

CLOSED

**U.S. District Court
District of New Mexico – Version 4.2 (Las Cruces)
CIVIL DOCKET FOR CASE #: 2:07-cv-00328-MCA-WDS**

Torres et al v. Valencia County Board of County Commissioners et al
Assigned to: District Judge M. Christina Armijo
Referred to: Magistrate Judge W. Daniel Schneider
Cause: 42:1983 Civil Rights Act
Date Filed: 04/03/2007
Date Terminated: 07/13/2009
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Joe Torres

represented by **Frank Apodaca**
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Plaintiff

Eufrasio Armijo
*on their own behalf and on behalf of a
class of similarly situated persons*

represented by **Frank Apodaca**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark H Donatelli
(See above for address)
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Michael R Griego
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Robert R Rothstein
(See above for address)
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ATTORNEY TO BE NOTICED

John C. Bienvenu
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

**Valencia County Board of County
Commissioners**

represented by **P. Scott Eaton**
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Defendant

Cornell Companies, Inc.

represented by **Patrick D Allen**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Michael Oliver
in his individual and official capacities

represented by **P. Scott Eaton**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Lawrence Barreras
TERMINATED: 07/03/2007

Defendant

David Griego

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

Date Filed	#	Docket Text
04/03/2007	<u>1</u>	COMPLAINT <i>Class Action Complaint for Damages for Violations of Civil and Constitutional Rights and for Declaratory and Injunctive Relief</i> against all defendants (Filing fee \$ 350.), filed by Joe Torres, eufrasio armijo.(Bienvenu, John) (Entered: 04/03/2007)
04/03/2007		Judge Leslie C. Smith and W. Daniel Schneider assigned. (nm) (Entered: 04/04/2007)
04/03/2007	<u>2</u>	Letter re: Consent to Proceed before a US Magistrate Judge (nm) (Entered: 04/04/2007)
04/04/2007	<u>3</u>	Filing fee: \$ 350.00, receipt number 505941 (pz) (Entered: 04/04/2007)
04/05/2007		Summons Issued as to Valencia County Board of County Commissioners, Cornell Companies, Inc., Michael Oliver & Lawrence Barreras. (nm) (Entered: 04/05/2007)
04/12/2007	<u>4</u>	NOTICE by Joe Torres, Eufrasio Armijo <i>Consent to Proceed Before a U.S. Magistrate Judge</i> (Bienvenu, John) (Entered: 04/12/2007)
04/16/2007	<u>5</u>	SUMMONS Returned Executed by Joe Torres, Eufrasio Armijo. Valencia County Board of County Commissioners served on 4/13/2007, answer due 5/3/2007. (Bienvenu, John) (Entered: 04/16/2007)
05/03/2007	<u>6</u>	NOTICE by Valencia County Board of County Commissioners <i>REFUSAL TO CONSENT TO PROCEED BEFORE A U.S. MAGISTRATE JUDGE</i> (Eaton, P.) (Entered: 05/03/2007)
05/03/2007	<u>7</u>	<i>VALENCIA COUNTY BOARD OF COUNTY COMMISSIONERS ANSWER</i> to Complaint by Valencia County Board of County Commissioners. Related document: <u>1</u> Complaint filed by Eufrasio Armijo, Joe Torres.(Eaton, P.) (Entered: 05/03/2007)
05/10/2007	<u>8</u>	NOTICE of Appearance by Patrick D Allen on behalf of Cornell Companies, Inc. (Allen, Patrick) (Entered: 05/10/2007)
05/10/2007	<u>9</u>	<i>Defendant Cornell Companies, Inc.'s ANSWER</i> to Complaint with Jury Demand for Damages for Violations of Civil and Constitutional Rights and For Declaratory and Injunctive Relief by Cornell Companies, Inc.. Related document: <u>1</u> Complaint filed by Eufrasio Armijo, Joe Torres.(Allen, Patrick) (Entered: 05/10/2007)
05/10/2007	<u>10</u>	NOTICE by Cornell Companies, Inc. of <i>Consent to Proceed Before a U.S. Magistrate Judge</i> (Allen, Patrick) (Entered: 05/10/2007)
05/11/2007	<u>11</u>	MINUTE ORDER REASSIGNING CASE by Matthew J. Dykman, Clerk Case reassigned to Judge Judith C. Herrera for all further proceedings; Judge Leslie C. Smith no longer assigned to case (ac) (Entered: 05/11/2007)
05/11/2007	<u>12</u>	MINUTE ORDER reassigning case from U.S. District Judge Judith C. Herrera to U.S. District Judge M. Christina Armijo by Clerk of Court (jm) (Entered: 05/11/2007)
05/14/2007	<u>13</u>	SUMMONS Returned Executed by Joe Torres, Eufrasio Armijo. Cornell Companies, Inc. served on 4/26/2007, answer due 5/16/2007. (Bienvenu, John) (Entered: 05/14/2007)
05/14/2007	<u>14</u>	WAIVER OF SERVICE Returned Executed by Joe Torres, Eufrasio Armijo. Michael Oliver waiver sent on 5/7/2007, answer due 7/6/2007. (Bienvenu, John) (Entered: 05/14/2007)
05/29/2007	<u>15</u>	ANSWER to Complaint by Michael Oliver. Related document: <u>1</u> Complaint filed by Eufrasio Armijo, Joe Torres.(Eaton, P.) (Entered: 05/29/2007)
06/06/2007	<u>16</u>	ORDER by Judge W. Daniel Schneider Scheduling Conference set for 7/9/2007 01:30 PM in Albuquerque – 720 Judge W. Daniel Schneider Chambers before Magistrate Judge W. Daniel Schneider. (mm) (Entered: 06/06/2007)
06/15/2007	<u>17</u>	Unopposed MOTION to Amend/Correct <i>File First Amended Complaint</i> by Joe Torres, Eufrasio Armijo. (Attachments: # <u>1</u> Exhibit A)(Bienvenu, John) (Entered: 06/15/2007)

		06/15/2007)
06/18/2007	<u>18</u>	NOTICE OF DEFICIENCY re <u>17</u> Unopposed MOTION to Amend/Correct <i>File First Amended Complaint</i> (ac) (Entered: 06/18/2007)
06/29/2007	<u>19</u>	CERTIFICATE OF SERVICE by Joe Torres <i>for Plaintiffs' Initial Disclosures</i> (Rothstein, Robert) (Entered: 06/29/2007)
06/29/2007	<u>22</u>	ORDER by Judge M. Christina Armijo granting <u>17</u> Motion to Amend/Correct (jes) (Entered: 07/03/2007)
07/02/2007	<u>20</u>	Joint Status Report <i>and Provisional Discovery Plan</i> by Joe Torres (Rothstein, Robert) (Entered: 07/02/2007)
07/02/2007	<u>21</u>	CERTIFICATE OF SERVICE by Valencia County Board of County Commissioners <i>For Defendants Valencia County Board of County Commissioners and Michael Oliver's Initial Rule 26 Disclosures</i> (Eaton, P.) (Entered: 07/02/2007)
07/03/2007	<u>23</u>	AMENDED COMPLAINT against Valencia County Board of County Commissioners, Cornell Companies, Inc., Michael Oliver. adding David Griego. terminating Lawrence Barreras., filed by Joe Torres, Eufrasio Armijo.(Bienvenu, John) (Entered: 07/03/2007)
07/03/2007		Summons Issued as to David Griego. (nm) (Entered: 07/03/2007)
07/09/2007	<u>24</u>	NOTICE of Appearance by Patrick D Allen on behalf of David Griego (Allen, Patrick) (Entered: 07/09/2007)
07/09/2007	<u>25</u>	ANSWER to Amended Complaint by Cornell Companies, Inc., David Griego.(Allen, Patrick) (Entered: 07/09/2007)
07/09/2007		Clerk's Minutes A Rule 16 Scheduling Conference was held before Judge W. Daniel Schneider. THIS IS A TEXT ENTRY ONLY. THERE ARE NO DOCUMENTS ATTACHED. (mm) (Entered: 07/09/2007)
07/10/2007	<u>26</u>	NOTICE OF DEFICIENCY re <u>24</u> Notice of Appearance (ac) (Entered: 07/10/2007)
07/10/2007	<u>27</u>	NOTICE OF DEFICIENCY re <u>25</u> Answer to Amended Complaint (ac) (Entered: 07/10/2007)
07/12/2007	<u>28</u>	NOTICE by Cornell Companies, Inc., David Griego <i>Certificate of Service as to Initial Disclosures of Defendants Cornell and Griego</i> (Allen, Patrick) (Entered: 07/12/2007)
07/13/2007	<u>29</u>	NOTICE OF DEFICIENCY re <u>28</u> Notice (Other) (ac) (Entered: 07/13/2007)
07/16/2007	<u>30</u>	CERTIFICATE OF SERVICE by Cornell Companies, Inc., David Griego <i>of Initial Disclosures</i> (Allen, Patrick) (Entered: 07/16/2007)
07/16/2007	<u>31</u>	Joint MOTION for Order of Confidentiality by Joe Torres, Eufrasio Armijo. (Attachments: # <u>1</u>)(Bienvenu, John) (Entered: 07/16/2007)
07/17/2007	<u>32</u>	NOTICE OF DEFICIENCY re <u>31</u> Joint MOTION for Order of Confidentiality (ac) (Entered: 07/17/2007)
07/19/2007	<u>33</u>	SCHEDULING ORDER: by Judge W. Daniel Schneider Discovery due by 7/3/2007. Motions due by 8/21/2008. Proposed Pretrial Order due by 11/6/2008. (mm) (Entered: 07/19/2007)
07/19/2007	<u>34</u>	ORDER ADOPTING JOINT STATUS REPORT by Judge W. Daniel Schneider (mm) (Entered: 07/19/2007)
07/23/2007	<u>35</u>	STIPULATED CONFIDENTIALITY ORDER by District Judge M. Christina Armijo (jes) (Entered: 07/23/2007)
08/06/2007	<u>36</u>	<i>Defendant Michael Oliver's</i> ANSWER to Amended Complaint by Michael Oliver.(Eaton, P.) (Entered: 08/06/2007)

08/06/2007	<u>37</u>	Valencia County Board of County Commissioners' ANSWER to Amended Complaint by Valencia County Board of County Commissioners.(Eaton, P.) (Entered: 08/06/2007)
08/07/2007	<u>38</u>	First Amended ANSWER to Amended Complaint by Valencia County Board of County Commissioners.(Eaton, P.) (Entered: 08/07/2007)
08/07/2007	<u>39</u>	First Amended ANSWER to Amended Complaint by Michael Oliver.(Eaton, P.) (Entered: 08/07/2007)
08/10/2007	<u>40</u>	CERTIFICATE OF SERVICE by Joe Torres, Eufrazio Armijo for Plaintiff's Interrogatories and Request for Production to Defendant Valencia County Board of Commissioners (Bienvenu, John) (Entered: 08/10/2007)
08/10/2007	<u>41</u>	CERTIFICATE OF SERVICE by Joe Torres, Eufrazio Armijo for Plaintiff's Interrogatories and Request for Production to Defendant Cornell Companies, Inc. (Bienvenu, John) (Entered: 08/10/2007)
09/04/2007	<u>42</u>	WAIVER OF SERVICE Returned Executed by Joe Torres, Eufrazio Armijo. David Griego waiver sent on 7/16/2007, answer due 9/14/2007. (Bienvenu, John) (Entered: 09/04/2007)
09/17/2007	<u>43</u>	CERTIFICATE OF SERVICE by Valencia County Board of County Commissioners First Set of Interrogatories and Request for Production of Documents to Plaintiffs Joe Torres and Eufrazio Armijo (Eaton, P.) (Entered: 09/17/2007)
09/20/2007	<u>44</u>	CERTIFICATE OF SERVICE by Cornell Companies, Inc. First Interrogatories and Requests for Production to Plaintiff Eufrazio Armijo (Allen, Patrick) (Entered: 09/20/2007)
09/21/2007	<u>45</u>	NOTICE OF DEFICIENCY re <u>44</u> Certificate of Service (ac) (Entered: 09/21/2007)
09/26/2007	<u>46</u>	CERTIFICATE OF SERVICE by Valencia County Board of County Commissioners Answers to Plaintiff's First Interrogatories and First Request for Production (Eaton, P.) (Entered: 09/26/2007)
10/12/2007	<u>47</u>	CERTIFICATE OF SERVICE by Cornell Companies, Inc. Objections and Responses to Plaintiff Joe Torres' First Set of Interrogatories and Requests for Production (Allen, Patrick) (Entered: 10/12/2007)
10/15/2007	<u>48</u>	MINUTE ORDER Scheduling Jury Selection/Trial by District Judge M. Christina Armijo; Proposed Pretrial Order due by 2/10/2009. Call of the Calendar set for 3/5/2009 09:00 AM in Albuquerque – 480 Chama Courtroom before District Judge M. Christina Armijo. Jury Selection set for 3/9/2009 09:00 AM in Albuquerque – 480 Chama Courtroom before District Judge M. Christina Armijo. Jury Trial set for 3/9/2009 09:00 AM in Albuquerque – 480 Chama Courtroom before District Judge M. Christina Armijo. Pretrial Conference set for 2/3/2009 09:00 AM in Albuquerque – 480 Chama Courtroom before District Judge M. Christina Armijo. (Attachments: # <u>1</u> Trial Prep. Instructions)(al) (Entered: 10/15/2007)
11/13/2007	<u>49</u>	CERTIFICATE OF SERVICE by Eufrazio Armijo (Rothstein, Robert) (Entered: 11/13/2007)
11/13/2007	<u>50</u>	CERTIFICATE OF SERVICE by Joe Torres (Rothstein, Robert) (Entered: 11/13/2007)
01/07/2008	<u>51</u>	Unopposed MOTION for Extension of Time to Complete Discovery <i>Relating to Class Certification</i> by Joe Torres, Eufrazio Armijo. (Bienvenu, John) (Entered: 01/07/2008)
01/08/2008	<u>52</u>	ORDER by Judge W. Daniel Schneider granting <u>51</u> Motion for Extension of Time to Complete Discovery (mm) (Entered: 01/08/2008)
02/26/2008	<u>53</u>	ORDER by Judge W. Daniel Schneider Telephonic Status Conference set for 3/3/2008 10:30 AM in Albuquerque – 720 Judge W. Daniel Schneider Chambers before Magistrate Judge W. Daniel Schneider. (mm) (Entered: 02/26/2008)

03/03/2008	<u>54</u>	Clerk's Minutes for proceedings held before Judge W. Daniel Schneider : Status Conference was held on 3/3/2008. The parties informed the Court that a private mediation is set for 6/23/2008. The parties have also asked for an increase in discovery. The new discovery cutoff deadline is 9/3/2008. Dispositive motions and class certification are due to the Court by 10/3/2008. THIS IS A TEXT ENTRY ONLY. NO DOCUMENTS ATTACHED. (mm) (Entered: 03/03/2008)
03/03/2008		Set/Reset Deadlines: Discovery due by 9/3/2008. Motions due by 10/3/2008. (mm) (Entered: 03/03/2008)
03/20/2008	<u>55</u>	CERTIFICATE OF SERVICE by Eufrasio Armijo for <i>First Requests for Admission to Defendant Cornell Companies, Inc.</i> (Rothstein, Robert) (Entered: 03/20/2008)
03/20/2008	<u>56</u>	CERTIFICATE OF SERVICE by Joe Torres for <i>First Requests for Admission to Defendant Valencia County Board of Commissioners</i> (Rothstein, Robert) (Entered: 03/20/2008)
04/23/2008	<u>57</u>	CERTIFICATE OF SERVICE by Cornell Companies, Inc. <i>Objections and Responses to Plaintiff Eufrasio Armijo's First Requests for Admission</i> (Allen, Patrick) (Entered: 04/23/2008)
05/08/2008	<u>58</u>	CERTIFICATE OF SERVICE by Valencia County Board of County Commissioners <i>Responses to Plaintiff's Request for Admissions</i> (Eaton, P.) (Entered: 05/08/2008)
05/09/2008	<u>59</u>	CERTIFICATE OF SERVICE by Joe Torres, Eufrasio Armijo for <i>Second Requests for Admission to Defendant Valencia County Board of Commissioners</i> (Bienvenu, John) (Entered: 05/09/2008)
05/16/2008	<u>60</u>	CERTIFICATE OF SERVICE by Valencia County Board of County Commissioners <i>Answers to Plaintiff's Second Requests for Admissions</i> (Eaton, P.) (Entered: 05/16/2008)
12/09/2008	61	Clerk's Minutes for proceedings held before Magistrate Judge W. Daniel Schneider: Telephone Conference held with all parties on 12/5/2008 to discuss the status of the settlement agreement in this matter. The parties believe they have worked out nearly all the details of the agreement and can submit a written agreement by December 19, 2008. THIS IS A TEXT ENTRY ONLY. THERE ARE NO DOCUMENTS ATTACHED. (sco) (Entered: 12/09/2008)
12/19/2008	<u>62</u>	Unopposed MOTION to Approve Settlement <i>Preliminarily of Class Action Settlement Agreement</i> by Joe Torres, Eufrasio Armijo. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Bienvenu, John) (Entered: 12/19/2008)
12/19/2008	<u>63</u>	AFFIDAVIT re <u>62</u> Unopposed MOTION to Approve Settlement <i>Preliminarily of Class Action Settlement Agreement</i> by John C. Bienvenu by Joe Torres, Eufrasio Armijo (Bienvenu, John) (Entered: 12/19/2008)
01/07/2009	<u>64</u>	ORDER by District Judge M. Christina Armijo vacating pretrial conference set for 2/3/09, call of calendar set for 3/5/09, and jury selection/trial set for 3/9/09, and requesting additional information re: <u>62</u> Unopposed MOTION to Approve Settlement <i>Preliminarily of Class Action Settlement Agreement</i> filed by Eufrasio Armijo, Joe Torres; Exhibits to settlement agreement due by 1/15/09. (al) (Entered: 01/07/2009)
01/07/2009	<u>65</u>	NOTICE by Joe Torres, Eufrasio Armijo re <u>64</u> Terminate Hearings, Order, of <i>Filing</i> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Bienvenu, John) (Entered: 01/07/2009)
02/20/2009	<u>66</u>	ORDER by District Judge M. Christina Armijo granting preliminary approval and setting fairness hearing re: <u>62</u> Unopposed MOTION to Approve Settlement <i>Preliminarily of Class Action Settlement Agreement</i> filed by Eufrasio Armijo, Joe Torres. Fairness Hearing set for 7/13/2009 09:00 AM in Albuquerque – 480 Chama Courtroom before District Judge M. Christina Armijo. (al) (Entered: 02/20/2009)

06/22/2009	<u>67</u>	Unopposed MOTION to Approve Settlement of <i>Class Action – Final</i> by Joe Torres, Eufrasio Armijo. (Bienvenu, John) (Entered: 06/22/2009)
06/22/2009	<u>68</u>	Unopposed MOTION for Attorney Fees , <i>Costs and Incentive Payments</i> by Joe Torres, Eufrasio Armijo. (Bienvenu, John) (Entered: 06/22/2009)
06/22/2009	<u>69</u>	AFFIDAVIT of John C. Bienvenu re <u>67</u> Unopposed MOTION to Approve Settlement of <i>Class Action – Final</i> by Joe Torres, Eufrasio Armijo (Bienvenu, John) Modified docket text on 6/23/2009 (ln). (Entered: 06/22/2009)
06/22/2009	<u>70</u>	AFFIDAVIT of Mark H. Donatelli re <u>67</u> Unopposed MOTION to Approve Settlement of <i>Class Action – Final</i> by Joe Torres, Eufrasio Armijo (Bienvenu, John) Modified docket text on 6/23/2009 (ln). (Entered: 06/22/2009)
06/22/2009	<u>71</u>	AFFIDAVIT of Robert R. Rothstein re <u>67</u> Unopposed MOTION to Approve Settlement of <i>Class Action – Final</i> by Joe Torres, Eufrasio Armijo (Bienvenu, John) Modified docket text on 6/23/2009 (ln). (Entered: 06/22/2009)
06/22/2009	<u>72</u>	AFFIDAVIT of Ryanne Cozzi re <u>67</u> Unopposed MOTION to Approve Settlement of <i>Class Action – Final</i> by Joe Torres, Eufrasio Armijo (Bienvenu, John) Modified docket text on 6/23/2009 (ln). (Entered: 06/22/2009)
06/22/2009	<u>73</u>	AFFIDAVIT of Eufrasio Armijo re <u>67</u> Unopposed MOTION to Approve Settlement of <i>Class Action – Final</i> by Joe Torres, Eufrasio Armijo (Bienvenu, John) Modified docket text on 6/23/2009 (ln). (Entered: 06/22/2009)
07/13/2009	<u>74</u>	FINAL JUDGMENT OF DISMISSAL AND ORDER Granting Final Approval of Settlement Agreement by District Judge M. Christina Armijo granting <u>67</u> Motion to Approve Settlement Agreement (ln) (Entered: 07/13/2009)
07/13/2009	<u>75</u>	Clerk's Minutes for proceedings held before District Judge M. Christina Armijo: Fairness Hearing held on 7/13/2009. (Court Reporter J. Goehl) (jc) (Entered: 08/12/2009)
10/09/2009	<u>76</u>	Letter re settlement check by Jeremy Baldonado (ln) (Entered: 10/15/2009)
11/18/2010	<u>77</u>	Joint MOTION for Disbursement of Funds of <i>Settlement Proceeds</i> by Eufrasio Armijo. (Rothstein, Robert) (Entered: 11/18/2010)
11/22/2010	<u>78</u>	ORDER by District Judge M. Christina Armijo Granting <u>77</u> <i>Joint Motion for Approval of Final Distribution of Settlement Proceeds</i> (jab) (Entered: 11/22/2010)