Payne, Teran (jxj) (Entered: 12/28/2006)
01/12/2007	<u>31</u>	MOTION for Discovery <i>PROPOSED CASE MANAGEMENT PLAN AND REQUEST FOR EXTENSION OF TIME</i> by Harper. (Monks, David) (Entered: 01/12/2007)
01/19/2007	<u>32</u>	ACKNOWLEDGEMENT OF SERVICE Executed <i>January 19, 2007 (Initial Disclosure Statement)</i> Acknowledgement filed by Harper, Winters, Payne, Teran. (Monks, David) (Entered: 01/19/2007)
01/23/2007	33	The Case Management Conference set for 1/24/2007 is vacated and reset for 2/7/2007 at 01:45 PM. The CMC shall be telephonic, Defendants will initiate the conference call to all parties to (760) 353-4227. Signed by Judge Peter C. Lewis on January 23, 2007. (Brehm, Matthew) (Entered: 01/23/2007)
01/24/2007	<u>34</u>	NOTICE of Appearance by John David Blair-Loy on behalf of Isaac Kigundu Kiniti (Blair-Loy, John) (Entered: 01/24/2007)
01/24/2007	<u>35</u>	MOTION to Amend/Correct <u>12</u> Amended Complaint <i>and Add Parties</i> by Isaac Kigundu Kiniti. (Attachments: # <u>1</u> Notice of Motion# <u>2</u> Memo of Points and Authorities # <u>3</u> Proposed Second Amended Complaint)(Blair-Loy, John) (Entered: 01/24/2007)
01/24/2007	<u>36</u>	MOTION to Certify Class <i>Under Proposed Second Amended Complaint</i> by Isaac Kigundu Kiniti. (Attachments: # <u>1</u> Notice of Motion# <u>2</u> Memo of Points and Authorities)(Blair-Loy, John) (Entered: 01/24/2007)
01/24/2007	<u>37</u>	CERTIFICATE OF SERVICE by Isaac Kigundu Kiniti (Blair-Loy, John) (Entered: 01/24/2007)
01/25/2007	<u>38</u>	ORDER Setting Hearing Date and Briefing Schedule re <u>35</u> MOTION to Amend/Correct, <u>36</u> MOTION for Class Certification. Motion Hearing for Motion to Amend set for 2/23/2007 01:30 PM in Courtroom 10 before Judge Dana M. Sabraw. Motion Hearing for Motion for Class Certification set for 4/13/2007 01:30 PM in Courtroom 10 before Judge Dana M. Sabraw. Signed by Judge Dana M. Sabraw on 01/25/07. (jxj) (Entered: 01/25/2007)
01/29/2007	<u>39</u>	PRO HAC VICE APPOINTED: David Fathi appearing for Plaintiff Isaac Kigundu Kiniti (jxj) (Entered: 01/29/2007)
01/29/2007	<u>40</u>	PRO HAC VICE APPOINTED: Gouri Bhat appearing for Plaintiff Isaac Kigundu Kiniti (jxj) (Entered: 01/29/2007)
01/29/2007	<u>41</u>	PRO HAC VICE APPOINTED: Tom-Tsvi M Jawetz appearing for Plaintiff Isaac Kigundu Kiniti (jxj) (Entered: 01/29/2007)
01/29/2007	<u>42</u>	ORDER Denying Plaintiff's <u>31</u> Motion for an Extension of Time. Signed by Judge Peter C. Lewis on 01/29/07. (jxj) (Entered: 01/30/2007)
01/31/2007	43	Case Management Conference set for 2/7/2007 is continued to 5/2/2007 01:45 PM in El Centro before Magistrate Judge Peter C. Lewis. Signed by Judge Peter C. Lewis on January 31, 2007. (mxb,) (Entered: 01/31/2007)

02/01/2007	<u>44</u>	NOTICE of Appearance by Mary Kathryn Kelley on behalf of Isaac Kigonde Kiniti (Kelley, Mary) (Entered: 02/01/2007)
02/01/2007	<u>45</u>	NOTICE of Appearance by Anthony Michael Stiegler on behalf of Isaac Kigonde Kiniti (Stiegler, Anthony) (Entered: 02/01/2007)
02/07/2007	<u>46</u>	RESPONSE in Opposition re <u>35</u> MOTION to Amend/Correct <u>12</u> Amended Complaint <i>and Add Parties</i> filed by Harper, Winters, Payne, Teran. (Halvorson, Rachel) (Entered: 02/07/2007)
02/07/2007	<u>47</u>	MOTION for Leave to File <i>Amicus Brief</i> by Department of Homeland Security. (Attachments: # <u>1</u> Memo of Points and Authorities # <u>2</u> Exhibit)(Stahl, Thomas) (Entered: 02/07/2007)
02/07/2007	<u>48</u>	NOTICE by Department of Homeland Security re <u>47</u> MOTION for Leave to File <i>Amicus Brief Proof of Service</i> (Stahl, Thomas) (Entered: 02/07/2007)
02/13/2007	<u>49</u>	PRO HAC VICE APPOINTED: Judy Rabinovitz appearing for Plaintiff Isaac Kigonde Kiniti (jxj) (Entered: 02/13/2007)
02/14/2007	<u>50</u>	REPLY to Response to Motion re <u>35</u> MOTION to Amend/Correct <u>12</u> Amended Complaint <i>and Add Parties and Attached Declaration</i> filed by Isaac Kigonde Kiniti. (Attachments: # <u>1</u> Declaration)(Bhat, Gouri) (Entered: 02/14/2007)
02/14/2007	<u>51</u>	MOTION for Leave to File Excess Pages by Isaac Kigonde Kiniti. (Attachments: # <u>1</u> Notice of Motion# <u>2</u> Memo of Points and Authorities)(Bhat, Gouri) (Entered: 02/14/2007)
02/15/2007	<u>52</u>	CERTIFICATE OF SERVICE by Isaac Kigonde Kiniti re <u>50</u> Reply to Response to Motion, <u>51</u> MOTION for Leave to File Excess Pages (Bhat, Gouri) (Entered: 02/15/2007)
02/15/2007	<u>53</u>	ORDER Granting Plaintiff Leave to Exceed the Page Limit, re <u>51</u> Motion for Leave to File Excess Pages. Signed by Judge Dana M. Sabraw on 02/15/07. (jxj) (Entered: 02/15/2007)
02/15/2007	<u>54</u>	ORDER Re: Oral Argument. Motion Hearing currently scheduled for 02/23/07 at 1:30 pm, re <u>35</u> Motion. The Court finds this matter suitable for submission without oral argument. Accordingly, no appearances are required at this time. Signed by Judge Dana M. Sabraw on 02/15/07. (jxj) (Entered: 02/15/2007)
02/20/2007	<u>55</u>	PRO HAC VICE APPOINTED: Daniel P Struck appearing for Defendants (jxj) (Entered: 02/21/2007)
02/27/2007	<u>56</u>	ORDER Granting Plaintiff's <u>35</u> Motion to Amend first Amended Complaint and Add Parties. Plaintiff's class certification motion shall be heard on 05/25/07 at 1:30pm. Defendant's shall file their opposition to the motion by 05/04/07. Plaintiffs shall file their reply by 05/14/07. Signed by Judge Dana M. Sabraw on 02/27/07. (jxj) (Entered: 02/27/2007)
02/27/2007	<u>57</u>	Second AMENDED COMPLAINT against Julie L Myers, John P. Torres, Ron Smith, Anthony Cerone, Corrections Corporation of America, Inc., Joe Easterling, Charles Howard. Filed by Isaac Kigonde Kiniti, Jose Morales-Vargas, Sylvester Owino, Hernan Ismael Delgado, Any Castro.(jxj)(bar,). (Entered: 02/27/2007)
02/28/2007	<u>58</u>	Summons Issued as to Anthony Cerone, Corrections Corporation of America, Inc., Joe Easterling, Charles Howard. (jxj) (Entered: 03/02/2007)
02/28/2007	<u>59</u>	Summons Issued as to Julie L Myers, John P. Torres, Ron Smith, U.S. Attorney and U.S. Attorney General (jxj) (Entered: 03/02/2007)

03/05/2007	<u>60</u>	SUMMONS Returned Executed by Isaac Kigondu Kiniti, Jose Morales-Vargas, Sylvester Owino, Hernan Ismael Delgado, Any Castro. Julie L Myers served on 3/2/2007, answer due 5/1/2007; John P. Torres served on 3/2/2007, answer due 5/1/2007; Ron Smith served on 3/2/2007, answer due 5/1/2007. (jxj) (Entered: 03/06/2007)
03/08/2007	<u>61</u>	SUMMONS Returned Executed by Isaac Kigondu Kiniti, Jose Morales-Vargas, Sylvester Owino, Hernan Ismael Delgado, Any Castro. Julie L Myers served on 3/6/2007, answer due 5/7/2007; John P. Torres served on 3/6/2007, answer due 5/7/2007; Ron Smith served on 3/6/2007, answer due 5/7/2007; Anthony Cerone served on 3/6/2007, answer due 5/7/2007. (Bhat, Gouri) (Entered: 03/08/2007)
03/08/2007	<u>62</u>	SUMMONS Returned Executed by Isaac Kigondu Kiniti, Jose Morales-Vargas, Sylvester Owino, Hernan Ismael Delgado, Any Castro. (Bhat, Gouri) (Entered: 03/08/2007)
03/08/2007	<u>63</u>	SUMMONS Returned Executed by Isaac Kigondu Kiniti, Jose Morales-Vargas, Sylvester Owino, Hernan Ismael Delgado, Any Castro. (Bhat, Gouri) (Entered: 03/08/2007)
03/08/2007	<u>64</u>	SUMMONS Returned Executed by Isaac Kigondu Kiniti, Jose Morales-Vargas, Sylvester Owino, Hernan Ismael Delgado, Any Castro. (Bhat, Gouri) (Entered: 03/08/2007)
03/08/2007	<u>65</u>	SUMMONS Returned Executed by Isaac Kigondu Kiniti, Jose Morales-Vargas, Sylvester Owino, Hernan Ismael Delgado, Any Castro. (Bhat, Gouri) (Entered: 03/08/2007)
03/14/2007	<u>66</u>	PRO HAC VICE APPOINTED: Samuel P Go appearing for Amicus Department of Homeland Security, Defendants Julie L Myers, John P. Torres, Ron Smith (jxj) (Entered: 03/14/2007)
03/27/2007	<u>67</u>	PRO HAC VICE APPOINTED: Victor M Lawrence appearing for Defendants Julie L Myers, John P. Torres, Ron Smith, Anthony Cerone, Corrections Corporation of America, Inc., Joe Easterling, Charles Howard (jxj) (Entered: 03/27/2007)
04/06/2007	<u>68</u>	WAIVER OF SERVICE Returned Executed by Corrections Corporation of America, Inc., Joe Easterling, Charles Howard. Corrections Corporation of America, Inc. waiver sent on 3/8/2007, answer due 5/7/2007; Joe Easterling waiver sent on 3/8/2007, answer due 5/7/2007; Charles Howard waiver sent on 3/8/2007, answer due 5/7/2007. (Struck, Daniel) (Entered: 04/06/2007)
04/25/2007	<u>69</u>	PRO HAC VICE APPOINTED: Russell R Yurk appearing for Defendants Barbara Wagner, Harper, Julie L Myers, John P. Torres, Ron Smith, Anthony Cerone, Corrections Corporation of America, Inc., Joe Easterling, Charles Howard, Alvarez, Winters, Payne, Teran, Correction Corporation of America (jcj) (Entered: 04/25/2007)
04/25/2007	<u>70</u>	PRO HAC VICE APPOINTED: Christopher G Stuart appearing for Defendants Barbara Wagner, Harper, Julie L Myers, John P. Torres, Ron Smith, Anthony Cerone, Corrections Corporation of America, Inc., Joe Easterling, Charles Howard, Alvarez, Winters, Payne, Teran, Correction Corporation of America (jcj) (Entered: 04/25/2007)
04/26/2007	71	ORDER Cancelling Deadline.The Case Management Conference scheduled for 5/2/07 is cancelled. Signed by Judge Peter C. Lewis on 04/26/07. (ktk) (Entered: 04/26/2007)
04/26/2007	<u>72</u>	Ex Parte MOTION for Extension of Time to File Response/Reply to <i>Plaintiffs' Motion for Class Certification</i> by

		Julie L Myers, John P. Torres, Ron Smith, Anthony Cerone. (Go, Samuel) (Entered: 04/26/2007)
04/27/2007	<u>73</u>	RESPONSE to Motion re <u>72</u> Ex Parte MOTION for Extension of Time to File Response/Reply to <i>Plaintiffs' Motion for Class Certification</i> filed by Isaac Kigondu Kiniti, Jose Morales-Vargas, Sylvester Owino, Hernan Ismael Delgado, Any Castro. (Bhat, Gouri) (Entered: 04/27/2007)
05/01/2007	<u>74</u>	ORDER Granting Defendants' <u>72</u> Ex Parte Application for Extension of Time to File Response/Reply; and Setting Briefing Schedule and Oral Argument. With respect to the motion to dismiss, Defendants shall file their motion by 05/04/07. Plaintiffs shall file their opposition by 05/21/07. Defendants shall file their reply by 06/01/07. The motion shall be heard on 06/15/07, at 1:30 pm. With respect to the motion for class certification, Defendants shall file their opposition by 06/08/07. Plaintiffs shall file their reply by 06/22/07. The motion shall be heard on 07/06/07, at 1:30 pm. Signed by Judge Dana M. Sabraw on 05/01/07. (jcj) (Entered: 05/01/2007)
05/04/2007	<u>75</u>	MOTION to Dismiss for Lack of Jurisdiction <i>Plaintiffs' Second Amended Complaint</i> by Julie L Myers, John P. Torres, Ron Smith, Anthony Cerone. (Attachments: # <u>1</u> Memo of Points and Authorities in Support of Defendants' Motion to Dismiss# <u>2</u> Declaration of Timothy L. Perry in Support)(Go, Samuel) (Entered: 05/04/2007)
05/04/2007	<u>76</u>	MOTION to Dismiss <i>Defendant Corrections Corporation of America, Joe Easterling and Charles Howard's Motion to Dismiss Plaintiffs' Second Amended Complaint</i> by Corrections Corporation of America, Inc., Joe Easterling, Charles Howard. (Halvorson, Rachel) (Entered: 05/04/2007)
05/10/2007	77	Minute Order by Judge Dana M. Sabraw granting <u>47</u> Motion for Leave to File Amicus Brief. (jak) (Entered: 05/10/2007)
05/21/2007	<u>78</u>	RESPONSE in Opposition re <u>76</u> MOTION to Dismiss <i>Defendant Corrections Corporation of America, Joe Easterling and Charles Howard's Motion to Dismiss Plaintiffs' Second Amended Complaint</i> , <u>75</u> MOTION to Dismiss for Lack of Jurisdiction <i>Plaintiffs' Second Amended Complaint</i> filed by Isaac Kigondu Kiniti, Jose Morales-Vargas, Sylvester Owino, Hernan Ismael Delgado, Any Castro. (Attachments: # <u>1</u> Declaration of Tom Jawetz and Attached Exhibits# <u>2</u> Declaration of Jose Morales-Vargas# <u>3</u> Declaration of Isaac Kigondu Kiniti# <u>4</u> Proof of Service)(Jawetz, Tom-Tsvi) (Entered: 05/21/2007)
05/21/2007	<u>79</u>	CERTIFICATE OF SERVICE by Isaac Kigondu Kiniti, Jose Morales-Vargas, Sylvester Owino, Hernan Ismael Delgado, Any Castro re <u>78</u> Response in Opposition to Motion,, (<i>Amended</i>) (Jawetz, Tom-Tsvi) (Entered: 05/21/2007)
05/21/2007	<u>80</u>	MOTION to Preserve the Testimony of Named Plaintiffs Kiniti and Delgado By Barring Their Removal Prior to Deposition by Isaac Kigondu Kiniti, Jose Morales-Vargas, Sylvester Owino, Hernan Ismael Delgado, Any Castro. (Attachments: # <u>1</u> Notice of Motion to Preserve Testimony# <u>2</u> Memo of Points and Authorities in Support of Motion to Preserve Testimony# <u>3</u> Declaration of Gouri Bhat and Attached Exhibits# <u>4</u> Proof of Service)(Jawetz, Tom-Tsvi) (Entered: 05/21/2007)
05/30/2007	<u>81</u>	RESPONSE to Motion re <u>80</u> MOTION to Preserve the Testimony of Named Plaintiffs Kiniti and Delgado By Barring Their Removal Prior to Deposition filed by Corrections Corporation of America, Inc., Joe Easterling, Charles Howard, Correction Corporation of America. (Halvorson, Rachel)

		(Entered: 05/30/2007)
05/30/2007	<u>82</u>	NOTICE of Joinder by Corrections Corporation of America, Inc., Joe Easterling, Charles Howard re <u>75</u> MOTION to Dismiss for Lack of Jurisdiction <i>Plaintiffs' Second Amended Complaint</i> (Halvorson, Rachel) (Entered: 05/30/2007)
06/01/2007	<u>83</u>	REPLY to Response to Motion re <u>76</u> MOTION to Dismiss <i>Defendant Corrections Corporation of America, Joe Easterling and Charles Howard's Motion to Dismiss Plaintiffs' Second Amended Complaint</i> filed by Corrections Corporation of America, Inc., Joe Easterling, Charles Howard. (Attachments: # <u>1</u> Exhibit Affidavit of Joe Easterling# <u>2</u> Exhibit Affidavit of Damon Hininger)(Halvorson, Rachel) (Entered: 06/01/2007)
06/01/2007	<u>84</u>	REPLY to Response to Motion re <u>75</u> MOTION to Dismiss for Lack of Jurisdiction <i>Plaintiffs' Second Amended Complaint</i> filed by Julie L Myers, John P. Torres, Ron Smith, Anthony Cerone. (Go, Samuel) (Entered: 06/01/2007)
06/08/2007	<u>85</u>	RESPONSE to Motion re <u>80</u> MOTION to Preserve the Testimony of Named Plaintiffs Kiniti and Delgado By Barring Their Removal Prior to Deposition filed by Julie L Myers, John P. Torres, Ron Smith, Anthony Cerone. (Go, Samuel) (Entered: 06/08/2007)
06/08/2007	<u>86</u>	RESPONSE in Opposition re <u>36</u> MOTION to Certify Class <i>Under Proposed Second Amended Complaint</i> filed by Julie L Myers, John P. Torres, Ron Smith, Anthony Cerone. (Go, Samuel) (Entered: 06/08/2007)
06/08/2007	<u>87</u>	RESPONSE in Opposition re <u>36</u> MOTION to Certify Class <i>Under Proposed Second Amended Complaint</i> filed by Joe Easterling, Charles Howard, Correction Corporation of America. (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# <u>9</u> Exhibit 9# <u>10</u> Exhibit 10# <u>11</u> Exhibit 11# <u>12</u> Exhibit 12# <u>13</u> Exhibit 13# <u>14</u> Exhibit 14# <u>15</u> Exhibit 15# <u>16</u> Exhibit 16# <u>17</u> Exhibit 17)(Struck, Daniel) (Entered: 06/08/2007)
06/13/2007	<u>88</u>	NOTICE by Isaac Kigondu Kiniti of related case(s) 07-cv-1078-L-RBB (Stiegler, Anthony) (Entered: 06/13/2007)
06/13/2007	<u>89</u>	SUPPLEMENTAL DOCUMENT – Supplemental Declaration in Support of Plaintiffs' Opposition to Motion to Dismiss, by Isaac Kigondu Kiniti. (Stiegler, Anthony) Modified text on 6/18/2007 to reflect document (jcj). (Entered: 06/13/2007)
06/15/2007	90	Minute Entry for proceedings held before Judge Dana M. Sabraw: Motion Hearing held on 6/15/2007. Court to issue order. (Court Reporter LeeAnn Pence).(Plaintiff Attorney John David Blair-Loy, Tom Jawetz, Goury Baht, Tony Stiegler).(Defendant Attorney Samuel P Go, Rachel Halvorson). (jak) (Entered: 06/15/2007)
06/18/2007	<u>91</u>	ORDER Granting Plaintiffs' <u>80</u> Motion to Preserve Testimony of Named Plaintiffs Kniti and Delgado by Barring Their Removal Prior to Deposition. Signed by Judge Dana M. Sabraw on 06/18/07. (jcj) (Entered: 06/18/2007)
06/19/2007	<u>94</u>	Joint MOTION for Extension of Time to File Response/Reply <i>Brief in Support of Motion for Class Certification</i> by Isaac Kigondu Kiniti, Jose Morales-Vargas, Sylvester Owino, Hernan Ismael Delgado, Any Castro. (Attachments: # <u>1</u> Proof of Service)(Jawetz, Tom-Tsvi) (Entered: 06/19/2007)
06/20/2007	<u>95</u>	ORDER Granting <u>94</u> Motion – Stipulation to Extend the Deadline for Plaintiffs' Reply Memorandum of Points and

		Authorities in Support of Their <u>36</u> MOTION for Class Certification. Replies due by 6/26/2007. Signed by Judge Dana M. Sabraw on 06/20/07. (jcj) (Entered: 06/20/2007)
06/21/2007	<u>96</u>	ORDER Granting--in--Part and Denying--in--Part Defendants' Motions to Dismiss Second Amended Complaint, re <u>75</u> Motion to Dismiss, <u>76</u> Motion to Dismiss. Signed by Judge Dana M. Sabraw on 06/21/07. (jcj) (Entered: 06/21/2007)
06/26/2007	<u>97</u>	REPLY re <u>87</u> Response in Opposition to Motion, <u>86</u> Response in Opposition to Motion, <u>36</u> MOTION to Certify Class <i>Under Proposed Second Amended Complaint</i> filed by Isaac Kigodu Kiniti, Sylvester Owino, Hernan Ismael Delgado. (Attachments: # <u>1</u> Exhibit Exhibits A--J# <u>2</u> Exhibit Exhibits K--R# <u>3</u> Proof of Service)(Bhat, Gouri) (Entered: 06/26/2007)
06/26/2007	<u>98</u>	Ex Parte MOTION for Leave to File Excess Pages by Isaac Kigodu Kiniti, Sylvester Owino, Hernan Ismael Delgado. (Attachments: # <u>1</u> Proposed Order# <u>2</u> Proof of Service)(Bhat, Gouri) Modified on 6/28/2007 (jcj) Atty contacted re proposed order. (Entered: 06/26/2007)
06/28/2007	<u>99</u>	ORDER Granting Plaintiffs' <u>98</u> Ex Parte Motion for Leave to Exceed the Page Limit, re Plaintiffs' Motion for Class Certification. Signed by Judge Dana M. Sabraw on 06/27/07. (jcj) (Entered: 06/28/2007)
07/02/2007	<u>100</u>	NOTICE by Corrections Corporation of America, Inc., Joe Easterling, Charles Howard re <u>87</u> Response in Opposition to Motion, <u>97</u> Reply, <i>Defendants Corrections Corporation of America, Inc., Joe Easterling, and Charles Howard's Notice of Errata</i> (Attachments: # <u>1</u> Exhibit Exhibit 1# <u>2</u> Exhibit Exhibits 2--8# <u>3</u> Exhibit Exhibits 9--17)(Halvorson, Rachel) Modified on 7/9/2007 (jcj) Atty contacted re supplemental documents. (Entered: 07/02/2007)
07/06/2007	101	Minute Entry for proceedings held before Judge Dana M. Sabraw: Motion Hearing held on 7/6/2007 re <u>36</u> MOTION to Certify Class Under Proposed Second Amended Complaint filed by Isaac Kigodu Kiniti. Motion taken under submission by the Court. Defense counsel to file supplemental brief by 7/13/07. Response due 7/20/07. (Court Reporter LeeAnn Pence).(Plaintiff Attorney Gouri Bhat).(Defendant Attorney Samuel P Go, Chris Stuart, Rachel Halvorson). (jak) (Entered: 07/06/2007)
07/13/2007	<u>102</u>	SUPPLEMENTAL DOCUMENT, re <u>87</u> Response in Opposition, by Corrections Corporation of America, Inc., Joe Easterling, Charles Howard. (Halvorson, Rachel) Modified text on 7/17/2007 (jcj). (Entered: 07/13/2007)
07/13/2007	<u>103</u>	SUPPLEMENTAL DOCUMENT, re <u>86</u> Response in Opposition, by Julie L Myers, John P. Torres, Ron Smith, Anthony Cerone. (Go, Samuel) Modified text on 7/17/2007 (jcj). (Entered: 07/13/2007)
07/16/2007	<u>104</u>	Joint MOTION for Extension of Time to File Response/Reply as to <u>36</u> MOTION to Certify Class <i>Under Proposed Second Amended Complaint</i> by Isaac Kigodu Kiniti, Jose Morales--Vargas, Sylvester Owino, Hernan Ismael Delgado, Any Castro. (Attachments: # <u>1</u> Proof of Service)(Jawetz, Tom--Tsvi) (Entered: 07/16/2007)
07/18/2007	<u>105</u>	ORDER Granting <u>104</u> Joint MOTION -- Stipulation to Extend the Deadline for Plaintiffs' Supplemental Reply Memorandum of Points and Authorities in Support of Their <u>36</u> MOTION for Class Certification. Plaintiffs shall file their supplemental reply brief by 07/25/07. Signed by Judge Dana M. Sabraw on 07/18/07. (jcj)

		(Entered: 07/18/2007)
07/19/2007	<u>106</u>	MOTION for Extension of Time to File Answer re <u>57</u> Amended Complaint, <i>Parties' Stipulation to Extend the Deadline for Defendants to Answer Plaintiffs' Second Amended Complaint</i> by Isaac Kigonde Kiniti, Jose Morales-Vargas, Sylvester Owino, Hernan Ismael Delgado, Any Castro, Julie L Myers, John P. Torres, Ron Smith, Anthony Cerone, Corrections Corporation of America, Inc., Joe Easterling, Charles Howard. (Halvorson, Rachel) (Entered: 07/19/2007)
07/19/2007	<u>107</u>	ORDER Granting Parties' <u>106</u> Motion – Stipulation to Extend the Deadline for Defendants to Answer Plaintiffs' Second Amended Complaint. Defendants shall file their Answer by 07/23/07. Signed by Judge Dana M. Sabraw on 07/19/07. (jcj) (Entered: 07/20/2007)
07/23/2007	<u>108</u>	ANSWER to Amended Complaint by Defendants Corrections Corporation of America, Inc., Joe Easterling, Charles Howard by Corrections Corporation of America, Inc., Joe Easterling, Charles Howard.(Halvorson, Rachel) (Entered: 07/23/2007)
07/23/2007	<u>109</u>	ANSWER to Amended Complaint by Defendants Julie L Myers, John P. Torres, Ron Smith, Anthony Cerone by Julie L Myers, John P. Torres, Ron Smith, Anthony Cerone.(Go, Samuel) (Entered: 07/23/2007)
07/25/2007	<u>110</u>	SUPPLEMENTAL DOCUMENT by Isaac Kigonde Kiniti, Jose Morales-Vargas, Sylvester Owino, Hernan Ismael Delgado, Any Castro. (Attachments: # <u>1</u> Proof of Service)(Jawetz, Tom-Tsvi) (Entered: 07/25/2007)
07/31/2007	<u>111</u>	Document Stricken, as per chambers. Leave to file document was not requested. Modified on 8/7/2007 (jcj). (Entered: 07/31/2007)
08/17/2007	<u>112</u>	ORDER Granting Plaintiffs' <u>36</u> Motion for Class Certification. Signed by Judge Dana M. Sabraw on 08/17/07. (jcj) (Entered: 08/17/2007)
08/23/2007	<u>113</u>	NOTICE by Corrections Corporation of America, Inc., Joe Easterling, Charles Howard <i>Notice of Name Change</i> (Love, Rachel) (Entered: 08/23/2007)
09/05/2007	114	Case Management Conference set for 10/10/2007 01:30 PM in El Centro before Magistrate Judge Peter C. Lewis. Signed by Judge Peter C. Lewis on 9/5/2007. (mb) (Entered: 09/05/2007)
09/17/2007	<u>115</u>	MOTION for Reconsideration re <u>112</u> Order on Motion to Certify Class by Julie L Myers, John P. Torres, Ron Smith, Anthony Cerone. (Go, Samuel) (Entered: 09/17/2007)
09/17/2007	<u>116</u>	MOTION to Withdraw as Attorney of Record (<i>Pursuant to S.D. Cal. CivLR 83.3(g)(3)</i>) by Isaac Kigonde Kiniti, Sylvester Owino, Hernan Ismael Delgado. (Attachments: # <u>1</u> Proof of Service)(Fathi, David) (Entered: 09/17/2007)
09/18/2007	<u>117</u>	ORDER Setting Hearing Date and Briefing Schedule for <u>115</u> MOTION for Reconsideration. Motion Hearing set for 10/19/2007 01:30 PM in Courtroom 10 before Judge Dana M. Sabraw. Responses due by 10/1/2007. Replies due by 10/9/2007. Signed by Judge Dana M. Sabraw on 09/18/07. (jcj) (Entered: 09/19/2007)
09/20/2007	<u>118</u>	DECLARATION re <u>116</u> MOTION to Withdraw as Attorney of Record (<i>Pursuant to S.D. Cal. CivLR 83.3(g)(3)</i>) by Plaintiffs Isaac Kigonde Kiniti, Sylvester Owino, Hernan Ismael Delgado. (Fathi, David) (Entered: 09/20/2007)

09/24/2007	<u>119</u>	ORDER Granting Leave to Withdraw as Counsel of Record, re <u>116</u> Motion. Attorney David Fathi terminated as counsel of record for Plaintiffs Issac Kigondu Kiniti, Sylvester Owino, and Hernan Ismael Delgado. Signed by Judge Dana M. Sabraw on 09/24/07. (jcj) (Entered: 09/24/2007)
09/25/2007	<u>120</u>	OBJECTION by Corrections Corporation of America, Inc., Joe Easterling, Charles Howard <i>to Plaintiffs' Request for Settlement Conference</i> (Struck, Daniel) (Entered: 09/25/2007)
09/25/2007	<u>121</u>	NOTICE by Corrections Corporation of America, Inc., Joe Easterling, Charles Howard re <u>120</u> Objection (<i>of Errata Regarding Exhibit 1</i>) (Attachments: # <u>1</u> Exhibit Letter from Gouri Bhat to Magistrate Judge Lewis dated September 17, 2007)(Struck, Daniel) (Entered: 09/25/2007)
09/26/2007	<u>122</u>	RESPONSE in Opposition <i>to Plaintiffs' Request for a Settlement Conference</i> by Julie L Myers, John P. Torres, Ron Smith, Anthony Cerone (Attachments: # <u>1</u> Exhibit 1 &2)(Go, Samuel) (agp). (Entered: 09/26/2007)
09/28/2007	<u>123</u>	MOTION Permitting Party Respresentative be Permitted to Attend the 10/10/07 Case Management Conference Telephonically by Corrections Corporation of America, Inc., Joe Easterling, Charles Howard. (Love, Rachel) (jcj). (Entered: 09/28/2007)
09/28/2007	<u>124</u>	ORDER for the Production of Settlement Briefs. On or before 10/08/07, the parties shall submit to the Court confidential settlement briefs. The parties shall come to the 10/10/07 Case Management Conference prepared to discuss settlement. Signed by Judge Peter C. Lewis on 09/28/07. (jcj) (Entered: 09/28/2007)
10/01/2007	<u>125</u>	RESPONSE in Opposition to <u>115</u> MOTION for Reconsideration re <u>112</u> Order on Motion to Certify Class filed by Isaac Kigondu Kiniti, Sylvester Owino, Hernan Ismael Delgado. (Attachments: # <u>1</u> Proof of Service)(Bhat, Gouri) Modified text on 10/2/2007 (jcj). (Entered: 10/01/2007)
10/04/2007	<u>126</u>	NOTICE of Joinder by Corrections Corporation of America, Inc., Joe Easterling, Charles Howard re <u>115</u> MOTION for Reconsideration re <u>112</u> Order on Motion to Certify Class <i>Defendants CCA, Easterling and Howards Joinder in the Federal Defendants' Motion to Reconsider the Order Granting Plaintiffs Motion for Class Certification</i> (Love, Rachel) (jcj). (Entered: 10/04/2007)
10/04/2007	<u>127</u>	MOTION Requesting that Party Respresentative be Permitted to Attend the October 10, 2007 Case Management Conference Telephonically by Julie L Myers, John P. Torres, Ron Smith, Anthony Cerone. (Go, Samuel) (jcj). (Entered: 10/04/2007)
10/05/2007	<u>128</u>	ORDER Regulating Telephonic Attendance at the October 10, 2007 Case Management Conference; granting <u>123</u> and <u>127</u> Motions for Reconsideration. All parties, representatives of the parties, and the parties' attorneys may attend the Case Management Conference telephonically. Signed by Judge Peter C. Lewis on 10/05/07. (vrp) (Entered: 10/09/2007)
10/09/2007	<u>129</u>	REPLY re <u>115</u> MOTION for Reconsideration re <u>112</u> Order on Motion to Certify Class filed by Julie L Myers, John P. Torres, Ron Smith, Anthony Cerone. (Go, Samuel) (jcj). (Entered: 10/09/2007)
10/10/2007	130	Minute Entry for proceedings held before Judge Peter C. Lewis : Case Management Conference held on 10/10/2007(Plaintiff Attorneys Gouri Bhat, David Blair-Loy, Mary Kathryn-Cooley).(Defendant Attorneys Dan Struck, Jon Kaplan,

		Victor Lawrence, Samuel Go, Jennifer Fenton). (mb) (Entered: 10/11/2007)
10/11/2007	<u>131</u>	Case Management Conference ORDER Regulating Discovery and Other Pretrial Proceedings. Case Management Conference held 10/10/07. Mandatory Settlement Conference set for 7/2/2008 01:30 PM Magistrate Judge Peter C. Lewis. Settlement Conference set for 10/15/2008 01:45 PM before Magistrate Judge Peter C. Lewis. Memorandum of Contentions of Fact and Law due by 10/24/2008. Proposed Pretrial Order due by 11/5/2008. Final Pretrial Conference set for 11/14/2008 10:30 AM in Courtroom 10 before Judge Dana M. Sabraw. Jury Trial set for 1/5/2009 09:00 AM in Courtroom 10 before Judge Dana M. Sabraw. Signed by Judge Peter C. Lewis on 10/11/07. (jcj) (Entered: 10/12/2007)
10/16/2007	<u>132</u>	ORDER Re: Oral Argument, re <u>115</u> Motion for Reconsideration. Motion Hearing currently scheduled for 10/19/07. The Court finds this matter suitable for submission without oral argument. Accordingly, no appearances are required at this time. Signed by Judge Dana M. Sabraw on 10/16/07. (jcj) (Entered: 10/16/2007)
10/29/2007	<u>133</u>	ORDER Denying <u>115</u> Motion for Reconsideration, and Clarifying <u>112</u> Order Granting Class Certification. Plaintiffs have both Article III standing and standing to pursue injunctive relief as a class. Accordingly, Defendant's motion is DENIED. Signed by Judge Dana M. Sabraw on 10/29/07. (jcj) (Entered: 10/30/2007)
11/09/2007	<u>134</u>	NOTICE by Corrections Corporation of America, Inc., Joe Easterling, Charles Howard <i>Notice of Service of CCA Defendants' Initial Disclosure Statement</i> (Love, Rachel) (lao). (Entered: 11/09/2007)
11/09/2007	<u>135</u>	NOTICE by Julie L Myers, John P. Torres, Ron Smith, Anthony Cerone <i>of Service of Federal Defendants' Rule 26(a)(1) Disclosures</i> (Go, Samuel) (lao). (Entered: 11/09/2007)
11/09/2007	<u>136</u>	NOTICE by Isaac Kigondu Kiniti, Jose Morales-Vargas, Sylvester Owino, Hernan Ismael Delgado, Any Castro <i>of Service of Plaintiffs' Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1)</i> (Attachments: # <u>1</u> Proof of Service)(Jawetz, Tom-Tsvi) (lao). (Entered: 11/09/2007)
12/20/2007	<u>137</u>	Joint MOTION to Substitute Party by Isaac Kigondu Kiniti, Jose Morales-Vargas, Sylvester Owino, Hernan Ismael Delgado, Any Castro. (Jawetz, Tom-Tsvi) (lao). (Entered: 12/20/2007)
12/20/2007	<u>138</u>	ORDER Granting the Joint Motion to Substitute Defendant re <u>137</u> Joint MOTION. Defendant Fred Lawrence substituted as a defendant in this action in place of Joe Easterling. Signed by Judge Dana M. Sabraw on 12/20/07. (lao)(mam). (Entered: 12/20/2007)
01/28/2008	<u>139</u>	NOTICE by Corrections Corporation of America, Inc., Charles Howard, Fred Lawrence <i>of Withdrawal of Counsel of Record</i> (Yurk, Russell) (lao). (Entered: 01/28/2008)
03/18/2008	<u>140</u>	Joint MOTION to Stay <i>Discovery and Pretrial Proceedings</i> by Isaac Kigondu Kiniti, Sylvester Owino, Hernan Ismael Delgado, Julie L Myers, John P. Torres, Ron Smith, Anthony Cerone, Corrections Corporation of America, Inc., Charles Howard, Fred Lawrence. (Attachments: # <u>1</u> Proof of Service)(Bhat, Gouri) (lao). (Entered: 03/18/2008)
03/18/2008	<u>141</u>	ORDER granting <u>140</u> Joint Motion to Stay Discovery and Pretrial Proceedings. Signed by Magistrate Judge Peter C. Lewis on 3/18/08. (lao) (Entered: 03/19/2008)

04/21/2008	<u>142</u>	Joint MOTION to Stay <i>Discovery and Pretrial Proceedings</i> by Isaac Kigonde Kiniti, Sylvester Owino, Hernan Ismael Delgado, Julie L Myers, John P. Torres, Ron Smith, Anthony Cerone, Corrections Corporation of America, Inc., Charles Howard, Fred Lawrence. (Go, Samuel) (vet). (Entered: 04/21/2008)
04/22/2008	<u>143</u>	ORDER granting <u>142</u> Joint Motion to Stay Discovery and Pretrial Proceedings. Signed by Magistrate Judge Peter C. Lewis on 4/22/2008. Discovery and pretrial proceedings stayed for a period of one month, until 5/19/2008. (jah) (Entered: 04/22/2008)
05/19/2008	<u>144</u>	Joint MOTION to Stay re <u>131</u> Scheduling Order,, and <i>Pretrial Proceedings</i> by Isaac Kigonde Kiniti, Jose Morales-Vargas, Sylvester Owino, Hernan Ismael Delgado, Any Castro, Julie L Myers, John P. Torres, Ron Smith, Anthony Cerone, Corrections Corporation of America, Inc., Charles Howard, Fred Lawrence. (Struck, Daniel) (lao). (Entered: 05/19/2008)
05/20/2008	<u>145</u>	ORDER granting <u>144</u> Joint Motion to Stay Discovery and Pretrial proceedings. Discovery and pretrial proceedings in this action shall be stayed for a period of two weeks, through and including 6/3/08. Signed by Magistrate Judge Peter C. Lewis on 5/20/08. (lao)(kaj). (Entered: 05/20/2008)
06/04/2008	<u>146</u>	Joint MOTION to (1) Approve Form and Manner of Class Notice; (2) Set Fairness Hearing; and (3) "So Order" the Parties' Stipulated Protective Order by Julie L Myers, John P. Torres, Ron Smith, Anthony Cerone. (Attachments: # <u>1</u> Settlement Agreement, # <u>2</u> Exhibit Class Notice, # <u>3</u> Exhibit Stipulated Protective Order, # <u>4</u> Proof of Service Certificate of Service)(Go, Samuel) (lao). Contacted Attny re filing motions (Entered: 06/04/2008)
06/06/2008	<u>147</u>	ORDER Granting <u>146</u> Joint MOTION to (1) Approve Form and Manner of Class Notice; (2) Set Fairness Hearing; and (3) "So Order" the Parties' Stipulated Protective Order. It is therefore Ordered that the Notice attached to the Motion is Approved and shall be given as specified in paragraphs 18 and 19 of the Settlement Agreement. (Fairness Hearing set for 8/15/2008 01:30 PM in Courtroom 10 before Judge Dana M. Sabraw.) Signed by Judge Dana M. Sabraw on 6/6/08. (lao) (av1). (Entered: 06/06/2008)
06/17/2008	<u>148</u>	Joint MOTION Set Dates for Objections and Reports by Isaac Kigonde Kiniti, Sylvester Owino, Hernan Ismael Delgado. (Attachments: # <u>1</u> Class Notice, # <u>2</u> Proof of Service Certificate of Service)(Jawetz, Tom-Tsvi) (lao). Contacted Attny re proposed orders (Entered: 06/17/2008)
06/19/2008	<u>149</u>	ORDER granting <u>148</u> Joint Motion to set dates for Objections and Reports. It is Hereby Ordered that: (1) Any class member objections to the proposed settlement agreement be mailed to the Clerk of Court, with copies to counsel for all parties, no later than July 21, 2008; and (2) Any responses to class member objections prepared by the parties in advance of the August 15, 2008 fairness hearing be filed no later than August 8, 2008. Signed by Judge Dana M. Sabraw on 6/19/08. (All non-registered users served via U.S. Mail Service).(lao) (kaj). (Entered: 06/19/2008)
06/19/2008	<u>150</u>	NOTICE of Proposed Class Action Settlement. Signed by Judge Dana M. Sabraw on 06/17/08. (All non-registered users served via U.S. Mail Service).(lao) (kaj). (Entered: 06/19/2008)
06/25/2008	151	Dates set in Court's original scheduling order are hereby vacated. Signed by Magistrate Judge Peter C. Lewis on 06/25/08. (mb) (Entered: 06/25/2008)

07/07/2008	<u>152</u>	Joint MOTION to Administratively Close this Action by Julie L Myers, John P. Torres, Ron Smith, Anthony Cerone. (Go, Samuel) (lao). Contacted Attny re signature (Entered: 07/07/2008)
07/11/2008	<u>153</u>	MOTION to Withdraw as Attorney <i>of Record</i> by Isaac Kigondu Kiniti, Sylvester Owino, Hernan Ismael Delgado. (Attachments: # <u>1</u> Declaration of Willetta Powell in Support of Motion for Leave to Withdraw as Counsel of Record, # <u>2</u> Proof of Service)(Bhat, Gouri) (lao). Missing hearing date and time; no separately captioned memorandum of points and authorities (Entered: 07/11/2008)
07/11/2008	<u>154</u>	ORDER Granting <u>152</u> Joint Motion to Administratively Close this Action. The parties' Joint Motion to administratively close this action for six (6) months is hereby Granted, and, it is therefore Ordered that this action is administratively closed for six (6) months, during which time the stay of discovery and pretrial proceedings shall remain in effect. Signed by Judge Dana M. Sabraw on 7/11/08. (All non-registered users served via U.S. Mail Service).(lao) (av1). (Entered: 07/11/2008)
07/14/2008	<u>155</u>	Discrepancy Order by Judge Dana M. Sabraw rejecting document: Letter from Plaintiff Isaac Kigondu Kiniti, non-compliance with local rule Other: Ex parte communication is prohibited. (All non-registered users served via U.S. Mail Service).(rmm) (Entered: 07/14/2008)
07/21/2008	<u>157</u>	Putative Class Representatives' Motion in OBJECTION to the "Proposed Class Action Settlement" by Isaac Kigondu Kiniti. (rmm) (Entered: 07/23/2008)
07/22/2008	<u>156</u>	Mail Returned as Undeliverable as to Seedahmed Zuhair, A74-498-106, San Diego Correctional Facility, P.O. Box 439049, San Diego, CA 92143 re <u>155</u> Discrepancy Order. (lao) (kaj). (Entered: 07/23/2008)
07/24/2008	<u>158</u>	Discrepancy Order by Judge Dana M. Sabraw accepting document: Letter/Opposition non-compliance with local rule Other: Improper format and late per order dated 6/19/2008 (Docket #149). (All non-registered users served via U.S. Mail Service).(rmm) (Entered: 07/25/2008)
07/24/2008	<u>159</u>	Letter from Plaintiff Fred Ngugi. Nunc pro tunc to 7/22/2008. (rmm) (Entered: 07/25/2008)
07/28/2008	<u>160</u>	Discrepancy Order by Judge Dana M. Sabraw accepting document: Motion for Leave to Withdraw as Plaintiff on Above Cases from Plaintiff Sylvester Owino, non-compliance with local rule 5.1, Missing time and date on motion and/or supporting documentation and 7.1, Lacking memorandum of points and authorities in support as a separate document.(All non-registered users served via U.S. Mail Service).(rmm) (Entered: 07/28/2008)
07/28/2008	<u>161</u>	MOTION for Leave to Withdraw as Plaintiff on Above Cases by Sylvester Owino. Nunc pro tunc to 7/23/2008. (rmm) (Entered: 07/28/2008)
08/08/2008	<u>162</u>	RESPONSE to Motion re <u>161</u> MOTION <i>and Class Members' Objections</i> filed by Julie L Myers, John P. Torres, Ron Smith, Anthony Cerone. (Attachments: # <u>1</u> Exhibit A)(Go, Samuel) (lao). (Entered: 08/08/2008)
08/08/2008	<u>163</u>	RESPONSE to Motion re <u>161</u> MOTION <i>Defendants Corrections Corporation of America, Lawrence and Howards Response to Plaintiffs Objections to Proposed Class Settlement and Brief in Support of Approval of Class Action Settlement</i> filed by Corrections Corporation of America, Inc., Charles Howard, Fred

		Lawrence. (Attachments: # <u>1</u> Exhibit 1–2, # <u>2</u> Exhibit 3, # <u>3</u> Exhibit 3 – Attachment A, # <u>4</u> Exhibit 3 – Attachment B)(Love, Rachel) (lao). document not timely with hearing date (Entered: 08/08/2008)
08/08/2008	<u>164</u>	MOTION for Settlement by Isaac Kigondu Kiniti, Jose Morales–Vargas, Sylvester Owino, Hernan Ismael Delgado, Any Castro, Fred Ngugi. (Attachments: # <u>1</u> Memo of Points and Authorities In Support of Plaintiffs' Motion to Approve Class Action Settlement, # <u>2</u> Declaration of Tom Jawetz in Support of Plaintiffs' Motion to Approve Class Action Settlement, # <u>3</u> Exhibit Index to Declaration of Tom Jawetz, # <u>4</u> Proof of Service)(Jawetz, Tom–Tsvi) (lao). document not timely with hearing date (Entered: 08/08/2008)
08/08/2008	<u>165</u>	MOTION for Writ of Habeas Corpus ad testificandum <i>for Plaintiff Isaac Kigondu Kiniti</i> by Isaac Kigondu Kiniti. (Attachments: # <u>1</u> Proof of Service)(Jawetz, Tom–Tsvi) (lao). (Entered: 08/08/2008)
08/08/2008	<u>166</u>	MOTION for Writ of Habeas Corpus ad testificandum <i>for Plaintiff Fred Nganga Ngugi</i> by Fred Ngugi. (Attachments: # <u>1</u> Proof of Service)(Jawetz, Tom–Tsvi) (lao). (Entered: 08/08/2008)
08/08/2008	<u>167</u>	MOTION for Writ of Habeas Corpus ad testificandum <i>for Plaintiff Sylvester Owino</i> by Sylvester Owino. (Attachments: # <u>1</u> Proof of Service)(Jawetz, Tom–Tsvi) (lao). (Entered: 08/08/2008)
08/11/2008	168	NOTICE of Hearing: Confirming Fairness Hearing set for 8/15/2008 01:30 PM in Courtroom 10 before Judge Dana M. Sabraw. (jak) (Entered: 08/11/2008)
08/13/2008	<u>169</u>	ORDER granting <u>165</u> Petition for Writ of Habeas Corpus Ad Testificandum for Plaintiff Isaac Kigondu Kiniti. Signed by Judge Dana M. Sabraw on 8/13/08. (All non–registered users served via U.S. Mail Service).(lao) (av1). (Entered: 08/13/2008)
08/13/2008	<u>170</u>	Writ of Habeas Corpus ad Testificandum Issued as to Isaac Kigondu Kiniti for Friday, August 15, 2008 at 1:30 PM in courtroom 10 before Judge Dana M. Sabraw (lao) (Additional attachment(s) added on 8/13/2008: # <u>1</u> Copy received by USM) (lao). (av1). (Entered: 08/13/2008)
08/13/2008	<u>171</u>	ORDER granting <u>166</u> Petition for Writ of Habeas Corpus ad testificandum for Plaintiff Fred Nganga Ngugi. Signed by Judge Dana M. Sabraw on 8/13/08. (All non–registered users served via U.S. Mail Service).(lao)(av1). (Entered: 08/13/2008)
08/13/2008	<u>172</u>	Writ of Habeas Corpus ad Testificandum Issued as to Fred Nganga Ngugi for Friday, August 15, 2008 at 1:30 PM in Courtroom 10 before Judge Dana M. Sabraw. (lao) (Additional attachment(s) added on 8/13/2008: # <u>1</u> Copy received by USM) (lao). (av1). (Entered: 08/13/2008)
08/13/2008	<u>173</u>	ORDER granting <u>167</u> Petition for Writ of Habeas Corpus ad testificandum for Plaintiff Sylvester Owino. Signed by Judge Dana M. Sabraw on 8/13/08. (All non–registered users served via U.S. Mail Service).(lao) (av1). (Entered: 08/13/2008)
08/13/2008	<u>174</u>	Writ of Habeas Corpus ad Testificandum Issued as to Sylvester Owino for Friday, August 15, 2008 at 1:30 PM in courtroom 10 before Judge Dana M. Sabraw. (lao) (Additional attachment(s) added on 8/13/2008: # <u>1</u> Copy received by USM) (lao). (av1). (Entered: 08/13/2008)

08/15/2008	<u>175</u>	NOTICE by Corrections Corporation of America, Inc., Charles Howard, Fred Lawrence re <u>163</u> Response to Motion, <i>Defendants Notice of Errata Regarding Defendants' Response to Plaintiffs' Objections to Proposed Class Settlement and Brief in Support of Approval of Class Action Settlement</i> (Attachments: # <u>1</u> Exhibit 1 – Amended Affidavit of Frederick Lawrence, # <u>2</u> Exhibit 1 – Attachment A, # <u>3</u> Exhibit 1 – Attachment B, # <u>4</u> Exhibit 1 – Attachment C)(Love, Rachel) (cap). (Entered: 08/15/2008)
08/15/2008	176	Minute Entry for proceedings held before Judge Dana M. Sabraw: Status/Fairness Conference held on 8/15/2008. Plaintiffs Isaac Kigundu Kiniti, Sylvester Owino and Fred Nganga Ngugi present, appearing pursuant to writ. Court to issue order. (Court Reporter LeeAnn Pence).(Plaintiff Attorney John David Blair–Loy, Tom–Tsvi Jawetz).(Defendant Attorney Samuel P Go, Daniel P Struck, Victor Lawrence).(jak) (Entered: 08/18/2008)
08/18/2008	<u>177</u>	NOTICE of <i>Supplemental Objection to Class Action Settlement</i> by Isaac Kigundu Kiniti, Sylvester Owino, Hernan Ismael Delgado (Attachments: # <u>1</u> Supplemental Objection by Classmember Fred Ngugi, # <u>2</u> Proof of Service)(Jawetz, Tom–Tsvi) Modified text on 8/20/2008 to reflect document title (lao). supplemental documents require leave of Court (Entered: 08/18/2008)
08/19/2008	<u>178</u>	Writ of Habeas Corpus ad Testificandum for Plaintiff Sylvester Owino Returned Executed on 8/15/08. (lao) (kaj). (Entered: 08/19/2008)
08/19/2008	<u>179</u>	Writ of Habeas Corpus ad Testificandum for Plaintiff Isaac Kigundu Kiniti Returned Executed on 8/15/08. (lao) Modified text on 8/19/2008 to include name of Plaintiff (lao). (kaj). (Entered: 08/19/2008)
08/19/2008	<u>180</u>	Writ of Habeas Corpus ad Testificandum for Plaintiff Fred Nganga Ngugi Returned Executed on 8/15/08. (lao) (kaj). (Entered: 08/19/2008)
08/20/2008	<u>181</u>	ORDER approving Class Settlement re <u>161</u> , <u>164</u> . The settlement agreement is therefore approved. Pursuant to the settlement, the action shall not be dismissed at this time; however, the stay of pre–trial proceedings shall remain in effect until January 28, 2009; at which time and if the terms of the settlement agreement have been satisfied, the parties shall submit a stipulation to dismiss this action with prejudice. Signed by Judge Dana M. Sabraw on 8/20/08. (All non–registered users served via U.S. Mail Service).(lao) (kaj). (Entered: 08/20/2008)
09/19/2008	<u>182</u>	MOTION for Leave to Appeal in forma pauperis t/w Prison Certificate by Isaac Kigundu Kiniti. (akr) (Entered: 10/07/2008)
09/19/2008	<u>183</u>	Prisoner Trust Fund Account Statement (entitled "Exhibit B" and "Prison Certificate") by Isaac Kigundu Kiniti. (akr) (Entered: 10/07/2008)
09/19/2008	<u>184</u>	NOTICE OF APPEAL as to <u>181</u> Order Approving Class Settlement by Isaac Kigundu Kiniti, on behalf of himself, Sylvester Owino, Hernan Ismael Delgado, and all others similarly situated. (Filing Fee: No Fee Required). (akr) (Entered: 10/07/2008)
10/07/2008		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>184</u> Notice of Appeal. (akr) (Entered: 10/07/2008)
10/10/2008	<u>185</u>	USCA Case Number 08–56677 for <u>184</u> Notice of Appeal filed by Isaac Kigundu Kiniti. (akr) (Entered: 10/10/2008)

10/10/2008	<u>186</u>	USCA Time Scheduling Order as to <u>184</u> Notice of Appeal filed by Isaac Kigondu Kiniti. (cc: Court Reporter). (akr) (Entered: 10/10/2008)
10/20/2008	<u>187</u>	NOTICE of Transcript Order for date of 8/15/2008 by Defendants–Appellees. (All non–registered users served via U.S. Mail Service). (akr) (Entered: 10/20/2008)
11/18/2008	<u>188</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (Motion Hearing) held on 8/15/2008, before Judge Dana M. Sabraw. Court Reporter/Transcriber: Lee Ann Pence. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or the Court Reporter/Transcriber. If redaction is necessary, parties have seven calendar days from the file date of the Transcript to E–File the Notice of Intent to Request Redaction. The following deadlines would also apply if requesting redaction: Redaction Request Statement due to Court Reporter/Transcriber 12/8/2008. Redacted Transcript Deadline set for 12/16/2008. Release of Transcript Restriction set for 2/13/2009. (akr) (Entered: 11/18/2008)
11/18/2008	<u>189</u>	Certificate of Record transmitted to USCA re <u>184</u> Notice of Appeal. (akr) (Entered: 11/18/2008)
11/19/2008	<u>190</u>	ORDER denying as moot Plaintiff's Motion to proceed in Forma Pauperis on Appeal re <u>182</u> Motion. Signed by Judge Dana M. Sabraw on 11/19/08. (All non–registered users served via U.S. Mail Service).(lao) (kaj). (Entered: 11/19/2008)
12/03/2008	<u>191</u>	ORDER of USCA as to <u>184</u> Notice of Appeal filed by Isaac Kigondu Kiniti. A review of the record demonstrates that the USCA lacks jurisdiction over this appeal because the order challenged in the appeal is not final or appealable. Consequently, this appeal is dismissed for lack of jurisdiction. (akr) (Entered: 12/03/2008)
01/28/2009	<u>192</u>	Joint MOTION to Dismiss filed as NOTICE by Corrections Corporation of America, Inc., Charles Howard, Fred Lawrence <i>Joint Stipulation to Dismiss with Prejudice</i> (Love, Rachel) Modified text on 1/28/2009 to reflect proper document type (lao). (Entered: 01/28/2009)
01/28/2009	<u>193</u>	ORDER of Dismissal with Prejudice re <u>192</u> . The Court approves the parties' stipulation. Accordingly the above captioned action is dismissed in its entirety, with prejudice, with each party to bear their own costs and fees. Signed by Judge Dana M. Sabraw on 1/28/09. (All non–registered users served via U.S. Mail Service).(lao) (Entered: 01/28/2009)
02/09/2009	<u>194</u>	NOTICE of Spreading the Mandate: Appeal Mandate Hearing set for 2/20/2009 10:30 AM in Courtroom 10 before Judge Dana M. Sabraw. (jak) (Entered: 02/09/2009)
02/20/2009	<u>195</u>	Minute Entry for proceedings held before Judge Dana M. Sabraw: Appeal Mandate Hearing held on 2/20/2009. Judgment of USCA dismissing appeal ordered filed and entered. (Court Reporter LeeAnn Pence). No appearances. (jak) (Entered: 02/20/2009)
02/20/2009	<u>196</u>	MANDATE of USCA dismissing the appeal for lack of jurisdiction as to <u>184</u> Notice of Appeal filed by Isaac Kigondu Kiniti. (akr) (Entered: 02/20/2009)