

**Electronic Case Filing System  
District of Utah (Central)  
CIVIL DOCKET FOR CASE #: 2:93-cv-00545-DS**

T.D.P., et al v. Leavitt, et al  
Assigned to: Judge David Sam  
Demand: \$0  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 06/10/1993  
Date Terminated: 03/13/1996  
Jury Demand: None  
Nature of Suit: 550 Prisoner: Civil Rights  
Jurisdiction: Federal Question

**Plaintiff**

**T.D.P.**

*personally and on behalf of similarly  
situated minors,*

represented by **Brian M. Barnard**  
UTAH LEGAL CLINIC  
214 E 500 S  
SALT LAKE CITY, UT 84111-3204  
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*TERMINATED: 02/02/1995*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John P. Pace**

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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kathryn D. Kendell**

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*ATTORNEY TO BE NOTICED*

**Linda M. Jones**

SALT LAKE LEGAL DEFENDER  
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424 E 500 S STE 300  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**E.M.S.**

*personally and on behalf of similarly  
situated minors*

represented by **Jensie L. Anderson**  
UNIVERSITY OF UTAH  
COLLEGE OF LAW  
332 S 1400 E FRONT  
SALT LAKE CITY, UT 84112  
(801)585-9692  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Linda M. Jones**

(See above for address)

*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Plaintiff**

**S.C.B.**

*personally and on behalf of similarly  
situated minors*

represented by **Jensie L. Anderson**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Linda M. Jones**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Michael Leavitt**

*in his official capacity as Governor of  
Utah,*

represented by **Carol Verdoia**  
UTAH ATTORNEY GENERAL'S  
OFFICE (CHILD PROTECTION)  
CHILD PROTECTION  
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ATTORNEY TO BE NOTICED*

**Craig L. Barlow**  
UTAH ATTORNEY GENERAL'S  
OFFICE (5272)  
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**Jan Graham**  
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*LEAD ATTORNEY*

**Linda Luinstra-Baldwin**  
3607 APPLE MILL COVE  
SALT LAKE CITY, UT 84109  
(801)278-8964  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant**

**Michael Stewart**

*in his official capacity as Director of the  
Department of Human Services,*

represented by **Carol Verdoia**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Craig L. Barlow**  
(See above for address)  
*LEAD ATTORNEY*

ATTORNEY TO BE NOTICED

**Jan Graham**  
(See above for address)  
LEAD ATTORNEY

**Linda Luinstra–Baldwin**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Defendant**

**Gary Dalton**  
*in his official capacity as Director of  
Division of Youth Corrections,*

represented by **Carol Verdoia**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Craig L. Barlow**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Jan Graham**  
(See above for address)  
LEAD ATTORNEY

**Linda Luinstra–Baldwin**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Defendant**

**Patrick Lambert**  
*in his official capacity as Director of the  
Moweda Youth Home*

represented by **Carol Verdoia**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Craig L. Barlow**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Jan Graham**  
(See above for address)  
LEAD ATTORNEY

**Linda Luinstra–Baldwin**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Defendant**

**George Kelner**  
*in his official capacity as Director of Salt  
Lake Detention Center,*

represented by **Carol Verdoia**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Craig L. Barlow**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Jan Graham**

(See above for address)  
*LEAD ATTORNEY*

**Linda Luinstra–Baldwin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Jeff McBride**  
*in his official capacity as Director of  
Region I Division of Youth Corrections,*

represented by **Carol Verdoia**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Craig L. Barlow**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jan Graham**  
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*LEAD ATTORNEY*

**Linda Luinstra–Baldwin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**William C. Nelson**  
*in his official capacity as Director of  
Region II Division of Youth Corrections,*

represented by **Carol Verdoia**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Craig L. Barlow**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Jan Graham**  
(See above for address)  
*LEAD ATTORNEY*

**Linda Luinstra–Baldwin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
06/10/1993	1	Complaint filed, assigned to Judge David Sam Receipt #: 53488 (ss) (Entered: 06/11/1993)
06/11/1993		Case identified as part of the 1993 Time Study sample. Administrative reports will be made to the Federal Judicial Center of the judicial time spent on this case. (lsy) (Entered: 06/11/1993)
07/16/1993	2	Answer to Complaint by Michael Leavitt, Michael Stewart, Gary Dalton, Patrick Lambert, George Kelner, Jeff McBride, William C. Nelson (Entered: 07/19/1993)
11/17/1993	3	Notice of Hearing filed : Status Report and Scheduling Conference set for 8:00 12/6/93 JUDGE: DS. cc: atty (ce) (Entered: 11/17/1993)

12/06/1993	4	Minute entry. Cnsl were optimistic this case will be settled and need to wait until the legislature meets again after the first of the year. Based upon these repr from cnsl the court contd this matter as noted above. Status Report and Scheduling Conference set for 8:00 4/1/94 ; Judge: Hon. David Sam Court Reporter: None Court Deputy: Lois Wallberg (Entered: 12/06/1993)
04/01/1994	5	Minute entry:, Status Report and Scheduling Conference held , scheduling order deadlines: setting Discovery deadline on 12/30/94 Deadline for filing of all motions by 1/13/95 Attorney conference by <date not set> Final Pretrial Conference for 8:00 3/27/95 Bench Trial for 9:30 4/10/95 ; Mr. Barnard to prepare order. Judge: David Sam Court Reporter: none Court Deputy: Theresa Brown (tb) (Entered: 04/01/1994)
04/04/1994	6	Order, re: motions in limine signed by DS 4/4/94 (Entered: 04/05/1994)
04/11/1994	7	Scheduling order Setting Deadline for filing of all motions 1/13/95 Deadline for Hearing of all Motions 3/1/95 Discovery cutoff 12/30/94 Final Pretrial Conference for 8:00 3/27/95 Bench Trial for 9:30 4/10/95 DS 4/11/94 cc:attys (mp) (Entered: 04/12/1994)
08/25/1994		Proposed order from T.D.P. re: proposed pla class may be certified as a class pusuant to the provisions Rule 23 (mjm) (Entered: 08/26/1994)
08/25/1994	8	Stipulation by T.D.P., Michael Leavitt, Michael Stewart, Gary Dalton, Patrick Lambert, George Kelner, Jeff McBride, William C. Nelson Stip to certify class action (mjm) (Entered: 08/26/1994)
08/29/1994	9	Motion by T.D.P. for Brian M. Barnard, John Pace and Joro Walker of the UT Legal Clinic to withdraw as attorney (mjm) (Entered: 08/29/1994)
09/02/1994	10	Stipulation by T.D.P., Michael Leavitt STip to certify class action (mjm) (Entered: 09/06/1994)
09/19/1994	11	Order granting [8-1] stipulation motion Stip to certify class action, granting [10-1] stipulation motion STip to certify class action signed by DS 9/16/94; cc:attys (Entered: 09/19/1994)
09/22/1994	12	Motion by T.D.P. to compel prod/docs (mjm) (Entered: 09/23/1994)
09/22/1994	13	Memorandum by T.D.P. in support of [12-1] motion to compel prod/docs (mjm) (Entered: 09/23/1994)
09/26/1994	14	Order of Reference referring case to Mag Judge pursuant to Rule 28 USC 636 (b)(1)(B) to decide any non-dispositive motions and to submit an R &R re: any dispositive motions signed by DS 9/23/94 cc:attys (mjm) (Entered: 09/26/1994)
09/28/1994	15	Case referred to Judge Ronald N. Boyce (mjm) (Entered: 09/28/1994)
10/03/1994	16	Order denying [12-1] motion to compel prod/docs w/o prejudice to pla's making a proper motion showing the docs sought to be produces signed by RNB, 10/3/94 cc:attys (mjm) (Entered: 10/04/1994)
10/05/1994	17	Motion by T.D.P. for order to compel production of docs (mjm) (Entered: 10/06/1994)
10/05/1994	18	Memorandum by T.D.P. in support of [17-1] motion for order to compel production of docs (mjm) (Entered: 10/06/1994)
10/07/1994	19	Motion by T.D.P. for Brian M. Barnard, John Pace and Joro Walker of the Utah Legal Clinic to withdraw as attorney. Pla shall continue to be rep by cnsl from the American Civil Liberties Union (mjm) (Entered: 10/11/1994)
10/14/1994	20	Motion by T.D.P. for Kathryn D. Kendell to withdraw as attorney, Pla's shall be hereafter rep by cnsl Linda Jones (mjm) (Entered: 10/17/1994)
10/20/1994	21	Notice of Hearing filed : Motion hearing set for 10:30 11/4/94 Room 477 for [17-1] motion for order to compel production of docs JUDGE: RNB (mjm) (Entered: 10/21/1994)
11/04/1994	22	Certificate of service by Michael Leavitt, Michael Stewart, Gary Dalton, Patrick Lambert, George Kelner, Jeff McBride, William C. Nelson re: Resp to Pla's req for prod/docs (mjm) (Entered: 11/04/1994)

11/30/1994	23	Certificate of service by Michael Leavitt, Michael Stewart, Gary Dalton, Patrick Lambert, George Kelner, Jeff McBride, William C. Nelson re: Interrogs (mjm) (Entered: 11/30/1994)
12/01/1994	24	Certificate of service by T.D.P. re pla's first set interrog; second req/prod of doc; first set req/admiss (ce) (Entered: 12/02/1994)
12/29/1994	25	Certificate of service by Michael Leavitt, Michael Stewart, Gary Dalton, Patrick Lambert, George Kelner, Jeff McBride, William C. Nelson re: Dfts resp to pla's 1st set of req for admissions (mjm) (Entered: 12/29/1994)
12/30/1994	26	Joint motion by T.D.P., Michael Leavitt, Michael Stewart, Gary Dalton, Patrick Lambert, George Kelner, Jeff McBride, William C. Nelson to extend time for disc cut-off &dispositive motion date (ce) (Entered: 12/30/1994)
12/30/1994	27	Stipulation by T.D.P., Michael Leavitt, Michael Stewart, Gary Dalton, Patrick Lambert, George Kelner, Jeff McBride, William C. Nelson stip to extend time re disc &motion filing cut-off dates (ce) (Entered: 12/30/1994)
12/30/1994	28	Memorandum by Michael Leavitt, Michael Stewart, Gary Dalton, Patrick Lambert, George Kelner, Jeff McBride, William C. Nelson in support of [27-1] stipulation motion stip to extend time re disc &motion filing cut-off dates, [26-1] joint motion to extend time for disc cut-off &dispositive motion date (ce) (Entered: 12/30/1994)
12/30/1994	29	Order granting [27-1] stipulation motion stip to extend time re disc &motion filing cut-off dates, granting [26-1] joint motion to extend time for disc cut-off &dispositive motion date, discovery due set for 1/31/95 , motion filing deadline set for 2/15/95 signed by RNB, 12/29/94. cc: atty (ce) (Entered: 12/30/1994)
01/12/1995	30	Notice of attorney appearance for E.M.S., S.C.B. by Jensie L. Anderson (mjm) (Entered: 01/13/1995)
01/24/1995		Proposed order from E.M.S., S.C.B. re: new sched order ddls (mjm) (Entered: 01/25/1995)
01/24/1995	31	Stipulation by T.D.P., Michael Leavitt, Michael Stewart, Gary Dalton, Patrick Lambert, George Kelner, Jeff McBride, William C. Nelson, E.M.S., S.C.B. Stip to extend time for discovery to 5/15/95; dispositive motions to 5/31/95; pre-trial conf to 8/2/95; trial to 8/21/95; (mjm) (Entered: 01/25/1995)
01/31/1995	32	Order granting [31-1] stipulation motion Stip to extend time for discovery to 5/15/95; dispositive motions to 5/31/95; pre-trial conf to 8/2/95; trial to 8/21/95; , discovery due set for 5/15/95 , motion filing deadline set for 5/31/95 , Pretrial Conference , Pretrial Conference , Jury trial set for 8/21/95 signed by DS, 1/30/95 cc:attys (mjm) (Entered: 01/31/1995)
02/02/1995	33	Notice of filing by T.D.P. atty, John Pace that he and atty Brian M. Barnard are no longer rep pla in this matter. (mjm) (Entered: 02/03/1995)
02/17/1995		Proposed order from T.D.P., E.M.S., S.C.B. re: leave to withdraw as cnsl for plas (ce) (Entered: 02/21/1995)
02/17/1995	34	Motion by T.D.P., E.M.S., S.C.B. for Brian M. Barnard, John Pace, Joro Walker to withdraw as attorney for plas (ce) (Entered: 02/21/1995)
02/28/1995	35	Order granting [34-1] motion for Brian M. Barnard, John Pace, Joro Walker to withdraw as attorney for plas (Terminated signed by DS (ss) (Entered: 02/28/1995)
03/20/1995	36	Notice by E.M.S., S.C.B. to take deposition of Patrick Lambert, 4/11/95 and Anne Nelson, 4/13/95 (ce) (Entered: 03/20/1995)
03/29/1995	37	Certificate of service by T.D.P., E.M.S., S.C.B. re: Pla's resp to dfts interrogs (mjm) (Entered: 03/30/1995)
04/07/1995	38	Certificate of service by Michael Leavitt, Michael Stewart, Gary Dalton, Patrick Lambert, George Kelner, Jeff McBride, William C. Nelson re: Dfts' ans to pla's 1st set of interrogs (mjm) (Entered: 04/07/1995)
05/16/1995		Proposed order from T.D.P., E.M.S., S.C.B. re: Ext of time for discovery &dispositive motions deadlines (mjm) (Entered: 05/16/1995)

05/16/1995	39	Stipulation by T.D.P., Michael Leavitt, E.M.S., S.C.B. Stip to extend time for filing of dispositive motions to 6/30/95 ptrl conf and trial will remain the same (mjm) (Entered: 05/16/1995)
05/17/1995	40	Order granting [39-1] stipulation motion to extend discovery deadline to 6/15/95, time for filing of dispositive motions to 6/30/95 ptrl conf and trial will remain the same signed by RNB, 5/16/95 cc:attys (mjm) (Entered: 05/18/1995)
05/17/1995	41	Notice by Michael Leavitt, Michael Stewart, Gary Dalton, Patrick Lambert, George Kelner, Jeff McBride, William C. Nelson to take deposition of John Stettler (mjm) (Entered: 05/18/1995)
06/16/1995	42	Notice by Michael Leavitt, Michael Stewart, Gary Dalton, Patrick Lambert, George Kelner, Jeff McBride, William C. Nelson to take deposition of Paul DeMuro (mjm) (Entered: 06/16/1995)
06/26/1995	43	Notice by T.D.P., E.M.S., S.C.B. to take deposition of Charles Kehoe (mjm) (Entered: 06/27/1995)
06/26/1995	44	Notice by T.D.P., E.M.S., S.C.B. to take deposition of Joseph R. Rowan (mjm) (Entered: 06/27/1995)
08/11/1995		Certificate of delivering deposition of Paul DeMuro taken 5/18/95 to Craig Barlow on 7/14/95 by court reporter: Lisa Gilino (mjm) (Entered: 08/14/1995)
11/07/1995	45	Motion by E.M.S., S.C.B. for scheduling conference and trial date (mjm) (Entered: 11/08/1995)
11/15/1995	46	Notice of Hearing filed : scheduling conference set for 9:00 11/30/95 JUDGE: DS. cc: atty (ce) (Entered: 11/15/1995)
11/30/1995	47	Minute entry:, scheduling order deadlines: setting Final Pretrial Conference for 8:00 4/8/96 five day Bench Trial for 9:30 4/15/06 ; Judge: DS Court Reporter: None Court Deputy: LaRene Christensen (Entered: 11/30/1995)
03/13/1996	48	Motion by T.D.P., E.M.S., S.C.B. to dismiss w/prej, a settlement agreement has been reached (mjm) (Entered: 03/13/1996)
03/13/1996	49	Order, for settlement agreement. The agreement is adopted pla's case against dfts is dismissed w/prej, w/dfts to pay the costs as stated in the Agreement in the amt of \$7,000 within 60 days of this order. Ptyps will pay their own atty fees. signed by DS, 3/13/96 cc:attys (mjm) (Entered: 03/13/1996)
03/13/1996	50	Notice of settlement filed by Michael Leavitt, Michael Stewart, Gary Dalton, Patrick Lambert, George Kelner, Jeff McBride, William C. Nelson. (See Agreement in file for specifics) (mjm) (Entered: 03/13/1996)
03/13/1996		Case closed (mjm) (Entered: 03/13/1996)
03/13/1996		CASE NO LONGER REFERRED TO Judge Ronald N. Boyce (mjm) (Entered: 03/13/1996)
03/13/1996	51	Minute entry:, In chambers, discussion held. Cnsls report stip motion to dismiss & that settlement agreement had been reached. Gary Dalton, Director, Youth Corrections sworn & questioned. Crt grants stip & executes order of dismissal. ; Judge: DS Court Reporter: Becky Janke Court Deputy: Michael R. Weiler Modified on 03/19/1996 (Entered: 03/18/1996)