

STAYED,(b)(1)(A),MAG,CLOSED,JURY

**US District Court Electronic Case Filing System
District of Utah (Central)
CIVIL DOCKET FOR CASE #: 2:15-cv-00645-RJS**

Disability Law Center et al v. State of Utah et al
Assigned to: Judge Robert J. Shelby
Case in other court: Tenth Circuit, 16-00608
Cause: 28:1983 Civil Rights

Date Filed: 09/08/2015
Date Terminated: 07/12/2017
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Disability Law Center
a Utah nonprofit corporation

represented by **Aaron M. Kinikini**
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205 N 400 W 1ST FL
SALT LAKE CITY, UT 84103
(801)363-1347
Email: akinikini@disabilitylawcenter.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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Erin Burns Sullivan
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Jared C. Fields
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ATTORNEY TO BE NOTICED

Plaintiff

S. B.
*an individual by and through his next
friend Margaret Goodman*

represented by **Aaron M. Kinikini**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alan L. Sullivan
(See above for address)
ATTORNEY TO BE NOTICED

Bret R. Evans
(See above for address)
ATTORNEY TO BE NOTICED

Erin Burns Sullivan
(See above for address)
ATTORNEY TO BE NOTICED

Jared C. Fields
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

A. U.
by and through his next friend Mary Eka

represented by **Aaron M. Kinikini**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alan L. Sullivan
(See above for address)
ATTORNEY TO BE NOTICED

Bret R. Evans
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ATTORNEY TO BE NOTICED

Erin Burns Sullivan
(See above for address)
ATTORNEY TO BE NOTICED

Jared C. Fields
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

S. W.
an individual

represented by **Aaron M. Kinikini**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alan L. Sullivan
(See above for address)
ATTORNEY TO BE NOTICED

Bret R. Evans
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ATTORNEY TO BE NOTICED

Erin Burns Sullivan
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ATTORNEY TO BE NOTICED

Jared C. Fields
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

State of Utah

represented by **David N. Wolf**
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Parker Douglas
UTAH ATTORNEY GENERAL'S
OFFICE
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PO BOX 142320
SALT LAKE CITY, UT 84114-2320
(801)538-9600
TERMINATED: 09/27/2017
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Tyler R. Green
OFFICE OF THE ATTORNEY
GENERAL
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SALT LAKE CITY, UT 84114
(801)538-1191
Email: tylergreen@agutah.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Utah Department of Human Services

represented by **David N. Wolf**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Laura K. Thompson
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Parker Douglas
(See above for address)
TERMINATED: 09/27/2017
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Tyler R. Green
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Ann Williamson
*in her official capacity as Executive
Director of the Utah Department of
Human Services*

represented by **David N. Wolf**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Laura K. Thompson
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Parker Douglas
(See above for address)
*TERMINATED: 09/27/2017
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Tyler R. Green
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

**Utah Division of Substance Abuse and
Mental Health**

represented by **David N. Wolf**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Laura K. Thompson
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Parker Douglas
(See above for address)
*TERMINATED: 09/27/2017
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Tyler R. Green
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

Douglas Thomas
*in his official capacity as director of the
Utah Division of Substance Abuse and
Mental Health*

represented by **David N. Wolf**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Laura K. Thompson
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Parker Douglas
(See above for address)
*TERMINATED: 09/27/2017
LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Tyler R. Green
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant**Utah State Hospital**

represented by **David N. Wolf**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Laura K. Thompson
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Parker Douglas
 (See above for address)
TERMINATED: 09/27/2017
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Tyler R. Green
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Dallas Earnshaw**

*in his official capacity as Superintendent
 of Utah State Hospital*

represented by **David N. Wolf**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Laura K. Thompson
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Parker Douglas
 (See above for address)
TERMINATED: 09/27/2017
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Tyler R. Green
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/08/2015	<u>1</u>	Case has been indexed and assigned to Judge Robert J. Shelby. Plaintiffs S. B., Disability Law Center, A. U., S. W. is directed to E-File the <u>Complaint and cover sheet</u> (found under Complaints and Other Initiating Documents) and pay the filing fee of \$400.00 by the end of the business day. NOTE: The court will not have jurisdiction until the opening document is electronically filed and the filing fee paid in the CM/ECF system. Civil Summons may be issued electronically. Prepare the summons using the courts <u>PDF version</u> and email it to utdecf_clerk@utd.uscourts.gov for issuance. (bdr) (Entered: 09/08/2015)
09/08/2015	<u>2</u>	COMPLAINT 42 U.S.C. Section 1983 Complaint for Declaratory and Injunctive Relief against All Defendants (Filing fee \$ 400, receipt number 1088-2336178), filed by S. B., Disability Law Center, A. U., S. W.. (Attachments: # <u>1</u> Civil Cover Sheet Civil Cover Sheet) Assigned to Judge Robert J. Shelby (Fields, Jared) Modified by adding the correct receipt number on 9/8/2015 (bdr). (Entered: 09/08/2015)

09/09/2015	<u>3</u>	NOTICE of Appearance by Parker Douglas on behalf of All Defendants (Douglas, Parker) (Entered: 09/09/2015)
09/09/2015	<u>4</u>	**RESTRICTED DOCUMENT** Summons Issued Electronically as to Ann Williamson. Instructions to Counsel: 1. Click on the document number. 2. If you are prompted for an ECF login, enter your 'Attorney' login to CM/ECF. 3. Print the issued summons for service. (mms) (Entered: 09/09/2015)
09/09/2015	<u>5</u>	**RESTRICTED DOCUMENT** Summons Issued Electronically as to Utah Department of Human Services. Instructions to Counsel: 1. Click on the document number. 2. If you are prompted for an ECF login, enter your 'Attorney' login to CM/ECF. 3. Print the issued summons for service. (mms) (Entered: 09/09/2015)
09/09/2015	<u>6</u>	**RESTRICTED DOCUMENT** Summons Issued Electronically as to Utah Department of Human Services. Instructions to Counsel: 1. Click on the document number. 2. If you are prompted for an ECF login, enter your 'Attorney' login to CM/ECF. 3. Print the issued summons for service. (mms) (Entered: 09/09/2015)
09/09/2015	<u>7</u>	**RESTRICTED DOCUMENT** Summons Issued Electronically as to Dallas Earnshaw. Instructions to Counsel: 1. Click on the document number. 2. If you are prompted for an ECF login, enter your 'Attorney' login to CM/ECF. 3. Print the issued summons for service. (mms) (Entered: 09/09/2015)
09/09/2015	<u>8</u>	**RESTRICTED DOCUMENT** Summons Issued Electronically as to Utah Division of Substance Abuse and Mental Health. Instructions to Counsel: 1. Click on the document number. 2. If you are prompted for an ECF login, enter your 'Attorney' login to CM/ECF. 3. Print the issued summons for service. (mms) (Entered: 09/09/2015)
09/09/2015	<u>9</u>	**RESTRICTED DOCUMENT** Summons Issued Electronically as to State of Utah. Instructions to Counsel: 1. Click on the document number. 2. If you are prompted for an ECF login, enter your 'Attorney' login to CM/ECF. 3. Print the issued summons for service. (mms) (Entered: 09/09/2015)
09/09/2015	<u>10</u>	**RESTRICTED DOCUMENT** Summons Issued Electronically as to Utah State Hospital. Instructions to Counsel: 1. Click on the document number. 2. If you are prompted for an ECF login, enter your 'Attorney' login to CM/ECF. 3. Print the issued summons for service. (mms) (Entered: 09/09/2015)
09/09/2015	<u>11</u>	NOTICE of Appearance by Tyler R. Green on behalf of All Defendants (Green, Tyler) (Entered: 09/09/2015)
09/10/2015	<u>12</u>	NOTICE of Appearance by Laura K. Thompson on behalf of All Defendants (Thompson, Laura) (Entered: 09/10/2015)
09/10/2015	<u>13</u>	**RESTRICTED DOCUMENT** Summons Issued Electronically as to Douglas Thomas. Instructions to Counsel: 1. Click on the document number. 2. If you are prompted for an ECF login, enter your 'Attorney' login to CM/ECF. 3. Print the issued summons for service. (bdr) (Entered: 09/10/2015)
09/14/2015	<u>14</u>	DOCKET TEXT ORDER The court orders the parties to follow the Short Form Discovery Motion procedure as outlined in the attached document in this case for all discovery disputes arising after this date. Signed by Judge Robert J. Shelby on

		9/14/2015. (mjm) (Entered: 09/14/2015)
09/14/2015	<u>15</u>	ACKNOWLEDGMENT OF SERVICE Executed as to <u>2</u> Complaint, <u>9</u> Summons Issued Electronically, <u>7</u> Summons Issued Electronically, <u>13</u> Summons Issued Electronically, <u>4</u> Summons Issued Electronically, <u>8</u> Summons Issued Electronically, <u>10</u> Summons Issued Electronically, <u>5</u> Summons Issued Electronically, Acknowledgment filed by S. B., Disability Law Center, A. U., S. W.. All Defendants. (Fields, Jared) (Entered: 09/14/2015)
09/15/2015	<u>16</u>	NOTICE of Appearance by David N. Wolf on behalf of All Defendants (Wolf, David) (Entered: 09/15/2015)
09/17/2015	<u>17</u>	ORDER REFERRING CASE to Magistrate Judge Brooke C. Wells under 28:636 (b)(1)(A), Magistrate to hear and determine all nondispositive pretrial matters. No attached document. Signed by Judge Robert J. Shelby on 9/17/2015. (jds) (Entered: 09/17/2015)
09/17/2015	<u>18</u>	Plaintiff's MOTION to Certify Class and Memorandum in Support <i>and to Appoint Class Counsel</i> filed by Plaintiffs S. B., Disability Law Center, A. U., S. W.. (Fields, Jared) (Entered: 09/17/2015)
09/17/2015	<u>19</u>	AFFIDAVIT/DECLARATION of 18 in Support re <u>18</u> Plaintiff's MOTION to Certify Class and Memorandum in Support <i>and to Appoint Class Counsel of Erin Sullivan</i> filed by Plaintiffs S. B., Disability Law Center, A. U., S. W.. (Fields, Jared) (Entered: 09/17/2015)
09/17/2015	<u>20</u>	AFFIDAVIT/DECLARATION of Jared C. Fields in Support re <u>18</u> Plaintiff's MOTION to Certify Class and Memorandum in Support <i>and to Appoint Class Counsel</i> filed by Plaintiffs S. B., Disability Law Center, A. U., S. W.. (Fields, Jared) (Entered: 09/17/2015)
09/17/2015	<u>21</u>	Ex Parte (Not Sealed) MOTION for Leave to File Under Seal Exhibits to Declaration of Erin Sullivan filed by Plaintiffs S. B., Disability Law Center, A. U., S. W.. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order) Motions referred to Brooke C. Wells.(Fields, Jared) (Entered: 09/17/2015)
09/18/2015	<u>22</u>	ORDER granting <u>21</u> Ex Parte (Not Sealed) Motion for Leave to File Under Seal Exhibits to Declaration of Erin Sullivan. Signed by Magistrate Judge Brooke C. Wells on 9/18/2015. (jds) (Entered: 09/18/2015)
09/18/2015	<u>23</u>	NOTICE OF CONVENTIONAL FILING of Sealed Exhibits to Declaration of Erin Sullivan filed by Plaintiffs S. B., Disability Law Center, A. U., S. W. re <u>19</u> Affidavit/Declaration in Support of Motion, (Fields, Jared) (Entered: 09/18/2015)
09/22/2015	<u>24</u>	MOTION for Extension of Time to File Answer and Memorandum in Support re <u>2</u> COMPLAINT filed by Defendants Dallas Earnshaw, State of Utah, Douglas Thomas, Utah Department of Human Services, Utah Division of Substance Abuse and Mental Health, Utah State Hospital, Ann Williamson. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Brooke C. Wells.(Douglas, Parker) Modified docket entry relationship on 9/22/2015 (jds). (Entered: 09/22/2015)
09/22/2015	<u>25</u>	ORDER granting <u>24</u> Motion for Extension of Time to Answer re <u>2</u> Complaint. Answer deadline updated for Dallas Earnshaw answer due 10/19/2015; State of Utah answer due 10/19/2015; Douglas Thomas answer due 10/19/2015; Utah Department of Human Services answer due 10/19/2015; Utah Division of Substance Abuse and Mental Health answer due 10/19/2015; Utah State Hospital answer due 10/19/2015; Ann Williamson answer due 10/19/2015. Signed by Judge Robert J. Shelby on 9/22/2015. (jds) (Entered: 09/22/2015)
10/02/2015	<u>26</u>	Duplicate filing of Motion Defendant's MOTION for Extension of Time To File Opposition To Plaintiffs' Motion To Certify As Class Action and To Appoint Class Counsel filed by Defendants Dallas Earnshaw, State of Utah, Douglas Thomas, Utah Department of Human Services, Utah Division of Substance Abuse and Mental Health, Utah State Hospital, Ann Williamson. Motions referred to Brooke C. Wells.(Wolf, David) Modified on 10/5/2015 (jds). (Entered: 10/02/2015)
10/02/2015	<u>27</u>	Unopposed MOTION for Extension of Time to file opposition re <u>18</u> Plaintiff's MOTION to Certify Class and to Appoint Class Counsel filed by Defendants Dallas

		Earnshaw, State of Utah, Douglas Thomas, Utah Department of Human Services, Utah Division of Substance Abuse and Mental Health, Utah State Hospital, Ann Williamson. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Brooke C. Wells.(Wolf, David) Modified docket entry relationship on 10/5/2015 (jds). (Entered: 10/02/2015)
10/05/2015	<u>28</u>	ORDER granting <u>27</u> Unopposed Motion for Extension of Time to File Response/Reply re <u>18</u> Plaintiff's MOTION to Certify Class and to Appoint Class Counsel. Signed by Judge Robert J. Shelby on 10/5/2015. (jds) (Entered: 10/05/2015)
10/16/2015	<u>29</u>	Second MOTION for Extension of Time to File Answer re <u>2</u> Complaint, and Memorandum in Support filed by Defendants Dallas Earnshaw, State of Utah, Douglas Thomas, Utah Department of Human Services, Utah Division of Substance Abuse and Mental Health. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Brooke C. Wells.(Douglas, Parker) (Entered: 10/16/2015)
10/19/2015	<u>30</u>	ORDER granting <u>29</u> Motion for Extension of Time to Answer re <u>2</u> Complaint,. Answer deadline updated for Dallas Earnshaw answer due 10/21/2015; State of Utah answer due 10/21/2015; Douglas Thomas answer due 10/21/2015; Utah Department of Human Services answer due 10/21/2015; Utah Division of Substance Abuse and Mental Health answer due 10/21/2015; Utah State Hospital answer due 10/21/2015; Ann Williamson answer due 10/21/2015. Signed by Judge Robert J. Shelby on 10/19/2015. (jds) (Entered: 10/19/2015)
10/21/2015	<u>31</u>	MOTION for Extension of Time respond to Complaint and Memorandum in Support filed by Defendants Dallas Earnshaw, State of Utah, Douglas Thomas, Utah Department of Human Services, Utah Division of Substance Abuse and Mental Health. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Brooke C. Wells.(Douglas, Parker) Modified event type on 10/21/2015 (jds). (Entered: 10/21/2015)
10/21/2015	<u>32</u>	ORDER granting <u>31</u> Motion for Extension of Time to Answer re <u>2</u> Complaint,. Answer deadline updated for Dallas Earnshaw answer due 10/23/2015; State of Utah answer due 10/23/2015; Douglas Thomas answer due 10/23/2015; Utah Department of Human Services answer due 10/23/2015; Utah Division of Substance Abuse and Mental Health answer due 10/23/2015; Utah State Hospital answer due 10/23/2015; Ann Williamson answer due 10/23/2015. Signed by Judge Robert J. Shelby on 10/21/2015. (jds) (Entered: 10/21/2015)
10/23/2015	<u>33</u>	MOTION for Extension of Time time to respond to complaint. and Memorandum in Support filed by Defendants Dallas Earnshaw, State of Utah, Douglas Thomas, Utah Department of Human Services, Utah Division of Substance Abuse and Mental Health. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Brooke C. Wells.(Douglas, Parker) (Entered: 10/23/2015)
10/23/2015	<u>34</u>	ORDER granting <u>33</u> Motion for Extension of Time. Signed by Judge Robert J. Shelby on 10/23/15. (jlw) (Entered: 10/23/2015)
10/26/2015	<u>35</u>	Final MOTION for Extension of Time to File Answer re <u>2</u> Complaint, and Memorandum in Support , MOTION for Leave to File Excess Pages and Memorandum in Support <i>motion to dismiss</i> filed by Defendants Dallas Earnshaw, State of Utah, Douglas Thomas, Utah Department of Human Services, Utah Division of Substance Abuse and Mental Health. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Brooke C. Wells.(Douglas, Parker) (Entered: 10/26/2015)
10/26/2015	<u>36</u>	ORDER granting <u>35</u> Motion for Extension of Time to Answer re <u>2</u> Complaint,. Answer deadline updated for Dallas Earnshaw answer due 10/30/2015; State of Utah answer due 10/30/2015; Douglas Thomas answer due 10/30/2015; Utah Department of Human Services answer due 10/30/2015; Utah Division of Substance Abuse and Mental Health answer due 10/30/2015; Utah State Hospital answer due 10/30/2015; Ann Williamson answer due 10/30/2015.; granting <u>35</u> Motion for Leave to File Excess Pages. Defendants brief in response to the Answer may be up to 35 pages long. Signed by Judge Robert J. Shelby on 10/26/2015. (jds) (Entered: 10/26/2015)
10/30/2015	<u>37</u>	MOTION to Dismiss and Memorandum in Support , MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and Memorandum in Support filed by Defendants Dallas Earnshaw, State of Utah, Douglas Thomas, Utah Department of Human

		Services, Utah Division of Substance Abuse and Mental Health, Utah State Hospital, Ann Williamson. (Attachments: # <u>1</u> Text of Proposed Order)(Douglas, Parker) (Entered: 10/30/2015)
11/17/2015	<u>38</u>	MOTION for Extension of Time to File Response/Reply as to <u>37</u> MOTION to Dismiss and Memorandum in Support MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and Memorandum in Support and Memorandum in Support filed by Plaintiffs S. B., Disability Law Center, A. U., S. W.. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Brooke C. Wells.(Evans, Bret) (Entered: 11/17/2015)
11/17/2015	<u>39</u>	ORDER granting <u>38</u> Motion for Extension of Time to File Response/Reply re <u>37</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM. Plaintiffs Memorandum in Opposition to Motion to Dismiss due by 12/7/2015. Signed by Judge Robert J. Shelby on 11/17/2015. (jds) (Entered: 11/17/2015)
12/07/2015	<u>40</u>	Plaintiff's MEMORANDUM in Opposition re <u>37</u> MOTION to Dismiss and Memorandum in Support MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and Memorandum in Support filed by Plaintiffs S. B., Disability Law Center, A. U., S. W.. (Attachments: # <u>1</u> Exhibit A – D, # <u>2</u> Exhibit E)(Sullivan, Alan) (Entered: 12/07/2015)
12/09/2015	<u>41</u>	NOTICE OF HEARING ON MOTION re: <u>37</u> MOTION to Dismiss MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM : (Notice generated by Mary Jane McNamee) Motion Hearing set for 2/2/2016 at 10:00 AM in Rm 7.300 before Judge Robert J. Shelby. (mjm) (Entered: 12/09/2015)
12/15/2015	<u>42</u>	Stipulated MOTION for Extension of Time to File Response/Reply as to <u>41</u> Notice of Hearing on Motion, <u>39</u> Order on Motion for Extension of Time to File Response/Reply, <u>37</u> MOTION to Dismiss and Memorandum in Support MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and Memorandum in Support , <u>40</u> Memorandum in Opposition to Motion, and Memorandum in Support filed by Defendants Dallas Earnshaw, State of Utah, Douglas Thomas, Utah Department of Human Services, Utah Division of Substance Abuse and Mental Health, Utah State Hospital, Ann Williamson. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Brooke C. Wells.(Douglas, Parker) (Entered: 12/15/2015)
12/16/2015	<u>43</u>	ORDER granting <u>42</u> Motion for Extension of Time to File Response/Reply re <u>37</u> MOTION to Dismiss. Reply Brief due by 1/14/2016. Signed by Judge Robert J. Shelby on 12/15/2015. (jds) (Entered: 12/16/2015)
01/13/2016	<u>44</u>	MOTION for Extension of Time to File Response/Reply as to <u>37</u> MOTION to Dismiss and Memorandum in Support MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and Memorandum in Support and Memorandum in Support filed by Defendants Dallas Earnshaw, State of Utah, Douglas Thomas, Utah Department of Human Services, Utah Division of Substance Abuse and Mental Health, Utah State Hospital, Ann Williamson. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Brooke C. Wells.(Douglas, Parker) (Entered: 01/13/2016)
01/13/2016	<u>45</u>	ORDER granting <u>44</u> Motion for Extension of Time to File Response/Reply re <u>37</u> MOTION to Dismiss Reply Brief due by 1/15/2016. Signed by Judge Robert J. Shelby on 1/13/2016. (jds) (Entered: 01/13/2016)
01/15/2016	<u>46</u>	MOTION for Extension of Time to File Response/Reply as to <u>37</u> MOTION to Dismiss and Memorandum in Support MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and Memorandum in Support and Memorandum in Support filed by Defendants Dallas Earnshaw, State of Utah, Douglas Thomas, Utah Department of Human Services, Utah Division of Substance Abuse and Mental Health, Utah State Hospital, Ann Williamson. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Brooke C. Wells.(Douglas, Parker) (Entered: 01/15/2016)
01/15/2016	<u>47</u>	ORDER granting <u>46</u> Motion for Extension of Time to File Response/Reply re <u>37</u> MOTION to Dismiss, MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM. Replies due by 1/18/2016. Signed by Judge Robert J. Shelby on 1/15/2016. (blh) (Entered: 01/15/2016)
01/18/2016	<u>48</u>	REPLY to Response to Motion re <u>37</u> MOTION to Dismiss and Memorandum in Support MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and

		Memorandum in Support filed by Defendants Dallas Earnshaw, State of Utah, Douglas Thomas, Utah Department of Human Services, Utah Division of Substance Abuse and Mental Health, Utah State Hospital, Ann Williamson. (Douglas, Parker) (Entered: 01/18/2016)
02/02/2016	49	Minute Entry for proceedings held before Judge Robert J. Shelby: Counsel present for parties. The Court hears oral argument. The Court takes the motion under advisement. Motion Hearing held on 2/2/2016 re <u>37</u> MOTION to Dismiss and Memorandum in Support MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and Memorandum in Support filed by State of Utah, Dallas Earnshaw, Douglas Thomas, Utah State Hospital, Utah Division of Substance Abuse and Mental Health, Ann Williamson, Utah Department of Human Services. Attorney for Plaintiff: Bret R. Evans, Jared C. Fields, Alan L. Sullivan, Erin Sullivan, Attorney for Defendant: Parker Douglas, Laura K. Thompson. Court Reporter: Ray Fenlon.(Time Start: 10:00 a.m., Time End: 12:31 p.m., Room 7.300.)(kpf) (Entered: 02/02/2016)
02/17/2016	<u>50</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of DEFENDANTS' MOTION TO DISMISS held on FEBRUARY 2, 2016 before Judge ROBERT J. SHELBY. Court Reporter/Transcriber RAYMOND P. FENLON, Telephone number (801) 809-4634.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at www.utd.uscourts.gov. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below.</p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/9/2016. Redacted Transcript Deadline set for 3/21/2016. Release of Transcript Restriction set for 5/17/2016. (jds) Modified on 5/17/2016 by removing restricted text (las). (Entered: 02/17/2016)</p>
04/07/2016	<u>51</u>	MEMORANDUM DECISION AND ORDER denying <u>37</u> the State's Motion to Dismiss. Signed by Judge Robert J. Shelby on 4/7/2016. (jds) (Entered: 04/07/2016)
04/24/2016	<u>52</u>	MOTION for Extension of Time TO FILE ANSWER AND OPPOSITION BRIEF TO PLAINTIFFS MOTION TO CERTIFY CLASS ACTION AND TO APPOINT CLASS COUNSEL, DOC. #18 and Memorandum in Support filed by Defendants Dallas Earnshaw, State of Utah, Douglas Thomas, Utah Department of Human Services, Utah Division of Substance Abuse and Mental Health, Utah State Hospital, Ann Williamson. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Brooke C. Wells.(Douglas, Parker) (Entered: 04/24/2016)
04/25/2016	<u>53</u>	ORDER granting <u>52</u> Unopposed Motion for Extension of Time to file answer and opposition brief to <u>18</u> Plaintiff's MOTION to Certify Class and Memorandum in Support and to Appoint Class Counsel. Signed by Judge Robert J. Shelby on 4/25/2015. (jds) (Entered: 04/25/2016)
04/27/2016	<u>54</u>	<i>Defendant State of Utah, et als</i> ANSWER to Complaint filed by State of Utah.(Thompson, Laura) (Entered: 04/27/2016)
05/04/2016	<u>55</u>	REPORT OF ATTORNEY PLANNING MEETING. (Evans, Bret) (Entered: 05/04/2016)
05/09/2016	<u>56</u>	MOTION for Extension of Time to File Response/Reply as to <u>18</u> Plaintiff's MOTION to Certify Class and Memorandum in Support <i>and to Appoint Class Counsel</i> and Memorandum in Support filed by Defendants Dallas Earnshaw, State of Utah, Douglas Thomas, Utah Department of Human Services, Utah Division of Substance Abuse and Mental Health, Utah State Hospital, Ann Williamson. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Brooke C. Wells.(Douglas, Parker) (Entered: 05/09/2016)

05/09/2016	<u>57</u>	ORDER granting <u>56</u> Motion for Extension of Time to File Response/Reply re <u>18</u> Plaintiff's MOTION to Certify Class and to Appoint Class Counsel. Brief in Opposition due by 5/16/2016. Signed by Judge Robert J. Shelby on 5/9/2016. (jds) (Entered: 05/09/2016)
05/16/2016	<u>58</u>	MEMORANDUM in Opposition re <u>18</u> Plaintiff's MOTION to Certify Class and Memorandum in Support and to Appoint Class Counsel filed by Defendants Dallas Earnshaw, State of Utah, Douglas Thomas, Utah Department of Human Services, Utah Division of Substance Abuse and Mental Health, Utah State Hospital, Ann Williamson. (Attachments: # <u>1</u> Exhibit 1)(Douglas, Parker) (Entered: 05/16/2016)
05/19/2016	<u>59</u>	Stipulated MOTION for Extension of Time to File Response/Reply as to <u>18</u> Plaintiff's MOTION to Certify Class and Memorandum in Support and to Appoint Class Counsel and Memorandum in Support filed by Plaintiffs S. B., Disability Law Center, A. U., S. W.. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Brooke C. Wells.(Evans, Bret) (Entered: 05/19/2016)
05/19/2016	<u>60</u>	ORDER granting <u>59</u> Motion for Extension of Time to File Response/Reply re <u>18</u> Plaintiff's MOTION to Certify Class and Memorandum in Support and to Appoint Class Counsel. Replies due by 6/14/2016. Signed by Magistrate Judge Brooke C. Wells on 5/19/2016. (jds) (Entered: 05/19/2016)
05/23/2016	<u>61</u>	SCHEDULING ORDER: Amended Pleadings due by Plaintiffs 9/6/2016, Defendants 9/20/2016. Joinder of Parties due by Plaintiffs 9/6/2016, Defendants 9/20/2016. Discovery due by 4/14/2017. Motions due by 5/5/2017. Deadline for filing a request for a scheduling conference due by 5/12/2017. Signed by Magistrate Judge Evelyn J. Furse on 5/23/2016. (jds) (Entered: 05/23/2016)
06/10/2016	<u>62</u>	Ex Parte (Not Sealed) MOTION for Leave to File Excess Pages and Memorandum in Support filed by Plaintiffs S. B., Disability Law Center, A. U., S. W.. (Attachments: # <u>1</u> Text of Proposed Order) Motions referred to Brooke C. Wells.(Evans, Bret) (Entered: 06/10/2016)
06/10/2016	<u>63</u>	ORDER granting <u>62</u> Ex Parte Motion for Leave to File Overlength Reply in support of Plaintiffs Motion to Certify Class and Appoint Class Counsel. Signed by Magistrate Judge Brooke C. Wells on 6/10/2016. (jds) (Entered: 06/10/2016)
06/13/2016	<u>64</u>	REPLY to Response to Motion re <u>18</u> Plaintiff's MOTION to Certify Class and Memorandum in Support and to Appoint Class Counsel filed by Plaintiffs S. B., Disability Law Center, A. U., S. W.. (Attachments: # <u>1</u> Exhibit A – State v. Adams, # <u>2</u> Exhibit B – Burnside v. Whitley, # <u>3</u> Exhibit C – State v. Parry)(Sullivan, Alan) (Entered: 06/13/2016)
06/13/2016	<u>65</u>	AFFIDAVIT/DECLARATION of Erin Sullivan in Support re <u>18</u> Plaintiff's MOTION to Certify Class and Memorandum in Support and to Appoint Class Counsel filed by Plaintiffs S. B., Disability Law Center, A. U., S. W.. (Attachments: # <u>1</u> Exhibit A – NCP Lists, # <u>2</u> Exhibit B – BZ Court Docs, # <u>3</u> Exhibit C – JS Court Docs, # <u>4</u> Exhibit D – SE Court Docs, # <u>5</u> Exhibit E – RISE Patient Handbook, # <u>6</u> Exhibit F – RISE Contract, # <u>7</u> Exhibit G – RISE Budget Request)(Sullivan, Alan) (Entered: 06/13/2016)
06/17/2016	66	<u>NOTICE OF HEARING ON MOTION</u> re: <u>18</u> Plaintiff's MOTION to Certify Class and to Appoint Class Counsel : (Notice generated by Mary Jane McNamee) Motion Hearing set for 8/18/2016 at 1:30 PM in Rm 7.300 before Judge Robert J. Shelby. (mjm) (Entered: 06/17/2016)
06/27/2016	67	<u>AMENDED NOTICE OF HEARING ON MOTION</u> re: <u>18</u> Plaintiff's MOTION to Certify Class and to Appoint Class Counsel : (Notice generated by Mary Jane McNamee) Motion Hearing RESET for 9/22/2016 at 1:45 PM in Rm 7.300 before Judge Robert J. Shelby. (mjm) (Entered: 06/27/2016)
07/29/2016	<u>68</u>	Joint MOTION for Protective Order <i>Stipulated</i> filed by Defendant State of Utah. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit) Motions referred to Brooke C. Wells.(Thompson, Laura) (Entered: 07/29/2016)
08/03/2016	<u>69</u>	ORDER granting <u>68</u> Stipulated Motion for Protective Order. Signed by Judge Robert J. Shelby on 8/3/2016. (Attachments: # <u>1</u> Disclosure Agreement) (jds) (Entered: 08/03/2016)

09/22/2016	70	Minute Entry for proceedings held before Judge Robert J. Shelby: Motion Hearing held on 9/22/2016 re <u>18</u> Plaintiff's MOTION to Certify Class <i>and to Appoint Class Counsel</i> filed by A. U., S. W., S. B., Disability Law Center. Counsel are present. The court hears argument and takes the motion under advisement. Attorney for Plaintiff: Alan L. Sullivan, Aaron M. Kinikini, Bret R. Evans, Attorney for Defendant: Parker Douglas, Laura K. Thompson, David N. Wolf. Court Reporter: Ray Fenlon.(cff) (Entered: 09/22/2016)
09/27/2016	<u>71</u>	MEMORANDUM DECISION AND ORDER granting <u>18</u> Plaintiffs Motion to Certify as Class Action and to Appoint Class Counsel. Signed by Judge Robert J. Shelby on 9/27/2016. (jds) (Entered: 09/27/2016)
10/04/2016	<u>72</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of PLAINTIFF'S MOTION TO CERTIFY CLASS AND APPOINT CLASS COUNSEL held on SEPTEMBER 22, 2016 before Judge ROBERT J. SHELBY. Court Reporter/Transcriber RAYMOND P. FENLON, Telephone number (801) 809-4634. NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at www.utd.uscourts.gov. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/25/2016. Redacted Transcript Deadline set for 11/4/2016. Release of Transcript Restriction set for 1/3/2017. (jds) Modified on 1/3/2017 by removing restricted text (las). (Entered: 10/04/2016)
10/12/2016	<u>74</u>	NOTICE of U.S. Court of Appeals Number(16-608) re: Petition for Permission to Appeal re <u>71</u> Order on Motion to Certify Class, Memorandum Decision. (Attachments: # <u>1</u> Petition for Permission to Appeal) (jmr) (Entered: 10/12/2016)
11/07/2016	<u>75</u>	ORDER of USCA Tenth Circuit-This matter is before the court on the Utah Petitioners' Petition for Permission to Appeal and Order Granting Class Certification. Upon consideration, and after very careful review of the petition, the response, the reply, and the district court's order, the Petition for Permission is Denied. Terminated on the merits after submissions without oral hearing. Written, unsigned, and unpublished. Final order filed denying petition for permission to appeal by judges: Briscoe, Hartz, and Moritz. (jmr) (Entered: 11/08/2016)
12/15/2016	<u>76</u>	FILED IN ERROR - RESPONSE to Discovery Request from State of Utah filed by Defendant State of Utah.(Thompson, Laura) Modified on 12/15/2016: added error text (alt) (Entered: 12/15/2016)
12/15/2016	77	CLERK'S NOTICE OF ERROR re <u>76</u> Response to Discovery. Description of error: Document should not have been filed with the court per DUCivR 26-1(b). (alt) (Entered: 12/15/2016)
01/03/2017	<u>78</u>	STRICKEN - Signature line missing, document will be refiled by filer. MOTION to Stay of Proceedings filed by Plaintiff Disability Law Center. (Attachments: # <u>1</u> Proposed Order Granting Joint Motion for Stay of Proceedings) Motions referred to Brooke C. Wells.(Kinikini, Aaron) Modified on 1/3/2017 (jds). (Entered: 01/03/2017)
01/03/2017	<u>79</u>	Joint MOTION to Stay Of Proceedings and Motion to Amend Scheduling Order filed by Plaintiff Disability Law Center. (Attachments: # <u>1</u> Proposed Order Granting Joint Motion for Stay of Proceedings) Motions referred to Brooke C. Wells.(Kinikini, Aaron). Added MOTION for Scheduling Order on 1/6/2017 (jds). (Entered: 01/03/2017)
01/06/2017	<u>80</u>	ORDER granting <u>79</u> Motion to Stay of Proceeding, granting <u>79</u> Motion to Amend Scheduling Order: Discovery due by 6/23/2017, Motions due by 7/14/2017, Deadline for filing a request for a scheduling conference due by 7/21/2017. Signed by

		Magistrate Judge Brooke C. Wells on 1/5/2017. (jds) (Entered: 01/06/2017)
03/17/2017	<u>81</u>	Joint MOTION to Stay of <i>Proceedings</i> filed by Plaintiff Disability Law Center. (Attachments: # <u>1</u> Exhibit Proposed order Granting Second Joint Motion for Stay of <i>Proceedings</i>) Motions referred to Brooke C. Wells.(Kinikini, Aaron) (Entered: 03/17/2017)
03/20/2017	<u>82</u>	ORDER granting <u>81</u> Second Joint MOTION to Stay of <i>Proceedings</i> filed by Disability Law Center. Discovery due by 8/23/2017. Motions due by 9/14/2017. Deadline for filing a request for a scheduling conference due by 9/21/2017. Signed by Magistrate Judge Brooke C. Wells on 3/20/2017. (blh) (Entered: 03/20/2017)
04/17/2017	<u>83</u>	Joint MOTION to Amend/Correct <u>61</u> Scheduling Order, filed by Defendants Dallas Earnshaw, State of Utah, Douglas Thomas, Utah Department of Human Services, Utah Division of Substance Abuse and Mental Health, Utah State Hospital, Ann Williamson. (Attachments: # <u>1</u> Text of Proposed Order Amended Scheduling Order) Motions referred to Brooke C. Wells.(Wolf, David) Modified event type on 4/17/2017 (jds). (Entered: 04/17/2017)
04/17/2017	<u>84</u>	ORDER granting <u>83</u> Motion to Amend Scheduling Order: Discovery due by 9/20/2017. Motions due by 10/12/2017. Signed by Magistrate Judge Brooke C. Wells on 4/17/2017. (jds) (Entered: 04/17/2017)
06/12/2017	<u>85</u>	Joint MOTION Appointment of Monitor , Joint MOTION for Settlement <i>Approval of Settlement Agreement</i> , Joint MOTION to Stay <i>Proceedings</i> filed by Plaintiffs S. B., Disability Law Center, A. U., S. W.. (Attachments: # <u>1</u> Exhibit 1 – Settlement Agreement, # <u>2</u> Exhibit 2 – Notice to Class Members, # <u>3</u> Exhibit 3 – Notice to Defense Counsel, # <u>4</u> Exhibit 4 – Curriculum Vitae for Patrick Fox MD, # <u>5</u> Text of Proposed Order Proposed Order) Motions referred to Brooke C. Wells.(Sullivan, Alan) (Entered: 06/12/2017)
06/14/2017	<u>86</u>	ORDER re <u>85</u> Joint MOTION Appointment of Monitor, Joint MOTION for Approval of Settlement Agreement, Joint MOTION to Stay <i>Proceedings</i> . The Court will hold a fairness hearing on the fairness, reasonableness, and adequacy of the Settlement Agreement set for 7/11/2017 at 03:00 PM in Rm 7.300 before Judge Robert J. Shelby. Signed by Judge Robert J. Shelby on 6/14/2017. (jds) (Entered: 06/14/2017)
06/19/2017	87	Motions No Longer Referred: <u>85</u> Joint MOTION Appointment of Monitor Joint MOTION for Settlement <i>Approval of Settlement Agreement</i> Joint MOTION to Stay <i>Proceedings</i> (ems) (Entered: 06/19/2017)
06/26/2017	<u>88</u>	AFFIDAVIT/DECLARATION of Alan L. Sullivan in Support re <u>85</u> Joint MOTION Appointment of Monitor Joint MOTION for Settlement <i>Approval of Settlement Agreement</i> Joint MOTION to Stay <i>Proceedings</i> filed by Plaintiffs S. B., Disability Law Center, A. U., S. W.. (Sullivan, Alan) (Entered: 06/26/2017)
07/05/2017	<u>89</u>	NOTICE of Notice of Filing Comments and Objections to Proposed Settlement Agreement by Disability Law Center (Attachments: # <u>1</u> Exhibit Responses to Proposed Class Action Settlement) (Sullivan, Erin) (Entered: 07/05/2017)
07/11/2017	90	Minute Entry for proceedings held before Judge Robert J. Shelby. Motion Hearing held on 7/11/2017. After hearing from counsel. Court granted the <u>85</u> Joint Motion for Appointment of Monitor, Approval of the Settlement Agreement and Stay of <i>Proceedings</i> . For reasons stated by Mr. Sullivan and submissions from counsel, Court finds the settlement to be fair, reasonable and adequate. Court ordered the proceeding in this case stayed for 5 years. Court further appointed Dr. Patrick K. Fox as Monitor. Court will prepare a written order. Attorney for Plaintiff: Alan L. Sullivan, Bret R. Evans, Erin Sullivan, Attorney for Defendant: David N. Wolf, Laura K. Thompson. Court Reporter: Ray Fenlon.(ss) (Entered: 07/12/2017)
07/12/2017	<u>91</u>	ORDER re 90 Motion Hearing. Follows oral order of 7/11/2017 granting <u>85</u> Joint Motion for Appointment of Monitor, Approval of the Settlement Agreement and Stay of <i>Proceedings</i> . Signed by Judge Robert J. Shelby on 7/12/2017. (jds) (Entered: 07/12/2017)
07/12/2017	92	ORDER Administratively Closing this Case per <u>91</u> Order. Case may be reopened upon motion of pla(s) or dft(s). Magistrate Judge Brooke C. Wells no longer assigned to case. Signed by Judge Robert J. Shelby on 7/12/2017. (jds) (Entered: 07/12/2017)

09/25/2017	<u>93</u>	NOTICE OF WITHDRAWAL OF COUNSEL of Parker Douglas filed by David N. Wolf on behalf of Dallas Earnshaw, State of Utah, Douglas Thomas, Utah Department of Human Services, Utah Division of Substance Abuse and Mental Health, Utah State Hospital, Ann Williamson (Wolf, David) (Entered: 09/25/2017)
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