

**U.S. District Court  
California Northern District (San Francisco)  
CIVIL DOCKET FOR CASE #: 3:04-cv-05161-FMS**

Weber et al v. Lockyer et al  
Assigned to: Hon. Fern M Smith  
Demand: \$0  
Cause: 42:1983 Civil Rights Act

Date Filed: 12/07/2004  
Date Terminated: 04/26/2005  
Jury Demand: Defendant  
Nature of Suit: 950 Constitutional – State Statute  
Jurisdiction: Federal Question

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Date Filed	#	Docket Text
12/07/2004	<u>1</u>	CLASS ACTION COMPLAINT For Declaratory & Injunctive Relief – [Summons Issued] against Bill Lockyer, Eva Steinberger, Lance Gima, Charles C. Plummer, Warren E. Rupf, Lou Blanas, Jim Pope, Michael Hennessey, Albert Najera, Kens James & Heather J. Fong, [Filing Fee: \$150.00, Receipt Number 3366773]. Filed by Plaintiffs All Of Us Or None, Americans for Safe Access, Mary Pruitt, Rodney Ware, Michael Weber, Rachel Delucci-Youngberg, James Blair, Thinh T. Lam, Ruben Rivas, Jason Craig & Linda Walker. (tn, COURT STAFF) (Filed on 12/7/2004) Additional attachment(s) added on 12/8/2004 (tn, COURT STAFF). Additional attachment(s) added on 12/22/2004 (tn, COURT STAFF). (Entered: 12/08/2004)
12/07/2004	<u>2</u>	ADR SCHEDULING ORDER: Case Management Statement due by 4/4/2005 & Initial Case Management Conference set for 4:00 p.m. on 4/11/2005. (Attachments: # <u>1</u> Standing Order).(tn, COURT STAFF) (Filed on 12/7/2004) (Entered: 12/08/2004)
12/07/2004		CASE DESIGNATED for Electronic Filing. (tn, COURT STAFF) (Filed on 12/7/2004) (Entered: 12/08/2004)

12/07/2004		Summons Issued as to Heather J. Fong. (tn, COURT STAFF) (Filed on 12/7/2004) (Entered: 12/08/2004)
12/07/2004		Summons Issued as to Kens James. (tn, COURT STAFF) (Filed on 12/7/2004) (Entered: 12/08/2004)
12/07/2004		Summons Issued as to Albert Najera. (tn, COURT STAFF) (Filed on 12/7/2004) (Entered: 12/08/2004)
12/07/2004		Summons Issued as to Michael Hennessey. (tn, COURT STAFF) (Filed on 12/7/2004) (Entered: 12/08/2004)
12/07/2004		Summons Issued as to Jim Pope. (tn, COURT STAFF) (Filed on 12/7/2004) (Entered: 12/08/2004)
12/07/2004		Summons Issued as to Lou Blanas. (tn, COURT STAFF) (Filed on 12/8/2004) (Entered: 12/08/2004)
12/07/2004		Summons Issued as to Warren E. Rupf. (tn, COURT STAFF) (Filed on 12/7/2004) (Entered: 12/08/2004)
12/07/2004		Summons Issued as to Charles C. Plummer. (tn, COURT STAFF) (Filed on 12/7/2004) (Entered: 12/08/2004)
12/07/2004		Summons Issued as to Lance Gima. (tn, COURT STAFF) (Filed on 12/7/2004) (Entered: 12/08/2004)
12/07/2004		Summons Issued as to Eva Steinberger. (tn, COURT STAFF) (Filed on 12/7/2004) (Entered: 12/08/2004)
12/07/2004		Summons Issued as to Bill Lockyer. (tn, COURT STAFF) (Filed on 12/7/2004) (Entered: 12/08/2004)
12/09/2004	<u>3</u>	NOTICE OF RECUSAL. Signed by Magistrate Judge Bernard Zimmerman on 12/9/2004. (bzsec, COURT STAFF) (Filed on 12/9/2004) (Entered: 12/09/2004)
12/10/2004	<u>4</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Fern M. Smith for all further proceedings. Judge Bernard Zimmerman no longer assigned to case. Signed by EXECUTIVE COMMITTEE on 12/10/04. (ha, COURT STAFF) (Filed on 12/10/2004) (Entered: 12/10/2004)
12/14/2004	<u>5</u>	CLERK'S NOTICE Case Management Conference set for 4/21/2005 02:00 PM before Judge Fern M. Smith. Case Management Statement due by 4/14/2005. (Attachments: # <u>1</u> Judge Smith's CMC Order, # <u>2</u> Judge Smith's Standing Order) (kcw, COURT STAFF) (Filed on 12/14/2004) (Entered: 12/14/2004)
12/17/2004	18	MOTION for leave to appear in Pro Hac Vice filed by plaintiffs, for attorney Jonathan A. Patchen of the New York &9th Circuit, fee paid. (db, COURT STAFF) (Filed on 12/17/2004) (Entered: 12/22/2004)
12/20/2004	<u>6</u>	CERTIFICATE OF SERVICE by All Of Us Or None, Americans for Safe Access, Mary Pruitt, Rodney Ware, Michael Weber, Rachel Delucci-Youngberg, James Blair, Think T. Lam, Ruben Rivas, Jason Craig, Linda Walker re <u>1</u> Complaint,,, <u>2</u> ADR Scheduling Order on Defendant Lou Blanas (Jones, Richard) (Filed on 12/20/2004) (Entered: 12/20/2004)
12/20/2004	<u>7</u>	CERTIFICATE OF SERVICE by All Of Us Or None, Americans for Safe Access, Mary Pruitt, Rodney Ware, Michael Weber, Rachel Delucci-Youngberg, James Blair, Think T. Lam, Ruben Rivas, Jason Craig, Linda Walker re <u>1</u> Complaint,,, <u>2</u> ADR Scheduling Order on Defendant Heather Fong (Jones, Richard) (Filed on 12/20/2004) (Entered: 12/20/2004)
12/20/2004	<u>8</u>	CERTIFICATE OF SERVICE by All Of Us Or None, Americans for Safe Access, Mary Pruitt, Rodney Ware, Michael Weber, Rachel Delucci-Youngberg, James Blair, Think T. Lam, Ruben Rivas, Jason Craig, Linda Walker re <u>1</u> Complaint,,, <u>2</u> ADR Scheduling Order on Defendant Lance Gima (Jones, Richard) (Filed on 12/20/2004) (Entered: 12/20/2004)
12/20/2004	<u>9</u>	CERTIFICATE OF SERVICE by All Of Us Or None, Americans for Safe Access, Mary Pruitt, Rodney Ware, Michael Weber, Rachel Delucci-Youngberg, James Blair,

		Think T. Lam, Ruben Rivas, Jason Craig, Linda Walker re <u>1</u> Complaint,,, <u>2</u> ADR Scheduling Order on Defendant Michael Hennessy (Jones, Richard) (Filed on 12/20/2004) (Entered: 12/20/2004)
12/20/2004	<u>10</u>	CERTIFICATE OF SERVICE by All Of Us Or None, Americans for Safe Access, Mary Pruitt, Rodney Ware, Michael Weber, Rachel Delucci-Youngberg, James Blair, Think T. Lam, Ruben Rivas, Jason Craig, Linda Walker re <u>1</u> Complaint,,, <u>2</u> ADR Scheduling Order on Defendant Ken James (Jones, Richard) (Filed on 12/20/2004) (Entered: 12/20/2004)
12/20/2004	<u>11</u>	CERTIFICATE OF SERVICE by All Of Us Or None, Americans for Safe Access, Mary Pruitt, Rodney Ware, Michael Weber, Rachel Delucci-Youngberg, James Blair, Think T. Lam, Ruben Rivas, Jason Craig, Linda Walker re <u>1</u> Complaint,,, <u>2</u> ADR Scheduling Order on Defendant Bill Lockyer (Jones, Richard) (Filed on 12/20/2004) (Entered: 12/20/2004)
12/20/2004	<u>12</u>	CERTIFICATE OF SERVICE by All Of Us Or None, Americans for Safe Access, Mary Pruitt, Rodney Ware, Michael Weber, Rachel Delucci-Youngberg, James Blair, Think T. Lam, Ruben Rivas, Jason Craig, Linda Walker re <u>1</u> Complaint,,, <u>2</u> ADR Scheduling Order on Defendant Albert Najera (Jones, Richard) (Filed on 12/20/2004) (Entered: 12/20/2004)
12/20/2004	<u>13</u>	CERTIFICATE OF SERVICE by All Of Us Or None, Americans for Safe Access, Mary Pruitt, Rodney Ware, Michael Weber, Rachel Delucci-Youngberg, James Blair, Think T. Lam, Ruben Rivas, Jason Craig, Linda Walker re <u>1</u> Complaint,,, <u>2</u> ADR Scheduling Order on Defendant Charles Plummer (Jones, Richard) (Filed on 12/20/2004) (Entered: 12/20/2004)
12/20/2004	<u>14</u>	CERTIFICATE OF SERVICE by All Of Us Or None, Americans for Safe Access, Mary Pruitt, Rodney Ware, Michael Weber, Rachel Delucci-Youngberg, James Blair, Think T. Lam, Ruben Rivas, Jason Craig, Linda Walker re <u>1</u> Complaint,,, <u>2</u> ADR Scheduling Order on Defendant Jim Pope (Jones, Richard) (Filed on 12/20/2004) (Entered: 12/20/2004)
12/20/2004	<u>15</u>	CERTIFICATE OF SERVICE by All Of Us Or None, Americans for Safe Access, Mary Pruitt, Rodney Ware, Michael Weber, Rachel Delucci-Youngberg, James Blair, Think T. Lam, Ruben Rivas, Jason Craig, Linda Walker re <u>1</u> Complaint,,, <u>2</u> ADR Scheduling Order on Defendant Warren Ruff (Jones, Richard) (Filed on 12/20/2004) (Entered: 12/20/2004)
12/20/2004	<u>16</u>	CERTIFICATE OF SERVICE by All Of Us Or None, Americans for Safe Access, Mary Pruitt, Rodney Ware, Michael Weber, Rachel Delucci-Youngberg, James Blair, Think T. Lam, Ruben Rivas, Jason Craig, Linda Walker re <u>1</u> Complaint,,, <u>2</u> ADR Scheduling Order on Defendant Eva Steinberger (Jones, Richard) (Filed on 12/20/2004) (Entered: 12/20/2004)
12/20/2004	<u>17</u>	CERTIFICATE OF SERVICE by All Of Us Or None, Americans for Safe Access, Mary Pruitt, Rodney Ware, Michael Weber, Rachel Delucci-Youngberg, James Blair, Think T. Lam, Ruben Rivas, Jason Craig, Linda Walker re <u>3</u> Order of Recusal, <u>4</u> Order Reassigning Case, <u>5</u> Clerks Notice, (Jones, Richard) (Filed on 12/20/2004) (Entered: 12/20/2004)
12/22/2004	<u>19</u>	ORDER by Judge Fern M. Smith granting 18 Motion for Admission of attorney Jonathan Patchen Pro Hac Vice. (kcw, COURT STAFF) (Filed on 12/22/2004) (Entered: 12/22/2004)
12/23/2004	<u>20</u>	STIPULATION To Extension Of Time To File Responsive Pleading(s) Pursuant To Civil L.R. 6-1(a) by Bill Lockyer. (Camps, Enid) (Filed on 12/23/2004) (Entered: 12/23/2004)
12/28/2004	<u>21</u>	ANSWER to Complaint with Jury Demand byKens James. (Hazelwood, Mark) (Filed on 12/28/2004) (Entered: 12/28/2004)
12/28/2004	<u>22</u>	APPROVAL OF STIPULATION TO EXTEND TIME. Signed by Judge Fern M. Smith on 12/28/04. (fmslc1, COURT STAFF) (Filed on 12/28/2004) Additional attachment(s) added on 12/29/2004 (kcw, COURT STAFF). (Entered: 12/28/2004)



01/19/2005	<u>23</u>	First Amended ANSWER to Complaint with Jury Demand byKens James. (Allen, Dale) (Filed on 1/19/2005) (Entered: 01/19/2005)
01/26/2005	<u>24</u>	STIPULATION to Extension of Time to File Responsive Pleading (L.R. 6-1(a)) by All Of Us Or None, Americans for Safe Access, Mary Pruitt, Rodney Ware, Michael Weber, Rachel Delucci-Youngberg, James Blair, Think T. Lam, Ruben Rivas, Jason Craig, Linda Walker. (Jones, Richard) (Filed on 1/26/2005) (Entered: 01/26/2005)
02/01/2005	<u>25</u>	ORDER approving <u>24</u> Stipulation for Extension of Time to File Responsive Pleading. Signed by Judge Fern M. Smith on 1/28/05. (kcw, COURT STAFF) (Filed on 2/1/2005) Additional attachment(s) added on 2/1/2005 (kcw, COURT STAFF). (Entered: 02/01/2005)
02/04/2005	<u>26</u>	MOTION to Dismiss filed by Bill Lockyer, Eva Steinberger, Lance Gima. Motion Hearing set for 3/31/2005 02:00 PM. (Attachments: # <u>1</u> Affidavit Declaration of Paul D Gifford In Support of State Defendants' Motion to Dismiss# <u>2</u> Exhibit Exhibit A to Gifford Declaration# <u>3</u> Proposed Order Order Granting Motion of Defendants Lockyer, Steinberger and Gima To Dismiss The Complaint)(Gifford, Paul) (Filed on 2/4/2005) (Entered: 02/04/2005)
02/04/2005	<u>27</u>	ANSWER to Complaint with Jury Demand by defendantLou Blanas. (db, COURT STAFF) (Filed on 2/4/2005) Additional attachment(s) added on 2/11/2005 (db, COURT STAFF). (Entered: 02/07/2005)
02/07/2005	<u>28</u>	CLERK'S NOTICE re: Failure to E-File and/or Failure to Register as an E-Filer for counsel for defendant Lou Blanas regarding docket entry # <u>27</u> answer to complaint and demand for jury trial. Counsel has 10 days to electronically pdf file this document to the U.S. District Court, or an Order to Show Cause will issue forth. (db, COURT STAFF) (Filed on 2/7/2005) (Entered: 02/07/2005)
02/07/2005	<u>29</u>	NOTICE by Michael Hennessey, Heather J. Fong re <u>26</u> MOTION to Dismiss <i>Notice of Joinder of Defendants Michael Hennessey and Heather Fong in State Defendants' Motion to Dismiss Plaintiffs' Complaint</i> (Ofierski, Rafal) (Filed on 2/7/2005) (Entered: 02/07/2005)
02/07/2005	<u>30</u>	Joinder By Defendant Albert Najera In Motion To Dismiss By Defendants Lockyer, Steinberger and Gima filed by Albert Najera. Motion Hearing set for 3/31/2005 02:00 PM. (Witter, Brett) (Filed on 2/7/2005) Modified on 3/15/2005 (db, COURT STAFF). (Entered: 02/07/2005)
02/07/2005	<u>31</u>	CERTIFICATE OF SERVICE by Albert Najera re <u>30</u> MOTION for Joinder By Defendant Albert Najera In Motion To Dismiss By Defendants Lockyer, Steinberger and Gima (Witter, Brett) (Filed on 2/7/2005) (Entered: 02/07/2005)
02/07/2005	<u>32</u>	Joinder in State Defendants' Motion to Dismiss filed by Warren E. Rupf, Jim Pope. (Flanagan, Kelly) (Filed on 2/7/2005) Modified on 3/15/2005 (db, COURT STAFF). (Entered: 02/07/2005)
02/07/2005	<u>33</u>	Joinder re <u>26</u> MOTION to Dismiss by defendant Charles C. Plummer, Charles C. Plummer. (db, COURT STAFF) (Filed on 2/7/2005) Additional attachment(s) added on 2/15/2005 (db, COURT STAFF). (Entered: 02/08/2005)
02/11/2005	<u>34</u>	CLERK'S NOTICE re: Failure to E-File and/or Failure to Register as an E-Filer for counsel for defendant Charles C. Plummer, Sheriff, County of Alameda regarding docket entry #33. Counsel has 10 days to electronically pdf file this document to the US District Court or an Order To Show Cause will issue forth. (db, COURT STAFF) (Filed on 2/11/2005) (Entered: 02/11/2005)
02/24/2005	<u>35</u>	Joinder to dismiss complaint filed by Bill Lockyer, Eva Steinberger, Lance Gima, Charles C. Plummer, Warren E. Rupf, Lou Blanas, Jim Pope, Michael Hennessey, Albert Najera, Kens James, Heather J. Fong. Motion Hearing set for 3/31/2005 02:00 PM. (Wood, James) (Filed on 2/24/2005) Modified on 3/15/2005 (db, COURT STAFF). (Entered: 02/24/2005)
02/25/2005	<u>36</u>	CERTIFICATE OF SERVICE by Bill Lockyer, Eva Steinberger, Lance Gima, Charles C. Plummer, Warren E. Rupf, Lou Blanas, Jim Pope, Michael Hennessey, Albert Najera, Kens James, Heather J. Fong re <u>35</u> MOTION for Joinder to dismiss complaint (Wood, James) (Filed on 2/25/2005) (Entered: 02/25/2005)

03/10/2005	<u>37</u>	Memorandum in Opposition re <u>26</u> MOTION to Dismiss filed by All Of Us Or None, Americans for Safe Access, Mary Pruitt, Rodney Ware, Michael Weber, Rachel Delucci-Youngberg, James Blair, Thinh T. Lam, Ruben Rivas, Jason Craig, Linda Walker. (Patchen, Jonathan) (Filed on 3/10/2005) (Entered: 03/10/2005)
03/17/2005	<u>38</u>	Joinder <i>In Defendants Lockyer, Steinberger and Gimas' Motion To Dismiss the Complaint</i> filed by Kens James. Motion Hearing set for 3/31/2005 02:00 PM. (Allen, Dale) (Filed on 3/17/2005) Modified on 3/18/2005 (db, COURT STAFF). (Entered: 03/17/2005)
03/17/2005	<u>39</u>	Reply to Opposition <i>Reply of Defendants Lockyer, Steinberger, and Gima to Plaintiffs' Oposition to Defendants' Motion to Dismiss</i> filed by Bill Lockyer. (Gifford, Paul) (Filed on 3/17/2005) (Entered: 03/17/2005)
03/18/2005	<u>40</u>	NOTICE of need for ADR Phone Conference (ADR L.R. 3-5 d) <i>and ADR Certification</i> (Mass, Julia) (Filed on 3/18/2005) (Entered: 03/18/2005)
03/18/2005	<u>41</u>	STIPULATION <i>To Extension of Time to Complete Initial Disclosures and File/Serve Rule 26(f) Report</i> by All Of Us Or None, Americans for Safe Access, Bill Lockyer, Eva Steinberger, Lance Gima, Charles C. Plummer, Warren E. Rupf, Lou Blanas, Jim Pope, Michael Hennessey, Albert Najera, Kens James, Heather J. Fong, Mary Pruitt, Rodney Ware, Michael Weber, Rachel Delucci-Youngberg, James Blair, Thinh T. Lam, Ruben Rivas, Jason Craig, Linda Walker. (Mass, Julia) (Filed on 3/18/2005) (Entered: 03/18/2005)
03/21/2005	<u>42</u>	NOTICE of Substitution of Counsel by Wayne K. Snodgrass (Snodgrass, Wayne) (Filed on 3/21/2005) (Entered: 03/21/2005)
03/21/2005	<u>43</u>	CLERK'S NOTICE Continuing Motion Hearing to 4/14/2005 at 2:00 p.m. and advancing Case Management Conference to 4/14/2005 02:00 PM. Case Management Statement due 4/7/05. (kcw, COURT STAFF) (Filed on 3/21/2005) (Entered: 03/21/2005)
03/21/2005	<u>44</u>	CERTIFICATE OF SERVICE by All Of Us Or None, Americans for Safe Access, Mary Pruitt, Rodney Ware, Michael Weber, Rachel Delucci-Youngberg, James Blair, Thinh T. Lam, Ruben Rivas, Jason Craig, Linda Walker re <u>43</u> Clerks Notice, Clerks Notice Continuing Motion Hearing (Patchen, Jonathan) (Filed on 3/21/2005) (Entered: 03/21/2005)
03/22/2005	<u>45</u>	Approval of <u>42</u> Notice of Substitution of Counsel. Signed by Judge Fern M. Smith on 03/22/05. (fmslc1, COURT STAFF) (Filed on 3/22/2005) (Entered: 03/22/2005)
03/22/2005	<u>46</u>	ORDER re <u>41</u> Stipulation. Time to Complete Initial Disclosures and File Rule 26(f) Report extended to April 7, 2005. Signed by Judge Fern M. Smith on 3/21/05. (kcw, COURT STAFF) (Filed on 3/22/2005) (Entered: 03/22/2005)
04/04/2005	<u>47</u>	ADR Clerks Notice Setting ADR Phone Conference on 4/18/05 at 2:00 p.m. Please take note that plaintiff's counsel initiates the call to all parties. (tjs, COURT STAFF) (Filed on 4/4/2005) (Entered: 04/04/2005)
04/07/2005	<u>48</u>	JOINT CASE MANAGEMENT STATEMENT <i>and Proposed Order</i> filed by All Of Us Or None, Americans for Safe Access, Mary Pruitt, Rodney Ware, Michael Weber, Rachel Delucci-Youngberg, James Blair, Thinh T. Lam, Ruben Rivas, Jason Craig, Linda Walker. (Mass, Julia) (Filed on 4/7/2005) (Entered: 04/07/2005)
04/07/2005	<u>49</u>	CERTIFICATE OF SERVICE by All Of Us Or None, Americans for Safe Access, Mary Pruitt, Rodney Ware, Michael Weber, Rachel Delucci-Youngberg, James Blair, Thinh T. Lam, Ruben Rivas, Jason Craig, Linda Walker re <u>48</u> Case Management Statement (Joint), Case Management Statement (Joint) <i>and Proposed Order</i> (Mass, Julia) (Filed on 4/7/2005) (Entered: 04/07/2005)
04/12/2005	<u>50</u>	TENTATIVE ORDER by Judge Fern M. Smith granting <u>26</u> Motion to Dismiss (fmslc2, COURT STAFF) (Filed on 4/12/2005) Additional attachment(s) added on 4/13/2005 (kcw, COURT STAFF). (Entered: 04/12/2005)
04/14/2005	<u>51</u>	Minute Entry: Hearing on Tentative Order re Motion to Dismiss held on 4/14/2005 before Fern M. Smith. (C/R: Peppina Thompson.) (kcw, COURT STAFF) (Date Filed: 4/14/2005) (Entered: 04/14/2005)

04/15/2005		ADR Clerks Notice The ADR Phone Conference has been taken off calendar. (tjs, COURT STAFF) (Filed on 4/15/2005) (Entered: 04/15/2005)
04/22/2005	<u>52</u>	ORDER GRANTING MOTION TO DISMISS re <u>26</u> MOTION to Dismiss filed by Bill Lockyer,, Eva Steinberger,, Lance Gima,. Signed by Judge Fern M. Smith on 4/22/05. (fmslc2, COURT STAFF) (Filed on 4/22/2005) Additional attachment(s) added on 4/26/2005 (kcw, COURT STAFF). (Entered: 04/22/2005)
05/08/2006	<u>53</u>	NOTICE of Change of Address by Margaret Campbell Crosby (Crosby, Margaret) (Filed on 5/8/2006) (Entered: 05/08/2006)