

1 ERNEST GALVAN – Cal. Bar No. 196065*
BLAKE THOMPSON – Cal. Bar No. 255600*
2 ROSEN BIEN GALVAN & GRUNFELD LLP
3 315 Montgomery Street, Tenth Floor
San Francisco, California 94104-1823
Telephone: (415) 433-6830
4 Facsimile: (415) 433-7104
Email: egalvan@rbgg.com

DANIEL J. POCHODA – No. 021979
ACLU FOUNDATION OF ARIZONA
3707 North 7th Street, Suite 235
Phoenix, Arizona 85014-5077
Telephone: (602) 650-1854
Facsimile: (602) 650-1376
Email: dpochoda@acluaz.org

5 LANCE WEBER – Fla. Bar No. 104550*
6 HUMAN RIGHTS DEFENSE CENTER
P.O. Box 1151
7 Lake Worth, Florida 33460
Telephone: (561) 360-2523
8 Facsimile: (866) 735-7136
Email: lweber@humanrightsdefensecenter.org

9 **Admitted to Practice Pro Hac Vice*

10 Attorneys for Plaintiff PRISON LEGAL NEWS

12 UNITED STATES DISTRICT COURT

13 DISTRICT OF ARIZONA

14 PRISON LEGAL NEWS, a project of the HUMAN
RIGHTS DEFENSE CENTER,

15 Plaintiff,

16 v.

17 PAUL BABEU, individually and in his official
18 capacity as Sheriff of Pinal County, Arizona;
PINAL COUNTY, ARIZONA; Sergeant TONYA
19 DELGADO, in her individual and official
capacities; Detention Aide ALYSSA ROMERO, in
20 her individual capacity; Detention Aide
LAURENDA HENSLEY-SALISBERRY, in her
21 individual capacity; Detention Aide CHERYL
MCBIRNIE, in her individual capacity; Detention
22 Aide JOHN JOHNSTON, in his individual
capacity; Detention Aide LAUREN MCVICKER,
23 in her individual capacity; LORETTA VALDEZ,
in her individual capacity; DALTON GAY, in his
24 individual capacity; ERICA CHAVEZ, in her
individual capacity; DENA KELLY, in her
25 individual capacity; Sergeant AMADO
MARTINEZ, in his individual and official
26 capacities; Sergeant LEONARD ARNOLD, in his
individual and official capacities; Training
27 Specialist DAVID LINDERHOLM, in his
individual and official capacities; Lieutenant
28 FRANCES HAWKINS, in her individual and

Case No. 2:11-cv-01761-DJH

**AMENDED STIPULATION FOR
ENTRY OF JUDGMENT FOR
NOMINAL DAMAGES**

Judge: Hon. Diane J. Humetewa

1 official capacities; Lieutenant DENNIS
2 RUSHING, in his individual and official
3 capacities; Lieutenant MATTHEW HULL, in his
4 individual and official capacities; Lieutenant
5 DARREN RUSHING, in his individual and official
6 capacities; Lieutenant VERNITA GANT, in her
7 individual and official capacities; Lieutenant
8 MICHELE MCNEELY, in her individual and
9 official capacities; Lieutenant GILBERT HOYOS,
10 in his individual and official capacities; Captain
11 TERRY JOHNSON, in his individual and official
12 capacities; Captain JAYME VALENZUELA, in
13 his individual and official capacities; Captain
14 RUBEN MONTAÑO, in his individual and official
15 capacities; and Deputy Chief JAMES KIMBLE, in
16 his individual and official capacities,

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Defendants.

1 In its March 20, 2013 summary judgment Order, the Court found that Plaintiff
2 Prison Legal News's ("PLN's") First Amendment and Due Process rights were violated,
3 and that PLN was entitled to, at a minimum, nominal damages. *See* Docket No. 143.

4 The Court has set trial for November 18-21, 2014 on the two remaining issues in the
5 case - the amount of PLN's damages and the liability of four individual defendants for the
6 due process violations. Docket Nos. 143, 188.

7 The parties have agreed to settle all remaining claims in this matter on the following
8 terms:

9 (1) The parties shall jointly request that the Court enter judgment in favor of
10 Plaintiff PLN for nominal damages against Defendants Pinal County, Paul Babeu (in his
11 official capacity), James Kimble (in his official capacity), Darrin Rushing, Tonya Delgado,
12 Alyssa Romero, Laurenda Hensley-Salisberry, Cheryl McBirnie in the total amount of
13 Two Hundred Forty-three and 00/100 Dollars (\$243.00), which sum was arrived at by
14 multiplying \$1.00 for each of the 243 instances in which PLN's First Amendment or Due
15 Process rights were violated.

16 (2) All claims against Defendants Terry Johnson, Jayme Valenzuela, David
17 Linderholm, Ruben Montano, Loretta Valdez, Dalton Gay, Erica Chavez, Dena Kelly,
18 Amado Martinez, Frances Hawkins, Matthew Hull, Dennis Rushing, Vernita Gant, and
19 Michele McNeely, John Johnston, Lauren McVicker, Gilbert Hoyos and Leonard Arnold
20 shall be dismissed with prejudice.

21 (3) The parties shall attempt to resolve Plaintiff's claims for attorney's fees and
22 costs under 42 USC §1988, and Defendants' claims for taxable costs pursuant to Rule 68
23 Fed.R.Civ.P. by stipulation. To allow time for the parties to reach such a stipulation, and
24 to allow for the mandatory pre-filing consultation required by Local Rule Civ. 54.2(d)(1),
25 the parties jointly request an extension of time for filing Defendants' request for costs and
26 Plaintiff's request for fees. The parties jointly request the Court to extend the deadline for
27 such filings to 90 days after the entry of judgment.

28 (4) The parties agree that for purposes of Plaintiff's claims for attorney's fees and

1 costs, and defendants' claims for taxable costs, the operative Rule 68 offer is the offer
2 served on November 22, 2011. The parties agree and stipulate that they may challenge, as
3 unreasonable, any fees or costs sought by the opposing party.

4 THE PARTIES HEREBY STIPULATE AND REQUEST THE COURT TO:

- 5 • vacate the trial date and enter judgment for nominal damages for Plaintiff
6 Prison Legal News against Defendants Pinal County, Paul Babeu (in his
7 official capacity), James Kimble (in his official capacity), Darrin Rushing,
8 Tonya Delgado, Alyssa Romero, Laurenda Hensley-Salisberry, Cheryl
9 McBirnie in the total amount of Two Hundred Forty-three and 00/100
10 Dollars (\$243.00);
- 11 • dismiss Defendants Terry Johnson, Jayme Valenzuela, David Linderholm,
12 Ruben Montano, Loretta Valdez, Dalton Gay, Erica Chavez, Dena Kelly,
13 Amado Martinez, Frances Hawkins, Matthew Hull, Dennis Rushing, Vernita
14 Gant, and Michele McNeely, John Johnston, Lauren McVicker, Gilbert
15 Hoyos and Leonard Arnold with prejudice.
- 16 • extend the time for any costs or attorney's fees filings in this case to ninety
17 (90) days after the entry of the Court's Order awarding Plaintiff nominal
18 damages as described above.

19 DATED: September 19, 2014

ROSEN, BIEN & GALVAN, LLP

20 By: /s/ Ernest Galvan

21 Ernest Galvan

22 Attorneys for Plaintiff PRISON LEGAL NEWS

24 DATED: September 19, 2014

JONES, SKELTON & HOCHULI, P.L.C.

25 By: /s/ Georgia Staton

26 Georgia Staton

27 Attorneys for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of September, 2014, I caused the foregoing document to be filed electronically with the Clerk of Court through the CM/ECF System for filing; and served on counsel of record via the Court’s CM/ECF system.

/s/ Ernest Galvan

Ernest Galvan