

CONMAG, TERMED

U.S. District Court
District of Idaho (LIVE Database) Version 2.5 (Pocatello)
CIVIL DOCKET FOR CASE #: 4:91-cv-00216-MHW

Loya, et al v. Bannock Cty Bd Comrs, et al
Assigned to: Judge Mikel H. Williams
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 06/03/1991
Jury Demand: Defendant
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff

Lance Loya
*individually and on behalf of all other
persons similarly situated*

represented by **Joseph S Stanzak**
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Plaintiff

Casey Cuttler
*individually and on behalf of all other
persons similarly situated*

represented by **Joseph S Stanzak**
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Stephen L Pevar
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V.

Defendant

**Bannock County Board of
Commissioners**

represented by **David Sasser**
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Defendant

William Lynn

Sheriff of Bannock County in his official capacity

represented by **David Sasser**

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M Michael Sasser
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Date Filed	#	Docket Text
06/03/1991	1	COMPLAINT - Summons(es) issued/consent sent (mn) (Entered: 06/11/1991)
06/13/1991	2	ORDER OF REFERENCE by Honorable Edward J. Lodge : Case referred to Magistrate Mikel H. Williams for all pretrial matters. (cc: all counsel) (mn) (Entered: 06/17/1991)
07/25/1991	3	MOTION by plaintiff Lance Loya, plaintiff Casey Cuttler for entry of order appointing impartial expert witnesses (mn) (Entered: 07/26/1991)
07/25/1991	4	BRIEF by plaintiff Lance Loya, plaintiff Casey Cuttler in support re: motion for entry of order appointing impartial expert witnesses [3-1] (mn) (Entered: 07/26/1991)
07/25/1991	5	MOTION by plaintiff Lance Loya, plaintiff Casey Cuttler to certify class action (mn) (Entered: 07/26/1991)
07/25/1991	6	BRIEF by plaintiff Lance Loya, plaintiff Casey Cuttler in support re: motion to certify class action [5-1] (mn) (Entered: 07/26/1991)
08/06/1991	7	MOTION by defendant Bannock Cty Commr, defendant William Lynn to extend time to respond to complaint referred to Magistrate Mikel H. Williams (mn) (Entered: 08/07/1991)
08/06/1991	8	NOTICE by defendant Bannock Cty Commr, defendant William Lynn of

		non-objection to motion for class certification (mn) (Entered: 08/07/1991)
08/09/1991	9	ORDER by Magistrate Mikel H. Williams granting referral motion to extend time to respond to complaint and respond to plfs' motion for appointment of expert witnesses to 8/20/91 referred to Magistrate Mikel H. Williams [7-1] (cc: all counsel) (mn) (Entered: 08/12/1991)
08/20/1991	10	ANSWER by defendant Bannock Cty Commr, defendant William Lynn; jury demand (mn) (Entered: 08/21/1991)
08/20/1991	11	MEMORANDUM IN OPPOSITION by defendant Bannock Cty Commr, defendant William Lynn to motion for entry of order appointing impartial expert witnesses [3-1] (mn) (Entered: 08/21/1991)
09/03/1991	12	MOTION by plaintiff Lance Loya, plaintiff Casey Cuttler for order to show cause and plfs respectfully request that the documents previously filed re te appointment of expert witnesses be incorporated herein by reference to this motion (mn) (Entered: 09/04/1991)
09/03/1991	13	REPLY by plaintiff Lance Loya, plaintiff Casey Cuttler to response to motion for entry of order appointing impartial expert witnesses [3-1] (mn) (Entered: 09/04/1991)
09/05/1991	14	NOTICE OF HEARING setting hearing on motion for order to show cause and plfs respectfully request that the documents previously filed re te appointment of expert witnesses be incorporated herein by reference to this motion [12-1] 10:00 9/10/91 before (MHW) via telephone (cc: all counsel) (mn) (Entered: 09/09/1991)
09/10/1991	16	MINUTES OF HEAR ON ORDER TO SHOW CAUSE - (EJL)(see status order #15) (mn) (Entered: 09/13/1991)
09/11/1991	15	STATUS CONFERENCE ORDER by Magistrate Mikel H. Williams ; Discovery ddl 1/10/92 ; Dispositive Motion ddl 2/11/92 ; Jury Trial (5 days) 6/15/92 1:30 before Judge Lodge in Pocatello, ID ; OSC hearing of 9/10/91 continued to 9/25/91 3:30 via telephone ; Case Mgmt ddl-plff shall submit a stipulated draft order on the motion for class certification to the Court by 9/20/91 (cc: all counsel) (mn) (Entered: 09/13/1991)
09/25/1991	17	MINUTES OF HEAR ON ORDER TO SHOW CAUSE - taking under advisement on the motion for order to show cause and plfs respectfully request that the documents previously filed re te appointment of expert witnesses be incorporated herein by reference to this motion and parties to submit order for Court to sign re; expert witness [12-1] (MHW) (mn) (Entered: 09/26/1991)
11/13/1991	18	STIPULATION that the deposition of plf Lance Loya be taken at the ISCI on 12/5/91 and/or 12/6/91 (mn) (Entered: 11/15/1991)
11/19/1991	19	ORDER by Magistrate Mikel H. Williams granting stipulation that the deposition of plf Lance Loya be taken at the ISCI on 12/5/91 at 2:00 p.m. and/or 12/6/91 at 10:00a.m. [18-1] (cc: all counsel) (mn)
11/25/1991	20	STIPULATED MOTION by plaintiff Lance Loya, plaintiff Casey Cuttler

		to vacate status conference and pending mo order (mn) (Entered: 11/26/1991)
12/02/1991	21	AMENDED STATUS CONFERENCE ORDER by Magistrate Mikel H. Williams ; Discovery ddl 2/24/92 ; Dispositive Motion ddl 2/24/92 (cc: all counsel) (jb) (Entered: 12/03/1991)
12/04/1991		MEMO TO FILE by Kathleen Butterfield - after telephone status conference re Heartfelt v. Blaine County, civ 91-004, parties discussed issues in case #91-216J and desire to file cross motions for S. J. and that a trial would probably not be necessary; plf will submit his motion for S. J. by 3/1/92 and than dft will file his-request hearing in April of 1992 on cross motions; parties will stipulate to remaining issues by the end of January and will submit stipulated motion to vacate the current trial date (mn) (Entered: 12/11/1991)
12/06/1991	22	STIPULATION that Raymond Leidig, M. D. will be appointed by the Court as an expert witness; that parties agree to equally split all costs related to Dr. Leidig's services; each has agreed to be responsible for all costs related to other experts hired previously and to defer retention of any other experts. See document for further details. (gl) (Entered: 12/09/1991)
12/10/1991	23	ORDER by Magistrate Mikel H. Williams granting stipulation that Raymond Leidig, M. D. will be appointed by the Court as an expert witness; that parties agree to equally split all costs related to Dr. Leidig's services; each has agreed to be responsible for all costs related to other experts hired previously and to defer retention of any other experts. See document for further details. [22-1] (cc: all counsel) (mn) (Entered: 12/11/1991)
12/30/1991	24	CONSENT TO PROCEED BEFORE MAGISTRATE AND ORDER OF REFERENCE by Honorable Edward J. Lodge assigning case to Magistrate Mikel H. Williams (cc: all counsel) (mn)
12/30/1991	25	RETURN OF SERVICE/PROCESS executed upon defendant Bannock Cty Commr on 6/11/91 (gl) (Entered: 12/31/1991)
12/30/1991	26	RETURN OF SERVICE/PROCESS executed upon defendant William Lynn on 6/11/91 (gl) (Entered: 12/31/1991)
02/20/1992	27	STIPULATION to amend status conference order (mn) (Entered: 02/24/1992)
02/25/1992	28	MOTION by plaintiff for summary judgment (gl) (Entered: 02/27/1992)
02/25/1992		LODGED: brief in support re: motion for summary judgment [28-1] (brief is over 20 pages in length - counsel will submit a motion and proposed order to file brief) (gl) (Entered: 02/27/1992)
02/28/1992	29	ORDER by Magistrate Mikel H. Williams re [15-1] ; Teleconf scheduled 4/13/92 at 10:00am ; Discovery ddl vacated ; Motion Filing ddl vacated ; Jury trial set 6/15/92 is vacated ; OSC hearing heard on 9/25/91 ; Case Mgmt ddl vacated; defendants shall submit response with briefs to

		plaintiffs' motion for partial summary judgment by 3/16/92; plaintiffs shall submit their reply brief on 3/31/92; Parties have 90 days from the date the Court rules on plaintiffs' motion for summary judgment to pursue settlement; if matter is unresolved by that date a status conference will be conducted for Court to determine status of case and enter such orders as the Court deems appropriate (cc: all counsel) (gl) (Entered: 03/04/1992)
03/04/1992		LODGED: Deposition of Cynthia Halm (gl) (Entered: 03/06/1992)
03/04/1992		LODGED: Deposition of William Lynn (gl) (Entered: 03/06/1992)
03/06/1992	30	MOTION by plaintiff to exceed briefing page limit and file over-length brief (gl) (Entered: 03/09/1992)
03/16/1992	31	REPLY by defendant Bannock Cty Commr, defendant William Lynn to response to motion for summary judgment [28-1] (mn) (Entered: 03/17/1992)
03/16/1992	32	AFFIDAVIT of Alfred I. Murphy regarding motion reply [31-1] (mn) (Entered: 03/17/1992)
03/30/1992	33	REPLY BRIEF by plaintiff to motion for summary judgment [28-1] (gl) (Entered: 04/01/1992)
04/13/1992	30	ORDER by Magistrate Mikel H. Williams granting motion to exceed briefing page limit and file over-length brief [30-1] (cc: all counsel) (gl)
04/13/1992	34	BRIEF by plaintiff in support re: motion for summary judgment [28-1] (gl)
04/13/1992	35	MINUTES OF HEARING ON SUMMARY JUDGMENT - taking under advisement on 4/13/92 the motion for summary judgment [28-1] MHW (gl) (Entered: 04/15/1992)
04/15/1992	36	ORDER by Magistrate Mikel H. Williams granting motion to certify class action [5-1] (cc: all counsel) (gl) (Entered: 04/17/1992)
05/04/1992	37	ORDER by Magistrate Mikel H. Williams granting motion for summary judgment [28-1]; That defendants are allowed 60 days from date of this order to reduce the inmate population in Bannock County jail to a maximum of 40 inmates; after this date no more than 40 inmates can be housed in that jail at any time; with one exception: in emergency situations an additional five prisoners will be allowed for no more than 72 hours. Defendants shall report to this Court within 30 days from the date of this Order on the method to be used to accomplish this reduction. Defendants have 30 days to obtain electrical and plumbing inspections and to provide a written report to the Court detailing repairs. Defendants be allowed 60 days from and after the date the inmate population is reduced to 40 inmates to conduct their operations at present staffing levels. During this 60 day period, the jail staff will be prohibited from conducting any duties outside of and unrelated to the operation of the jail; thereby allowing defendants 60 days to determine if the existing staff can perform all functions essential to the proper management of the Bannock

		County jail; at the end of the 60 days the defendants will provide a report to the Court regarding staffing needs. That defendants be allowed 60 days from the date upon which the inmate population is reduced to 40 inmates within which to continue providing recreational facilities, during that time defendants will evaluate the adequacy of such services in light of the reduced inmate population, at the end of the 60 day period, defendants will provide a report to the Court and counsel regarding their findings regarding improvements necessary to provide exercise and recreational opportunities that will protect the inmates' health and welfare, at that time the Court will issue additional orders it deems appropriate with regard to recreational facilities. (cc: all counsel) (gl) (Entered: 05/05/1992)
06/05/1992	38	COMPLIANCE PROPOSAL by defendant Bannock Cty Commr, defendant William Lynn in support of Order of this Court of 5/4/92 (gl) (Entered: 06/11/1992)
07/09/1992	39	STIPULATION regarding dfts' use of downstairs holding cells (mn) (Entered: 07/13/1992)
07/13/1992	40	ORDER by Magistrate Mikel H. Williams granting stipulation regarding dfts' use of downstairs holding cells subject to the conditions listed in the order [39-1] (cc: all counsel) (gl)
11/05/1992	41	STATUS REPORT by dft (wm) (Entered: 11/09/1992)
11/16/1992	42	MOTION by plaintiff for additional relief in addition to relief granted in 5/4/92 order (37-1) (jl)
11/30/1992	43	RESPONSE by dft to plas motion for additional relief [42-1] (wm) (Entered: 12/01/1992)
12/16/1992	44	SUPPLEMENTAL STATUS REPORT AND STIPULATED RESOLUTION re motion for additional relief [42-1] (gl) (Entered: 12/17/1992)
12/18/1992	45	ORDER by Magistrate Mikel H. Williams granting motion for additional relief [42-1] that defendants have to 3/1/93 to complete the hiring process and have additional personnel in-service (see document); that by 12/31/92 defendants will remove beds from cell no. 9 and establish indoor recreation area; all inmates will be offered access to indoor or outdoor recreation for a minimum of one hour a day at least 6 days a week; that defendants may separate the four inmates presently housed in cell no. 9 and house them in cell no's 1-8, still allowing defendants to house a total of 40 inmates in the second floor housing area of the existing Bannock County Jail(cc: all counsel) (gl) (Entered: 12/23/1992)
12/18/1992	46	AMENDED SUPPLEMENTAL STATUS REPORT by pla and dft and stipulated resolution of plas motion for additional relief (wm) (Entered: 12/31/1992)
03/30/1993	47	STIPULATION re: notice to inmates of proposed consent decree, order and judgment (with attached notice to inmates signed by Magistrate Williams) (jl) (Entered: 03/31/1993)

03/30/1993	48	ORDER by Magistrate Mikel H. Williams granting stipulation re: notice to inmates of proposed consent decree, order and judgment (with attached notice to inmates signed by Magistrate Williams) [47-1] (cc: all counsel) (jl) (Entered: 03/31/1993)
06/24/1993	49	STIPULATION for dismissal w/prejudice all plas' claims, subject to terms of consent decree order and judgment (jl)
06/24/1993	50	CONSENT DECREE, ORDER AND JUDGMENT OF DISMISSAL W/PREJUDICE by Magistrate Mikel H. Williams granting stipulation for dismissal w/prejudice all plas' claims, subject to terms of consent decree order and judgment dismissing case (cc: all counsel) (jl) (Entered: 06/29/1993)

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