

U.S. District Court
United States District Court for the Western District of Washington (Tacoma)
CIVIL DOCKET FOR CASE #: 3:09-cv-05430-RJB

JW et al v. Pierce County et al
Assigned to: Judge Robert J. Bryan
Cause: 42:1983 Civil Rights Act

Date Filed: 07/15/2009
Date Terminated: 03/29/2010
Jury Demand: Defendant
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

JW
a minor, through his guardian ad litem
SALVADOR MUNGIA

represented by **Beth Ann Colgan**
COLUMBIA LEGAL SERVICES (SEA)
101 YESLER WAY
STE 300
SEATTLE, WA 98104-2552
206-464-0838
Email: beth.colgan@columbialegal.org
TERMINATED: 05/12/2011

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TERMINATED: 06/25/2012

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ATTORNEY TO BE NOTICED

Plaintiff

SR
a minor, by and through his parents

represented by **Beth Ann Colgan**
(See above for address)
TERMINATED: 05/12/2011

Gavin Keith Thornton
(See above for address)
TERMINATED: 06/25/2012

Melissa R Lee
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Samuelu Reupena

represented by **Beth Ann Colgan**
(See above for address)
TERMINATED: 05/12/2011

Gavin Keith Thornton
(See above for address)
TERMINATED: 06/25/2012

Melissa R Lee

(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Tafaoga Reupena

represented by **Beth Ann Colgan**
(See above for address)
TERMINATED: 05/12/2011

Gavin Keith Thornton
(See above for address)
TERMINATED: 06/25/2012

Melissa R Lee
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Pierce County

*a political subdivision in the State of
Washington*

represented by **Michelle Luna-Green**
PIERCE COUNTY PROSECUTING
ATTORNEY'S OFFICE (CIVIL)
CIVIL DIVISION
955 TACOMA AVE S
STE 301
TACOMA, WA 98402-2160
253-798-6732
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Tacoma Public Schools

*also known as
Tacoma School District No. 10*

represented by **Charles P E Leitch**
PATTERSON BUCHANAN FOBES
&LEITCH
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TERMINATED: 08/03/2012
ATTORNEY TO BE NOTICED

Defendant

Randy Dorn

*Superintendent of Public Instruction, in
his official capacity*

represented by **Dierk J Meierbachtol**
ATTORNEY GENERAL OF
WASHINGTON (40100-OLY)
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
07/15/2009	<u>1</u>	NOTICE OF REMOVAL from Pierce County Superior Court, case number 09-2-10156-1; (Receipt # T-5909), filed by Pierce County. (Attachments: # <u>1</u> Verification of State Records, # <u>2</u> Consent to Removal, # <u>3</u> Civil Cover Sheet)(JL) (Entered: 07/20/2009)
07/20/2009	<u>2</u>	ORDER REGARDING DISCOVERY AND DEPOSITIONS. Authorized by Judge Robert J. Bryan. (JL) (Entered: 07/20/2009)
07/20/2009	<u>3</u>	ORDER REGARDING INITIAL DISCLOSURES, JOINT STATUS REPORT AND EARLY SETTLEMENT.FRPCP 26f Conference Deadline is 10/5/2009; Initial Disclosure Deadline is 10/13/2009; Joint Status Report due by 10/19/2009. Authorized by Judge Robert J. Bryan. (JL) (Entered: 07/20/2009)
07/20/2009		JSR due 10/19/2009. (JL) (Entered: 07/20/2009)
07/22/2009	<u>4</u>	ANSWER to Complaint with JURY DEMAND by Tacoma Public Schools.(Leitch, Charles) (Entered: 07/22/2009)
07/23/2009	<u>5</u>	ANSWER to Complaint by Pierce County.(Luna-Green, Michelle) (Entered: 07/23/2009)
07/24/2009	<u>6</u>	NOTICE OF CONSENT TO REMOVAL with Attachments re <u>1</u> Notice of Removal ; filed by Defendant Randy Dorn. (JLP) (Entered: 07/28/2009)
08/04/2009	<u>7</u>	NOTICE of Appearance by attorney Gavin Keith Thornton on behalf of Plaintiffs JW, SR, Samuelu Reupena, Tafaoga Reupena. (Thornton, Gavin) (Entered: 08/04/2009)
08/05/2009	<u>8</u>	NOTICE of Appearance by attorney Katharine M. Tylee on behalf of Defendant Tacoma Public Schools. (Tylee, Katharine) (Entered: 08/05/2009)
09/01/2009	<u>9</u>	CERTIFICATE OF SERVICE by Plaintiffs JW, SR, Samuelu Reupena, Tafaoga Reupena. (Thornton, Gavin) (Entered: 09/01/2009)
09/01/2009	<u>10</u>	CERTIFICATE OF SERVICE by Plaintiffs JW, SR, Samuelu Reupena, Tafaoga Reupena. (Thornton, Gavin) (Entered: 09/01/2009)
09/01/2009	<u>11</u>	CERTIFICATE OF SERVICE by Plaintiffs JW, SR, Samuelu Reupena, Tafaoga Reupena. (Thornton, Gavin) (Entered: 09/01/2009)
09/01/2009	<u>12</u>	CERTIFICATE OF SERVICE by Plaintiffs JW, SR, Samuelu Reupena, Tafaoga Reupena. (Thornton, Gavin) (Entered: 09/01/2009)
09/16/2009	<u>13</u>	ORDER REFERRING CASE FOR SETTLEMENT CONFERENCE. Referred to Magistrate Judge Karen L. Strombom for settlement purposes. Signed by Judge Robert J. Bryan. (JL) (Entered: 09/16/2009)
09/16/2009	14	SCHEDULING ORDER for Settlement Conference: This matter has been referred to Judge Strombom to conduct a SETTLEMENT CONFERENCE. Settlement briefs are not to exceed ten double-spaced pages and are due in chambers, on Monday, October 26, 2009 by 12:00 noon. The briefs should contain a statement of the facts, issues for trial, the law, strengths and weaknesses of the party's case, each party's position after mediation held in this matter and a settlement figure. The briefs should be delivered to Judge Strombom's chambers, submitted by fax to chambers at (253)882-3891 or e-mailed to strombomorders@wawd.uscourts.gov. BRIEFS ARE TO BE CONFIDENTIAL AND NOT FILED WITH THE COURT OR SERVED ON OPPOSING COUNSEL. In addition to counsel, representatives who have authority to settle, are directed to be present in person. The SETTLEMENT CONFERENCE is set for Wednesday, 10/28/2009 at 09:00 AM in Courtroom F before Judge Karen L. Strombom. By: Judge Karen L. Strombom. (PH) (Entered: 09/16/2009)

09/29/2009	15	MINUTE ENTRY for proceedings held before Judge Karen L Strombom– Telephone Conference call held on 9/29/2009, all counsel represented, discussion regarding upcoming settlement conference. (PH) (Entered: 09/29/2009)
09/29/2009		Set/Reset SETTLEMENT CONFERENCE: The Settlement Conference in this matter is reset for Tuesday, 11/17/2009 at 09:00 AM in Courtroom F before Judge Karen L Strombom. Settlement conference briefs are now due on Friday, November 13, 2009 by 12:00 noon under the conditions in the previous order. Pursuant to a telephonic conference call with all counsel this date, the court and the parties have agreed with regards to representatives to be present at the settlement conference.(PH) Modified on 9/30/2009 (PH). (Entered: 09/29/2009)
10/19/2009	<u>16</u>	JOINT STATUS REPORT signed by all parties estimated Trial Days: Four. Filed by Plaintiff JW.(Thornton, Gavin) (Entered: 10/19/2009)
10/30/2009	<u>17</u>	MINUTE ORDER SETTING TRIAL, PRETRIAL DATES AND ORDERING MEDIATION; Length of Trial: *FOUR DAYS*. Jury Trial is set for 6/21/2010 at 09:30 AM in Courtroom A before Judge Robert J. Bryan. Joinder of Parties due by 1/18/2010, Expert Witness Disclosure/Reports under FRCP 26(a)(2) due by 12/23/2009, Motions due by 2/1/2010, Discovery completed by 2/22/2010, Dispositive motions due by 3/23/2010, Settlement conference to be held by 4/22/2010, 39.1 mediation to be completed by 5/24/2010, 39.1 Settlement Report due by 6/1/2010, Motions in Limine due by 5/24/2010, Pretrial Order due by 6/4/2010, Pretrial Conference set for 6/11/2010 at 08:30 AM. Trial briefs to be submitted by 6/11/2010, Proposed voir dire/jury instructions due by 6/11/2010. Authorized by Judge Robert J. Bryan. (DK) (Entered: 10/30/2009)
11/19/2009		The SETTLEMENT CONFERENCE in this matter is rescheduled for Wednesday, 12/16/2009 at 09:00 AM in Courtroom F before Judge Karen L Strombom. The settlement conference briefs are now due in Judge Strombom's chambers no later than Monday, 12/14/2009 by 12:00 noon.By: Judge Karen L Strombom. (PH) (Entered: 11/19/2009)
11/23/2009	<u>18</u>	PROPOSED ORDER (Unsigned) <i>Stipulation & (Proposed) Order Extending Deadlines for Filing of Motion for Class Certification & Disclosure of Expert Testimony Under FRCP 26(a)(2)</i> . (Thornton, Gavin) (Entered: 11/23/2009)
11/23/2009	<u>19</u>	STIPULATION AND ORDER EXTENDING DEADLINES FOR FILING OF MOTION FOR CLASS CERTIFICATION AND DISCLOSURE OF EXPERT TESTIMONY UNDER FRCP 26(a)(2). Deadline for filing of class certification motion is extended from 12/14/09 to 1/14/10. Deadline for disclosure of expert testimony under FRCP 26(a)(2) is extended from 12/23/2009 to 1/25/2010. Signed by Judge Robert J. Bryan. (JL) (Entered: 11/23/2009)
11/23/2009		Set/Reset Deadlines: Expert Witness Disclosure/Reports under FRCP 26(a)(2) due by 1/25/2010, (JL) (Entered: 11/23/2009)
12/16/2009	20	MINUTE ENTRY for proceedings held before Judge Karen L Strombom– The Settlement Conference in this matter was held on 12/16/2009. All parties were present and participated. The settlement conference will continue at an agreed upon time and date. (PH) (Entered: 12/17/2009)
12/17/2009	21	SCHEDULING ORDER FOR SETTLEMENT CONFERENCE: The continuance of the Settlement conference in this matter is set for Thursday, 1/14/2009 at 9:00 a.m. in Courtroom F before Judge Karen L. Strombom. The parties shall provide a limited brief that consists of an update regarding the status of negotiations since the last settlement conference and what issues remain. The briefs should be delivered to Judge Strombom's chambers, submitted by fax to chambers at (253)882-3891 or e-mailed to strombomorders@wawd.uscourts.gov. BRIEFS ARE TO BE CONFIDENTIAL AND NOT FILED WITH THE COURT OR SERVED ON OPPOSING COUNSEL. By: Judge Karen L Strombom. (PH) (Entered: 12/17/2009)
12/22/2009	<u>22</u>	STIPULATION AND PROPOSED ORDER <i>Adjusting Trial and Pretrial Dates</i> by parties. (Thornton, Gavin) (Entered: 12/22/2009)
12/23/2009	<u>23</u>	STIPULATION AND ORDER ADJUSTING TRIAL AND PRETRIAL DATES by Judge Robert J. Bryan. (DK) (Entered: 12/23/2009)

12/23/2009		Set/Reset Deadlines & Hearings: Jury Trial is RESET for 8/2/2010 at 09:30 AM in Courtroom A before Judge Robert J. Bryan. Pretrial Conference set for 7/23/2010 at 08:30 AM. 39.1 mediation to be completed by 7/5/2010, 39.1 Settlement Report due by 7/13/2010, Discovery completed by 4/5/2010, Dispositive motions due by 5/4/2010, Expert Witness Disclosure/Reports under FRCP 26(a)(2) due by 3/8/2010, Joinder of Parties due by 3/1/2010, Motions due by 3/15/2010, Motions in Limine due by 7/5/2010, Proposed pretrial order due by 7/16/2010, Settlement conference to be held by 6/3/2010, Trial briefs to be submitted by 7/23/2010, Voir dire/jury instructions/trial briefs due by 7/23/2010. (DK) (Entered: 12/23/2009)
01/14/2010	24	MINUTE ENTRY for proceedings held before Judge Karen L Strombom– The second Settlement Conference in this matter was held on 1/14/2010; all parties participated; counsel will contact the court if a third settlement conference is needed. (PH) (Entered: 01/15/2010)
01/15/2010	<u>25</u>	STIPULATION AND PROPOSED ORDER <i>Extending Deadline for Filing of Motion for Class Certification</i> by parties. (Thornton, Gavin) (Entered: 01/15/2010)
01/19/2010	<u>26</u>	STIPULATION AND ORDER EXTENDING DEADLINE FOR FILING OF MOTION FOR CLASS CERTIFICATION, re <u>25</u> Stipulation. Deadline for filing of class certification motion is extended from February 25, 2010 to March 22, 2010. Signed by Judge Robert J. Bryan. (JL) (Entered: 01/19/2010)
02/05/2010	<u>27</u>	STIPULATION AND PROPOSED ORDER <i>Regarding Class Certification and Preliminary Approval of Settlement Agreement and Consent Decree</i> by parties. (Attachments: # <u>1</u> Exhibit Notice of Proposed Class Action Settlement, # <u>2</u> Exhibit Proposed Settlement Agreement and Consent Decree)(Thornton, Gavin) (Entered: 02/05/2010)
02/05/2010	<u>28</u>	DECLARATION of Gavin Thornton in Support of Stipulation and (Proposed) Order Regarding Class Certification and Preliminary Approval of Settlement Agreement and Consent Decree re <u>27</u> Stipulation, by Plaintiff JW. (Thornton, Gavin) (Entered: 02/05/2010)
02/10/2010	<u>29</u>	STIPULATION AND ORDER REGARDING CLASS CERTIFICATION AND PRELIMINARY APPROVAL OF SETTLEMENT AGREEMENT AND CONSENT DECREE. Signed by Judge Robert J. Bryan. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(JL) (Entered: 02/10/2010)
02/10/2010	30	NOTICE of Hearing: A Fairness Hearing in this matter is scheduled for 3/26/2010 at 01:30 PM in Courtroom A before Judge Robert J. Bryan.(DK) (Entered: 02/10/2010)
02/17/2010	<u>31</u>	DECLARATION of Michelle Luna–Green re <u>29</u> Stipulation and Order by Defendant Pierce County. (Luna–Green, Michelle) (Entered: 02/17/2010)
02/18/2010	<u>32</u>	DECLARATION of Katharine M. Tylee by Defendants Tacoma Public Schools, Pierce County. (Leitch, Charles) (Entered: 02/18/2010)
02/18/2010	<u>33</u>	DECLARATION of Valerie M. Allen by Defendants Tacoma Public Schools, Pierce County. (Leitch, Charles) (Entered: 02/18/2010)
03/26/2010	34	MINUTE ENTRY for proceedings held before Judge Robert J. Bryan– Dep Clerk: <i>Dara Kaleel</i> ; Pla Counsel: <i>Gavin Thornton</i> ; Def Counsel: <i>Michelle Luna–Green, Charles Leitch, Dierk Jon Meierbachtol</i> ; CR: <i>Julaine Ryen</i> ; In Court Hearing/FINAL FAIRNESS HEARING held on 3/26/2010. No objections to proposed Settlement Agreement/Consent Decree presented; Court approves Settlement Agreement/Consent Decree. (DK) (Entered: 03/26/2010)
03/26/2010	<u>35</u>	PROPOSED ORDER (Unsigned) (<i>Proposed Settlement Agreement and Consent Decree</i>) (Attachments: # <u>1</u> Exhibit Notice of Education Rights Youth, # <u>2</u> Exhibit Student Rights & Responsibilities, # <u>3</u> Exhibit Notice of Education Rights Parents)(Thornton, Gavin) (Entered: 03/26/2010)
03/29/2010	<u>36</u>	SETTLEMENT AGREEMENT AND CONSENT DECREE. Signed by Judge Robert J. Bryan. (Attachments: # <u>1</u> Notice of Education Rights Youth, # <u>2</u> Student Rights & Responsibilities, # <u>3</u> Notice of Education Rights Parents)(JL) (Entered: 03/29/2010)

05/12/2011	<u>37</u>	NOTICE OF WITHDRAWAL OF COUNSEL: Attorney Beth Ann Colgan for Plaintiffs JW, Samuelu Reupena, Tafaoga Reupena, SR. (Colgan, Beth) (Entered: 05/12/2011)
06/25/2012	<u>38</u>	NOTICE OF WITHDRAWAL OF COUNSEL: Attorney Gavin Keith Thornton for Plaintiffs JW, Samuelu Reupena, Tafaoga Reupena, SR. (Thornton, Gavin) (Entered: 06/25/2012)
06/25/2012	<u>39</u>	NOTICE of Appearance by attorney Melissa R Lee on behalf of Plaintiffs JW, Samuelu Reupena, Tafaoga Reupena, SR. (Lee, Melissa) (Entered: 06/25/2012)
08/03/2012	<u>40</u>	NOTICE OF WITHDRAWAL OF COUNSEL: Attorney Katharine M. Tylee for Defendant Tacoma Public Schools. (Tylee, Katharine) (Entered: 08/03/2012)