

U.S. District Court
District of Montana (Great Falls)
CIVIL DOCKET FOR CASE #: 4:14-cv-00040-BMM

Rolando et al v. Fox et al
Assigned to: Judge Brian Morris
Case in other court: Ninth Circuit Court of Appeals, 14-35987
Cause: 42:1983 Civil Rights Act

Date Filed: 05/21/2014
Date Terminated: 11/20/2014
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

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Defendant**Faye McWilliams***in her official capacity as Clerk of Court of
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/21/2014	<u>1</u>	COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF against All Defendants, filed by All Plaintiffs. (Filing fee \$ 400 receipt number 0977-1411655.) (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Blank Summons - AG, # <u>3</u> Blank Summons - McWilliams, # <u>4</u> Blank Summons - DOR) (SLR,) (Entered: 05/21/2014)
05/21/2014	<u>2</u>	Summons Issued as to All Defendants. Original issued Summonses mailed to Counsel Alke. (SLR,) (Entered: 05/21/2014)
05/21/2014	<u>3</u>	NOTICE by Nicole Goubeaux, Shauna Goubeaux, Susan Hawthorne, Adel Johnson, Benjamin Milano, Angela Rolando, Tonya Rolando, Chase Weinhandl (Alke, Benjamin) (Entered: 05/21/2014)
06/03/2014	<u>4</u>	SUMMONS Returned Executed by Adel Johnson, Chase Weinhandl, Shauna Goubeaux, Tonya Rolando, Nicole Goubeaux, Benjamin Milano, Angela Rolando, Susan Hawthorne. Faye McWilliams served on 5/28/2014, answer due 6/18/2014. (Alke, Benjamin) (Entered: 06/03/2014)
06/09/2014	<u>5</u>	SUMMONS Returned Executed by Adel Johnson, Chase Weinhandl, Shauna Goubeaux, Tonya Rolando, Nicole Goubeaux, Benjamin Milano, Angela Rolando, Susan Hawthorne. Tim Fox served on 5/28/2014, answer due 6/18/2014. (Alke, Benjamin) (Entered: 06/09/2014)
06/09/2014	<u>6</u>	SUMMONS Returned Executed by Adel Johnson, Chase Weinhandl, Shauna Goubeaux, Tonya Rolando, Nicole Goubeaux, Benjamin Milano, Angela Rolando, Susan Hawthorne. Michael Kadas served on 5/28/2014, answer due 6/18/2014. (Alke, Benjamin) (Entered: 06/09/2014)
06/17/2014	<u>7</u>	First MOTION for Extension of Time to File Answer Mark W. Mattioli appearing for Defendants Tim Fox, Michael Kadas, Faye McWilliams (Attachments: # <u>1</u> Text of Proposed Order Proposed Order) (Mattioli, Mark) (Entered: 06/17/2014)
06/17/2014	<u>8</u>	ORDER granting <u>7</u> Motion for Extension of Time to Answer. IT IS ORDERED that Defendants shall have up to and including July 17, 2014, to respond to Plaintiffs' Verified Complaint for Declaratory and Injunctive Relief (Doc. No. 1). Signed by Judge Brian Morris on 6/17/2014. (SLL,) (Entered: 06/17/2014)
07/17/2014	<u>9</u>	<i>Defendants'</i> ANSWER to <u>1</u> Complaint, by Tim Fox, Michael Kadas, Faye McWilliams. (Mattioli, Mark) (Entered: 07/17/2014)
07/18/2014	<u>10</u>	Letter from Tyler P. Gilman, Clerk of Court, to Counsel Jonathan W. Bennion re CM/ECF

		registration. Letter mailed to Counsel Bennion. (SLR,) (Entered: 07/18/2014)
07/22/2014	11	PRELIMINARY PRETRIAL CONFERENCE ORDER: IT IS HEREBY ORDERED that: The Preliminary Pretrial Statement is due by 8/13/2014. Joint Discovery Plan is due by 8/13/2014. Statement of Stipulated Facts is due by 8/13/2014. Pretrial Conference set for 8/20/2014 at 01:30 PM in Great Falls, MT before Judge Brian Morris. Signed by Judge Brian Morris on 7/22/2014. (SLL,) (Entered: 07/22/2014)
07/24/2014	12	MOTION Ariel Ruiz to Appear Pro Hac Vice <i>Unopposed Motion for Admission of Ariel Ruiz Pro Hac Vice</i> (Filing fee \$ 250 receipt number 0977-1442009.) Benjamin Joseph Alke appearing for Plaintiffs Nicole Goubeaux, Shauna Goubeaux, Susan Hawthorne, Adel Johnson, Benjamin Milano, Angela Rolando, Tonya Rolando, Chase Weinhandl (Attachments: # 1 Text of Proposed Order, # 2 Exhibit A) (Alke, Benjamin) (Entered: 07/24/2014)
07/24/2014	13	MOTION Elizabeth Gill to Appear Pro Hac Vice <i>Unopposed Motion for Admission of Elizabeth Gill</i> (Filing fee \$ 250 receipt number 0977-1442015.) Benjamin Joseph Alke appearing for Plaintiffs Nicole Goubeaux, Shauna Goubeaux, Susan Hawthorne, Adel Johnson, Benjamin Milano, Angela Rolando, Tonya Rolando, Chase Weinhandl (Attachments: # 1 Text of Proposed Order, # 2 Exhibit A) (Alke, Benjamin) (Entered: 07/24/2014)
07/24/2014	14	MOTION Emily Regier to Appear Pro Hac Vice <i>Unopposed Motion for Admission of Emily Regier Pro Hac Vice</i> (Filing fee \$ 250 receipt number 0977-1442020.) Benjamin Joseph Alke appearing for Plaintiffs Nicole Goubeaux, Shauna Goubeaux, Susan Hawthorne, Adel Johnson, Benjamin Milano, Angela Rolando, Tonya Rolando, Chase Weinhandl (Attachments: # 1 Text of Proposed Order, # 2 Exhibit A) (Alke, Benjamin) (Entered: 07/24/2014)
07/24/2014	15	MOTION Ruth Borenstein to Appear Pro Hac Vice <i>Unopposed Motion for Admission of Ruth Borenstein Pro Hac Vice</i> (Filing fee \$ 250 receipt number 0977-1442023.), MOTION to Appoint Counsel Benjamin Joseph Alke appearing for Plaintiffs Nicole Goubeaux, Shauna Goubeaux, Susan Hawthorne, Adel Johnson, Benjamin Milano, Angela Rolando, Tonya Rolando, Chase Weinhandl (Attachments: # 1 Text of Proposed Order, # 2 Exhibit A) (Alke, Benjamin) (Entered: 07/24/2014)
07/24/2014	16	MOTION Stuart Plunkett to Appear Pro Hac Vice <i>Unopposed Motion for Admission of Stuart Plunkett Pro Hac Vice</i> (Filing fee \$ 250 receipt number 0977-1442028.) Benjamin Joseph Alke appearing for Plaintiffs Nicole Goubeaux, Shauna Goubeaux, Susan Hawthorne, Adel Johnson, Benjamin Milano, Angela Rolando, Tonya Rolando, Chase Weinhandl (Attachments: # 1 Text of Proposed Order, # 2 Exhibit A) (Alke, Benjamin) (Entered: 07/24/2014)
08/01/2014	17	WITHDRAWAL of Motion re 13 MOTION Elizabeth Gill to Appear Pro Hac Vice <i>Unopposed Motion for Admission of Elizabeth Gill</i> (Filing fee \$ 250 receipt number 0977-1442015.) filed by Tonya Rolando, Angela Rolando, Susan Hawthorne, Shauna Goubeaux, Chase Weinhandl, Benjamin Milano, Nicole Goubeaux, Adel Johnson, 15 MOTION Ruth Borenstein to Appear Pro Hac Vice <i>Unopposed Motion for Admission of Ruth Borenstein Pro Hac Vice</i> (Filing fee \$ 250 receipt number 0977-1442023.) MOTION to Appoint Counsel filed by Tonya Rolando, Angela Rolando, Shauna Goubeaux, Susan Hawthorne, Chase Weinhandl, Nicole Goubeaux, Benjamin Milano, Adel Johnson, 12 MOTION Ariel Ruiz to Appear Pro Hac Vice <i>Unopposed Motion for Admission of Ariel Ruiz Pro Hac Vice</i> (Filing fee \$ 250 receipt number 0977-1442009.) filed by Tonya Rolando, Angela Rolando, Shauna Goubeaux, Susan Hawthorne, Chase Weinhandl, Nicole Goubeaux, Benjamin Milano, Adel Johnson, 14 MOTION Emily Regier to Appear Pro Hac Vice <i>Unopposed Motion for Admission of Emily Regier Pro Hac Vice</i> (Filing fee \$ 250 receipt number 0977-1442020.) filed by Tonya Rolando, Angela Rolando, Shauna Goubeaux,

		Susan Hawthorne, Chase Weinhandl, Nicole Goubeaux, Benjamin Milano, Adel Johnson, 16 MOTION Stuart Plunkett to Appear Pro Hac Vice <i>Unopposed Motion for Admission of Stuart Plunkett Pro Hac Vice</i> (Filing fee \$ 250 receipt number 0977-1442028.) filed by Tonya Rolando, Angela Rolando, Shauna Goubeaux, Susan Hawthorne, Chase Weinhandl, Nicole Goubeaux, Benjamin Milano, Adel Johnson . (Alke, Benjamin) (Entered: 08/01/2014)
08/12/2014	18	UNOPPOSED MOTION Ruth Borenstein to Appear Pro Hac Vice (Filing fee \$ 250 receipt number 0977-1442023.) Benjamin Joseph Alke appearing for Plaintiffs Nicole Goubeaux, Shauna Goubeaux, Susan Hawthorne, Adel Johnson, Benjamin Milano, Angela Rolando, Tonya Rolando, Chase Weinhandl (Attachments: # 1 Exhibit Exhibit A, # 2 Text of Proposed Order Proposed Order) (Alke, Benjamin) Modified on 8/13/2014 to add word "unopposed". (SLR,). (Entered: 08/12/2014)
08/12/2014	19	UNOPPOSED MOTION Elizabeth Gill to Appear Pro Hac Vice (Filing fee \$ 250 receipt number 0977-1442015.) Benjamin Joseph Alke appearing for Plaintiffs Nicole Goubeaux, Shauna Goubeaux, Susan Hawthorne, Adel Johnson, Benjamin Milano, Angela Rolando, Tonya Rolando, Chase Weinhandl (Attachments: # 1 Exhibit Exhibit A, # 2 Text of Proposed Order Proposed Order) (Alke, Benjamin) Modified on 8/13/2014 to add word "unopposed". (SLR,). (Entered: 08/12/2014)
08/12/2014	20	UNOPPOSED MOTION Stuart Plunkett to Appear Pro Hac Vice (Filing fee \$ 250 receipt number 0977-1442028.) Benjamin Joseph Alke appearing for Plaintiffs Nicole Goubeaux, Shauna Goubeaux, Susan Hawthorne, Adel Johnson, Benjamin Milano, Angela Rolando, Tonya Rolando, Chase Weinhandl (Attachments: # 1 Exhibit Exhibit A, # 2 Text of Proposed Order Proposed Order) (Alke, Benjamin) Modified on 8/13/2014 to add word "unopposed". (SLR,). (Entered: 08/12/2014)
08/12/2014	21	UNOPPOSED MOTION Emily Regier to Appear Pro Hac Vice (Filing fee \$ 250 receipt number 0977-1442020.) Benjamin Joseph Alke appearing for Plaintiffs Nicole Goubeaux, Shauna Goubeaux, Susan Hawthorne, Adel Johnson, Benjamin Milano, Angela Rolando, Tonya Rolando, Chase Weinhandl (Attachments: # 1 Exhibit Exhibit A, # 2 Text of Proposed Order Proposed Order) (Alke, Benjamin) Modified on 8/13/2014 to add word "unopposed". (SLR,). (Entered: 08/12/2014)
08/12/2014	22	UNOPPOSED MOTION Ariel Ruiz to Appear Pro Hac Vice (Filing fee \$ 250 receipt number 0977-14420009.) Benjamin Joseph Alke appearing for Plaintiffs Nicole Goubeaux, Shauna Goubeaux, Susan Hawthorne, Adel Johnson, Benjamin Milano, Angela Rolando, Tonya Rolando, Chase Weinhandl (Attachments: # 1 Exhibit Exhibit A, # 2 Text of Proposed Order Proposed Order) (Alke, Benjamin) Modified on 8/13/2014 to add word "unopposed". (SLR,). (Entered: 08/12/2014)
08/13/2014	23	JOINT DISCOVERY PLAN by Nicole Goubeaux, Shauna Goubeaux, Susan Hawthorne, Adel Johnson, Benjamin Milano, Angela Rolando, Tonya Rolando, Chase Weinhandl. (Alke, Benjamin) (Entered: 08/13/2014)
08/13/2014	24	STATEMENT OF STIPULATED FACTS by Nicole Goubeaux, Shauna Goubeaux, Susan Hawthorne, Adel Johnson, Benjamin Milano, Angela Rolando, Tonya Rolando, Chase Weinhandl. (Alke, Benjamin) (Entered: 08/13/2014)
08/13/2014	25	PRELIMINARY PRETRIAL STATEMENT by Nicole Goubeaux, Shauna Goubeaux, Susan Hawthorne, Adel Johnson, Benjamin Milano, Angela Rolando, Tonya Rolando, Chase Weinhandl. (Alke, Benjamin) (Entered: 08/13/2014)
08/13/2014	26	STATEMENT <i>Preliminary Pretrial Statement</i> by Tim Fox, Michael Kadas, Faye McWilliams. (Mattioli, Mark) (Entered: 08/13/2014)
08/20/2014	27	Minute Entry for proceedings held before Judge Brian Morris: Preliminary Pretrial

		Conference held on 8/20/2014. (SLL,) (Entered: 08/20/2014)
08/21/2014	28	SCHEDULING ORDER: IT IS HEREBY ORDERED that: A Status Conference set for 6/29/2015 at 01:30 PM in Great Falls, MT before Judge Brian Morris. Amended Pleadings due by 10/31/2014. Discovery due by 2/27/2015. Joinder of Parties due by 10/31/2014. Signed by Judge Brian Morris on 8/21/2014. (SLL,) (Entered: 08/21/2014)
08/21/2014	29	ORDER granting 18 Motion to Appear Pro Hac Vice - Ruth Borenstein; granting 19 Motion to Appear Pro Hac Vice - Elizabeth Gill; granting 20 Motion to Appear Pro Hac Vice - Stuart Plunkett; granting 21 Motion to Appear Pro Hac Vice - Emily Regier; and, granting 22 Motion to Appear Pro Hac Vice - Ariel Ruiz. Signed by Judge Brian Morris on 8/21/2014. (SLL,) Modified on 9/4/2014 to clean up text. (SLR,). (Entered: 08/21/2014)
09/05/2014	30	NOTICE of Acknowledgment of Pro Hac Vice Order by Nicole Goubeaux, Shauna Goubeaux, Susan Hawthorne, Adel Johnson, Benjamin Milano, Angela Rolando, Tonya Rolando, Chase Weinhandl (Plunkett, Stuart) (Entered: 09/05/2014)
09/05/2014	31	NOTICE of Acknowledgment of Pro Hac Vice Order by Nicole Goubeaux, Shauna Goubeaux, Susan Hawthorne, Adel Johnson, Benjamin Milano, Angela Rolando, Tonya Rolando, Chase Weinhandl (Borenstein, Ruth) (Entered: 09/05/2014)
09/05/2014	32	NOTICE of Acknowledgment of Pro Hac Vice Order by Nicole Goubeaux, Shauna Goubeaux, Susan Hawthorne, Adel Johnson, Benjamin Milano, Angela Rolando, Tonya Rolando, Chase Weinhandl (Ruiz, Ariel) (Entered: 09/05/2014)
09/05/2014	33	NOTICE of Acknowledgment of Pro Hac Vice Order by Nicole Goubeaux, Shauna Goubeaux, Susan Hawthorne, Adel Johnson, Benjamin Milano, Angela Rolando, Tonya Rolando, Chase Weinhandl (Regier, Emily) (Entered: 09/05/2014)
09/09/2014	34	NOTICE of Acknowledgment of Pro Hac Vice Order by Nicole Goubeaux, Shauna Goubeaux, Susan Hawthorne, Adel Johnson, Benjamin Milano, Angela Rolando, Tonya Rolando, Chase Weinhandl (Gill, Elizabeth) (Entered: 09/09/2014)
10/15/2014	35	MOTION for Summary Judgment Benjamin Joseph Alke appearing for Plaintiffs Nicole Goubeaux, Shauna Goubeaux, Susan Hawthorne, Adel Johnson, Benjamin Milano, Angela Rolando, Tonya Rolando, Chase Weinhandl (Alke, Benjamin) (Entered: 10/15/2014)
10/15/2014	36	Statement of Undisputed Fact re: 35 MOTION for Summary Judgment . (Alke, Benjamin) (Entered: 10/15/2014)
10/15/2014	37	Brief/Memorandum in Support re 35 MOTION for Summary Judgment filed by Nicole Goubeaux, Shauna Goubeaux, Susan Hawthorne, Adel Johnson, Benjamin Milano, Angela Rolando, Tonya Rolando, Chase Weinhandl. (Attachments: # 1 Exhibit Exhibit A, # 2 Exhibit Exhibit B, # 3 Exhibit Exhibit C, # 4 Exhibit Exhibit D) (Alke, Benjamin) (Entered: 10/15/2014)
10/15/2014	38	Brief/Memorandum in Support re 35 MOTION for Summary Judgment filed by Nicole Goubeaux, Shauna Goubeaux, Susan Hawthorne, Adel Johnson, Benjamin Milano, Angela Rolando, Tonya Rolando, Chase Weinhandl. (Attachments: # 1 Exhibit Exhibit A, # 2 Exhibit Exhibit B, # 3 Exhibit Exhibit C, # 4 Exhibit Exhibit D) (Alke, Benjamin) (Entered: 10/15/2014)
10/20/2014	39	Text ORDER Setting Hearing on Motion 35 MOTION for Summary Judgment : Motion Hearing set for 11/20/2014 at 01:30 PM in Great Falls, MT before Judge Brian Morris. Signed by Judge Brian Morris on 10/20/2014. (SLL,) (Entered: 10/20/2014)
11/05/2014	40	RESPONSE to Motion re 35 MOTION for Summary Judgment filed by Tim Fox, Michael Kadas, Faye McWilliams. (Mattioli, Mark) (Entered: 11/05/2014)

11/06/2014	41	Brief/Memorandum in Support re 35 MOTION for Summary Judgment filed by Nicole Goubeaux, Shauna Goubeaux, Susan Hawthorne, Adel Johnson, Benjamin Milano, Angela Rolando, Tonya Rolando, Chase Weinhandl. (Borenstein, Ruth) (Entered: 11/06/2014)
11/07/2014	42	NOTICE by Tim Fox, Michael Kadas, Faye McWilliams re 40 Response to Motion <i>NOTICE OF SUPPLEMENTAL AUTHORITY</i> (Attachments: # 1 Exhibit 6th Cir DeBoer Opinion) (Mattioli, Mark) (Entered: 11/07/2014)
11/13/2014	43	TEXT ORDER Vacating Hearing on Motion 35 MOTION for Summary Judgment : Motion Hearing set for 11/20/2014 at 01:30 PM is Vacated. Signed by Judge Brian Morris on 11/13/2014. (SLL,) (Entered: 2014-11-13) (Entered: 11/13/2014)
11/19/2014	44	ORDER granting 35 Motion for Summary Judgment. Signed by Judge Brian Morris on 11/19/2014. (SLL,) (Entered: 11/19/2014)
11/19/2014	45	NOTICE OF APPEAL as to 44 Order on Motion for Summary Judgment by Tim Fox, Michael Kadas, Faye McWilliams. Filing fee \$ 505, receipt number 0977-1498662. (Mattioli, Mark) (Entered: 11/19/2014)
11/20/2014	46	CLERK'S JUDGMENT in favor of Adel Johnson, Angela Rolando, Benjamin Milano, Chase Weinhandl, Nicole Goubeaux, Shauna Goubeaux, Susan Hawthorne, Tonya Rolando against Faye McWilliams, Michael Kadas, Tim Fox. (MMS,) (Entered: 11/20/2014)
11/20/2014	47	USCA Case Number 14-35987 and Time Schedule Order for 45 Notice of Appeal filed by Faye McWilliams, Michael Kadas, Tim Fox. (SLR,) (Entered: 11/20/2014)
12/01/2014	48	STIPULATION <i>REGARDING SCHEDULE FOR RULE 54 FILINGS</i> by Nicole Goubeaux, Shauna Goubeaux, Susan Hawthorne, Adel Johnson, Benjamin Milano, Angela Rolando, Tonya Rolando, Chase Weinhandl. (Borenstein, Ruth) (Entered: 12/01/2014)
02/09/2015	49	ORDER of USCA as to 45 Notice of Appeal filed by Faye McWilliams, Michael Kadas, Tim Fox. The appellants' unopposed motion to stay appellate proceedings pending the United States Supreme Court's decision in DeBoer v. Snyder, is granted. This appeal is stayed until August 28, 2015. (MMS,) (Entered: 02/09/2015)
08/31/2015	50	ORDER of USCA as to 45 Notice of Appeal filed by Faye McWilliams, Michael Kadas, Tim Fox. The Appellants' motion for voluntary dismissal is granted. This appeal is dismissed. Fed.R.App.P. 42(b). A copy of this Order sent to the District Court shall act as and for the Mandate of this Court. (SLR,) (Entered: 08/31/2015)
09/08/2015	51	Notice of Undeliverable Electronic Notice: re 50 USCA Order,. Name of attorney whose NEF was undeliverable: Regier. (Cuthbert, Michael) (Entered: 09/08/2015)
09/08/2015	52	Notice of Undeliverable Electronic Notice: re 51 Notice of Undeliverable Electronic Notice, 50 USCA Order,. Name of attorney whose NEF was undeliverable: Regier. (Cuthbert, Michael) (Entered: 09/08/2015)
09/09/2015	53	NOTICE of Withdrawal of Counsel: Emily F. Regier withdrawing from the case, filed by Nicole Goubeaux, Shauna Goubeaux, Susan Hawthorne, Adel Johnson, Benjamin Milano, Angela Rolando, Tonya Rolando, Chase Weinhandl (Alke, Benjamin) (Entered: 09/09/2015)
09/23/2015	54	NOTICE of Appearance by Dale M. Schowengerdt on behalf of All Defendants (Schowengerdt, Dale) (Entered: 09/23/2015)
09/24/2015	55	STIPULATION <i>Regarding Schedule of Rule 54 Filings</i> by Nicole Goubeaux, Shauna Goubeaux, Susan Hawthorne, Adel Johnson, Benjamin Milano, Angela Rolando, Tonya Rolando, Chase Weinhandl. (Attachments: # 1 Order) (Alke, Benjamin) Modified on 9/25/2015 to change event to "stipulated motion". (SLR,). (Entered: 09/24/2015)

09/28/2015	56	ORDER granting 55 Stipulated Motion. The deadline for parties to either provide notice to the Court that a written settlement agreement has been executed on the issue of fees and costs, or for the Plaintiffs to file a bill of costs and a motion for fees under Rule 54, is delayed until October 28, 2015. Signed by Judge Brian Morris on 9/28/2015. (SLL,) Modified on 9/28/2015 to add text (MMS,). (Entered: 09/28/2015)
09/28/2015		Set/Reset Deadlines: Brief in Response to Order 56 due by 10/28/2015. (MMS,) (Entered: 09/28/2015)
10/28/2015	57	NOTICE by Chase Weinhandl <i>Joint Notice Regarding Rule 54 Motion</i> (Alke, Benjamin) (Entered: 10/28/2015)

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