

CONSENT, FRC, TERMINATED

**U.S. District Court**  
**District of Oregon (Portland)**  
**CIVIL DOCKET FOR CASE #: 3:00-cv-01753-HU**

B et al v. Kulongoski et al  
Assigned to: Magistrate Judge Dennis J. Hubel  
Cause: 42:1983 Civil Rights Act

Date Filed: 12/19/2000  
Date Terminated: 03/10/2004  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff****Miranda B**

represented by **Kathleen L. Wilde**  
Disability Rights Oregon  
620 S.W. Fifth Avenue, 5th Floor  
Fifth Floor  
Portland, OR 97204  
(503) 243-2081  
Fax: (503) 243-1738  
Email: [kwilde@disabilityrightsoregon.org](mailto:kwilde@disabilityrightsoregon.org)  
*ATTORNEY TO BE NOTICED*

**Kent B. Thurber**  
Davis Wright Tremaine, LLP  
1300 SW Fifth Avenue  
Suite 2300  
Portland, OR 97201-5630  
(503)778-5202  
Fax: (503) 778-5299  
Email: [berniethurber@dwt.com](mailto:berniethurber@dwt.com)  
*ATTORNEY TO BE NOTICED*

**Stephen J. Mathieu**  
Stephen J. Mathieu, Attorney at Law  
732 SW Third Avenue  
Suite 509  
Portland, OR 97204  
(503) 708-4387  
Fax: (866) 791-8478  
Email: [stephenmathieu@comcast.net](mailto:stephenmathieu@comcast.net)  
*ATTORNEY TO BE NOTICED*

**Plaintiff****Hannah C**

represented by **Kathleen L. Wilde**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Kent B. Thurber**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Stephen J. Mathieu**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff****Jamie G**

represented by **Kathleen L. Wilde**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Kent B. Thurber**  
(See above for address)

*ATTORNEY TO BE NOTICED*

**Stephen J. Mathieu**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Jong K**

represented by **Kathleen L. Wilde**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Kent B. Thurber**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Stephen J. Mathieu**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Joanne K**

represented by **Kathleen L. Wilde**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Kent B. Thurber**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Stephen J. Mathieu**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**James R**

represented by **Kathleen L. Wilde**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Kent B. Thurber**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Stephen J. Mathieu**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**George P**

represented by **Kathleen L. Wilde**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Kent B. Thurber**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Stephen J. Mathieu**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Anthony G**

represented by **Kathleen L. Wilde**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Kent B. Thurber**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Stephen J. Mathieu**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Juan S**

represented by **Kathleen L. Wilde**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Kent B. Thurber**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Stephen J. Mathieu**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Leonard P**

*individually and on behalf of all others  
similarly situated*

represented by **Kathleen L. Wilde**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Kent B. Thurber**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Stephen J. Mathieu**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**John Kitzhaber**

*Governor of the State of Oregon,  
individually and in his official capacity  
TERMINATED: 12/10/2003*

represented by **Richard D. Wasserman**  
Department of Justice  
Appellate Division  
1162 Court Street, NE  
Salem, OR 97310-4096  
(503) 378-4402  
Fax: (503) 378-4430  
Email: [richard.wasserman@doj.state.or.us](mailto:richard.wasserman@doj.state.or.us)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Katherine Greene Georges**  
Oregon Department of Justice  
Trial Division / Special Litigation Unit  
1162 Court Street NE  
Salem, OR 97301-4096  
(503) 947-4700  
Fax: (503) 947-4793  
Email: [kate.georges@doj.state.or.us](mailto:kate.georges@doj.state.or.us)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Oregon Department of Human  
Resources**

represented by **Richard D. Wasserman**  
(See above for address)

TERMINATED: 12/10/2003

LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Katherine Greene Georges**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Defendant**

**Gary Weeks**

*Director of the Oregon Department of  
Human Services, individually and in his  
official capacity*

represented by **Richard D. Wasserman**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Katherine Greene Georges**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Defendant**

**Bob Mink**

*Director of the Oregon Department of  
Human Services, in his official capacity*  
TERMINATED: 12/10/2003

represented by **Richard D. Wasserman**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Katherine Greene Georges**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Defendant**

**Governor Theodore Kulongoski**

*Governor of the State of Oregon*

represented by **Katherine Greene Georges**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Richard D. Wasserman**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Defendant**

**Jean Thorne**

*Director of The Oregon Department of  
Human Services*  
TERMINATED: 03/09/2004

represented by **Katherine Greene Georges**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Richard D. Wasserman**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Defendant**

**Oregon Department of Human  
Services**

represented by **Katherine Greene Georges**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Richard D. Wasserman**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
------------	---	-------------

12/19/2000	<u>1</u>	Complaint against John Kitzhaber, Oregon Department of Human Resources, Gary Weeks. Filing Fee collected. Receipt #: 434767 issued. Summons issued as to John Kitzhaber, Oregon Department of Human Services, Gary Weeks. Filed by Miranda B, Hannah C, Anthony G, Jamie G, Joanne K, Jong K, George P, Leonard P, James R, Juan S (tomg, ) (Entered: 12/19/2000)
12/19/2000	<u>2</u>	Discovery and Pretrial Scheduling Order: Discovery to be completed by 4/18/2001. Joint Status Report due by 4/18/2001. Joint ADR Report due by 5/18/2001. Pretrial Order due by 5/18/2001. (tomg, ) (Entered: 12/19/2000)
12/19/2000	<u>3</u>	Motion for Protective Order <i>And To Proceed Under A Pseudonym</i> . Response due by 1/2/2001. Filed by all plaintiffs. (tomg, ) (Entered: 12/19/2000)
12/19/2000	<u>4</u>	Memorandum in Support of <i>Motion For Protective Order and To Proceed Under a Pseudonym</i> . Filed by all plaintiffs. (Related motion(s) <u>3</u> ) (tomg, ) (Entered: 12/19/2000)
12/28/2000	<u>5</u>	Order and Notice of Case Reassignment by Judge Dennis J. Hubel: Case reassigned from Jones, Robert E. to Dennis J. Hubel. (tomg, ) (Entered: 01/05/2001)
01/04/2001	<u>6</u>	Record of Order: This case has been transferred to Judge Hubel for all further proceedings. Parties shall place the initials "HU" after the case number on all pleadings and documents filed with this court. All pending motions are transferred to Judge Hubel. (ccs, ) (Entered: 01/08/2001)
01/04/2001	<u>7</u>	Return of Service Executed upon Oregon Department of Human Resources on 12/20/00. Filed by all plaintiffs. (lam, ) (Entered: 01/09/2001)
01/04/2001	<u>8</u>	Unopposed Motion for Extension of Time to Answer <i>Complaint To And Including 2/8/01</i> . Filed by all defendants. (dls, ) (Entered: 01/11/2001)
01/04/2001	<u>9</u>	Affidavit of <i>Katherine G. Georges In Support Of Unopposed Motion for Extension of Time to Answer Complaint</i> . (related document(s) <u>8</u> ) Filed by all defendants. (dls, ) (Entered: 01/11/2001)
01/04/2001	<u>10</u>	Fed. R. Civ. P. 26(a)(1) Agreement. Filed by all defendants. (dls, ) (Entered: 01/11/2001)
01/04/2001	<u>12</u>	Return of Service Executed upon State of Oregon on 12/20/00. Filed by Miranda B. (tomg, ) (Entered: 01/12/2001)
01/04/2001	<u>13</u>	Return of Service Executed upon Gary Weeks on 12/20/00. Filed by Miranda B. (tomg, ) (Entered: 01/12/2001)
01/11/2001	<u>11</u>	RECORD OF ORDER – Granting Defendants' Unopposed Motion for Extension of Time to Answer Complaint and to Respond Motion for Protective Order and To Proceed Under A Pseudonym <u>8</u> up to and including February 8, 2001. A Rule 16 Conference is set on March 8, 2001, at 9:30 a.m. in courtroom #9B. (related document(s) <u>3</u> ) (kb, ) (Entered: 01/11/2001)
01/19/2001	<u>14</u>	Record of Order by Judge Dennis J. Hubel: Resetting the Rule 16 Conference, and oral argument on Plaintiff's Motion for Protective Order And To Proceed Under A Pseudonym <u>3</u> to March 22, 2001, at 9:30 a.m. in Courtroom #9B. (related document(s) <u>3</u> ) (kb, ) (Entered: 01/19/2001)
01/22/2001	<u>15</u>	Amended Complaint against Bob Mink, John Kitzhaber, Oregon Department of Human Resources. (related document(s) <u>1</u> ) Filed by Miranda B, Hannah C, Anthony G, Jamie G, Joanne K, George P, Leonard P, James R, Juan S (dls, ) (Entered: 01/26/2001)
02/08/2001	<u>16</u>	Motion to Dismiss <i>First Amended Complaint (Request For Oral Argument)</i> . Response due by 2/22/2001. Filed by all defendants. (dls, ) (Entered: 02/09/2001)
02/08/2001	<u>17</u>	Memorandum in Support Of <i>Motion to Dismiss First Amended Complaint</i> . Filed by all defendants. (Related motion(s) <u>16</u> ) (dls, ) (Entered: 02/09/2001)
02/08/2001	<u>18</u>	Response to Motion for <i>Protective Order And To Proceed Under A Pseudonym</i> . Filed by all defendants. Reply due by 2/22/2001. (Related motion(s) <u>3</u> ) (dls, ) (Entered: 02/09/2001)

02/13/2001	<u>19</u>	Record of Order by Judge Dennis J. Hubel: The Rule 16 Conference, and the oral argument on Plaintiff's Motion for Protective Order And To Proceed Under A Pseudonym <u>3</u> , currently set on March 22, 2001, is RESET to April 4, 2001, at 2:00 p.m. in Courtroom #9B. Defendants' Motion to Dismiss First Amended Complaint <u>16</u> is set on April 4, 2001, at 2:00 p.m. in Courtroom #9B. (related document(s) <u>3</u> , <u>16</u> ) (kb, ) (Entered: 02/15/2001)
02/22/2001	<u>20</u>	Motion for Extension of Time To <i>Brief The Impact Of A Recent Supreme Court Decision On Plaintiff's Title II Claim Against The Department Of Human Resources</i> . Filed by all plaintiffs. (dls, ) (Entered: 02/26/2001)
02/22/2001	<u>21</u>	Memorandum in Support Of <i>Motion for Extension of Time To Brief The Impact Of A Recent Supreme Court Decision On Plaintiff's Title II Claim Against The Department Of Human Resources</i> . Filed by all plaintiffs. (Related motion(s) <u>20</u> ) (dls, ) (Entered: 02/26/2001)
02/22/2001	<u>22</u>	Reply to Motion <i>For Protective Order</i> . Filed by all plaintiffs. (Related motion(s) <u>3</u> ) (dls, ) (Entered: 02/26/2001)
02/22/2001	<u>23</u>	Memorandum in Opposition To <i>Motion to Dismiss First Amended Complaint</i> . Filed by all plaintiffs. Reply due by 3/8/2001. (Related motion(s) <u>16</u> ) (dls, ) (Entered: 02/26/2001)
02/23/2001	<u>24</u>	Motion for Stay <i>Discovery (Request For Oral Argument)</i> . Response due by 3/9/2001. Filed by all defendants. (dls, ) (Entered: 02/26/2001)
02/23/2001	<u>25</u>	Memorandum in Support Of <i>Motion for Stay Discovery</i> . Filed by all defendants. (Related motion(s) <u>24</u> ) (dls, ) (Entered: 02/26/2001)
02/26/2001	<u>26</u>	Record of Order by Judge Dennis J. Hubel: Plaintiff's Motion for and Extension of Time to Brief the Impact of a Recent Supreme Court Decision on Plaintiffs' Title II Claim Against the Department of Human Resources <u>20</u> is granted as follows: Plaintiffs shall file a supplement brief no later than April 12, 2001. Defendants shall file any reply brief on this issue no later than May 25, 2001. Oral argument on Defendants' Motion to Dismiss First Amended Complaint <u>16</u> , currently set on April 4, 2002, is STRICKEN from the calendar. It will be rescheduled at the proceeding held on April 4, 2002. The Rule 16 Conference, and the oral argument on Plaintiff's Motion for Protective Order And To Proceed Under A Pseudonym <u>3</u> , remain as previously set on April 4, 2001, at 2:00 p.m. in Courtroom #9B. Defendants' Motion to Stay Discovery <u>24</u> is set for oral argument on April 4, 2001, at 2:00 p.m. in Courtroom #9B. related document(s) <u>24</u> ) (kb, ) (Entered: 02/26/2001)
03/01/2001	<u>27</u>	Motion for Extension of Time to File a Response/Reply To <i>Defendants' Motion To Dismiss To And Including 4/23/01</i> . Filed by all defendants. (dls, ) (Entered: 03/02/2001)
03/01/2001	<u>28</u>	Memorandum in Support Of <i>Motion for Extension of Time to File a Response/Reply To Defendants' Motion To Dismiss To And Including 4/23/01</i> . Filed by all defendants. (Related motion(s) <u>27</u> ) (dls, ) (Entered: 03/02/2001)
03/06/2001	<u>29</u>	Memorandum in Opposition To <i>Motion for Stay Discovery</i> . Filed by all plaintiffs. Reply due by 3/20/2001. (Related motion(s) <u>24</u> ) (dls, ) (Entered: 03/06/2001)
03/06/2001	<u>30</u>	Motion for Order <i>Certifying A Plaintiff Class Pursuant To Rule 23(b)(2) (Expedited Hearing Requested)</i> . Response due by 3/20/2001. Filed by all plaintiffs. (dls, ) (Entered: 03/06/2001)
03/06/2001	<u>31</u>	Memorandum in Support Of <i>Motion for Order Certifying A Plaintiff Class Pursuant To Rule 23(b)(2)</i> . Filed by all plaintiffs. (Related motion(s) <u>30</u> ) (dls, ) (Entered: 03/06/2001)
03/07/2001	<u>32</u>	Record of Order by Judge Dennis J. Hubel – Denying Motion for Extension of Time to File Response/Reply to Motion (Related Doc # <u>27</u> ). The courtset the parties' briefing deadlines on its minute order of February 26, 2001. The court will set argument on Plaintiff's Motion for an Order Certifying a Plaintiff Class Pursuant to Rule 23(b)(2) <u>30</u> at the hearing on April 4, 2001. (dls, ) (Entered: 03/08/2001)



03/19/2001	<u>33</u>	Reply to Motion <i>To Stay Discovery</i> . Filed by all defendants. (Related motion(s) <u>24</u> ) (dls, ) (Entered: 03/19/2001)
03/19/2001	<u>34</u>	Motion <i>To Defer Class Certification</i> . Response due by 4/2/2001. Filed by all defendants. (dls, ) (Entered: 03/19/2001)
03/19/2001	<u>35</u>	Memorandum in Support <i>To Motion To Defer Class Certification</i> . Filed by all defendants. (Related motion(s) <u>34</u> ) (dls, ) (Entered: 03/19/2001)
04/02/2001	<u>36</u>	Memorandum in Opposition <i>To Motion To Defer Class Certification</i> . Filed by all plaintiffs. Reply due by 4/16/2001. (Related motion(s) <u>34</u> ) (dls, ) (Entered: 04/04/2001)
04/04/2001	<u>38</u>	Record of Order by Judge Dennis J. Hubel: Court Reporter: Liz Meacham Defendant's motion for summary judgment (related document(s) <u>16</u> ) is set for hearing on 6/22/01. Discovery to be completed by 7/31/2001. Pretrial Order due by 8/31/2001. Joint ADR Report due by 7/31/2001. See minute entry for full text. (ccs, ) (Entered: 04/06/2001)
04/05/2001	<u>37</u>	Case Management/Electronic Case Filing Procedural Order. Signed 4/5/01 by Judge Dennis J. Hubel. (ccs, ) (Entered: 04/06/2001)
04/11/2001	<u>39</u>	Order Granting in part, Denying in part Defendants' Motion to Defer Class Certification (Related Doc # <u>34</u> ), and Deferring Ruling on Plaintiffs' Motion for Class Certification (Related Doc # <u>30</u> ). Signed 4/11/01 by Judge Dennis J. Hubel. (DJH2). (Entered: 04/11/2001)
04/12/2001	<u>40</u>	Supplemental Memorandum in Opposition <i>To Motion To Dismiss</i> . Filed by all plaintiffs. Reply due by 4/26/2001. (Related motion(s) <u>16</u> ) (dls, ) (Entered: 04/13/2001)
05/11/2001	<u>41</u>	Motion to Compel <i>Production of Documents by Defendants ORAL ARGUMENT REQUESTED</i> . Response due by 5/25/2001. Filed by all plaintiffs. (mja, ) (Entered: 05/15/2001)
05/11/2001	<u>42</u>	Memorandum <i>in Support of Motion to Compel Production of Documents by Defendants</i> . (related document(s) <u>41</u> ) Filed by all plaintiffs. (mja, ) (Entered: 05/15/2001)
05/17/2001	<u>43</u>	Record of Order by Judge Dennis J. Hubel: (related document(s) <u>41</u> ) Oral Argument set for 6/22/2001 at 09:30AM in Portland on Plaintiffs' Motion to Compel Production of Documents. (kb, ) (Entered: 05/17/2001)
05/25/2001	<u>44</u>	Reply to Motion <i>Defendant's Reply In Support of Motions To Dismiss First Amended Complaint</i> . Filed by all defendants. (Related motion(s) <u>16</u> ) (jlr, ) (Entered: 05/30/2001)
05/31/2001	<u>45</u>	Amended Reply to Motion <i>To Dismiss First Amended Complaint</i> . Filed by all defendants. (Related motion(s) <u>16</u> ) (dls, ) (Entered: 05/31/2001)
06/05/2001	<u>46</u>	Record of telephone hearing held on Plaintiffs' request for leave to file a sur-response regarding Defendants' Motion to Dismiss First Amended Complaint <u>16</u> :ORDER – Plaintiffs are granted leave to file a sur-response regarding Defendants' Motion to Dismiss First Amended Complaint <u>16</u> , limited to the Garrett case, up to and including 4:30 p.m. on June 6, 2001. Defendants may file a sur-reply to plaintiffs' sur-response no later than 4:30 p.m. on June 13, 2001.ORDER – Plaintiffs are granted an extension of time within which to respond to Defendants' Motion to Compel Production of Documents <u>41</u> up to and including 4:30 p.m. on June 6, 2001. Tape No: 304 (related document(s) <u>41</u> , <u>16</u> ). (dls, ) (Entered: 06/05/2001)
06/06/2001	<u>47</u>	RECORD OF ORDER – modifying the minute order of June 5, 2001, the last paragraph only, to read as follows: "Defendants are granted an extension of time within which to respond to Plaintiffs' Motion to Compel Production of Documents <u>41</u> up to and including 4:30 p.m. on June 7, 2001." (kb, ) (Entered: 06/06/2001)
06/06/2001	<u>48</u>	Memorandum in Opposition <i>To Defendants' Motion To Dismiss (Surreponse)</i> . Filed by all plaintiffs. (Related motion(s) <u>16</u> ) (dls, ) (Entered: 06/06/2001)

06/07/2001	<u>49</u>	Memorandum in Opposition <i>Of Motion to Compel Production of Documents</i> . Filed by all defendants. (Related motion(s) <u>41</u> ) (dls, ) (Entered: 06/11/2001)
06/13/2001	<u>52</u>	Reply to Motion <i>To Dismiss (Sur-reply)</i> . Filed by all defendants. (Related motion(s) <u>16</u> ) (dls, ) (Entered: 06/29/2001)
06/18/2001	<u>50</u>	Reply to Motion <i>to Dismiss (Sur-Reply)</i> . Filed by all defendants. (Related motion(s) <u>16</u> ) (dls, ) (Entered: 06/19/2001)
06/22/2001	<u>51</u>	Record of oral argument held on Defendants' Motion to Dismiss <u>16</u> : ORDER taking the motion under advisement. Record of oral argument held on Plaintiffs' Motion to Compel Production of Documents <u>41</u> : the court rules as follows: Request #7: granted in part. Request #10: defendant is to advise plaintiffs within one week if there are any unprivileged documents which exist and have not been provided, and tell plaintiffs when they can be produced. In that same week defendant is to advise plaintiffs when defendant will produce a privilege log for all items to which they object on the basis of privilege. Request #16: defendant conceded and will produce the documents. Request #18 and #19: ruling is deferred for one week for further consultation between counsel regarding a proposed solution to the dispute. Request #21: withdrawn by the plaintiff upon representation that the defendant has no such documents. (Related Doc # <u>41</u> )(Related Doc # <u>16</u> ). (dls, ) (Entered: 06/25/2001)
07/10/2001	<u>53</u>	Status Report <i>re: Court's Discovery Rulings</i> . Filed by all defendants. (dls, ) (Entered: 07/11/2001)
08/01/2001	<u>54</u>	Unopposed Motion for Extension of Discovery & PTO Deadlines. Filed by Katherine Greene Georges on behalf of all defendants. (mja, ) (Entered: 08/03/2001)
08/06/2001	55	Minute Entry: Record of Order -- Defendants' Unopposed Motion for Extension of Time for Discovery, Dispositive Motions, and Lodging of Pretrial Order <u>54</u> is GRANTED as follows: Discovery to be completed by 10/31/2001. Pretrial Order due by 11/30/2001. Joint Alternate Dispute Resolution Report due by 10/31/2001 Dispositive Motions due by 10/31/2001. Ordered by Judge Dennis J. Hubel. (kb, ) (Entered: 08/06/2001)
08/06/2001	<u>56</u>	Motion <i>To File Supplemental Brief To Address Impact Of Recent State Legislative Changes</i> . Filed by Katherine Greene Georges on behalf of all defendants. (dls, ) (Entered: 08/08/2001)
08/06/2001	<u>57</u>	Memorandum in Support <i>Of Motion To File Supplemental Brief To Address Impact Of Recent State Legislative Changes</i> . Filed by Katherine Greene Georges on behalf of all defendants. (Related document(s) <u>56</u> ) (dls, ) (Entered: 08/08/2001)
08/08/2001	<u>58</u>	Memorandum in Opposition <i>Of Motion To File Supplemental Brief To Address Impact Of Recent State Legislative Changes</i> . Filed by Kathleen L. Wilde on behalf of all plaintiffs. (Related motion(s) <u>56</u> ) (dls, ) (Entered: 08/09/2001)
08/08/2001	<u>59</u>	Supplemental Memorandum in Opposition <i>To Motion to Dismiss</i> . Filed by Kathleen L. Wilde on behalf of all plaintiffs. (Related motion(s) <u>16</u> ) (dls, ) (Entered: 08/10/2001)
08/09/2001	<u>60</u>	Reply to Motion <i>To File Supplemental Brief</i> . Filed by Katherine Greene Georges on behalf of all defendants. (Related motion(s) <u>56</u> ) (dls, ) (Entered: 08/10/2001)
08/10/2001	<u>61</u>	Findings & Recommendations: Defendants' motion to dismiss should be granted as to the section 1983 claim against the ODHHS and denied in all other respects. Signed on August 10, 2001 by Judge Dennis James Hubel. Objections to the Findings and Recommendation due by 8/27/2001. Response to the objection to the F & R due by 9/10/2001. (Related document(s) <u>16</u> ) (DJH2). (Entered: 08/10/2001)
08/13/2001	62	<b>CIVIL MINUTES:</b> Record of Order -- Telephone Conference set for 8/17/2001 at 02:00PM. The court will place the call. (kb, ) (Entered: 08/13/2001)
08/17/2001	<u>63</u>	<b>CIVIL MINUTES:</b> Record of Telephone Status Conference and ORDER: Defendants' Motion to File Supplemental Brief to Address Impact of Recent State Legislative Changes <u>56</u> is denied, with leave to defendants to raise the issue at a later stage in litigation as they deem appropriate. Parties advised that they have resolved any outstanding discovery issues. Defendants shall file their response



		to Plaintiffs' Motion for Order Certifying a Plaintiff Class Pursuant to Rule 23(b)(2) <u>30</u> no later than September 17, 2001. Plaintiffs shall reply no later than October 1, 2001. Oral argument is set on the motion on October 17, 2001, at 10:00 a.m. in Courtroom #9B. Defendants' Motion for Stay Discovery <u>24</u> is denied; discovery regarding class certification and the merits of the case shall proceed. The parties shall confer and propose any new case schedule to the court, either via letter or motion. (Related documents(s) <u>30</u> ) Ordered by Judge Dennis J. Hubel. Counsel Present for Plaintiff: Kathleen Wilde. Counsel Present for Defendant: Katherine Georges. Tape No: FTR. Court Reporter: KB. (dls, ) (Entered: 08/20/2001)
08/28/2001	<u>64</u>	Objections to Findings & Recommendation. Filed by Katherine Greene Georges on behalf of all defendants. (Related motion(s) <u>61</u> ) (dls, ) (Entered: 08/29/2001)
08/28/2001	<u>65</u>	Motion for Extension of Time to file defendant's Objections to Findings and Recommendation to and including 8/28/01. Filed by Katherine Greene Georges on behalf of all defendants. (Related document(s) <u>64</u> ) (dls, ) Modified on 8/30/2001 (dls, ). (Entered: 08/29/2001)
08/28/2001	<u>66</u>	Affidavit of <i>Katherine G. Georges</i> . Filed by Katherine Greene Georges on behalf of all defendants. (Related document(s) <u>65</u> ) (dls, ) (Entered: 08/29/2001)
08/30/2001	67	<b>CIVIL MINUTES:</b> Record of Order -- Defendants' Motion for Extension of Time to File defendants' Objections to Findings and Recommendation is Granted up to and including 8/28/01. The deadline for the filing of plaintiffs' response to the objection remains as previously set, September 10, 2001. (kb, ) (Entered: 08/30/2001)
09/04/2001	<u>68</u>	Supplemental Objections to Findings & Recommendation. Filed by Katherine Greene Georges on behalf of all defendants. (Related motion(s) <u>61</u> ) (dls, ) (Entered: 09/05/2001)
09/06/2001	<u>69</u>	Response to Objections to Findings & Recommendation. Filed by Kathleen L. Wilde on behalf of all plaintiffs. (Related motion(s) <u>61</u> ) (dls, ) (Entered: 09/06/2001)
09/07/2001	70	<b>CIVIL MINUTES:</b> Record of Order -- Findings and Recommendation of August 10, 2001, <u>61</u> , referred to Judge Anna J. Brown. An objection to the frhas been filed. Ordered by Judge Dennis J. Hubel. (kb, ) (Entered: 09/07/2001)
09/13/2001	<u>71</u>	Unopposed Motion for Extension of Time to File a Response/Reply to Motion # <u>30</u> . <i>Motion for Order Certifying A Plaintiff Class Pursuant To Rule 23(b)(2)</i> . Filed by all defendants. (dls, ) (Entered: 09/17/2001)
09/17/2001	72	<b>ORDER:</b> Order Granting # <u>71</u> ) Defendants' Unopposed Motion for Extension of Time to File as follows: Defendants shall file a response to Plaintiffs' Motion for Order Certifying a Plaintiff Class <u>30</u> by 10/1/2001; plaintiff's shall reply by 10/15/2001. Oral Argument on the motion is RESET to 10/30/2001 at 01:30PM in Portland. by Judge Dennis J. Hubel. (Related documents(s) <u>30</u> ) (kb, ) (Entered: 09/17/2001)
09/18/2001	<u>73</u>	<b>ORDER:</b> Order Adopting Findings and Recommendation: (Related Doc # <u>61</u> ), Order Granting in part, Denying in part Motion to Dismiss (Related Doc # <u>16</u> ) Signed on 9/17/01 by Judge Anna J. Brown. (dls, ) (Entered: 09/20/2001)
09/24/2001	74	<b>CIVIL MINUTES:</b> Record of Order -- Telephone Status Conference set for 9/25/2001 at 09:30AM by Telephone. The court will place the call. Ordered by Judge Dennis J. Hubel. (kb, ) (Entered: 09/24/2001)
09/25/2001	<u>75</u>	<b>CIVIL MINUTES:</b> Record of Telephone Status Conference held regarding the parties' joint request to stay litigation pending settlement discussions: ORDER extending deadlines as follows: Deadlines regarding Plaintiffs' Motion for Order Certifying a Plaintiff Class Pursuant to Rule 23(b)(2) <u>30</u> are extended as follows: A response shall be filed no later than December 3, 2001. A reply shall be filed no later than December 17, 2001. Oral argument on the motion is RESET to January 4, 2002, at 2:00 p.m. in Courtroom #9B. The deadline for the completion of discovery is February 1, 2002. The deadline for the filing of a Joint ADR report is deemed satisfied by virtue of the letter of September 21, 2001. The deadline for the filing of dispositive motions is February 8, 2002. The deadline for the lodging of a

		pretrial order is June 14, 2002. A further telephone status conference is set on October 30, 2001, at 1:30 p.m. The court will place the call. Reporter: KB, Tape No: FTR(Related documents(s) <u>30</u> ) (dls, ) (Entered: 09/25/2001)
10/02/2001	<u>76</u>	Notice of Appeal to USCA from order # 72 entered on 9/20/2001 Filing fee collected. Receipt # 439970 issued.. Filed by all defendants. (Related document(s) <u>72</u> ) (dls, ) (Entered: 10/04/2001)
10/04/2001		Notification of Appeal mailed to USCA for the Ninth Circuit and to counsel along with copy of appealed document and docket sheet. (FRAP 3(d)((3)) USDC Notice of Appeal Doc. # <u>76</u> . CADS mailed to USCA. (Related document(s) <u>76</u> ) (dls, ) Modified on 10/4/2001 (dls, ). (Entered: 10/04/2001)
10/09/2001	<u>77</u>	Transcript of Proceedings held on 6/22/01 before Judge Dennis J. Hubel. Court Reporter: Dennis R. Grube. (dls, ) (Entered: 10/10/2001)
10/10/2001	<u>78</u>	Transcript Ordering form for Transcript(s) of Proceedings held on 6/22/01.. Filed by all defendants. (dls, ) (Entered: 10/15/2001)
10/18/2001	<u>79</u>	Time Schedule Order from Ninth Circuit Court of Appeals USDC Notice of Appeal Doc. # <u>76</u> and USCA #01-35950... (Related document(s) <u>76</u> ) (dls, ) (Entered: 10/18/2001)
10/24/2001	80	<b>CIVIL MINUTES:</b> Record of Order -- The Status Conference currently set on October 30, 2001, at 1:30 p.m. is RESET to 9:30 a.m. that same date. The court will place the call. Ordered by Judge Dennis J. Hubel. (kb, ) (Entered: 10/24/2001)
10/30/2001	<u>81</u>	<b>CIVIL MINUTES:</b> Record of Telephone Status Conference: Ms. Wilde will provide a copy of the appeal briefing schedule to the court and to Ms. Georges. A further telephone status conference is set on November 30, 2001, at 10:30 a.m. The parties shall confer and submit a joint proposed case schedule to the court no later than noon, November 29, 2001. If they can not agree on a schedule, separate proposals shall be submitted. (kb, ) (Entered: 10/30/2001)
11/28/2001	82	<b>CIVIL MINUTES:</b> Record of Order -- Pursuant to the joint request of the parties, the telephone status conference, currently set on November 30, 2002, is RESET to February 12, 2002, at 9:30 a.m. The Court will place the call. Ordered by Judge Dennis J. Hubel. (kb, ) (Entered: 11/28/2001)
11/30/2001	83	<b>CIVIL MINUTES:</b> Record of Order -- the oral argument set on January 4, 2002, on Plaintiffs' Motion for Order Certifying a Plaintiff Class <u>30</u> is STRICKEN from the calendar. It will be reset at the status conference to be held on February 12, 2002. (Related documents(s) <u>30</u> ) Ordered by Judge Dennis J. Hubel. (kb, ) (Entered: 11/30/2001)
12/18/2001	<u>84</u>	Certificate of Record transmitted to USCA. USDC Notice of Appeal Doc. # <u>76</u> and USCA # 01-35950... (Related document(s) <u>76</u> ) (dls, ) (Entered: 12/18/2001)
02/12/2002	85	<b>CIVIL MINUTES:</b> Record of telephone status conference: ORDER - striking all current deadlines, including response/reply deadlines regarding Plaintiffs' Motion for Order Certifying a Plaintiff Class <u>30</u> . A further Telephone Status Conference is set on April 26, 2002, at 1:30 p.m., at which parties shall advise the court of the status of the appeal, and the setting of new deadlines will be addressed. Ordered by Judge Dennis J. Hubel. Counsel Present for Plaintiff: Kathleen Wilde. Counsel Present for Defendant: Katherine Georges. Tape No: FTR. (kb, ) (Entered: 02/12/2002)
04/24/2002	<u>86</u>	Status Report. Filed by all defendants. (dls, ) (Entered: 04/25/2002)
04/26/2002	87	<b>CIVIL MINUTES:</b> Record of telephone status conference: Counsel advised the court of the appellate briefing schedule. A Further Telephone Status Conference is set on September 9, 2002, at 1:30 p.m. The court will place the call. Ordered by Judge Dennis J. Hubel. Counsel Present for Plaintiff: Kathleen Wilde. Counsel Present for Defendant: Kate Georges. Court Reporter: none. (kb, ) (Entered: 04/26/2002)
05/09/2002	<u>88</u>	Order from Ninth Circuit Court of Appeals USDC Notice of Appeal Doc. # <u>76</u> and USCA #01-35950. Briefing schedule amended: Appellants shall file opening brief

		6/10/02; appellees shall file an answering on 7/19/02; appellants option brief due 14 days from the service date of the answering brief. (Related document(s) <u>76</u> ) (dls, ) (Entered: 05/09/2002)
09/06/2002	<u>89</u>	Status Report. Filed by all defendants. (Georges, Katherine) (Entered: 09/06/2002)
09/09/2002	90	<b>CIVIL MINUTES:</b> Record of telephone status conference: Defendants shall file their request for protective order and accomanying brief no later than October 11, 2002, on the issue of whether or not they should be required to produce to plaintiffs on an ongoing basis a monthly print-out of the "ready to place" list. Plaintiffs' response brief shall be filed no later than October 25, 2002. A further telephone status conference is set on January 6, 2003, at 1:30 p.m. The court will place the call. Ordered by Judge Dennis J. Hubel. Counsel Present for Plaintiff: Kathleen Wilde. Counsel Present for Defendant: Katherine Georges.Tape No: FTR. Court Reporter: KB. (kb, ) (Entered: 09/09/2002)
12/11/2002	91	<b>CIVIL MINUTES:</b> Record of Order -- Pursuant to the request of counsel for defendants, the telephone status conference, currently set on January 6, 2003, is RESET to January 13, 2003, at 3:00 p.m. The court will place the call. Ordered by Judge Dennis J. Hubel. (kb, ) (Entered: 12/11/2002)
01/09/2003	<u>92</u>	Status Report. Filed by all defendants. (Georges, Katherine) (Entered: 01/09/2003)
01/13/2003	93	<b>CIVIL MINUTES:</b> Record of telephone status conference -- Counsel for the parties will advise the court within 30 days of ruling by the Court of Appeals on either this case or the Hanson case. Ordered by Judge Dennis J. Hubel. Counsel Present for Plaintiff: Kathleen Wilde. Counsel Present for Defendant: Katherine Georges.Tape No: FTR. Court Reporter: KB. (kb, ) (Entered: 01/13/2003)
01/17/2003		Clerks Record on Appeal( orig Clerks file 3 vol., one orig transcript #77) transmitted to USCA for the Ninth Circuit for # 01-35950. (fh, ) (Entered: 01/17/2003)
06/09/2003	<u>94</u>	Judgment from US Court of Appeals: The Decision of the District Court is AFFIRMED AND REMANDED. USDC Notice of Appeal Doc. # <u>76</u> and USCA # 01-35950.. . (Related document(s) <u>76</u> ) (ljl, ) (Entered: 06/10/2003)
06/10/2003	<u>95</u>	Motion to Dismiss <i>Oregon Department of Human Services as a Defendant</i> . Filed by all plaintiffs. (dls, ) (Entered: 06/11/2003)
06/10/2003	<u>96</u>	Memorandum in Support of <i>Motion to Dismiss Oregon Department of Human Services as a Defendant</i> . Filed by all plaintiffs. (Related document(s) <u>95</u> ) (dls, ) (Entered: 06/11/2003)
06/12/2003	97	<b>CIVIL MINUTES:</b> Record of Order by Judge Dennis J. Hubel: A telephone status conference is set on July 8, 2003, at 10:00 a.m., at which the scheduling of Plaintiffs' Motion for Order Certifying A Plaintiff Class Pursuant To Rule 23(b)(2) [#30], and Plaintiffs' Motion to Dismiss Oregon Department of Human Services as a Party Defendant [#95] will be addressed. (kb, ) (Entered: 06/12/2003)
06/19/2003	<u>98</u>	Motion for Extension of Time ( <i>Expedited Hearing Requested</i> ). Filed by all defendants. (Georges, Katherine) (Entered: 06/19/2003)
06/19/2003	<u>99</u>	Affidavit of <i>Katherine G. Georges</i> . Filed by all defendants. (Related document(s) <u>98</u> ) (Georges, Katherine) (Entered: 06/19/2003)
07/08/2003	100	<b>CIVIL MINUTES:</b> Record of telephone status conference held before Judge Dennis J. Hubel. ORDER - Defendants' Motion for Extension of Time <u>98</u> is granted, in part, as follows: The current deadline for defendants' response to Plaintiffs' Motion to Dismiss Oregon Department of Human Services as a Party Defendant <u>95</u> is STRICKEN. It will be reset at a further telephone status conference which is set on August 21, 2003, at 9:30 a.m. The court will place the call. Counsel Present for Plaintiff: Kathleen Wilde. Counsel Present for Defendant: Katherine Georges. Tape No: FTR. Court Reporter: kb. (kb, ) (Entered: 07/08/2003)
07/09/2003	101	<b>CIVIL MINUTES:</b> Record of Order by Judge Dennis J. Hubel: The Telephone Status Conference set on August 21, 2003, is RESET to August 20, 3004, at 9:30

		a.m. The court will place the call. (kb, ) (Entered: 07/09/2003)
07/09/2003	<u>102</u>	Order from Ninth Circuit Court of Appeals: Appellants motion to recall the mandate and to stay the mandate is GRANTED. Appellants have 90 days from the date of this opinion, May 14, 2003, to file a petition for certiorari with the US Supreme Court. If a petition for certiorari is filed, then this stay shall remain in effect until final disposition by the Supreme Court. The appellees motion to transfer the consideration of attorneys fees to the district court is GRANTED. USDC Notice of Appeal Doc. # <u>76</u> ] and USCA #01-35950.. . (Related document(s) <u>94</u> ) (fh, ) (Entered: 07/15/2003)
08/14/2003	103	<b>CIVIL MINUTES:</b> Record of Order by Judge Dennis J. Hubel: The telephone status conference currently set on August 20, 2003, is RESET to September 8, 2003, at 9:30 a.m. The court will place the call. (kb, ) (Entered: 08/14/2003)
08/18/2003	104	<b>RECORD OF ORDER:</b> Pursuant to the request of counsel for the plaintiffs, the Telephone Status Conference currently set on September 8, 2003, is RESET to September 12, 2003, at 10:30 a.m. The court will place the call. (kb, ) (Entered: 08/18/2003)
09/12/2003	105	<b>CIVIL MINUTES:</b> Record of telephone status conference held before Judge Dennis J. Hubel: ORDER – At the joint request of the parties, this case is STAYED for a period of 60 days. A further telephone status conference is set on November 17, 2003, at 10:00 a.m., at which the parties will advise the court whether or not they will seek a continuance of the stay. Counsel Present for Plaintiff: Kathleen Wilde. Counsel Present for Defendant: Katherine Georges. Tape No: FTR. Court Reporter: KB. (kb, ) (Entered: 09/12/2003)
11/17/2003	106	<b>CIVIL MINUTES:</b> Record of telephone status conference held before Judge Dennis J. Hubel. Counsel advised the court of their progress in settlement negotiation. A further telephone status conference is set on January 13, 2004, at 9:30 a.m. If settlement of this case is not imminent by then, counsel shall confer and propose a case schedule at the conference on January 13, 2004. Counsel Present for Plaintiff: Kathleen Wilde. Counsel Present for Defendant: Kate Georges. Tape No: FTR. Court Reporter: KB. (kb, ) (Entered: 11/17/2003)
12/10/2003	<u>107</u>	Notice of Substitution of Parties. Filed by all defendants. (Georges, Katherine) (Entered: 12/10/2003)
12/16/2003	<u>108</u>	Full Consent by all parties to all further proceedings before a US Magistrate Judge. (mja, ) (Entered: 12/17/2003)
12/19/2003	<u>109</u>	Memorandum in Support of Joint Motion for an Order Certifying Settlement Class, Giving Preliminary Approval to Settlement Agreement, Approval of Class Notice and Scheduling Fairness Hearing. Filed by all defendants. (Georges, Katherine) (Entered: 12/19/2003)
12/19/2003	<u>110</u>	Joint Motion for Order Certifying Settlement Class, Giving Preliminary Approval to Settlement Agreement, Approving Class Notice and Scheduling Fairness Hearing. Filed by all parties. (mja, ) (Entered: 12/29/2003)
12/19/2003	<u>111</u>	Memorandum of Law in Support of Joint Motion for Order Certifying Settlement Class, Giving Preliminary Approval to Settlement Agreement, Approving Class Notice and Scheduling Fairness Hearing.. Filed by all plaintiffs. (Related document(s) <u>110</u> ) (mja, ) (Entered: 12/29/2003)
12/19/2003	<u>112</u>	Settlement Agreement. Filed by all parties. (mja, ) (Entered: 12/29/2003)
01/13/2004	113	<b>CIVIL MINUTES:</b> Record of telephone status conference held before Judge Dennis J. Hubel regarding the parties' Joint Motion for Order Certifying Settlement Class, Giving Preliminary Approval to Settlement Agreement, Approving Class Notice and Scheduling Fairness Hearing. Separate orders shall be entered. Counsel Present for Plaintiff: Kathleen Wilde. Counsel Present for Defendant: Katherine Georges. Tape No: FTR. Court Reporter: KB. (kb, ) (Entered: 01/13/2004)
01/13/2004	<u>114</u>	Order Certifying Settlement Class And Preliminarily Approving Settlement, Approving Class Notice And Scheduling Fairness Hearing. Signed 1/13/04 by



		Judge Dennis J. Hubel. (cib, ) (Entered: 01/13/2004)
01/13/2004	<u>115</u>	Notice of Pendency And Settlement Of Class Action. Signed 1/13/04 by Judge Dennis J. Hubel. (cib, ) (Entered: 01/13/2004)
01/23/2004	<u>116</u>	Settlement Agreement. (INCLUDES ORIGINAL SIGNATURES) (Related Document No[ #112] Filed by all parties. (mja, ) (Entered: 01/26/2004)
02/05/2004	<u>117</u>	Affidavit of <i>Deborah J. Howard</i> . Filed by all defendants. (Georges, Katherine) (Entered: 02/05/2004)
02/05/2004	<u>118</u>	Affidavit of <i>Emily M. Loret</i> . Filed by all defendants. (Georges, Katherine) (Entered: 02/05/2004)
02/26/2004	<u>119</u>	Motion for Final Approval of Class Action Settlement. Filed by all plaintiffs. (mja, ) (Entered: 03/01/2004)
02/26/2004	<u>120</u>	Plaintiffs' Memorandum of Law in Response to Request of Two Class Members to be Excluded from Participation in the Case. Filed by all plaintiffs. (Related document(s): <u>95</u> .)(mja, ) (Entered: 03/01/2004)
02/27/2004	<u>121</u>	Supplemental Exhibit in Support of Plaintiff's Motion for Final Approval of Class Action Settlement. Filed by Hannah C, Anthony G, Jamie G, Joanne K, Jong K, George P, Leonard P, James R, Juan S.(mja, ) (Entered: 03/03/2004)
03/08/2004	<u>122</u>	Notice of <i>Substitution of Parties</i> . Filed by Katherine Greene Georges appearing on behalf of all defendants.(Georges, Katherine) (Entered: 03/08/2004)
03/10/2004	<u>123</u>	Final Order and Judgment. Signed on 3/10/04 by Judge Dennis J. Hubel. (mja, ) (Entered: 03/11/2004)
11/03/2004		Appeal Record Returned (three original volumes and original transcript 77) returned from USCA 9th Circuit re Notice of Appeal CA 01-35950 <u>76</u> . (Related Document(s): Notice of Appeal <u>76</u> ) (tomg, ) (Entered: 11/03/2004)
11/04/2004	<u>124</u>	MANDATE of USCA for the 9th Circuit re Notice of Appeal CA 01-35950 <u>76</u> : The decision of the District Court is AFFIRMED. (Related Document(s): Notice of Appeal <u>76</u> ) (tomg, ) (Entered: 11/04/2004)