

TERMINATED

**U.S. District Court  
District of Oregon (Portland (3))  
CIVIL DOCKET FOR CASE #: 3:07-cv-01678-KI**

Rollins v. Clatsop County et al  
Assigned to: Judge Garr M. King  
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 11/08/2007  
Date Terminated: 05/05/2009  
Jury Demand: Both  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Darrell Rollins**  
*both individually and on behalf of a class  
of others similarly situated*  
*TERMINATED: 10/15/2008*

represented by **Leonard Randolph Berman**  
Law Office of Leonard R. Berman  
4711 SW Huber Street  
Suite E-3  
Portland, OR 97219  
(503) 473-8787  
Fax: (503) 473-8787  
Email: [easyrabbi@yahoo.com](mailto:easyrabbi@yahoo.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Debbie Davis**

represented by **Leonard Randolph Berman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Tyler King**  
*TERMINATED: 10/15/2008*

represented by **Leonard Randolph Berman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Noel Leroux**  
*TERMINATED: 11/18/2008*

represented by **Leonard Randolph Berman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**David Menken**  
*TERMINATED: 10/15/2008*

represented by **Leonard Randolph Berman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Stephen Schwanbeck**

represented by **Leonard Randolph Berman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Brandi Stephens**

represented by **Leonard Randolph Berman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Clatsop County**

represented by **Steven A. Kraemer**  
Hart Wagner, LLP  
1000 SW Broadway  
Suite 2000  
Portland, OR 97205  
(503) 222-4499  
Fax: (503) 222-2301  
Email: [sak@hartwagner.com](mailto:sak@hartwagner.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Travis J. Mayor**  
Law Offices of Michael L. Rosenbaum  
1826 NE Broadway  
Portland, OR 97232  
(503) 288-8000  
Fax: (503) 288-8046  
Email: [travis@mayorlaw.com](mailto:travis@mayorlaw.com)  
**TERMINATED: 09/30/2008**

**Defendant**

**Tom Bergin**

*individually and in his official capacity as Sheriff*

represented by **Steven A. Kraemer**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Travis J. Mayor**  
(See above for address)  
**TERMINATED: 09/30/2008**

**Counter Claimant**

**Clatsop County**

represented by **Steven A. Kraemer**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Travis J. Mayor**  
(See above for address)  
**TERMINATED: 09/30/2008**

**Counter Claimant**

**Tom Bergin**

*individually and in his official capacity as Sheriff*

represented by **Steven A. Kraemer**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Travis J. Mayor**  
(See above for address)  
**TERMINATED: 09/30/2008**

V.

**Counter Defendant**

**Darrell Rollins**

*both individually and on behalf of a class of others similarly situated*  
**TERMINATED: 10/15/2008**

represented by **Leonard Randolph Berman**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
11/08/2007	<u>1</u>	Complaint. Jury Trial Requested. Filing Fee in amount of \$350 collected. Receipt No. 18356 issued..Filed by Darrell Rollins against Clatsop County, Tom Bergin. (ntm) (Entered: 11/09/2007)
11/08/2007	<u>2</u>	Discovery and Pretrial Scheduling Order and Notice of Case Assignment to the Honorable Michael W. Mosman. Discovery is to be completed by 3/7/2008. Joint Alternate Dispute Resolution Report is due by 4/7/2008. Pretrial Order is due by 4/7/2008. Ordered by Judge Michael W. Mosman. (ntm) (Entered: 11/09/2007)
12/14/2007	<u>3</u>	Notice of Case Reassignment: This case has been reassigned from Judge Michael W. Mosman to Judge Garr M. King. (eo) (Entered: 12/14/2007)
01/24/2008	<u>4</u>	Waiver of Service of Summons Returned Executed by Clatsop County waiver sent on 1/23/2008; Tom Bergin waiver sent on 1/23/2008. Filed by all defendants. (Kraemer, Steven) (Entered: 01/24/2008)
03/07/2008	<u>5</u>	Unopposed Motion for Extension of Discovery &PTO Deadlines. Filed by all defendants. (Kraemer, Steven) (Entered: 03/07/2008)
03/07/2008	<u>6</u>	Affidavit of Travis J. Mayor in Support of Motion. Filed by all defendants. (Related document(s): Motion for Extension of Discovery &PTO Deadlines <u>5</u> .) (Kraemer, Steven) (Entered: 03/07/2008)
03/10/2008	<u>7</u>	<b>ORDER</b> – Defendants' Motion for Extension of Discovery &PTO Deadlines <u>5</u> is GRANTED as follows: Discovery is to be completed by 9/4/2008. Joint Alternate Dispute Resolution Report is due by 10/6/2008. Pretrial Order is due by 10/6/2008. Setting a Telephone Rule 16 Conference for 9/3/2008 at 09:15AM. The Court will initiate the call to the following parties: Leonard Randolph Berman (503) 473–8787 and Steven A. Kraemer (503) 222–4499. Ordered by Judge Garr M. King. (mja) (Entered: 03/10/2008)
03/20/2008	<u>8</u>	Answer to Complaint with Jury Demand. Filed by Clatsop County, Tom Bergin. (Kraemer, Steven) (Entered: 03/20/2008)
07/24/2008	<u>9</u>	Unopposed Motion for Extension of Discovery &PTO Deadlines. Filed by all plaintiffs. (Berman, Leonard) (Entered: 07/24/2008)
07/24/2008	<u>10</u>	Declaration of Leonard Berman. Filed by all plaintiffs. (Related document(s): Motion for Extension of Discovery &PTO Deadlines <u>9</u> .) (Berman, Leonard) (Entered: 07/24/2008)
07/25/2008	<u>11</u>	<b>ORDER</b> – Granting Plaintiff's Unopposed Motion for Extension of Discovery &PTO Deadlines <u>9</u> as follows: Discovery is to be completed by 12/1/2008. Joint Alternate Dispute Resolution Report is due by 1/5/2009. Pretrial Order is due by 1/5/2009. Resetting the Telephone Rule 16 Conference from 9/3/2008 to 11/18/2008 at 09:45AM. The Court will initiate the call to the following parties: Leonard Randolph Berman (503) 473–8787 and Steven A. Kraemer (503) 222–4499. Ordered by Judge Garr M. King. (mja) (Entered: 07/25/2008)
09/05/2008	<u>12</u>	Motion for Leave to File Amended Complaint/Petition. Filed by all plaintiffs. (Berman, Leonard) (Entered: 09/05/2008)
09/05/2008	<u>13</u>	Declaration of Leonard Berman. Filed by all plaintiffs. (Related document(s): Motion for Leave to File Amended Complaint/Petition <u>12</u> .) (Attachments: # <u>1</u> EXHIBIT A) (Berman, Leonard) Modified text of attachment on 9/10/2008 (Hunt, Patricia). (Entered: 09/05/2008)
09/16/2008	<u>14</u>	Response to Motion for Leave to File Amended Complaint/Petition <u>12</u> . Filed by all defendants. (Kraemer, Steven) (Entered: 09/16/2008)
09/18/2008	<u>15</u>	<b>ORDER</b> – Granting Plaintiff's Motion for Leave to File Amended Complaint <u>12</u> . Amended Complaint is due 9/26/2008. Ordered by Judge Garr M. King. (mja) (Entered: 09/18/2008)

09/18/2008	<u>16</u>	Amended Complaint.Filed by Darrell Rollins against all defendants. (Berman, Leonard) Modified text of against parties on 9/19/2008 (Hunt, Patricia). (Entered: 09/18/2008)
09/30/2008	<u>17</u>	Notice of Attorney Withdrawal: <i>Travis J. Mayor</i> .Filed by all defendants. (Kraemer, Steven) (Entered: 09/30/2008)
10/01/2008	<u>18</u>	Answer to Amended Complaint <i>and Affirmative Defenses</i> , Counterclaim Darrell Rollins. Filed by Clatsop County, Tom Bergin. (Kraemer, Steven) (Entered: 10/01/2008)
10/15/2008	<u>19</u>	Unopposed Motion to Dismiss <i>Individual Plaintiffs Voluntarily</i> . Filed by all plaintiffs. (Berman, Leonard) (Entered: 10/15/2008)
11/03/2008	20	<b>ORDER</b> – Granting Plaintiff's Motion to Dismiss Individual Plaintiffs Voluntarily <u>19</u> . Plaintiffs Kenken, King and Rollins are dismissed without prejudice. Ordered by Judge Garr M. King. (mja) (Entered: 11/03/2008)
11/03/2008	23	AMENDED ORDER – Granting Plaintiff's Motion to Dismiss Individual Plaintiffs Voluntarily <u>19</u> . Plaintiffs <b>Menken</b> , King and Rollins are dismissed without prejudice. Ordered by Judge Garr M. King. (mja) (Entered: 11/18/2008)
11/17/2008	<u>21</u>	Unopposed Motion to Dismiss <i>Plaintiff Leroux</i> . Filed by all plaintiffs. (Berman, Leonard) (Entered: 11/17/2008)
11/18/2008	22	<b>MINUTES of Telephone Rule 16 Conference:</b> Order – Plaintiff's Unopposed Motion to Dismiss Plaintiff Leroux <u>21</u> is GRANTED. Order – Setting a case schedule as follows: Discovery is to be completed by 1/2/2009. Dispositive Motions are due by 2/2/2009. Motion to Certify Class is due by 6/1/2009. Steven A. Kraemer present as counsel for plaintiff(s). Leonard Berman present as counsel for defendant(s). Court Reporter: Nancy Walker. Garr M. King presiding. (mja) (Entered: 11/18/2008)
12/16/2008	<u>24</u>	Motion for Extension of Discovery &PTO Deadlines. Filed by all plaintiffs. (Berman, Leonard) (Entered: 12/16/2008)
12/16/2008	<u>25</u>	Declaration of Leonard R. Berman. Filed by all plaintiffs. (Related document(s): Motion for Extension of Discovery &PTO Deadlines <u>24</u> .) (Berman, Leonard) (Entered: 12/16/2008)
12/17/2008	<u>26</u>	Response to Motion for Extension of Discovery &PTO Deadlines <u>24</u> . Filed by all defendants. (Kraemer, Steven) (Entered: 12/17/2008)
12/17/2008	<u>27</u>	Declaration of Steven A. Kraemer. Filed by all defendants. (Related document(s): Response to Motion <u>26</u> .) (Kraemer, Steven) (Entered: 12/17/2008)
01/05/2009	28	Scheduling Order by Judge Garr M. King. Order – Setting a Telephone Conference to discuss Plaintiff's Motion for Extension of Discovery and PTO Deadlines <u>24</u> for 1/8/2009 at 01:30PM. The Court will initiate the call. Ordered by Judge Garr M. King. (mja) (Entered: 01/05/2009)
01/08/2009	29	<b>MINUTES of Telephone Conference:</b> Order – Plaintiff's Motion for Extension of Discovery and PTO Deadlines <u>24</u> is GRANTED in PART. Discovery to be completed by 1/26/2009. Dispositive Motions are due by 2/17/2009. All other deadlines remain as previously set. Leonard Berman present as counsel for plaintiff(s). Steven Kraemer present as counsel for defendant(s). Court Reporter: Nancy Walker. Judge Garr M. King presiding. (mja) (Entered: 01/08/2009)
02/04/2009	30	Scheduling Order by Judge Garr M. King. Order – Defendants' letter request to extend the deadline for filing his Motion for Summary Judgment is GRANTED. Dispositive Motion due by 2/27/2009. Ordered by Judge Garr M. King. (mja) (Entered: 02/04/2009)
02/27/2009	<u>31</u>	Motion for Summary Judgment. oral argument requested. Filed by all defendants. (Kraemer, Steven) (Entered: 02/27/2009)
02/27/2009	<u>32</u>	Concise Statement of Material Fact. Filed by all defendants. (Related document(s): Motion for Summary Judgment <u>31</u> .) (Kraemer, Steven) (Entered: 02/27/2009)

02/27/2009	<u>33</u>	Memorandum in Support. Filed by all defendants. (Related document(s): Motion for Summary Judgment <u>31</u> .) (Kraemer, Steven) (Entered: 02/27/2009)
02/27/2009	<u>34</u>	Affidavit of Steven A. Kraemer in Support of Motion. Filed by all defendants. (Related document(s): Motion for Summary Judgment <u>31</u> .) (Kraemer, Steven) (Entered: 02/27/2009)
02/27/2009	<u>35</u>	Affidavit of Paul Tesi in Support of Motion. Filed by all defendants. (Related document(s): Motion for Summary Judgment <u>31</u> .) (Kraemer, Steven) (Entered: 02/27/2009)
02/27/2009	<u>36</u>	Affidavit of Richard Moyer in Support of Motion. Filed by all defendants. (Related document(s): Motion for Summary Judgment <u>31</u> .) (Kraemer, Steven) (Entered: 02/27/2009)
02/27/2009	<u>37</u>	Affidavit of David Clarke in Support of Motion. Filed by all defendants. (Related document(s): Motion for Summary Judgment <u>31</u> .) (Kraemer, Steven) (Entered: 02/27/2009)
03/02/2009	38	Scheduling Order by Judge Garr M. King. Order – Setting Oral Argument on Defendants' Motion for Summary Judgment <u>31</u> for 4/9/2009 at 09:30AM in Portland, Courtroom 9A, before Judge Garr M. King. Ordered by Judge Garr M. King. (mja) (Entered: 03/02/2009)
03/09/2009	<u>39</u>	Unopposed Motion for Extension of Time to File a Response/Reply to Motion for Summary Judgment <u>31</u> . Filed by all plaintiffs. (Berman, Leonard) (Entered: 03/09/2009)
03/09/2009	<u>40</u>	Declaration of Leonard R. Berman. Filed by all plaintiffs. (Related document(s): Motion for Extension of Time to File Response/Reply to a Motion <u>39</u> .) (Berman, Leonard) (Entered: 03/09/2009)
03/10/2009	41	<b>ORDER</b> – Granting Plaintiff's Motion for Extension of Time to File Response/Reply <u>39</u> . Response is due by 3/27/2009. Resetting the Oral Argument Hearing from 4/9/2009 to 4/23/2009 at 09:30AM in Portland, Courtroom 9A, before Judge Garr M. King. Ordered by Judge Garr M. King. (mja) (Entered: 03/10/2009)
03/26/2009	<u>42</u>	Motion for Leave to File Amended Complaint/Petition. Filed by all plaintiffs. (Berman, Leonard) (Entered: 03/26/2009)
03/26/2009	<u>43</u>	Declaration of Leonard R. Berman. Filed by all plaintiffs. (Related document(s): Motion for Leave to File Amended Complaint/Petition <u>42</u> .) (Attachments: # <u>1</u> Exhibit A Second Amended Complaint) (Berman, Leonard) (Entered: 03/27/2009)
03/27/2009	<u>44</u>	Response in Opposition to Motion for Summary Judgment <u>31</u> Oral requested. Filed by all plaintiffs. (Berman, Leonard) (Entered: 03/27/2009)
03/27/2009	<u>45</u>	Response to Concise Statement of Material Facts regarding Motion for Summary Judgment <u>31</u> . Filed by all plaintiffs. (Berman, Leonard) (Entered: 03/27/2009)
03/27/2009	<u>46</u>	Declaration of Leonard R. Berman. Filed by all plaintiffs. (Related document(s): Motion for Summary Judgment <u>31</u> .) (Attachments: # <u>1</u> Exhibit 1. Clatsop County Policy, # <u>2</u> Exhibit 2. Affidavit of Debbi Davis, # <u>3</u> Exhibit 3. Affidavit of Stephen Schwanbeck) (Berman, Leonard) (Entered: 03/27/2009)
04/06/2009	<u>47</u>	Motion for Extension of Time to File a Response/Reply to Motion for Summary Judgment <u>31</u> . Filed by all defendants. (Kraemer, Steven) (Entered: 04/06/2009)
04/06/2009	<u>48</u>	Declaration of Steven A. Kraemer. Filed by all defendants. (Related document(s): Motion for Extension of Time to File Response/Reply to a Motion <u>47</u> .) (Kraemer, Steven) (Entered: 04/06/2009)
04/07/2009	49	<b>ORDER</b> – Granting Defendants' Motion for Extension of Time to File Reply <u>47</u> . Reply is due by 4/13/2009. Resetting the Oral Argument from 4/23/2009 to 4/30/2009 at 10:00AM in Portland, Courtroom 9A, before Judge Garr M. King. Ordered by Judge Garr M. King. (mja) (Entered: 04/07/2009)

04/13/2009	<u>50</u>	Response in Opposition to Motion for Leave to File Amended Complaint/Petition <u>42</u> . Filed by all defendants. (Kraemer, Steven) (Entered: 04/13/2009)
04/13/2009	<u>51</u>	Reply to <i>Plaintiffs' Additional Asserted Facts</i> . Filed by all defendants. (Kraemer, Steven) (Entered: 04/13/2009)
04/13/2009	<u>52</u>	Reply <i>In Support</i> to Motion for Summary Judgment <u>31</u> Oral Argument requested. Filed by all defendants. (Kraemer, Steven) (Entered: 04/13/2009)
04/30/2009	53	<b>MINUTES of Motion Hearing:</b> Order – Due to the unavailability of plaintiffs' counsel, the Court is resetting the TIME set for the Oral Argument Hearing from 4/30/2009 at 10:00AM to 4/30/2009 at 01:00AM in Portland, Courtroom 9A, before Judge Garr M. King. Steven Kraemer present as counsel for defendant(s). Court Reporter: Nancy Walker. Judge Garr M. King presiding. (mja) (Entered: 04/30/2009)
04/30/2009	54	<b>MINUTES of Oral Argument Hearing:</b> Order – Defendants' Motion for Summary Judgment <u>31</u> is GRANTED. Plaintiffs' Motion to File Amended Complaint <u>42</u> is DENIED. Leonard Berman present as counsel for plaintiff(s). Steven Kraemer present as counsel for defendant(s). Court Reporter: Nancy Walker. Judge Garr M. King presiding. (mja) (Entered: 04/30/2009)
05/05/2009	<u>55</u>	<b>JUDGMENT.</b> Based on the record, IT IS ORDERED AND ADJUDGED that this action is dismissed with prejudice. Signed on 05/04/09 by Judge Garr M. King. (pvh) (Entered: 05/05/2009)