

**U.S. District Court
District of Idaho (LIVE Database)Version 5.1.1 (Boise – Southern)
CIVIL DOCKET FOR CASE #: 1:09-cv-00107-BLW**

Davis et al vs Canyon County, Idaho, et al
Assigned to: Judge B. Lynn Winmill
Referred to: Judge Candy W Dale (Settlement)
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 03/11/2009
Date Terminated: 11/12/2009
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Amanda Davis

represented by **Dean J Miller**
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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

Parnell Williams

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Plaintiff

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V.

Defendant

Canyon County, Idaho
*by and through the members of its Board
of County Commissioners*

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Defendant

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Defendant

David Ferdinand

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Defendant**Steven Rule**

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Defendant**Chris Smith**

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Date Filed	#	Docket Text
03/11/2009	<u>1</u>	COMPLAINT against all defendants (Filing fee \$ 350 receipt number 0976000000000451604.), filed by Amanda Davis. (Attachments: # <u>1</u> Exhibit Exhibit A; 4 pages)(Miller, Dean)
03/11/2009	<u>2</u>	Civil Cover Sheet re <u>1</u> Complaint filed by Amanda Davis. (Miller, Dean)
03/11/2009	<u>3</u>	MOTION FOR PRO HAC VICE APPEARANCE for Amanda Davis (Filing fee \$ 200 receipt number 0976000000000451642.)Dean J Miller, Stephen L Pevar appearing for Plaintiffs Amanda Davis, Amanda Davis. Responses due by 4/6/2009 (Miller, Dean)
03/11/2009		DOCKET ENTRY ORDER approving <u>3</u> Application for Pro Hac Vice Appearance of attorney Stephen L Pevar for Desiree Comingo, Parnell Williams, Pedro Martin, Amanda Davis, Alisha Baker and Troy Fenster. Per General Order 206, out-of-state counsel shall immediately register for ECF. (Notice sent to CM/ECF Registration Clerk) (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by jm)
03/11/2009		Summons Issued as to Canyon County, Idaho. (jm)
03/13/2009	<u>4</u>	WAIVER OF SERVICE Returned Executed by Amanda Davis. Canyon County, Idaho waiver sent on 3/12/2009, answer due 5/11/2009. (Miller, Dean)
03/27/2009	<u>5</u>	MOTION for Preliminary Injunction <i>Lea Cooper, Dean J. Miller</i> Stephen L Pevar appearing for Plaintiffs Desiree Comingo, Parnell Williams, Pedro Martin, Amanda Davis, Alisha Baker, Troy Fenster. Responses due by 4/20/2009 (Attachments: # <u>1</u> Exhibit Prisoner Grievances, # <u>2</u> Affidavit Declarations)(Pevar, Stephen)
03/27/2009	<u>6</u>	SUPPLEMENT by Plaintiffs Desiree Comingo, Parnell Williams, Pedro Martin, Amanda Davis, Alisha Baker, Troy Fenster re <u>5</u> MOTION for Preliminary Injunction <i>Lea Cooper, Dean J. Miller</i> . (Pevar, Stephen)
04/02/2009	7	DOCKET ENTRY ORDER – IT IS HEREBY ORDERED THAT a hearing on the Motion for Preliminary Injunction <u>5</u> shall be heard on Thursday, May 7, 2009 at 9:30 a.m. to 12:30 p.m. The hearing shall be conducted at the James A. McClure Federal Building and U.S. Courthouse in Boise, Idaho. The hearing shall be conducted by The Honorable Tena Campbell, Chief Judge, United States District Court for the District of Utah. Additionally, as a preliminary matter, the Court will ask counsel for the parties to give a time estimate for the length of an evidentiary hearing. In the event the Court determines that an evidentiary hearing is necessary, time will be set aside for a continuation of the hearing on Friday, May 8, 2009 at 9:00 a.m. Signed by Judge B. Lynn Winmill. (sbh)
04/02/2009		Set/Reset Deadlines as to <u>5</u> MOTION for Preliminary Injunction <i>Lea Cooper, Dean J. Miller</i> . Motion Hearing set for 5/7/2009 09:30 AM in Boise Chambers before Judge Tena Campbell. Motion Hearing set for 5/8/2009 09:00 AM in Boise, ID before Judge Tena Campbell. (jm)

04/09/2009	<u>8</u>	MOTION to Expedite <i>Discovery</i> and Motion to Expedite Review of Said Motion. Stephen L Pevar appearing for Plaintiffs Desiree Comingo, Parnell Williams, Pedro Martin, Amanda Davis, Alisha Baker, Troy Fenster. Responses due by 5/4/2009 (Attachments: # <u>1</u> Exhibit)(Pevar, Stephen) Modified on 4/10/2009 to edit text (jm).
04/10/2009	<u>9</u>	ORDER re <u>8</u> MOTION to Expedite <i>Discovery</i> . Defendants are to file a response to Docket No. 8 by close of business on April 15, 2009. Signed by Judge Tena Campbell. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by jm)
04/10/2009		Set/Reset Deadlines as to <u>8</u> MOTION to Expedite <i>Discovery</i> . Responses due by 4/15/2009 (jm)
04/14/2009	<u>10</u>	NOTICE of Appearance by Carlton R Ericson on behalf of all defendants (Ericson, Carlton)
04/15/2009	<u>11</u>	RESPONSE to Motion re <u>8</u> MOTION to Expedite <i>Discovery</i> filed by Canyon County, Idaho, Kathy Alder, David Ferdinand, Steven Rule, Chris Smith. Replies due by 5/4/2009.(Ericson, Carlton)
04/15/2009	<u>12</u>	NOTICE of Availability of Magistrate Judge and Requirement for Consent sent to counsel for Desiree Comingo, Parnell Williams, Pedro Martin, Canyon County, Idaho, Amanda Davis, Kathy Alder, David Ferdinand, Steven Rule, Chris Smith, Alisha Baker, Troy Fenster re <u>1</u> Complaint, <u>10</u> Notice of Appearance Consent/Objection to Magistrate due by 6/17/2009. (jm)
04/16/2009	<u>13</u>	REPLY re <u>11</u> Response to Motion, <u>8</u> MOTION to Expedite <i>Discovery</i> filed by Desiree Comingo, Parnell Williams, Pedro Martin, Amanda Davis, Alisha Baker, Troy Fenster. (Pevar, Stephen)
04/16/2009	14	DOCKET ENTRY ORDER – IT IS HEREBY ORDERED THAT a telephonic hearing shall be conducted in this matter on Monday, April 20, 2009 at 2:00 p.m. with The Honorable Tena Campbell. The Court will address Plaintiffs' Motion for Expedited <i>Discovery</i> <u>8</u> . Plaintiffs' counsel shall place the call to (801) 524-6170, with opposing counsel on the line using a conference operator. SO ORDERED. Signed by Judge Tena Campbell. (shb)
04/17/2009		Set Deadlines as to <u>8</u> MOTION to Expedite <i>Discovery</i> . Telephonic Motion Hearing set for 4/20/2009 02:00 PM before Judge Tena Campbell. (jlg)
04/20/2009	<u>16</u>	Minute Entry for proceedings held before Judge Tena Campbell: Motion Hearing held on 4/20/2009 re <u>8</u> MOTION to Expedite <i>Discovery</i> filed by Troy Fenster, Desiree Comingo, Pedro Martin, Alisha Baker, Amanda Davis, Parnell Williams. (Court Reporter Ray Fenlon.) (dks) Modified on 5/13/2009 to correct name of Court Reporter(so). (Entered: 04/21/2009)
04/21/2009	<u>15</u>	ORDER granting <u>8</u> Motion for expedited discovery. Signed by Judge Tena Campbell. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by dks)
04/21/2009	<u>17</u>	MOTION FOR PRO HAC VICE APPEARANCE for Amanda Davis (Filing fee \$ 200 receipt number 09760000000000467710.)Dean J Miller, Nusrat Jahan Choudhury appearing for Plaintiffs Amanda Davis, Amanda Davis. Responses due by 5/15/2009 (Miller, Dean)
04/22/2009	18	DOCKET ENTRY ORDER granting <u>17</u> Application for Pro Hac Vice Appearance of attorney Nusrat Jahan Choudhury for Desiree Comingo, Parnell Williams, Pedro Martin, Amanda Davis, Alisha Baker and Troy Fenster Per General Order 206, out-of-state counsel shall immediately register for ECF. (Notice sent to CM/ECF Registration Clerk) (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by dks)
04/27/2009	<u>19</u>	RESPONSE to Motion re <u>5</u> MOTION for Preliminary Injunction <i>Lea Cooper, Dean J. Miller</i> filed by Canyon County, Idaho, Kathy Alder, David Ferdinand, Steven Rule, Chris Smith. Replies due by 5/14/2009. (Attachments: # <u>1</u> Supplement Statement of Facts)(Ericson, Carlton)

05/01/2009	<u>20</u>	MOTION to Vacate Dean J Miller appearing for Plaintiff Amanda Davis. Responses due by 5/26/2009 (Miller, Dean)
05/04/2009	21	DOCKET ENTRY ORDER – Based on the Plaintiffs' representation that the parties have entered into settlement negotiations with a high likelihood of settlement, the Plaintiffs' Motion to Vacate <u>20</u> the hearing scheduled for their Motion for Preliminary Injunction is HEREBY GRANTED. The deadline for the settlement papers to be filed is 90 days from today. IT IS HEREBY ORDERED THAT the Motion for Preliminary Injunction <u>8</u> is deemed moot without prejudice. Additionally, IT IS HEREBY ORDERED THAT if the settlement falls through for any reason, the Court will immediately grant a motion to reinstate the Motion for Preliminary Injunction and re-schedule the hearing. The hearings scheduled for May 7, 2009, and May 8, 2009, are hereby VACATED. Signed by Judge Tena Campbell. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by sbh)
06/18/2009		The 60 day deadline has expired. Case will remain with District Judge. No more notice of availability or assignment will be sent out. (jm)
08/04/2009	<u>22</u>	EXHIBIT to <u>23</u> Motion to Approve Consent Judgment Stephen L Pevar appearing for Plaintiffs Desiree Comingo, Parnell Williams, Pedro Martin, Amanda Davis, Alisha Baker, Troy Fenster. Responses due by 8/28/2009 (Attachments: # <u>1</u> Exhibit)(Pevar, Stephen) Modified on 8/4/2009 to link and edit text (jm).
08/04/2009	<u>23</u>	MOTION to Approve Consent Judgment Stephen L Pevar appearing for Plaintiffs Desiree Comingo, Parnell Williams, Pedro Martin, Amanda Davis, Alisha Baker, Troy Fenster. Responses due by 8/28/2009 (Pevar, Stephen)
08/04/2009		CORRECTIVE ENTRY – The entry docket number <u>22</u> was inadvertently filed without the PDF image of the motion attached. The motion has been re-filed at dkt 23 and dkt 22 is the exhibit to the motion.(jm)
08/04/2009	24	DOCKET ENTRY ORDER – The parties have filed a Joint Motion <u>23</u> for a final fairness hearing at which time the Court will consider whether to approve and enter the Consent Decree submitted by the parties for the Court's consideration. IT IS HEREBY ORDERED THAT a Final Fairness Hearing shall be held on August 21, 2009 at 4:00 p.m. at the James A. McClure Federal Building and U.S. Courthouse in Boise, Idaho. The purpose of the Fairness Hearing is to determine whether the proposed Consent Decree is fair, reasonable, and adequate and should be approved and adopted by the Court, and to rule on such other matters in this litigation as the Court may deem appropriate. Signed by Judge B. Lynn Winmill. (sbh)
08/04/2009		Set/Reset Hearings:Final Fairness Hearing set for 8/21/2009 04:00 PM in Boise, ID before Judge B. Lynn Winmill. (jm)
08/04/2009	25	DOCKET ENTRY ORDER – The previously filed Order 24 is hereby amended as follows. The parties have filed a Joint Motion for an initial fairness hearing at which time the Court will consider whether to preliminarily approve the Consent Decree submitted by the parties for the Court's consideration. The Court having reviewed the motion and for good cause appearing, IT IS HEREBY ORDERED THAT an initial fairness hearing will be held on August 21, 2009 at 4:00 p.m. at the James A. McClure Federal Building and U.S. Courthouse in Boise, Idaho. The hearing will be to determine whether the proposed Consent Decree should be preliminarily approved as fair, reasonable, and adequate, and whether the Court should order that Notice be sent to the Plaintiff Class. Signed by Judge B. Lynn Winmill. (sbh) Modified on 8/5/2009 to link to dkt nos. 23 &24 (jm).
08/13/2009	26	DOCKET ENTRY ORDER – IT IS HEREBY ORDERED THAT a final Fairness Hearing shall be conducted in this matter on Monday, November 9, 2009 at 9:00 a.m. at the James A. McClure Federal Building and U.S. Courthouse in Boise, Idaho. Signed by Judge B. Lynn Winmill. (sbh)
08/13/2009		Set Deadlines/Hearings: Final Fairness Hearing set for 11/9/2009 09:00 AM in Boise, ID before Judge B. Lynn Winmill. (jm)
08/21/2009	<u>27</u>	ORDER (1) Preliminarily Approving Consent Decree, (2) Conditionally Certifying the Plaintiff Class, (3) Directing Notice to the Plaintiff Class, and (4) Scheduling a Final Fairness Hearing. Signed by Judge B. Lynn Winmill. (caused to be mailed to

		non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by jm)
08/21/2009		Set/Reset Hearings: In Court Hearing set for 11/9/2009 09:00 AM in Boise, ID before Judge B. Lynn Winmill. (jm)
08/21/2009	<u>28</u>	NOTICE of Proposed Settlement of Canyon County Jail Lawsuit re <u>27</u> Order (jm)
08/21/2009	<u>30</u>	Minute Entry for proceedings held before Judge B. Lynn Winmill: Initial Fairness Hearing held on 8/21/2009. (Court Reporter/ESR SO'Larey.) (td) Modified on 9/15/2009 (td). (Entered: 09/15/2009)
08/21/2009	<u>32</u>	Minute Entry for proceedings held before Judge B. Lynn Winmill: AMENDING MINUTES: <u>30</u> . (Court Reporter/ESR SO'Larey.) (td) (Entered: 09/17/2009)
09/15/2009	29	DOCKET ENTRY NOTICE RESCHEDULING Hearing: Please be advised that due to conflict with the Courts calendar the Final Fairness hearing scheduled for 11/9/2009 is VACATED and RESCHEDULED for Final Fairness hearing on 11/12/2009 09:00 AM in Boise, ID before Judge B. Lynn Winmill. (so)
09/16/2009	<u>31</u>	NOTICE by Amanda Davis of <i>Withdrawal of Counsel</i> (Miller, Dean)
10/19/2009	<u>33</u>	AFFIDAVIT of Craig Hanson filed by Kathy Alder, Canyon County, Idaho, David Ferdinand, Steven Rule, Chris Smith. (Ericson, Carlton)
10/22/2009	34	DOCKET ENTRY ORDER – The parties have agreed to a Settlement Conference to be conducted by the Honorable Candy Wagahoff Dale, Chief Magistrate Judge, United States District Court, for the District of Idaho, on the issue of attorneys' fees, and costs, if necessary. IT IS HEREBY ORDERED THAT this matter is referred to Judge Dale for the purposes of conducting a Settlement Conference on November 12, 2009 at 10:00 a.m. at the James A. McClure Federal Building and U.S. Courthouse in Boise, Idaho. The parties shall contact Susie Headlee, the Court's ADR Coordinator to determine a briefing schedule on both the motion for attorneys' fees, timelines of the mediation questionnaire. Ms. Headlee can be reached at (208) 334–9067. and Local Rule 16.4. Signed by Judge B. Lynn Winmill. (sbh)
10/22/2009		Set/Reset Hearings: Settlement Conference set for 11/12/2009 10:00 AM in Boise, ID before Judge Candy W Dale. (jm) (Entered: 10/23/2009)
11/05/2009	<u>35</u>	AMENDED AFFIDAVIT OF CRAIG HANSON by Kathy Alder, Canyon County, Idaho, David Ferdinand, Steven Rule, Chris Smith. <i>Amended Affidavit of Craig Hanson</i> . (Ericson, Carlton) Modified on 11/6/2009 to link to dkt 33 (jm).
11/12/2009	<u>36</u>	CONSENT DECREE, ORDER AND JUDGMENT. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by jm)
11/12/2009	<u>37</u>	Minute Entry for proceedings held before Judge B. Lynn Winmill: Fairness Hearing held on 11/12/2009. (Court Reporter/ESR Tammy Hohenleitner.) (jlg)
11/12/2009	38	Docket Text Minute Entry for proceedings held before Judge Candy W Dale: Settlement Conference held on 11/12/2009. Court, counsel and parties met to discuss reasonableness of pending attorney fee petition. Counsel for Plaintiff to advise Judge Dale's Chambers by 11/20/2009 regarding whether a settlement has been reached. (Hearing not recorded.) (ah) (Entered: 11/19/2009)
04/15/2010	<u>40</u>	MOTION to Amend/Correct <u>36</u> Consent Decree, Judgment, Order Carlton R Ericson appearing for Defendants Kathy Alder, Canyon County, Idaho, David Ferdinand, Steven Rule, Chris Smith. Responses due by 5/10/2010 (Ericson, Carlton)
05/03/2010	<u>41</u>	ORDER approving <u>40</u> Motion for amendment to consent decree, order and judgment. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by dks)
05/03/2010	<u>42</u>	AMENDMENT TO CONSENT DECREE AND JUDGMENT. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses

		listed on the Notice of Electronic Filing (NEF) by dks) (Entered: 05/04/2010)
12/28/2010	<u>43</u>	STIPULATION <i>and Motion for Order Approving Second Amendment to Consent Decree, Order and Judgment</i> by Kathy Alder, Canyon County, Idaho, David Ferdinand, Steven Rule, Chris Smith. (Ericson, Carlton)
12/30/2010		CORRECTIVE ENTRY – The entry document number <u>43</u> Stipulation filed by David Ferdinand, Steven Rule, Canyon County, Idaho, Chris Smith, Kathy Alder in regards to the proposed order, was filed incorrectly in this case. Pursuant to the ECF Procedures, section 12B, all proposed orders are to be submitted by email to the appropriate Judges proposed order email box. The filing party shall re-submit their proposed order.(cjm)
01/03/2011	<u>44</u>	SECOND AMENDMENT TO CONSENT DECREE, ORDER AND JUDGMENT re <u>43</u> Stipulation filed by David Ferdinand, Steven Rule, Canyon County, Idaho, Chris Smith, Kathy Alder. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by dks) (Entered: 01/04/2011)
05/25/2012	<u>45</u>	NOTICE of Substitution – Attorney Richard Alan Eppink for Alisha Baker, Richard Alan Eppink for Desiree Comingo, Richard Alan Eppink for Amanda Davis, Richard Alan Eppink for Troy Fenster, Richard Alan Eppink for Pedro Martin, Richard Alan Eppink for Parnell Williams added. Attorney Lea Candy Cooper terminated. (Eppink, Richard)
11/19/2012	<u>46</u>	MOTION to Amend/Correct <u>36</u> Consent Decree, Judgment, Order <i>Motion for Order Approving Third Amendment to Consent Decree, Order and Judgment</i> Samuel Bedell Laugheed appearing for Defendant Canyon County, Idaho. Responses due by 12/13/2012 (Attachments: # <u>1</u> Exhibit Stipulated Proposed Third Amendment to Consent Decree, Order and Judgment)(Laugheed, Samuel)
01/08/2013	<u>47</u>	THIRD AMENDMENT TO CONSENT DECREE, ORDER AND JUDGMENT granting <u>46</u> Motion to Amend/Correct. Signed by Judge B. Lynn Winmill. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjm)