

Docket as of August 20, 2003 3:40 pm

Web PACER (v2.4)

U.S. District Court

U.S. District Court of Montana (Missoula)

CIVIL DOCKET FOR CASE #: 95-CV-82

Lozeau, et al, et al v. Lake County, et al, et al

Filed: 06/30/95

Assigned to: Magistrate Judge Richard F. Ceb

Demand: \$0,000

Nature of Suit: 550

Lead Docket: None

Jurisdiction: Federal Question

Dkt# in other court: None

Cause: 42:1983 Prisoner Civil Rights

HARRY LOZEAU
plaintiff

Michael G. Alterowitz
[COR LD NTC]
ALTEROWITZ LAW OFFICE
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Suite 309
Missoula, MT 59802-7968
406-542-9904
FTS 542-9908

Stephen L. Pevar
[COR LD NTC]
AMERICAN CIVIL LIBERTIES UNION
1888 Sherman Street
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303-839-5752

Mark S. Connell
[COR LD NTC]
CONNELL LAW OFFICE
PO Box 9108
Missoula, MT 59807-9108
406-327-1517
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DOUGLAS MATT
plaintiff

Michael G. Alterowitz
(See above)
[COR LD NTC]

Stephen L. Pevar

(See above)
[COR LD NTC]

Mark S. Connell
(See above)
[COR LD NTC]

ANGELA HAWKINS
plaintiff

Michael G. Alterowitz
(See above)
[COR LD NTC]

Stephen L. Pevar
(See above)
[COR LD NTC]

Mark S. Connell
(See above)
[COR LD NTC]

REYNALDO THOMPSON
plaintiff

Michael G. Alterowitz
(See above)
[COR LD NTC]

Stephen L. Pevar
(See above)
[COR LD NTC]

Mark S. Connell
(See above)
[COR LD NTC]

WAYNE BROWN, all of the above
defendants individually and on
behalf of all other persons
similarly situated,
plaintiff

Michael G. Alterowitz
(See above)
[COR LD NTC]

Stephen L. Pevar
(See above)
[COR LD NTC]

Mark S. Connell
(See above)
[COR LD NTC]

v.

LAKE, COUNTY OF
defendant

Kim Christopher
[COR LD NTC]
Robert J. Long
[COR LD NTC]
OFFICE OF THE LAKE COUNTY
ATTORNEY
106 Fourth Avenue E
Polson, MT 59860
406-883-6211-EXT 273

Robert E. Sheridan

[COR LD NTC ret]
GARLINGTON, LOHN & ROBINSON,
PLLP
PO Box 7909
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Missoula, MT 59807-7909
406-523-2500
FTS 523-2595

DAVID STIPE, County
Commissioner
defendant

Kim Christopher
(See above)
[COR LD NTC]
Robert J. Long
(See above)
[COR LD NTC]

Robert E. Sheridan
(See above)
[COR LD NTC ret]

MICHAEL HUTCHIN, County
Commissioner
defendant

Kim Christopher
(See above)
[COR LD NTC]
Robert J. Long
(See above)
[COR LD NTC]

Robert E. Sheridan
(See above)
[COR LD NTC ret]

BARRY BAKER, County
Commissioner
defendant

Kim Christopher
(See above)
[COR LD NTC]
Robert J. Long
(See above)
[COR LD NTC]

Robert E. Sheridan
(See above)
[COR LD NTC ret]

JOE GELDRICH, Sheriff
defendant

Kim Christopher
(See above)
[COR LD NTC]
Robert J. Long
(See above)
[COR LD NTC]

Robert E. Sheridan

(See above)
[COR LD NTC ret]

DOCKET PROCEEDINGS

DATE	#	DOCKET ENTRY
6/30/95	1	COMPLAINT (mgs) [Entry date 07/06/95]
6/30/95	--	FILING FEE PAID: on 6/30/95 in the amount of \$ 120.00, receipt # 16208. (mgs) [Entry date 07/06/95]
6/30/95	--	SUMMONSES(5) issued as to defendants; origs to cnsl for svc. (mgs) [Entry date 07/06/95]
6/30/95	--	MINUTES: per standing orders, Case referred to Mag Judge Leif B. Erickson (mgs) [Entry date 07/06/95]
7/18/95	2	AMENDED COMPLAINT [1-1] by plaintiffs (changes deft Baker's name from Mary to Barry) - Summons re-issued & handed to cnsl for svc. (mgs)
7/19/95	3	RETURN OF SERVICE EXECUTED upon defendant Joe Geldrich on 7/12/95 (baw) [Entry date 07/21/95]
7/19/95	4	RETURN OF SERVICE EXECUTED upon defendant Lake County, Montana, defendant David Stipe, defendant Michael Hutchin, defendant Barry Baker on 7/17/95 (baw) [Entry date 07/21/95]
7/21/95	5	RETURN OF SERVICE EXECUTED of the Amended Complaint (with corrected name) upon defendant Lake County, Montana, defendant David Stipe, defendant Michael Hutchin, defendant Barry Baker, defendant Joe Geldrich on 7/19/95 (baw)
8/17/95	6	MOTION by defendant Lake County, Montana, defendant David Stipe, defendant Michael Hutchin, defendant Barry Baker, defendant Joe Geldrich to dismiss - NO BRIEF (baw) [Entry date 08/28/95] [Edit date 09/28/95]
9/28/95	--	FILE DELIVERED to PS/LC (mgs)
10/5/95	7	FINDINGS AND RECOMMENDATION by Mag Judge Leif B. Erickson concerning motion to dismiss [6-1], recommending it be denied. Objections to F/R due date: October 23, 1995. (cc: all counsel) (mgs) [Entry date 10/06/95]
10/6/95	--	MINUTES: terminating case referral to Mag Judge Leif B. Erickson motion to dismiss (mgs)
10/6/95	--	FILE DELIVERED to Helena Div. Ofc (mgs)
10/10/95	8	ANSWER by defendant Lake County, Montana, defendant David Stipe, defendant Michael Hutchin, defendant Barry Baker, defendant Joe Geldrich to [2-1] (dmz) [Entry date 10/31/95]

10/30/95 9 ORDER by Judge Charles C. Lovell adopting findings and recommendations motion FINDINGS AND RECOMMENDATION [7-1], denying motion to dismiss [6-1] with prejudice, Case referred to Mag Judge Leif B. Erickson for all pretrial proceedings (cc: Connell, Pevar, Sheridan, LBE) (dmz) [Entry date 10/31/95]

10/31/95 -- FILE DELIVERED to Msla for LBE (dmz)

11/6/95 10 PRELIMINARY Pre-trial Conference Order by Mag Judge Leif B. Erickson ; prelim pretrial conf set for 4:00 11/29/95 (cc: all counsel) (kjh) [Entry date 11/10/95]

11/22/95 11 STIPULATION BY ALL that the Preliminary Pretrial Conference be rescheduled on 12/21/95 at 2:00PM re [10-1] (baw) [Entry date 12/06/95]

11/27/95 12 ORDER by Mag Judge Leif B. Erickson granting stipulation that Preliminary Pretrial Conference be rescheduled on 12/21/95 at 2:00PM in Missoula; file and serve a pre-discovery disclosure statement no later than 15 days prior to the conf.; file and serve a Prelim Pretrial Stmt no later than 7 days prior to the conf; counsel are advised that failure to provide adequate information in the prelim pretrial statement may be deemed an admission that this is a non-complex case; counsel are requested to confer relative to the enclosed prelim pretrial conf report and if able to submit a joint copy to the court no later than 5 days prior to the pretrial conf. [11-1] (cc: all counsel) (baw) [Entry date 12/06/95] [Edit date 12/13/95]

12/5/95 13 MOTION by plaintiff Harry Lozeau, plaintiff Douglas Matt, plaintiff Angela Hawkins, plaintiff Reynaldo Thompson, plaintiff Wayne Brown to certify class action (baw) [Entry date 12/06/95]

12/5/95 14 BRIEF by plaintiff Harry Lozeau, plaintiff Douglas Matt, plaintiff Angela Hawkins, plaintiff Reynaldo Thompson, plaintiff Wayne Brown in support of motion to certify class action [13-1] (baw) [Entry date 12/06/95]

12/6/95 15 PREDISCOVERY DISCLOSURE STATEMENT by plaintiff Harry Lozeau, plaintiff Douglas Matt, plaintiff Angela Hawkins, plaintiff Reynaldo Thompson, plaintiff Wayne Brown (baw) [Entry date 12/07/95]

12/7/95 -- Received letter from Mark S. Connell that he inserted the wrong date of 12/3/95 instead of 12/4/95 on his motion for class certification. (baw) [Entry date 12/08/95]

12/13/95 16 PREDISCOVERY DISCLOSURE STATEMENT by defendant Lake County, Montana, defendant David Stipe, defendant Michael Hutchin, defendant Barry Baker, defendant Joe Geldrich (baw)

12/13/95 17 PRELIMINARY PRETRIAL STATEMENT by plaintiff Harry Lozeau, plaintiff Douglas Matt, plaintiff Angela Hawkins, plaintiff Reynaldo Thompson, plaintiff Wayne Brown (baw)

[Entry date 12/14/95]

12/18/95 18 RESPONSE by defendants to motion to certify class action [13-1] (mgs) [Entry date 12/19/95]

12/19/95 19 PRELIMINARY PRETRIAL STATEMENT by defendant Lake County, Montana, defendant David Stipe, defendant Michael Hutchin, defendant Barry Baker, defendant Joe Geldrich (kjh)

12/22/95 20 SCHEDULING ORDER Mag Judge Leif B. Erickson; preliminary pretrial conf held on 12/22/95; Motion filing: Mtns to Compel due 6/13/96 and all other motions due 7/1/96; Discovery due: 5/30/96; Status report: 4/15/96; pltf to i.d. exerts by 2/29/96 and defts by 3/29/96; pltf cnsl to convene atty conf during wk of 9/30/96 and FPTO due 10/15/96; Settlement Date is 10/7/96. (cc: all counsel) (kjh)

1/10/96 21 ORDER by Judge Charles C. Lovell upon consent of parties this case transferred to Mag Judge Robert M. Holter for final disposition (cc: all counsel) (mgs) [Entry date 01/12/96]

1/12/96 -- FILE DELIVERED to Gt Falls Div Ofc for Judge Holter (mgs)

1/16/96 22 REPLY by plaintiff Harry Lozeau, plaintiff Douglas Matt, plaintiff Angela Hawkins, plaintiff Reynaldo Thompson, plaintiff Wayne Brown to response to motion to certify class action [13-1] (mac) [Entry date 01/18/96]

1/18/96 23 MINUTES: that the motion to certify class action [13-1] is submitted before Mag Judge Robert M. Holter (mac)

1/18/96 24 ORDER by Mag Judge Robert M. Holter setting hearing on motion to certify class action [13-1] 1:00 2/23/96 (cc: counsel) (mac) [Edit date 02/23/96]

2/12/96 25 STIPULATION AND MOTION by plaintiffs, defendants to hold in abeyance until further order of court plaintiffs' pending motion for class certification [13], to continue hearing on the motion which is currently set for 02/23/96 without date, to vacate all pre-trial scheduling deadlines as parties have a tentative settlement of the case (mac) [Entry date 02/14/96]

2/12/96 -- PROPOSED Order granting mtn [25] submitted by plaintiff, defendant - submitted to Mag Judge Robert M. Holter (mac) [Entry date 02/14/96]

2/16/96 26 ORDER by Mag Judge Robert M. Holter granting motion to hold in abeyance until further order of court plaintiffs' pending motion for class certification [13] [25-1], granting motion to continue hearing on the motion which is currently set for 02/23/96 without date [25-2], granting motion to vacate all pre-trial scheduling deadlines [25-3], CASE STAYED regarding [26-2]; Pretrial order ddl VACATED 2/16/96; case management ddl set for 5/15/96 for parties to notify court if settlement has been reached (cc: all counsel) (mac)

5/24/96 -- MINUTES: case management ddl NOT satisfied on 5/15/96 before Mag Judge Robert M. Holter as parties have not advised court if case has settled. (mac)

5/24/96 -- FILE DELIVERED to Mag Judge Robert M. Holter for review of file (mac)

6/6/96 27 ORDER by Mag Judge Robert M. Holter; case management ddl set for 6/21/96 for parties to file status reports re progress of settlement negotiations (cc: all counsel) (mac)

6/12/96 28 STATUS REPORT by plaintiff Harry Lozeau, plaintiff Douglas Matt, plaintiff Angela Hawkins, plaintiff Reynaldo Thompson, plaintiff Wayne Brown (mac) [Entry date 06/14/96]

6/13/96 29 STATUS REPORT by defendant Lake County, Montana, defendant David Stipe, defendant Michael Hutchin, defendant Barry Baker, defendant Joe Geldrich (mac) [Entry date 06/14/96]

6/14/96 -- MINUTES: case management ddl satisfied on 6/14/96 by submission of status reports before Mag Judge Robert M. Holter C/R: (mac)

6/14/96 -- FILE DELIVERED to Mag Judge Robert M. Holter for review of status reports (mac)

6/18/96 -- MINUTES: case management ddl set for 6/28/96 for parties to advise court if agreement has been reached on terms of the Consent Decree before Mag Judge Robert M. Holter (mac)

8/5/96 -- MINUTES: case management ddl NOT satisfied on 8/5/96 before Mag Judge Robert M. Holter with file delivered to court for review (mk)

8/9/96 30 ORDER by Mag Judge Robert M. Holter ; case management ddl set for 8/21/96 for pties to file STATUS REPORTS on progress of settlement negotiations (cc: all counsel) (lav)

8/20/96 31 STATUS REPORT by plaintiff Harry Lozeau, plaintiff Douglas Matt, plaintiff Angela Hawkins, plaintiff Reynaldo Thompson, plaintiff Wayne Brown (mk) [Entry date 08/22/96]

8/20/96 32 STATUS REPORT by defendant David Stipe, defendant Michael Hutchin, defendant Barry Baker, defendant Joe Geldrich (mk) [Entry date 08/22/96]

8/22/96 -- MINUTES: case management ddl satisfied on 8/20/96 by filing of status reports (mk)

8/22/96 -- FILE DELIVERED to Mag Judge Robert M. Holter for review of status reports (mk)

9/23/96 33 ORDER by Mag Judge Robert M. Holter: status hearing on pending settlement negotiations set for 11:15AM on 10/11/96 in Msla, MT (cc: all counsel) (mjg) [Entry date 09/26/96]

10/7/96 34 MOTION by plaintiff, defendant for order that defendants

post copies of "Notice to Inmates" in appropriate locations of the Lake County Detention Center for a period of 25 continuous days, beginning on the fifth day following date of this order; and for defendants to provide copy of proposed Consent Decree, Order and Judgment which has been executed by the parties, and the Montana Jail Standards for Detention Facilities for which it refers, to all inmates who request opportunity to review them (mk)

- 10/7/96 35 ORDER by Mag Judge Robert M. Holter granting motion for order that defendants post copies of "Notice to Inmates" in appropriate locations of the Lake County Detention Center for a period of 25 continuous days, beginning on the fifth day following date of this order; and for defendants to provide copy of proposed Consent Decree, Order and Judgment which has been executed by the parties, and the Montana Jail Standards for Detention Facilities for which it refers, to all inmates who request opportunity to review them [34-1] (cc: all counsel; C/C Missoula) (mk)
- 10/7/96 -- MINUTES: Status hearing VACATED 10/7/96; case management ddl set for 12/2/96 for review of settlement status before Mag Judge Robert M. Holter (mk)
- 10/15/96 -- PROPOSED Consent Decree/Judgment delivered to Mag Judge Robert M. Holter for review (mk)
- 10/24/96 36 CONSENT DECREE, ORDER AND JUDGMENT: by Mag Judge Robert M. Holter adopting Consent Decree and dismissing case (cc: all counsel) (mk) [Entry date 10/29/96]
- 10/30/96 -- PROPOSED lodged stip/joint mtn & order submitted by plaintiffs; TO RMH (lav) [Entry date 10/31/96]
- 11/4/96 37 STIPULATION BY ALL that plaintiffs may file their motion for an award of reasonable attorneys' fees, costs and expenses to and including 11/20/96 (mk) [Entry date 11/06/96]
- 11/4/96 37 MOTION by plaintiff to extend time to file motion per stipulation [37] (mk) [Entry date 11/06/96]
- 11/4/96 37 ORDER by Mag Judge Robert M. Holter granting motion to extend time to file motion per stipulation to 11/20/96 [37] [37-1], granting stipulation [37-1] (cc: all counsel) (mk) [Entry date 11/06/96]
- 11/4/96 38 BILL OF COSTS submitted by plaintiff re [36-2] (mk) [Entry date 11/06/96]
- 11/14/96 39 MOTION by plaintiff, defendant to extend to 12/9/96 time for plaintiffs to file motion for award of reasonable attorneys' fees, costs and expenses (mk) [Entry date 11/20/96]
- 11/18/96 39 ORDER by Mag Judge Robert M. Holter granting motion to extend to 12/9/96 time for plaintiffs to file motion for award of reasonable attorneys' fees, costs and expenses [39-1] (cc: all counsel) (mk) [Entry date 11/20/96]

12/12/96 40 STIPULATION and ORDER by Mag Judge Robert M. Holter : that pltf shall have until 1/13/97 to file their mtn for an award of attys fees, costs & expenses (cc: all counsel) (lav) [Entry date 12/13/96]

1/2/97 41 NOTICE of Change of Address for Stephen L. Pevar & the American Civil Liberties Union to 1888 Sherman St, Suite 380, Denver, CO 80203; phone 303-839-5752 (sent cpy to Debbie in Blgs) (mjj) [Entry date 01/06/97]

4/14/97 -- MINUTES: received letter dated 4-1-97 from Dennis W. Sessions, c/o Lake Co. Sheriff's Office, Polson, MT 59860, listing violations of the consent decree entered in this matter. Copies of this complaint were mailed to all counsel of record. (mk)

4/14/97 -- FILE DELIVERED to C/C Missoula for filing in closed files (mk)

10/30/97 42 MOTION by plaintiff Wayne Brown, plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau for order requiring defendants to appear and show cause why they should not be found in contempt of court for violations of Consent Decree in this case (mk) [Entry date 10/31/97]

10/30/97 42 MEMORANDUM/BRIEF by plaintiff Wayne Brown, plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau in support of motion for order requiring defendants to appear and show cause why they should not be found in contempt of court for violations of Consent Decree in this case [42-1] (mk) [Entry date 10/31/97] [Edit date 10/31/97]

10/31/97 -- MINUTES: regarding [42-1] ; case management ddl set for 11/10/97 for defendants to file response to motion before Mag Judge Robert M. Holter C/R: n/a (mk)

10/31/97 -- REMARK - copy of motion [42] delivered to court for review (mk)

11/4/97 43 ORDER by Mag Judge Robert M. Holter granting motion for order requiring defendants to appear and show cause why should not be found in contempt of court for violations of Consent Decree in this case [42-1] ; status hearing set for 1:30 11/20/97 in MISSOULA; parties are to arrange for inspection tour of Lake County Detention Center for the court and court staff members, counsel for the parties, at 10:30 a.m. on 11/21/97 (cc: all counsel) (mk)

11/19/97 45 REPLY by defendants, Lake County et al, to pltfs' mtn for order to show cause (to RMH) (mjj) [Entry date 12/03/97]

11/19/97 44 RESPONSE to Motion for Order to Show Cause, by defendant Joe Geldrich, defendant Barry Baker, defendant Michael Hutchin, defendant David Stipe, defendant Lake County, Montana (kjh) [Entry date 12/04/97]

11/20/97 45 MINUTES: before Mag Judge Robert M. Holter; Mark S. Connell, atty for pltfs and Robert S. Sheridan, atty for dfts present for status hearing; also present Robert Long, Deputy County Attorney for Lake county; on mtn of atty Sheridan, Robert Long and Lake County Attorney Kim Christopher added as dft cnsl; following discussion, crt ruled that depositions relative to the issue of noncompliance with the Consent Decree are to be completed by 1/15/98; evidentiary hearing to be scheduled approx 1/20/98; crt and counsel will make informal viewing of Lake County Jail on 1/20/97 C/R: Julie Lake (kjh) [Entry date 12/04/97]

12/1/97 46 ORDER by Mag Judge Robert M. Holter: (Status hearing held 11/20/97); Evidentiary hearing re pltfs' mtn to show cause why defts should not be held in contempt for violations of crt's Consent Decree, set for 9:00am on 1/23/98 IN MISSOULA ; exhibits pertaining to hrg shall be filed by 1/20/98 (cc: all counsel) (mjg) [Entry date 12/02/97] [Edit date 12/04/97]

12/4/97 -- FILE DELIVERED to Great Falls from Missoula by certified mail (kjh)

12/5/97 47 ORDER by Mag Judge Robert M. Holter: Evidentiary hrg set for 1/23/98 at 9:00am in Msla will be held instead at Lake Cnty Courthouse in Polson, MT (same date & time) (cc: all counsel) (mjg)

1/15/98 -- REMARK; per information from L/C C. Lewis/RMH, hrg will not go as sched on 1/23/98; crt is awaiting stlmnt documents (lav)

1/23/98 48 ORDER by Mag Judge Robert M. Holter: Issued involved in pltfs' mtn to show cause for contempt have been resolved by agreement between parties; In-court hearing set for 1/23/98 is VACATED (cc: all counsel) (mjg)

1/27/98 49 STIPULATION, JOINT MOTION & ORDER RE CONTEMPT, by Mag Judge Robert M. Holter (cc: all counsel) (mjg)

1/27/98 -- FILE DELIVERED to C/C Msla by cert mail #P413352 (mjg)

2/3/98 50 MOTION by plaintiff Wayne Brown, plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau for award of attorney fees (mjg) [Entry date 02/06/98]

2/3/98 50 MEMORANDUM/BRIEF by plaintiff Wayne Brown, plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau in support of motion for award of attorney fees [50-1] (mjg) [Entry date 02/06/98]

2/6/98 -- FILE DELIVERED to Great Falls from Missoula by certified mail (kjh)

3/4/98 51 MINUTES: that the Plaintiff's motion for award of attorney fees [50-1] is submitted before Magistrate Judge Richard F. Cebull (rew)

10/14/98 52 ORDER by Magistrate Judge Richard F. Cebull finding the motion for award of attorney fees [50-1] moot by the agreement between the parties, Pltf's Motion for Award of Attorney's Fees is dismissed as to the \$19,380.10 claim. If there remains a dispute as to attorneys' fees & expenses incurred after the filing of the motion, Pltfs are advised to file a new motion delineating those fees and expenses. For now, the issue of fees & expenses is considered resolved by this Court. (cc: all counsel) (ljm) [Entry date 10/15/98]

12/15/98 -- FILE DELIVERED to Msla by cert mail for closure (rew)

12/16/98 -- RECEIVED file from GTF-Judge Cebull does not want file-returned to storage (mgs)

2/1/99 53 MOTION by plaintiff Wayne Brown, plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau for order to show cause why the defendants should not be held in contempt, and for order setting discovery (ljm)

2/1/99 -- PROPOSED Order Setting Discovery Schedule submitted by plaintiff Wayne Brown, plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau...to RFC. (ljm)

2/2/99 -- FILE DELIVERED by certified mail to Great Falls for review by Judge Cebull (san)

2/4/99 54 ORDER SETTING DISCOVERY SCHEDULE by Magistrate Judge Richard F. Cebull: parties may engage in reasonable disc for 120 days, to 6/3/99, re whether defts have maintained full compliance w/crt's Consent Decree; parties to file status rpt stating whether issues raised have been resolved & whether further proceedings are necessary, by 7/5/99 (cc: all counsel) (mjg)

4/12/99 55 MOTION by plaintiff Wayne Brown, plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau for summary judgment (ljm) [Entry date 04/13/99]

4/12/99 56 RESPONSE by defendant Joe Geldrich, defendant Barry Baker, defendant Michael Hutchin, defendant David Stipe, defendant Lake County, Montana to motion for summary judgment [55-1] (ljm) [Entry date 04/13/99]

4/12/99 57 AFFIDAVIT of Stephen L. Pevar re [55-1] Motion for Summary Judgment (ljm) [Entry date 04/13/99]

4/21/99 58 REPLY by plaintiff Wayne Brown, plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau to response to motion for summary judgment [55-1] file delivered to: RFC (ljm)

[Entry date 04/26/99]

- 4/27/99 59 MINUTES: that the Pltf's motion for summary judgment [55-1] is submitted, that the Pltf's motion for order to show cause why the defendants should not be held in contempt [53-1] is submitted, that the Pltf's motion for order setting discovery [53-2] is submitted before Magistrate Judge Richard F. Cebull (rew)
- 4/29/99 60 MOTION by defendant Joe Geldrich, defendant Barry Baker, defendant Michael Hutchin, defendant David Stipe, defendant Lake County, Montana to terminate consent decree (ljm) [Entry date 04/30/99]
- 4/30/99 61 ORDER by Magistrate Judge Richard F. Cebull denying motion for summary judgment [55-1], regarding Motion for Contempt, [53-1] Deft not required to respond to Pltf Motion for contempt until further order of this Court. ; status hearing set for 1:30 7/22/99 by phone, to be initiated by pltf. (cc: all counsel) (ljm)
- 4/30/99 62 MOTION by plaintiff Wayne Brown, plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau to have unanswered requests for admission deemed admitted (ljm) [Entry date 05/04/99]
- 4/30/99 62 MEMORANDUM/BRIEF by plaintiff Wayne Brown, plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau in support of motion to have unanswered requests for admission deemed admitted [62-1] (ljm) [Entry date 05/04/99]
- 4/30/99 63 MOTION by plaintiff Wayne Brown, plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau to compel, and for sanctions (ljm) [Entry date 05/04/99]
- 4/30/99 63 MEMORANDUM/BRIEF by plaintiff Wayne Brown, plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau in support of motion to compel [63-1], of motion for sanctions [63-2] (ljm) [Entry date 05/04/99]
- 4/30/99 64 AFFIDAVIT of Stephen L. Pevar re [62-1] Motion to have Unanswered Requests for Admission Deemed Admitted. (ljm) [Entry date 05/04/99]
- 5/4/99 65 RESPONSE by defendant Joe Geldrich, defendant Barry Baker, defendant Michael Hutchin, defendant David Stipe, defendant Lake County, Montana to motion to compel [63-1], to motion for sanctions [63-2], to motion to have unanswered requests for admission deemed admitted [62-1] (ljm) [Entry date 05/05/99]
- 5/6/99 -- REMARK - Vol. 2 begins here (tlh) [Entry date 05/10/99]
- 5/7/99 66 MOTION by plaintiffs to extend discovery deadline (called cns1 for proposed order) (tlh) [Entry date 05/10/99]

[Edit date 05/10/99]

- 5/7/99 67 REPLY by plaintiffs to response to motion to have unanswered requests for admission deemed admitted [62-1] (tlh) [Entry date 05/10/99]
- 5/7/99 68 REPLY by plaintiffs to response to motion to compel [63-1] (tlh) [Entry date 05/10/99]
- 5/7/99 68 MOTION by plaintiffs to serve additional interrogatories (tlh) [Entry date 05/10/99]
- 5/10/99 69 RESPONSE by defendant Joe Geldrich, defendant Barry Baker, defendant Michael Hutchin, defendant David Stipe, defendant Lake County, Montana to motion to serve additional interrogatories [68-1] (ljm) [Entry date 05/11/99]
- 5/12/99 70 OPPOSITION/RESPONSE by plaintiff Wayne Brown, plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau to motion to terminate consent decree [60-1] (ljm) [Entry date 05/13/99]
- 5/17/99 -- 2 orig PROPOSED lodged orders submitted by plaintiff re mtm to extend dscvy ddl #66 and granting mtm to compel #63 - TO RFC (lav)
- 5/17/99 71 REPLY by plaintiff Wayne Brown, plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau to response to motion to serve additional interrogatories [68-1] file delivered to: RFC (rew) [Entry date 05/18/99]
- 5/17/99 72 MOTION by plaintiff Wayne Brown, plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau for Order To Show Cause Why Defts Should Not be Held in Contempt (rew) [Entry date 05/18/99]
- 5/20/99 73 ORDER by Magistrate Judge Richard F. Cebull regarding [62-1], Motion to Have Unanswered Requests for Admission Deemed Admitted, regarding [63-1], Motion to Compel, regarding [63-2], Motion for Sanctions, regarding [68-1], Motion to Serve Additional Interog. ; in-court hearing set for 2:30 6/3/99 (cc: all counsel) (ljm)
- 5/27/99 74 RESPONSE by defendant Joe Geldrich, defendant Barry Baker, defendant Michael Hutchin, defendant David Stipe, defendant Lake County, Montana to motion for Order To Show Cause Why Defts Should Not be Held in Contempt [72-1] (ljm) [Entry date 05/28/99]
- 5/28/99 75 ALTERNATIVE MOTION RE: Pltfs Requests for Admission, by plaintiff Wayne Brown, plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau alternative motion re: Pltf requests for admission (ljm)
- 6/1/99 76 MOTION by plaintiff Wayne Brown, plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau to compel Deft to Reply to

Supplemental Motion for Order to Show Cause (ljm)

- 6/1/99 -- PROPOSED Order Requiring Defts to Reply to Contempt Motions by plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau (ljm)
- 6/1/99 77 MOTION by plaintiff Wayne Brown, plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau to Allow Additional Iterrogatories (ljm)
- 6/1/99 -- PROPOSED Order Granting Motion for Additional Discovery, submitted by plaintiff Wayne Brown, plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau....to RFC. (ljm)
- 6/2/99 78 MINUTES: that the motion to Allow Additional Iterrogatories [77-1] is submitted, that the motion to compel Deft to Reply to Supplemental Motion for Order to Show Cause [76-1] is submitted, that the motion alternative motion re: Pltf requests for admission [75-1] is submitted before Magistrate Judge Richard F. Cebull (rew)
- 6/2/99 -- PROPOSED Order Requiring Defts to Reply to Pltfs' Contempt Motions, submitted by plaintiff Wayne Brown, plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau...to RFC. (ljm) [Entry date 06/03/99]
- 6/3/99 79 MINUTES: regarding [62-1], Motion to have unanswered requests deemed admitted, regarding [63-2] Motion to Compel , regarding [63-1], Motion for Sanctions, regarding [68-1], Motion for Additional Interog. ; In-court hearing held 6/3/99 before Magistrate Judge Richard F. Cebull C/R: Anne Perron, L/C: Sol Neuhart, D/C: Linda Messman. Pltf Cnsl Stephen Pevar and Deft Cnsl Robert Long both present. Court discusses Motion to Compel filed by Pltf and Court hears argument from Deft. Cnsl Long. Court advises parties that an Order will be issued: Deft will have 20 days to respond to requests for admission. Court hears argument from Pltf Cnsl Pevar, Court advises parties that they will meet in the jury room to discuss the requests for admission and production. Court wants parties to try and stipulate to additional interog., if the parties can't stipulate then Pltf to submit brief advising Court of the needed interog and Deft. to file response brf, then Court will rule. Court hears further argument between parties. Court advises Deft Cnsl Long to file reply brief to Motion to Terminate Consent Decree. Court advises parties he'll extend disc. ddl to a date to be deretermined at a later date. (2:38 - 3:15). Court advises parties that they will meet in the (ljm) [Entry date 06/04/99]
- 6/10/99 80 ORDER OF UNITED STATES MAGISTRATE JUDGE, by Magistrate Judge Richard F. Cebull denying motion to have unanswered requests for admission deemed admitted [62-1], denying motion to Allow Additional Iterrogatories [77-1], denying motion to compel [63-1], denying motion for sanctions [63-2], denying motion to serve additional interrogatories

[68-1], granting motion to extend deadline [66-1] (cc: all counsel) (ljm) [Entry date 06/11/99]

6/10/99 80 ORDER by Magistrate Judge Richard F. Cebull finding the motion alternative motion re: Pltf requests for admission [75-1] moot. (cc: all counsel) (ljm) [Entry date 06/11/99]

6/16/99 81 MOTION PURSUANT TO RULE 36(b) FRCP, by defendant Joe Geldrich, defendant Barry Baker, defendant Michael Hutchin, defendant David Stipe, defendant Lake County, Montana for order permitting withdrawal of any admissions deemed to have been made to Pltf's 1st Requests for Admissions and permitting Defts' answers to same be served forthwith (ljm) [Entry date 06/17/99]

6/16/99 81 MEMORANDUM/BRIEF by defendant Joe Geldrich, defendant Barry Baker, defendant Michael Hutchin, defendant David Stipe, defendant Lake County, Montana in support of motion for order permitting withdrawal of any admissions deemed to have been made to Pltf's 1st Requests for Admissions and permitting Defts' answers to same be served forthwith [81-1] (ljm) [Entry date 06/17/99]

6/25/99 82 REPLY by defendant Joe Geldrich, defendant Barry Baker, defendant Michael Hutchin, defendant David Stipe, defendant Lake County, Montana to response to motion to terminate consent decree [60-1] file delivered to: Judge Cebull (ljm) [Entry date 06/28/99]

6/25/99 83 ADDENDUM/SUPPLEMENT by defendant Joe Geldrich, defendant Barry Baker, defendant Michael Hutchin, defendant David Stipe, defendant Lake County, Montana re motion for order permitting withdrawal of any admissions deemed to have been made to Pltf's 1st Requests for Admissions and permitting Defts' answers to same be served forthwith [81-1] (ljm) [Entry date 06/28/99]

6/25/99 -- PROPOSED Order of U.S. Magistrate Judge submitted by defendant Joe Geldrich....to RFC (ljm) [Entry date 06/28/99]

6/28/99 84 ORDER by Magistrate Judge Richard F. Cebull granting motion for order permitting withdrawal of any admissions deemed to have been made to Pltf's 1st Requests for Admissions and permitting Defts' answers to same be served forthwith [81-1] (cc: all counsel) (ljm)

7/12/99 85 MOTION by plaintiff Wayne Brown, plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau to serve additional interrogatories (ljm)

7/13/99 86 RESPONSE by defendant Joe Geldrich, defendant Barry Baker, defendant Michael Hutchin, defendant David Stipe, defendant Lake County, Montana to motion to serve additional interrogatories [85-1] (seal) [Entry date 07/14/99]

7/14/99 87 MINUTES: that the Pltf's motion to serve additional interrogatories [85-1] is submitted before Magistrate Judge Richard F. Cebull (rew)

7/14/99 88 MEMORANDUM AND ORDER: by Magistrate Judge Richard F. Cebull granting motion to serve additional interrogatories [85-1], granting motion to compel Deft to Reply to Supplemental Motion for Order to Show Cause, Defts have 20 days to reply, taking under advisement on the motion for Order To Show Cause Why Defts Should Not be Held in Contempt [72-1], denying motion to terminate consent decree [60-1], taking under advisement on the motion for order to show cause why the defendants should not be held in contempt [53-1] (cc: all counsel) (ljm) [Entry date 07/15/99]

7/16/99 -- FILE DELIVERED to Court for Review on Setting New Disc Sch (rew)

8/6/99 89 RESPONSE by defendant Joe Geldrich, defendant Barry Baker, defendant Michael Hutchin, defendant David Stipe, defendant Lake County, Montana to motion for order to show cause why the defendants should not be held in contempt [53-1] (ljm) [Entry date 08/09/99]

8/6/99 90 RESPONSE by defendant Joe Geldrich, defendant Barry Baker, defendant Michael Hutchin, defendant David Stipe, defendant Lake County, Montana to motion for Order To Show Cause Why Defts Should Not be Held in Contempt [72-1] (ljm) [Entry date 08/09/99]

9/13/99 91 JOINT MOTION by plaintiff Wayne Brown, plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau to extend discovery ddl by 30 days; until 10/29/ and dispositive motion ddl by 30 days; until 11/29/99 (ljm)

9/13/99 -- PROPOSED Order submitted by plaintiff Wayne Brown, plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau....to RFC w/ file. (ljm)

9/15/99 92 ORDER by Magistrate Judge Richard F. Cebull granting motion to extend discovery ddl by 30 days; until 10/29/99 and dispositive motion ddl by 30 days; until 11/29/99 [91-1] (amending order [80-1]) (cc: all counsel) (lav) [Entry date 09/16/99]

9/27/99 93 NOTICE OF INSPECTION by plaintiff Wayne Brown, plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau (ljm)

12/16/99 94 PRIVATE SETTLEMENT AGREEMENT filed by defendant Joe Geldrich, defendant Barry Baker, defendant Michael Hutchin, defendant David Stipe, defendant Lake County, Montana (ljm)

12/16/99 95 ORDER by Magistrate Judge Richard F. Cebull finding the motion for Order To Show Cause Why Defts Should Not be Held in Contempt [72-1] moot., finding the motion for order to show cause why the defendants should not be held in contempt [53-1] moot. Pursuant stlmt agreement (#94), Contempt motions described in paragraph 1 of agreement are

dismissed w/o prej. Orders described in paragraph 2 of agrmt are terminated, Court retains jurisdiction as provided at paragraph 6 of agrmt, plts have 30 days to file request for atty fees and costs. (cc: all counsel) (ljm)

1/13/00 96 AFFIDAVIT of MARK S. CONNELL w/Exhibit A attached re time spent & costs incurred in prosecution of this case (mjg) [Entry date 01/14/00]

1/14/00 -- FILE DELIVERED to RFC re #96 (mjg)

1/14/00 97 MOTION by plaintiff Wayne Brown, plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau for attorney fees (ljm) [Entry date 01/18/00]

1/14/00 98 MEMORANDUM/BRIEF by plaintiff Wayne Brown, plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau in support of motion for attorney fees [97-1] (ljm) [Entry date 01/18/00]

1/14/00 99 APPENDIX TO BRIEF IN SUPPORT of Motion for Atty Fees filed by plaintiff Wayne Brown, plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau re [97-1] (ljm) [Entry date 01/18/00]

1/14/00 100 AFFIDAVIT of STEPHEN L. PEVAR re [97-1] (ljm) [Entry date 01/18/00]

1/24/00 101 RESPONSE by defendant Joe Geldrich, defendant Barry Baker, defendant Michael Hutchin, defendant David Stipe, defendant Lake County, Montana to motion for attorney fees [97-1] (ljm) [Entry date 01/26/00]

2/2/00 102 REPLY by plaintiff Wayne Brown, plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau to response to motion for attorney fees [97-1] file delivered to: RFC (ljm) [Entry date 02/03/00]

2/2/00 103 AFFIDAVIT of STEPHEN L. PEVAR re Motion for Attorney Fees [97-1] (ljm) [Entry date 02/03/00]

2/3/00 104 MINUTES: that the pltf's motion for attorney fees [97-1] is submitted before Magistrate Judge Richard F. Cebull (rew)

2/15/00 105 SECOND AFFIDAVIT of MARK S. CONNELL re [97-1] (ljm) [Entry date 02/16/00]

2/22/00 -- REMARK received ltr. from pltf cnsl Pevar advising that brief in support of motion for atty fees may have been missing page 13 (doc #98). Original doc #98 is not missing page 13. Put letter w/ additional page 13 on left side of file. (ljm)

2/22/00 106 ORDER by Magistrate Judge Richard F. Cebull regarding Motion for Atty Fees, [97-1]: Deft to submit brf addressing equitable reformation of contract and whether or not the conflicting dates create contractual ambiguity, brf filed

by 3/7/00, Pltf to file rply brf by 3/21/00. (cc: all counsel) (ljm) [Entry date 02/23/00]

3/3/00 107 BRIEF FILED by defendant Joe Geldrich, defendant Barry Baker, defendant Michael Hutchin, defendant David Stipe, defendant Lake County, Montana in response to Court's Order, [106-1], regarding Motion for Attorney Fees [97-1] (ljm) [Entry date 03/06/00]

3/20/00 108 BRIEF FILED by plaintiff Wayne Brown, plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau in response to Court's Order, [106-1], regarding Motion for Attorney Fees, [97-1] (ljm) [Entry date 03/21/00]

3/21/00 109 MINUTES: that the pltf's motion for attorney fees [97-1] is submitted before Magistrate Judge Richard F. Cebull (rew)

3/27/00 110 MINUTES: File to Court on Court's Order #106 additional brf on Equitable Reformation of Contract before Magistrate Judge Richard F. Cebull (rew)

4/4/00 111 ORDER by Magistrate Judge Richard F. Cebull granting motion for attorney fees [97-1]: Pltfs' attys are entitled to fees and costs and shall be compensated as follows: Deft shall pay Mr. Connell \$4,546.00 in fees and \$100.02 in costs and Mr. Pevar \$40,184.00 in fees and \$4,078.95 in costs, see vol 75, pg 4534 in judgment book (cc: all counsel) (ljm) [Edit date 04/10/00]

4/4/00 111 ORDER by Magistrate Judge Richard F. Cebull terminating case (cc: all counsel) (ljm) [Edit date 04/10/00]

4/5/00 -- FILE DELIVERED to C/C Msla (volumes 1 & 2), cert mail # Z 235 386 915. (ljm)

4/10/00 -- RECEIVED 2 volumes of file from Great Falls. (111)

4/13/00 -- 1 FILE DELIVERED to Helena (vol 2) for RFC's review of plaintiff's motion to alter or amend, and brief in support via cert mail Z 471 897 297. (111)

4/13/00 112 MOTION by plaintiff Wayne Brown, plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau to alter or amend Order, (doc #111) of 4/4/00 (ljm) [Entry date 04/14/00]

4/13/00 112 MEMORANDUM/BRIEF by plaintiff Wayne Brown, plaintiff Reynaldo Thompson, plaintiff Angela Hawkins, plaintiff Douglas Matt, plaintiff Harry Lozeau in support of motion to alter or amend Order, (doc #111) of 4/4/00 [112-1] (ljm) [Entry date 04/14/00]

4/13/00 113 AFFIDAVIT of STEPHEN L. PEVAR re [112-1] (ljm) [Entry date 04/14/00]

5/5/00 114 MINUTES: that the pltf's motion to alter or amend Order, (doc #111) of 4/4/00 [112-1] is submitted before Magistrate Judge Richard F. Cebull (rew)

5/10/00 115 ORDER by Magistrate Judge Richard F. Cebull granting motion to alter or amend Order, (doc #111) of 4/4/00 [112-1] Pltf's attorneys are entitled to an additional \$2,132.00 in costs associated w/ Mr. Pevar's air travel. (cc: all counsel) (ljm)

5/10/00 -- FILE DELIVERED to C/C Msla for storage via cert mail # Z 235 368 977 (volume 2 only) (ljm)

5/11/00 -- RECEIVED Vol 2 from GF. (mcn)

Case Flags:
TERMED

END OF DOCKET: 9:95cv82

PACER Service Center			
Transaction Receipt			
10/14/2005 12:48:51			
PACER Login:	hs0328	Client Code:	
Description:	docket report	Search Criteria:	9:95cv00082
Billable Pages:	21	Cost:	1.68