

APPEAL,CLOSED

**U.S. District Court
Eastern District of California – Live System (Sacramento)
CIVIL DOCKET FOR CASE #: 2:76-cv-00162-GEB-EFB**

Hedrick et al v. Grant
Assigned to: Judge Garland E. Burrell, Jr
Referred to: Magistrate Judge Edmund F. Brennan
Case in other court: USCA, 14-15866
U.S. Court of Appeals for the Ninth Circuit,
14-16947

Date Filed: 03/24/1976
Date Terminated: 10/06/1987
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Cause: 42:1983 Civil Rights Act

Plaintiff

David Hedrick

represented by **Carter Capps White**
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TERMINATED: 06/21/2013

Plaintiff

Dale Robinson

represented by **Carter Capps White**
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Vicki E Cody
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TERMINATED: 06/21/2013

V.

Defendant

James Grant

represented by **John Riley Vacek**
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Defendant

Yuba County

represented by **John Riley Vacek**
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Date Filed	#	Docket Text
05/02/1979	<u>75</u>	[ELECTRONIC COPY] PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW signed by District Judge Thomas J. MacBride on 5/2/1979 concerning Objections to Proposed Consent Decree. (Waggoner, D) (Entered: 06/11/2013)
05/02/1979	<u>77</u>	[ELECTRONIC COPY] ORDER FOR FINAL APPROVAL of the Consent Decree signed by District Judge Thomas J. MacBride on 5/2/1979.(Waggoner, D) (Entered: 06/11/2013)
05/07/2013	<u>94</u>	ORIGINAL DOCKET SHEET, Documents 1-93.(Donati, J) (Entered: 05/07/2013)

05/13/2013	<u>95</u>	MOTION to terminate consent decree by James Grant, Yuba County. Motion Hearing set for 6/17/2013 at 09:00 AM in Courtroom 10 (GEB) before Judge Garland E. Burrell Jr. (Vacek, John) Modified on 5/14/2013 (Manzer, C). (Entered: 05/13/2013)
05/13/2013	<u>96</u>	MEMORANDUM by James Grant, Yuba County in SUPPORT of <u>95</u> MOTION. (Attachments: # <u>1</u> Exhibit CRLA letters)(Vacek, John) (Entered: 05/13/2013)
05/13/2013	<u>97</u>	CERTIFICATE of SERVICE by James Grant, Yuba County. Attorney Vacek, John Riley added. (Vacek, John) (Entered: 05/13/2013)
06/03/2013	<u>98</u>	MOTION to WITHDRAW as Counsel and RESPONSE by David Hedrick to <u>95</u> MOTION to terminate consent decree. Attorney Rice, Cynthia L added. (Rice, Cynthia) Modified on 6/6/2013 (Meuleman, A). Modified on 6/21/2013 (Manzer, C). (Entered: 06/03/2013)
06/03/2013	<u>99</u>	DECLARATION of Ilene Jacobs in OPPOSITION TO <u>95</u> MOTION to Terminate Consent Decree. (Rice, Cynthia) Modified on 6/6/2013 (Meuleman, A). (Entered: 06/03/2013)
06/03/2013	<u>100</u>	DECLARATION of Vicki Cody in OPPOSITION TO <u>95</u> MOTION to Terminate Consent Decree. (Rice, Cynthia) Modified on 6/6/2013 (Meuleman, A). (Entered: 06/03/2013)
06/03/2013	<u>101</u>	PROPOSED ORDER re Leave to Withdraw re <u>98</u> Response. (Rice, Cynthia) (Entered: 06/03/2013)
06/05/2013	<u>102</u>	PROPOSED ORDER re termination of consent decree by Yuba County. (Vacek, John) (Entered: 06/05/2013)
06/11/2013	<u>103</u>	ORDER signed by Judge Garland E. Burrell, Jr on 6/11/2013 ORDERING it is unclear whether CRLA's response should be considered a duly noticed withdrawal motion to which an opposition or statement of non-opposition is required; CRLA's withdrawal request is hereby noticed for hearing at 9:00 a.m. on 7/1/2013; Motion to Terminate Consent Decree hearing RESET for 7/29/2013 at 09:00 AM in Courtroom 10 (GEB) before Judge Garland E. Burrell Jr. (Waggoner, D) (Entered: 06/11/2013)
06/13/2013	<u>104</u>	RESPONSE by Yuba County to <u>98</u> Response, <u>100</u> Declaration, <u>99</u> Declaration. (Vacek, John) (Entered: 06/13/2013)
06/13/2013	<u>105</u>	NOTICE of APPEARANCE by Vicki E Cody on behalf of David Hedrick. Attorney Cody, Vicki E added. (Cody, Vicki) (Entered: 06/13/2013)
06/13/2013	<u>106</u>	[DISREGARD see doc. #107] NOTICE of APPEARANCE by Vicki E. Cody on behalf of David Hedrick. (Cody, Vicki) Modified on 6/14/2013 (Kaminski, H). (Entered: 06/13/2013)
06/13/2013	<u>107</u>	NOTICE of APPEARANCE by Ilene Janet Jacobs on behalf of David Hedrick. Attorney Jacobs, Ilene Janet added. (Jacobs, Ilene) (Entered: 06/13/2013)
06/14/2013	<u>108</u>	MINUTE ORDER: Upon receipt of Defendants motion, the undersigned judge requested a copy of the underlying consent decree from the National Archives and Records Administration (NARA) in Washington, D.C., which houses the case file. The court obtained and uploaded electronically the Proposed Findings of Fact and Conclusions of Law Concerning Objections to Proposed Consent Decree, (ECF No. 75), and the Order for Final Approval of the Consent Decree. (ECF No. 77.) However, neither filing details the terms of the consent decree or the findings of the court. Accordingly, by July 1, 2013, a party is directed either to file a copy of the consent decree and any other previously filed document that a party desires to be considered with Defendants motion or to explain why such a filing is inappropriate. Further, counsel are requested to meet and confer about this matter for the purpose of ensuring that needless duplicative copies are not filed. Ordered by Judge Garland E. Burrell, Jr on 6/14/13. (Furstenau, S) (Entered: 06/14/2013)
06/17/2013	<u>109</u>	NOTICE <i>Filing of Consent Decree</i> by Yuba County. (Attachments: # <u>1</u> Consent Decree 1st half)(Vacek, John) (Entered: 06/17/2013)
06/17/2013	<u>110</u>	NOTICE <i>Filing of Consent Decree</i> by Yuba County. (Attachments: # <u>1</u> Consent Decree 2nd half)(Vacek, John) (Entered: 06/17/2013)

06/21/2013	<u>111</u>	ORDER signed by Judge Garland E. Burrell, Jr on 6/20/13 GRANTING <u>98</u> Motion to Withdraw as Attorney. Added Pro Bono attorney Carter Capps White for David Hedrick. Attorney Cynthia L Rice; Vicki E Cody and Ilene Janet Jacobs terminated. CRLA shall provide Mr. White with the case file or a copy thereof by 7/15/13 or show cause in a court filing why it cannot. The hearing for 7/29/13 on the Motion to Terminate Consent Decree is rescheduled to commence at 9:00 a.m. on 9/23/13. (Manzer, C) (Entered: 06/21/2013)
06/21/2013	<u>112</u>	STIPULATION and PROPOSED ORDER for Postponing the Effective Date of the Automatic Stay under 18 USC sec. 3626(e) re <u>95</u> MOTION by David Hedrick, Dale Robinson. Attorney White, Carter Capps added. (White, Carter) (Entered: 06/21/2013)
06/24/2013	<u>113</u>	STIPULATION and ORDER signed by Judge Garland E. Burrell, Jr on 6/21/13 ORDERING the effective date of the automatic stay under 18 U.S.C. § 3626(e)(2)(A) is hereby extended until August 11, 2013. (Becknal, R) (Entered: 06/24/2013)
07/15/2013	<u>114</u>	STATUS REPORT by David Hedrick, Dale Robinson. Attorney Cody, Vicki E added. (Attachments: # <u>1</u> Declaration, # <u>2</u> Proof of Service, # <u>3</u> Proof of Service)(Cody, Vicki) (Entered: 07/15/2013)
07/23/2013	<u>115</u>	NOTICE of APPEARANCE by Ilene Janet Jacobs on behalf of David Hedrick. (Jacobs, Ilene) (Entered: 07/23/2013)
07/23/2013	<u>116</u>	NOTICE of APPEARANCE by Ilene Janet Jacobs on behalf of David Hedrick. (Jacobs, Ilene) (Entered: 07/23/2013)
09/09/2013	<u>117</u>	RESPONSE by David Hedrick, Dale Robinson to <u>96</u> Memorandum in Support of Motion, <u>95</u> MOTION. (White, Carter) (Entered: 09/09/2013)
09/10/2013	118	MINUTE ORDER: The Motion to Terminate Consent Decree, currently scheduled for hearing on 9/23/13, is rescheduled for 9/26/13 at 10:00 a.m. re <u>95</u> Motion for Miscellaneous Relief Ordered by Judge Garland E. Burrell, Jr on 9/10/13. (Furstenau, S) (Entered: 09/10/2013)
09/26/2013	119	MINUTES (Text Only) for proceedings held before Judge Garland E. Burrell, Jr: MOTION HEARING held on 9/26/2013 re <u>95</u> MOTION filed by Yuba County, James Grant. Court set discovery cutoff of 2/26/14. Joint statements and proposed findings to be filed by 3/19/14. A hearing is scheduled for 4/8/14 at 9:00 a.m. Plaintiffs Counsel Carter White, Cody Burns, Mitchell Soloman present. Defendants Counsel John Vacek present. Court Reporter/CD Number: Kelly O'Halloran. (Furstenau, S) (Entered: 10/02/2013)
10/03/2013	<u>120</u>	STIPULATION filing original consent decree and order adopting consent decree by David Hedrick. (Attachments: # <u>1</u> Original Consent Decree, # <u>2</u> Order Approving Consent Decree)(White, Carter) Modified on 10/4/2013 (Kaminski, H). (Entered: 10/03/2013)
02/05/2014	<u>121</u>	MOTION for DISCOVERY to extend discovery deadline by David Hedrick. Motion Hearing set for 2/26/2014 at 10:00 AM in Courtroom 8 (EFB) before Magistrate Judge Edmund F. Brennan. (White, Carter) (Entered: 02/05/2014)
02/06/2014	122	MINUTE ORDER by CRD: Pltf's Motion to extend the discovery deadline <u>121</u> is defectively noticed and will not be set for hearing on the Court's 2/26/2014 Law & Motion Calendar. Pltf is advised to properly re-notice the motion to be heard before the assigned District Judge. (Text only entry) (Cannarozzi, N) (Entered: 02/06/2014)
02/10/2014	<u>123</u>	AMENDED MOTION amending <u>121</u> MOTION to extend discovery deadline : Motion Hearing set for 3/10/2014 at 09:00 AM in Courtroom 10 (GEB) before Judge Garland E. Burrell Jr.. (White, Carter) Modified on 2/11/2014 (Kaminski, H). (Entered: 02/10/2014)
03/03/2014	<u>124</u>	ORDER signed by Judge Garland E. Burrell, Jr on 2/28/14 DENYING <u>123</u> Motion for Extension. The conclusory motion filed on 2/10/14 is denied since it fails to precisely specify the grounds for the motion, the standard applicable to such motion, and that under the applicable standard the relief sought should be granted. (Meuleman, A) (Entered: 03/03/2014)

03/05/2014	<u>125</u>	STIPULATION and PROPOSED ORDER for shortening time for hearing re <u>123</u> MOTION for EXTENSION OF TIME to by David Hedrick. (Attachments: # <u>1</u> Proposed Order)(White, Carter) (Entered: 03/05/2014)
03/05/2014	<u>126</u>	STATEMENT of Joint Statement Re Discovery Disagreement by Plaintiff David Hedrick re <u>125</u> Stipulation and Proposed Order. (White, Carter) (Entered: 03/05/2014)
03/07/2014	<u>127</u>	ORDER DENYING REQUEST to Schedule Hearing signed by Judge Garland E. Burrell, Jr on 3/7/14. (Mena-Sanchez, L) (Entered: 03/07/2014)
03/14/2014	<u>128</u>	ORDER signed by Judge Garland E. Burrell, Jr. on 3/13/2014 DENYING <u>126</u> Request to Reopen Discovery. (Michel, G) (Entered: 03/14/2014)
03/19/2014	<u>129</u>	JOINT STATEMENT re Defendant's Motion to Terminate Consent Decree by Plaintiffs David Hedrick, Dale Robinson re 119 Motion hearing. (Attachments: # <u>1</u> Plaintiffs' Proposed Findings of Fact and Conclusions of Law)(White, Carter) Modified on 3/20/2014 (Kaminski, H). (Entered: 03/19/2014)
03/26/2014	<u>130</u>	ORDER signed by Judge Garland E. Burrell, Jr on 3/26/2014 ORDERING that the parties are provided an opportunity to brief whether the consent decree, or any portion thereof, should be modified and/or terminated under Rule 60(b) by no later than 3/31/2014. (Donati, J) (Entered: 03/26/2014)
03/31/2014	<u>131</u>	MEMORANDUM by Yuba County. (Vacek, John) (Entered: 03/31/2014)
03/31/2014	<u>132</u>	MOTION to CONTINUE <i>to reopen discovery, and for evidentiary hearing</i> by David Hedrick, Dale Robinson. (Attachments: # <u>1</u> Declaration of Carter C. White)(White, Carter) (Entered: 03/31/2014)
03/31/2014	<u>133</u>	BRIEF by David Hedrick, Dale Robinson. (Attachments: # <u>1</u> Exhibit Declarations, # <u>2</u> Exhibit Declarations)(White, Carter) (Entered: 03/31/2014)
04/01/2014	<u>134</u>	REQUEST for <i>Order to Seal Documents</i> by David Hedrick, Dale Robinson re <u>133</u> Brief filed by Dale Robinson, David Hedrick. (Attachments: # <u>1</u> Proposed Order)(White, Carter) (Entered: 04/01/2014)
04/02/2014	<u>135</u>	ORDER signed by Judge Garland E. Burrell, Jr on 4/2/14 DENYING <u>95</u> Motion to Terminate Consent Decree. <u>134</u> Request to file under seal is DENIED. Status Conference set for 4/8/2014 at 09:00 AM in Courtroom 10 (GEB) before Judge Garland E. Burrell Jr. If feasible, parties shall file a Joint Status Report. (Manzer, C) (Entered: 04/02/2014)
04/04/2014	<u>136</u>	STATUS REPORT by David Hedrick, Dale Robinson. (White, Carter) (Entered: 04/04/2014)
04/07/2014	137	MINUTE ORDER: The status conference, previously scheduled for 4/8/14, is vacated. Ordered by Judge Garland E. Burrell, Jr on 4/7/14. (Furstenau, S) (Entered: 04/07/2014)
04/29/2014	<u>138</u>	NOTICE of APPEAL by Yuba County as to <u>135</u> Order. (Filing fee \$ 505, receipt number 0972-5301415) (Vacek, John) Modified on 4/30/2014 (Kastilahn, A). (Entered: 04/29/2014)
05/01/2014	<u>139</u>	MOTION for ATTORNEY'S FEES and EXPENSES by David Hedrick. Motion Hearing set for 6/2/2014 at 9:00 AM in Courtroom 10 (GEB) before Judge Garland E. Burrell Jr.. (Attachments: # <u>1</u> Declaration of Andrew Bluth, # <u>2</u> Declaration of Carter White, # <u>3</u> Exhibit - law student time records, # <u>4</u> Exhibit - travel expenses) (White, Carter) Modified on 5/19/2014 (Marciel, M) (Entered: 05/01/2014)
05/01/2014	<u>140</u>	APPEAL PROCESSED to Ninth Circuit re <u>138</u> Notice of Appeal filed by Yuba County. Notice of Appeal filed *4/29/2014*, Complaint filed *3/24/1976* and Appealed Order / Judgment filed *4/2/2014*. Court Reporter: *Kelly O'Halloran*. *Fee Status: Paid on 4/29/2014 in the amount of \$505.00* (Attachments: # <u>1</u> Appeal Information) (Kastilahn, A) (Entered: 05/01/2014)
05/02/2014	<u>141</u>	MOTION for 1-DAY EXTENSION OF TIME to file Motion for Attorneys Fees re <u>139</u> MOTION for ATTORNEY FEES by David Hedrick, Dale Robinson. (Attachments: # <u>1</u> Declaration)(White, Carter) (Entered: 05/02/2014)

05/16/2014	<u>142</u>	OPPOSITION by Yuba County to <u>141</u> MOTION for 1-DAY EXTENSION OF TIME to file Motion for Attorneys Fees re <u>139</u> MOTION for ATTORNEY FEES . (Attachments: # <u>1</u> Declaration)(Vacek, John) (Entered: 05/16/2014)
05/16/2014	<u>143</u>	OPPOSITION by Yuba County to <u>139</u> Motion for Attorney's Fees and Expenses. (Attachments: # <u>1</u> Declaration of John C. Whidden) (Vacek, John) Modified on 5/19/2014 (Marciel, M) (Entered: 05/16/2014)
05/21/2014	144	USCA CASE NUMBER 14-15866 for <u>138</u> Notice of Appeal filed by Yuba County. (Zignago, K.) (Entered: 05/21/2014)
05/23/2014	<u>145</u>	REPLY by David Hedrick, Dale Robinson to RESPONSE to <u>139</u> Motion for Attorney's Fees and Expenses, <u>141</u> MOTION for 1-DAY EXTENSION OF TIME to file Motion for Attorneys Fees re <u>139</u> MOTION for ATTORNEY FEES . (White, Carter) (Entered: 05/23/2014)
05/29/2014	146	MINUTE ORDER: The motion for attorney fees and motion for extension of time, scheduled for hearing on 6/2/14, are submitted without oral argument. There will not be a hearing on 6/2/14, and no appearance is necessary. re <u>139</u> re (141) Motion for Attorney Fees, Ordered by Judge Garland E. Burrell, Jr on 5/29/14. (Furstenau, S) Modified on 5/29/2014 (Furstenau, S). (Entered: 05/29/2014)
06/02/2014	<u>147</u>	TRANSCRIPT REQUEST by Yuba County (Vacek, John) (Entered: 06/02/2014)
06/23/2014	<u>148</u>	TRANSCRIPT of Motion to Terminate Consent Decree held on 9/26/13, before Judge Garland E. Burrell, Jr, filed by Court Reporter Kelly OHalloran, Phone number 916-448-2712 E-mail kohalloran@comcast.net. 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 also be obtained through PACER. Any Notice of Intent to Request Redaction must be filed within 5 court days. Redaction Request due 7/14/2014. Redacted Transcript Deadline set for 7/24/2014. Release of Transcript Restriction set for 9/22/2014. (O'Halloran, K) (Entered: 06/23/2014)
09/08/2014	<u>149</u>	ORDER signed by Judge Garland E. Burrell, Jr. on 9/5/2014 ORDERING <u>139</u> Plaintiffs' motion for attorney's fees is GRANTED in PART. The total attorney' fees award is: \$7,826.60. <u>141</u> (Reader, L) (Entered: 09/08/2014)
09/12/2014	<u>150</u>	NOTICE of Association of Counsel by All Plaintiffs. Attorney Stark, Jennifer added. (Stark, Jennifer) (Entered: 09/12/2014)
10/07/2014	<u>151</u>	NOTICE of APPEAL by David Hedrick, Dale Robinson as to <u>149</u> Order on Motion for Attorney Fees, Order on Motion for Extension. (Attachments: # <u>1</u> Exhibit Representation Statement)(White, Carter) (Entered: 10/07/2014)
10/07/2014		RECEIPT number CAE200062687 for \$505.00 for Appeal Fees <u>151</u> Notice of Appeal from U.C. Davis Law School on behalf of David Hedrick, Dale Robinson. (Meuleman, A) (Entered: 10/07/2014)
10/08/2014	<u>152</u>	APPEAL PROCESSED to Ninth Circuit re <u>151</u> Notice of Appeal filed by Dale Robinson, David Hedrick. Notice of Appeal filed *10/7/2014*, Complaint filed *3/24/1976* and Appealed Order / Judgment filed *9/8/2014*. ** *Fee Status: Paid on 10/7/2014 in the amount of \$505.00* (Attachments: # <u>1</u> Appeal Information) (Becknal, R) (Entered: 10/08/2014)
10/09/2014	153	USCA CASE NUMBER 14-16947 for <u>151</u> Notice of Appeal filed by Dale Robinson, David Hedrick. (Michel, G) (Entered: 10/09/2014)
10/16/2014	<u>154</u>	REQUEST for authority to incur costs (Appointed Counsel) and for payment by plaintiffs. (White, Carter) Modified on 10/17/2014 (Marciel, M) Modified on 1/9/2015 (Meuleman, A). (Entered: 10/16/2014)
10/22/2014	<u>155</u>	NOTICE of intent to file a a cross-appeal by Yuba County. (Vacek, John) Modified on 10/23/2014 (Becknal, R). (Entered: 10/22/2014)
11/06/2014	<u>156</u>	NOTICE OF INTENTION not to order Reporter's Transcript by all plaintiffs. (Stark, Jennifer) Modified on 11/6/2014 (Michel, G). (Entered: 11/06/2014)

01/09/2015	<u>157</u>	ORDER signed by Judge Garland E. Burrell, Jr on 1/8/15 DENYING <u>154</u> Request to Authorize the Expenditure to Hire an Expert. (Meuleman, A) (Entered: 01/09/2015)
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