

This docket is current through 12/31/2003

Current Date: 2/9/2019

Source: US COURT OF APPEALS FOR THE NINTH CIRCUIT
Court: US COURT OF APPEALS FOR THE NINTH CIRCUIT
Case Title: [HALE, ET AL v. BELSHE, ET AL](#)
Appeal From: NORTHERN DISTRICT OF CALIFORNIA (SAN FRANCISCO)
Date Filed: 02/03/1997

CASE INFORMATION

Case Number: 97-15177
Fee Status: PAID
Case Type: APPEALS
Case Subtype: CIVIL
PRIVATE
Nature of Suit: 3440 OTHER CIVIL RIGHTS (FED)
Key Nature of Suit: CIVIL RIGHTS; OTHER FEDERAL CIVIL RIGHTS (110.45)

LOWER COURT INFORMATION

District: 0971-3
Lower Court Docket Number: 96-CV-1804
Trial Judge(s): STANLEY A. WEIGEL, DISTRICT JUDGE
Date Filed: 05/15/1996
Date Order/Judgment: 12/09/1996
Date NOA Filed: 12/12/1996

NAMES

WORTH HALE

Type: PLAINTIFF - APPELLEE
Attorney: JAMES PREIS, ESQ.

HALE, ET AL V. BELSHE, ET AL, 97-15177 (1997)

Firm Name: MENTAL HEALTH ADVOCACY SERVICES, INC.
Firm Address: 1336 WILSHIRE BOULEVARD
SUITE 102
LOS ANGELES, CA 90017

IVO SUTICH

Type: PLAINTIFF - APPELLEE
Attorney: [MICHAEL J STORTZ, ESQ](#)
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Attorney Phone: 510-839-0811
Firm Name: PROTECTION AND ADVOCACY, INCORPORATED
Firm Address: SUITE 401
449 15TH STREET
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Attorney: [SANDRA PETTIT, ESQ.](#)
Attorney FTS: FTS 427-8767
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Attorney Phone: 213-427-8747
Firm Address: SUITE 902
Attorney: [MELINDA BIRD, ESQ](#)
Attorney Address: SUITE 902
Attorney Phone: 213-427-8747
Firm Address: SUITE 902
Attorney: PROTECTION AND ADVOCACY, INC. 3580 WILSHIRE BLVD. LOS ANGELES, CA 90010-2512 JAMES PREIS, ESQ.

CHERYL ELLISON

Type: PLAINTIFF - APPELLEE
Attorney: [MICHAEL J STORTZ, ESQ](#)
Attorney: [SANDRA PETTIT, ESQ.](#)

Attorney: MELINDA BIRD, ESQ

Attorney: JAMES PREIS, ESQ.

GREGORY MICHAEL MYKETUK

Type: PLAINTIFF - APPELLEE

Attorney: MICHAEL J STORTZ, ESQ

Attorney: SANDRA PETTIT, ESQ.

Attorney: MELINDA BIRD, ESQ

Attorney: JAMES PREIS, ESQ.

ANGELA LOPEZ

Type: PLAINTIFF - APPELLEE

Attorney: MICHAEL J STORTZ, ESQ

Attorney: SANDRA PETTIT, ESQ.

Attorney: MELINDA BIRD, ESQ

Attorney: JAMES PREIS, ESQ.

JONATHAN TULIN

Type: PLAINTIFF - APPELLEE

Attorney: MICHAEL J STORTZ, ESQ

Attorney: SANDRA PETTIT, ESQ.

Attorney: MELINDA BIRD, ESQ

Attorney: JAMES PREIS, ESQ.

MENTAL HEALTH ASSOCIATION, SAN FRANCISCO

Type: PLAINTIFF - APPELLEE

Attorney: MICHAEL J STORTZ, ESQ

Attorney: SANDRA PETTIT, ESQ.

Attorney: MELINDA BIRD, ESQ

Attorney: JAMES PREIS, ESQ.

S. KIMBERLY BELSHE, DIRECTOR, CALIFORNIA DEPARTMENT OF HEALTH SERVICES

Type: DEFENDANT - APPELLANT

Attorney: MICHAEL J STORTZ, ESQ

Attorney: SANDRA PETTIT, ESQ.

Attorney: MELINDA BIRD, ESQ

Attorney: BEVERLEY R. MEYERS, DAG

Attorney Address: ROOM 6200

Attorney Phone: 415-703-1985

Firm Name: CALIFORNIA ATTORNEY GENERAL OFFICE OF THE ATTORNEY GENERAL

Firm Address: ROOM 6200
455 GOLDEN GATE AVENUE
SAN FRANCISCO, CA 94102-3664

STEPHEN MAYBERG, DIRECTOR, CALIFORNIA DEPARTMENT OF MENTAL HEALTH

Type: DEFENDANT - APPELLANT

Attorney: BEVERLEY R. MEYERS, DAG

MATTHEW FONG, TREASURER, STATE OF CALIFORNIA

Type: DEFENDANT - APPELLANT

Attorney: BEVERLEY R. MEYERS, DAG

KATHLEEN CONNELL, CONTROLLER, STATE OF CALIFORNIA

Type: DEFENDANT - APPELLANT

Attorney: [BEVERLEY R. MEYERS](#), DAG

DOCKET PROCEEDINGS (33)

Entry #:	Date:	Description:
	06/15/1999	NO ORIGINAL RECORD (BEN)
	11/12/1997	RECEIVED MELINDA BIRD'S REQUEST FOR PUBLICATION OF MEMORANDUM DISPOSITION (UNTIMELY); SERVED ON 11/10/97 (TO PANEL) [97-15177] (SM)
	09/12/1997	MANDATE ISSUED [97-15177] (JJF)
	08/21/1997	FILED ORDER (ALFRED T. GOODWIN, DOROTHY W. NELSON, STEPHEN S. TROTT): DENYING PETITION FOR REHEARING. [97-15177] (OT)
	07/23/1997	RECEIVED ATTY DANIEL BRZOVIC FOR APPELLEES MENTAL HEALTH ASSOC., JONATHAN TULIN, ANGELA LOPEZ, GREGORY MICHAEL MYKETUK, CHERYL ELLISON, IVO SUTICH, AND WORTH HALE LETTER DATED 07/22/97 RE:....IF THE CRT IS INCLINED TO REQUEST AN ANSWER TO THE P/R, PLTFS WOULD BE HAPPY TO SUBMIT ONE. SERVED 7/22/97 (AUTHOR) [97-15177] (OT)
	07/16/1997	FILED ORIGINAL AND 03 COPIES APPELLANTS S. KIMBERLY BELSHE, STEPHEN MAYBERG, MATTHEW FONG, AND KATHLEEN CONNELL PETITION FOR REHEARING, 12 P.PAGES, SERVED ON 7/16/97 PANEL (OT)
	07/03/1997	FILED S. KIMBERLY BELSHE, ET AL., ADDITIONAL CITATIONS, SERVED ON 7/3/97 (PNL) [97-15177] (OT)
	07/03/1997	FILED ORIGINAL AND 04 COPIES APLTS' S. KIMBERLY BELSHE, ET AL., LTR BRIEF OF 04 PAGES,

SERVED ON 7/3/97 (PANEL) [97-15177] (OT)

07/03/1997 FILED MEMORANDUM DISPOSITION: AFFIRMED (TERMINATED ON THE MERITS AFTER ORAL HEARING; AFFIRMED; WRITTEN, UNSIGNED, UNPUBLISHED. ALFRED T. GOODWIN; DOROTHY W. NELSON, AUTHOR; STEPHEN S. TROTT.) FILED AND ENTERED JUDGMENT. [97-15177] (OT)

06/09/1997 ARGUED AND SUBMITTED TO ALFRED T. GOODWIN, DOROTHY W. NELSON, STEPHEN S. TROTT [97-15177] (MLM)

05/19/1997 FILED APPELLANTS S. KIMBERLY BELSHE, STEPHEN MAYBERG, MATTHEW FONG, AND KATHLEEN CONNELL SUPPLEMENTAL EXCERPTS OF RECORD ON APPEAL IN 01 VOLUME IN SUPPORT OF THE RPY BRP. (PANEL) (OT)

05/19/1997 FILED ORDER (ALFRED T. GOODWIN, DOROTHY W. NELSON, STEPHEN S. TROTT): GRANTING APPELLANT'S MOTION TO FILE SUPPLEMENTAL EXCERPTS OF RECORD. [97-15177] (OT)

04/25/1997 RECEIVED APPELLANTS S. KIMBERLY BELSHE ET AL., AMENDMENT TO ATTORNEY MOTION TO CONTINUE HEARING, SERVED ON 4/24/97 PANEL [97-15177] (OT)

04/18/1997 FILED APLTS S. KIMBERLY BELSHE, STEPHEN MAYBERG, MATTHEW FONG, KATHLEEN CONNELL'S MOTION TO FILE SUPPL EXCERPTS OF RECORD IN 01 VOL IN SUPPORT OF THE RPY BRP, SERVED ON 4/18/97 [FAX/PNL] [97-15177] (OT)

04/16/1997 FILED BEVERLEY R. MEYERS'S MOTION TO CONTINUE HEARING OF CASE, SERVED ON 4/16/97 (PANEL) (OT)

04/15/1997 CALENDAR: SAN FRANCISCO JUNE 9, 1997 1:30

P.M. COURTROOM 3 ** TIME CHANGED TO 9:00
A.M. **[97-15177] (MW)

04/14/1997 RECEIVED APPELLANTS S. KIMBERLY BELSHE,
STEPHEN MAYBERG, MATTHEW FONG, AND
KATHLEEN CONNELL 05 SUPPL EXC OF RECORD ON
APPEAL IN 01 VOL. IN SUPPORT OF THE RPY BRF.
CSL ADV TO SUBMIT MOTION TO FILE. (OT)

04/14/1997 FILED ORIGINAL AND 15 COPIES S. KIMBERLY
BELSHE, STEPHEN MAYBERG, MATTHEW FONG,
KATHLEEN CONNELL REPLY BRIEF, (INFORMAL: NO
) 22 PAGES; SERVED ON 4/14/97 [97-15177] (OT)

04/08/1997 CALENDAR MATERIALS BEING PREPARED.
[97-15177] [97-15177] (MW)

04/03/1997 FILED ORDER PROMO (DEPUTY CLERK: JLC) IN
LIGHT OF THE EXTRAORDINARY CIRCUMSTANCES
CITED BY APLTS, APLTS' OPPOSED MOTION FOR AN
EXT OF TIME IN WHICH TO FILE THE REPLY BRIEF IS
GRANTED. THE REPLY BRIEF IS DUE IN THE CLERK'S
OFFICE ON OR BEFORE 4/14/97. (PHONED OUT
11:44) [97-15177] (HH)

04/01/1997 FILED APPELLEES WORTH HALE, IVO SUTICH,
CHERYL ELLISON, GREGORY MICHAEL MYKETUK,
ANGELA LOPEZ, JONATHAN TULIN AND, MENTAL
HEALTH ASSOC. RESPONSE OPPOSING
APPELLANT'S MOTION TO EXTEND TIME TO FILE
REPLY BRIEF [3201090-1] SERVED ON 3/31/97
(WORK IN PROGRESS, PER PROMO) [97-15177]
(SM)

03/31/1997 FILED APPELLANTS S. KIMBERLY BELSHE, STEPHEN
MAYBERG, MATTHEW FONG AND KATHLEEN
CONNELL'S MOTION TO EXTEND TIME FILE REPLY
BRIEF UNTIL 4/14/97, SERVED ON 3/31/97
[3201090] (PROMO) [97-15177] (SM)

03/31/1997 FILED ORIGINAL AND 15 COPIES APPELLEE WORTH HALE, IVO SUTICH, CHERYL ELLISON, GREGORY MICHAEL MYKETUK, ANGELA LOPEZ, JONATHAN TULIN, MENTAL HEALTH ASSOC.'S 44 PAGES BRIEF, ; SERVED ON 3/28/97 [97-15177] (CRW)

03/24/1997 CALENDAR CHECK PERFORMED [97-15177] (MW)

03/14/1997 FILED ORIGINAL AND 15 COPIES APPELLANT S. KIMBERLY BELSHE OPENING BRIEF (INFORMAL: NO) 17 PAGES AND FIVE EXCERPTS OF RECORD IN 01 VOLUME., SERVED ON 3/14/97 [97-15177] (OT)

03/10/1997 RECEIVED NOTIFICATION FROM THE ATTY GENL RE PAYMENT OF DOCKET FEE. (DATE: 01/14/97) [97-15177] (OT)

03/10/1997 CASE RELEASED FROM PRE-BRIEFING CONFERENCE PROGRAM. (MLM)

03/06/1997 FILED ORDER (APPELLATE COMMISSIONER) APLTS' ARGUMENT THAT THE DC ERRED BY DENYING THEM ELEVENTH AMENDMENT IMMUNITY AGAINST THE PLTFS' CLAIMS UNDER THE MEDECAID ACT AND AMERICANS WITH DISABILITIES ACT IS NOT "SO UNSUBSTANTIAL AS NOT TO NEED FURTHER ARGUMENT." (CITES). ACCORDINGLY, APLES' MOTION FOR SUMMARY AFFIRMANCE IS DENIED. APLES' UNOPPOSED MOTION TO EXPEDITE THIS APPEAL IS GRANTED. THE BRIEFING SCHEDULE IS RESET AS FOLLOWS: APPELLANTS' OPENING BRIEF, EXCERPTS DUE 3/14/97 ; APPELLEES' BRIEF DUE 3/28/97; OPTIONAL REPLY IS DUE 4/4/97. THE CLERK SHALL NOT GRANT EXTENSIONS OF TIME ABSENT EXTRAORDINARY CIRCUMSTANCES. COURT RECORD REFLECT THAT APLTS HAVE NOT PAID THE DOCKETING AND FILING FEES. WITHIN 14 DAYS OF DATE OF THIS ORDER APLTS SHALL PAY \$105 TO THE DC AS THE DOCKETING AND FILING FEES FOR

THIS APPEAL AND FILE PROOF OF PAYMENT IN THIS COURT. THIS APPEAL SHALL BE CALENDARED TOGETHER WITH ARMSTRONG V. NILSON, 96-16870 AND CLARK V. CALIFORNIA, 96-16952. (FAXED BY MOATT) [97-15177] (EM)

02/18/1997 REC'D NOTICE OF CHANGE OF ADDRESS FROM ATTY SANDRA PETTIT FOR APPELLEES MENTAL HEALTH ASSOC., JONATHAN TULIN, ANGELA LOPEZ, GREGORY MICHAEL MYKETUK, CHERYL ELLISON, IVO SUTICH, AND HALE DATED 02/13/97. NEW ADDR: 3580 WILSHIRE BLVD., STE 902. LA, CA 90010-2512. PH: 213/427-8747; FAX 427-8767. [97-15177] (OT)

02/10/1997 RECEIVED BEVERLEY R. MEYERS FOR APPELLANTS KIMBERLY BELSHE, ET AL., CIVIL APPEALS DOCKETING STATEMENT; SERVED ON 2/7/97 (FEES DUE) (TO CONFATT) [97-15177] [97-15177] (HH)

02/03/1997 RECEIVED APPELLANTS MOTION TO FOR SUMMARY REVERSAL [97-15177] ; SERVED ON 1/3/97 (RECD IN DKTG ON 1/3/97) [FEE NOT YET PD - MOATT] [97-15177] (MHF)

02/03/1997 RECEIVED CERTIFICATE OF RECORD; RT FILED IN DC :NONE FILED. [97-15177] (DL)

02/03/1997 DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. CADS SENT (Y/N): YES. SETTING SCHEDULE AS FOLLOWS: CADS IS PAST DUE; CADS MUST BE FILED NO LATER THAN 2/10/97 FOR BEVERLEY R. MEYERS; APPELLANT'S OPENING BRIEF IS DUE 3/17/97 ; APPELLEES' BRIEF IS DUE 4/16/97 ; APPELLANTS' OPTIONAL REPLY BRIEF IS DUE FOURTEEN DAYS FROM SERVICE OF THE ANSWERING BRIEF. [97-15177] (DL)

