

**U.S. District Court
District of Colorado (Denver)
CIVIL DOCKET FOR CASE #: 1:09-cv-01196-WJM-MEH**

Dunlap et al v. Zavaras et al
Assigned to: Judge William J. Martinez
Referred to: Magistrate Judge Michael E. Hegarty
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 05/26/2009
Date Terminated: 08/04/2011
Jury Demand: Both
Nature of Suit: 555 Prisoner – Prison
Condition (U.S. not a defendant)
Jurisdiction: Federal Question

Plaintiff

Nathan Jerard Dunlap

represented by **Gail Kathryn Johnson**
Johnson Brennan & Klein, PLLC
1470 Walnut Street
Suite 101
Boulder, CO 80302
303-444-1885
Fax: 866-340-8286
Email: gjohnson@jbk-law.com
ATTORNEY TO BE NOTICED

Mark Silverstein
American Civil Liberties Union–Denver
303 East 17th Street
Suite 350
Denver, CO 80203
303-777-5482
Fax: 303-777-1773
Email: msilver2@att.net
ATTORNEY TO BE NOTICED

Rebecca Teitelbaum Wallace
American Civil Liberties Union–Denver
303 East 17th Street
Suite 350
Denver, CO 80203
303-777-5482
Fax: 303-777-1773
Email: rtwallace@aclu-co.org
ATTORNEY TO BE NOTICED

Plaintiff

Matthew Fransisco Alfaro
TERMINATED: 02/19/2010

Plaintiff

Ryan Merritt
TERMINATED: 07/09/2009

V.

Defendant

Aristedes (I) Zavaras
individually
TERMINATED: 03/16/2010

represented by **Christopher Wayne Alber**
Colorado Attorney General's Office
Ralph L. Carr Colorado Judicial Center
1300 Broadway
Denver, CO 80203
720-508-6612
Fax: 720-508-6032

Email: chris.alber@state.co.us

Defendant

Aristedes Zavaras
*in his official capacity as Executive
Director of the Colorado Department of
Corrections*

represented by **Christopher Wayne Alber**
(See above for address)

Edward T. Farry , Jr.
Edward Farry, Law Office of
214 East Dale Street
#210
Colorado Springs, CO 80903-4729
719-578-2000
Fax: 719-578-1794
Email: efarry@farry.net
ATTORNEY TO BE NOTICED

Defendant

Susan (I) Jones
individually
TERMINATED: 03/16/2010

represented by **Christopher Wayne Alber**
(See above for address)

Defendant

Susan Jones
*in her official capacity as the Warden of
the Colorado State Penitentiary*
TERMINATED: 03/16/2010

represented by **Christopher Wayne Alber**
(See above for address)

Defendant

D. (I) Combs
individually
TERMINATED: 03/16/2010

represented by **Christopher Wayne Alber**
(See above for address)

Defendant

D. Combs
*whose true name is unknown, in his
official capacity as a hearing committee
member*
TERMINATED: 03/16/2010

represented by **Christopher Wayne Alber**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

K. (I) Moore
individually
TERMINATED: 03/16/2010

represented by **Christopher Wayne Alber**
(See above for address)

Defendant

K. Moore
*whose true name is unknown, in her
official capacity as a hearing committee
member*
TERMINATED: 03/16/2010

represented by **Christopher Wayne Alber**
(See above for address)

Defendant

J. (I) Olson
individually
TERMINATED: 03/16/2010

represented by **Christopher Wayne Alber**
(See above for address)

Defendant

J. Olson
whose true name is unknown, in his

represented by **Christopher Wayne Alber**
(See above for address)

official capacity as a hearing committee

member

TERMINATED: 03/16/2010

Date Filed	#	Docket Text
05/14/2009	<u>1</u>	MOTION and Affidavit for Leave to Proceed Under 28 U.S.C. 1915 by Plaintiff Matthew Fransisco Alfaro. (jak,) (Entered: 05/27/2009)
05/14/2009	<u>2</u>	MOTION and Affidavit for Leave to Proceed Under 28 U.S.C. 1915 by Plaintiff Nathan Jerard Dunlap. (jak,) (Entered: 05/27/2009)
05/26/2009	<u>3</u>	ORDER Directing Clerk to Commence Civil Action and Directing Plaintiff to Cure Deficiency. Plaintiff's shall have 30 days to submit 1915 motions on the proper court forms. Plaintiff's shall also have 30 days to file a complaint on the proper court forms, by Magistrate Judge Boyd N. Boland on 5/22/09. (jak,) (Entered: 05/27/2009)
05/26/2009	<u>4</u>	Prisoner's COMPLAINT against K. (I) Moore, K. Moore, J. (I) Olson, J. Olson, Aristedes (I) Zavaras, Aristedes Zavaras, Susan (I) Jones, Susan Jones, D. (I) Combs, D. Combs, filed by Nathan Jerard Dunlap, Matthew Fransisco Alfaro, Ryan Merritt.(jak,) (Entered: 05/27/2009)
05/26/2009	<u>5</u>	MOTION Requesting Class Action Certification, by Plaintiffs Nathan Jerard Dunlap, Matthew Fransisco Alfaro, Ryan Merritt. (jak,) (Entered: 05/27/2009)
05/26/2009	<u>6</u>	NOTICE OF CASE ASSOCIATION by Plaintiffs Nathan Jerard Dunlap, Matthew Fransisco Alfaro, Ryan Merritt (jak,) (Entered: 05/27/2009)
05/26/2009	<u>7</u>	MOTION for Preliminary Injunction by Plaintiffs Nathan Jerard Dunlap, Matthew Fransisco Alfaro, Ryan Merritt. (jak,) (Entered: 05/27/2009)
05/26/2009	<u>8</u>	Memorandum of Law in Support of <u>7</u> MOTION for Preliminary Injunction filed by Plaintiffs Nathan Jerard Dunlap, Matthew Fransisco Alfaro, Ryan Merritt. (jak,) (Entered: 05/27/2009)
05/26/2009	<u>9</u>	MOTION to Appoint Counsel by Plaintiffs Nathan Jerard Dunlap, Matthew Fransisco Alfaro, Ryan Merritt. (jak,) (Entered: 05/27/2009)
05/26/2009	<u>10</u>	MOTION for Order in regards to the payment of filing fees, by Plaintiffs Nathan Jerard Dunlap, Matthew Fransisco Alfaro, Ryan Merritt. (jak,) (Entered: 05/27/2009)
06/17/2009	<u>11</u>	MOTION and Affidavit for Leave to Proceed Under 28 U.S.C. 1915 by Plaintiff Nathan Jerard Dunlap. (jjh,) (Entered: 06/17/2009)
06/17/2009	<u>12</u>	MOTION and Affidavit for Leave to Proceed Under 28 U.S.C. 1915 by Plaintiff Matthew Fransisco Alfaro. (jjh,) (Entered: 06/17/2009)
06/17/2009	<u>13</u>	(AMENDED) COMPLAINT against all defendants, filed by Nathan Jerard Dunlap.(jjh,) (Entered: 06/17/2009)
06/17/2009	<u>14</u>	(AMENDED) COMPLAINT against all defendants, filed by Matthew Fransisco Alfaro.(jjh,) (Entered: 06/17/2009)
07/09/2009	<u>15</u>	ORDER to Dismiss in Part and Denying Motions. Ordered that Plaintiff Ryan Merritt is dismissed as a party to this action for failure to cure the deficiencies. Order denying <u>5</u> Motion for Order; denying <u>7</u> Motion for Preliminary Injunction; denying <u>9</u> Motion to Appoint Counsel. by Judge Zita L. Weinshienk on 07/08/09.(jjh,) (Entered: 07/09/2009)
07/16/2009	<u>16</u>	ORDER granting <u>1</u> Motion for Leave to Proceed in Forma Pauperis; granting <u>2</u> Motion for Leave to Proceed in Forma Pauperis; granting <u>11</u> Motion for Leave to Proceed in Forma Pauperis; granting <u>12</u> Motion for Leave to Proceed in Forma Pauperis by Magistrate Judge Craig B. Shaffer on 07/16/09.(jjh,) (Entered: 07/16/2009)

07/29/2009	<u>17</u>	Mail Returned as Undeliverable re: <u>16</u> Order on Motion for Leave to Proceed in Forma Pauperis, Addressed to Matthew Fransisco Alfaro. (jjh,) (Entered: 07/29/2009)
08/03/2009	<u>18</u>	MINUTE ORDER the clerk of the court is directed to remail to Plaintiff Alfaro with the correct postage, together with a copy of this minute order, a copy of the courts Order Granting Leave to Proceed Pursuant to 28 U.S.C. § 1915 filed in this action on July 16, 2009, and any documents specified in that order. Plaintiff Alfaro shall have thirty (30) days from the date of this minute order either to pay his initial partial filing fee of \$22.00 or to show cause as directed why he is unable to pay the initial partial filing fee by Magistrate Judge Boyd N. Boland on 08/03/09. (jjh,) (Entered: 08/03/2009)
08/31/2009	<u>19</u>	MOTION to Serve Defendants' Summons and Complaint by Plaintiff Nathan Jerard Dunlap. (jjh,) (Entered: 08/31/2009)
08/31/2009	<u>20</u>	MOTION Requesting an Order in Regards to the Paymnet of Filing Fees by Plaintiff Matthew Fransisco Alfaro. (jjh,) (Entered: 08/31/2009)
08/31/2009	<u>21</u>	LETTER re: filing fees by Plaintiffs Nathan Jerard Dunlap, Matthew Fransisco Alfaro. (jjh,) (Entered: 09/01/2009)
09/01/2009	<u>22</u>	Minute ORDER denying <u>10</u> Motion Requesting an Order in Regards to Payment of Filing Fees. Order denying <u>19</u> Motion Requesting an Order in Regards to Payment of Filing Fees. Order denying <u>20</u> Motion to Serve Defendants' Summons and Complaint by Magistrate Judge Boyd N. Boland on 09/01/09.(jjh,) (Entered: 09/01/2009)
09/02/2009	<u>23</u>	ORDER Directing Plaintiffs to File Second Amended Complaint within 30 days that is signed by each Plaintiff by Magistrate Judge Boyd N. Boland on 09/02/09. (jjh,) (Entered: 09/02/2009)
09/25/2009	<u>24</u>	AMENDED Prisoner COMPLAINT against K. (I) Moore, K. Moore, J. (I) Olson, J. Olson, Aristedes (I) Zavaras, Aristedes Zavaras, Susan (I) Jones, Susan Jones, D. (I) Combs, D. Combs, filed by Nathan Jerard Dunlap, Matthew Fransisco Alfaro.(gmssl,) (Entered: 09/25/2009)
09/28/2009	<u>25</u>	ORDER Drawing Case. Ordered that this case shall be drawn to a district judge and to a magistrate judge. By Magistrate Judge Boyd N. Boland on 09/28/2009. (sah,) (Entered: 09/28/2009)
10/01/2009	<u>26</u>	Letter from Clerk of Court addressed to Mr. Dunlap and Mr. Alfaro advising of case assignment to Judge Arguello. (sah,) (Entered: 10/01/2009)
10/02/2009	<u>27</u>	NOTICE of Change of Address by Plaintiff Matthew Fransisco Alfaro (sah,) (Entered: 10/02/2009)
10/05/2009	<u>28</u>	ORDER GRANTING SERVICE BY UNITED STATES MARSHAL. By Judge Christine M. Arguello on 10/05/2009. (sah,) (Entered: 10/14/2009)
10/14/2009	<u>29</u>	ORDER REFERRING CASE to Magistrate Judge Michael E. Hegarty. Magistrate Judge Hegarty is designated to conduct ALLMTN proceedings pursuant to 28 U.S.C. § 636(b)(1)(A) and (B) and Fed.R.Civ.P. 72(a) and (b). The parties should expect to be given a firm trial setting that is 60 to 120 days from the date of the final pretrial conference, and should be available for trial accordingly. By Judge Christine M. Arguello on 10/14/09. TEXT ONLY ENTRY – NO DOCUMENT ATTACHED (cmasec) (Entered: 10/14/2009)
10/14/2009	<u>30</u>	MINUTE ORDER Telephonic Preliminary Scheduling/Status Conference set for 1/6/2010 09:15 AM in Courtroom C203 before Magistrate Judge Michael E. Hegarty. Plaintiff shall participate in this conference by telephone. Plaintiffs and case managers, or a representative of the facilities, shall contact the Court at (303) 844-4507 on the above date and time in order to participate. By Magistrate Judge Michael E. Hegarty on 10/14/2009. (mehcd) (Entered: 10/14/2009)
10/27/2009	<u>31</u>	PAYMENT RECEIVED from Matthew Fransisco Alfaro in the amount of \$ 13.00; Receipt Number COX023010; Monthly Payment. (sah,) (Entered: 10/27/2009)

10/28/2009	<u>32</u>	WAIVER OF SERVICE Returned Executed by Teresa Reynolds. K. (I) Moore waiver sent on 10/27/2009, answer due 12/28/2009; K. Moore waiver sent on 10/27/2009, answer due 12/28/2009; J. (I) Olson waiver sent on 10/27/2009, answer due 12/28/2009; J. Olson waiver sent on 10/27/2009, answer due 12/28/2009; Aristedes (I) Zavaras waiver sent on 10/27/2009, answer due 12/28/2009; Aristedes Zavaras waiver sent on 10/27/2009, answer due 12/28/2009; Susan (I) Jones waiver sent on 10/27/2009, answer due 12/28/2009; Susan Jones waiver sent on 10/27/2009, answer due 12/28/2009; D. (I) Combs waiver sent on 10/27/2009, answer due 12/28/2009; D. Combs waiver sent on 10/27/2009, answer due 12/28/2009. (sah,) (Entered: 10/28/2009)
10/29/2009	<u>33</u>	PAYMENT RECEIVED from Nathan Jerard Dunlap in the amount of \$ 0.92; Receipt Number 023076; Monthly Payment. (wjc,) (Entered: 10/29/2009)
12/04/2009	<u>34</u>	PAYMENT RECEIVED from Nathan Jerard Dunlap in the amount of \$ 1.01; Receipt Number COX023991; monthly Payment. (erv,) (Entered: 12/07/2009)
12/07/2009	<u>35</u>	Letter from Plaintiff re <u>34</u> Payment Received. (erv,) (Entered: 12/07/2009)
12/28/2009	<u>36</u>	MOTION to Dismiss by Defendants K. (I) Moore, K. Moore, J. (I) Olson, J. Olson, Aristedes (I) Zavaras, Aristedes Zavaras, Susan (I) Jones, Susan Jones, D. (I) Combs, D. Combs. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Alber, Christopher) (Entered: 12/28/2009)
12/28/2009	<u>37</u>	ANSWER to <u>24</u> Amended Complaint by K. (I) Moore, K. Moore, J. (I) Olson, J. Olson, Aristedes (I) Zavaras, Aristedes Zavaras, Susan (I) Jones, Susan Jones, D. (I) Combs, D. Combs.(Alber, Christopher) (Entered: 12/28/2009)
01/05/2010	<u>38</u>	NOTICE of Entry of Appearance by Gail Kathryn Johnson on behalf of Nathan Jerard Dunlap (Johnson, Gail) (Entered: 01/05/2010)
01/05/2010	<u>39</u>	Unopposed MOTION to Continue <i>January 6, 2010 Scheduling Conference</i> by Plaintiff Nathan Jerard Dunlap. (Johnson, Gail) (Entered: 01/05/2010)
01/06/2010	<u>40</u>	MEMORANDUM regarding <u>39</u> Unopposed MOTION to Continue <i>January 6, 2010 Scheduling Conference</i> filed by Nathan Jerard Dunlap. Motion referred to Magistrate Judge Michael E. Hegarty by Judge Christine M. Arguello on 01/06/10. TEXT ONLY ENTRY – NO DOCUMENT ATTACHED (cmasec) (Entered: 01/06/2010)
01/06/2010	<u>41</u>	Courtroom Minutes/Minute Order for proceedings held before Magistrate Judge Michael E. Hegarty: Scheduling Conference held on 1/6/2010, <u>39</u> Unopposed Motion by Plaintiff Nathan Dunlap to Continue January 6, 2010, Scheduling Conference is GRANTED; Reset Hearings: Scheduling Conference RESET for 2/5/2010 09:30 AM in Courtroom C203 before Magistrate Judge Michael E. Hegarty. Mr. Alber to prepare a Stipulated Motion to Dismiss Plaintiff Alfaro only. (Court Reporter FTR – C. Coomes) (mehcd) (Entered: 01/06/2010)
01/12/2010	<u>42</u>	NOTICE of Entry of Appearance by Mark Silverstein on behalf of Nathan Jerard Dunlap (Silverstein, Mark) (Entered: 01/12/2010)
01/21/2010	<u>43</u>	PAYMENT RECEIVED from Nathan Jerard Dunlap in the amount of \$.97; Receipt Number COX025177; monthly Payment. (erv,) (Entered: 01/22/2010)
01/25/2010	<u>44</u>	FINAL PAYMENT RECEIVED from Nathan Jerard Dunlap in the amount of \$ 255.10; Receipt Number COX025216. (erv,) (Entered: 01/25/2010)
01/26/2010	<u>45</u>	Stipulated MOTION to Dismiss <i>All Claims Brought by Plaintiff Alfaro</i> by Defendants K. (I) Moore, K. Moore, J. (I) Olson, J. Olson, Aristedes (I) Zavaras, Aristedes Zavaras, Susan (I) Jones, Susan Jones, D. (I) Combs, D. Combs, Plaintiff Matthew Fransisco Alfaro. (Alber, Christopher) (Entered: 01/26/2010)
01/26/2010	<u>46</u>	MEMORANDUM regarding <u>45</u> Stipulated MOTION to Dismiss <i>All Claims Brought by Plaintiff Alfaro</i> filed by K. Moore, D. Combs, Aristedes (I) Zavaras, J. (I) Olson, Aristedes Zavaras, D. (I) Combs, J. Olson, Susan (I) Jones, Susan Jones, Matthew Fransisco Alfaro, K. (I) Moore. Motion referred to Magistrate Judge Michael E. Hegarty by Judge Christine M. Arguello on 01/26/10. TEXT ONLY ENTRY – NO DOCUMENT ATTACHED (cmasec) (Entered: 01/26/2010)

01/28/2010	<u>47</u>	REPORT AND RECOMMENDATIONS re <u>45</u> Stipulated MOTION to Dismiss All Claims Brought by Plaintiff Alfaro, filed by K. Moore, D. Combs, Aristedes (I) Zavaras, J. (I) Olson, Aristedes Zavaras, D. (I) Combs, J. Olson, Susan (I) Jones, Susan Jones, Matthew Fransisco Alfaro, K. (I) Moore. This Court recommends that the motion be GRANTED, that all claims brought by Plaintiff Alfaro be dismissed with prejudice, and that each party shall pay his his or its own costs and attorney's fees. By Magistrate Judge Michael E. Hegarty on 1/28/2010. (mehcd) (Entered: 01/28/2010)
01/29/2010	<u>48</u>	Proposed Scheduling Order by Plaintiff Nathan Jerard Dunlap. (Johnson, Gail) (Entered: 01/29/2010)
02/01/2010	<u>49</u>	MINUTE ORDER In light of the Stipulated Motion to Dismiss All Claims by Plaintiff Alfaro, Mr. Alfaro need not participate in the Scheduling Conference currently set for 2/5/(Modified on 2/2/2010 corrected spacing)(erv,). (Entered: 02/01/2010)
02/01/2010	<u>50</u>	CERTIFICATE of Mailing to Case Manager for Plaintiff Alfaro. (mehcd) (Entered: 02/01/2010)
02/05/2010	<u>51</u>	Minute Entry for proceedings held before Magistrate Judge Michael E. Hegarty: Scheduling Conference held on 2/5/2010. Discovery due by 8/5/2010. Dispositive Motions due by 9/6/2010. Settlement Conference set for 6/8/2010 10:00 AM in Courtroom C203 before Magistrate Judge Michael E. Hegarty. Final Pretrial Conference set for 11/18/2010 09:30 AM in Courtroom C203 before Magistrate Judge Michael E. Hegarty. (FTR – Debra Brown) (kmtcd,) (Entered: 02/05/2010)
02/08/2010	<u>52</u>	SCHEDULING ORDER: by Magistrate Judge Michael E. Hegarty on 2/5/2010. (erv,) (Entered: 02/08/2010)
02/19/2010	<u>53</u>	ORDER AFFIRMED AND ADOPTED <u>47</u> Report and Recommendations of United States Magistrate Judge Michael E. Hegarty. Granting <u>45</u> Joint Stipulated Motion to Dismiss All Claims Brought By Plaintiff Alfaro; by Judge Christine M. Arguello on 2/19/2010.(erv,) (Entered: 02/19/2010)
03/08/2010	<u>54</u>	MOTION for Leave to <i>File Third Amended Complaint and To Amend Case Caption</i> by Plaintiff Nathan Jerard Dunlap. (Attachments: # <u>1</u> Proposed Document Third Amended Complaint)(Johnson, Gail) (Entered: 03/08/2010)
03/09/2010	<u>55</u>	MEMORANDUM regarding <u>54</u> MOTION for Leave to <i>File Third Amended Complaint and To Amend Case Caption</i> filed by Nathan Jerard Dunlap. Motions referred to Magistrate Judge Michael E. Hegarty by Judge Christine M. Arguello on 03/09/10. TEXT ONLY ENTRY – NO DOCUMENT ATTACHED (cmasec) (Entered: 03/09/2010)
03/10/2010	<u>56</u>	MINUTE ORDER re: <u>54</u> Plaintiff's Motion for Leave to File Third Amended Complaint and To Amend Case Caption. Defendants shall file a response to the motion on or 3/17/2010. By Magistrate Judge Michael E. Hegarty on 3/10/2010. (mehcd) (Entered: 03/10/2010)
03/10/2010	<u>57</u>	RESPONSE to <u>54</u> MOTION for Leave to <i>File Third Amended Complaint and To Amend Case Caption</i> filed by Defendants K. (I) Moore, K. Moore, J. (I) Olson, J. Olson, Aristedes (I) Zavaras, Aristedes Zavaras, Susan (I) Jones, Susan Jones, D. (I) Combs, D. Combs. (Alber, Christopher) (Entered: 03/10/2010)
03/12/2010	<u>58</u>	MINUTE ORDER granting <u>54</u> Plaintiff's unopposed Motion for Leave to File Third Amended Complaint and to Amend Case Caption. The Clerk of the Court is directed to file the Third Amended Complaint found at docket #54–2 and to amend the case caption accordingly. The remaining Defendant shall file an answer or other response to the Third Amended Complaint in accordance with Fed. R. Civ. P. 15(a). By Magistrate Judge Michael E. Hegarty on 3/12/2010. (mehcd) (Entered: 03/12/2010)
03/12/2010	<u>59</u>	THIRD AMENDED COMPLAINT against Aristedes Zavaras in his Official Capacity, filed by Nathan Jerard Dunlap.(erv,) (Entered: 03/16/2010)
03/26/2010	<u>60</u>	ANSWER to <u>59</u> Amended Complaint by Aristedes Zavaras.(Alber, Christopher) (Entered: 03/26/2010)

04/30/2010	<u>61</u>	Stipulated MOTION to Amend/Correct/Modify <u>52</u> Scheduling Order by Plaintiff Nathan Jerard Dunlap. (Johnson, Gail) (Entered: 04/30/2010)
05/03/2010	<u>62</u>	MEMORANDUM regarding <u>61</u> Stipulated MOTION to Amend/Correct/Modify <u>52</u> Scheduling Order filed by Nathan Jerard Dunlap. Motion referred to Magistrate Judge Michael E. Hegarty by Judge Christine M. Arguello on 05/03/10. TEXT ONLY ENTRY – NO DOCUMENT ATTACHED (cmasec) (Entered: 05/03/2010)
05/03/2010	<u>63</u>	MINUTE ORDER granting <u>61</u> Motion to Amend Scheduling Order; Discovery due by 10/13/2010. Dispositive Motions due by 11/3/2010. Final Pretrial Conference Reset for 1/10/2011 09:45 AM in Courtroom C203 before Magistrate Judge Michael E. Hegarty. Settlement Conference Reset for 8/23/2010 10:00 AM in Courtroom C203 before Magistrate Judge Michael E. Hegarty. by Magistrate Judge Michael E. Hegarty on 5/3/2010.(erv,) (Entered: 05/04/2010)
08/16/2010	<u>64</u>	Stipulated MOTION to Vacate <i>Settlement Conference</i> by Plaintiff Nathan Jerard Dunlap, Defendant Aristedes Zavaras. (Alber, Christopher) (Entered: 08/16/2010)
08/16/2010	<u>65</u>	MEMORANDUM regarding <u>64</u> Stipulated MOTION to Vacate <i>Settlement Conference</i> filed by Nathan Jerard Dunlap, Aristedes Zavaras. Motion referred to Magistrate Judge Michael E. Hegarty by Judge Christine M. Arguello on 08/16/10. TEXT ONLY ENTRY – NO DOCUMENT ATTACHED (cmasec) (Entered: 08/16/2010)
08/17/2010	<u>66</u>	MINUTE ORDER granting <u>64</u> the Stipulated Motion to Vacate Settlement Conference. The Settlement Conference set for 8/23/2010 is vacated. By Magistrate Judge Michael E. Hegarty on 8/17/2010. (mehcd) (Entered: 08/17/2010)
08/30/2010	<u>67</u>	Stipulated MOTION to Amend/Correct/Modify <u>52</u> Scheduling Order, <u>63</u> Order on Motion to Amend/Correct/Modify, by Plaintiff Nathan Jerard Dunlap. (Johnson, Gail) (Entered: 08/30/2010)
08/31/2010	<u>68</u>	MEMORANDUM regarding <u>67</u> Stipulated MOTION to Amend/Correct/Modify <u>52</u> Scheduling Order, <u>63</u> Order on Motion to Amend/Correct/Modify, filed by Nathan Jerard Dunlap.Motion referred to Magistrate Judge Michael E. Hegarty by Judge Christine M. Arguello on 8/31/10. TEXT ONLY ENTRY – NO DOCUMENT ATTACHED(cmacd) (Entered: 08/31/2010)
09/01/2010	<u>69</u>	MINUTE ORDER denying <u>67</u> the Second Stipulated Motion to Amend Scheduling Order, by Magistrate Judge Michael E. Hegarty on 9/1/2010. (mehcd) (Entered: 09/02/2010)
09/21/2010	<u>70</u>	NOTICE of Entry of Appearance by Edward T. Farry, Jr on behalf of Aristedes Zavaras (Farry, Edward) (Entered: 09/21/2010)
10/29/2010	<u>71</u>	Unopposed MOTION for Extension of Time to <i>file Dispositive Motions</i> by Defendant Aristedes Zavaras. (Alber, Christopher) (Entered: 10/29/2010)
10/29/2010	<u>72</u>	MEMORANDUM regarding <u>71</u> Unopposed MOTION for Extension of Time to <i>file Dispositive Motions</i> filed by Aristedes Zavaras. Motion referred to Magistrate Judge Michael E. Hegarty by Judge Christine M. Arguello on 10/29/10. TEXT ONLY ENTRY – NO DOCUMENT ATTACHED (cmasec) (Entered: 10/29/2010)
10/29/2010	<u>73</u>	MINUTE ORDER granting <u>71</u> the Unopposed Motion for Extension of Time of the Dispositive Motions Deadline. Dispositive Motions due by 11/24/2010. Final Pretrial Conference reset for 1/26/2011 09:45 AM in Courtroom C203 before Magistrate Judge Michael E. Hegarty. By Magistrate Judge Michael E. Hegarty on 10/29/2010. (mehcd) (Entered: 11/01/2010)
11/24/2010	<u>74</u>	MOTION for Summary Judgment by Defendant Aristedes Zavaras. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Alber, Christopher) (Entered: 11/24/2010)
11/24/2010	<u>75</u>	MOTION for Summary Judgment by Plaintiff Nathan Jerard Dunlap. (Attachments: # <u>1</u> Affidavit Gail K. Johnson, # <u>2</u> Affidavit Steven J. Martin)(Johnson, Gail) (Entered: 11/24/2010)
11/30/2010	<u>76</u>	MEMORANDUM regarding <u>74</u> MOTION for Summary Judgment filed by Aristedes Zavaras, <u>75</u> MOTION for Summary Judgment filed by Nathan Jerard Dunlap. Motions referred to Magistrate Judge Michael E. Hegarty by Judge

		Christine M. Arguello on 11/30/10. TEXT ONLY ENTRY – NO DOCUMENT ATTACHED (cmasec) (Entered: 11/30/2010)
12/13/2010	<u>77</u>	Joint MOTION for Extension of Time to File Response/Reply as to <u>74</u> MOTION for Summary Judgment, <u>75</u> MOTION for Summary Judgment by Plaintiff Nathan Jerard Dunlap, Defendant Aristedes Zavaras. (Alber, Christopher) (Entered: 12/13/2010)
12/14/2010	<u>78</u>	MEMORANDUM regarding <u>77</u> Joint MOTION for Extension of Time to File Response/Reply as to <u>74</u> MOTION for Summary Judgment, <u>75</u> MOTION for Summary Judgment filed by Nathan Jerard Dunlap, Aristedes Zavaras. Motion referred to Magistrate Judge Michael E. Hegarty by Judge Christine M. Arguello on 12/14/10. TEXT ONLY ENTRY – NO DOCUMENT ATTACHED (cmasec) (Entered: 12/14/2010)
12/14/2010	<u>79</u>	MINUTE ORDER granting <u>77</u> the Joint Motion for Extension of Time to Respond to Motions for Summary Judgment. The Court directs the parties to file responses to the cross motions for summary judgment on or before January 5, 2011. By Magistrate Judge Michael E. Hegarty on 12/14/2010. (mehcd) (Entered: 12/15/2010)
12/31/2010	<u>80</u>	Stipulated MOTION to Amend/Correct/Modify <u>52</u> Scheduling Order by Plaintiff Nathan Jerard Dunlap. (Johnson, Gail) (Entered: 12/31/2010)
01/03/2011	<u>81</u>	MEMORANDUM regarding <u>80</u> Stipulated MOTION to Amend/Correct/Modify <u>52</u> Scheduling Order filed by Nathan Jerard Dunlap. Motion referred to Magistrate Judge Michael E. Hegarty by Judge Christine M. Arguello on 01/03/11. TEXT ONLY ENTRY – NO DOCUMENT ATTACHED (cmasec) (Entered: 01/03/2011)
01/04/2011	<u>82</u>	MINUTE ORDER granting <u>80</u> the Third Stipulated Motino to Amend Scheduling Order. Responses to cross motions for summary judgment due by 2/2/2011. Final Pretrial Conference reset for 3/11/2011 at 9:45 AM in Courtroom A 501 before Magistrate Judge Michael E. Hegarty. By Magistrate Judge Michael E. Hegarty on 1/4/2011. (mehcd) (Entered: 01/05/2011)
02/02/2011	<u>83</u>	RESPONSE to <u>75</u> MOTION for Summary Judgment filed by Defendant Aristedes Zavaras. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F)(Alber, Christopher) (Entered: 02/02/2011)
02/02/2011	<u>84</u>	RESPONSE to <u>74</u> MOTION for Summary Judgment filed by Plaintiff Nathan Jerard Dunlap. (Attachments: # <u>1</u> Exhibit Declaration of Nathan Jerard Dunlap)(Johnson, Gail) (Entered: 02/02/2011)
02/09/2011	<u>85</u>	REASSIGNING JUDGE. This action is reassigned to Judge William J. Martinez, upon his recent appointment to the court. All future pleadings should reference Judge Martinez's initials at the end of the civil action number (such as 08-cv-00001-WJM). Unless otherwise ordered, the dates and times for all previously scheduled matters will be maintained and will now be handled by Judge Martinez in Courtroom A601. His chambers are located in Room A641 of the Alfred A. Arraj U. S. Courthouse. His chambers telephone number is 303-335-2805. TEXT ONLY ENTRY – NO DOCUMENT (gmssl,) (Entered: 02/09/2011)
02/14/2011	<u>86</u>	ORDER. The parties are directed to confer and to file a Joint Status Report, Status Report due 2/23/2011 by Judge William J. Martinez on 02/14/11. (jjh,) (Entered: 02/14/2011)
02/16/2011	<u>87</u>	REPLY to Response to <u>75</u> MOTION for Summary Judgment filed by Plaintiff Nathan Jerard Dunlap. (Johnson, Gail) (Entered: 02/16/2011)
02/23/2011	<u>88</u>	Joint STATUS REPORT by Plaintiff Nathan Jerard Dunlap. (Johnson, Gail) (Entered: 02/23/2011)
02/25/2011	<u>89</u>	NOTICE of Disclosure. Parties wishing to suggest recusal of the Judge may do so within 10 days, by Judge William J. Martinez (gmssl,) (Entered: 02/25/2011)
03/02/2011	<u>90</u>	Joint MOTION to Vacate <i>Final Pretrial Conference</i> by Plaintiff Nathan Jerard Dunlap. (Johnson, Gail) (Entered: 03/02/2011)

03/03/2011	<u>91</u>	MEMORANDUM regarding <u>90</u> Joint MOTION to Vacate <i>Final Pretrial Conference</i> filed by Nathan Jerard Dunlap. Motion referred to Magistrate Judge Michael E. Hegarty by Judge William J. Martinez on 03/03/2011. TEXT ONLY ENTRY – NO DOCUMENT ATTACHED (wjmsec,) (Entered: 03/03/2011)
03/03/2011	<u>92</u>	MINUTE ORDER granting in part and denying in part <u>90</u> the Joint Motion to Vacate Final Pretrial Conference. The Final Pretrial Conference set for 3/11/2011 09:45 AM in Courtroom A 501 before Magistrate Judge Michael E. Hegarty IS CONVERTED TO A STATUS CONFERENCE. By Magistrate Judge Michael E. Hegarty on 3/3/2011. (mehcd) (Entered: 03/04/2011)
03/07/2011	<u>93</u>	RESPONSE to <u>89</u> Notice of Disclosure by Defendant Aristedes Zavaras. (Alber, Christopher) (Entered: 03/07/2011)
03/09/2011	94	ORDER directing Plaintiff Nathan Jerard Dunlap to file a reply to <u>93</u> RESPONSE to <u>89</u> Notice of Disclosure by Defendant Aristedes Zavaras on or before 03/18/2011. By Judge William J. Martinez on 03/09/2011. TEXT ONLY ENTRY – NO DOCUMENT ATTACHED(wjmlc2,) (Entered: 03/09/2011)
03/11/2011	<u>95</u>	COURTROOM MINUTES/MINUTE ORDER for proceedings held before Magistrate Judge Michael E. Hegarty: Telephonic Status Conference held on 3/11/2011. Joint Status Report due by 4/8/2011. (FTR: C. Coomes --- Courtroom A-501) (mehcd) (Entered: 03/11/2011)
03/18/2011	<u>96</u>	REPLY to <u>93</u> Response to Notice of Disclosure by Plaintiff Nathan Jerard Dunlap. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Johnson, Gail) (Entered: 03/18/2011)
04/08/2011	<u>97</u>	Joint STATUS REPORT by Plaintiff Nathan Jerard Dunlap, Defendant Aristedes Zavaras. (Alber, Christopher) (Entered: 04/08/2011)
04/22/2011	<u>98</u>	Joint STATUS REPORT by Plaintiff Nathan Jerard Dunlap, Defendant Aristedes Zavaras. (Alber, Christopher) (Entered: 04/22/2011)
04/25/2011	<u>99</u>	MINUTE ORDER Status Conference set for 4/27/2011 09:45 AM in Courtroom A 501 before Magistrate Judge Michael E. Hegarty. by Magistrate Judge Michael E. Hegarty on 4/25/2011. (erv,) (Entered: 04/25/2011)
04/27/2011	<u>100</u>	COURTROOM MINUTES/MINUTE ORDER for proceedings held before Magistrate Judge Michael E. Hegarty: Telephonic Status Conference held on 4/27/2011. Proposed Final Pretrial Order due by 5/23/2011. Final Pretrial Conference set for 5/25/2011 10:00 AM in Courtroom A 501 before Magistrate Judge Michael E. Hegarty, if the case does not settle. Settlement Conference set for 5/25/2011 10:00 AM in Courtroom A 501 before Magistrate Judge Michael E. Hegarty. (FTR: C. Coomes -- Courtroom A-501) (mehcd) (Entered: 04/27/2011)
05/20/2011	<u>101</u>	NOTICE of Entry of Appearance <i>Rebecca Wallace</i> by Mark Silverstein on behalf of Nathan Jerard Dunlap (Silverstein, Mark) (Entered: 05/20/2011)
05/23/2011	<u>102</u>	Unopposed MOTION to Reset <i>Final Pretrial Conference as a Status Conference</i> by Plaintiff Nathan Jerard Dunlap. (Attachments: # <u>1</u> Proposed Order (PDF Only))(Wallace, Rebecca) (Entered: 05/23/2011)
05/23/2011	103	MEMORANDUM regarding <u>102</u> Unopposed MOTION to Reset <i>Final Pretrial Conference as a Status Conference</i> filed by Nathan Jerard Dunlap. Motion referred to Magistrate Judge Michael E. Hegarty by Judge William J. Martinez on 05/23/2011. TEXT ONLY ENTRY – NO DOCUMENT ATTACHED (wjmsec,) (Entered: 05/23/2011)
05/23/2011	<u>104</u>	MINUTE ORDER granting <u>102</u> Plaintiff's Unopposed Motion to Reset Final Pretrial Conference as a Status Conference. The Final Pretrial Conference set for 5/25/2011 at 10:00 AM in Courtroom A501 before Magistrate Judge Michael E. Hegarty is CONVERTED to a Status Conference. By Magistrate Judge Michael E. Hegarty on 5/23/2011. (mehcd) (Entered: 05/23/2011)
05/25/2011	<u>105</u>	Minute Entry for proceedings held before Magistrate Judge Michael E. Hegarty: Settlement Conference held on 5/25/2011. A proposed settlement was reached as to all claims. The agreement will result in a request for administrative closure of the case. (mehcd) (Entered: 05/26/2011)

05/26/2011	<u>106</u>	MINUTE ORDER denying as moot <u>74</u> Defendant's Motion for Summary Judgment, and denying <u>75</u> Plaintiff's Motion for Summary Judgment, in light of the settlement of this case. By Magistrate Judge Michael E. Hegarty on 5/26/2011. (mehcd) (Entered: 05/26/2011)
08/03/2011	<u>107</u>	Minute Entry for Status Conference held before Magistrate Judge Michael E. Hegarty on 8/3/2011. (FTR: Laura Galera) (lag) (Entered: 08/03/2011)
08/03/2011	<u>108</u>	Joint MOTION to Dismiss <i>to Administratively Close Case</i> by Plaintiff Nathan Jerard Dunlap. (Attachments: # <u>1</u> Proposed Order (PDF Only))(Wallace, Rebecca) (Entered: 08/03/2011)
08/04/2011	<u>109</u>	ORDER granting <u>108</u> the Parties Joint Motion to Administratively Close Case by Judge William J. Martinez on 8/4/2011.(erv,) (Entered: 08/04/2011)
01/28/2013	<u>110</u>	NOTICE of Change of Address/Contact Information by Christopher Wayne Alber (Alber, Christopher) (Entered: 01/28/2013)