

District	Off.	Yr.	Docket No. Number	OR	Filing Date				Nature	R	Judge	Mag.	Jury Dem	ARB	MDL Docket	Yr.	Docket Number
					Mo.	Day	Yr.	J	Suit	23							
0978	3	94	00890	1	12	19	94	3	550.		7811		P			94	00890DWH

CAUSE: 42 U.S.C. 1983 - PRISONER CIVIL RIGHTS

PLAINTIFFS

LUCKETT, JOHN R.

DEFENDANTS

CLOSED

- ✓ WAGGENER, ZOETTA;
- ✓ SMITH, TOM;
- ✓ DONAT, BILL;
- ✓ BARRETT, JAY;
- ✓ HUME, ROBERT;
- ✓ MESSICK, BECKY;
- ✓ KAISER, GEORGE;
- ✓ BUTLER, RAY;
- ✓ POTTER, JAMES

APPEAL FLD ^{#40} 7-10-95 (#29)
 CIA# 95-16503 (Luison)

NOT EXEMPT FRCP 16(b)

ATTORNEYS

FOR PLAINTIFF(S):

John R. Lockett
 IN PRO PER
 Inamte #21832
 Ely State Prison
 P.O. Box 1989
 Ely, NV 89301-1989

FOR DEFENDANT(S):

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<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL REPORTS PROCESSED
	DATE	RECEIPT NUMBER	C.D. NUMBER	Filing _____
		Full IFP		Termination _____
				Change _____

UNITED STATES DISTRICT COURT DOCKET

DC 111S (Rev. 7/85)

Lockett v. Waggener



PC-NV 011-000

DATE	NR.	John R. Lockett vs. Zoetta Waggener, et.al.	PROCEEDINGS	CV-N-94-890-DWH
12/19/94	1	X MOTION/IFP. olr		
--	--	<u>JS-5</u> (AT). olr		
2/07/95	2	MINUTE ORDER(DWH): ORD mtn IFP is GRANTED. Clk/crt shl file complt. FUR ORD ths actn is sched for tel hrng for WEDNESDAY, FEBRUARY 15, 1995 at 4:30pm . A crtsy cpy ths ord/complt shl be sent to dep atty gen Anne Cathcart who shl arrng for tel presence of P and official who can addres matters in ths actn. (See ORD for specs.) EOD 2/08/95 (AT) . Cps dist. olr		
"	3	COMPLAINT w/jury demand. olr		
2/17/95	4	MINUTES OF CALENDAR CALL (dtd 2/15/95) (DWH): ORD tht Clk/Crt shl issue summons to D Ray Butler & deliver same w/copy of this order to USM; Clk shl send P copy of complt & USM-285 form; P shl have 20 days in which to provide USM with completed USM-285 service form & copy of complt for said deft. Mr. Swafford agrees to accept service of process obo of all Ds as to Ct 1, except Butler. FUR ORD tht Ct 3 of complt is dism w/o prejudice. FUR ORD tht P shl have 30 days frm this date w/in which to file an A/C as to Ct 3; FUR ORD tht Ds shall have 60 days following the filing of an A/C w/in whcih to file ans or respond to A/C (C/R: Margaret Griener) (EOD/cps dist: 2/23/95) (AT). rd		
2/23/95	--	SUMMONS issued to P as to D Ray Butler. rd		
3/3/95	5	X MOTION to dismiss ct III of complt & for order directing Ds to answer or respond to complt obo P (m)(AT). rd. <i>S, 2 (20)</i>		
--	6	NOTICE to the crt concerning employment of D Ray Butler by Nev. Dept of Prisons obo P (m). rd.		
3/7/95	7	NOTICE to the crt (re A.G. will accept service obo Ray Butler; he is an employee of Nev. Dept of Prisons) obo Ds (m)(AT). rd		
3/29/95	8	OPPOSITION to P's mtn for ord directng Ds to answ cmlnt (#5) obo Ds (m)(AT).csd		
3/30/95	9	X MOTION for issuance of TRO & or issuance of prelim injunctn obo P (m)(AT).csd <i>11/13 (22)</i>		
---	10	X MOTION to dspens w/requirmnt of security of bond obo P (m)(AT).csd <i>(20)</i>		
3/31/95	--	SUBD TO DWH: #9. csd		
4/3/95	11	ORDER (DWH): ORD tele conf sched 4/20/95 @ 8:15 a.m. for hrg on mtn for P/I(#9); FUR ORD P shl hv to 4/10/95 to srv Ds w/all docs on file in this actn w/cpy of this ord; FUR ORD Ds shl hv to 4/14/95 to file/srv oppo to mtn for P/I; FUR ORD P shl hv to 4/19/95 to file/srv final reply brief (cps dist)(AT).rm		
4/5/95	12	REPLY in suppt of mtn for order directing Ds to ans complt (#5) obo P (m)(AT). rd		
4/10/95	--	SUB TO DWH: Items 4, 5. rd		
4/13/95	13	OPPOSITION to P's mtn for TRO & prelim injunctn (#9) obo Ds (m)(AT).csd		
---	14	X REQUEST for appntmnt of cnsl obo P (m)(AT).csd <i>(20)</i>		
---	15	NOTICE to ct re svc of docs obo P (m)(AT).csd		

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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	CV-N-94-890-DWH DOCKET NO. _____
JOHN R. LUCKETT		ZOETTA WAGGENER, ET. AL.	PAGE <u>2</u> OF _____ PAGES
DATE	NR.	PROCEEDINGS	
4/14/95	--	SUBD TO DWH: #11 & #15. csd	
--	--	UPDATED SUB TO DWH TO ADD: Item #14. rd	
4/20/95	16	MINUTES OF PROCEEDINGS - Telephonic Hearing on Ps Motion for TRO or PI (#9) (DWH) - (dtd 4/20/95) - Court instructs Mr. Swafford to make Dr. Potter available for a continued hrng next week. (C/R: Margaret Griener) (cps dist)(AT) rd	
4/24/95	--	SUB to DWH: Item #10. rd	
4/25/95	17	MINUTE ORDER (DWH): ORD tht this action is set on crt calendar 4/27/95 at at 10:00 a.m. for a telephonic hrng. All cnsl have been telephonically notified of this hrng. (cps dist 4/25/95) (AT) rd	
4/27/95	18	MINUTES OF HEARING ON PLAINTIFF'S MTN FOR TRO OR PI (#9) - dtd 4/27/95 (DWH): ORD tht matter stands submitted (C/R: Kathryn French) (cps dist 4/27/95)(AT) rd	
4/28/95	19	NOTICE to the court [re signed affidavit which was attached as exhibit A to Ds oppo (#13)] obo Ds (m)(AT) rd	
--	--	SUB TO DWH: Item #19. rd	
5/1/95	20	SUMMONS/USM/RTN: Srvd as to Ray Butler by srvg Mindy Thede on 4/7/95. (p) blg.	
--	21	REPLY to mtn for TRO & Prelim/Injctn (#9) obo P.(m) (AT) blg.	
5/2/95	--	SUB to DWH: Item #21. (AT) blg.	
5/3/95	22	ORDER (DWH): ORD Ps mtn for PI (#9) is denied (EOD/cps dist 5/5/95) (AT) rd [see order for specs]	
5/15/95	23	X MOTION for reconsidrtn of ord (#22) obo P. (m) (AT) blg. #25 , (23)	
5/22/95	24	X REQUEST for prt'l ruling on mtn to disp cnt III (#5) & for ord directng Ds to answ/respond to cmplt obo P (m)(AT).csd (2)	
5/23/95	--	SUBD TO DWH: #24. csd	
--	25	OPPOSITION to mtn for reconsdrtn of ord (#22) (#23) obo Ds. (m) (AT) blg.	
5/26/95	26	MINUTE ORDER (DWH): ORD P's mtn to disp Ct 3 of cmplt is granted, Ds shl hv 45 days to respond to cmplt; FUR ORD Ps mtn for appt of cnsl (#14) is denied; FUR ORD P's mtn to waive security (#10) & req for ruling (#24) are denied as moot (cps dist)(AT).rm	
6/1/95	27	REPLY to opp to Ps mtn for reconsdtrn (#23) obo P. (m) (AT) blg.	
6/6/95	--	SUB to DWH: Item #23. (AT) blg. see p. 3	

CIVIL DOCKET CONTINUATION SHEET

CV-N-94-890-DWH

PLAINTIFF		DEFENDANT	DOCKET NO. _____
LUCKETT		WAGGENER	PAGE <u>3</u> OF _____ PAGES
DATE	NR.	PROCEEDINGS	
6/22/95	28	ORDER (DWH): ORD tht Ps mtn (#230 for reconsideration is denied. (EOD/cps dist 6/23/95) (AT) rd	
7/10/95	29	NOTICE OF APPEAL frm final jdgmnts re P's mtn for prelim injunctn enterd 5/5/95 (#22) & ord enterd 6/23/95 (#28) obo P (m)(AT).csd	
7/12/95	30	TRANSMITTAL of notic of appeal; dkt fee paymnt notificatn form, DC/CA fees not pd (cps dist)(AT).csd (record not certified - pending transcript orders)	
8/17/95	31	MOTION/ORDER (DWH): ORD tht P may late file notice of designation of transcripts on appeal/mtn for production of appeal transcripts at govt expense (cps dist 8/18/95) rd	
--	32	NOTICE designation of transcripts on appeal (hrngs of 4/20 & 4/27/95) MOTION for production of appeal transcripts at govt expense for P appearing ifp obo P (m)(AT) rd	
8/18/95	--	SUB TO DWH: Item #32. rd	
--	33	RETURN of transmittal letter (#30) frm C/A assigning C/A #95-16503. (AT) rd	
8/25/95	34	NOTICE of appearance obo Ds (Creighton Skau represents Ds for Atty Gen) (m)(AT) rd	
10/13/95	35	MINUTE/ORDER: (DWH) ORD Ds sh comply w/Crt's prior ord (#26) w/in 15 days. Clk sh atch cpy of sd ord (#26 hereto. Cps.Dist.) (AT) blg. *mld-10/17/95.	
--	36	ORDER: (DWH) ORD Ps mtn for prodctn of appeal transcppts @ Gvt exp for P appearing IFP (#32) grntd. Crt Reptr sh forthwih prepare cps of transcppts of oral hrngs of 4/20/95 & 4/27/95 to be set to appeals crt, the Ds & P. Cps.Dist. (AT) blg. *mld-10/18/95.	
10/19/95	--	<u>REPORTER'S TRANSCRIPT</u> tkn on 4/27/95 of hrg on mtn for TRO or prelim injctn. (l-cpy) (C/R: Kathryn M. French) blg.	
10/24/95	37	ANSWER to cmplt obo Ds (m)(AT).csd	
10/27/95	38	SCHEDULING ORDER (DWH): ORD disc c/o 1/25/96; mtns c/o 2/29/96 (cps dist)(AT).csd	
10/30/95	39	ORDER (CC) frm C/A re C/A #95-16503 ORD: appeal dism for failur to comply w/rules requiring processng appeal to hrg (AT).csd	
10/31/95	--	SUBD TO DWH: #39 & ord on mandate. csd	
11/2/95	40	ORDER (DWH): ORD tht the mandate be spread upon the records of this crt. (cps dist 11/3/95) (AT) rd	

see p. 4

PLAINTIFF		DEFENDANT	DOCKET NO. _____
LUCKETT		WAGGENER	PAGE <u>4</u> OF _____ PAGES
DATE	NR.	PROCEEDINGS	
11/08/95	--	<u>REPORTERS/TRANSCRIPTS</u> tkn on 4/20/95 of Telephonic Hrg. (1-cpy) (C/R: Margaret E. Griener). blg.	
11/13/95	41	X MOTION to strk Ds 10th affirmativ defense obo P. (m) (AT) blg. 42 (43)	
11/27/95	42	RESPONSE to Ps mtn to strike Ds 10th affirma defense (#41) (non-oppo) (m)(AT) rd	
12/4/95	--	SUB TO DWH: Item #41. rd	
12/6/95	43	MINUTE ORDER (DWH): ORD tht Ps mtn to strike Ds 10th affirmative defense (#41) is granted & the 10th affirmative defense is hereby stricken frm Ds answer (#37) (See order for fur specs) (cps dist 12/7/95) (AT) rd	
12/11/95	44	X MOTION for protective order obo Ds (m)(AT) rd (46)	
--	45	X MOTION for s/j obo Ds (m)(AT) rd 46, 47 (48)	
--	--	SUB TO DWH: Item #44. rd	
12/13/95	46	ORDER RE GOOD FAITH IMMUNITY (DWH): ORD tht Ds mtn for protective order (#45) is granted. FUR ORD tht P shl have 30 days frm date of this order in which to file mtn for disc or oppo to mtn for s/j based on the good faith immunity doctrine. If a mtn for disc is filed, the oppo to mtn for s/j shl be due w/in 20 days after decision on mtn for disc, unless otherwise ordered (see order for fur specs) (EOD/cps dist 12/14/95) (AT) rd	
12/22/95	47	NOTICE OF FILING signed affidav in supprt of Ds' mtn for S/J (#45) obo Ds (m)(AT). csd	
01/16/96	48	X MOTION for discovery on qualified immunity obo pltf. (m) (AT) mlc 44 (51)	
1/29/96	49	OPPOSITION to mtn for discovery on qualified immunity (#48) obo Ds (m)(AT) rd	
2/8/96	50	REPLY in supprt of P's mtn for disc on qualified immunity (#48) obo P (m)(AT). csd	
---	--	SUBD TO DWH: #48, #49, #50. csd	
06/24/96	51	MINUTE/ORDER: (DWH) ORD Ps mtn for disc on qualfd immunity (#48) grantd to extnt tht Ds sh hv 20 days to arrang P to review med & instutnl files; D sh file notc w/Crt indicatng date wh P compltd review; P sh hv 30 days aftr in wh to file opp to Ds mtn for S/J (#45) (See Ord for specs). CpsDst (AT) lg. *mld-06/25/96. <i>Remailed 7/3/96 tm ext 8 days CAT</i>	
07/15/96	52	NOTICE of complnc w/ Ord #51; P file rev compltd 07/12/96. (m)(AT) lg	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	CV-N-94-890-DWH DOCKET NO. _____ PAGE <u>5</u> OF _____ PAGES
JOHN R. LUCKETT		ZOETTA WAGGENER, et al.	
DATE	NR.	PROCEEDINGS	
07/19/96	53	ORDER: (DWH) ORD P hv 20 days to opp; D hv 15 days aftr to reply. CpsDst (AT) lg. *mld-07/22/96.	
07/24/96	54	NOTICE of noncomplnc w/disc Ord (#51) obo P. (m)(AT) lg	
08/05/96	55	OPPOSITION to mtn for S/J (#45) & CROSS-MOTION for S/J obo P. (m)(AT) lg ^{denied}	
08/07/96	56	NOTICE (Amended) of complnc w/ disc ord #51 obo Ds. (m)(AT) lg	
08/08/96	57	MOTION for ext of tm to file reply to mtn for S/J (#45) & opp to x-mtn for S/J (#55) til 09/29/96 obo Ds. (m)(AT) lg ⁵	
---	--	SUB TO DWH: Item #57. (AT) lg	
08/09/96	58	MINUTE/ORDER: (DWH) ORD mtn for ext of tn (#57) grantd to ext tht Ds sh sv til 09/03/96 to file reply & opp; P sh hv til 09/12/96 to file reply; Clk to sub file on 09/13/96; tele hrg set <u>09/16/96 @ 8:30am</u> . CpsDst (AT) lg. *mld-08/09/96. ^{Vacated}	
09/03/96	59	REPLY to mtn for S/J & (#45) OPPOSITION to X-mtn for S/J (#55) obo Ds. (m)(AT) lg	
09/09/96	60	MINUTE/ORDER: (DWH) ORD tele hrg 09/16/96 continud to 09/19/96 @ 4:30pm. CpsDst (AT) lg. *mld-09/10/96	
09/11/96	61	REPLY to X-mtn for S/J (#55) obo P. (no orig)(m)(AT) lg	
09/12/96	--	SUB TO DWH: Item #45 #55. (AT) lg	
09/16/96	62	MINUTE/ORDER: (DWH) ORD tele hrg set 09/19/96 @ 4:30pm VACATED . CpsDst (AT) lg. *mld-9/16/96	
---	63	NOTICE of flg signd afdvts obo Ds. (m)(AT) lg to #51	
09/17/96	64	SUPPLEMENT to rply to mtn for S/J (#45) & opp to x-mtn for S/J (#55) obo Ds. (m)(AT) lg	
09/18/96	--	SUB TO DWH: Item #64. (AT) lg	
09/20/96	65	MEMORANDUM/DECISION/ORDER: (DWH) ORD Ds mtn for S/J (#45) grantd on all clms except 8th & 14th Amendmnt clms agnst Ds Potter & Kaiser in Count II; Ps x-mtn for S/J (#55) denied . CpsDst (AT) lg. *mld-09/23/96	
09/25/96	66	PRETRIAL/NOTICE/ORDER: (DWH) ORD P/T/O due 11/08/96. CpsDst (AT) lg. *mld-9/25/96	
11/15/96	67	NOTICE to Crt of parties unabl to agre on format of jtr n/170 obo P. (m)(AT) lg ^{Stricken/Returned #48}	
11/18/96	--	SUB TO DWH: Item #66 #67. (AT) lg	
11/19/96	68	MINUTE/ORDER: (DWH) ORD notic to Crt (#67) strickn/retrnd as unsignd. CpsDst (AT) lg. *mld-11/19/96	

See Page 6

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	CV-N-94-00890-DWH
JOHN R. LUCKETT		ZOETTA WAGGENER, et al.	DOCKET NO. _____ PAGE 6 OF _____ PAGES
DATE	NR.	PROCEEDINGS	
11/27/96	69	NOTICE to Crt of parties unabl to agre on format of jnt PTO obo P. (m)(AT) lg	
---	--	SUB TO DWH: Item #66 #69. (AT) lg	
12/13/96	70	JOINT/PRETRIAL/ORDER: (DWH) ORD trl set 03/04/97 @ 8:30am ; Cal Call 02/26/97 @ 8:00am; trl briefs etc. due 02/27/97. CpsDst (AT) lg. *mld-12/16/96 vacated (78)	
12/30/96	71	REQUEST ot allow P lay assistnt drng trl obo P. (m)(AT) lg	
01/09/97	72	OPPOSITION to req for lay assistnt (#71) obo Ds. (m)(AT) lg	
01/21/97	73	REPLY to req for lay asst (#71) obo P. (m)(AT) lg	
01/23/97	--	SUB TO DWH: Item #71. (AT) lg	
2/5/97	74	MOTION to file late pldg (mtn in limine) obo Ds (m)(AT).csd	
---	--	SUBD TO DWH: #74. csd	
2/13/97	75	LETTER (cpy) to AG Skau fm P dtd 2/8/97 re offer of jdgmnt out of line, he does not accept. blg.	
2/20/97	76	ORDER/REGARDING/TRIAL: (DWH): ORD trial of first case (2-week) stacked calendar setting for 3/4/97 @ 8:30 am ; Calendar call st for 2/26/97 @ 8:00 am . CpsDst. (AT) ng EOD 2/20/97. vacated (78)	
--	77	ORDER/REGARDING/JURY/INSTRUCTIONS: (DWH) ORD jury instructions due 5 days prior to rial. CpsDst. (AT) ng EOD 2/20/97. vacated (78)	
*** See docketing after #78***			
2/24/97	78	MINUTE/ORDER: (DWH) ORD trl set for 3/4/97 is hereby <u>vacated</u> ; the ord regard trl (#76) & ord for prep of jry instrucs (#77) are also <u>vacated</u> . CpsDst/EOD 2/24/97ng	
02/21/97	77A	OPPOSITION to mtn in lim (attchd to mtn #74) obo P. (m)(AT) lg	
---	77B	MOTION to vacat trl dt (see Ord #78) obo P. (m)(AT) lg	
---	77C	REPLY to mtn in lim (attchd to mtn #74) obo Ds Potter,Kaiser. (m)(AT) lg	
02/24/97	--	SUB TO DWH: Item #mtn in lim attchd to mtn #74. (AT) lg	
3/25/97	79	STIPULATION/SETTLEMENT/AGREEMENT. blg.	
--	80	STIPULATION/ORDER: (DWH) ORD attchd to this stip for dism w/prej is a release of all clms & recpt by wh P acknowledges recpt of pmt in settlmnt of this matter & fur releases the D fm all liability arising fm allegatns md in civil rights litigatn. Release of all clms & recpt are incorporated herein as though wet out in full. Cps dist. (EOD 3/27/97) (AT) olr	
3/26/97	--	JS-6. (AT) olr	