

CLOSED

**U.S. District Court**  
**District of Kansas (Kansas City)**  
**CIVIL DOCKET FOR CASE #: 2:90-cv-02059-EEO**

Allen v. Wyandotte Bd Comr, et al  
Assigned to: Honorable Earl E. O'Connor  
Demand: \$10,000  
Cause: 28:1343 Violation of Civil Rights

Date Filed: 02/28/1990  
Date Terminated: 12/27/1991  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff****Sarah L Allen**

represented by **Douglas C. Beach**  
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V.

**Defendant****Wyandotte County Board of County  
Commissioners**  
*TERMINATED: 04/29/1991*

represented by **Paul C. Gurney**  
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**Defendant**

**Owen L Sully**

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**Defendant**

**Wyandotte County Sheriff's  
Department**

represented by **Catherine R. Hutson**  
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*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED***Gregory F. Maher**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Stephen P. Doherty**

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*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***William T. Fitzgerald**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Defendant****State of Kansas***TERMINATED: 02/25/1991*represented by **John C. McFadden**

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*TERMINATED: 02/25/1991**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Defendant****Regents, Kansas Board of***TERMINATED: 02/25/1991*represented by **John C. McFadden**

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*TERMINATED: 02/25/1991**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Defendant****University of Kansas***TERMINATED: 02/25/1991*represented by **John C. McFadden**

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*TERMINATED: 02/25/1991**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Defendant****B D Harrelson***TERMINATED: 02/25/1991*represented by **John C. McFadden**

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*TERMINATED: 02/25/1991**LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

**Defendant****Sandy Omtvedt***TERMINATED: 02/25/1991*represented by **John C. McFadden**

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*TERMINATED: 02/25/1991**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Defendant****Joan Grogan***TERMINATED: 11/04/1991*represented by **Catherine R. Hutson**

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*TERMINATED: 11/04/1991**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Gregory F. Maher**

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*TERMINATED: 11/04/1991**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Stephen P. Doherty**

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*TERMINATED: 11/04/1991**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***William T. Fitzgerald**

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*TERMINATED: 11/04/1991**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Defendant****Roger Riley**represented by **Catherine R. Hutson**

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*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Gregory F. Maher**

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*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***William T. Fitzgerald**

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**Defendant**

**Theodore Robinson**

represented by **Gregory F. Maher**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Stephen P. Doherty**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
03/09/1990	5	AMENDED COMPLAINT [1-1] w/designation of place of trial - by plaintiff Sarah L Allen; adding Joan Grogan, Roger Riley, Theodore Robinson (ICMSUSER) (Entered: 08/24/1990)
04/02/1990	13	MOTION by defendant Wyandotte Bd Comr to dismiss referred back to Chief Judge Earl E. O'Connor (ICMSUSER) (Entered: 08/24/1990)
04/02/1990	14	MEMORANDUM/BRIEF in support by defendant Wyandotte Bd Comr re: [13-1] of motion to dismiss referred back to Chief Judge Earl E. O'Connor [13-1] (ICMSUSER) (Entered: 08/24/1990)
04/02/1990	15	MEMORANDUM/BRIEF in opposition by plaintiff Sarah L Allen to re: [13-1] motion to dismiss referred back to Chief Judge Earl E. O'Connor [13-1] (ICMSUSER) (Entered: 08/24/1990)
08/15/1990	28	SCHEDULING ORDER ENTERED: Magistrate Gerald L. Rushfelt ; Pretrial Conference set for 10:00 12/18/90 ; Discovery ddl set for 12/15/90 ;Dispositive Mtn ddl 1/15/91 (cc: all counsel) (ICMSUSER) (Entered: 08/24/1990)
08/24/1990	1	COMPLAINT w/designation of place of trial - Kansas City; with Jury demand. Summons(es) issued ( case referred to Magistrate Gerald L. Rushfelt ) (ICMSUSER) (Entered: 08/24/1990)
09/28/1990	29	MOTION by defendants State of Kansas, Regents KS Board of, University of Kansas, B D Harrelson, Sandy Omtvedt to dismiss referred back to Chief Judge Earl E. O'Connor (ICMSUSER) (Entered: 09/28/1990)
10/19/1990	30	MOTION by plaintiff to extend time to respond to motion to dismiss of defts. State of KS., et al. referred back to Chief Judge Earl E. O'Connor (LS) (Entered: 10/22/1990)
10/23/1990	31	ORDER ENTERED: by Chief Judge Earl E. O'Connor granting motion to extend time to respond to motion to dismiss of defts. State of KS., et al. [30-1] to 11-21-90. (cc: pltf's counsel) (LS) (Entered: 10/24/1990)

11/15/1990	32	WITNESS AND EXHIBITS LIST submitted by defendant Owen L Sully, defendant Wyandotte Cty SD, defendant Joan Grogan, defendant Roger Riley (LS) (Entered: 11/19/1990)
11/15/1990	33	WITNESS AND EXHIBIT LIST submitted by defendant Wyandotte Bd Comr (LS) (Entered: 11/19/1990)
11/19/1990	34	WITNESS AND EXHIBIT LIST submitted by defendant University of Kansas, defendant B D Harrelson, defendant Sandy Omtvedt (LS) (Entered: 11/19/1990)
11/19/1990	35	WITNESS LIST submitted by plaintiff (LS) (Entered: 11/19/1990)
11/19/1990	36	EXHIBIT list by plaintiff (LS) (Entered: 11/19/1990)
11/30/1990	37	MOTION to extend discovery and continue pretrial conference referred to Magistrate Gerald L. Rushfelt (ICMSUSER) (Entered: 12/04/1990)
11/30/1990	38	AMENDED WITNESS LIST submitted by plaintiff (ICMSUSER) (Entered: 12/04/1990)
12/03/1990	39	ORDER ENTERED: by Magistrate Gerald L. Rushfelt granting in part and denied in part motion to extend discovery and continue pretrial conference referred to Magistrate Gerald L. Rushfelt [37-1] ; Discovery ddl extended to 1/30/91, otherwise mtn is overruled (cc: all counsel) (ICMSUSER) (Entered: 12/07/1990)
12/07/1990	41	MEMORANDUM AND ORDER: by Chief Judge Earl E. O'Connor granting motion to dismiss as to punitive damages in Count I and II-IV and denying in all other respects. [13-1] 11 pages (cc: all counsel) (LS) (Entered: 12/12/1990)
12/10/1990	40	ORDER ENTERED: by Magistrate Gerald L. Rushfelt granting motion to extend discovery until 1/30/91 and continue pretrial conference, date to be set at later time; referred to Magistrate Gerald L. Rushfelt [37-1] (ICMSUSER) (Entered: 12/12/1990)
12/11/1990	42	ORDER ENTERED: by Chief Judge Earl E. O'Connor re [41-1] Clerk directed to replace original front page to correct typo. (cc: all counsel) (LS) (Entered: 12/12/1990)
12/14/1990	43	ORDER ENTERED: by Magistrate Gerald L. Rushfelt: Pretrial conference continued to 2-12-91 at 2pm (cc: all counsel) (LS) (Entered: 12/18/1990)
12/24/1990	44	CERTIFICATE of SVC of 1st req for prod of documents by plaintiff (ICMSUSER) (Entered: 12/26/1990)
01/07/1991	45	MOTION by Owen L Sully, Wyandotte Cty SD, Joan Grogan, Roger Riley to modify scheduling order (LS) (Entered: 01/09/1991)
01/28/1991	46	ORDER ENTERED: by Magistrate Gerald L. Rushfelt granting motion to modify scheduling order [45-1] Dispositive MTN ddl 3-11-91 (cc: all counsel) (LS) (Entered: 01/30/1991)
02/12/1991	47	MINUTE SHEET: KCK-GLR: - Discovery ddl satisfied; Dispositive MTN ddl 4/11/91; Pretrial conference completed; ETT 4 days; trial by jury; prospects of settlement, poor (LS) Modified on 02/13/1991 (Entered: 02/13/1991)

02/25/1991	48	STIPULATION by Sarah L Allen, State of Kansas, Regents KS Board of, University of Kansas, B D Harrelson, Sandy Omtvedt of partial voluntary dismissal without prejudice (LS) (Entered: 02/28/1991)
02/25/1991	49	ORDER ENTERED: by Chief Judge Earl E. O'Connor granting stipulation [48-1] dismissing party Sandy Omtvedt, party B D Harrelson, party University of Kansas, party Regents KS Board of, party State of Kansas without prejudice, each party to pay own costs (cc: all counsel) (LS) (Entered: 02/28/1991)
04/10/1991	50	PRE-TRIAL ORDER ENTERED by Chief Judge Earl E. O'Connor: Terminating case referral of Magistrate Judge Gerald L. Rushfelt ETT: 4 days. Prospects for settlement are poor. Case ready for trial after 4-11-91 (cc: all counsel) (LS) (Entered: 04/10/1991)
04/11/1991	51	MOTION by defendant for summary judgment (ICMSUSER) (Entered: 04/12/1991)
04/11/1991	52	MEMORANDUM in support by defendant re: motion for summary judgment [51-1] with exhibits EXPANSION FOLDER (ICMSUSER) (Entered: 04/12/1991)
04/11/1991	53	MOTION by plaintiff for partial summary judgment (ICMSUSER) (Entered: 04/12/1991)
04/11/1991	54	MEMORANDUM in support by plaintiff re: motion for partial summary judgment [53-1] with attachments EXPANSION FOLDER (ICMSUSER) (Entered: 04/12/1991)
04/29/1991	55	STIPULATION for partial dismissal by defendant Wyandotte Bd Comr (KM) (Entered: 04/30/1991)
04/29/1991	56	ORDER ENTERED: by Chief Judge Earl E. O'Connor granting stipulation [55-1] dismissing only party Wyandotte Bd Comr with prejudice (cc: all counsel) (KM) (Entered: 04/30/1991)
05/07/1991	57	MOTION by plaintiff, defendant to extend time till 5/8/91 to file responses to motions to summary judgment; referred to Chief Judge Earl E. O'Connor (KM) (Entered: 05/08/1991)
05/07/1991	58	ORDER ENTERED: by Chief Judge Earl E. O'Connor granting motion to extend time till 5/8/91 to file responses to motions to summary judgment [57-1] (cc: all counsel) (KM) (Entered: 05/08/1991)
05/08/1991	59	MEMORANDUM in opposition by Wyandotte Bd Comr, Owen L Sully, Joan Grogan, Roger Riley, Theodore Robinson re: motion for summary judgment [51-1] (KM) (Entered: 05/08/1991)
05/08/1991	60	RESPONSE by plaintiff re: memorandum of deft. in support of motion for summary judgment [52-1] (KM) (Entered: 05/09/1991)
05/15/1991	61	MOTION by plaintiff Sarah L Allen for hearing on motions for summary judgment (KM) (Entered: 05/15/1991)
05/15/1991	62	REPLY by defendant re: response of ptlf. to deft.'s memorandum in support of motion for summary judgment [60-1] (KM) (Entered: 05/16/1991)

05/22/1991	63	MOTION by plaintiff to extend time for one day to file reply to def't.'s memorandum on opposition to pltf.'s motion for summary judgment referred to Chief Judge Earl E. O'Connor (KM) (Entered: 05/22/1991)
05/22/1991	64	ORDER ENTERED: by Chief Judge Earl E. O'Connor granting motion to extend time for one day till 5/22/91 to file reply to def't.'s memorandum on opposition to pltf.'s motion for summary judgment referred to Chief Judge Earl E. O'Connor [63-1] (cc: all counsel) (KM) (Entered: 05/22/1991)
05/22/1991	65	REPLY by plaintiff Sarah L Allen re: memorandum in opposition to pltf.'s motion for summary judgment [59-1] (KM) (Entered: 05/22/1991)
07/11/1991	66	NOTICE of hearing Jury trial set for case #6 on 8/5/91 at 10:00 AM before EEO (cc: all counsel) (ICMSUSER) (Entered: 07/15/1991)
07/15/1991	67	ATTORNEY APPEARANCE for Owen L Sully, Wyandotte Cty SD, Joan Grogan, Roger Riley, Theodore Robinson by Gregory F. Maher, Stephen P. Doherty (KM) (Entered: 07/16/1991)
07/29/1991	68	MOTION by plaintiff to continue trial referred to Chief Judge Earl E. O'Connor (LS) (Entered: 07/30/1991)
07/29/1991	69	ORDER ENTERED: by Chief Judge Earl E. O'Connor granting motion to continue trial [68-1] Jury trial continued from 8-5-91 docket (cc: all counsel) (LS) (Entered: 07/30/1991)
07/29/1991	70	MOTION by plaintiff for special trial setting referred to Chief Judge Earl E. O'Connor (LS) (Entered: 07/30/1991)
08/01/1991	71	MEMORANDUM AND ORDER: by Chief Judge Earl E. O'Connor granting in part and denying in part motion for summary judgment [51-1] denying motion for hearing on motions for summary judgment [61-1] It is therefore ordered that the summary judgment motion of defendants as to pltf.'s claim that the duration of her detainment constituted an unreasonable seizure in violation of the Fourth Amendment is hereby granted. It is further ordered that def't.'s motion for summary judgment as to all claims against the "Wyandotte County Sheriff's Dept" as an entity is granted. It is further ordered that the summary judgment motion of defts. Sully, Riley and Robinson as to pltf.'s remaining claim under 42 U.S.C. 1983 is granted. It is further ordered that defendants' motion for summary judgment as to pltf.'s common law claims of battery, false imprisonment, negligent imprisonment, negligence per se and negligent training, supervision and adoption of policies is granted. Defendants' summary judgment motion as to pltf.'s request for punitive damages in Counts II, III and IV is granted. It is further ordered that the motion of defts. for summary judgment is hereby denied as to pltf.'s section 1983 claim against def't. Joan A. Grogan, alleging a strip search conducted under color of state law deprived pltf. of her Fourth and Fourteenth Amendment rights to be secure in her person against reasonable searches. 29 pages (cc: all counsel) (KM) (Entered: 08/02/1991)
08/06/1991	72	MEMORANDUM AND ORDER: by Chief Judge Earl E. O'Connor granting motion for summary judgment [51-1] denying motion for partial summary judgment [53-1] denying motion for hearing on motions for summary judgment [61-1] Defendant's motion for summary judgment as to all claims against the "Wyandotte County Sheriff's Department" as an entity is GRANTED. 12 pages



		(cc: all counsel) (KM) (Entered: 08/07/1991)
09/16/1991	73	NOTICE of Civil Jury Trial Setting Jury trial scheduled for trial calendar of 10/7/91 at 10:00am as case #2 (cc: all counsel) (KM) (Entered: 09/17/1991)
09/30/1991	74	MOTION by plaintiff for leave to file mtn in limine out of time, referred to Chief Judge Earl E. O'Connor (ICMSUSER) (Entered: 10/02/1991)
10/02/1991	75	MOTION by plaintiff in limine referred to Chief Judge Earl E. O'Connor (ICMSUSER) (Entered: 10/03/1991)
11/01/1991	76	JOINT STIPULATION for dismissal by Sarah L Allen, Joan Grogan (KM) Modified on 12/27/1991 (Entered: 11/04/1991)
11/04/1991	77	ORDER ENTERED: by Chief Judge Earl E. O'Connor granting stipulation for dismissal [76-1] dismissing party Joan Grogan with prejudice, each party to bear own costs (cc: all counsel) (KM) (Entered: 11/04/1991)
12/27/1991	78	JUDGMENT ENTERED BY THE CLERK: re: Memorandum and Order of 8/1/91 [71-1] Pursuant to the Memorandum and Order of 8/1/91, defendants Wyandotte County Sheriff's Department, Owen L. Sully, Roger C. Riley and Theodore Robinson's motions for summary judgment are GRANTED. Plaintiff to take nothing and the action is dismissed on the merits. Defendants to recovery of plaintiff their costs of action (cc: all counsel) (KM) (Entered: 12/27/1991)

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