

Docket as of October 25, 2004 9:23 pm

Web PACER (v2.3)

U.S. District Court**U.S. District for the Northern District of California (Oakland)****CIVIL DOCKET FOR CASE #: 97-CV-1109****Ashker, et al v. CA Dept of Corr, et al**

Filed: 04/01/97

Assigned to: Judge Claudia Wilken

Jury demand: Defendant

Referred to: Mag. Judge Elizabeth D. Laporte

Demand: \$0,000

Nature of Suit: 555

Lead Docket: None

Jurisdiction: Federal Question

Dkt# in other court: None

Cause: 42:1983 Prisoner Civil Rights

TODD LEWIS ASHKER
Plaintiff

Todd Lewis Ashker
[term 05/13/98]
C58191
[COR LD NTC] [PRO SE]
PBSP-II
Pelican Bay State Prison
P O Box 7500
Crescent City, CA 95531

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Stephen T. Gargaro Law Offices
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Herman A.D. Franck, V
[COR LD NTC]
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v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS

Susan Duncan Lee, Deputy
Attorney Gen.

defendant

[term 10/20/99]
[COR LD NTC]
Scott C. Mather
[term 07/07/04]
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Michael W. Jorgenson
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JAMES GOMEZ
defendant
[term 02/08/01]

Susan Duncan Lee, Deputy
Attorney Gen.
[term 10/20/99]
(See above)
[COR LD NTC]
Scott C. Mather
[term 02/08/01]
(See above)
[COR LD NTC]

G. BONNIE GARIBAY
defendant
[term 09/30/99]

Susan Duncan Lee, Deputy
Attorney Gen.
[term 09/30/99]
(See above)
[COR LD NTC]

S. BONACCORSO
defendant
[term 09/30/99]

Susan Duncan Lee, Deputy
Attorney Gen.
[term 09/30/99]
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[COR LD NTC]

M. JENSEN
defendant
[term 09/30/99]

Susan Duncan Lee, Deputy
Attorney Gen.
[term 09/30/99]
(See above)
[COR LD NTC]

S. CAMBRA
defendant
[term 02/08/01]

Susan Duncan Lee, Deputy
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[term 10/20/99]
(See above)
[COR LD NTC]
Scott C. Mather
[term 02/08/01]

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[COR LD NTC]

A. LOPEZ
defendant
[term 02/08/01]

Susan Duncan Lee, Deputy
Attorney Gen.
[term 10/20/99]
(See above)
[COR LD NTC]
Scott C. Mather
[term 02/08/01]
(See above)
[COR LD NTC]

M.E. ROUSSOPOULOS
defendant
[term 09/30/99]

Susan Duncan Lee, Deputy
Attorney Gen.
[term 09/30/99]
(See above)
[COR LD NTC]

S. LAWRENCE
defendant
[term 09/30/99]

Susan Duncan Lee, Deputy
Attorney Gen.
[term 09/30/99]
(See above)
[COR LD NTC]

H. WATKINS
defendant
[term 09/30/99]

Susan Duncan Lee, Deputy
Attorney Gen.
[term 09/30/99]
(See above)
[COR LD NTC]

M. JOHNSTON
defendant
[term 09/30/99]

Susan Duncan Lee, Deputy
Attorney Gen.
[term 09/30/99]
(See above)
[COR LD NTC]

S. STEINBERG, M.D.
defendant

Susan Duncan Lee, Deputy
Attorney Gen.
[term 10/20/99]
(See above)
[COR LD NTC]
Scott C. Mather
[term 07/07/04]
(See above)
[COR LD NTC]

Michael W. Jorgenson

(See above)
[COR LD NTC]

G. M. ATER
defendant
[term 09/30/99]

Susan Duncan Lee, Deputy
Attorney Gen.
[term 09/30/99]
(See above)
[COR LD NTC]

R. L. LUCAS, Sergeant

Susan Duncan Lee, Deputy

defendant [term 09/30/99]	Attorney Gen. [term 09/30/99] (See above) [COR LD NTC]
WINSLOW defendant	Susan Duncan Lee, Deputy Attorney Gen. [term 10/20/99] (See above) [COR LD NTC] Scott C. Mather [term 07/07/04] (See above) [COR LD NTC] Michael W. Jorgenson (See above) [COR LD NTC]
ASTORGA, Dr. defendant	Susan Duncan Lee, Deputy Attorney Gen. [term 10/20/99] (See above) [COR LD NTC] Scott C. Mather [term 07/07/04] (See above) [COR LD NTC] Michael W. Jorgenson (See above) [COR LD NTC]
C. GOLLIHAR defendant	Susan Duncan Lee, Deputy Attorney Gen. [term 10/20/99] (See above) [COR LD NTC] Scott C. Mather [term 07/07/04] (See above) [COR LD NTC] Michael W. Jorgenson (See above) [COR LD NTC]
S. RICCI, M.T.A. defendant	Susan Duncan Lee, Deputy Attorney Gen. [term 10/20/99] (See above) [COR LD NTC] Scott C. Mather [term 07/07/04] (See above) [COR LD NTC] Michael W. Jorgenson

(See above)
[COR LD NTC]

K. BUTCHER
defendant

Susan Duncan Lee, Deputy
Attorney Gen.
[term 10/20/99]
(See above)
[COR LD NTC]
Scott C. Mather
[term 07/07/04]
(See above)
[COR LD NTC]

Michael W. Jorgenson
(See above)
[COR LD NTC]

B. PATTON
defendant

Scott C. Mather
[term 07/07/04]
(See above)
[COR LD NTC]

Michael W. Jorgenson
(See above)
[COR LD NTC]

M. BILLINGTON
defendant

Scott C. Mather
[term 07/07/04]
(See above)
[COR LD NTC]

Michael W. Jorgenson
(See above)
[COR LD NTC]

B. GRINSTEAD
defendant

Scott C. Mather
[term 07/07/04]
(See above)
[COR LD NTC]

Michael W. Jorgenson
(See above)
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=====

JOE MCGRATH, Warden
defendant

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DOCKET PROCEEDINGS

DATE	#	DOCKET ENTRY
4/1/97	1	COMPLAINT: NO Summons(es) issued; Fee status ifpp entered on 4/1/97 [4:97-cv-01109] (cp) [Entry date 04/03/97]
4/1/97	1	IN FORMA PAUPERIS AFFIDAVIT by Plaintiff Todd Lewis Ashker for leave to proceed in forma pauperis [4:97-cv-01109] (cp) [Entry date 04/03/97]
4/1/97	2	LETTER from deputy clerk re: complaint was not accompanied by either the filing fee of \$150.00 or prisoner's in forma pauperis application [4:97-cv-01109] (cp) [Entry date 04/03/97]
4/8/97	5	IN FORMA PAUPERIS AFFIDAVIT by Plaintiff Todd Lewis Ashker for leave to proceed in forma pauperis [4:97-cv-01109] (cp) [Entry date 06/26/97]
6/24/97	3	ORDER by Judge Claudia Wilken granting affidavit motion for leave to proceed in forma pauperis [1-1]; total filing fee due is \$150.00 with initial partial filing fee due of \$13.49 (Date Entered: 6/25/97) (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 06/25/97]
6/24/97	4	ORDER by Judge Claudia Wilken: service upon defendants CDC, Gomez, Cambra; defendants to file motion for summary judgment or dispositive motion no later than 60 days from the date their answer is due; opposition to the motion is due no later than 30 days after the date the motion is filed; reply is due no later than 30 days after the opposition is filed (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 06/25/97]
7/9/97	7	LETTER dated 7/3/97 from Cheryl Bolles re: return of waiver of service of summons of Lt. Roussopoulos as he is no longer with Pelican Bay State Prison [4:97-cv-01109] (cp) [Entry date 07/16/97]

7/11/97 6 MOTION before Judge Claudia Wilken by Plaintiff Todd Lewis Ashker for protective order [4:97-cv-01109] (cp) [Entry date 07/14/97]

7/18/97 8 MOTION before Judge Claudia Wilken by Plaintiff Todd Lewis Ashker to supplement the pleadings [4:97-cv-01109] (cp) [Entry date 07/21/97]

7/23/97 9 WAIVER OF SERVICE by defendant M.E. Roussopoulos served on 7/21/97 in response to the Request for Waiver sent on 7/15/97 [4:97-cv-01109] (cp) [Entry date 07/25/97]

7/28/97 10 EX-PARTE APPLICATION before Judge Claudia Wilken by defendants to extend time to file responsive pleading [4:97-cv-01109] (cp) [Entry date 07/29/97]

7/28/97 11 DECLARATION by James M. Humes on behalf of defendants re motion to extend time to file responsive pleading [10-1] [4:97-cv-01109] (cp) [Entry date 07/29/97]

8/8/97 12 RESPONSE by Plaintiff Todd Lewis Ashker re order [4-1] [4:97-cv-01109] (cp) [Entry date 08/11/97]

8/13/97 13 ORDER by Mag. Judge Wayne D. Brazil granting motion to extend time to file responsive pleading [10-1] on or before 9/15/97 (Date Entered: 8/13/97) (cc: all counsel) [4:97-cv-01109] (cp)

9/2/97 -- MOTION before Judge Claudia Wilken by Plaintiff for law library access, legal assistance, legal phone calls [4:97-cv-01109] (kc)

9/2/97 14 MOTION before Judge Claudia Wilken by Plaintiff for law library access, legal assistance, legal phone calls [4:97-cv-01109] (kc)

9/17/97 15 ANSWER by defendant to complaint [1-1]; jury demand [4:97-cv-01109] (kk)

10/1/97 16 EX-PARTE APPLICATION by defendants to extend time in which to file motion for summary judgment to and including 10/14/97 [4:97-cv-01109] (cp) [Entry date 10/02/97]

10/1/97 17 DECLARATION by Susan Duncan Lee on behalf of defendants re motion to extend time in which to file motion for summary judgment to and including 10/14/97 [16-1] [4:97-cv-01109] (cp) [Entry date 10/02/97]

10/2/97 18 ORDER by Judge Claudia Wilken granting motion to extend time in which to file motion for summary judgment to and including 10/14/97 [16-1] (Date Entered: 10/8/97) (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 10/08/97]

10/6/97 19 ORDER by Judge Claudia Wilken denying motion for law library access, legal assistance, legal phone calls [14-1], denying motion to supplement the pleadings [8-1], granting motion for protective order [6-1] (Date Entered: 10/9/97)

(cc: all counsel) [4:97-cv-01109] (cp)
[Entry date 10/09/97]

10/9/97 20 ORDER by Judge Claudia Wilken granting in part motion to supplement the pleadings and ordering service; defendants to answer complaint and no later than sixty days from the date their anser is due, defendants to file motion for summary judgment or other dispositive motion; plaintiff's opposition to the dispositive motion is due no later than thirty days after defendant's motions is filed; reply is due no later than thirty days after the date opposition is filed (Date Entered: 10/14/97) (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 10/14/97]

10/9/97 21 SUPPLEMENTAL PLEADINGS by Plaintiff Todd Lewis Ashker [4:97-cv-01109] (cp) [Entry date 10/14/97]

10/9/97 22 ORDER by Judge Claudia Wilken granting in part request to amend complaint and ordering service (Date Entered: 10/14/97) (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 10/14/97] [Edit date 11/06/97]

10/14/97 23 STATEMENT of position by defendantsre: motion for summary judgment on original complaint [4:97-cv-01109] (cp) [Entry date 10/15/97]

10/20/97 24 REQUEST by Plaintiff Todd Lewis Ashker for reconsideration of court's order denying motions dated 10/6/97 [4:97-cv-01109] (cp) [Entry date 10/23/97]

10/31/97 25 REQUEST by Plaintiff Todd Lewis Ashker for correction of order filed 10/9/97 and objection to the defendants' failre to meet a deadline [4:97-cv-01109] (cp) [Entry date 11/03/97]

11/5/97 26 ORDER by Judge Claudia Wilken clarifying prior ruling and granting partial request for reconsideration [24-1] (Date Entered: 11/6/97) (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 11/06/97]

11/6/97 27 LETTER dated 10/16/97 from Cheryl Bolles, Litigation Coordinator re: returned of documents served upon defendants, Grinstead, Billington, Thayer and C. Davis as unable to accept service [4:97-cv-01109] (cp) [Entry date 11/07/97]

11/12/97 28 ORDER by Judge Claudia Wilken re: scheduling and order of service upon B. Patton; granting motion to substitute B. Patton for defendant Davis; defendant to file a motion for summary judgment on or before 2/19/98; plaintiff's opposition to the motion is due within 30 days of the date upon receipt of the motion for summary judgment; reply is due within 30 days after opposition is filed (Date Entered: 11/12/97) (cc: all counsel) [4:97-cv-01109] (cp)

12/15/97 29 NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES by defendants for summary judgment [4:97-cv-01109] (cp) [Entry date 12/18/97]

12/15/97 30 DECLARATION by S. Steinberg, M.D. on behalf of defendant re motion for summary judgment [29-1] [4:97-cv-01109] (cp) [Entry date 12/18/97]

12/15/97 31 DECLARATION by D.W. Winslow, M.D. on behalf of defendants re motion for summary judgment [29-1] [4:97-cv-01109] (cp) [Entry date 12/18/97]

12/15/97 32 DECLARATION by P. Rosenthal on behalf of defendant re motion for summary judgment [29-1] [4:97-cv-01109] (cp) [Entry date 12/18/97]

12/15/97 33 DECLARATION by K. Butcher on behalf of defendants re motion for summary judgment [29-1] [4:97-cv-01109] (cp) [Entry date 12/18/97]

12/15/97 34 DECLARATION by H. Lutz on behalf of defendants re motion for summary judgment [29-1] [4:97-cv-01109] (cp) [Entry date 12/18/97]

12/15/97 35 DECLARATION by H. Watkins on behalf of defendants re motion for summary judgment [29-1] [4:97-cv-01109] (cp) [Entry date 12/18/97]

12/15/97 36 DECLARATION by D. Skerik on behalf of defendant re motion for summary judgment [29-1] [4:97-cv-01109] (cp) [Entry date 12/18/97]

12/15/97 37 DECLARATION by J.G. Reynoso on behalf of defendant re motion for summary judgment [29-1] [4:97-cv-01109] (cp) [Entry date 12/18/97]

12/15/97 38 DECLARATION by B.J. O'Neill on behalf of defendant re motion for summary judgment [29-1] [4:97-cv-01109] (cp) [Entry date 12/18/97]

1/27/98 39 MOTION before Judge Claudia Wilken by Plaintiff Todd Lewis Ashker for sanctions [4:97-cv-01109] (cp) [Entry date 01/28/98]

1/27/98 39 NOTICE by Plaintiff Todd Lewis Ashker that opposition to summary judgment will be delayed [4:97-cv-01109] (cp) [Entry date 01/28/98]

2/10/98 40 RESPONSE by defendants re motion for sanctions [39-1] [4:97-cv-01109] (cp) [Entry date 02/11/98]

2/10/98 40 NOTICE by defendants that plaintiff's opposition to summary judgment will be delayed [4:97-cv-01109] (cp) [Entry date 02/11/98]

2/10/98 41 DECLARATION by Adelina O. Berumen on behalf of defendant re notice [40-1], re response [40-1] [4:97-cv-01109] (cp) [Entry date 02/11/98]

2/10/98 42 DECLARATION by D.R. Beard on behalf of defendant re notice [40-1], re response [40-1] [4:97-cv-01109] (cp) [Entry date 02/11/98]

2/23/98 43 ANSWER by defendant B. Patton to complaint [1-1]; jury demand [4:97-cv-01109] (kc)

2/23/98 44 REPLY by Plaintiff re response to request for sanctions [40-1] [4:97-cv-01109] (kc)

3/12/98 45 ORDER by Judge Claudia Wilken denying motion for sanctions [39-1] extending time for plaintiff to file his opposition to motion for summary judgment by 5/29/98; granting plaintiff preferred legal user status (Date Entered: 3/19/98) (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 03/19/98]

3/18/98 46 NOTICE by Plaintiff of deft's B. Grinsted and M. Billington's failure to file an answer, or any type of dispositive motion [4:97-cv-01109] (kc) [Entry date 03/19/98]

3/19/98 47 OPPOSITION by Plaintiff Todd Lewis Ashker to motion for summary judgment [29-1] [4:97-cv-01109] (cp) [Entry date 03/24/98]

3/25/98 48 LETTER dated 3/24/98 from James M. Humes re: named defendants M. Billington and B. Grinsted are not employed with the CA Dept. of Corrections [4:97-cv-01109] (cp) [Entry date 03/31/98]

3/26/98 49 MOTION before Judge Claudia Wilken by Plaintiff Todd Lewis Ashker to supplement opposition to motion for summary judgment [4:97-cv-01109] (cp) [Entry date 03/31/98]

3/26/98 50 RESPONSE by defendant re court's 3/12/98 order [45-2] [4:97-cv-01109] (cp) [Entry date 03/31/98]

4/27/98 51 Civil Filing Fee Payment Record: filed 4/27/98 in the amount of \$ 150.00 on behalf of Plaintiff Todd Lewis Ashker . Fee status: pd . (cp) [Entry date 05/05/98]

5/13/98 52 ATTORNEY SUBSTITUTION: terminating attorney Todd Lewis Ashker for Todd Lewis Ashker as counsel for Plaintiff Todd Lewis Ashker and substituting attorney Herman A.D. Franck V, Stephen T. Gargaro [4:97-cv-01109] (cp) [Entry date 05/15/98]

5/18/98 53 NOTICE by Plaintiff Todd Lewis Ashker of order re: substitution of attorneys [4:97-cv-01109] (cp)

5/26/98 54 ORDER by Judge Claudia Wilken GRANTING motion to supplement opposition to motion for summary judgment [49-1] and ordering plaintiff to serve defendants; defts. shall have until 6/29/98 to file a reply to opposition and supplemental opposition; plaintiff shall have 30 days from the date of this order to serve defts. M. Billington and B. Grinstead; (Date Entered: 5/27/98) (cc: all counsel) [4:97-cv-01109] (kc) [Entry date 05/27/98]

6/18/98 -- SUMMONS issued as to defendants M. Billington, B. Grinstead [4:97-cv-01109] (cp) [Entry date 06/19/98]

6/24/98 55 EX-PARTE APPLICATION before Judge Claudia Wilken by Plaintiff Todd Lewis Ashker to extend time for 60 days to serve defendants M. Billington and B. Grinstead [4:97-cv-01109] (cp) [Entry date 06/25/98] [Edit date 06/25/98]

6/24/98 56 DECLARATION by Stephen Gargaro on behalf of Plaintiff Todd Lewis Ashker re motion to extend time for 60 days to serve defendants M. Billington and B. Grinstead [55-1] [4:97-cv-01109] (cp) [Entry date 06/25/98]

6/25/98 57 SUPPLEMENT by Plaintiff Todd Lewis Ashker re motion to extend time for 60 days to serve defendants M. Billington and B. Grinstead [55-1] [4:97-cv-01109] (cp)

7/10/98 58 ORDER by Judge Claudia Wilken granting motion to extend time for 60 days to serve defendants M. Billington and B. Grinstead [55-1] (Date Entered: 7/14/98) (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 07/14/98]

7/16/98 59 NOTICE by Plaintiff Todd Lewis Ashker of order granting ex parte application for extension of time to serve defendants M. Billington & B. Grinstead [4:97-cv-01109] (cp)

9/15/98 60 ANSWER by defendant B. Grinstead to complaint [1-1]; jury demand [4:97-cv-01109] (cp) [Entry date 09/16/98]

9/29/98 61 RETURN OF SERVICE executed upon defendant B. Grinstead on 9/7/98 [4:97-cv-01109] (cp) [Entry date 09/30/98]

11/10/98 62 RETURN OF SERVICE executed upon defendant M. Billington on 9/4/98 [4:97-cv-01109] (cp) [Entry date 11/12/98]

12/4/98 63 NOTICE OF MOTION AND MOTION before Judge Claudia Wilken by Plaintiff Todd Lewis Ashker for preliminary injunction with Notice set for 1/29/99 at 10:00am [4:97-cv-01109] (kk) [Entry date 12/09/98]

12/4/98 64 MEMORANDUM by Plaintiff Todd Lewis Ashker in support of motion for preliminary injunction [63-1] [4:97-cv-01109] (kk) [Entry date 12/09/98]

12/4/98 65 AFFIDAVIT of Todd Lewis Ashker regarding motion for preliminary injunction [63-1] [4:97-cv-01109] (kk) [Entry date 12/09/98]

12/4/98 66 DECLARATION by Herman Franck on behalf of Plaintiff Todd Lewis Ashker re motion for preliminary injunction [63-1] [4:97-cv-01109] (kk) [Entry date 12/09/98]

1/8/99 67 OPPOSITION by defendant to motion for preliminary injunction [63-1] [4:97-cv-01109] (cp) [Entry date 01/11/99]

1/8/99 67 MOTION before Judge Claudia Wilken by defendants for ruling on motion for summary judgment with Notice set for 1/29/99 at 10:00am [4:97-cv-01109] (cp) [Entry date 01/11/99]

1/21/99 68 NOTICE by Plaintiff Todd Lewis Ashker withdrawing motion for preliminary injunction [63-1] without prejudice [4:97-cv-01109] (cp) [Entry date 01/22/99]

4/14/99 69 ANSWER by defendant M. Billington to supplemental pleadings and to complaint [1-1]; jury demand [4:97-cv-01109] (cp) [Entry date 04/16/99]

5/11/99 70 NOTICE OF MOTION AND MOTION before Judge Claudia Wilken by Plaintiff Todd Lewis Ashker for preliminary injunction with Notice set for 6/18/99 at 10:00am [4:97-cv-01109] (cp) [Entry date 05/12/99]

5/11/99 71 MEMORANDUM by Plaintiff Todd Lewis Ashker in support of motion for preliminary injunction [70-1] [4:97-cv-01109] (cp) [Entry date 05/12/99]

5/11/99 72 DECLARATION by Herman Franck on behalf of Plaintiff Todd Lewis Ashker re motion for preliminary injunction [70-1] [4:97-cv-01109] (cp) [Entry date 05/12/99]

5/11/99 73 DECLARATION by Todd Ashker on behalf of Plaintiff re motion for preliminary injunction [70-1] [4:97-cv-01109] (cp) [Entry date 05/12/99]

5/11/99 74 DECLARATION by Corey Weinstein, M.D. on behalf of Plaintiff re motion for preliminary injunction [70-1], re opposition [47-1] [4:97-cv-01109] (cp) [Entry date 05/12/99]

5/11/99 -- RECEIVED Proposed Order (Plaintiff) re: motion for preliminary injunction [70-1] [4:97-cv-01109] (cp) [Entry date 05/12/99]

5/21/99 75 AMENDED notice of motion and MOTION before Judge Claudia Wilken by Plaintiff for preliminary injunction with Notice set for 6/18/99 at 10:00 [4:97-cv-01109] (kc) [Entry date 05/25/99]

5/28/99 76 OPPOSITION by defendants CA Dept of Corr, et al to motion for preliminary injunction [75-1] [4:97-cv-01109] (cp) [Entry date 06/02/99]

5/28/99 76 MOTION before Judge Claudia Wilken by defendants CA Dept of Corr, et al for ruling on motion for summary judgment with Notice set for 6/18/99 at 10:00am [4:97-cv-01109] (cp) [Entry date 06/02/99]

6/4/99 77 REPLY by Plaintiff Todd Lewis Ashker to opposition to motion for preliminary injunction [75-1], motion for summary judgment [29-1], and in support of plaintiff's cross-motion for summary judgment [4:97-cv-01109] (cp) [Entry date 06/08/99]

7/30/99 78 NOTICE by Plaintiff Todd Lewis Ashker of change of law firm and address [4:97-cv-01109] (cp)

9/30/99 79 ORDER by Judge Claudia Wilken granting in part and

denying in part motion for summary judgment [29-1],
granting motion for ruling on motion for summary judgment
[67-1], granting motion for ruling on motion for summary
judgment [76-1] (Date Entered: 9/30/99) (cc: all counsel)
[4:97-cv-01109] (cp)

9/30/99 -- Docket Modification (Administrative) to order [79-1]
dismissing party G. Bonnie Garibay, S. Bonaccorso, M.
Jensen, M.E. Roussopoulos, S. Lawrence, H. Watkins, M.
Johnston, R. L. Lucas, G. M. Ater [4:97-cv-01109] (cp)

10/4/99 80 CLERK'S NOTICE case management conference set for 1:30pm
on 11/5/99; joint case management statement due 10 days
prior to the conference [4:97-cv-01109] (cp)

10/20/99 -- Docket Modification (Administrative) to withdrawing
attorney Susan Duncan Lee for CA Dept of Corr, James Gomez,
S. Cambra, A. Lopez, S. Steinberg, Winslow, Astorga, C.
Gollihar, S. Ricci, K. Butcher, B. Patton, B. Grinstead and
substituting attorney Scott C. Mather [4:97-cv-01109] (kc)
[Entry date 10/27/99]

10/22/99 81 EX-PARTE APPLICATION before Judge Claudia Wilken by
defendants CA Dept of Corr, et al to continue case
management conference until 12/3/99 [4:97-cv-01109] (cp)
[Entry date 10/25/99]

10/22/99 82 DECLARATION by Scott C. Mather on behalf of defendants re
motion to continue case management conference until 12/3/99
[81-1] [4:97-cv-01109] (cp) [Entry date 10/25/99]

10/25/99 83 ORDER by Judge Claudia Wilken GRANTING motion to continue
case management conference until 12/3/99 [81-1] case
management conference continued to 12/3/99 at 1:30; (Date
Entered: 10/27/99) (cc: all counsel) [4:97-cv-01109] (kc)
[Entry date 10/27/99]

10/25/99 84 EX-PARTE APPLICATION before Judge Claudia Wilken by
Plaintiff for leave to file a motion for reconsideration
re: Court's 9/30/99 order granting in part motion for
summary judgment [4:97-cv-01109] (kc) [Entry date 10/27/99]

10/27/99 85 NOTICE by defendants of reassignment of counsel
[4:97-cv-01109] (cp) [Entry date 10/29/99]

12/1/99 86 JOINT CASE MANAGEMENT STATEMENT and PROPOSED ORDER filed.
[4:97-cv-01109] (cp) [Entry date 12/03/99]

12/3/99 87 ORDER by Judge Claudia Wilken denying motion for leave to
file a motion for reconsideration re: Court's 9/30/99 order
granting in part motion for summary judgment [84-1] (Date
Entered: 12/6/99) (cc: all counsel) [4:97-cv-01109] (cp)
[Entry date 12/06/99]

12/3/99 88 ORDER by Judge Claudia Wilken granting in part and
denying in part motion for preliminary injunction [75-1]
and order further briefing; plaintiff to post a minimal
bond of \$100.00 (Date Entered: 12/6/99) (cc: all counsel)
[4:97-cv-01109] (cp) [Entry date 12/06/99]

12/3/99 89 ORDER by Judge Claudia Wilken for preliminary injunction; that defendants Dr. Steinberg, Dr. Winslow, Gollihar and Ricci to provide plaintiff with a properly fitting arm brace within 30 days from the date of this order (Date Entered: 12/6/99) (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 12/06/99]

12/6/99 90 MINUTES: before Judge Claudia Wilken (C/R Candace Yount) (Hearing Date: 12/3/99) case management conference held: see case management order for deadlines [4:97-cv-01109] (cp) [Entry date 12/07/99]

12/6/99 90 CASE MANAGEMENT ORDER by Judge Claudia Wilken ADR session to be held by 7/31/00; fact discovery cutoff 4/3/00 ; disclosure of identities and reports of expert witnesses by 3/3/00; expert discovery by 4/3/00; All case-dispositive motions hearing date 10:00 6/9/00 ; Pre-trial conference will be held 1:30 9/5/00 ; Jury Trial set for 8:30 9/11/00 ; . Est.trial days: 4 (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 12/07/99]

12/13/99 -- REFERRAL: referring case for settlement to Mag. Judge Elizabeth D. Laporte [4:97-cv-01109] (wh)

12/14/99 91 Notice of settlement conference and settlement conference ORDER by Mag. Judge Elizabeth D. Laporte Settlement conf. (Mag) at 2:00pm on 3/2/00 ; (Date Entered: 12/17/99) (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 12/17/99]

1/13/00 -- BOND for plaintiff Todd Ashker in amount of \$ 100.00 filed by Plaintiff Todd Lewis Ashker [4:97-cv-01109] (cp) [Entry date 01/14/00]

1/19/00 92 NOTICE by Plaintiff of posting [0-1] bond re: preliminary injunction [4:97-cv-01109] (cp) [Entry date 01/21/00]

1/25/00 93 JOINT STIPULATION as to rescheduling of settlement conference [4:97-cv-01109] (cp) [Entry date 01/26/00]

2/4/00 94 ORDER by Mag. Judge Elizabeth D. Laporte Settlement conf. (Mag) is continued to 6/13/00 at 2:00pm (Date Entered: 2/8/00) (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 02/08/00]

2/7/00 95 STIPULATION and ORDER by Judge Claudia Wilken : continuing expert disclosure deadline to 3/31/00 (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 02/09/00]

2/11/00 96 NOTICE by Plaintiff of [95-2] order [4:97-cv-01109] (cp) [Entry date 02/15/00]

2/29/00 98 MOTION before Mag. Judge Elizabeth D. Laporte by Plaintiff Todd Lewis Ashker for plaintiff to appear at the settlement conference via telephonically [4:97-cv-01109] (cp) [Entry date 03/06/00] [Edit date 03/06/00]

2/29/00 99 ORDER by Mag. Judge Elizabeth D. Laporte granting motion

for plaintiff to appear at the settlement conference via telephonically [98-1] from 2:00pm on 6/13/00 (Date Entered: 3/6/00) (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 03/06/00] [Edit date 03/06/00]

3/1/00 97 PROPOSED WITNESS list submitted by defendant [4:97-cv-01109] (cp) [Entry date 03/02/00]

3/6/00 100 LETTER dated 3/2/00 from Scott C. Mather re: exclude attorneys Humes, Prince, Lenk and Druliner when serving documents [4:97-cv-01109] (cp) [Entry date 03/07/00]

3/30/00 101 STIPULATION and ORDER by Judge Claudia Wilken : continuing expert disclosure to 4/14/00, and discovery to 5/15/00 ; (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 03/31/00]

4/25/00 102 STIPULATION and ORDER by Judge Claudia Wilken : amending case management order Jury trial will be held 8:30am on 12/18/00 ; Pretrial conference set for 1:30pm on 12/8/00; settlement confeence conducted by 11/7/00; All case dispositive motions will be heard by 10:00am on 9/15/00 ; expert discovery cutoff set for 5/29/00; non-expert discovery by 5/15/00; disclosure of identities and reports of expert witnesses by 4/28/00 (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 04/26/00]

5/1/00 104 LETTER dated 5/1/00 from deputy clerk to Stephen Gargaro re: return of disclosure material [4:97-cv-01109] (cp) [Entry date 05/05/00]

5/2/00 103 ORDER by Mag. Judge Elizabeth D. Laporte Settlement conf. (Mag) is continued to 10/5/00 at 9:30am (Date Entered: 5/3/00) (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 05/04/00]

5/15/00 105 Renewed EX-PARTE APPLICATION before Judge Claudia Wilken by Plaintiff Todd Lewis Ashker for leave to file a motion for reconsideration re: the court 9/30/99 order granting in part defendants' motions for summary judgment [4:97-cv-01109] (cp)

7/12/00 106 STIPULATION and ORDER by Judge Claudia Wilken : dismissing outgoing mail claim without prejudice (cc: all counsel) [4:97-cv-01109] (cp)

7/26/00 107 STIPULATION and ORDER by Judge Claudia Wilken : permitting defendants to exceed page limitation as to their second motion for summary judgment (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 07/27/00]

8/1/00 108 NOTICE OF MOTION AND SECOND MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES before Judge Claudia Wilken by defendants for summary judgment with Notice set for 9/8/00 at 10:00am [4:97-cv-01109] (cp)

8/1/00 109 DECLARATION by Mark M. Lau, M.D. on behalf of defendants re motion for summary judgment [108-1] [4:97-cv-01109] (cp)

8/1/00 110 DECLARATION by J. Banuat on behalf of defendants re motion for summary judgment [108-1] [4:97-cv-01109] (cp)

8/1/00 111 DECLARATION by D. Winslow, M.D. on behalf of defendants re motion for summary judgment [108-1] [4:97-cv-01109] (cp)

8/1/00 112 DECLARATION by M. Billington on behalf of defendants re motion for summary judgment [108-1] [4:97-cv-01109] (cp)

8/1/00 113 DECLARATION by A. Spalding on behalf of defendants re motion for summary judgment [108-1] [4:97-cv-01109] (cp)

8/1/00 114 DECLARATION by Scott Mather on behalf of defendants re motion for summary judgment [108-1] [4:97-cv-01109] (cp)

8/10/00 115 EX-PARTE APPLICATION before Judge Claudia Wilken by Plaintiff Todd Lewis Ashker to vacate hearing date set for 9/8/00 on motion for summary judgment, or in the alternative, to continue hearing date [4:97-cv-01109] (cp)

8/14/00 116 ORDER by Judge D. L. Jensen denying plaintiff's motion to vacate defendants' motion, but grants request for relief [115-1]; extending briefing schedule and resetting hearing on motion for summary judgment [108-1] at 10:00am on 10/13/00 (Date Entered: 8/14/00) (cc: all counsel) [4:97-cv-01109] (cp)

9/12/00 117 MEMORANDUM by Plaintiff Todd Lewis Ashker in opposition to second motion for summary judgment [108-1] [4:97-cv-01109] (cp)

9/12/00 118 DECLARATION by Dr. Corey Weinstein on behalf of Plaintiff re opposition memorandum [117-1] [4:97-cv-01109] (cp)

9/12/00 119 DECLARATION by Todd L. Ashker on behalf of Plaintiff re opposition memorandum [117-1] [4:97-cv-01109] (cp)

9/12/00 120 DECLARATION by Frank Clement on behalf of Plaintiff re opposition memorandum [117-1] [4:97-cv-01109] (cp)

9/12/00 121 DECLARATION by Herman Franck on behalf of Plaintiff re opposition memorandum [117-1] [4:97-cv-01109] (cp)

9/25/00 -- RECEIVED Proposed Joint Stipulation and Order (defendant CA Dept of Corr) to continue settlement conference [4:97-cv-01109] (cww) [Entry date 09/26/00]

9/25/00 123 JOINT STIPULATION and ORDER by Mag. Judge Elizabeth D. Laporte : Settlement conf. (Mag) continued at 2:00pm on 10/27/00 ; (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 09/28/00]

9/27/00 122 REPLY by defendants CA Dept of Correction, et al to opposition to motion for summary judgment [108-1] [4:97-cv-01109] (cp) [Entry date 09/28/00]

10/11/00 124 DECLARATION by Stephen Cargaro on behalf of Plaintiff Todd Lewis Ashker re opposition memorandum [117-1] [4:97-cv-01109] (cp) [Entry date 10/12/00]

10/13/00 125 Submission of Pelican Bay State Prison 2000 book address form in support of opposition to defendants' second motion for summary judgment by Plaintiff [4:97-cv-01109] (cp) [Entry date 10/19/00]

10/13/00 126 MINUTES: before Judge Claudia Wilken (C/R Carol Karen) (Hearing Date: 10/13/00) that the motion for summary judgment [108-1] is submitted [4:97-cv-01109] (cp) [Entry date 10/20/00]

10/23/00 127 ORDER by Mag. Judge Elizabeth D. Laporte denying request to continue settlement conference; settlement conference remains scheduled for 10/27/00 at 2:00pm (Date Entered: 10/25/00) (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 10/25/00]

10/27/00 128 SETTLEMENT CONFERENCE MINUTES: before Mag. Judge Laporte (C/R not reported) (Hearing Date: 10/27/00) Settlement conference held; did not settle; parties shall participate in follow up discussions [4:97-cv-01109] (cp) [Entry date 11/06/00]

11/13/00 129 LETTER dated 11/13/00 from Stephen T. Gargaro re: re-submitting filing of an ex parte request [4:97-cv-01109] (cp) [Entry date 11/14/00]

11/13/00 130 EX-PARTE APPLICATION before Judge Claudia Wilken by defendants to amend 4/21/00 amended case management order [4:97-cv-01109] (cp) [Entry date 11/14/00]

11/13/00 131 DECLARATION by Scott C. Mather on behalf of defendant re motion to amend 4/21/00 amended case management order [130-1] [4:97-cv-01109] (cp) [Entry date 11/14/00]

11/13/00 -- RECEIVED Proposed Order (defendant) re: motion to amend 4/21/00 amended case management order [130-1] [4:97-cv-01109] (cp) [Entry date 11/14/00]

11/21/00 132 ORDER by Judge Claudia Wilken granting motion to amend 4/21/00 amended case management order [130-1]; granting request to continue the pretrial and trial date (date to be set) (Date Entered: 11/22/00) (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 11/22/00]

1/18/01 133 ORDER by Judge Claudia Wilken granting in part and denying in part defendants' motion for summary judgment [108-1]; granting in part and denying in part plaintiff's renewed motion for for reconsideration [105-1] (Date Entered: 1/19/01) (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 01/19/01]

1/29/01 134 MOTION before Judge Claudia Wilken by CA Dept of Corrections for leave to file expedited motion for partial judgment on the pleadings [4:97-cv-01109] (cp)

1/29/01 135 DECLARATION by Scott Mather on behalf of defendant re motion for leave to file expedited motion for partial

judgment on the pleadings [134-1] [4:97-cv-01109] (cp)

1/31/01 136 OPPOSITION by defendants CA Dept of Corr, et al to motion for reconsideration re: the court 9/30/99 order granting in part defendants' motions for summary judgment [105-1] [4:97-cv-01109] (cp) [Entry date 02/01/01]

1/31/01 137 DECLARATION by Kevin Johns, M.D. on behalf of defendants CA Dept of Correction, et al re opposition [136-1] [4:97-cv-01109] (cp) [Entry date 02/01/01]

2/7/01 138 REPLY by Plaintiff re motion for reconsideration re: the court 9/30/99 order granting in part defendants' motions for summary judgment [105-1] [4:97-cv-01109] (cp) [Entry date 02/09/01]

2/8/01 139 ORDER by Judge Claudia Wilken granting defendants Gomez, Cambra, Lopez and Astorga's motion for leave to file motion for partial judgment on the pleadings [134-1] as to Astorga plaintiff has agreed to dismiss the claims against the others; dismissing party James Gomez, S. Cambra, A. Lopez (Date Entered: 2/12/01) (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 02/12/01]

2/20/01 140 NOTICE OF MOTION AND MOTION before Judge Claudia Wilken by defendant Astorga for partial judgment on the pleadings with Notice set for 3/30/01 at 10:00am [4:97-cv-01109] (cp) [Entry date 02/21/01]

2/28/01 141 SUPPLEMENT by Plaintiff Todd Lewis Ashker to reply [138-1] [4:97-cv-01109] (kc) [Entry date 03/01/01]

3/6/01 142 STIPULATION and ORDER by Judge Claudia Wilken : substitution of new warden Joe McGrath, for former warden defendant Cambra re: book label injunctive claim (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 03/08/01]

3/6/01 143 STIPULATION and ORDER by Judge Claudia Wilken : dismissing defendants James Gomez, Cambra, A. Lopez as to medical care claims (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 03/08/01]

3/8/01 144 ORDER by Judge Claudia Wilken denying plaintiff's motion for reconsideration re: the court 9/30/99 order granting in part defendants' motions for summary judgment [105-1] (Date Entered: 3/12/01) (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 03/12/01]

3/14/01 145 STIPULATION and ORDER by Judge Claudia Wilken : that the motion for partial judgment on the pleadings [140-1] will be deemed submitted; opposition is due 3/30/01; reply is due 4/9/01 (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 03/15/01]

3/26/01 146 STIPULATION and ORDER by Judge Claudia Wilken : extending deadline to file request for leave to file supplemental complaint to 4/6/01 (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 03/27/01]

3/30/01 147 OPPOSITION by Todd Lewis Ashker to Dr. Alex Astorga's motion for judgment on the pleadings [140-1] [4:97-cv-01109] (cp) [Entry date 04/02/01]

3/30/01 148 AFFIDAVIT of Todd Lewis Ashker regarding opposition [147-1] [4:97-cv-01109] (cp) [Entry date 04/02/01]

3/30/01 149 DECLARATION by Stephen Gargaro on behalf of Todd Lewis Ashker re opposition [147-1] [4:97-cv-01109] (cp) [Entry date 04/02/01]

4/6/01 150 NOTICE OF MOTION AND MOTION before Judge Claudia Wilken by Todd Lewis Ashker for leave to file supplemental complaint with Notice set for 5/11/01 at 10:00am [4:97-cv-01109] (cp) [Entry date 04/09/01]

4/6/01 151 MEMORANDUM by Todd Lewis Ashker in support of motion for leave to file supplemental complaint [150-1] [4:97-cv-01109] (cp) [Entry date 04/09/01]

4/6/01 152 DECLARATION by Stephen Cargaro on behalf of Todd Lewis Ashker re motion for leave to file supplemental complaint [150-1] [4:97-cv-01109] (cp) [Entry date 04/09/01]

4/10/01 153 REPLY by James Gomez, S. Cambra, A. Lopez, Astorga to opposition to motion for partial judgment on the pleadings [140-1] [4:97-cv-01109] (cp) [Entry date 04/11/01]

4/24/01 154 ORDER by Judge Claudia Wilken that the motion for leave to file supplemental complaint [150-1] is submitted; vacating 5/11/01 hearing (Date Entered: 4/27/01) (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 04/27/01]

4/27/01 155 OPPOSITION by defendant to motion for leave to file supplemental complaint [150-1] [4:97-cv-01109] (cp) [Entry date 04/30/01]

5/1/01 156 JOINT STIPULATION and ORDER by Judge Claudia Wilken : setting briefing schedule re: motion for leave to file supplemental complaint [150-1]; opposition is due 4/27/01; reply, if any, is due 5/4/01 (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 05/03/01]

5/4/01 157 REPLY memorandum by Plaintiff in support of motion for leave to file supplemental complaint [150-1] [4:97-cv-01109] (kc) [Entry date 05/07/01]

6/14/01 158 NOTICE by Todd Lewis Ashker of rejection by state board of control of supplemental tort [4:97-cv-01109] (cp) [Entry date 06/18/01]

8/8/01 159 ORDER by Judge Claudia Wilken denying plaintiff's motion for leave to file supplemental complaint [150-1]; construing defendant's motion for partial judgment on the pleadings [140-1] as motion for summary judgment and ordering furthering briefing (Date Entered: 8/8/01) (cc: all counsel) [4:97-cv-01109] (cp)

8/13/01 160 EX-PARTE APPLICATION before Judge Claudia Wilken by

Plaintiff for order to show cause re contempt of injunction [4:97-cv-01109] (kc) [Entry date 08/14/01]

8/13/01 161 MEMORANDUM by Plaintiff Todd Lewis Ashker in support of motion for order to show cause re contempt of injunction [160-1] [4:97-cv-01109] (kc) [Entry date 08/14/01]

8/13/01 162 DECLARATION by Todd Lewis Ashker in support of motion for order to show cause re contempt of injunction [160-1] [4:97-cv-01109] (kc) [Entry date 08/14/01]

8/13/01 163 DECLARATION by Frank Clement on behalf of Plaintiff in support of motion for order to show cause re contempt of injunction [160-1] [4:97-cv-01109] (kc) [Entry date 08/14/01]

8/13/01 164 DECLARATION by Stephen Gargaro on behalf of Plaintiff in support of motion for order to show cause re contempt of injunction [160-1] [4:97-cv-01109] (kc) [Entry date 08/14/01]

8/13/01 -- RECEIVED Proposed Order (Plaintiff) re: motion for order to show cause re contempt of injunction [160-1] [4:97-cv-01109] (kc) [Entry date 08/14/01]

8/15/01 165 OPPOSITION by defendants to exparte application for order to show cause re contempt of injunction [160-1] [4:97-cv-01109] (kc) [Entry date 08/16/01]

8/17/01 166 REPLY by defendants CA Dept of Correction, et al to opposition to motion for partial judgment on the pleadings [140-1] [4:97-cv-01109] (cp)

8/21/01 167 ORDER by Judge Claudia Wilken DENYING the ex parte application for order to show cause re contempt of injunction [160-1] (Date Entered: 8/24/01) (cc: all counsel) [4:97-cv-01109] (kc) [Entry date 08/24/01]

9/4/01 168 PROOF OF SERVICE by defendant of order [167-1] [4:97-cv-01109] (cp) [Entry date 09/06/01]

9/24/01 169 NOTICE by Todd Lewis Ashker of change of address [4:97-cv-01109] (cp) [Entry date 09/25/01]

9/24/01 170 ORDER by Judge Claudia Wilken denying Dr. Astorga's motion for partial judgment on the pleadings [140-1]; granting plaintiff leave to amend complaint (Date Entered: 9/25/01) (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 09/25/01]

9/28/01 171 NOTICE by Todd Lewis Ashker of order [4:97-cv-01109] (cp) [Entry date 10/03/01]

10/5/01 172 AMENDED COMPLAINT [1-1] by Todd Lewis Ashker [4:97-cv-01109] (cp) [Entry date 10/09/01]

11/29/01 173 LETTER dated 11/28/01 from Jennifer G. Perkell re: Dr. Astorga will not file a motion for summary judgment based on plaintiff's additional allegations [4:97-cv-01109] (cp)

[Entry date 12/04/01]

12/20/01 174 CLERK'S NOTICE case management conference set for 1:30pm on 2/1/02; joint case management conference due one week prior to the conference [4:97-cv-01109] (cp) [Entry date 12/21/01]

1/9/02 175 CLERK'S NOTICE case management conference rescheduled to 2:30 on 2/1/02 [4:97-cv-01109] (kc) [Entry date 01/11/02]

1/16/02 -- RECEIVED stipulation to continue case management conference; order thereon submitted by Plaintiff Todd Lewis Ashker [4:97-cv-01109] (kc) [Entry date 01/17/02]

1/17/02 176 STIPULATION and ORDER by Judge Claudia Wilken case management conference continued to 2/8/02 at 1:30; (cc: all counsel) [4:97-cv-01109] (kc) [Entry date 01/18/02]

1/29/02 177 JOINT CASE MANAGEMENT STATEMENT and PROPOSED ORDER filed. [4:97-cv-01109] (cp) [Entry date 01/30/02]

2/14/02 178 MINUTES: before Judge Claudia Wilken (C/R Starr Wilson) (Hearing Date: 2/8/02); case management conference held; parties to return to Magistrate Judge Larson for settlement re: 8th amendment issue [4:97-cv-01109] (cp) [Entry date 02/20/02]

2/14/02 178 CASE MANAGEMENT ORDER by Judge Claudia Wilken All case-dispositive motions hearing date at 10:00am on 4/19/02 ; Pre-trial conference will be held 1:30pm on 5/17/02 ; Jury Trial set for 8:30am on 5/28/02 ; . Est.trial days: 4 (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 02/20/02]

3/6/02 179 NOTICE OF MOTION AND MOTION before Judge Claudia Wilken by Plaintiff Todd Lewis Ashker for summary judgment and/or summary adjudication with Notice set for 4/19/02 at 10:00 [4:97-cv-01109] (kc)

3/6/02 180 MEMORANDUM by Plaintiff in support of motion for summary judgment [179-1] [4:97-cv-01109] (kc)

3/6/02 181 DECLARATION by Frank Clement on behalf of Plaintiff in support of motion for summary judgment [179-1] [4:97-cv-01109] (kc)

3/6/02 182 DECLARATION by Todd L. Ashker in support of motion for summary judgment [179-1] [4:97-cv-01109] (kc)

3/6/02 183 DECLARATION by Herman Franck, Esq. on behalf of Plaintiff in support of motion for summary judgment [179-1] [4:97-cv-01109] (kc)

3/13/02 184 Notice of settlement conference and settlement conference ORDER by Magistrate Judge James Larson Settlement conf. (Mag) at 2:00pm on 5/8/02 ; (Date Entered: 3/15/02) (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 03/15/02]

3/20/02 185 LETTER dated 3/18/02 from Herman A.D. Franck V re: confirmation of continued settlement conference to 5/10/02 at 2:00pm before Judge Larson [4:97-cv-01109] (cp) [Entry date 03/22/02]

3/29/02 186 OPPOSITION by defendants to motion for summary judgment [179-1] [4:97-cv-01109] (cp) [Entry date 04/02/02]

3/29/02 187 DECLARATION by Sergeant Glen Rodman on behalf of defendant re opposition [186-1] [4:97-cv-01109] (cp) [Entry date 04/02/02]

4/19/02 -- RECEIVED plaintiff's trial exhibits (for lodging with the court) submitted by Plaintiff Todd Lewis Ashker [4:97-cv-01109] (cp) [Entry date 04/22/02]

4/23/02 188 MINUTES: before Judge Claudia Wilken (C/R Nici Rodich) (Hearing Date: 4/19/02) that the motion for summary judgment [179-1] is submitted, that the motion summary adjudication [179-2] is submitted [4:97-cv-01109] (cp) [Entry date 04/26/02]

5/7/02 -- RECEIVED stipulated request for continuance of trial date and (proposed) order submitted by defendant [4:97-cv-01109] (cp) [Entry date 05/09/02]

5/10/02 189 SETTLEMENT CONFERENCE MINUTES: before Magistrate James Larson (C/R not reported) (Hearing Date: 5/10/02) Settlement conference held; did not settle [4:97-cv-01109] (cp) [Entry date 05/15/02]

5/14/02 190 ORDER by Judge Claudia Wilken DENYING stipulated request for continuance of trial date (Date Entered: 5/16/02) (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 05/16/02]

5/20/02 191 MOTION before Judge Claudia Wilken by Plaintiff Todd Lewis Ashker for writ of ad testificandum as to Todd L. Ashker, Frank Clement, Steve Olivares [4:97-cv-01109] (cp) [Entry date 05/21/02]

5/20/02 192 MINUTES: before Judgd Claudia Wilken (C/R Kathy Kollehner) (Hearing Date: 5/17/02) ; pretrial conf held; that the motion for summary judgment [179-1] is submitted, that the motion summary adjudication [179-2] is submitted [4:97-cv-01109] (cp) [Entry date 05/21/02]

5/21/02 193 MOTIONS before Judge Claudia Wilken by Plaintiff in limine to exclude evidence of the particulars of plaintiff's convictions; to exclude evidence of alleged gang status; to permit plaintiff to wear street clothing; to remove arm restraints and keep leg restraints out of the jury's view during appearances before the jury; to bifurcate; to permit evidence of Madrid case and findings; for clarification and permission to allow expert testimony on the issued of deliberate indifference [4:97-cv-01109] (kc) [Entry date 05/24/02]

5/21/02 194 NOTICE by Plaintiff of filing pretrial documents and statement re proof of service [4:97-cv-01109] (kc)

[Entry date 05/24/02]

5/21/02 195 WITNESS LIST and designation of expert witness submitted by Plaintiff [4:97-cv-01109] (kc) [Entry date 05/24/02]

5/21/02 196 VOIR DIRE submitted by Plaintiff [4:97-cv-01109] (kc) [Entry date 05/24/02]

5/21/02 197 Proposed JURY INSTRUCTIONS submitted by Plaintiff [4:97-cv-01109] (kc) [Entry date 05/24/02]

5/21/02 198 EXHIBIT list by Plaintiff [4:97-cv-01109] (kc) [Entry date 05/24/02]

5/21/02 209 SETTLEMENT CONFERENCE MINUTES: before Magistrate Judge Larson (C/R not reported) (Hearing Date: 5/21/02); did not settle [4:97-cv-01109] (cp) [Entry date 05/29/02]

5/21/02 210 ORDER by Judge Claudia Wilken granting motion for writ of ad testificandum as to Todd L. Ashker, Frank Clement, Steve Olivares [191-1] (Date Entered: 5/30/02) (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 05/30/02]

5/22/02 199 Joint PRE-TRIAL STATEMENT by defendants, plaintiff [4:97-cv-01109] (kc) [Entry date 05/24/02]

5/22/02 200 TRIAL brief submitted by defendant M. Billington, defendant S. Ricci, defendant C. Gollihar, defendant Astorga, defendant Winslow, defendant S. Steinberg, defendant H. Watkins, defendant G. Bonnie Garibay, defendant G. M. Ater [4:97-cv-01109] (kc) [Entry date 05/24/02]

5/22/02 201 MOTION before Judge Claudia Wilken by defendants in limine [4:97-cv-01109] (kc) [Entry date 05/24/02]

5/22/02 202 WITNESS LIST submitted by defendants [4:97-cv-01109] (kc) [Entry date 05/24/02]

5/22/02 203 Joint proposed VOIR DIRE questions submitted by defendants [4:97-cv-01109] (kc) [Entry date 05/24/02]

5/22/02 204 LETTER to Judge Wilken, dated 5/22/02, regarding submission of separate proposed jury instructions and voir dire questions [4:97-cv-01109] (kc) [Entry date 05/24/02]

5/22/02 205 Proposed JURY INSTRUCTIONS [4:97-cv-01109] (kc) [Entry date 05/24/02]

5/22/02 206 EXHIBIT list by defendants [4:97-cv-01109] (kc) [Entry date 05/24/02]

5/22/02 211 LETTER dated 5/22/02 from deputy clerk to Ms. Sullens re: writ of habeas ad testificandum [4:97-cv-01109] (cp) [Entry date 05/30/02]

5/23/02 207 NOTICE OF MOTION AND MOTION before Judge Claudia Wilken by defendants to modify writs of habeas corpus ad testificandum [4:97-cv-01109] (kc) [Entry date 05/24/02]

5/23/02 208 DECLARATION by Lt. J. Kubicek on behalf of defendants n support of motion to modify writs of habeas corpus ad testificandum [207-1] [4:97-cv-01109] (kc) [Entry date 05/24/02]

5/30/02 212 MINUTES: before Judge Claudia Wilken (C/R Nici Rodich) (Hearing Date: 5/24/02) further case management conference held; case settled; trial vacated [4:97-cv-01109] (cp) [Entry date 06/04/02]

6/6/02 213 ORDER by Judge Claudia Wilken denying as moot defendants' motion to modify writs of habeas corpus ad testificandum [207-1] (Date Entered: 6/13/02) (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 06/13/02]

7/17/02 214 NOTICE by Plaintiff Todd Lewis Ashker of attorney's change of address [4:97-cv-01109] (kc) [Entry date 07/22/02]

8/22/02 215 REQUEST by Plaintiff Todd Lewis Ashker for ruling on plaintiff's motion for summary judgment; request for final judgment [4:97-cv-01109] (kc)

9/11/02 216 ORDER by Judge Claudia Wilken GRANTING motion for summary judgment [179-1]; Each party to bear its own costs; (Date Entered: 9/11/02) (cc: all counsel) [4:97-cv-01109] (kc)

9/11/02 217 PERMANENT INJUNCTION by Judge Claudia Wilken; defendants as well as their officers, directors, employees, agents and those in privity with them are enjoined from enforcing any policy prohibiting Pelican Bay State Prison inmates from receiving books, periodicals, magazines or calendars solely because a book label approved by the prison was not attached; (Date Entered: 9/11/02) (cc: all counsel) [4:97-cv-01109] (kc)

9/11/02 218 JUDGMENT: by Judge Claudia Wilken plaintiff take nothing on his claims pursuant to the Americans with Disabilities Act, the Rehabilitation Act, the Eighth Amendment based on denial of physical therapy, denial of handball, denial of escort with waist-chains and failure to treat protruding bone, and the First Amendment based on delays in incoming mail and book label; plaintiffs First Amendment book label claims for injunctive relief is granted; terminating case; each party shall bear its own costs of action; appeal filing ddl 10/11/02 (Date Entered: 9/11/02) (cc: all counsel) [4:97-cv-01109] (kc)

9/19/02 219 REQUEST by Plaintiff Todd Lewis Ashker to publish decision [4:97-cv-01109] (cp) [Entry date 09/24/02]

10/9/02 220 NOTICE OF APPEAL by Plaintiff Todd Lewis Ashker from Dist. Court decision judgment [218-2] Fee status not paid [4:97-cv-01109] (cp) [Entry date 10/10/02]

10/9/02 221 NOTICE by Plaintiff Todd Lewis Ashker of designation of Clerk's transcript on appeal [4:97-cv-01109] (cp) [Entry date 10/10/02]

10/10/02 -- Docket fee notification form and case information sheet to

USCA [220-1] [4:97-cv-01109] (cp)

10/10/02 -- Copy of notice of appeal and docket sheet to all counsel [4:97-cv-01109] (cp)

10/10/02 -- Mailed request for payment of docket fee to appellant (cc to USCA) [4:97-cv-01109] (cp)

10/11/02 222 NOTICE OF APPEAL by defendants from Dist. Court decision judgment [218-2], permanent injunction [217-1], order [216-1] Fee status paid [4:97-cv-01109] (cp) [Entry date 10/15/02]

10/15/02 -- Docket fee notification form and case information sheet to USCA [222-1] [4:97-cv-01109] (cp)

10/15/02 -- Copy of notice of appeal and docket sheet to all counsel [4:97-cv-01109] (cp)

10/17/02 -- RECEIVED re appeal [220-1] fee in amount of \$ 105.00 (Receipt # 4406668) [4:97-cv-01109] (cp) [Entry date 10/18/02]

10/18/02 223 NOTICE OF MOTION AND MOTION before Judge Claudia Wilken by Plaintiff Todd Lewis Ashker for attorney's fees with Notice set for 12/6/02 at 10:00am [4:97-cv-01109] (cp) [Entry date 10/22/02]

10/18/02 224 MEMORANDUM by Todd Lewis Ashker in support of motion for attorney's fees [223-1] [4:97-cv-01109] (cp) [Entry date 10/22/02]

10/18/02 225 DECLARATION by Stephen Gargaro on behalf of Plaintiff Todd Lewis Ashker re motion for attorney's fees [223-1] [4:97-cv-01109] (cp) [Entry date 10/22/02]

10/18/02 226 DECLARATION by Herman Franck on behalf of Plaintiff Todd Lewis Ashker re motion for attorney's fees [223-1] [4:97-cv-01109] (cp) [Entry date 10/22/02]

10/21/02 -- NOTIFICATION by Circuit Court of Appellate Docket Number 02-16996 [4:97-cv-01109] (cp) [Entry date 10/23/02]

10/21/02 227 CLERK'S NOTICE that the motion for attorney's fees [223-1] is submitted; vacating 12/6/02 hearing; opposition due 11/15/02, any reply due 11/22/02 [4:97-cv-01109] (cp) [Entry date 10/23/02]

10/30/02 -- NOTIFICATION by Circuit Court of Appellate Docket Number 02-17077 [4:97-cv-01109] (kc)

11/8/02 228 OPPOSITION by defendants CA Dept of Corr, et al to motion for attorney's fees [223-1] [4:97-cv-01109] (cp) [Entry date 11/13/02]

11/22/02 229 REPLY by Plaintiff Todd Lewis Ashker to opposition to motion for attorney's fees [223-1] [4:97-cv-01109] (cp) [Entry date 12/02/02]

11/22/02 230 DECLARATION by Herman Franck on behalf of Plaintiff Todd Lewis Ashker re motion for attorney's fees [223-1] [4:97-cv-01109] (cp) [Entry date 12/02/02]

11/26/02 231 COPY of USCA Order: vacating previously established briefing schedules [4:97-cv-01109] (cp) [Entry date 12/03/02]

12/2/02 232 MOTION before Judge Claudia Wilken by Plaintiff Todd Lewis Ashker to enforce settlement agreement [4:97-cv-01109] (kk) [Entry date 12/04/02]

12/9/02 233 MOTION before Judge Claudia Wilken by Plaintiff Todd Lewis Ashker to withdraw the motion to enforce settlement agreement [4:97-cv-01109] (kc) [Entry date 12/11/02]

12/16/02 234 ORDER by Judge Claudia Wilken granting in part motion for attorney's fees [223-1]; defendants shall pay \$9,000.00 to plaintiff's attorney forthwith (Date Entered: 12/17/02) (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 12/17/02]

1/22/03 235 COPY of USCA Order: that the Clerk (USCA) amend the docket for 02-16996 to reflect the fees for the appeal has been paid; briefing scheduled established on 11/25/02 for these cross-appeals remains in effect [4:97-cv-01109] (cp) [Entry date 01/23/03]

1/27/03 236 NOTICE OF MOTION AND MOTION before Judge Claudia Wilken by Plaintiff Todd Lewis Ashker to enforce settlement agreement and to extend jurisdiction over settlement agreement with Notice set for 3/14/03 at 10:00am [4:97-cv-01109] (cp) [Entry date 01/28/03]

1/27/03 237 MEMORANDUM by Plaintiff Todd Lewis Ashker in support of motion to enforce settlement agreement and to extend jurisdiction over settlement agreement [236-1] [4:97-cv-01109] (cp) [Entry date 01/28/03]

1/27/03 238 DECLARATION by Herman Franck on behalf of Plaintiff Todd Lewis Ashker re motion to enforce settlement agreement and to extend jurisdiction over settlement agreement [236-1] [4:97-cv-01109] (cp) [Entry date 01/28/03]

1/27/03 239 DECLARATION by Todd Ashker on behalf of Plaintiff Todd Lewis Ashker re motion to enforce settlement agreement and to extend jurisdiction over settlement agreement [236-1] [4:97-cv-01109] (cp) [Entry date 01/28/03]

2/6/03 240 CERTIFIED COPY of USCA Order: dismissing the appeal [220-1] pursuant to plaintiff's motion for voluntary dismissal of appeal #02-16996 only [4:97-cv-01109] (cp) [Entry date 02/07/03]

2/7/03 241 CLERK's letter spreading the mandate to counsel. re appeal [220-1] [4:97-cv-01109] (cp)

2/18/03 242 OPPOSITION by defendants to motion to enforce settlement agreement and to extend jurisdiction over settlement

agreement [236-1] [4:97-cv-01109] (cp) [Entry date 02/19/03]

2/18/03 243 DECLARATION by Gregory S. Walston on behalf of defendants [4:97-cv-01109] (cp) [Entry date 02/19/03]

3/3/03 244 REPLY brief by Plaintiff Todd Lewis Ashker re motion to enforce settlement agreement and to extend jurisdiction over settlement agreement [236-1] [4:97-cv-01109] (cp) [Entry date 03/05/03]

3/3/03 245 DECLARATION by Herman Franck on behalf of Plaintiff Todd Lewis Ashker re motion reply [244-1] [4:97-cv-01109] (cp) [Entry date 03/05/03]

3/11/03 246 DECLARATION by Todd Lewis Ashker in support of motion to enforce settlement agreement and to extend jurisdiction over settlement agreement [236-1] [4:97-cv-01109] (kc) [Entry date 03/12/03]

3/11/03 247 APPLICATION before Judge Claudia Wilken by Plaintiff Todd Lewis Ashker for leave to file untimely responsive declaration in support of motion for order to suppress settlement agreement [4:97-cv-01109] (kc) [Entry date 03/12/03]

3/13/03 248 ORDER by Judge Claudia Wilken granting motion for leave to file untimely responsive declaration in support of motion for order to suppress settlement agreement [247-1] (Date Entered: 3/17/03) (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 03/17/03]

3/18/03 249 MINUTES: before Judge Claudia Wilken (C/R Starr Wilson) (Hearing Date: 3/14/03) granting motion to enforce settlement agreement and to extend jurisdiction over settlement agreement [236-1] [4:97-cv-01109] (cp) [Entry date 03/20/03]

3/24/03 250 ORDER by Judge Claudia Wilken extending jurisdiction over settlement agreement (Date Entered: 3/27/03) (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 03/27/03]

9/8/03 -- RECORD on Appeal to USCA, cnsl notified. re appeal [222-1] [4:97-cv-01109] (cp)

12/12/03 251 CERTIFIED COPY of judgment from USCA affirming the decision of the District Court [222-1] Costs \$88.00 [4:97-cv-01109] (cp) [Entry date 12/16/03]

12/16/03 252 CLERK's letter spreading the mandate to counsel. re appeal [222-1] [4:97-cv-01109] (cp)

12/19/03 253 RECORD ON APPEAL RETURNED FROM USCA [222-1] [4:97-cv-01109] (cp)

1/21/04 254 CERTIFIED COPY of USCA Order: that Appellee's unopposed motion for attorney's fees is granted; attorney's fees in the amount of \$4,162.50 are awarded in favor of appellee Todd Lewis Ashker and against the appellants; this order shall serve to amend this court's mandate District Court

[222-1] [4:97-cv-01109] (cp) [Entry date 01/22/04]

5/20/04 255 NOTICE OF MOTION AND MOTION before Judge Claudia Wilken by Todd Lewis Ashker to enforce settlement agreement and to extend jurisdiction over settlement agreement with Notice set for 6/25/04 at 10:00am [4:97-cv-01109] (cp) [Entry date 05/21/04] [Edit date 07/08/04]

5/20/04 256 MEMORANDUM by Todd Lewis Ashker in support of motion to enforce settlement agreement and to extend jurisdiction over settlement agreement [255-1] [4:97-cv-01109] (cp) [Entry date 05/21/04]

5/20/04 257 AFFIDAVIT of Todd Ashker in support of motion to enforce settlement agreement and to extend jurisdiction over settlement agreement [255-1] [4:97-cv-01109] (cp) [Entry date 05/21/04]

5/20/04 258 DECLARATION by Herman Franck on behalf of Todd Lewis Ashker re motion to enforce settlement agreement and to extend jurisdiction over settlement agreement [255-1] [4:97-cv-01109] (cp) [Entry date 05/21/04]

5/20/04 259 SUPPLEMENTAL AFFIDAVIT of Todd Ashker in support motion to compel compliance, and motion to enforce settlement agreement and to extend jurisdiction over settlement agreement [255-1] [4:97-cv-01109] (cp) [Entry date 05/21/04]

5/20/04 260 MOTION before Judge Claudia Wilken by Todd Lewis Ashker immediate extension of court's jurisdiction to permit hearing on motion for enforcing settlement agreement and to extend jurisdiction over settlement agreement [4:97-cv-01109] (cp) [Entry date 05/21/04]

5/24/04 261 RE-NOTICE of hearing by Todd Lewis Ashker re motion to enforce settlement agreement and to extend jurisdiction over settlement agreement [255-1] ; hearing set for 10:00 8/6/04 [4:97-cv-01109] (cp)

5/24/04 262 AMENDED MOTION before Judge Claudia Wilken by Todd Lewis Ashker for immediate extension of court's jurisdiction to permit hearing on motion and motion for order enforcing settlement agreement and to extend jurisdiction over settlement agreement [4:97-cv-01109] (cp)

6/8/04 263 ORDER by Judge Claudia Wilken for briefing from respondent re [262-1] (Date Entered: 6/10/04) (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 06/10/04] [Edit date 07/08/04]

6/14/04 264 OPPOSITION by defendants to motion for immediate extension of court's jurisdiction to permit hearing on motion and motion for order enforcing settlement agreement and to extend jurisdiction over settlement agreement [262-1] [4:97-cv-01109] (kc) [Entry date 06/16/04]

6/17/04 265 ORDER by Judge Claudia Wilken granting motion for immediate extension of court's jurisdiction to permit

hearing on motion and motion for order enforcing settlement agreement and to extend jurisdiction over settlement agreement [262-1]; jurisdiction maybe relinquished earlier if the pending motions are decided without a hearing (Date Entered: 6/18/04) (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 06/18/04]

6/25/04 266 Submission of certified copy of ninth circuit order re: attorney's fees by Todd Lewis Ashker [4:97-cv-01109] (cp) [Entry date 06/28/04]

7/7/04 267 NOTICE by defendants of redesignation of counsel for service [4:97-cv-01109] (cp) [Entry date 07/08/04]

7/7/04 -- Docket Modification (Administrative) to notice [267-1] withdrawing attorney Scott C. Mather and substituting attorney Michael W. Jorgenson [4:97-cv-01109] (cp) [Entry date 07/08/04]

7/8/04 268 RE-NOTICE of motion and motion for order enforcing settlement agreement and to extend jurisdiction over settlement agreement by Todd Lewis Ashker; hearing set for 8/13/04 at 10:00am [4:97-cv-01109] (cp)

7/8/04 -- Docket Modification (Administrative) to motion notice [268-1] setting hearing on motion to enforce settlement agreement and to extend jurisdiction over settlement agreement [255-1] 10:00 8/13/04 [4:97-cv-01109] (cp)

7/23/04 269 OPPOSITION by defendants to motion for order enforcing settlement agreement and to extend jurisdiction over settlement agreement [4:97-cv-01109] (cp) [Entry date 07/28/04]

7/30/04 270 CLERK'S NOTICE that the motion to enforce settlement agreement and to extend jurisdiction over settlement agreement [255-1] is taken under submission. Hearing scheduled for 8/13/04 is VACATED [4:97-cv-01109] (kc) [Entry date 08/03/04]

7/30/04 271 REPLY Brief by Plaintiff Todd Lewis Ashker [4:97-cv-01109] (kc) [Entry date 08/03/04]

7/30/04 272 Supplemental AFFIDAVIT of Todd Ashker in support of motion to enforce settlement agreement and to extend jurisdiction over settlement agreement [255-1] [4:97-cv-01109] (kc) [Entry date 08/03/04]

7/30/04 273 AFFIDAVIT of Todd Ashker in support of motion re: settlement agreement and need for hearing on 8/13/04 and court's need to continue monitoring compliance [4:97-cv-01109] (kc) [Entry date 08/03/04]

10/19/04 274 ORDER by Judge Claudia Wilken DENYING plaintiff's motion to enforce settlement agreement and to extend jurisdiction over settlement agreement (Date Entered: 10/25/04) (cc: all counsel) [4:97-cv-01109] (cp) [Entry date 10/25/04]

Case Flags:
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