

DISC, MTNDDL, REFER

U.S. District Court
District of New Mexico - Version 3.0 (Albuquerque)
CIVIL DOCKET FOR CASE #: 1:05-cv-00881-WJ-WDS

Allison v. Lincoln Cty Bd Comm, et al
Assigned to: District Judge William P. Johnson
Referred to: Magistrate Judge W. Daniel Schneider
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 08/22/2005
Jury Demand: Defendant
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Sharon Allison

*on behalf of herself and the class of
similarly situated persons*

represented by **Andrew C Schwartz**

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V.

Defendant

**Lincoln County Board of
Commissioners**

represented by **Patrick D Allen**
4908 Alameda, NE
Albuquerque, NM 87113-1736
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Fax: 505 268 6694
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LEAD ATTORNEY
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Defendant

Lincoln County Sheriff's Department
TERMINATED: 06/28/2006

represented by **Patrick D Allen**
(See above for address)
TERMINATED: 06/28/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Cornell Companies Inc.

represented by **Patrick D Allen**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Correctional Systems, Inc.

represented by **Patrick D Allen**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Richard Virden
*Lincoln County Sheriff, in his individual
and official capacities*
TERMINATED: 06/28/2006

represented by **Patrick D Allen**
(See above for address)
TERMINATED: 06/28/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Morales*Lincoln County Sheriff Deputy*represented by **Patrick D Allen**

(See above for address)

LEAD ATTORNEY**ATTORNEY TO BE NOTICED****Defendant****Lincoln County Sheriff's Deputies***Does 1 through 50, and Roes 1 through 20,
inclusive**TERMINATED: 06/28/2006***Defendant****Mike Holm****Defendant****Roger Jeffers***individually & in official capacity***Defendant****Lucy Vega***individually & in her official capacity***Defendant****Lincoln County Detention Center***Corrections Officers 1 through 50 and
Roes 1 through 20, inclusive*

Date Filed	#	Docket Text
08/22/2005	1	CLASS ACTION COMPLAINT for damages for violations of civil & constitutional rights & for declaratory & injunctive relief with jury demand (6 Summons(es) issued) (referred to Magistrate Judge W. D. Schneider) (pz) Modified on 08/24/2005 (Entered: 08/24/2005)
08/22/2005		LETTER re: consent to proceed before a U.S. Magistrate Judge (pz) (Entered: 08/24/2005)
08/22/2005	2	MOTION by pltf for attorney Mark E Merin to appear pro hac vice (pz) (Entered: 08/24/2005)
08/22/2005	3	MOTION by pltf for attorney Andrew C Schwartz to appear pro hac vice (pz) (Entered: 08/24/2005)
08/22/2005	4	MOTION by pltf for attorney Jeffrey I Schwarzschild to appear pro hac vice (pz) (Entered: 08/24/2005)
08/24/2005		FILING FEE PAID: on 8/22/05 in the amount of \$250.00, receipt #: 505169. (pz) (Entered: 08/24/2005)

08/25/2005		SUMMONSES issued as to deft Cornell Companies & registered agent for Correctional Systems (td) (Entered: 08/25/2005)
08/30/2005	5	ORDER by Magistrate Judge Robert H. Scott granting pltf's motions for attorney Jeffrey I Schwarzschild [4-1] Andrew C Schwartz [3-1] Mark E Merin to appear pro hac vice [2-1] (cc: all counsel) (vv) (Entered: 08/30/2005)
09/06/2005	6	NOTICE by pltf of refusal to consent to proceed before a U.S. Magistrate Judge (pz) (Entered: 09/07/2005)
09/06/2005	8	RETURN OF SERVICE executed upon Tammy Maddox, Linoln County Clerk for deft Lincoln County Board of Commissioners on 8/29/05 (td) (Entered: 09/08/2005)
09/06/2005	9	RETURN OF SERVICE executed upon Undersheriff David O'Brien for deft Lincoln County Sheriff's Department 8/29/05 (td) (Entered: 09/08/2005)
09/06/2005	10	RETURN OF SERVICE executed upon deft Correctional Systems on 8/26/05 (td) Modified on 11/14/2005 (Entered: 09/08/2005)
09/06/2005	11	RETURN OF SERVICE executed upon Undersheriff David O'Brien for deft Sheriff Richard Virden on 8/29/05 (td) (Entered: 09/08/2005)
09/06/2005	12	RETURN OF SERVICE executed upon deft Morales on 8/29/05 (td) (Entered: 09/08/2005)
09/07/2005	7	MINUTE ORDER: Case reassigned to District Judge William P. Johnson (cc: all counsel) (pz) (Entered: 09/07/2005)
09/27/2005	13	RETURN OF SERVICE executed upon defendant Cornell Companies on 9/9/05 (pz) (Entered: 09/27/2005)
10/19/2005	14	ENTRY OF APPEARANCE for defendants Lincoln Cty Bd Comm, Lincoln County, Cornell Companies, Correctional Systems, Morales by Patrick D Allen * (vv) (Entered: 10/19/2005)
10/19/2005	15	ANSWER by defendants [1-1] * (vv) (Entered: 10/19/2005)
10/20/2005	16	NOTICE of refusal to consent to proceed before US Magistrate Judge by defts (ln) (Entered: 10/21/2005)
10/21/2005	17	INITIAL SCHEDULING ORDER by Magistrate Judge W. D. Schneider Rule 16 scheduling conference set for 12/6/05 at 9:30 am; provisional discovery plan & IPTR due 11/29/05 (cc: all counsel) * (vv) (Entered: 10/21/2005)
11/29/2005	18	CERTIFICATE of service by plaintiff of initial disclosures to counsel on 11/29/05 * (vv) (Entered: 11/29/2005)
11/29/2005	19	PROVISIONAL DISCOVERY PLAN by parties (vv) (Entered: 11/29/2005)
12/07/2005	20	CLERK'S MINUTES: before Magistrate Judge W. D. Schneider Rule 16 scheduling conference held * (vv) (Entered: 12/07/2005)
12/07/2005	21	CERTIFICATE of Service by defts of initial disclosures to counsel on 12/7/05 (pr) (Entered: 12/08/2005)

12/16/2005	22	ORDER by Magistrate Judge W. D. Schneider setting settlement conference for 7/11/06 at 9:00 am (cc: all counsel) * (vv) (Entered: 12/16/2005)
12/22/2005	23	NOTICE of hearing Jury selection/trial set for 7/17/06 at 1:30 pm before Judge Johnson in Roswell (cc: all counsel) * (vv) (Entered: 12/22/2005)
12/22/2005	24	INITIAL PRE-TRIAL REPORT by District Judge William P. Johnson and Magistrate Judge W. D. Schneider; Discovery set for 12/6/06; mtn filing ddl set for 2/6/06; proposed pretrial order due 4/24/06; pretrial conference set for 9:00 am on 6/26/06; jury trial set for 1:30 pm on 7/17/06; Estimated # of Trial Days: 2-6 weeks; Chances of Settlement: unknown at this time (cc: all counsel) (vv) (Entered: 12/23/2005)
12/23/2005	25	MINUTE ORDER: Pretrial conference & Jury trial vacated (cc: all counsel) * (vv) (Entered: 12/23/2005)
01/05/2006	26	CERTIFICATE of service by defendant Lincoln County of 1st interrogatories, request for production to counsel on 1/4/06 * (vv) (Entered: 01/05/2006)
01/06/2006	27	CERTIFICATE of service by plaintiff of request for entry upon land for inspection to counsel on 1/6/06 * (vv) (Entered: 01/06/2006)
01/11/2006	28	CERTIFICATE of service by defendant of ntc of deposition to counsel on 1/10/06 (vv) (Entered: 01/11/2006)
01/11/2006	29	CERTIFICATE OF SERVICE by pltf Sharon Allison of 1st request for production of documents to counsel on 01/11/06* (ln) (Entered: 01/12/2006)
01/11/2006	30	CERTIFICATE OF SERVICE by pltf Sharon Allison of 1st set of interrogatories to counsel on 01/11/06* (ln) (Entered: 01/12/2006)
01/11/2006	31	CERTIFICATE OF SERVICE by pltf Sharon Allison of 1st request for admission to counsel on 01/11/06* (ln) (Entered: 01/12/2006)
02/06/2006	32	CERTIFICATE of service by plaintiff of 1st interrogatories, request for production to counsel on 2/6/06 * (vv) (Entered: 02/06/2006)
02/09/2006	33	UNOPPOSED MOTION by defendant for protective order (vv) (Entered: 02/09/2006)
02/09/2006	34	CERTIFICATE by defts Lincoln Cty Bd of Comm, Lincoln Cty Sheriff's Dept, Richard Virden, Cornell Companies, Inc., Correctional Systems, Inc. & Deputy Morales of Service of notice of non-appearance for Deposition to counsel on 02/09/06 (nc) (Entered: 02/10/2006)
02/13/2006	35	CERTIFICATE of service by defendants of answers to interrogatories, responses to request for admissions & production to counsel on 2/13/06 * (vv) (Entered: 02/13/2006)
02/17/2006	36	PROTECTIVE ORDER by Magistrate Judge W. D. Schneider : granting joint motion for protective order [33-1] (cc: all counsel) (vv) (Entered: 02/17/2006)
02/17/2006	37	NOTICE of hearing Jury selection/trial set for 7/23/07 at 1:30 pm before Judge Johnson in Roswell, NM (cc: all counsel) * (vv) (Entered: 02/21/2006)

02/23/2006	38	AMENDED INITIAL PRE-TRIAL REPORT by District Judge William P. Johnson and Magistrate Judge W. D. Schneider; Discovery set for 12/6/06; mtn filing ddl set for 2/6/07; proposed pretrial order due 4/24/07; pretrial conference set for 9:00 am on 7/9/07; jury trial set for 1:30 pm on 7/23/07; Estimated # of Trial Days: 2-6 weeks; Chances of Settlement: unknown at this time (cc: all counsel) (vv) Modified on 02/23/2006 (Entered: 02/23/2006)
04/12/2006	39	MOTION by plaintiff for leave to file amended complaint * (vv) (Entered: 04/12/2006)
04/26/2006	40	CERTIFICATE of service by defendant of responses to 2nd request for production to counsel on 4/25/06 * (vv) (Entered: 04/26/2006)
05/01/2006	41	RESPONSE by defendant to motion for leave to file amended complaint [39-1] * (vv) (Entered: 05/01/2006)
05/04/2006	42	JOINT MOTION to vacate settlement conference * (vv) (Entered: 05/04/2006)
05/10/2006	43	UNOPPOSED MOTION by plaintiff to exceed page limitation for reply brief * (vv) (Entered: 05/10/2006)
05/12/2006	44	ORDER by Magistrate Judge W. D. Schneider granting pltf's motion to exceed page limitation for reply brief [43-1] (cc: all counsel) (vv) (Entered: 05/12/2006)
05/15/2006	45	REPLY by plaintiff to response to motion for leave to file amended complaint [39-1] * (vv) (Entered: 05/15/2006)
06/01/2006	46	ORDER by Magistrate Judge W. D. Schneider granting joint motion to vacate settlement conference [42-1] (cc: all counsel) (vv) (Entered: 06/01/2006)
06/23/2006	47	UNOPPOSED MOTION by plaintiff to extend time to file class certification mtns and to disclose expert witnesses * (vv) (Entered: 06/26/2006)
06/26/2006	48	ORDER by District Judge William P. Johnson granting pltf's motion for leave to file amended complaint [39-1] (cc: all counsel) * (vv) (Entered: 06/26/2006)
06/28/2006	49	AMENDED COMPLAINT [1-1] by plaintiff; jury demand terminating defendants Lincoln County, Richard Virden, Lincoln County; adding Mike Holm, Roger Jeffers, Lucy Vega, Lincoln Cty Det Cntr (vv) (Entered: 06/29/2006)
08/03/2006	50	ORDER by Magistrate Judge W. D. Schneider granting pltf's motion to extend time to file class certification mtns [47-1] & to disclose expert witnesses [47-2] (cc: all counsel) (vv) (Entered: 08/03/2006)
10/27/2006	51	JOINT MOTION for preliminary approval of class action settlement * (vv) (Entered: 10/27/2006)
10/27/2006	52	CERTIFICATE of service by pltf of joint mtn for preliminary approval of class action settlement [with exhibits A-E] to counsel on 10/27/06 * (vv) (Entered: 10/27/2006)
01/12/2007	53	NOTICE of Hearing on Motion for Preliminary Approval of Class Action Settlement 51 : Motion Hearing set for 1/30/2007 01:30 PM in Albuquerque - 540 Bonito Courtroom before District Judge William P. Johnson. (mg) (Entered: 01/12/2007)

01/30/2007	54	Clerk's Minutes for hearing on Joint Motion for Preliminary Approval of Settlement and Conditional Class Certification held on 1/30/2007 before Judge William P. Johnson. (Court Reporter T. Garrett.) (rg) (Entered: 01/30/2007)
02/09/2007	55	MEMORANDUM in Support of <i>Joint Motion for Preliminary Approval of Class Action Settlement</i> filed by Sharon Allison. (Attachments: # 1 Exhibit 1# 2 Exhibit 2)(Rothstein, Robert) (Entered: 02/09/2007)
05/01/2007	56	ORDER by Judge William P. Johnson granting preliminary approval of Class Action Settlement and conditionally certifying the Settlement Class and setting a Final Approval Hearing for 11/1/2007 09:00 AM in Albuquerque - 540 Bonito Courtroom.(mag) (Entered: 05/01/2007)
06/07/2007	57	MINUTE ORDER vacating July 9, 2007 Pre-Trial Conference and July 23, 2007 Jury Trial in Roswell, New Mexico per Order Granting Preliminary Approval of Class Action Settlement 56 entered 5/1/07. THIS IS A TEXT ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED. (mag) (Entered: 06/07/2007)

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