

Docket as of August 20, 2003 12:56 pm

Web PACER (v2.4)

U.S. District Court**U.S. District Court of Montana (Butte)****CIVIL DOCKET FOR CASE #: 93-CV-37****Many Horses, et al v. Racicot, et al**

Filed: 04/21/93

Assigned to: Judge Paul G. Hatfield

Referred to: Mag Judge Robert M. Holter

Demand: \$0,000

Nature of Suit: 550

Lead Docket: None

Jurisdiction: Federal Question

Dkt# in other court: None

Cause: 42:1983 Prisoner Civil Rights

KAY MANY HORSES
plaintiff

Kyle A. Gray
[COR LD NTC]
HOLLAND & HART
PO Box 639
Billings, MT 59103-0639
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FTS 252-1669

Penelope S. Strong
[COR LD NTC]
STRONG LAW OFFICE
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Alexa P. Freeman
[COR LD NTC]
ACLU NATIONAL PRISON PROJECT
1875 Connecticut Avenue NW
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Mark J. Lopez
[COR LD NTC]
THE NATIONAL PRISON PROJECT
733 15th Street NW
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Washington, DC 20005
202-393-4930
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LINDA RODRIGUEZ
plaintiff

Kyle A. Gray
(See above)

[COR LD NTC]

Penelope S. Strong
(See above)
[COR LD NTC]

Alexa P. Freeman
(See above)
[COR LD NTC]

Mark J. Lopez
(See above)
[COR LD NTC]

STEPHANIE VORIS
plaintiff

Kyle A. Gray
(See above)
[COR LD NTC]

Penelope S. Strong
(See above)
[COR LD NTC]

Alexa P. Freeman
(See above)
[COR LD NTC]

Mark J. Lopez
(See above)
[COR LD NTC]

GERALDINE KIEFER
plaintiff

Kyle A. Gray
(See above)
[COR LD NTC]

Penelope S. Strong
(See above)
[COR LD NTC]

Alexa P. Freeman
(See above)
[COR LD NTC]

Mark J. Lopez
(See above)
[COR LD NTC]

LORI DOANE
plaintiff

Kyle A. Gray
(See above)
[COR LD NTC]

Penelope S. Strong

(See above)
[COR LD NTC]

Alexa P. Freeman
(See above)
[COR LD NTC]

Mark J. Lopez
(See above)
[COR LD NTC]

LUCY MARIE REDCROW
plaintiff

Kyle A. Gray
(See above)
[COR LD NTC]

Penelope S. Strong
(See above)
[COR LD NTC]

Alexa P. Freeman
(See above)
[COR LD NTC]

Mark J. Lopez
(See above)
[COR LD NTC]

KATHLEEN YVONNE BESSETT
plaintiff

Kyle A. Gray
(See above)
[COR LD NTC]

Penelope S. Strong
(See above)
[COR LD NTC]

Alexa P. Freeman
(See above)
[COR LD NTC]

Mark J. Lopez
(See above)
[COR LD NTC]

JANICE MCCORD
plaintiff

Kyle A. Gray
(See above)
[COR LD NTC]

Penelope S. Strong
(See above)
[COR LD NTC]

Alexa P. Freeman
(See above)
[COR LD NTC]

Mark J. Lopez
(See above)

[COR LD NTC]

BONNIE ROGERS
plaintiff

Kyle A. Gray
(See above)
[COR LD NTC]

Penelope S. Strong
(See above)
[COR LD NTC]

Alexa P. Freeman
(See above)
[COR LD NTC]

Mark J. Lopez
(See above)
[COR LD NTC]

ON THEIR OWN BEHALF AND ON
BEHALF OF ALL OTHER PERSONS
SIMILARLY SITUATED
plaintiff

v.

MARC RACICOT, Governor, sued
in his official capacity
defendant

P. Keith Keller
[COR LD NTC]
KELLER REYNOLDS DRAKE JOHNSON &
GILLESPIE
50 S Last Chance Gulch
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406-442-0230
FTS 449-2256

David L. Ohler
[COR LD NTC]
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Helena, MT 59620-1301
406-444-5682

Kimberly A. Kradolfer
[COR LD NTC]
MONTANA DEPARTMENT OF JUSTICE
PO Box 201440
Helena, MT 59620-1440
406-444-2026
FTS 444-4303

RICK DAY, Director, Department
of Corrections and Human
Services, sue in his official
capacity
defendant

P. Keith Keller
(See above)
[COR LD NTC]

David L. Ohler
(See above)

[COR LD NTC]

Kimberly A. Kradolfer
(See above)
[COR LD NTC]

STEVE MACASKILL, Warden,
Women's Correctional Center at
Warm Springs, sued in his
official capacity
defendant

P. Keith Keller
(See above)
[COR LD NTC]

David L. Ohler
(See above)
[COR LD NTC]

Kimberly A. Kradolfer
(See above)
[COR LD NTC]

LOUISE MCCLLOUD, Correctional
Treatment Supervisor and Chair
of Classification Board, sued
in her official capacities
defendant

P. Keith Keller
(See above)
[COR LD NTC]

David L. Ohler
(See above)
[COR LD NTC]

Kimberly A. Kradolfer
(See above)
[COR LD NTC]

JAMES GAMBLE, Administrator,
Corrections Division, sued in
his official capacity
aka
James "Mickey" Gamble
defendant

P. Keith Keller
(See above)
[COR LD NTC]

David L. Ohler
(See above)

[COR LD NTC]

Kimberly A. Kradolfer
(See above)
[COR LD NTC]

DOCKET PROCEEDINGS

DATE	#	DOCKET	ENTRY
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4/21/93 1 COMPLAINT (6 Summonses issued, origs to cnsl) (dls)
[Entry date 04/23/93]

4/21/93 2 MOTION by Kyle A. Gray for attorneys Alexa Perry Freeman
and Penelope Sue Strong to appear pro hac vice (dls)
[Entry date 04/23/93]

4/21/93 -- PROPOSED Order to appear pro hoc vice. Received check for
fee in amt of \$60.00. (dls) [Entry date 04/23/93]

4/23/93 -- REMARK Mailed file to Clerk, G. F. (dls)

5/3/93 3 ORDER by Judge Paul G. Hatfield granting motion for
attorneys Alexa Perry Freeman and Penelope Sue Strong to
appear pro hac vice [2-1] (cc: all counsel) (mjg)

5/3/93 -- FINANCIAL ENTRY re [3-1]; \$60. fee pd for admission of
Freeman & Strong/receipt #12494 (mjg)

5/11/93 4 RETURN OF SERVICE executed upon defendant Marc Racicot on
5/6/93 (mjg) [Entry date 05/12/93]

5/13/93 5 ACCEPTANCE/ACKNOWLEDGEMENT OF SERVICE by defendant Marc
Racicot, defendant Rick Day, defendant Steven A. MacAskill,
defendant Louise McCloud, defendant James "Mickey" Gamble
on 4/22/93 (mac) [Entry date 05/14/93]

5/13/93 6 MOTION by defendant Marc Racicot, defendant Rick Day,
defendant Steven A. MacAskill, defendant Louise McCloud,
defendant James "Mickey" Gamble to dismiss (mac)
[Entry date 05/14/93]

6/4/93 7 ORDER by Judge Paul G. Hatfield denying motion to dismiss
dft.'s Racicot, Day, Gamble, Macaskill & McCloud granted
(15) days to further plead [6-1] (cc: all counsel) (cad)

6/8/93 8 ATTORNEY APPEARANCE for defendant Marc Racicot, defendant
Rick Day, defendant Steven A. MacAskill, defendant Louise
McCloud, defendant James "Mickey" Gamble by P. Keith
Keller (cad) [Entry date 06/09/93]

6/21/93 9 ANSWER by defendant Marc Racicot, defendant Rick Day,
defendant Steven A. MacAskill, defendant Louise McCloud,
defendant James "Mickey" Gamble to [1-1] (mac)
[Entry date 06/22/93]

6/22/93 -- REMARK - file delivered to court for PPT conference (mac)

6/23/93 10 ORDER by Judge Paul G. Hatfield Case referred to Mag
Judge Robert M. Holter for all pretrial proceedings (cc:
all counsel) (lav)

6/24/93 11 ORDER by Mag Judge Robert M. Holter; case management ddl
7/12/93 for parties to file PPT and pre-discovery disclosure
statements (cc: all counsel) (mac)

7/9/93 12 PRE-DISCOVERY DISCLOSURE STATEMENT of facts by defendant

Marc Racicot, defendant Rick Day, defendant Steven A. MacAskill, defendant Louise McCloud, defendant James "Mickey" Gamble (snyb)

7/9/93 13 PRELIMINARY PRETRIAL STATEMENT of facts by defendant Marc Racicot, defendant Rick Day, defendant Steven A. MacAskill, defendant Louise McCloud, defendant James "Mickey" Gamble (snyb)

7/12/93 14 PRELIMINARY PRETRIAL STATEMENT of facts by defendant Marc Racicot, defendant Rick Day, defendant Steven A. MacAskill, defendant Louise McCloud, defendant James "Mickey" Gamble (mac) [Entry date 07/13/93]

7/12/93 15 PREDISCOVERY DISCLOSURE STATEMENT of facts by defendant Marc Racicot, defendant Rick Day, defendant Steven A. MacAskill, defendant Louise McCloud, defendant James "Mickey" Gamble (mac) [Entry date 07/13/93]

7/14/93 16 ORDER by Mag Judge Robert M. Holter; Pretrial conference at 10:00 a.m., 8/3/93 in GREAT FALLS (cc: all counsel) (mac)

7/22/93 17 MOTION by plaintiff for attorney Stuart H. Adams, Jr. to appear pro hac vice (mac) [Entry date 07/23/93]

7/22/93 -- PROPOSED Order re motion [17] - called counsel for admission fee (mac) [Entry date 07/23/93]

7/26/93 -- FINANCIAL ENTRY re [17-1] - Receipt 012620 for \$30.00 (mac)

8/3/93 18 ORDER by Mag Judge Robert M. Holter granting motion for attorney Stuart H. Adams, Jr. to appear pro hac vice [17-1] (cc: all counsel) (mac)

8/3/93 19 STIPULATION and ORDER by Mag Judge Robert M. Holter: Pretrial order ddl due 9/30/94; discovery complete by 8/2/94 (cc: all counsel) (mac)

8/3/93 -- ENTERED RECORD OF COURT PROCEEDINGS before Judge Robert M. Holter (Joan P. Agamenoni, CR) - PPTC held. (mac)

8/18/93 20 MOTION by defendant Louise McCloud, defendant Steven A. MacAskill, defendant James "Mickey" Gamble, defendant Rick Day, defendant Marc Racicot for appearance of additional counsel for State of Montana defendants (rew)

8/30/93 21 MOTION by plaintiffs with concurrence of defendants to certify class action (mac) [Entry date 08/31/93]

8/30/93 22 MEMORANDUM/BRIEF by plaintiff in support of motion to certify class action [21-1] (mac) [Entry date 08/31/93]

8/31/93 23 ORDER by Mag Judge Robert M. Holter granting motion to certify class action [21-1] (cc: all counsel) (mac)

9/20/93 24 STIPULATION BY ALL re experts tours (mac) [Entry date 09/22/93]

10/27/93 25 MOTION by plaintiff Bonnie Rogers, plaintiff Janice McCord,

plaintiff Kathleen Yvonne Bessett, plaintiff Lucy Marie Redcrow, plaintiff Lori Doane, plaintiff Geraldine Kiefer, plaintiff Stephanie Voris, plaintiff Linda Rodriguez, plaintiff Kay Many Horses, plaintiff All others for attorney Marjorie Rifkin to appear pro hac vice (mac) [Entry date 10/28/93]

10/27/93 -- PROPOSED Order re: motion for attorney Marjorie Rifkin to appear pro hac vice [25-1] - counsel to forward check (mac) [Entry date 10/28/93]

10/29/93 -- FINANCIAL ENTRY- Receipt 12756, Check #04900 in amt of \$30. (mjg)

11/30/93 26 NOTICE by plaintiffs of service of 1st set of interrogatories and requests for production of documents (mac)

1/7/94 27 NOTICE by defendant Louise McCloud, defendant Steven A. MacAskill, defendant James "Mickey" Gamble, defendant Rick Day, defendant Marc Racicot of Service of their Response to Plaintiffs' First Set of Interrogatories and First Request for Production of Documents (dls)

1/26/94 28 NOTICE by defendant Louise McCloud, defendant Steven A. MacAskill, defendant James "Mickey" Gamble, defendant Rick Day, defendant Marc Racicot, of Service of their First Interrogatories and First Request for Prod. of Documents (dls)

3/4/94 29 NOTICE by plaintiffs of service of answer to defendants' 1st set of interrogatories and requests for production of documents (mac)

4/13/94 30 NOTICE by defendant Louise McCloud, defendant Steven A. MacAskill, defendant James "Mickey" Gamble, defendant Rick Day, defendant Marc Racicot of Service of their Second Interrogatories and Request for Production of Documents to Plaintiffs (dls)

4/18/94 31 EXPERT WITNESS list submitted by plaintiffs (mac)

4/21/94 32 ORDER by Mag Judge Robert M. Holter granting motion for attorney Marjorie Rifkin to appear pro hac vice [25-1] (cc: all counsel) (mac)

4/26/94 33 NOTICE by defendant Louise McCloud, defendant Steven A. MacAskill, defendant James "Mickey" Gamble, defendant Rick Day, defendant Marc Racicot, of Service of Supplemental Response to Request for Production #52 (dls)

5/9/94 34 EXPERT WITNESS list submitted by defendant Louise McCloud, defendant Steven A. MacAskill, defendant James "Mickey" Gamble, defendant Rick Day, defendant Marc Racicot (dls)

6/6/94 35 NOTICE by defendant Louise McCloud, defendant Steven A. MacAskill, defendant James "Mickey" Gamble, defendant Rick Day, defendant Marc Racicot, of Service of their Supplemental Response to Requests for Production (dls)

6/7/94 36 DEPOSITION of SALLY JOHNSON taken on the following date(s): APRIL 29, 1994 at 1:05 pm for plaintiff (lav) [Entry date 06/09/94]

6/10/94 37 NOTICE by defendant Louise McCloud, defendant Steven A. MacAskill, defendant James "Mickey" Gamble, defendant Rick Day, defendant Marc Racicot of Service of Defendants' Supplemental Responses to Requests for Production (dls)

6/14/94 38 MOTION by defendant Louise McCloud, defendant Steven A. MacAskill, defendant James "Mickey" Gamble, defendant Rick Day, defendant Marc Racicot to compel discovery (dls)

6/14/94 39 MEMORANDUM/BRIEF by defendant Louise McCloud, defendant Steven A. MacAskill, defendant James "Mickey" Gamble, defendant Rick Day, defendant Marc Racicot in support of motion to compel discovery [38-1] (dls)

6/22/94 40 MOTION by plaintiff to extend to 7/5/94 time to respond to defendants' motion to compel discovery (mac)

6/24/94 -- PROPOSED Stipulation and order to continue portions of pretrial scheduling order submitted by defendant, plaintiff (mac)

6/24/94 41 STATUS REPORT by defendant Louise McCloud, defendant Steven A. MacAskill, defendant James "Mickey" Gamble, defendant Rick Day, defendant Marc Racicot (dls)

6/27/94 42 STIPULATION and ORDER to cont. portions of PT Scheduling order by Mag Judge Robert M. Holter : ; pretrial order ddl set for 11/11/94 (cc: all counsel) (cad)

6/27/94 43 ORDER by Mag Judge Robert M. Holter granting motion to extend to 7/5/94 time to respond to defendants' motion to compel discovery [40-1] (cc: all counsel) (cad)

7/1/94 44 MEMORANDUM/BRIEF by plaintiff in support of RESPONSE to deft motion to compel discovery [38-1] (lav)

7/7/94 45 NOTICE by defendant Louise McCloud, defendant Steven A. MacAskill, defendant James "Mickey" Gamble, defendant Rick Day, defendant Marc Racicot, of Production of Documents in response to plaintiff's Requests (dls)

7/18/94 46 PROOF/NOTICE OF SERVICE by defendant Louise McCloud, defendant Steven A. MacAskill, defendant James "Mickey" Gamble, defendant Rick Day, defendant Marc Racicot of Production of Documents in response to requests for Production during deposition of Janet Cox 4/28/94 (dls)

7/18/94 47 NOTICE by pltf's of taking deposition of Rick Day on 07/28/94 at 8:30am in Helena, Mt; James "Mickey" Gamble on 07/28/94 at 1:30pm in Helena, Mt; Kathy Redfern on 08/01/94 at 9:30am in Deer Lodge, Mt;j08/01/94 at 2pm in Deer Lodge, Mt; Dr.William Stratford on 08/04/94 at 2pm in Msla, Mt. (mjg)

7/22/94 -- MINUTES: that the motion to compel discovery [38-1] is

submitted before Mag Judge Robert M. Holter (mac)

7/27/94 48 MOTION by defendant Louise McCloud, defendant Steven A. MacAskill, defendant James "Mickey" Gamble, defendant Rick Day, defendant Marc Racicot to compel answers to their Second Discovery Requests (dls)

7/27/94 49 MEMORANDUM/BRIEF by defendant Louise McCloud, defendant Steven A. MacAskill, defendant James "Mickey" Gamble, defendant Rick Day, defendant Marc Racicot in support of motion to compel answers to their Second Discovery Requests [48-1] (dls)

8/1/94 50 MOTION by defendant Louise McCloud, defendant Steven A. MacAskill, defendant James "Mickey" Gamble, defendant Rick Day, defendant Marc Racicot to compel responsive answers to their Second Discovery Requests (dls)

8/1/94 51 MEMORANDUM/BRIEF by defendant Louise McCloud, defendant Steven A. MacAskill, defendant James "Mickey" Gamble, defendant Rick Day, defendant Marc Racicot in support of motion to compel responsive answers to their Second Discovery Requests [50-1] (dls)

8/2/94 52 NOTICE by plaintiffs of SUBMISSION OF DISCOVERY TO A PARTY; pltf's served 2nd set of interrogs, rqst for adm, suppl doct rqsts upon defts (lav)

8/4/94 53 Pla.'s MOTION to extend time to respond to dft.'s mt'n. to compel to 08/18/94 (cad)

8/4/94 -- PROPOSED order re #53 to PGH (cad)

8/8/94 54 ORDER by Mag Judge Robert M. Holter granting motion to extend time to respond to dft.'s mt'n. to compel to 08/18/94 [53-1] (cc: all counsel) (rew)

8/18/94 -- PROPOSED Stipulated Discovery Agreement submitted by defendant, plaintiff (mac)

8/18/94 55 NOTICE by defendant Louise McCloud, defendant Steven A. MacAskill, defendant James "Mickey" Gamble, defendant Rick Day, defendant Marc Racicot of production of documents during deposition of Tom Donahue on 8/1/94 (mac) [Entry date 08/19/94]

8/24/94 -- PROPOSED Stipulation by all and Order to Continue Portions of Pre-Trial Scheduling Order (dls)

8/30/94 57 ORDER by Mag Judge Robert M. Holter withdrawing motion to compel answers to their Second Discovery Requests [48-1] granting document proposed stipulating plaintiffs shall provide answers to defendants' 2nd interrogatories and requests for production dated 4/12/94, defendants' counsel may not disclose to defendants identify of class members responding to questionnaires and surveys nor substance of responses except upon a proper motion and order to show cause, defendants are not precluded from further discovery based on or arising out of survey responses including

deposition and interrogatory questioning of individual class members (cc: all counsel) (mac) [Entry date 09/01/94]

8/31/94 56 PROOF/NOTICE OF SERVICE by defendant Louise McCloud, defendant Steven A. MacAskill, defendant James "Mickey" Gamble, defendant Rick Day, defendant Marc Racicot of Marc Racicot's Responses to Second Set of Interrogatories and Defendants' Responses to Requests for Admissions (dls) [Entry date 09/01/94]

9/1/94 58 ORDER by Mag Judge Robert M. Holter ; pretrial order ddl set for 1/13/95; discovery deadline except expert depositions 11/2/94; motions to compel ddl 11/19/94; all other pretrial motions ddl 12/9/94 (cc: all counsel) (mac)

9/6/94 59 PROOF/NOTICE OF SERVICE by defendant Louise McCloud, defendant Steven A. MacAskill, defendant James "Mickey" Gamble, defendant Rick Day, defendant Marc Racicot of Responses to Plaintiffs' Supplementary Document Request (dls)

9/6/94 60 NOTICE by defendant Louise McCloud, defendant Steven A. MacAskill, defendant James "Mickey" Gamble, defendant Rick Day, defendant Marc Racicot of Production of Documents requested during deposition of Sally Johnson (dls)

9/7/94 61 NOTICE by defendant Louise McCloud, defendant Steven A. MacAskill, defendant James "Mickey" Gamble, defendant Rick Day, defendant Marc Racicot of Production of Documents as to Patricia Stansberry and Steve MacAskill (dls)

9/7/94 62 PROOF/NOTICE OF SERVICE by defendant Louise McCloud, defendant Steven A. MacAskill, defendant James "Mickey" Gamble, defendant Rick Day, defendant Marc Racicot of Supplemental Responses to Plaintiffs' Supplementary Document Request (dls)

9/14/94 -- MINUTES: finding the motion to compel responsive answers to their Second Discovery Requests [50-1] moot - NOTE: this motion was a copy of motion [48] and should not have been filed. (mac)

9/16/94 63 NOTICE by defendant Louise McCloud, defendant Steven A. MacAskill, defendant James "Mickey" Gamble, defendant Rick Day, defendant Marc Racicot of Submittal of their Motion to Compel Discovery #38 (already submitted 7/22/94) (dls) [Entry date 09/18/94]

9/20/94 64 PROOF/NOTICE OF SERVICE by defendant Louise McCloud, defendant Steven A. MacAskill, defendant James "Mickey" Gamble, defendant Rick Day, defendant Marc Racicot of Response to Requests for Production during Deposition of Louise McLeod (dls) [Entry date 09/21/94]

11/4/94 65 ORDER by Mag Judge Robert M. Holter setting hearing on motion to compel discovery [38-1] 1:30 11/21/94 (cc: all counsel) (mac)

11/15/94 -- FILE DELIVERED to Mag Judge Robert M. Holter for review - NO PTO SUBMITTED (mac)

11/16/94 -- PROPOSED Mot. to vac. hrg set 11/21/94 w/prop order submitted by defendants Marc Racicot, et al and delvd to Gt. Falls. (snyb)

11/17/94 -- PROPOSED Motion/Order vacating oral argument set for 11/21/94 submitted by defendant (mac)

11/17/94 66 MOTION by defendant Louise McCloud, defendant Steven A. MacAskill, defendant James "Mickey" Gamble, defendant Rick Day, defendant Marc Racicot to vacate oral argument set for 11/21/94 (mac)

11/17/94 66 ORDER by Mag Judge Robert M. Holter granting motion to vacate oral argument set for 11/21/94 [66-1] on motion to compel discovery [38-1] (cc: all counsel) (mac) [Edit date 11/17/94]

11/28/94 -- PROPOSED Stipulation and order to suspend pretrial scheduling order submitted by defendant, plaintiff (mac)

12/1/94 67 MINUTES: case management ddl set for 12/20/94 for submission of proposed order to administratively close file with this court to retain jurisdiction; before Mag Judge Robert M. Holter (mac)

12/16/94 68 STIPULATION BY ALL that case may be closed; the court retaining jurisdiction over the matter (mac) [Entry date 12/19/94]

12/16/94 69 ORDER by Mag Judge Robert M. Holter administratively terminating case, the court retaining jurisdiction over this matter (cc: all counsel) (dls) [Entry date 12/20/94]

12/19/94 -- FILE DELIVERED to Clerk of Court/Butte for closing (mac)

7/5/95 70 Pla.'s MOTION for attorney fees & expenses (cad)

7/5/95 71 Pla.'s MEMORANDUM/BRIEF in support of motion for attorney fees & expenses [70-1] (cad) [Edit date 07/05/95]

7/5/95 -- PROPOSED Order re #70 (cad)

7/5/95 -- FILE DELIVERED (folder #2 only) to Clerk, G.F. by cert mail #P 079 885 832 (dls) [Entry date 07/06/95] [Edit date 07/06/95]

7/11/95 72 MOTION by defendant Louise McCloud, defendant Steven A. MacAskill, defendant James "Mickey" Gamble, defendant Rick Day, defendant Marc Racicot to extend to 8/22/95 time to file brief and affidavits opposing plaintiffs' motion for attorneys' fees [70] (mac)

7/11/95 -- PROPOSED Order granting motion [72] - no objection - file to court (mac)

7/11/95 73 ORDER by Mag Judge Robert M. Holter granting motion to extend to 8/22/95 time to file brief and affidavits

opposing plaintiffs' motion for attorneys' fees [70] [72-1]
(cc: all counsel) (mac)

8/22/95 74 RESPONSE by defendant Louise McCloud, defendant Steven A. MacAskill, defendant James "Mickey" Gamble, defendant Rick Day, defendant Marc Racicot to motion for attorney fees & expenses [70-1] (lav)

8/22/95 75 AFFIDAVIT of KEITH KELLER re [74-1] (lav)

8/22/95 76 AFFIDAVIT of LOIS ADAMS re [74-1] (lav)

8/22/95 77 AFFIDAVIT of DAVID OHLER re [74-1] (lav)

8/22/95 78 (copy w/David Ohler signature) AFFIDAVIT of RICK DAY re [74-1] (lav) [Entry date 08/23/95]

8/22/95 79 (copy w/orig signature of David Ohler) AFFIDAVIT of SALLY JOHNSON re [74-1] (lav) [Entry date 08/23/95]

9/5/95 80 MOTION by plaintiff to extend to 10/10/95 time to file reply to defendants' response to plaintiffs' motion for attorneys' fees and expenses (mac) [Entry date 09/07/95]

9/5/95 -- PROPOSED Order granting motion [80] - motion and order to Judge Holter (mac) [Entry date 09/07/95]

9/7/95 81 ORDER by Mag Judge Robert M. Holter granting motion to extend to 10/10/95 time to file reply to defendants' response to plaintiffs' motion for attorneys' fees and expenses [80-1] regarding [70-1] ; setting date for reply brief ddl set for 10/10/95 for Kay Many Horses, for Linda Rodriguez, for Stephanie Voris, for Geraldine Kiefer, for Lori Doane, for Lucy Marie Redcrow, for Kathleen Yvonne Bessett, for Janice McCord, for Bonnie Rogers (cc: all counsel) (mjg)

10/5/95 82 MOTION by plaintiff to extend time to reply to deflt resp to pltf mtn for attys fees until 10/31/95; no objection from opposing cnsl (lav)

10/5/95 -- PROPOSED lodgedorder re #82 submitted by plaintiff (lav)

10/6/95 83 ORDER by Mag Judge Robert M. Holter granting motion to extend time to reply to deflt resp to pltf mtn for attys fees until 10/31/95; no objection from opposing cnsl [82-1] (cc: all counsel) (rew)

10/18/95 -- MINUTES: vacating reply brief ddl of 10/10/95 (mac)

10/31/95 84 REPLY by plaintiffs Kay Many Horses, et al to response to motion for attorney fees & expenses [70-1] file delivered to: Judge Hatfield (snyb)

10/31/95 85 Factual STATEMENT Response by plaintiffs Kay Many Horses, et al disputing the claim by defts n re: use of new Women's Correctional facility. Pltfs are seeking an evidentiary hearing in this matter. (with attachments) (snyb)

11/3/95 86 MINUTES: that the motion for attorney fees & expenses [70-1] is submitted before Mag Judge Robert M. Holter (mac)

11/8/95 87 ORDER by Mag Judge Robert M. Holter setting motion for attorney fees & expenses [70-1] ddl for 11/22/95 for request for oral argument (cc: all counsel) (mac)

11/14/95 88 AFFIDAVIT of Vivian Brooke (mjb) [Entry date 11/15/95]

11/21/95 89 MOTION by plaintiff for oral agument on pltf mtn for attys fees and expenses dated 6/29/95. (lav)

11/21/95 -- FILE DELIVERED to COURT for review re mtn #89, oral argt rqst (lav)

11/29/95 90 ORDER by Mag Judge Robert M. Holter granting motion for oral agument on pltf mtn for attys fees and expenses dated 6/29/95 [89-1], setting hearing on motion for attorney fees & expenses [70-1] 10:00 12/15/95 (cc: all counsel) (mac) [Edit date 12/05/95]

12/4/95 91 MOTION by plaintiff All others, plaintiff Bonnie Rogers, plaintiff Janice McCord, plaintiff Kathleen Yvonne Bessett, plaintiff Lucy Marie Redcrow, plaintiff Lori Doane, plaintiff Geraldine Kiefer, plaintiff Stephanie Voris, plaintiff Linda Rodriguez, plaintiff Kay Many Horses for attorney Mark J. Lopez to appear pro hac vice (rew) [Entry date 12/05/95]

12/4/95 -- PROPOSED lodged Order for Adm of Mark Lopez pro hac vice-File to RMH (rew) [Entry date 12/05/95] [Edit date 12/05/95]

12/4/95 92 MOTION by defendant Louise McCloud, defendant Steven A. MacAskill, defendant James "Mickey" Gamble, defendant Rick Day, defendant Marc Racicot to reset the time of 12/15/95 for oral argt on attys fees (rew) [Entry date 12/05/95]

12/4/95 93 ORDER by Mag Judge Robert M. Holter granting motion to reset the time of 12/15/95 for oral argt on attys fees [92-1] setting hearing on order [90-1] 2:30 12/18/95 regarding [89-1] regarding [70-1] (cc: all counsel) (rew) [Entry date 12/05/95] [Edit date 12/18/95]

12/5/95 94 ORDER by Mag Judge Robert M. Holter granting motion for attorney Mark J. Lopez to appear pro hac vice [91-1] (cc: all counsel) (cad) [Entry date 12/06/95]

12/12/95 95 MOTION by plaintiff for leave to file supplemental reply brief re plaintiffs' entitlement to attorneys' fees and expenses [70] (mac)

12/12/95 -- PROPOSED Order granting motion [95] (mac)

12/13/95 96 ORDER by Mag Judge Robert M. Holter granting motion for leave to file supplemental reply brief re plaintiffs' entitlement to attorneys' fees and expenses [70] [95-1] (cc: all counsel) (mac) [Entry date 12/14/95]

12/13/95 97 SUPPLEMENTAL reply brief (ATTACHMENT A) by plaintiff re motion for attorney fees & expenses [70-1] (mac) [Entry date 12/14/95]

12/14/95 98 ORDER by Mag Judge Robert M. Holter resetting hearing on motion for attorney fees & expenses [70-1] 10:30 1/3/96 (cc: all counsel) (mac)

1/4/96 99 MINUTES: taking under advisement on 1/4/96 the motion for attorney fees & expenses [70-1] after hearing before Mag Judge Robert M. Holter C/R: Lisa Lewis (mac) [Entry date 01/05/96] [Edit date 01/17/96]

3/20/96 100 ORDER by Mag Judge Robert M. Holter; in-court hearing set for 10:00 4/18/96 in BUTTE for parties to present evidence on fact questions (cc: all counsel; C/C Butte) (mac) [Entry date 03/21/96] [Edit date 04/09/96]

3/29/96 101 MOTION by plaintiff to reset date for hearing on attorneys' fees and expenses now set on 04/18/96 (mac)

4/3/96 102 ORDER by Mag Judge Robert M. Holter granting motion to reset date for hearing on attorneys' fees and expenses now set on 04/18/96 [101-1], setting hearing on motion for attorney fees & expenses [70-1] 10:00 5/8/96 in GREAT FALLS (cc: all counsel) (mac) [Entry date 04/04/96]

4/15/96 103 MOTION by pltfs to continue the hrg on attny fees & expenses set for 5/8/96, to 6/17/96 (no obj) (mjj)

4/15/96 -- PROPOSED order re mtn to cont #103...TO RMH (mjj)

4/16/96 104 ORDER by Mag Judge Robert M. Holter granting motion to continue the hrg on attny fees & expenses set for 5/8/96, 6/17/96 [103-1], setting hearing on motion for attorney fees & expenses [70-1] 10:00 6/17/96 (cc: all counsel) (mac) [Entry date 04/17/96]

5/29/96 105 NOTICE by defendant Marc Racicot of taking deposition of SENATOR THOMAS E. TOWE on 6/10/96 at 11:00 AM (lav)

6/4/96 106 NOTICE by defendant Marc Racicot of taking deposition of SENATOR VIVIAN BROOKE on 6/11/96 at 1:00 pm (lav)

6/6/96 107 NOTICE of taking deposition of Steve Macaskill on 6/6/96 at 8:00AM in Seattle, WA, by pltfs (mjj) [Edit date 06/06/96]

6/6/96 108 NOTICE of taking deposition of Pat Melby on 6/11/96 at 3:30PM in Helena, MT, by pltfs (mjj)

6/12/96 -- RECEIVED proposed findings of fact and conclusions of law re attorneys' fees from plaintiffs (mac) [Entry date 06/14/96]

6/14/96 -- RECEIVED proposed findings of fact and conclusions of law re attorneys' fees from defendant - delivered to court (mac) [Edit date 06/14/96]

- 6/17/96 -- MOTION by plaintiff for attorney Elizabeth Alexander to appear pro hac vice (mac) [Entry date 06/25/96]
- 6/17/96 109 MINUTES: At 10:00 a.m., hearing held with plaintiffs' counsel Penelope Strong and Elizabeth Alexander present; defendants' counsel P. Keith Keller and Jacqueline Lenmark present. Following witnesses sworn and testified on behalf of plaintiffs: Vivian Morgan Brooke, Robert Scott Crichton, Jr., Thomas Towe, Elizabeth Alexander. At 3:55 p.m., PLAINTIFFS REST. Defendants' witness Patrick Edward Melby is sworn and testifies out of order per agreement of counsel. Defendants request court take judicial notice of all affidavits filed or attached to filed briefs on attorneys' fees issue; no objection by plaintiffs except as to "opinions." Rick Day is sworn and examined on behalf of defendants. Following exhibits admitted without objection: 29, 31, 4, 2, 19, 3, 5, 6, 32, 8 through 12, 15, 20 through 27; exhibits admitted over defendants' objections are 7, 16, 28, 18. Plaintiffs' Exhibit 30 offered 3 times and admitted on 3rd offering. Hearing held before Mag Judge Robert M. Holter C/R: Lisa Lewis (mac) [Entry date 07/02/96] [Edit date 07/02/96]
- 6/18/96 110 MINUTES: At 10:00 a.m. with all parties present. Cross-exam of Rick Day. Plaintiffs' counsel moves for reconsideration of court's ruling re use of depositions during this hearing; motion denied. Sally Marie Johnson is sworn and testifies on direct exam by defendants' counsel; Exhibit 33 admitted without objection. At 11:06 a.m., DEFENDANTS REST. Defendants move for filing of complete copies of depositions of Sally Johnson and Mr. MacAskill; granted without objection. Court sets additional briefing schedule as follows: Amendments in 15 days with 5.1 disk; defendants to have 10 days after receipt of amendments to respond with 2 days allowed for mailing; 5 days for rebuttal. Setting motion for attorney fees & expenses [70-1] case management ddl set for 7/22/96 for motion to be under advisement before Mag Judge Robert M. Holter C/R: Lisa Lewis (mac) [Entry date 07/02/96]
- 6/18/96 -- MOTION by plaintiffs for reconsideration of court's ruling re use of depositions during hearing held 06/18/96 (mac) [Entry date 07/02/96]
- 6/18/96 -- MOTION by defendants for order that complete copies of depositions of Sally Johnson and Mr. MacAskill taken in 1996 be filed with the court (mac) [Entry date 07/02/96]
- 6/18/96 -- ORDER by Mag Judge Robert M. Holter in open court granting motion for order that complete copies of depositions of Sally Johnson and Mr. MacAskill taken in 1996 be filed with the court [0-1], denying motion for reconsideration of court's ruling re use of depositions during hearing held 06/18/96 [0-1] (mac) [Entry date 07/02/96]
- 6/18/96 111 EXHIBIT list of exhibits offered and admitted during hearing held on 06/17/96 and 06/18/96 by plaintiffs (mac)

[Entry date 07/02/96]

6/24/96 112 ORDER by Mag Judge Robert M. Holter granting motion for attorney Elizabeth Alexander to appear pro hac vice [0-1] (cc: all counsel) (mk) [Entry date 07/19/96] [Edit date 07/19/96]

7/3/96 -- RECEIVED plaintiffs' proposed findings and conclusions re application for attorneys' fees and costs together with 5.1 disk (mac)

7/3/96 113 POST TRIAL BRIEF FILED by plaintiffs re applicatio for attorneys' fees and costs (mac) [Edit date 07/19/96]

7/5/96 114 DEPOSITION of STEVEN A. MacASKILL taken on the following date(s): June 6, 1996 at Seattle, WA for plaintiff (mac) [Edit date 07/19/96]

7/17/96 -- RECEIVED defendants' final proposed findings of fact and conclusions of law with one copy (mk) [Entry date 07/19/96]

7/19/96 -- MINUTES: taking under advisement on 7/19/96 the motion for attorney fees & expenses [70-1]; case management ddl satisfied on 7/19/96 before Mag Judge Robert M. Holter (mk)

7/26/96 112 REPLY by plaintiff Kay Many Horses, et al, to response to mtn for attorney fees & expenses [70-1] file dlvd to: RMH (lav) [Edit date 07/26/96]

8/13/96 115 ORDER by Mag Judge Robert M. Holter granting motion for attorney fees, costs and expenses [70-1] in the total amount of \$95,355.74 (lodestar amount of \$77,340.60; expenses incurred by NPP of \$15,102.93; expenses incurred by Strong of \$1,034.72; expenses incurred by Crichton of \$287.49; expenses incurred by Gray of \$1,590.00); case management ddl set for 9/16/96 for plaintiffs to file time and expense records pertaining to work done on its motion for attorneys' fees (cc: all counsel) (mk)

8/30/96 116 OBJECTIONS by plaintiff to Magistrate Judge's order re attorneys' fees [115-1], to [115-2] with memorandum of points and authorities in support of objections (mk) [Entry date 09/03/96]

9/12/96 117 RESPONSE by defendant Louise McCloud, defendant Steven A. MacAskill, defendant James Gamble, defendant Rick Day, defendant Marc Racicot to plaintiffs' objections to Magistrate's order re attorneys' fees [116-1] (mk) [Entry date 09/16/96]

9/16/96 -- MINUTES: case management ddl satisfied on 9/16/96 before Mag Judge Robert M. Holter with filing of plaintiffs' objections to court's order re attorneys' fees (time and expense records attached) and defendants' filing of response to objections (mk)

9/16/96 118 MOTION by plaintiff for attorney fees and expenses with itemization of same pursuant to court's order (mk) [Entry date 09/19/96]

9/20/96 119 UNOPPOSED MOTION by pltfs to extend time to file reply to defts' response to pltfs' obj to Magistrate's order re attny fees, 10/4/96 (mjg)

9/20/96 -- PROPOSED order re mtn #119...TO RMH (mjg)

9/27/96 120 MOTION by plaintiff Kay Many Horses for leave to file corrected copy of petition for award of attys fees (lav)

9/27/96 -- PROPOSED lodged "new" petition for atty fees submitted by plaintiff Kay Many Horses; TO RMH (lav)

9/30/96 122 ORDER by Mag Judge Robert M. Holter granting motion to extend time to file reply to defts' response to pltfs' obj to Magistrate's order re attny fees, 10/4/96 [119-1] (cc: all counsel) (mk) [Entry date 10/08/96]

10/1/96 121 RESPONSE by defendant Louise McCloud, defendant Steven A. MacAskill, defendant James Gamble, defendant Rick Day, defendant Marc Racicot to motion for attorney fees and expenses with itemization of same pursuant to court's order [118-1] (mjg) [Entry date 10/03/96]

10/3/96 123 ORDER by Mag Judge Robert M. Holter granting motion for leave to file corrected copy of petition for award of attys fees [120-1] (cc: all counsel) (mk) [Entry date 10/08/96]

10/3/96 124 REPLY by plaintiff Bonnie Rogers, plaintiff Janice McCord, plaintiff Kathleen Yvonne Bessett, plaintiff Lucy Marie Redcrow, plaintiff Lori Doane, plaintiff Geraldine Kiefer, plaintiff Stephanie Voris, plaintiff Linda Rodriguez, plaintiff Kay Many Horses in support of objections [116-1] to Magistrate Judge's report (mk) [Entry date 10/08/96]

10/4/96 125 CORRECTED PETITION by plaintiff re motion for attorney fees and expenses with itemization of same pursuant to court's order [118-1] (mk) [Entry date 10/08/96]

10/16/96 126 REPLY by plaintiffs Kay Many Horses, et al, to response to motion for attorney fees and expenses with itemization of same pursuant to court's order [118-1] file delivered to: RMH (mjg) [Entry date 10/17/96]

12/30/96 127 NOTICE by plaintiffs of DISMISSAL of APPEAL to District Judge; pltfs dismiss their objections of 8/29/96 to Mag. Judge's report dated 8/13/96 (lav)

1/7/97 -- PROPOSED order to adopt findings & award attys fees & costs...TO PGH (mjg)

1/7/97 -- REMARK - telephoned counsel Elizabeth Alexander's office and requested formal stipulation by the parties as to amount of attorney's fees; requested proposed order. Ms. Alexander advised that USCA for the Ninth Circuit has ruled that magistrate judges cannot enter order awarding attorney's fees; she will submit proposed order for signature by Judge Paul G. Hatfield. (mk) [Edit date 01/07/97]

2/12/97 -- PROPOSED Order awarding attorneys' fees (mk)

2/12/97 -- FILE DELIVERED to Judge Paul G. Hatfield for review of motion [128] and proposed order (mk)

2/12/97 128 CONSENT MOTION by plaintiff for order adopting U.S. Magistrate Judge Robert M. Holter's findings of 08/13/96 [115-2] to award plaintiffs total attorneys' fees and expenses in the total sum of \$95,355.74 (mk) [Entry date 02/18/97]

2/18/97 129 ORDER by Judge Paul G. Hatfield granting motion for attorney fees and expenses with itemization of same [118-1] adopting order [115-2] in the total amount of \$95,355.74; case management ddl set for 3/10/97 for completion of briefing (with matter ripe for disposition) for plaintiff to file within 10 days hereof any request for additional fees incurred in prosecuting their motion for attorneys' fees with defendants to have 10 days to file objections thereto (cc: all counsel) (mk) [Edit date 02/18/97]

2/18/97 -- MINUTES: terminating case referral to Mag Judge Robert M. Holter (mk)

2/26/97 -- MAIL Returned [129-1], [129-2] addressed to Kimberly Kradolfer (on left side) (mk)

2/27/97 130 MOTION by plaintiff All others, plaintiff Bonnie Rogers, plaintiff Janice McCord, plaintiff Kathleen Yvonne Bessett, plaintiff Lucy Marie Redcrow, plaintiff Lori Doane, plaintiff Geraldine Kiefer, plaintiff Stephanie Voris, plaintiff Linda Rodriguez, plaintiff Kay Many Horses for attorney fees and expenses (rew) [Entry date 03/03/97]

3/6/97 131 RESPONSE by defendants Marc Racicot et al, to motion for attorney fees and expenses [130-1], to motion for order adopting U.S. Magistrate Judge Robert M. Holter's findings of 08/13/96 [115-2] to award plaintiffs total attorneys' fees and expenses in the total sum of \$95,355.74 [128-1] (mjg) [Entry date 03/10/97]

3/13/97 132 MINUTES: that the pltf's motion for attorney fees and expenses [130-1] is submitted, that the motion for order adopting U.S. Magistrate Judge Robert M. Holter's findings of 08/13/96 [115-2] to award plaintiffs total attorneys' fees and expenses in the total sum of \$95,355.74 [128-1] is submitted before Judge Paul G. Hatfield (rew)

3/18/97 133 REPLY by plaintiff Kay Many Horses to response to motion for attorney fees and expenses [130-1] file delivered to: PGH (lav)

4/25/97 134 ORDER by Judge Paul G. Hatfield: Action is referred to RMH for hrg on pltf's petition for attny fees, costs & expenses incurred in prosecution of pltf's mtn for atty fees in this litigation [130-1],[128-1]; Case referred to Mag Judge Robert M. Holter (cc: all counsel) (mjg)

[Entry date 04/28/97]

4/29/97 135 ORDER by Mag Judge Robert M. Holter setting hearing on motion for attorney fees and expenses [130-1] 10:00 6/12/97 (cc: all counsel) (mjg) [Entry date 04/30/97]

5/8/97 136 RECEIPT & SATISFACTION OF ORDER- pltfs acknowledge receipt from deft of \$95,355.70 for attny fees, costs & expenses paid to Nat'l Prison Project of the American Civil Liberties Union Foundation, satisfying crt's order of 02/14/97 requiring pmt for attny fees, costs & expenses w/exception of any claim for interest (mjg)

5/22/97 137 STIPULATION BY ALL to vacate hearing set for 06/12/97 and submit motion on briefs and affidavits (mk)

5/22/97 138 MOTION by defendant to vacate hearing set for 06/12/97 and submit motion on briefs and affidavits (mk)

5/22/97 139 ORDER by Mag Judge Robert M. Holter granting motion to vacate hearing set for 06/12/97 and submit motion on briefs and affidavits [138-1] taking under advisement on 5/22/97 the motion for attorney fees and expenses [130-1] (cc: all counsel) (mk)

6/4/97 -- FILE DELIVERED to c/c in Great Falls (Vol. #4) RRR # P 741 944 089 (crm)

7/21/97 140 ORDER by Mag Judge Robert M. Holter granting motion for attorney fees and expenses [130-1] and awarding plaintiffs attorneys' fees, costs expenses in the total amount of \$18,807.65, finding the motion for order adopting U.S. Magistrate Judge Robert M. Holter's findings of 08/13/96 [115-2] to award plaintiffs total attorneys' fees and expenses in the total sum of \$95,355.74 [128-1] moot. (cc: all counsel) (mk)

8/1/97 -- FILE DELIVERED to C/C Butte for closed files (mk)

8/8/97 141 CONSENT MOTION for attorney fees in the amount of \$18,807.65 to Pltf (rew)

8/8/97 -- FILE DELIVERED to PGH for Signature on Lodged Order Awarding Attys' Fees (rew)

8/11/97 142 ORDER by Judge Paul G. Hatfield granting pltf's motion for attorney fees in the amount of \$18,807.65 to Pltf [141-1] as set forth in the Mag Judge's report of July 21, 97 (cc: all counsel) (rew) [Entry date 08/12/97]

9/9/97 143 RECEIPT AND SATISFACTION OF JUDGMENT as to plaintiff All others, plaintiff Bonnie Rogers, plaintiff Janice McCord, plaintiff Kathleen Yvonne Bessett, plaintiff Lucy Marie Redcrow, plaintiff Lori Doane, plaintiff Geraldine Kiefer, plaintiff Stephanie Voris, plaintiff Linda Rodriguez. The pla's acknowledge that the Court's order of 8/11/97, requiring such payment for attys' fees, costs and expenses is fully satisfied (crm) [Entry date 09/27/97]

9/19/97 144 STIPULATION and ORDER by Judge Paul G. Hatfield : that the action be and the same is hereby dismissed as fully settled on the merits and is now dismissed with prejudice terminating case (cc: all counsel) (rew)
[Edit date 09/27/97]

Case Flags:
TERMED
REFER
CLASS

END OF DOCKET: 2:93cv37

PACER Service Center			
Transaction Receipt			
09/22/2005 16:47:16			
PACER Login:	hs0328	Client Code:	
Description:	docket report	Search Criteria:	2:93cv00037
Billable Pages:	23	Cost:	1.84
