

CLASS,IFP,PARTCONS,PROTECTIVE ORD

**U.S. District Court  
District of Oregon (Portland (3))  
CIVIL DOCKET FOR CASE #: 3:14-cv-00820-YY**

Dillon et al v. Clackamas County et al  
Assigned to: Magistrate Judge Youlee Yim You  
Cause: 42:1983 Civil Rights Act

Date Filed: 05/18/2014  
Jury Demand: Both  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**William Dillon**

*Individually, on behalf of a class of  
others similarly situated*

represented by **Leonard Randolph Berman**  
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**ATTORNEY TO BE NOTICED**

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**TERMINATED: 12/05/2017**  
**PRO HAC VICE**

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**TERMINATED: 10/12/2016**

**Plaintiff**

**Scott Vincent Graue**

*Individually, on behalf of a class of  
others similarly situated*

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

**Benjamin J. Meiselas**  
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**TERMINATED: 12/05/2017**  
**PRO HAC VICE**

**Mark J. Geragos**  
(See above for address)  
*TERMINATED: 12/05/2017*  
*PRO HAC VICE*

**Tonna K. Farrar**  
(See above for address)  
*TERMINATED: 10/12/2016*

**Plaintiff**

**David Michael Hodges**  
*Individually, on behalf of a class of  
others similarly situated*

represented by **Leonard Randolph Berman**  
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**Benjamin J. Meiselas**  
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**Mark J. Geragos**  
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**Tonna K. Farrar**  
(See above for address)  
*TERMINATED: 10/12/2016*

**Plaintiff**

**Jayson Saylor**

represented by **Benjamin J. Meiselas**  
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*TERMINATED: 12/05/2017*  
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**Mark J. Geragos**  
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*TERMINATED: 12/05/2017*  
*PRO HAC VICE*

**Tonna K. Farrar**  
(See above for address)  
*TERMINATED: 10/12/2016*

**Plaintiff**

**Albert Love**

represented by **Benjamin J. Meiselas**  
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*TERMINATED: 12/05/2017*  
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TERMINATED: 12/05/2017  
PRO HAC VICE

**Tonna K. Farrar**  
(See above for address)  
TERMINATED: 10/12/2016

V.

**Defendant**

**Clackamas County**

represented by **Stephen Lewis Madkour**  
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**ATTORNEY TO BE NOTICED**

**Defendant**

**Craig Roberts**  
*both individually and in his official  
capacity as Sheriff*

represented by **Stephen Lewis Madkour**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Alexander Gordon**  
(See above for address)  
**TERMINATED: 10/03/2018**  
**ATTORNEY TO BE NOTICED**

**Shawn A. Lillegren**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
05/18/2014	<u>1</u>	Complaint. ( <i>In forma pauperis status selected</i> ) Jury Trial Requested: Yes. Filed by William Dillon against All Plaintiffs (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Proposed Summons). (Berman, Leonard) (Entered: 05/18/2014)

05/18/2014	<u>2</u>	Application for Leave to Proceed IFP . Filed by All Plaintiffs. (Berman, Leonard) (Entered: 05/18/2014)
05/19/2014	<u>3</u>	<b>Notice of Case Assignment:</b> This case is assigned to Magistrate Judge Janice M. Stewart. (ecp) (Entered: 05/19/2014)
05/19/2014	<u>4</u>	<b>ORDER:</b> Granting Application for Leave to Proceed in Forma Pauperis <u>2</u> . Signed on 5/19/14 by Magistrate Judge Janice M. Stewart. (jlr) (Entered: 05/19/2014)
05/20/2014	<u>5</u>	Summons Issued Electronically as to Clackamas County. <b>NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3–5.</b> (ecp) (Entered: 05/20/2014)
05/27/2014	<u>6</u>	Notice of Case Assignment to Magistrate Judge Janice M. Stewart and Discovery and Pretrial Scheduling Order. <b>NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3–5.</b> Discovery is to be completed by 9/24/2014. Joint Alternate Dispute Resolution Report is due by 10/24/2014. Pretrial Order is due by 10/24/2014. Ordered by Magistrate Judge Janice M. Stewart. (ecp) (Entered: 05/27/2014)
06/23/2014	<u>7</u>	Amended Complaint . Filed by William Dillon, David Michael Hodges, Scott Vincent Graue against All Defendants. (Berman, Leonard) (Entered: 06/23/2014)
06/24/2014	<u>8</u>	Waiver of Service of Summons Returned Executed by Clackamas County waiver sent on 6/9/2014. Filed by Clackamas County; Craig Roberts. (Gordon, Alexander) (Entered: 06/24/2014)
07/07/2014	<u>9</u>	Motion to Dismiss <i>Pursuant to FRCP 8 and 12(b)(6) and Memorandum in Support</i> , Motion to Dismiss for Failure to State a Claim . Oral Argument requested. Filed by Clackamas County, Craig Roberts. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3) (Gordon, Alexander) (Entered: 07/07/2014)
07/15/2014	<u>10</u>	Scheduling Order by Magistrate Judge Janice M. Stewart: SETTING a TELEPHONE Rule 16 Conference for Monday, <b>8/25/2014 at 09:30AM</b> before Magistrate Judge Janice M. Stewart. Court staff will initiate the call to counsel. Local Rules 16–2 and 26–1 require that counsel confer prior to the conference. At the conference, counsel should be prepared to discuss the status of the case, relevant dates and deadlines, and any other significant issues. Plaintiff shall advise the court at the conference whether or not there will be full consent from all parties to proceed before the magistrate judge in the case. Until full consents are filed, no trial date will be set. (jlr) (Entered: 07/15/2014)
07/15/2014	<u>11</u>	Scheduling Order by Magistrate Judge Janice M. Stewart: SETTING Motion to Dismiss <i>Pursuant to FRCP 8 and 12(b)(6) and Memorandum in Support</i> Motion to Dismiss for Failure to State a Claim <u>9</u> for Oral Argument on Monday, <b>9/22/2014 at 09:30AM</b> in Portland Courtroom 11A before Magistrate Judge Janice M. Stewart. See attached Notice Regarding Civil Case Procedures in cases assigned to Judge Stewart. (jlr) (Entered: 07/15/2014)
07/17/2014	<u>12</u>	Scheduling Order by Magistrate Judge Janice M. Stewart: RESETTING the TELEPHONE Rule 16 Conference from 8/25/14 to Thursday, <b>8/21/2014 at 4:00PM</b> before Magistrate Judge Janice M. Stewart. Court staff will initiate the call to counsel. (jlr) (Entered: 07/17/2014)
07/23/2014	<u>13</u>	Notice of Appearance of Tonna K. Farrar appearing on behalf of All Plaintiffs Filed by on behalf of All Plaintiffs (Farrar, Tonna) (Entered: 07/23/2014)
07/23/2014	<u>14</u>	Motion for Extension of Time to File a Response/Reply to Motion to Dismiss <i>Pursuant to FRCP 8 and 12(b)(6) and Memorandum in Support</i> Motion to Dismiss for Failure to State a Claim <u>9</u> . Filed by All Plaintiffs. (Farrar, Tonna) (Entered: 07/23/2014)
07/23/2014	<u>15</u>	Declaration of TONNA K. FARRAR . Filed by All Plaintiffs. (Related document(s): Motion for Extension of Time to File Response/Reply to a Motion, <u>14</u> .) (Attachments: # <u>1</u> Exhibit A–C) (Farrar, Tonna) (Entered: 07/23/2014)

07/29/2014	16	<b>ORDER:</b> Granting Plaintiffs' Motion for Extension of Time to File Response/Reply to Motion to Dismiss <u>9</u> . Oral argument remains as set on Monday, 9/22/2014 at 09:30AM. Ordered by Magistrate Judge Janice M. Stewart. (jlr) (Entered: 07/29/2014)
08/21/2014	17	<b>MINUTES of Proceedings:</b> Telephone Rule 16 Conference held before Magistrate Judge Janice M. Stewart. Order SETTING a further TELEPHONE Rule 16 Conference for Wednesday, <b>11/5/14 at 9:30 AM</b> before Magistrate Judge Janice M. Stewart. Court staff will initiate the call to counsel. Order STRIKING the current schedule, to be reset at the next Rule 16 conference. Tonna Farrar present as counsel for plaintiff(s). Alexander Gordon present as counsel for defendant(s). Court Reporter: none. Tape No: none. (jlr) (Entered: 08/21/2014)
08/29/2014	<u>18</u>	Response in Opposition to Motion to Dismiss <i>Pursuant to FRCP 8 and 12(b)(6) and Memorandum in Support</i> Motion to Dismiss for Failure to State a Claim <u>9</u> . Filed by All Plaintiffs. (Farrar, Tonna) (Entered: 08/29/2014)
09/18/2014	<u>19</u>	Motion for Leave to File Amended Complaint/Petition . Filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Farrar, Tonna) (Entered: 09/18/2014)
09/19/2014	20	Scheduling Order by Magistrate Judge Janice M. Stewart regarding Motion for Leave to File Amended Complaint/Petition <u>19</u> . Motion will be discussed at Oral Argument currently set on Motion To Dismiss 9/22/2014 at 09:30AM in Portland Courtroom 11A before Magistrate Judge Janice M. Stewart. (jlr) (Entered: 09/19/2014)
09/21/2014	<u>21</u>	Response in Opposition to Motion for Leave to File Amended Complaint/Petition <u>19</u> . Filed by All Defendants. (Gordon, Alexander) (Entered: 09/21/2014)
09/22/2014	22	<b>MINUTES of Proceedings:</b> before Magistrate Judge Janice M. Stewart. Motion Hearing Held regarding Motion for Leave to File Amended Complaint/Petition <u>19</u> , and Motion to Dismiss, Motion to Dismiss for Failure to State a Claim, <u>9</u> . Order motions <u>9</u> and <u>19</u> are taken under advisement as of 9/22/2014. Tonna Farrar, Leonard Berman present as counsel for plaintiff(s). Alexander Gordon present as counsel for defendant. Court Reporter: Jill Erwin. (jlr) (Entered: 09/22/2014)
09/23/2014	<u>23</u>	Declaration of Lt Eby <i>in Support of Response in Opposition to Motion for Leave to File Amended Complaint</i> . Filed by Clackamas County, Craig Roberts. (Related document(s): Response in Opposition to Motion <u>21</u> .) (Gordon, Alexander) (Entered: 09/23/2014)
10/23/2014	<u>24</u>	Findings & Recommendations: Defendants' Motion to Dismiss <i>Pursuant to FRCP 8 and 12(b)(6) 9</i> ) should be GRANTED in part and DENIED in part, with leave granted to plaintiffs to file an amended complaint. In addition, Plaintiffs' Motion for Leave to File Amended Complaint/Petition <u>19</u> should be GRANTED, but plaintiffs should be ordered to file an amended complaint which complies with the courts rulings on defendants Motion to Dismiss. Objections to the Findings and Recommendations are due by 11/10/2014. Signed on 10/23/14 by Magistrate Judge Janice M. Stewart. (ST) (Entered: 10/23/2014)
10/23/2014	25	Order by Magistrate Judge Janice M. Stewart referring Defendants' Motion to Dismiss <u>9</u> , Plaintiffs' Motion for Leave to File Amended Complaint/Petition <u>19</u> , and Findings & Recommendation <u>24</u> to Judge Michael H. Simon for his consideration. (jlr) (Entered: 10/23/2014)
11/05/2014	26	<b>MINUTES of Proceedings:</b> Telephone Rule 16 Conference held. ORDER: Setting another TELEPHONE Rule 16 Conference for Tuesday, 12/2/2014 at 09:30AM. The court will initiate the call to counsel. Counsel shall confirm the telephone number(s) where they may be reached with Judge Stewart's courtroom deputy, Jenny Raun, and shall confer regarding the case schedule and deadlines prior to the next scheduled telephone conference. No appearance by counsel for plaintiff(s). Alexander Gordon present as counsel for defendant(s). Court Reporter: none. Tape No: none.Magistrate Judge Janice M. Stewart presiding. (stewart1, ) Modified on 11/6/2014 to reflect this was a telephone conference(jlr). (Entered: 11/05/2014)
12/02/2014	<u>27</u>	<b>MINUTES of Proceedings:</b> TELEPHONE Rule 16 Conference and Notice Regarding Civil Case Procedures. Order: setting the following new case schedule and deadlines: The Joint ADR Report is WAIVED. Discovery is to be completed by 5/15/2015. Dispositive Motions are due by 6/1/2015. Exchange of Expert Witness Statements must be completed and the Pretrial Order is due by 6/30/2015, unless dispositive

		<p>motions are filed, in which case the due date for both is extended to 30 days after a final ruling on dispositive motions. Please see the attached Notice regarding additional procedures applicable in cases assigned to Judge Stewart. TonnaFarrar and Leonard Berman present as counsel for plaintiff(s). Alexander Gordon present as counsel for defendant(s). Court Reporter: none. Tape No: none.Magistrate Judge Janice M. Stewart presiding. (stewart1, ) Modified on 12/3/2014 to reflect this was a TELEPHONE hearing (jlr). (Entered: 12/02/2014)</p>
12/02/2014	<u>28</u>	<p><b>ORDER</b> – As no party has made objections, this Court follows the recommendation of the Advisory Committee and reviews Judge Stewart's Findings and Recommendation for clear error on the face of the record. No such error is apparent. Accordingly, the Court ADOPTS Judge Stewart's Findings and Recommendation, Dkt. <u>24</u> . Defendants' motion to dismiss (Dkt. <u>9</u> ) is GRANTED in part and DENIED in part. Plaintiffs' motion for leave to file a second amended complaint (Dkt. <u>19</u> ) is GRANTED, but Plaintiffs are ordered to file an amended complaint which complies with Judge Stewart's rulings on Defendants' motion to dismiss. Signed on 12/2/2014 by Judge Michael H. Simon. (mja) (Entered: 12/02/2014)</p>
04/20/2015	29	<p>Scheduling Order: Plaintiff's Second Amended Complaint shall be filed on or before May 4, 2015. Related document: Order on Findings &amp; Recommendation <u>28</u> .Ordered by Magistrate Judge Janice M. Stewart. (stewart1, ) (Entered: 04/20/2015)</p>
04/20/2015	30	<p>Scheduling Order by Magistrate Judge Janice M. Stewart: SETTING a TELEPHONE Status Conference for Monday, <b>5/11/2015 at 01:30PM</b> before Magistrate Judge Janice M. Stewart. Court staff will initiate the call to counsel. (jlr) (Entered: 04/20/2015)</p>
05/04/2015	<u>31</u>	<p>Second Amended Complaint . Filed by William Dillon, David Michael Hodges, Scott Vincent Graue, Jayson Saylor, Albert Love against All Defendants. (Farrar, Tonna) Modified on 5/5/2015 to remove duplicate plaintiff David Hodges(ecp). (Entered: 05/04/2015)</p>
05/11/2015	32	<p><b>MINUTES of Proceedings:</b> Telephone Scheduling Conference held. ORDER: Striking the case schedule and deadlines, to be reset. ORDER: Setting another telephone Status and Scheduling Conference for Thursday, 5/21/2015, at 03:00PM before Magistrate Judge Janice M. Stewart. The court will initiate the call to counsel. Tonna Farrar and Leonard Berman present as counsel for plaintiff(s). Alexander Gordon present as counsel for defendant(s). Court Reporter: none. Tape No: none.Magistrate Judge Janice M. Stewart presiding. (st1) (Entered: 05/11/2015)</p>
05/18/2015	<u>33</u>	<p>Answer to <u>31</u> Amended Complaint with Jury Demand <i>and Affirmative Defenses</i>. Filed by Clackamas County, Craig Roberts. (Attachments: # <u>1</u> Exhibit 1) (Gordon, Alexander) (Entered: 05/18/2015)</p>
05/21/2015	34	<p><b>MINUTES of Proceedings:</b> Telephone Scheduling Conference held. ORDER: Setting the following case schedule. Discovery is to be completed by 9/30/2015. Motion for Class Certification to be filed by 10/30/2015. Expert Witness Statements are to be exchanged 45 days after a final ruling on the Motion for Class Certification and Dispositive motions are due within 90 days after a final ruling on the Motion for Class Certification. Tonna Farrar present as counsel for plaintiff(s). Alexander Gordon present as counsel for defendant(s). Court Reporter: none. Tape No: none.Magistrate Judge Janice M. Stewart presiding. (st1) (Entered: 05/21/2015)</p>
08/26/2015	<u>35</u>	<p>Unopposed Motion for Extension of Time <i>for Discovery &amp; Dispositive Motions</i>. Filed by Clackamas County, Craig Roberts. (Gordon, Alexander) (Entered: 08/26/2015)</p>
08/26/2015	<u>36</u>	<p>Declaration of Alexander Gordon <i>in Support of Motion to Extend Discovery and Dispositive Motions</i>. Filed by Clackamas County, Craig Roberts. (Related document(s): Motion for Extension of Time <u>35</u> .) (Gordon, Alexander) (Entered: 08/26/2015)</p>
08/27/2015	37	<p><b>ORDER:</b> by Magistrate Judge Janice M. Stewart GRANTING Motion for Extension of Time <u>35</u> . Discovery is to be completed by 1/28/2016. Motion for Class Certification to be filed by 2/29/2016. Expert Witness Statements are to be exchanged 45 days after a final ruling on the Motion for Class Certification and dispositive motions are due within 90 days after a final ruling on the Motion for Class Certification. (jlr) (Entered: 08/27/2015)</p>

12/08/2015	<u>38</u>	Joint Motion for Extension of Discovery & PTO Deadlines . Filed by Clackamas County. (Gordon, Alexander) (Entered: 12/08/2015)
12/08/2015	<u>39</u>	Declaration of Alexander Gordon <i>in Support of Motion for Extension</i> . Filed by Clackamas County, Craig Roberts. (Related document(s): Motion for Extension of Discovery & PTO Deadlines <u>38</u> .) (Gordon, Alexander) (Entered: 12/08/2015)
12/09/2015	40	<b>ORDER:</b> Granting Joint Motion for Extension of Discovery & PTO Deadlines <u>38</u> . Discovery is to be completed by 5/27/2016. Motion for Class Certification to be filed by 6/28/2016. The due dates for the exchange of expert witness statements and for the filing of dispositive motions remain unchanged. Ordered by Magistrate Judge Janice M. Stewart. (pg) Modified on 12/11/2015 (pg). (Entered: 12/09/2015)
03/02/2016	<u>41</u>	Notice of Case Reassignment: This case has been reassigned from Magistrate Judge Janice M. Stewart to Magistrate Judge Youlee Yim You. (eo) (Entered: 03/02/2016)
05/25/2016	<u>42</u>	Stipulated Motion for Extension of Discovery & PTO Deadlines . Filed by Clackamas County, Craig Roberts. (Gordon, Alexander) (Entered: 05/25/2016)
05/25/2016	<u>43</u>	Declaration of Alexander Gordon <i>in Support of Stipulated Motion to Extend Discovery Deadlines</i> . Filed by Clackamas County, Craig Roberts. (Related document(s): Motion for Extension of Discovery & PTO Deadlines <u>42</u> .) (Gordon, Alexander) (Entered: 05/25/2016)
06/01/2016	44	<b>ORDER:</b> Granting Stipulated Motion to Extend Discovery Deadlines <u>42</u> . Discovery is to be completed by 10/25/2016. Motion for Class Certification to be filed by 11/25/2016. Expert Witness Statements are to be exchanged within 45 days after the final ruling on the Motion for Class Certification. Dispositive Motions will be due 90 days after the final ruling on the Motion for Class Certification. Ordered by Magistrate Judge Youlee Yim You. (pvh) (Entered: 06/01/2016)
09/12/2016	<u>45</u>	Stipulated Motion for Protective Order . Filed by Clackamas County, Craig Roberts. (Gordon, Alexander) (Entered: 09/12/2016)
09/14/2016	<u>46</u>	<b>Stipulated Protective Order.</b> Signed on 9/14/2016 by Magistrate Judge Youlee Yim You. (pvh) (Entered: 09/14/2016)
10/06/2016	<u>47</u>	Motion for Leave <i>to conduct deposition of David Hodges</i> . Filed by Clackamas County, Craig Roberts. (Gordon, Alexander) (Entered: 10/06/2016)
10/06/2016	<u>48</u>	Declaration of Alexander Gordon <i>in support of motion for leave to conduct deposition of David Hodges</i> . Filed by Clackamas County, Craig Roberts. (Related document(s): Motion for Leave <u>47</u> .) (Gordon, Alexander) (Entered: 10/06/2016)
10/06/2016	<u>49</u>	Motion for Leave <i>to conduct deposition of Scott Graue</i> . Filed by Clackamas County, Craig Roberts. (Gordon, Alexander) (Entered: 10/06/2016)
10/06/2016	<u>50</u>	Declaration of Alexander Gordon <i>in support of motion for leave to conduct deposition of Scott Graue</i> . Filed by Clackamas County, Craig Roberts. (Related document(s): Motion for Leave <u>49</u> .) (Gordon, Alexander) (Entered: 10/06/2016)
10/06/2016	<u>51</u>	Motion for Summary Judgment <i>and memo in support of MSJ</i> . Oral Argument requested. Filed by Clackamas County, Craig Roberts. (Gordon, Alexander) (Entered: 10/06/2016)
10/06/2016	<u>52</u>	Declaration of Lt. Kevin Thies <i>in support of MSJ</i> . Filed by Clackamas County, Craig Roberts. (Related document(s): Motion for Summary Judgment <u>51</u> .) (Gordon, Alexander) (Entered: 10/06/2016)
10/12/2016	53	<b>ORDER:</b> Granting Unopposed Motion for Leave <u>47</u> ; Granting Unopposed Motion for Leave <u>49</u> . Ordered by Magistrate Judge Youlee Yim You. (pvh) (Entered: 10/12/2016)
10/12/2016	<u>54</u>	Motion for Extension of Discovery & PTO Deadlines <i>and Abate Filing of Defendants' Motion For Summary Judgment</i> . Filed by Clackamas County, Craig Roberts. (Gordon, Alexander) (Entered: 10/12/2016)
10/12/2016	<u>55</u>	Notice of Attorney Withdrawal: <i>of Tonna K. Farrar</i> Filed by All Plaintiffs (Farrar, Tonna) Modified on 10/17/2016 (pvh). (Entered: 10/12/2016)

10/17/2016	56	<b>ORDER:</b> Granting Alternative Motion to Withdraw or Substitute an Attorney <u>55</u> filed as a Notice of Attorney Withdrawal: of Tonna K. Farrar. Attorney Tonna K. Farrar is withdrawn as counsel of record. Ordered by Magistrate Judge Youlee Yim You. (pvh) (Entered: 10/17/2016)
10/24/2016	57	<b>ORDER: STRIKING WITH LEAVE TO REFILE</b> Defendants' Motion for Summary Judgment (docket # <u>51</u> ) for failure to confer as required by Local Rule 7-1(a)(1)(A). <i>See</i> ECF #54, p. 3. <b>ORDER: GRANTING IN PART</b> Defendants' Unopposed Motion for Extension of Discovery and PTO deadlines (ECF # <u>54</u> ) and extending the discovery deadline through January 25, 2017. All remaining previously set deadlines remain in effect, including the November 25, 2016 deadline for filing a Motion for Class Certification. <i>See</i> ECF # 44 . In all other respects, the motion (ECF # <u>54</u> ) is <b>DENIED AS MOOT</b> . Ordered by Magistrate Judge Youlee Yim You. (pvh) (Entered: 10/24/2016)
11/02/2016	<u>58</u>	Motion for Summary Judgment <i>and supporting memorandum</i> . Oral Argument requested. Filed by Clackamas County, Craig Roberts. (Gordon, Alexander) (Entered: 11/02/2016)
11/02/2016	<u>59</u>	Declaration of Lt. Kevin Thies <i>in support Defendants' motion for summary judgment</i> . Filed by Clackamas County, Craig Roberts. (Related document(s): Motion for Summary Judgment <u>58</u> .) (Gordon, Alexander) (Entered: 11/02/2016)
11/11/2016	<u>60</u>	Motion for Extension of Time . Oral Argument requested.Expedited Hearing requested. Filed by All Plaintiffs. (Berman, Leonard) (Entered: 11/11/2016)
11/11/2016	<u>61</u>	Declaration of Leonard Berman . Filed by All Plaintiffs. (Related document(s): Motion for Extension of Time <u>60</u> .) (Berman, Leonard) (Entered: 11/11/2016)
11/14/2016	<u>62</u>	Response in Opposition to Motion for Extension of Time <u>60</u> Oral Argument requested. Filed by Clackamas County, Craig Roberts. (Gordon, Alexander) (Entered: 11/14/2016)
11/14/2016	<u>63</u>	Declaration of Alexander Gordon <i>in Support of Clackamas Defendants Response in Opposition to Plaintiff's Motion for Extension of Time re Class Certification and Response to MSJ</i> . Filed by Clackamas County, Craig Roberts. (Related document(s): Response in Opposition to Motion <u>62</u> .) (Attachments: # <u>1</u> Exhibit 1-6) (Gordon, Alexander) (Entered: 11/14/2016)
11/14/2016	64	<b>ORDER: DENYING</b> defendants' request for oral argument (ECF # <u>62</u> ), and <b>GRANTING</b> Plaintiffs' Motion to Extend Time, (ECF # <u>60</u> ). <b>ORDER:</b> The court will entertain no further requests for extension of the case schedule. <b>ORDER:</b> Plaintiffs' motion for class certification, dispositive motion(s), and response to defendants' Motion for Summary Judgment (ECF # <u>58</u> ) are due February 27, 2017. Defendants' response to plaintiffs' motions and reply to their motion are due March 27, 2017. Plaintiffs' reply to their motion(s) is due April 17, 2017. <b>ORDER:</b> On or before November 30, 2016, the parties shall email yypropdoc@ord.uscourts.gov advising of their availability for oral argument during the weeks of May 8 and May 15, 2017. Ordered by Magistrate Judge Youlee Yim You. (pvh) (Entered: 11/14/2016)
01/09/2017	<u>65</u>	Notice of Dismissal of Party <i>Saylor</i> Filed by All Plaintiffs (Berman, Leonard) (Entered: 01/09/2017)
01/09/2017	66	<b>Scheduling Order:</b> SETTING a Telephone Conference for Monday, 1/9/2017 at 11:30AM before Magistrate Judge Youlee Yim You. Ordered by Magistrate Judge Youlee Yim You. (pvh) (Entered: 01/09/2017)
01/09/2017	67	<b>MINUTES of Proceedings:</b> Telephone Discovery Conference held. Parties independently resolved their dispute. Leonard Randolph Berman present as counsel for plaintiffs. Alexander Gordan present as counsel for defendants. Court Reporter: Dennis Apodaca. Magistrate Judge Youlee Yim You presiding. (pvh) (Entered: 01/09/2017)
01/20/2017	68	<b>Scheduling Order:</b> SETTING Oral Argument for Thursday, 5/11/2017 at 10:00AM in Courtroom 12B before Magistrate Judge Youlee Yim You regarding Motion for Summary Judgment <u>58</u> . Ordered by Magistrate Judge Youlee Yim You. (pvh) (Entered: 01/20/2017)



01/26/2017	<u>69</u>	Motion for Extension of Discovery & PTO Deadlines . Expedited Hearing requested. Filed by All Plaintiffs. (Berman, Leonard) (Entered: 01/26/2017)
01/26/2017	<u>70</u>	Declaration of Leonard Berman . Filed by All Plaintiffs. (Related document(s): Motion for Extension of Discovery & PTO Deadlines <u>69</u> .) (Berman, Leonard) (Entered: 01/26/2017)
01/27/2017	<u>71</u>	Response in Opposition to Motion for Extension of Discovery & PTO Deadlines <u>69</u> Oral Argument requested. Filed by All Defendants. (Gordon, Alexander) (Entered: 01/27/2017)
01/27/2017	<u>72</u>	Response to Motion for Extension of Discovery & PTO Deadlines <u>69</u> oral argument requested. Filed by All Defendants. (Attachments: # <u>1</u> Exhibit) (Gordon, Alexander) (Entered: 01/27/2017)
01/30/2017	<u>73</u>	<b>Scheduling Order:</b> regarding Plaintiff's Motion for Extension of Discovery & PTO Deadlines <u>69</u> . <b>ORDER – SETTING Oral Argument for Monday, 1/30/2017 at 3:00PM by telephone before Magistrate Judge Youlee Yim You.</b> Ordered by Magistrate Judge Youlee Yim You. (pvh) (Entered: 01/30/2017)
01/30/2017	<u>74</u>	Reply to Motion for Extension of Discovery & PTO Deadlines <u>69</u> oral argument requested. Filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 2013 CCSO Screen Documents) (Berman, Leonard) (Entered: 01/30/2017)
01/30/2017	<u>75</u>	<b>Minutes of Proceedings:</b> Oral Argument held by phone before Magistrate Judge Youlee Yim You on 1/30/2017. ORDER – Granting in Part and Denying in Part Plaintiff's Motion for Extension of Discovery & PTO Deadlines <u>69</u> . Plaintiff shall have until 2/21/2017 to depose Sgt. Freeman and Sgt. Thompson. All other deadlines in this matter remain in effect. Leonard Berman present as counsel for plaintiff(s). Alex Gordon present as counsel for defendant(s). Court Reporter: Bonita Shumway (503) 326–8188. Magistrate Judge Youlee Yim You presiding. Modified on 1/30/2017 (pvh). Modified on 1/31/2017 (pvh). (Entered: 01/30/2017)
02/02/2017	<u>76</u>	<b>ORDER.</b> The court is in receipt of a letter from defendant Clackamas County requesting a telephone conference. No telephone conference is necessary. Although no further clarification should be required, the court clarifies that, on January 30, 2017, the discovery deadline was extended solely to complete the depositions of Sgt. Freeman and Sgt. Thompson in light of inclement weather. Plaintiff's motion <u>69</u> was otherwise denied. Ordered by Magistrate Judge Youlee Yim You. (pvh) (Entered: 02/02/2017)
02/27/2017	<u>77</u>	Motion for Leave to File Amended Complaint/Petition . Oral Argument requested. Filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit A– Proposed 3d Am. Complaint) (Berman, Leonard) (Entered: 02/27/2017)
02/27/2017	<u>78</u>	Declaration of Leonard Berman . Filed by All Plaintiffs. (Related document(s): Motion for Leave to File Amended Complaint/Petition <u>77</u> .) (Berman, Leonard) (Entered: 02/27/2017)
02/27/2017	<u>79</u>	Motion to Certify the Class ( <i>es</i> ). Oral Argument requested. Filed by All Plaintiffs. (Berman, Leonard) (Entered: 02/27/2017)
02/27/2017	<u>80</u>	Declaration of Leonard Berman . Filed by All Plaintiffs. (Related document(s): Motion to certify class <u>79</u> .) (Berman, Leonard) (Entered: 02/27/2017)
02/27/2017	<u>81</u>	Response in Opposition to Motion for Summary Judgment <i>and supporting memorandum</i> <u>58</u> oral argument requested. Filed by All Plaintiffs. (Berman, Leonard) (Entered: 02/27/2017)
02/27/2017	<u>82</u>	Motion for Partial Summary Judgment . Oral Argument requested. Filed by All Plaintiffs. (Berman, Leonard) (Entered: 02/27/2017)
02/27/2017	<u>83</u>	Declaration of Scott Graue . Filed by All Plaintiffs. (Related document(s): Motion for Partial Summary Judgment <u>82</u> .) (Berman, Leonard) (Entered: 02/27/2017)
02/27/2017	<u>84</u>	Declaration of Albert Love . Filed by All Plaintiffs. (Related document(s): Motion for Partial Summary Judgment <u>82</u> .) (Berman, Leonard) (Entered: 02/27/2017)

02/28/2017	<u>85</u>	Declaration of William Dillon . Filed by All Plaintiffs. (Related document(s): Motion for Partial Summary Judgment <u>82</u> .) (Berman, Leonard) (Entered: 02/28/2017)
02/28/2017	<u>86</u>	Declaration of David Hodges . Filed by All Plaintiffs. (Related document(s): Motion for Partial Summary Judgment <u>82</u> .) (Berman, Leonard) (Entered: 02/28/2017)
02/28/2017	<u>87</u>	Declaration of Jessica Dove . Filed by All Plaintiffs. (Related document(s): Motion for Partial Summary Judgment <u>82</u> .) (Berman, Leonard) (Entered: 02/28/2017)
02/28/2017	<u>88</u>	Declaration of <i>Leonard Berman</i> . Filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit CCJ CCTV 10-10-12, # <u>2</u> Exhibit CCJ FLOOR PLAN, # <u>3</u> Exhibit OAR Search Rules, # <u>4</u> Exhibit CCSO Inamte Searches policy, # <u>5</u> Exhibit CCJ Hallway Curtains, # <u>6</u> Exhibit CFR regs, # <u>7</u> Exhibit Thompson/Freeman Excerpts) (Berman, Leonard) (Entered: 02/28/2017)
03/03/2017	<u>89</u>	Amended Declaration of Albert Love . Filed by All Plaintiffs. (Related document(s): Motion for Partial Summary Judgment <u>82</u> .) (Berman, Leonard) (Entered: 03/03/2017)
03/13/2017	<u>90</u>	Response in Opposition to Motion to Certify the Class ( <i>es</i> ) <u>79</u> , Motion for Leave to File Amended Complaint/Petition <u>77</u> Oral Argument requested. Filed by Clackamas County, Craig Roberts. (Gordon, Alexander) (Entered: 03/13/2017)
03/16/2017	91	<b>Scheduling Order:</b> SETTING Oral Argument for Thursday, 4/6/2017 at 2:00PM by telephone before Magistrate Judge Youlee Yim You regarding Plaintiffs' Motion for Leave to File Amended Complaint <u>77</u> . Ordered by Magistrate Judge Youlee Yim You. (pvh) (Entered: 03/16/2017)
03/27/2017	<u>92</u>	Motion to Compel <i>Production of Documents</i> . Oral Argument requested. Filed by Clackamas County, Craig Roberts. (Gordon, Alexander) (Entered: 03/27/2017)
03/27/2017	<u>93</u>	Declaration of Alexander Gordon <i>in Support of Motion to Compel</i> . Filed by Clackamas County, Craig Roberts. (Related document(s): Motion to compel <u>92</u> .) (Gordon, Alexander) (Entered: 03/27/2017)
04/06/2017	94	<b>MINUTES of Proceedings:</b> Oral Argument held on 4/6/2017 by telephone regarding regarding Motion for Leave to File Amended Complaint/Petition <u>77</u> . Leonard Berman present as counsel for plaintiffs. Alexander Gordon present as counsel for defendants. Court Reporter: Dennis Apodaca (503) 326-8182. Magistrate Judge Youlee Yim You presiding. (pvh) (Entered: 04/06/2017)
04/06/2017	<u>95</u>	<b>Findings &amp; Recommendation:</b> Plaintiffs' Motion for Leave to File Amended Complaint <u>77</u> should be denied. This Findings and Recommendation will be referred to a district judge. Objections, if any, are due Thursday, April 20, 2017. If no objections are filed, then the Findings and Recommendations will go under advisement on that date. If objections are filed, then a response is due within 14 days after being served with a copy of the objections. When the response is due or filed, whichever date is earlier, the Findings and Recommendations will go under advisement. Signed on 4/6/2017 by Magistrate Judge Youlee Yim You. (pvh) (Entered: 04/06/2017)
04/06/2017	96	<b>ORDER:</b> REFERRING Findings & Recommendation <u>95</u> and Motion for Leave to File Amended Complaint <u>77</u> to Judge Michael H. Simon for his review and determination. Ordered by Magistrate Judge Youlee Yim You. (pvh) (Entered: 04/06/2017)
04/07/2017	97	<b>Scheduling Order:</b> SETTING a Discovery Hearing for Thursday, 4/13/2017 at 2:30PM by telephone before Magistrate Judge Youlee Yim You regarding Motion to Compel Production of Documents <u>92</u> . Ordered by Magistrate Judge Youlee Yim You. (pvh) (Entered: 04/07/2017)
04/07/2017	<u>98</u>	Response to Motion to Compel <i>Production of Documents</i> <u>92</u> oral argument requested. Filed by All Plaintiffs. (Berman, Leonard) (Entered: 04/07/2017)
04/11/2017	<u>99</u>	Reply <i>in Support of Clackamas</i> to Motion to Compel <i>Production of Documents</i> <u>92</u> Oral Argument requested. Filed by Clackamas County, Craig Roberts. (Gordon, Alexander) (Entered: 04/11/2017)
04/11/2017	<u>100</u>	Declaration of Alexander Gordon <i>in Support of Reply re Motion to Compel Production</i> . Filed by Clackamas County, Craig Roberts. (Related document(s): Reply to Motion <u>99</u> .) (Attachments: # <u>1</u> Exhibit 1 - 7) (Gordon, Alexander) (Entered: 04/11/2017)

04/13/2017	101	<b>MINUTES of Proceedings:</b> Discovery Hearing held by telephone regarding Motion to compel <u>92</u> . Motion to Compel # <u>92</u> is DENIED for reasons stated on the record. Leonard Berman present as counsel for plaintiffs. Alexander Gordon present as counsel for defendants. (Court Reporter Bonita Shumway.) Magistrate Judge Youlee Yim You presiding. (pvh) (Entered: 04/13/2017)
04/21/2017	<u>102</u>	<b>ORDER</b> – No party having made objections, this Court follows the recommendation of the Advisory Committee and reviews Judge You's Findings and Recommendation for clear error on the face of the record. No such error is apparent. Accordingly, the Court ADOPTS Judge You's Findings and Recommendation, ECF <u>95</u> . Plaintiffs' Motion for Leave to File Amended Complaint/Petition (ECF <u>77</u> ) is DENIED. Signed on 4/21/2017 by Judge Michael H. Simon. (mja) (Entered: 04/21/2017)
05/08/2017	103	<b>AMENDED Scheduling Order:</b> By Order of the Court, RESETTING the 5/11/2017 Oral Argument <b>BY TELEPHONE</b> for 10:00AM before Magistrate Judge Youlee Yim You regarding Motion for Summary Judgment <u>58</u> . Ordered by Magistrate Judge Youlee Yim You. (pvh) (Entered: 05/08/2017)
05/09/2017	104	<b>Scheduling Order:</b> STRIKING the 5/11/2017 telephone Oral Argument. ORDER – The Parties are to jointly submit a proposed briefing schedule by Friday, 5/12/2017. Ordered by Magistrate Judge Youlee Yim You. (pvh) (Entered: 05/09/2017)
05/11/2017	<u>105</u>	Proposed Joint Case Management Schedule <i>for briefing schedule</i> . Filed by Clackamas County, Craig Roberts. (Gordon, Alexander) (Entered: 05/11/2017)
05/16/2017	106	<b>ORDER:</b> by Magistrate Judge Youlee Yim You – ADOPTING the parties Joint Proposed Briefing Schedule <u>105</u> and setting Oral Argument as follows: Defendants' Reply to their Motion for Summary Judgment <u>58</u> is due 06/23/2017; Defendants' Response to Plaintiffs' Motion for Summary Judgment <u>82</u> is due 6/23/2017; Defendants' Response to Plaintiffs' Motion for Class Certification <u>79</u> is due 6/23/2017; Plaintiffs' Reply of their Motion for Partial Summary Judgment <u>82</u> is due 8/4/2017; Plaintiff's Reply of their Motion for Class Certification <u>79</u> is due 8/4/2017. ORDER – SETTING Oral Argument for Thursday, 8/24/2017 at 1:30 PM on all outstanding motions. Ordered by Magistrate Judge Youlee Yim You. (pvh) (Entered: 05/16/2017)
06/20/2017	<u>107</u>	Motion to File Excess Pages <i>in Defendants' Reply to Motion for Summary Judgment</i> . Filed by Clackamas County, Craig Roberts. (Gordon, Alexander) (Entered: 06/20/2017)
06/23/2017	<u>108</u>	Response in Opposition to Motion for Partial Summary Judgment <u>82</u> Oral Argument requested. Filed by Clackamas County, Craig Roberts. (Gordon, Alexander) (Entered: 06/23/2017)
06/23/2017	<u>109</u>	Declaration of Alexander Gordon <i>in Support of Defendants' Response to Plaintiffs' Motion Partial Summary Judgment</i> . Filed by Clackamas County, Craig Roberts. (Related document(s): Response in Opposition to Motion <u>108</u> .) (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, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7) (Gordon, Alexander) (Entered: 06/23/2017)
06/23/2017	<u>110</u>	<i>Reply Of Clackamas County and Sheriff Craig Roberts</i> to Motion for Summary Judgment <i>and supporting memorandum</i> <u>58</u> Oral Argument requested. Filed by Clackamas County, Craig Roberts. (Gordon, Alexander) (Entered: 06/23/2017)
06/23/2017	<u>111</u>	Declaration of Lee Eby <i>in Support of Reply to Motion for Summary Judgment</i> . Filed by Clackamas County, Craig Roberts. (Related document(s): Reply to Motion <u>110</u> .) (Gordon, Alexander) (Entered: 06/23/2017)
06/23/2017	<u>112</u>	Declaration of Alexander Gordon <i>in Support of Reply to Motion for Summary Judgment</i> . Filed by Clackamas County, Craig Roberts. (Related document(s): Reply to Motion <u>110</u> .) (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, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7) (Gordon, Alexander) (Entered: 06/23/2017)
06/23/2017	<u>113</u>	Objections , Response in Opposition to Motion to Certify the Class ( <i>es</i> ) <u>79</u> oral argument requested. Filed by All Defendants. (Gordon, Alexander) (Entered: 06/23/2017)
07/05/2017	114	<b>ORDER:</b> Granting Motion to File Excess Pages <u>107</u> . Ordered by Magistrate Judge Youlee Yim You. (pvh) (Entered: 07/05/2017)

07/20/2017	<u>115</u>	<b>Scheduling Order:</b> RESETTING Oral Argument (LOCATION ONLY) from in-person to <b>by telephone</b> for Thursday, 8/24/2017 at 1:30 PM on all outstanding motions. Ordered by Magistrate Judge Youlee Yim You. (pvh) (Entered: 07/20/2017)
07/20/2017	<u>116</u>	Notice of Association of Attorney Leonard Randolph Berman,Mark J. Geragos for Albert Love. <i>et al.</i> Filed by All Plaintiffs (Berman, Leonard) (Entered: 07/20/2017)
07/20/2017	<u>117</u>	Motion for Leave to Appear Pro Hac Vice <i>for Attorney Mark Geragos</i> . Filing fee in the amount of \$300 collected; Agency Tracking ID: 0979-5086293. Filed by All Plaintiffs. (Berman, Leonard) (Entered: 07/20/2017)
07/26/2017	<u>118</u>	Notice of Appearance of Leonard Randolph Berman appearing on behalf of All Plaintiffs <i>Pro Hac Vice Applications for Meiselas and Geragos</i> Filed by on behalf of All Plaintiffs (Attachments: # <u>1</u> Attachment) (Berman, Leonard) (Entered: 07/26/2017)
07/27/2017	<u>119</u>	Amended Motion for Leave to Appear Pro Hac Vice <i>for Attorney Mark John Geragos</i> . Filing fee in the amount of \$300 collected; Receipt No.: 0979-5086293. Filed by All Plaintiffs. (Geragos, Mark) (Entered: 07/27/2017)
07/27/2017	<u>120</u>	Motion for Leave to Appear Pro Hac Vice <i>for Attorney Benjamin Meiselas</i> . Filing fee in the amount of \$300 collected; Agency Tracking ID: 0979-5093459. Filed by All Plaintiffs. (Meiselas, Benjamin) (Entered: 07/27/2017)
08/03/2017	<u>121</u>	<b>ORDER:</b> Granting Application for Special Admission <i>Pro Hac Vice</i> of Mark J. Geragos for William Dillon, Scott Vincent Graue, David Michael Hodges, Albert Love,and Jayson Saylor. Application Fee in amount of \$300 collected. Receipt No. 0979-5086293 issued. Signed on 8/3/2017 by Magistrate Judge Youlee Yim You. (ecp) (Entered: 08/03/2017)
08/03/2017	<u>122</u>	<b>ORDER:</b> Granting Application for Special Admission <i>Pro Hac Vice</i> of Benjamin J. Meiselas for William Dillon,Scott Vincent Graue,David Michael Hodges,Albert Love,and Jayson Saylor. Application Fee in amount of \$300 collected. Receipt No. 0979-5093459 issued. Signed on 8/3/2017 by Magistrate Judge Youlee Yim You. (ecp) (Entered: 08/03/2017)
08/04/2017	<u>123</u>	Reply to Motion to Certify the Class ( <i>es</i> ) <u>79</u> oral argument requested. Filed by All Plaintiffs. (Berman, Leonard) (Entered: 08/04/2017)
08/04/2017	<u>124</u>	Reply to Motion for Partial Summary Judgment <u>82</u> oral argument requested. Filed by All Plaintiffs. (Berman, Leonard) (Entered: 08/04/2017)
08/08/2017	<u>125</u>	This filing includes a conventionally filed DVD. This conventional filing is maintained in the Clerk's Office but cannot be made a part of the court's electronic record in CM/ECF. Exhibit One - CCJ CCTV 10-10-12. Filed by All Plaintiffs. (ecp) (Entered: 08/10/2017)
08/24/2017	<u>126</u>	<b>MINUTES of Proceedings:</b> Oral argument held on 8/24/2017 by phone regarding Motion for Summary Judgment <u>58</u> , Motion to certify class <u>79</u> , and Motion for Partial Summary Judgment <u>82</u> . <b>ORDER</b> - Parties shall file a Joint Statement of Undisputed Material Facts and respective Statements of Disputed Material Facts by Wednesday, October 11, 2017. Each fact must include a reference to evidence in the record, including corresponding ECF docket numbers and page numbers. Motions will be taken under advisement on 10/11/2017. Benjamin J. Meiselas and Leonard Berman present as counsel for plaintiffs. Alexander Gordon present as counsel for defendants. Court Reporter: Nancy Walker. Magistrate Judge Youlee Yim You presiding. (pvh) (Entered: 08/25/2017)
09/07/2017	<u>127</u>	Motion to Dismiss for Lack of Jurisdiction . Oral Argument requested. Filed by Clackamas County, Craig Roberts. (Gordon, Alexander) (Entered: 09/07/2017)
09/07/2017	<u>128</u>	Declaration of Kevin Thies <i>in Support of Motion to Dismiss for want of Subject Matter Jurisdiction</i> . Filed by Clackamas County, Craig Roberts. (Related document(s): Motion to Dismiss/Lack of Jurisdiction <u>127</u> .) (Gordon, Alexander) (Entered: 09/07/2017)
09/14/2017	<u>129</u>	<b>Scheduling Order:</b> SETTING a Scheduling Conference for Thursday, 9/14/2017 at 10:30AM by telephone before Magistrate Judge Youlee Yim You. Ordered by Magistrate Judge Youlee Yim You. (pvh) (Entered: 09/14/2017)

09/14/2017	130	<b>MINUTES of Proceedings:</b> Scheduling Conference held on 9/14/2017 by telephone. ORDER: Striking the due dates for filing fact statements relating to the pending Motion for Summary Judgment (ECF # <u>58</u> ), Motion to Certify Class (ECF # <u>79</u> ), and Motion for Partial Summary Judgment (ECF # <u>82</u> ) and staying a ruling on those motions pending a final ruling on defendants Motion to Dismiss (ECF # <u>127</u> ). Benjamin J. Meiselas present as counsel for plaintiff(s). Alexander Gordon present as counsel for defendant(s). Court Reporter: None. Magistrate Judge Youlee Yim You presiding. (pvh) (Entered: 09/15/2017)
09/18/2017	<u>131</u>	Joint Motion <i>to Set Briefing Schedule</i> . Filed by Clackamas County, Craig Roberts. (Gordon, Alexander) Modified on 9/19/2017 (pvh). (Entered: 09/18/2017)
09/19/2017	132	<b>ORDER:</b> Granting Joint Motion to set Briefing Schedule <u>131</u> . Plaintiffs' Response to Defendants' Motion to Dismiss for Lack of Jurisdiction <u>127</u> is due by 10/11/2017. Defendants' Reply is due by 10/25/2017. Ordered by Magistrate Judge Youlee Yim You. (pvh) (Entered: 09/19/2017)
10/10/2017	<u>133</u>	Reply to Motion to Dismiss for Lack of Jurisdiction <u>127</u> . Filed by All Plaintiffs. (Berman, Leonard) (Entered: 10/10/2017)
10/25/2017	<u>134</u>	Reply <i>in Support</i> to Motion to Dismiss for Lack of Jurisdiction <u>127</u> Oral Argument requested. Filed by Clackamas County, Craig Roberts. (Gordon, Alexander) (Entered: 10/25/2017)
10/25/2017	<u>135</u>	Declaration of Kevin Thies <i>in Support of Reply Memorandum to Motion to Dismiss for Want of Subject–Matter Jurisdiction</i> . Filed by Clackamas County, Craig Roberts. (Related document(s): Reply to Motion <u>134</u> .) (Gordon, Alexander) (Entered: 10/25/2017)
10/31/2017	136	<b>Scheduling Order:</b> SETTING Oral Argument for Wednesday, 11/29/2017 at 1:30PM by telephone before Magistrate Judge Youlee Yim You regarding Defendants' Motion to Dismiss for Lack of Jurisdiction <u>127</u> . Ordered by Magistrate Judge Youlee Yim You. (pvh) (Entered: 10/31/2017)
11/29/2017	137	<b>MINUTES of Proceedings:</b> Oral argument held regarding defendants' Motion to Dismiss (ECF # <u>127</u> ). ORDER – The parties shall file a Joint Statement of Undisputed Material Facts, their respective Statements of Disputed Material Facts, and the additional submittals discussed during the August 24, 2017 hearing on or before February 1, 2018. Each fact must include a reference to evidence in the record, including corresponding ECF docket numbers and page numbers. Leonard Berman present as counsel for plaintiffs. Alexander Gordon present as counsel for defendants. Court Reporter: Bonita Shumway (503) 326–8188. Magistrate Judge Youlee Yim You presiding. (pvh) (Entered: 11/29/2017)
12/05/2017	<u>138</u>	Notice of Attorney Withdrawal: Filed by All Plaintiffs. (Meiselas, Benjamin) (Entered: 12/05/2017)
12/05/2017	<u>139</u>	Notice of Attorney Withdrawal: Filed by All Plaintiffs. (Geragos, Mark) (Entered: 12/05/2017)
12/18/2017	<u>140</u>	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED Telephone Oral Argument held on 11/29/2017 before Judge Youlee Yim You, Court Reporter Bonita J. Shumway, telephone number 503–326–8188 or bonita_shumway@ord.uscourts.gov. <b>Transcript may be viewed at Court's public terminal or purchased from the Court Reporter before the deadline for Release of Transcript Restriction. Afterwards it may be obtained through the Court Reporter or PACER–See Policy at ord.uscourts.gov.</b> Notice of Intent to Redact Transcript is due by 12/27/2017. Redaction Request due 1/8/2018. Redacted Transcript Deadline set for 1/18/2018. Release of Transcript Restriction set for 3/19/2018. (Shumway, Bonita) (Entered: 12/18/2017)
01/29/2018	<u>141</u>	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED Telephonic hearing held on August 24, 2017 before Judge Youlee Yim You, Court Reporter Nancy M. Walker, telephone number 503–326–8186 or e–mail nancy_walker@ord.uscourts.gov. <b>Transcript may be viewed at Court's public terminal or purchased from the Court Reporter before the deadline for Release of Transcript Restriction. Afterwards it may be obtained from the Court Reporter (503–326–8186) or through PACER–See Policy at ord.uscourts.gov.</b> Notice of Intent to Redact Transcript is due by 2/5/2018.

		Redaction Request due 2/20/2018. Redacted Transcript Deadline set for 3/1/2018. Release of Transcript Restriction set for 4/30/2018. (Walker, Nancy) (Entered: 01/29/2018)
02/01/2018	<u>142</u>	Concise Statement of <i>Disputed Material Facts</i> . Filed by Clackamas County, Craig Roberts. (Gordon, Alexander) (Entered: 02/01/2018)
02/02/2018	<u>143</u>	<b>ORDER REGARDING FACT STATEMENTS.</b> Signed on 2/2/2018 by Magistrate Judge Youlee Yim You. (pvh) (Entered: 02/02/2018)
02/16/2018	<u>144</u>	Response to Concise Statement of Material Facts regarding Motion for Partial Summary Judgment <u>82</u> . Filed by All Plaintiffs. (Berman, Leonard) (Entered: 02/16/2018)
02/17/2018	<u>145</u>	Amended Response to Concise Statement of Material Facts regarding Motion for Partial Summary Judgment <u>82</u> . Filed by All Plaintiffs. (Berman, Leonard) (Entered: 02/17/2018)
02/20/2018	<u>146</u>	Motion for Clarification <i>Of Court Order</i> Scheduling, Order <u>143</u> . Filed by Clackamas County, Craig Roberts. (Gordon, Alexander) (Entered: 02/20/2018)
02/21/2018	147	<b>ORDER:</b> Defendants' motion for clarification (ECF # <u>146</u> ) is granted. The court clarifies that the statements of material facts submitted by the parties will assist the court in resolving all pending motions. Ordered by Magistrate Judge Youlee Yim You. (pvh) (Entered: 02/21/2018)
05/02/2018	<u>148</u>	<b>Findings &amp; Recommendation:</b> (1) Defendants' Motion to Dismiss for Lack of Jurisdiction (ECF # <u>127</u> ) should be DENIED; (2) Defendants' Motion for Summary Judgment (ECF # <u>58</u> ) should be GRANTED as to plaintiffs' claims for alleged constitutional violations based on the emergency shakedown search of October 10, 2012 and GRANTED as to all claims under the Eighth Amendment. Otherwise, Defendants' Motion for Summary Judgment (ECF # <u>58</u> ) should be DENIED; (3) Plaintiffs' Motion to Certify the Class (ECF # <u>79</u> ) should be GRANTED as to Class One, but only as to the Fourth Amendment claims of male inmates at the CCJ who underwent return-from-court visual strip searches between September 25, 2012, and the date in May 2013 on which the County installed privacy panels in CCJs hallway. Plaintiffs William Dillon, Scott Graue, David Hodges, and Albert Love should be appointed as class representatives of Class One. Additionally, Leonard Berman should be appointed as class counsel. In all other respects, the motion to certify should be DENIED; and (4) Plaintiffs' Motion for Partial Summary Judgment (ECF # <u>82</u> ) should be DENIED.  These Findings and Recommendations will be referred to a district judge. Objections, if any, are due Wednesday, May 16, 2018. If no objections are filed, then the Findings and Recommendations will go under advisement on that date. If objections are filed, then a response is due within 14 days after being served with a copy of the objections. When the response is due or filed, whichever date is earlier, the Findings and Recommendations will go under advisement. Signed on 5/2/2018 by Magistrate Judge Youlee Yim You. (pvh) (Entered: 05/02/2018)
05/02/2018	149	<b>ORDER:</b> referring Findings & Recommendation <u>148</u> , Motion for Summary Judgment <u>58</u> , Motion to Certify the Class(es) <u>79</u> , Motion for Partial Summary Judgment <u>82</u> , and Motion to Dismiss for Lack of Jurisdiction <u>127</u> , to Judge Simon for his review and determination. Ordered by Magistrate Judge Youlee Yim You. (pvh) (Entered: 05/02/2018)
05/15/2018	<u>150</u>	Objections to Findings & Recommendation: Motion for Summary Judgment <i>and supporting memorandum</i> <u>58</u> , Motion to Dismiss for Lack of Jurisdiction <u>127</u> , Motion to Certify the Class (es) <u>79</u> , Motion for Partial Summary Judgment <u>82</u> <u>148</u> Oral Argument requested. Filed by All Plaintiffs. (Berman, Leonard) (Entered: 05/15/2018)
05/16/2018	<u>151</u>	Unopposed Motion for Extension of Time to File an Objection <i>to Findings and Recommendations</i> to <u>148</u> . Filed by Clackamas County, Craig Roberts. (Gordon, Alexander) (Entered: 05/16/2018)
05/16/2018	<u>152</u>	Declaration of Alexander Gordon <i>in Support of Motion For Extension of Time to File Objections to Findings and Recommendations</i> . Filed by Clackamas County, Craig

		Roberts. (Related document(s): Motion for Extension of Time to File Objection to F & R <u>151</u> .) (Gordon, Alexander) (Entered: 05/16/2018)
05/16/2018	153	<b>ORDER:</b> Defendant's Unopposed Motion for Extension of Time <u>151</u> to File Objection to F & R is GRANTED. Defendants' Objections to the Findings and Recommendation are due by 5/17/2018. Response is due within 14 days after being served with a copy of the objections. Ordered by Judge Michael H. Simon. (pvh) (Entered: 05/16/2018)
05/17/2018	<u>154</u>	Objections to Findings & Recommendation: Motion for Summary Judgment <i>and supporting memorandum</i> <u>58</u> , Motion to Dismiss for Lack of Jurisdiction <u>127</u> , Motion to Certify the Class ( <i>es</i> ) <u>79</u> , Motion for Partial Summary Judgment <u>82</u> <u>148</u> . Filed by Clackamas County, Craig Roberts. (Gordon, Alexander) (Entered: 05/17/2018)
05/24/2018	<u>155</u>	Response to Objections to Findings & Recommendation. Related document(s): <u>148</u> Findings & Recommendation,,,,, <u>150</u> Objections to Findings & Recommendation, Oral Argument requested. Filed by Clackamas County, Craig Roberts. (Gordon, Alexander) (Entered: 05/24/2018)
05/30/2018	<u>156</u>	Motion for Extension of Time <i>to File Response to Objections</i> . Filed by All Plaintiffs. (Berman, Leonard) (Entered: 05/30/2018)
05/30/2018	<u>157</u>	Declaration of Leonard Berman . Filed by All Plaintiffs. (Related document(s): Motion for Extension of Time <u>156</u> .) (Berman, Leonard) (Entered: 05/30/2018)
05/31/2018	158	<b>ORDER</b> – Plaintiffs' Motion for Extension of Time (ECF <u>156</u> ) is GRANTED. Responses to any objections to the Findings and Recommendation are due by 6/6/2018. Ordered by Judge Michael H. Simon. (mja) (Entered: 05/31/2018)
06/06/2018	<u>159</u>	Response to Objections to Findings & Recommendation. Related document(s): <u>154</u> Objections to Findings & Recommendation,. Filed by All Plaintiffs. (Berman, Leonard) (Entered: 06/06/2018)
07/23/2018	<u>160</u>	<b>ORDER</b> – The Court ADOPTS Judge You's Findings and Recommendation, ECF <u>148</u> –1. Defendants' Motion to Dismiss for Lack of Jurisdiction (ECF <u>127</u> ) is DENIED; Defendants' Motion for Summary Judgment (ECF <u>58</u> ) is GRANTED as to plaintiffs' claims for alleged constitutional violations based on the emergency shutdown search of October 10, 2012 and GRANTED as to all claims under the Eighth amendment. Otherwise, Defendants' Motion for Summary Judgment (ECF <u>58</u> ) is DENIED. Plaintiffs' Motion to Certify the Class (ECF <u>79</u> ) is GRANTED as to Class One, but only as to the Fourth Amendment claims of male inmates at the CCJ who underwent return–from–court visual strip searches between September 25, 2012, and the date in May 2013 on which the County installed privacy panels in CCJ's hallway. Plaintiffs William Dillon, Scott Graue, David Hodges, and Albert Love should be appointed as class representatives of Class One. Additionally, Leonard Berman should be appointed as class counsel. In all other respects, the motion to certify is DENIED. Plaintiffs' Motion for Partial Summary Judgment (ECF <u>82</u> ) is DENIED. Signed on 7/23/2018 by Judge Michael H. Simon. (mja) (Entered: 07/23/2018)
07/23/2018	161	<b>ORDER:</b> By 8/6/2018, the parties shall confer and provide the court with a proposed schedule for the remainder of the case. Ordered by Magistrate Judge Youlee Yim You. (yy1) (Entered: 07/23/2018)
07/25/2018	<u>165</u>	Motion to Have a Copy of the Case Register. Filed by David Michael Hodges. (joha) (Entered: 08/06/2018)
07/31/2018	<u>162</u>	Motion for Extension of Time <i>to File Proposed Case Schedule</i> . Filed by Clackamas County, Craig Roberts. (Gordon, Alexander) (Entered: 07/31/2018)
07/31/2018	<u>163</u>	Declaration of Alexander Gordon <i>in Support of Motion for Extension of Time to File Proposed Case Schedule</i> . Filed by Clackamas County, Craig Roberts. (Related document(s): Motion for Extension of Time <u>162</u> .) (Gordon, Alexander) (Entered: 07/31/2018)
08/01/2018	164	<b>ORDER:</b> Unopposed Motion for Extension of Time <u>162</u> is GRANTED. By 8/15/2018, the parties shall confer and provide the court with a proposed schedule for the remainder of the case. Ordered by Magistrate Judge Youlee Yim You. (pvh) (Entered: 08/01/2018)

08/06/2018	166	<b>ORDER:</b> Hodges' Motion to Have a Copy of the Case Register <u>165</u> is DENIED based on LR 83-9(b) (party represented by an attorney cannot appear or act except through the attorney). However, as a courtesy, the court is printing a copy of the docket sheet and mailing it to Hodges with a copy of this order. Ordered by Magistrate Judge Youlee Yim You. (pvh) (Entered: 08/06/2018)
08/08/2018	167	Clerk's Notice of Mailing to David Michael Hodges regarding Order 166 and Copy of Docket Sheet. (joha) (Entered: 08/08/2018)
08/14/2018	<u>168</u>	Proposed Joint Case Management Schedule . Filed by All Plaintiffs. (Berman, Leonard) (Entered: 08/14/2018)
09/27/2018	169	<b>ORDER:</b> by Magistrate Judge Youlee Yim You regarding Proposed Joint Case Management Schedule <u>168</u> . The Court adopts the schedule proposed by the parties, except for the proposed trial date. Unless the parties consent to Magistrate Judge jurisdiction, the case will be referred to a District Judge for trial after final ruling on any further dispositive motions. Given the age of the case, no extensions will be granted, even if stipulated to by the parties. New case deadlines are as follows: Discovery for the class and Notice to Class Members; Friday, February 1, 2019. Motion discovery deadlines for discovery; Monday, April 1, 2019. Expert Discovery to be completed by Wednesday, 5/1/2019. Close of Discovery; Monday, 6/3/2019. Summary judgment; Monday, 6/17/2019. Ordered by Magistrate Judge Youlee Yim You. (pvh) (Entered: 09/27/2018)
10/03/2018	170	<b>AMENDED ORDER:</b> by Magistrate Judge Youlee Yim You regarding Proposed Joint Case Management Schedule <u>168</u> . The Court adopts the schedule proposed by the parties, except for the proposed trial date. Unless the parties consent to Magistrate Judge jurisdiction, the case will be referred to a District Judge for trial after final ruling on any further dispositive motions. Given the age of the case, no extensions will be granted, even if stipulated to by the parties. New case deadlines are as follows: Discovery for the class and Notice to Class Members shall be completed by Friday, February 1, 2019. Any discovery motions shall be filed by Monday, April 1, 2019. Expert Discovery shall be completed by Wednesday, 5/1/2019. All discovery shall be completed by Monday, 6/3/2019. Summary judgment motions, if any, shall be filed by Monday, 6/17/2019. Ordered by Magistrate Judge Youlee Yim You. (pvh) (Entered: 10/03/2018)
10/03/2018	<u>171</u>	Notice of Attorney Substitution:Attorney Shawn Lillegren is substituted as counsel of record in place of Attorney Alexander Gordon Filed by Clackamas County, Craig Roberts. (Lillegren, Shawn) (Entered: 10/03/2018)
01/31/2019	<u>172</u>	Motion for Extension of Time <i>To Effectuate Notice</i> . Filed by All Plaintiffs. (Berman, Leonard) (Entered: 01/31/2019)
01/31/2019	<u>173</u>	Declaration of Leonard Berman . Filed by All Plaintiffs. (Related document(s): Motion for Extension of Time <u>172</u> .) (Berman, Leonard) (Entered: 01/31/2019)