

CONMAG, MTNDDL, TERMED

**U.S. District Court**  
**District of New Mexico - Version 3.0 (Albuquerque)**  
**CIVIL DOCKET FOR CASE #: 1:96-cv-01257-DJS-RLP**

Moya, et al v. Albuquerque, City of, et al  
Assigned to: Magistrate Judge Don J. Svet  
Referred to: Magistrate Judge Richard L. Puglisi  
Demand: \$0  
Cause: 42:1983 Civil Rights Act

Date Filed: 09/12/1996  
Date Terminated: 04/03/1998  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Sharon Moya**

represented by **Carolyn M. Nichols**  
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**Plaintiff**

**Lisa Martinez**

represented by **Joseph P. Kennedy**

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**Shannon L Kennedy**  
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V.

**Defendant**

**Albuquerque, City of**

represented by **Jeffrey L. Baker**  
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**Defendant**

**Sgt Will Bell**

*City of Albuquerque Corrections Officer*

represented by **Jeffrey L. Baker**  
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 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Defendant**

**Sgt Scott Kerr**

*City of Albuquerque Corrections Officer*

represented by **Jeffrey L. Baker**  
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 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/12/1996	1	COMPLAINT (3 Summonses issued) (referred to Magistrate Richard L. Puglisi ) (ks) (Entered: 09/16/1996)
10/01/1996	2	ANSWER by defendants [1-1] (msm) (Entered: 10/02/1996)
10/01/1996	3	ENTRY OF APPEARANCE for defendants by Jeffrey Baker (ks) (Entered: 10/02/1996)
10/15/1996	4	DEMAND for jury trial by plaintiff (ks) (Entered: 10/17/1996)
10/16/1996	5	INITIAL SCHEDULING ORDER by Magistrate Richard L. Puglisi; that parties meet and confer by 10/29/96; provisional discovery plan and IPTR due by 11/8/96, and Rule 16 scheduling conference set on 11/21/96 at 3:30 pm (cc: all

		counsel) (former employee) (Entered: 10/18/1996)
11/05/1996	6	PROVISIONAL DISCOVERY PLAN by the parties (kd) (Entered: 11/05/1996)
11/21/1996	8	CERTIFICATE of Service by pltf of initial disclosure to counsel on 11/21/96 (former employee) (Entered: 11/26/1996)
11/22/1996	9	CLERK'S MINUTES: before Magistrate Richard L. Puglisi ; Rule 16 scheduling conference was held on 11/21/96 (mk) (Entered: 11/26/1996)
11/26/1996	7	ORDER by Magistrate Richard L. Puglisi setting a settlement conference for 4/7/97 at 9:00 am (cc: all counsel) (former employee) (Entered: 11/26/1996)
11/27/1996	10	INITIAL PRE-TRIAL REPORT by Senior Judge Santiago E. Campos and Magistrate Richard L. Puglisi ; Discovery ddl set for 5/2/97 ; mtn filing ddl set for 6/2/97 ; proposed pretrial order due 7/17/97 ; Estimated # of Trial Days: 3-4; Chances of Settlement: unknown (cc: all counsel) (msm) (Entered: 11/27/1996)
11/27/1996	11	MINUTE ORDER: Jury Trial set at 9:00 am on 9/8/97 on a trailing docket in Santa Fe, NM (cc: all counsel) (msm) (Entered: 11/27/1996)
01/07/1997	12	CERTIFICATE of Service by pltf of 1st set of interrog to counsel on 1/7/97 (former employee) (Entered: 01/07/1997)
01/13/1997	13	ORDER by Senior Judge Santiago E. Campos upon consent of parties this case is transferred to Magistrate Don J. Svet for final disposition (cc: all counsel) (sl) (Entered: 01/14/1997)
01/13/1997	14	CERTIFICATE of service by defendants of 1st set of interrog & request for production of documents to counsel on 1/10/97 (sl) (Entered: 01/14/1997)
01/24/1997	15	CERTIFICATE of Service by pltf of initial disclosures to counsel on 1/23/97 (former employee) (Entered: 01/30/1997)
02/04/1997	16	CERTIFICATE of Service by defts of Answers to pltf's 1st Set of Interrog(s) to counsel on 2/4/97 (rd) (Entered: 02/04/1997)
03/05/1997	17	MINUTE ORDER: by Magistrate Judge Don J. Svet setting jury trial ; Jury trial set for 9/8/97 at 9:00 am in Albuquerque, NM (cc: all counsel) (sl) (Entered: 03/05/1997)
04/02/1997	18	ENTRY OF APPEARANCE for plaintiff Sharon Moya by Carolyn M. Nichols (dmw) (Entered: 04/02/1997)
04/08/1997	19	STIPULATED ORDER by Magistrate Richard L. Puglisi vacating settlement conference set on 4/7/97 (cc: all counsel) (dmw) (Entered: 04/08/1997)
04/09/1997	20	ORDER by Magistrate Richard L. Puglisi resetting settlement conference for 8/4/97 at 1:30 pm in Albuquerque, NM (cc: all counsel) (jrm) (Entered: 04/09/1997)
05/05/1997	21	MOTION by pltf to amend the complaint and join Lisa Martinez (kd) (Entered: 05/06/1997)
05/05/1997	22	MEMORANDUM by pltf in support of mtn to amend the complaint and join Lisa Martinez [21-1] (kd) (Entered: 05/06/1997)

05/05/1997	23	RESPONSE by defts to mtn to amend the complaint and join Lisa Martinez [21-1] (kd) (Entered: 05/06/1997)
05/05/1997	24	REPLY by pltf to response to mtn to amend the complaint and join Lisa Martinez [21-1] (kd) (Entered: 05/06/1997)
05/13/1997	25	ORDER by Magistrate Don J. Svet granting plaintiff's motion to amend the complaint and join Lisa Martinez [21-1] (cc: all counsel) (dmw) (Entered: 05/13/1997)
05/23/1997	26	FIRST AMENDED COMPLAINT [1-1] by plaintiff; adding Lisa Martinez (jrm) (Entered: 05/27/1997)
06/04/1997	27	CERTIFICATE of Service by pltf's of the 1st amended complaint to counsel on 5/23/97 and 6/4/97 (kd) (Entered: 06/05/1997)
06/12/1997	28	ANSWER by defendants w/affirmative defenses to 1st amended complaint [26-1] (jrm) (Entered: 06/12/1997)
07/17/1997	29	MINUTE ORDER: Jury trial reset for 10/6/97 at 9:00 am in Albuquerque, NM before Magistrate Judge Svet (cc: all counsel) (kd) (Entered: 07/17/1997)
07/18/1997	30	JOINT MOTION by the parties for Extension of Pre-trial Order deadlines and to vacate and re-set the Pre-trial Conference (kd) (Entered: 07/18/1997)
07/23/1997	31	ORDER by Magistrate Don J. Svet granting joint motion to extend pretrial deadlines [30-1] Pretrial order ddl 9/3/97; Pretrial conference set on 9/9/97 at 1:30 pm (cc: all counsel) (dmw) (Entered: 07/23/1997)
07/24/1997	32	ORDER by Magistrate Richard L. Puglisi vacating and resetting the settlement conference for 9/8/97 at 9:30 am in Albuquerque, NM (cc: all counsel) (jrm) (Entered: 07/24/1997)
08/04/1997	33	ORDER sua sponte by Magistrate Don J. Svet Pretrial conference reset for 9/17/97 at 8:30 am in Albuquerque, NM (cc: all counsel) (kd) (Entered: 08/04/1997)
08/22/1997	34	MOTION by plaintiffs to withdraw attorney Joseph P Kennedy as attorney of record for pltf's (jrm) (Entered: 08/25/1997)
08/26/1997	35	STIPULATED ORDER by Magistrate Richard L. Puglisi that NM Corrections Dept shall transport Lisa Martinez to Judge Puglisi's courtroom on 9/8/97 at 8:30 am for settlement conference (cc: all counsel) (dmw) (Entered: 08/26/1997)
08/27/1997	36	ORDER by Magistrate Don J. Svet granting plaintiffs' motion to withdraw attorney Joseph P Kennedy [34-1] (cc: all counsel) (dmw) (Entered: 08/27/1997)
09/09/1997		SETTLEMENT CONFERENCE held before Magistrate Judge Puglisi on 9/8/97; case did not settle (kd) (Entered: 09/09/1997)
09/17/1997	37	MINUTE ORDER: Jury trial reset on 10/27/97 at 1:30 pm before Magistrate Don J. Svet (CLERK: mm) (cc: all counsel) (dmw) (Entered: 09/17/1997)
09/17/1997	38	PRE-TRIAL ORDER by Magistrate Don J. Svet (cc: all counsel) (dmw) (Entered: 09/17/1997)

10/20/1997	39	PROPOSED JURY INSTRUCTIONS submitted by defendants (jrm) (Entered: 10/20/1997)
10/20/1997	40	PRAECIPE by City defendants' proposed instructions [39-1] (jrm) (Entered: 10/20/1997)
10/20/1997	41	REQUESTED VOIR DIRE submitted by defendants (jrm) (Entered: 10/20/1997)
10/20/1997	42	WITNESS list submitted by defendants (jrm) (Entered: 10/20/1997)
10/20/1997	43	TRIAL brief submitted by defendants (jrm) (Entered: 10/20/1997)
10/20/1997	44	MOTION by plaintiff in limine and memorandum in suport thereof: Federal Rules of Evidence 403 and 412 (jrm) (Entered: 10/20/1997)
10/20/1997	45	MOTION by plaintiffs in limine and memorandum in support thereof: Federal Rule of Evidence 403 (jrm) (Entered: 10/20/1997)
10/20/1997	46	TRIAL memorandum submitted by plaintiffs (jrm) (Entered: 10/20/1997)
10/20/1997	47	REQUESTED VOIR DIRE submitted by plaintiffs (jrm) (Entered: 10/20/1997)
10/20/1997	48	CONSOLIDATED WITNESS list submitted by pltf's and defts (jrm) (Entered: 10/20/1997)
10/20/1997	49	EXHIBIT list by plaintiffs (jrm) (Entered: 10/20/1997)
10/20/1997	50	JURY INSTRUCTIONS submitted by plaintiffs (numbered w/citations) (jrm) (Entered: 10/20/1997)
10/21/1997	51	VOIR DIRE topics & specific questions submitted by plaintiffs (dmw) (Entered: 10/22/1997)
10/21/1997	52	EXHIBIT list by defendants (jrm) (Entered: 10/22/1997)
10/21/1997	53	(BRIEF) BENCH MEMORANDUM FILED by plaintiffs regarding defts' anticipated motion for judgment as a matter of law pursuant to the prison litigation reform act (jrm) (Entered: 10/22/1997)
10/22/1997	54	STIPULATED ORDER FOR TRANSPORT by Magistrate Don J. Svet as described herein (see Order for specifics) (cc: all counsel) (jrm) (Entered: 10/22/1997)
10/23/1997	55	CONSOLIDATED EXHIBIT list identifying all exhibits the parties have stipulated to be authentic, but to which there are other objections (dmw) (Entered: 10/24/1997)
10/23/1997	56	CONSOLIDATED EXHIBIT list identifying all exhibits that the parties have stipulated are admissible (dmw) (Entered: 10/24/1997)
10/24/1997	57	MOTION & memorandum brief in support by defendant to quash subpoena duces tecum (dmw) (Entered: 10/24/1997)
10/27/1997	58	RESPONSE by defendants to motion in limine: Federal Rule of Evidence 403 & 412 [44-1] (dmw) (Entered: 10/27/1997)

10/27/1997	59	RESPONSE by defendants to motion in limine: Federal Rules of Evidence 403 [45-1] (dmw) (Entered: 10/27/1997)
10/27/1997	60	OBJECTIONS by defendants to use of deposition testimony of Veronica Dominguez (dmw) (Entered: 10/27/1997)
10/27/1997	61	REPLY by defendants to response to motion to quash subpoena duces tecum [57-1] (dmw) (Entered: 10/27/1997)
10/27/1997	62	RESPONSE by plaintiff to motion to quash subpoena duces tecum [57-1] (dmw) (Entered: 10/27/1997)
10/27/1997	63	CLERK'S MINUTES: before Magistrate Don J. Svet; jury impaneled, pre-trial motions heard; C/R: Tina Martinez (dmw) (Entered: 10/29/1997)
10/28/1997	64	CLERK'S MINUTES: before Magistrate Don J. Svet jury trial began C/R: Karen Rodriguez (dmw) (Entered: 10/29/1997)
10/29/1997	65	CLERK'S MINUTES: before Magistrate Don J. Svet; jury trial continued; C/R: Karen Rodriguez (dmw) (Entered: 10/30/1997)
10/30/1997	66	NOTICE by pltf of requested verdict form (kd) (Entered: 10/30/1997)
10/30/1997	67	SUPPLEMENTAL REQUESTED JURY INSTRUCTIONS submitted by pltf (kd) (Entered: 10/30/1997)
10/30/1997	68	CLERK'S MINUTES: before Magistrate Don J. Svet jury trial ended; mistrial C/R: Karen Rodriguez (dmw) (Entered: 10/31/1997)
10/30/1997	69	RECEIPT FOR TRIAL EXHIBITS by defendants (dmw) (Entered: 10/31/1997)
10/30/1997	70	RECEIPT FOR TRIAL EXHIBITS by plaintiffs (dmw) (Entered: 10/31/1997)
11/17/1997	71	MEMORANDUM, OPINION, AND ORDER: by Magistrate Don J. Svet re defendants' oral motion for judgment as a matter of law (cc: all counsel) (dmw) (Entered: 11/17/1997)
11/17/1997	72	JUDGMENT: by Magistrate Don J. Svet dismissing counts I, II & III of the complaint with prejudice (cc: all counsel) (dmw) (Entered: 11/17/1997)
01/05/1998	73	ORDER by Magistrate Robert J. DeGiacomo setting settlement conference on 2/9/98 at 9:00 am (cc: all counsel by cb) (dmw) (Entered: 01/07/1998)
01/13/1998	<a href="#">74</a>	ORDER by Magistrate Don J. Svet Pretrial conference set for 1/20/98 at 8:30 am ; Jury trial set for 2/17/98 at 9:00 am (cc: all counsel electronically) (jrm) (Entered: 01/14/1998)
01/20/1998		PARTIAL TRANSCRIPT OF PROCEEDINGS before Magistrate Don J. Svet held on 10/28/97; (Testimony of Sharon Moya) (re [64-2] ) lodged in separate file folder (former employee) (Entered: 01/20/1998)
01/20/1998		PARTIAL TRANSCRIPT OF PROCEEDINGS before Magistrate Don J. Svet Trial held on 10/28/97; (re [64-2] ) lodged in separate file folder (former employee) (Entered: 01/20/1998)
01/20/1998		PARTIAL TRANSCRIPT OF PROCEEDINGS (Testimony of Liza Martinez)

		before Magistrate Don J. Svet held on 10/27/97; (re [63-1] ) lodged in separate file folder (former employee) (Entered: 01/20/1998)
01/27/1998	75	ORDER by Magistrate Robert J. DeGiacomo that NM Corrections Dept transport pltf Lisa Martinez on 2/9/98 for settlement conference (cc: all counsel) (dmw) (Entered: 01/27/1998)
01/29/1998	78	UNOPPOSED MOTION by pltfs of continuance of trial setting of February 17, 1998 and pre-trial deadlines and memorandum in support thereof (rd) Modified on 02/03/1998 (Entered: 02/03/1998)
01/30/1998	77	STIPULATED ORDER by Magistrate Robert J. DeGiacomo for transport of pltf Sharon Moya from Espanola Detention Center for settlement conference on 2/9/98 at 9:00 am (cc: all counsel) (dmw) (Entered: 01/30/1998)
01/30/1998	<a href="#">76</a>	ORDER by Magistrate Don J. Svet granting pltf's motion to continue trial setting set for 2/17/98 (motion not in system) ; Jury trial re-set for 5/18/98 at 9:00 in Albuquerque, NM (cc: all counsel, electronic mailing) (sl) (Entered: 02/02/1998)
02/06/1998	79	MOTION by plaintiffs for order for certification of memorandun opinion and order for interlocutory appeal (jrm) (Entered: 02/09/1998)
02/06/1998	80	MEMORANDUM by plaintiffs in support of motion for order for certification of memorandun opinion and order for interlocutory appeal [79-1] (jrm) (Entered: 02/09/1998)
02/06/1998	81	RESPONSE by defendants to motion for order for certification of memorandun opinion and order for interlocutory appeal [79-1] (jrm) (Entered: 02/09/1998)
02/06/1998	82	REPLY by plaintiffs to response to motion for order for certification of memorandun opinion and order for interlocutory appeal [79-1] (jrm) (Entered: 02/09/1998)
02/09/1998		SETTLEMENT CONFERENCE held before Magistrate Robert J. DeGiacomo; case settled (dmw) (Entered: 02/11/1998)
02/10/1998	83	NOTICE to counsel from Magistrate Robert J. DeGiacomo that closing documents must be filed by 2/23/98 (dmw) (Entered: 02/11/1998)
04/03/1998	84	ORDER by Magistrate Don J. Svet granting defts' motion to dismiss complaint with prejudice (motion not in system) dismissing case (cc: all counsel) (sl) (Entered: 04/03/1998)

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