

PRISONER_CIVIL_RIGHTS, APPEAL, CLOSED

**U.S. District Court
Eastern District of California – Live System (Sacramento)
CIVIL DOCKET FOR CASE #: 2:89-cv-01658-GEB –JFM**

(PC) McGrath, et al v. Nevada, et al
Assigned to: Judge Garland E. Burrell, Jr
Referred to: Magistrate Judge John F. Moulds
Demand: \$0

Case in other court: 94-15692
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 12/04/1989
Date Terminated: 02/26/1993
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Robert McGrath

represented by **Dan Lewis Stormer**
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Plaintiff

Robert Goetcha

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Paul Turner Persons
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Richard P Herman
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Stephen Alan Munkelt
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Plaintiff

Michael May

represented by **Dan Lewis Stormer**
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V.

Defendant

Nevada County

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Defendant

Bill Heafey

represented by **Brian A Bishop**
 (See above for address)
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Harold E DeGraw
 (See above for address)
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Melanie Katharine Wellner
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/03/1990	19	ORDER by Judge Edward J. Garcia for preliminary injunction re: capacities of the Nevada County jail system, Stephen A Munkelt, local counsel in Nevada County shall be permitted unlimited unannounced access to the jail facilities to assess compliance with this Preliminary Injunction (see order for details) (cc: all counsel) (old) (Entered: 10/05/1990)

12/06/1990	20	RESPONSE by defendant County of Nevada to request to permit entry (old) (Entered: 12/11/1990)
01/10/1991	21	ORDER by Chief Judge Robert E. Coyle reassigning case to the Honorable William B. Shubb. (cc: all counsel) (old) (Entered: 01/10/1991)
01/30/1991	22	MOTION by plaintiff Robert McGrath, plaintiff Robert Goetcha, plaintiff Michael May to compel set for 2/28/91 @ 9:00 (old) (Entered: 01/30/1991)
01/30/1991	23	NOTICE 251 – discovery disagreement, copy to all parties. (old) (Entered: 01/30/1991)
01/31/1991	24	NOTICE by plaintiff Robert McGrath, plaintiff Robert Goetcha, plaintiff Michael May of change of firm name of attorney (old) (Entered: 01/31/1991)
02/27/1991	25	LETTER to court from plaintiff confirming phone call to remove Motion to Compell Further Discovery set for 2/28/91 be taken off calender. Also, that a settlement conference has been set for 3/22/91. (old) (Entered: 02/28/1991)
11/21/1991		LODGED Substitution of attorneys (old) Modified on 12/02/1991 (Entered: 11/22/1991)
12/02/1991	26	ORDER by Magistrate John F Moulds GRANTING lodged substitution of attorney, substituting Dan Lewis Stormer as attorney of record (cc: all counsel) (old) (Entered: 12/02/1991)
12/04/1991	27	ORDER SETTING STATUS CONFERENCE by Magistrate John F Moulds ORDERING: Status Conference SET for 1/23/92 at 9:00am in ctrm 6 before Magistrate Moulds (cc: all counsel) (old) (Entered: 12/04/1991)
12/06/1991	28	ORDER ; Scheduling conf continued to 1/30/92 @ 9:00 (cc: all counsel) (old) (Entered: 12/06/1991)
12/09/1991	29	MAIL Returned Order granting substitution of atty [26–1] addressed to plaintiff atty Paul Comiskey; reserved 12/10/91 (old) (Entered: 12/10/1991)
12/13/1991	30	MAIL Returned addressed to Paul W Comiskey marked return to sender, does nt work here. (old) (Entered: 12/13/1991)
01/27/1992		LODGED: stipulation and order to continue status conference (old) (Entered: 01/27/1992)
02/03/1992	31	STIPULATION and ORDER by Magistrate John F. Moulds : ; Scheduling conf continued to 4/30/92 @ 9:00 (cc: all counsel) (old) (Entered: 02/03/1992)
03/13/1992	32	ORDER by Chief Judge Robert E. Coyle Case reassigned to Judge Garland E. Burrell ; plaintiff to complete status form within 7 days, Magistrate Judge to remain the same (cc: all counsel) (old) (Entered: 03/13/1992)
04/01/1992	33	STATUS REPORT by plaintiff Robert McGrath, plaintiff Robert Goetcha, plaintiff Michael May (old) (Entered: 04/01/1992)
04/28/1992	34	STATUS CONFERENCE MEMORANDUM by plaintiff Robert McGrath, plaintiff Robert Goetcha, plaintiff Michael May; conference set for 4/30/92 at 10:00 in courtroom 6 (old) (Entered: 04/28/1992)
04/28/1992	35	STATUS REPORT by defendant County Of Nevada, defendant Bill Heafey; conference set for 4/30/92 at 9:00 before JFM (old) (Entered: 04/29/1992)
04/30/1992	36	MINUTES of status conference; defendants to file written motion to dismiss within 30 days (old) (Entered: 05/01/1992)
05/18/1992	37	ORDER by Magistrate John F. Moulds status conference held ; the defendant's motion to dismiss shall be filed within 30 days of the date of this hearing (cc: all counsel) (old) (Entered: 05/18/1992)
05/27/1992	38	NOTICE OF MOTION AND MOTION by defendants County Of Nevada, Bill Heafey to dismiss before Magistrate John F Moulds and request for atty fees; hrg 7/23/92 9:00 ; POINTS AND AUTHORITIES and DECLARATION IN SUPPORT THEREOF (old) (Entered: 05/29/1992)

06/05/1992	39	NOTICE by plaintiff Robert McGrath, plaintiff Robert Goetcha, plaintiff Michael May of change of address (old) (Entered: 06/08/1992)
06/16/1992	40	REVISED NOTICE OF MOTION AND MOTION by plaintiff Robert McGrath, plaintiff Robert Goetcha, plaintiff Michael May to compel discovery for entry to observe the operations of the Nevada County Jail set for 8/13/92 at 9:00 before JFM (old) (Entered: 06/17/1992)
07/06/1992	41	RESPONSE by plaintiff Robert McGrath, plaintiff Robert Goetcha, plaintiff Michael May to motion to dismiss before Magistrate John F Moulds and request for atty fees; hrg 7/23/92 9:00 [38-1] (old) (Entered: 07/07/1992)
07/13/1992	42	REPLY by defendant County Of Nevada, defendant Bill Heafey to response to motion to compel discovery for entry to observe the operations of the Nevada County Jail set for 8/13/92 at 9:00 before JFM [40-1] (old) (Entered: 07/15/1992)
07/23/1992	43	MINUTES of Motion Hearing setting hearing on motion to compel discovery for entry to observe the operations of the Nevada County Jail set for 8/13/92 at 9:00 before JFM [40-1] 9:00 8/27/92, that the motion to dismiss before Magistrate John F Moulds and request for atty fees; hrg 7/23/92 9:00 [38-1] is submitted; defense submits with request for increase of sanctions to \$4300. to incorporate cost of preparing response; plaintiff arguments; defense rebuttal; plaintiff response; defendant response; matter submitted; counsel to consult local rules regarding filing of response; 251 stipulation to proceed today (old) (Entered: 07/23/1992)
08/12/1992	44	OPPOSITION by defendant County Of Nevada, defendant Bill Heafey to motion to compel discovery for entry to observe the operations of the Nevada County Jail set for 8/13/92 at 9:00 before JFM [40-1] (old) (Entered: 08/12/1992)
08/21/1992	45	ORDER by Magistrate John F Moulds SETTING hearing on motion to compel discovery for entry to observe the operations of the Nevada County Jail set for 8/13/92 at before JFM [40-1] 9:00 8/27/92; Findings and Recommendations concerning defendant's motion to dismiss and plaintiff's motions for sanctions shall issue under separate cover (cc: all counsel) (old) (Entered: 08/21/1992)
08/24/1992	47	DECLARATION of Paul W Cominsky to Local Rule 251 d (old) (Entered: 08/25/1992)
08/25/1992	46	ORDER by Judge Garland E Burrell ORDERING that this action is CERTIFIED as a CLASS ACTION consisting of all prisoners in the Nevada County Jail and Nevada County Detention Center from 12/1/89 to date and all present and future prisoners (cc: all counsel) (old) (Entered: 08/25/1992)
12/29/1992	48	REPORT AND RECOMMENDATION by Magistrate Judge John F Moulds RECOMMENDING: dfts' motion to dismiss [38-1] be GRANTED; dfts' request for sanctions be DENIED; and this action be DISMISSED; any party may object w/i 10 days after service; any reply w/i 10 days after service of objections (cc: all counsel) (old) (Entered: 12/29/1992)
01/20/1993	49	NOTICE by co-counsel for pltfs of change of address TO: Richard P Herman, 24012 Calle de la Plata, Suite 330, Laguna Hills, CA 92653; phone: (714)768-3601 (old) (Entered: 01/20/1993)
02/26/1993	50	ORDER by Judge Garland E Burrell ADOPTING report & recommendation [48-1]; ORDERING: dfts' motion to dismiss [38-1] GRANTED; dfts' request for sanctions DENIED; case DISMISSED (cc: all counsel) (old) (Entered: 02/26/1993)
02/26/1993	51	JUDGMENT: by Judge Garland E Burrell entered according to the court's order filed 2/26/93 (cc: all counsel) (old) (Entered: 02/26/1993)
03/05/1993	52	NOTICE OF MOTION AND MOTION by pltfs for attorney fees, costs and expenses set 4/8/93 at 10:00 before JFM (old) (Entered: 03/08/1993)
03/05/1993	53	MEMORANDUM by pltfs in SUPPORT of motion for attorney fees, costs and expenses [52-1] (old) Modified on 03/08/1993 (Entered: 03/08/1993)
03/05/1993	54	EXHIBITS by pltfs in SUPPORT of motion for attorneys' fees, costs and expenses [52-1] (old) (Entered: 03/08/1993)

03/08/1993	55	DECLARATION of Paul Comiskey in SUPPORT of motion for attorney fees, costs and expenses [52-1] (old) (Entered: 03/09/1993)
03/24/1993		LODGED stipulation and order continuing hearing on motion for an award of attorney's fees (old) (Entered: 03/24/1993)
04/01/1993	56	STIPULATION and ORDER by Magistrate John F Moulds setting hearing on motion for attorney fees, costs and expenses [52-1] 10:00 4/22/93 (cc: all counsel) (old) (Entered: 04/01/1993)
04/02/1993	57	MEMORANDUM by defendant Bill Heafey, defendant County Of Nevada in opposition to motion for attorney fees, costs and expenses [52-1] (old) (Entered: 04/02/1993)
04/13/1993	58	REPLY MEMORANDUM by pltf's in SUPPORT of motion for attorney fees, costs and expenses [52-1] (old) (Entered: 04/15/1993)
04/13/1993	59	EXHIBITS in SUPPORT of pltf's reply memorandum [58-1] (old) (Entered: 04/15/1993)
04/22/1993	60	NOTICE by Richard P Herman, co-counsel for pltf's, of change of address TO: Richard P Herman, 301 Forest Avenue, Laguna Beach, CA 92651; phone: (714) 494-1404 (old) (Entered: 04/22/1993)
04/22/1993	61	MINUTES of motion for attorneys fees before Magistrate John F Moulds: pltf's arguments; dft's arguments; pltf's rebuttal; pltf's motion for attorney fees, costs and expenses [52-1] SUBMITTED; court to prepare order (old) (Entered: 04/23/1993)
09/03/1993	62	REQUEST for Judicial notice by plaintiff Michael May, plaintiff Robert Goetcha, plaintiff Robert McGrath (old) (Entered: 09/08/1993)
12/20/1993	63	NOTICE OF MOTION AND MOTION to vacate the Magistrate by Plaintiffs Michael May, Robert Goetcha, Robert McGrath motion to be heard on 1/18/94 at 9:00am by Judge Garland E Burrell (kb) (Entered: 12/21/1993)
12/20/1993	64	MEMORANDUM by plaintiff Michael May, plaintiff Robert Goetcha, plaintiff Robert McGrath in support of motion to vacate the Magistrate by Plaintiffs Michael May, Robert Goetcha, Robert McGrath [63-1] (kb) (Entered: 12/21/1993)
12/20/1993		LODGED Proposed Order by Plaintiffs (kb) (Entered: 12/22/1993)
01/10/1994		LODGED stipulation and order continuing hearing on motion to vacate the magistrate (old) (Entered: 01/11/1994)
01/18/1994	65	STIPULATION and ORDER by Judge Garland E Burrell ORDERING: hearing on motion to vacated the Magistrate is CONTINUED to 1/31/94 at 9:00am in Courtroom 6 before Judge Garland E Burrell (cc: all counsel) (kb) (Entered: 01/18/1994)
02/01/1994	66	FINDINGS AND RECOMMENDATION by Magistrate John F Moulds recommending plaintiffs' motion for attorney fees, costs and expenses [52-1] be GRANTED; Plaintiffs be awarded reasonable attorneys' fees in the amount of \$38,061.00 and reasonable expenses in the amount of 2,518.59 for a total award of \$40,579.59 ; objections are due within 10 days after being served (cc: all counsel) (kb) (Entered: 02/01/1994)
02/10/1994	67	OBJECTIONS by defendants County Of Nevada and Bill Heafey to Findings and Recommendation [66-1] (kb) (Entered: 02/14/1994)
02/17/1994	68	WITHDRAWAL by plaintiffs of motion to vacate the Magistrate by Plaintiffs Michael May, Robert Goetcha, Robert McGrath [63-1] (kb) (Entered: 02/17/1994)
02/18/1994	69	RESPONSE by plaintiffs to defendants' objections to Magistrate Judge's Findings and Recommendations [67-1] (kb) (Entered: 02/22/1994)
02/18/1994	70	PLAINTIFFS' EXHIBITS in support of reply to defendants objections [69-1] (kb) (Entered: 02/22/1994)
03/09/1994	71	LODGED Document Proposed order from plaintiffs not to be signed (kb) (Entered: 03/09/1994)

03/17/1994	72	RESPONSE (titled Catch 22) by plaintiff Robert McGrath, plaintiff Robert Goetcha, plaintiff Michael May to [66-1] (old) (Entered: 03/18/1994)
03/22/1994	73	ORDER by Judge Garland E Burrell ORDERING: FINDINGS AND RECOMMENDATION by Magistrate John F Moulds recommending plaintiffs' motion attorney fees, costs and expenses [52-1] be granted; and plaintiffs be awarded reasonable attorneys' fees in the amount of \$38,061.00 and reasonable expenses in the amount of 2,518.59 for a total award of \$40,579.59 [66-1] is ADOPTED IN FULL, plaintiffs motion for attorney fees, costs and expenses [52-1] is GRANTED; plaintiffs are awarded reasonable attorneys' fees in the amount of \$38,061.00 and reasonable expenses in the amount of \$2,518.59 for a total award of \$40,579.59 (cc: all counsel) (kb) (Entered: 03/22/1994)
04/15/1994	74	NOTICE OF APPEAL by defendants County Of Nevada and Bill Heafey from Dist Court decision [73-1] and notice of designation of transcript of proceedings on 2/22/90, 4/30/92, 7/23/92, 4/22/93 (fee status: not paid) (kb) Modified on 04/18/1994 (Entered: 04/18/1994)
04/18/1994	75	MAILED case information/docket fee payment notice, copy of Notice of Appeal to 9th Circuit Court of Appeals, Copy of appeal and certified copy of docket sheet to all parties. (kb) (Entered: 04/18/1994)
04/29/1994	76	NOTIFICATION by Circuit Court of Appellate Docket Number 94-15692 (kb) (Entered: 05/02/1994)
04/29/1994	77	NOTICE by Ninth Circuit of time schedule (kb) (Entered: 05/02/1994)
04/29/1994	78	RETURNED Receipt from Nith Circuit of receipt of Clerk's and Reporter's Transcript(s) (kb) (Entered: 05/02/1994)
05/11/1994	79	RECEIPT #158321 for \$105 for appeal fee (kb) (Entered: 05/13/1994)
05/19/1994	80	TRANSCRIPT DESIGNATION and Ordering Form for dates: 2/22/90, 4/30/92, 7/23/92, 4/22/93 (kb) (Entered: 05/20/1994)
06/09/1994	81	CERTIFICATE of Record Transmitted to USCA (Notice sent) (old) (Entered: 06/09/1994)
06/09/1994	82	TRANSCRIPT of 2/22/90 Status conference and pltf's motion for preliminary injunction (old) (Entered: 06/09/1994)
06/09/1994	83	TRANSCRIPT of 4/30/92 Status report (old) (Entered: 06/09/1994)
06/09/1994	84	TRANSCRIPT of 7/23/92 Defendants' motion to dismiss (old) (Entered: 06/09/1994)
06/09/1994	85	TRANSCRIPT of 4/22/93 pltf's motion for costs and attorney fees (old) (Entered: 06/09/1994)
09/26/1994	86	CLERK'S record on appeal transmitted to 9th Circuit original case file volumes 2; transcripts 4 and copy of docket mailed to 9th Circuit regarding appeal [74-1] (cc: all counsel) (kb) (Entered: 09/26/1994)
10/26/1995	87	CERTIFIED COPY of 9th Circuit Order AFFIRMING in part the decision of the District Court and Attorney's Fee Award VACATED AND REMANDED [74-1] (cc: all counsel) (old) (Entered: 10/26/1995)
11/22/1995		LODGED Stipulation & Order for attorneys fees by defendant (old) (Entered: 11/28/1995)
11/30/1995	88	STIPULATION AND ORDER by Judge Garland E Burrell; Pltf's counsel agrees to settle all outstanding fee and cost issues remaining in this action in the amount of \$35,000 as full and complete settlement (cc: all counsel) (old) (Entered: 11/30/1995)
12/08/1995	89	RECORD on appeal returned from 9th Circuit volumes 2 transcripts 4 (old) (Entered: 12/15/1995)