

**U.S. District Court
District of Montana (Butte)
CIVIL DOCKET FOR CASE #: 2:13-cv-00077-DLC**

Rios-Diaz et al v. Colonel Tom Butler et al
Assigned to: Judge Dana L. Christensen
Cause: 42:1983 Civil Rights Act

Date Filed: 10/07/2013
Date Terminated: 05/08/2015
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Jose Rios-Diaz
*on behalf of themselves and all others
similarly situated*

represented by **Arif Haque ,**
ATTORNEY AT LAW

3649 Humphrey St.

St. Louis, MO 63116

314-435-9866
Fax: 888-594-2179
Email: arif@bordercrossinglaw.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Shahid Haque-Hausrath
Border Crossing Law Firm
312 N. Ewing Street, 2nd Floor
Helena, MT 59601
406-594-2004
Fax: 888-594-2179
Email: Shahid@bordercrossinglaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brian J. Miller
MORRISON, SHERWOOD, WILSON &
DEOLA, PLLP
401 N Last Chance Gulch
PO Box 557
Helena, MT 59624
406-442-3261
Fax: 406-443-7294
Email: bmiller@mswdlaw.com
ATTORNEY TO BE NOTICED

Robert Farris-Olsen
MORRISON, SHERWOOD, WILSON &
DEOLA, PLLP
401 N Last Chance Gulch
PO Box 557
Helena, MT 59624
406-442-3261
Fax: 406-443-7294
Email: rfolsen@mswdlaw.com
ATTORNEY TO BE NOTICED

Scott L. Peterson
MORRISON, SHERWOOD, WILSON &
DEOLA, PLLP
401 N Last Chance Gulch

PO Box 557
Helena, MT 59624
406-442-3261
Fax: 406-443-7294
Email: speterson@mswdlaw.com
ATTORNEY TO BE NOTICED

Plaintiff

Eligio Duran-Sanchez
*on behalf of themselves and all others
similarly situated*

represented by **Arif Haque ,**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Shahid Haque-Hausrath
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brian J. Miller
(See above for address)
ATTORNEY TO BE NOTICED

Robert Farris-Olsen
(See above for address)
ATTORNEY TO BE NOTICED

Scott L. Peterson
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Delfio Mejia-Ochoa
*on behalf of themselves and all others
similarly situated*

represented by **Arif Haque ,**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Shahid Haque-Hausrath
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brian J. Miller
(See above for address)
ATTORNEY TO BE NOTICED

Robert Farris-Olsen
(See above for address)
ATTORNEY TO BE NOTICED

Scott L. Peterson
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Montana Immigrant Justice Alliance

represented by **Shahid Haque-Hausrath**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brian J. Miller
(See above for address)

ATTORNEY TO BE NOTICED

Robert Farris–Olsen
(See above for address)
ATTORNEY TO BE NOTICED

Scott L. Peterson
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Barragan–Naranjo

represented by **Arif Haque**
ATTORNEY AT LAW
3649 Humphrey St.
St. Louis, MO 63116
314–435–9866
Fax: 888–594–2179
Email: arif@bordercrossinglaw.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Shahid Haque–Hausrath
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brian J. Miller
(See above for address)
ATTORNEY TO BE NOTICED

Robert Farris–Olsen
(See above for address)
ATTORNEY TO BE NOTICED

Scott L. Peterson
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Colonel Tom Butler
in his official capacity as Chief
Administrator of the Montana Highway
Patrol

represented by **Randy J. Cox**
BOONE KARLBERG, P.C.
201 West Main Street
PO Box 9199
Missoula, MT 59807–9199
406–543–6646
Fax: 549–6804
Email: rcox@boonekarlberg.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Randy J. Tanner
BOONE KARLBERG, P.C.
201 West Main Street
PO Box 9199
Missoula, MT 59807–9199
406–543–6646
Fax: 406–549–6804
Email: rtanner@boonekarlberg.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William L. Crowley
 BOONE KARLBERG, P.C.
 201 West Main Street
 PO Box 9199
 Missoula, MT 59807-9199
 406-543-6646
 Fax: 549-6804
 Email: bcrowley@boonekarlberg.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Attorney General
TIM FOX, in his official capacity as Head
 of the Montana Department of Justice

represented by **Randy J. Cox**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Randy J. Tanner
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William L. Crowley
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/07/2013	<u>1</u>	COMPLAINT against Attorney General, Colonel Tom Butler, filed by Jose Rios-Diaz, Eduardo Barragan-Maranjo, Delfio Mejia-Ochoa, Eligio Duran-Sanchez, Montana Immigrant Justice Alliance. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibits A thru D) (ELL,) (Attachment 2 replaced on 10/7/2013) (ELL,). Modified to add receipt number MTX9-6514 - filing fee paid (NOS,). (Entered: 10/07/2013)
10/07/2013	<u>2</u>	Summons Issued as to Attorney General, Colonel Tom Butler. Original issued in Helena to cnsl for service. (ELL,) (Entered: 10/07/2013)
10/08/2013	<u>3</u>	SUMMONS Returned Executed by Montana Immigrant Justice Alliance. All Defendants. (Haque-Hausrath, Shahid) (Entered: 10/08/2013)
10/09/2013	<u>4</u>	MOTION Arif Haque to Appear Pro Hac Vice <i>on behalf of all Plaintiffs</i> (Filing fee \$ 250 receipt number 0977-1301075.) Shahid Haque-Hausrath appearing for Plaintiff Jose Rios-Diaz Motions referred to Carolyn S Ostby. (Attachments: # <u>1</u> Affidavit of Arif Haque in Support of Application for Admission Pro Hac Vice, # <u>2</u> Text of Proposed Order) (Haque-Hausrath, Shahid) (Entered: 10/09/2013)
10/15/2013	<u>5</u>	ORDER denying <u>4</u> Motion to Appear Pro Hac Vice Signed by Magistrate Carolyn S Ostby on 10/15/2013. (ELL,) (Entered: 10/15/2013)
10/15/2013	<u>6</u>	MOTION Arif Haque to Appear Pro Hac Vice <i>on behalf of all Plaintiffs (renewed by leave of Court)</i> (Filing fee \$ 250 receipt number 0977-1301075.) Shahid Haque-Hausrath appearing for Plaintiff Jose Rios-Diaz Motions referred to Carolyn S Ostby. (Attachments: # <u>1</u> Affidavit of Arif Haque in Support of Application for Admission Pro Hac Vice, # <u>2</u> Text of Proposed Order) (Haque-Hausrath, Shahid) (Entered: 10/15/2013)
10/15/2013	<u>7</u>	ORDER granting <u>6</u> Motion to Appear Pro Hac Vice Signed by Magistrate Carolyn S Ostby on 10/15/2013. (ELL,) Modified on 10/16/2013 to indicate that a copy of the Order was mailed by US Mail to PHV atty w/registration letter (ELL,). (Entered: 10/15/2013)
10/16/2013	<u>8</u>	Letter RE Attorney Registraton (ELL,) (Entered: 10/16/2013)

10/25/2013	<u>9</u>	Corporate Disclosure Statement by Montana Immigrant Justice Alliance. (Haque-Hausrath, Shahid) (Entered: 10/25/2013)
10/25/2013	<u>10</u>	Joint MOTION for Extension of Time to File Answer re <u>1</u> Complaint, Randy J. Cox appearing for Defendants Attorney General, Colonel Tom Butler Motions referred to Carolyn S Ostby. (Attachments: # <u>1</u> Text of Proposed Order Extending Deadlines) (Cox, Randy) (Entered: 10/25/2013)
10/25/2013	<u>11</u>	Mailing of Consent to US Magistrate Judge. Mailed to counsel Randy J. Cox, William L. Crowley, Randy Tanner, Shahid Haque-Hausrath, Arif Haque Consent/Objection to USMJ Form due by 11/29/2013. (CDH,) (Entered: 10/25/2013)
10/28/2013	<u>12</u>	TEXT ORDER: IT IS ORDERED that: (1) the parties' joint motion to extend deadlines (ECF 10) is GRANTED; (2) Defendants must file their answer or response to Plaintiffs' Complaint by December 6, 2013; and (3) if Defendants file a document in response that requires Plaintiffs to respond, then Plaintiffs' response must be filed no more than 45 days after Defendants file such response or by January 21, 2014, whichever is later. Signed by Magistrate Judge Carolyn S Ostby on 10/28/2013. (JEC,) (Entered: 10/28/2013)
12/03/2013	<u>13</u>	ORDER OF RECUSAL. Signed by Judge Sam E Haddon on 12/3/2013. (ELL,) (Entered: 12/03/2013)
12/05/2013	<u>14</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Dana L. Christensen and Magistrate Carolyn S Ostby for all further proceedings. Judge Sam E Haddon, no longer assigned to case. Signed by Judge Dana L. Christensen on 12/5/2013. (CDH,) (Entered: 12/05/2013)
12/06/2013	<u>15</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM Randy J. Cox appearing for Defendants Attorney General, Colonel Tom Butler Motions referred to Carolyn S Ostby. (Cox, Randy) (Entered: 12/06/2013)
12/06/2013	<u>16</u>	Brief/Memorandum in Support re <u>15</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Attorney General, Colonel Tom Butler. (Cox, Randy) (Entered: 12/06/2013)
01/16/2014	<u>17</u>	RESPONSE to Motion re <u>15</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Barragan-Naranjo, Eligio Duran-Sanchez, Delfio Mejia-Ochoa, Montana Immigrant Justice Alliance, Jose Rios-Diaz. (Haque-Hausrath, Shahid) (Entered: 01/16/2014)
01/30/2014	<u>18</u>	REPLY to Response to Motion re <u>15</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Attorney General, Colonel Tom Butler. (Cox, Randy) Modified on 1/30/2014 Cpy printed to CSO (ELL,). (Entered: 01/30/2014)
04/01/2014	<u>19</u>	FINDINGS AND RECOMMENDATIONS re <u>15</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Colonel Tom Butler, Attorney General. Signed by Magistrate Judge Carolyn S Ostby on 4/1/2014. (CDH,) (Entered: 04/02/2014)
04/15/2014	<u>20</u>	OBJECTION to <u>19</u> Findings and Recommendations filed by Attorney General, Colonel Tom Butler. (Cox, Randy) (Entered: 04/15/2014)
04/24/2014	<u>21</u>	Reply to Objection to Findings and Recommendations re <u>19</u> FINDINGS AND RECOMMENDATIONS re <u>15</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Colonel Tom Butler, Attorney General. filed by Barragan-Naranjo, Eligio Duran-Sanchez, Delfio Mejia-Ochoa, Montana Immigrant Justice Alliance, Jose Rios-Diaz. (Haque-Hausrath, Shahid) (Entered: 04/24/2014)
07/25/2014	<u>22</u>	ORDER granting in part and denying in part <u>15</u> Motion to Dismiss for Failure to State a Claim; adopting Findings and Recommendations re <u>19</u> Findings and Recommendations. IT IS ORDERED that Judge Ostby's Findings and Recommendations are ADOPTED IN FULL. IT IS FURTHER ORDERED that Defendants Colonel Tom Butler and Montana Attorney General Tim Fox's Motion to Dismiss is GRANTED for Counts III and IV, but DENIED in all other respects. Signed by Judge Dana L. Christensen on 7/25/2014. (ELL,) (Entered: 07/25/2014)

08/12/2014	<u>23</u>	ORDER TO SHOW CAUSE. IT IS ORDERED that Dfts must file an Answer on or before 8/19/14 or appear in writing and show cause for their failure to do so. Show Cause Response due by 8/19/2014. Signed by Magistrate Judge Carolyn S Ostby on 8/12/2014. (ELL,) (Entered: 08/12/2014)
08/15/2014		Set/Reset Deadlines: Attorney General answer due 8/19/2014; Colonel Tom Butler answer due 8/19/2014. (CDH,) (Entered: 08/15/2014)
08/19/2014	<u>24</u>	ANSWER to <u>1</u> Complaint, by Attorney General, Colonel Tom Butler. (Cox, Randy) (Entered: 08/19/2014)
08/20/2014	<u>25</u>	Order Setting: TELEPHONIC Pretrial Conference set for 9/26/2014 at 11:00 AM. Signed by Magistrate Judge Carolyn S Ostby on 8/20/2014. (CDH,) (Entered: 08/20/2014)
08/27/2014	<u>26</u>	NOTICE of Appearance by Brian J. Miller on behalf of All Plaintiffs (Miller, Brian) (Entered: 08/27/2014)
09/02/2014	<u>27</u>	NOTICE of Appearance by Robert Farris-Olsen on behalf of All Plaintiffs (Farris-Olsen, Robert) (Entered: 09/02/2014)
09/03/2014	<u>28</u>	NOTICE of Appearance by Scott L. Peterson on behalf of All Plaintiffs (Peterson, Scott) (Entered: 09/03/2014)
09/17/2014	<u>29</u>	JOINT DISCOVERY PLAN by Barragan-Naranjo, Eligio Duran-Sanchez, Delfio Mejia-Ochoa, Montana Immigrant Justice Alliance, Jose Rios-Diaz. (Haque-Hausrath, Shahid) (Entered: 09/17/2014)
09/17/2014	<u>30</u>	STATEMENT OF STIPULATED FACTS by Barragan-Naranjo, Eligio Duran-Sanchez, Delfio Mejia-Ochoa, Montana Immigrant Justice Alliance, Jose Rios-Diaz. (Haque-Hausrath, Shahid) (Entered: 09/17/2014)
09/17/2014	<u>31</u>	PRELIMINARY PRETRIAL STATEMENT by Barragan-Naranjo, Eligio Duran-Sanchez, Delfio Mejia-Ochoa, Montana Immigrant Justice Alliance, Jose Rios-Diaz. (Haque-Hausrath, Shahid) (Entered: 09/17/2014)
09/19/2014	<u>32</u>	PRELIMINARY PRETRIAL STATEMENT by Attorney General, Colonel Tom Butler. (Cox, Randy) (Entered: 09/19/2014)
09/26/2014	<u>33</u>	SCHEDULING ORDER: Telephone PTC held 9/26/14. Amended Pleadings due by 12/1/2014. Discovery due by 9/18/2015. Joinder of Parties due by 12/1/2014. Motions due by 10/2/2015. Signed by Magistrate Judge Carolyn S Ostby on 9/26/2014. (ELL,) (Entered: 09/26/2014)
10/10/2014	<u>34</u>	STATEMENT OF STIPULATED FACTS by Barragan-Naranjo, Eligio Duran-Sanchez, Delfio Mejia-Ochoa, Montana Immigrant Justice Alliance, Jose Rios-Diaz. (Haque-Hausrath, Shahid) (Entered: 10/10/2014)
11/21/2014	<u>35</u>	Joint MOTION to Modify <u>33</u> Scheduling Order Randy J. Tanner appearing for Defendants Attorney General, Colonel Tom Butler Motions referred to Carolyn S Ostby. (Attachments: # <u>1</u> Text of Proposed Order) (Tanner, Randy) (Entered: 11/21/2014)
11/21/2014	<u>36</u>	Brief/Memorandum in Support re <u>35</u> Joint MOTION to Modify <u>33</u> Scheduling Order filed by Attorney General, Colonel Tom Butler. (Tanner, Randy) (Entered: 11/21/2014)
11/25/2014	<u>37</u>	Amended SCHEDULING ORDER: Amended Pleadings due by 2/27/2015. Discovery due by 11/18/2015. Joinder of Parties due by 2/27/2015. Motions due by 12/2/2015. Signed by Magistrate Judge Carolyn S Ostby on 11/25/2014. (JDH,) (Entered: 11/25/2014)
04/03/2015	<u>38</u>	NOTICE of Acceptance with Offer of Judgment by Barragan-Naranjo, Eligio Duran-Sanchez, Delfio Mejia-Ochoa, Montana Immigrant Justice Alliance, Jose Rios-Diaz (Attachments: # <u>1</u> Offer of Judgment) (Haque-Hausrath, Shahid) (Entered: 04/03/2015)
04/03/2015	<u>39</u>	JUDGMENT. Signed by Judge Dana L. Christensen on 4/3/2015. (APP,) (Additional attachment(s) added on 4/6/2015: # <u>1</u> Exhibit) (APP,). (Entered: 04/03/2015)