

**U.S. District Court**  
**District of Idaho (LIVE Database)Version 6.1.2 (Boise – Southern)**  
**CIVIL DOCKET FOR CASE #: 1:14-cv-00273-REB**

Taylor v. Brasuell  
Assigned to: Judge Ronald E. Bush  
Cause: 42:1983 Civil Rights Act

Date Filed: 07/07/2014  
Date Terminated: 07/21/2015  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Madelynn Lee Taylor**

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V.

**Defendant**

**David E Brasuell**  
*as Administrator of the Idaho Division of  
Veterans Services, in his official capacity*

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Date Filed	#	Docket Text
07/07/2014	<u>1</u>	COMPLAINT against David E Brasuell ( Filing fee \$ 400 receipt number 0976-1179641.), filed by Madelynn Lee Taylor. (Attachments: # <u>1</u> Cover Sheet, # <u>2</u> Exhibit Marraige Certificate, # <u>3</u> Exhibit Honorable Discharge, # <u>4</u> Exhibit Application for Pre-Registration, # <u>5</u> Exhibit Rejection Letter)(Ferguson, Deborah)
07/07/2014	<u>2</u>	MOTION FOR PRO HAC VICE APPEARANCE by Shannon P. Minter. ( Filing fee \$ 225 receipt number 0976-1179652.)Deborah A Ferguson appearing for Plaintiff Madelynn Lee Taylor. Responses due by 7/31/2014 (Ferguson, Deborah)
07/07/2014	<u>3</u>	MOTION FOR PRO HAC VICE APPEARANCE by Christopher F. Stoll. ( Filing fee \$ 225 receipt number 0976-1179653.)Deborah A Ferguson appearing for Plaintiff Madelynn Lee Taylor. Responses due by 7/31/2014 (Ferguson, Deborah)
07/07/2014	<u>4</u>	WAIVER OF SERVICE Returned Executed by Madelynn Lee Taylor. David E Brasuell waiver sent on 7/7/2014, answer due 9/5/2014. (Ferguson, Deborah)
07/08/2014	<u>5</u>	DOCKET ENTRY ORDER approving <u>2</u> Motion for Pro Hac Vice Appearance of attorney Shannon Price Minter for Madelynn Lee Taylor; approving <u>3</u> Motion for Pro Hac Vice Appearance of attorney Christopher F Stoll for Madelynn Lee Taylor. Per General Order 206, out-of-state counsel shall immediately register for ECF. (Notice sent to CM/ECF Registration Clerk) (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (st)
07/10/2014	<u>6</u>	NOTICE of Appearance by W Scott Zanzig on behalf of David E Brasuell (Zanzig, W)
07/15/2014	<u>7</u>	NOTICE of Assignment to Magistrate Judge and Requirement for Consent sent to counsel for David E Brasuell, Madelynn Lee Taylor re <u>6</u> Notice of Appearance, <u>1</u> Complaint, Consent/Objection to Magistrate due by 9/18/2014. (cjm)
07/15/2014	<u>8</u>	Docket entry only - CONSENT to Magistrate Judge filed. (cjm) (Entered: 07/16/2014)
08/06/2014	<u>9</u>	NOTICE of Hearing: Telephonic Scheduling Conference set for 9/10/2014 10:30 AM (Mtn.) in Telephonic Hearing - Boise Courtroom 7 before Judge Ronald E. Bush. (Attachments: # <u>1</u> Litigation Plan Materials- due no later than 8/29/14). * Instructions for preparation of Conference contained in this Notice with attachments.(lc)
08/29/2014	<u>10</u>	SCHEDULING CONFERENCE FORM - LITIGATION PLAN by Madelynn Lee Taylor. (Durham, Craig)
09/03/2014	<u>11</u>	<b>ALL PARTIES HAVE CONSENTED TO PROCEED BEFORE A US MAGISTRATE JUDGE(cjm)</b>
09/10/2014	<u>12</u>	CASE MANAGEMENT ORDER. Amended Pleadings and Joinder of Parties due by 10/31/2014. Dispositive Motions due by 11/7/2014. Signed by Judge Ronald E. Bush. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjm)
09/10/2014	<u>15</u>	<b>Minute Entry for proceedings held before Judge Ronald E. Bush: Scheduling Conference held on 9/10/2014. Court to enter Case Management Order. (Court Reporter/ESR not recorded.) (so) (Entered: 09/12/2014)</b>
09/11/2014	<u>13</u>	AMENDED COMPLAINT <i>FOR DECLARATORY AND INJUNCTIVE RELIEF</i> against David E Brasuell, filed by Madelynn Lee Taylor. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(Ferguson, Deborah)

09/11/2014	<u>14</u>	CERTIFICATE OF SERVICE by Madelynn Lee Taylor re <u>13</u> for <i>AMENDED COMPLAINT</i> (Ferguson, Deborah) Modified on 9/16/2014 to create link (cjm).
10/08/2014	16	DOCKET TEXT NOTICE of Hearing: Telephonic Status Conference set for 10/28/2014 01:30 PM (MTN.) in Telephonic Hearing – Boise Courtroom 7 before Judge Ronald E. Bush. * Ms. Ferguson shall initiate the Conference Call connecting the parties and the Court at (208) 334-1495.(lc)
10/28/2014	<u>17</u>	<i>Minute Entry for proceedings held before Judge Ronald E. Bush: Status Conference held on 10/28/2014. (Court Reporter/ESR lcase.) (lc)</i>
10/29/2014	<u>18</u>	MOTION to Dismiss W Scott Zanzig appearing for Defendant David E Brasuell. Responses due by 11/24/2014 (Attachments: # <u>1</u> Memorandum in Support of Motion to Dismiss, # <u>2</u> Declaration of James Earp, # <u>3</u> Exhibit A to Declaration of James Earp)(Zanzig, W)
10/29/2014	<u>19</u>	MOTION for Summary Judgment Deborah A Ferguson appearing for Plaintiff Madelynn Lee Taylor. Responses due by 11/24/2014 (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration of Plaintiff Madelynn Lee Taylor)(Ferguson, Deborah)
11/24/2014	<u>20</u>	RESPONSE to Motion re <u>18</u> MOTION to Dismiss filed by Madelynn Lee Taylor. Replies due by 12/11/2014.(Ferguson, Deborah)
11/24/2014	<u>21</u>	CERTIFICATE OF SERVICE by Madelynn Lee Taylor re <u>20</u> Response to Motion to Dismiss (Ferguson, Deborah)
11/24/2014	<u>22</u>	RESPONSE to Motion re <u>19</u> MOTION for Summary Judgment filed by David E Brasuell. Replies due by 12/11/2014. (Attachments: # <u>1</u> Statement of Material Facts)(Zanzig, W)
12/11/2014	<u>23</u>	REPLY to Response to Motion re <u>19</u> MOTION for Summary Judgment filed by Madelynn Lee Taylor. (Attachments: # <u>1</u> Second Declaration of Madelynn Lee Taylor)(Durham, Craig)
12/11/2014	<u>24</u>	REPLY to Response to Motion re <u>18</u> MOTION to Dismiss filed by David E Brasuell.(Zanzig, W)
12/16/2014	<u>25</u>	ORDER TO SHOW CAUSE On or before 1/9/15 each of the parties shall submit a brief (no more than five pages) detailing the reasons why this action should not be stayed pending resolution of the Latta v. Otter, et al. action before the United States Court of Appeals for the Ninth Circuit (Case Nos. 14-35420 & 14-35421). Show Cause Response due by 1/9/2015.. Signed by Judge Ronald E. Bush. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (jp)
01/09/2015	<u>26</u>	RESPONSE TO ORDER TO SHOW CAUSE by Madelynn Lee Taylor. (Ferguson, Deborah)
01/09/2015	<u>27</u>	RESPONSE TO ORDER TO SHOW CAUSE by David E Brasuell. (Zanzig, W)
01/20/2015	<u>28</u>	NOTICE by Madelynn Lee Taylor re <u>26</u> Response to Order to Show Cause <i>Denial of En Banc Petitions</i> (Ferguson, Deborah)
01/28/2015	<u>29</u>	NOTICE On 1/9/15 the 9th Circuit Court of Appeals for the 9th Circuit denied the petitions for rehearing en banc. Therefore, the action will not be stayed and the parties' respective Motions to Dismiss (Docket Nos. <u>18</u> & <u>19</u> ) will be taken up by the Court in its ordinary course of business. Signed by Judge Ronald E. Bush. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (jp) (Entered: 01/29/2015)
07/09/2015	<u>30</u>	MEMORANDUM DECISION AND ORDER Defendants Motion to Dismiss (Docket No. <u>18</u> ) is DENIED; and Plaintiff's Motion for Summary Judgment (Docket No. <u>19</u> ) is GRANTED. Upon Ms. Taylor's death, Defendant shall approve and facilitate her interment, together with her spouse, Ms. Mixner, at the Idaho State Veterans Cemetery. Within 10 days of this Memorandum Decision and Order, Plaintiff shall submit a proposed form of judgment for the undersigned's consideration. Signed by Judge Ronald E. Bush. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (jp)

07/21/2015	<u>31</u>	JUDGMENT in accordance with the Court's Memorandum Decision and Order <u>30</u> . Judgment is entered in favor of Plaintiff. This Judgment is effective immediately. The Clerk of Court is directed to close this case. Signed by Judge Ronald E. Bush. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjs)
07/24/2015	<u>32</u>	STIPULATION <i>To Extend Deadline To File Fee Petition</i> by Madelynn Lee Taylor. (Ferguson, Deborah) Modified on 7/24/2015 to remove all capitalization from docket text (cjs).
07/24/2015	33	DOCKET ENTRY ORDER ADOPTING <u>32</u> Stipulation. Plaintiff's briefing is due on or before August 21, 2015; Defendant's response is due on or before September 21, 2015; Plaintiff's reply is due on or before September 30, 2015. Signed by Judge Ronald E. Bush. (dg)
08/11/2015	<u>34</u>	BILL OF COSTS by Madelynn Lee Taylor. Taxation of Costs due by 8/25/2015 (Stoll, Christopher)
08/20/2015	<u>35</u>	MOTION for Attorney Fees – Craig Durham appearing for Plaintiff Madelynn Lee Taylor. Responses due by 9/14/2015 (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Deborah A. Ferguson, # <u>3</u> Declaration of Craig H. Durham, # <u>4</u> Declaration of Shannon P. Minter, # <u>5</u> Declaration of Howard Belodoff, # <u>6</u> Declaration of Lauren Scholnick)(Durham, Craig)
08/21/2015	<u>36</u>	STIPULATION <i>TO EXTEND BRIEFING DEADLINES</i> by Madelynn Lee Taylor. (Ferguson, Deborah)
08/23/2015	37	DOCKET ENTRY ORDER ADOPTING <u>36</u> Stipulation. Defendant's response to Plaintiff's Motion for Fees is due on or before September 25, 2015. Plaintiff's reply is due on or before October 9, 2015. Signed by Judge Ronald E. Bush. (dg)
08/24/2015		Reset Deadlines as to <u>35</u> MOTION for Attorney Fees. Responses due by 9/25/2015. Replies due by 10/9/2015. Per Order Dkt. 37. (cjs)
09/22/2015	<u>38</u>	STIPULATION re <u>35</u> MOTION for Attorney Fees – by Madelynn Lee Taylor. (Ferguson, Deborah)
09/22/2015	<u>39</u>	ORDER ADOPTING STIPULATION FOR AWARD OF ATTORNEYSFEES AND COSTS re <u>38</u> Stipulation. Signed by Judge Ronald E. Bush. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (cjs)
09/24/2015	40	DOCKET ENTRY ORDER finding as moot <u>35</u> Motion for Attorney Fees. Signed by Judge Ronald E. Bush. (dg)