

CLOSED, CONSOL, JURYDEMAND

**U.S. District Court
WESTERN DISTRICT OF WASHINGTON (Seattle)
CIVIL DOCKET FOR CASE #: 2:93-cv-00637-BJR-DEW**

Duffy v. Yost, et al
Assigned to: Hon. Barbara J. Rothstein
Referred to: Hon. David E Wilson
Demand: \$0
Lead case: [2:92-cv-01596-BJR](#) ([View Member Cases](#))
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 05/04/1993
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff**Sean G Duffy**

represented by **Leonard J Feldman**
HELLER EHRMAN LLP
701 5TH AVE
STE 6100
SEATTLE, WA 98104-7098
206-447-0900
Fax: FAX 447-0375
Email:
leonard.feldman@hellerehrman.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**Craig Yost**
Classification Counselor

represented by **Douglas Wayne Carr**
ATTORNEY GENERAL'S OFFICE
(CRIM JUST-OLY)
CRIMINAL JUSTICE DIVISION
PO BOX 40116
OLYMPIA, WA 98504-0116
360-586-1445
Fax: FAX 1-360-664-8716
Email: dougc@atg.wa.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Penelope S Nerup
ATTORNEY GENERAL'S OFFICE
CRIMINAL JUSTICE DIVISION
PO BOX 40116
OLYMPIA, WA 98504-0116
360-586-1445
Fax: 586-1445

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Thomas J Young
PO BOX 40117
OLYMPIA, WA 98504-0117
360-586-4608
Fax: FAX 1-360-586-6760
Email: TomY@atg.wa.gov
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

William Woodley
Corr. Unit Supervisor

represented by **Douglas Wayne Carr**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Penelope S Nerup
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Thomas J Young
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

David Karton
Corrections Sergeant

represented by **Douglas Wayne Carr**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Penelope S Nerup
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Thomas J Young
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Defendant

Linda Willenberg
Corr. Prog. Manager

represented by **Douglas Wayne Carr**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Penelope S Nerup
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas J Young
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Kenneth DuCharme
Superintendent

represented by **Douglas Wayne Carr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Penelope S Nerup
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas J Young
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

James Spalding
Director

represented by **Douglas Wayne Carr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Penelope S Nerup
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas J Young
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Chase Riveland
Secretary

represented by **Douglas Wayne Carr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Penelope S Nerup
(See above for address)

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas J Young
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Washington State Reformatory
a Public Entity

represented by **Douglas Wayne Carr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Penelope S Nerup
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas J Young
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Corrections Department of the State
of Washington**
a Public Entity

represented by **Douglas Wayne Carr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Penelope S Nerup
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas J Young
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/04/1993		PROPOSED In Forma Pauperis Application; Discrimination Complaint; Affidavit of Service; Certificate of Proof (dktclk) (Entered: 05/10/1993)
05/12/1993	1	ORDER by Magistrate Judge David E. Wilson GRANTING plaintiff's application to proceed IFP (cc: plaintiff, JCC, DEW) ent 5/12/93 (DS) (Entered: 05/12/1993)
05/12/1993	2	Prisoner Civil Rights COMPLAINT (No Summons(es) issued) Receipt #

		IFP (DS) (Entered: 05/12/1993)
05/12/1993	3	CERTIFICATE of Proof (DS) (Entered: 05/12/1993)
05/12/1993	4	AFFIDAVIT OF SERVICE by plaintiff of documents served on Court (DS) (Entered: 05/12/1993)
05/16/1993	5	STATUS MEMORANDUM by Dep Clerk: JPM; File Review Set 7/22/93 (DS) (Entered: 05/17/1993)
05/18/1993	6	ORDER by Judge John C. Coughenour of reference to Magistrate Judge David E. Wilson ent mld (cc: all counsel) (dktclk) (Entered: 05/18/1993)
05/25/1993	7	ORDER by Magistrate Judge David E. Wilson DIRECTING SERVICE AND PROCEDURES: Clerk directed to effect service of S/C, cc of supporting documents, this order, 2cc ntc of acknowledgment and return envelope upon defts and AG. Answer ddl: w/in 45 days of service. Procedures re filing of documents, etc. outlined. (cc: pltf w/ cc General Order, defts, AG, JCC, JPM, DEW) ent 5/26/93 (DS) (Entered: 05/26/1993)
06/17/1993	8	ACCEPTANCE/ACKNOWLEDGEMENT OF SERVICE by defendant Chase Riveland on 6/14/93 (dktclk) (Entered: 06/21/1993)
06/17/1993	9	ACCEPTANCE/ACKNOWLEDGEMENT OF SERVICE by defendant Linda Willenberg on 6/11/93 (dktclk) (Entered: 06/21/1993)
06/17/1993	10	ACCEPTANCE/ACKNOWLEDGEMENT OF SERVICE by defendant James Spalding on 6/14/93 (dktclk) (Entered: 06/21/1993)
06/17/1993	11	NTC OF ATTORNEY APPEARANCE for defendants: Douglas Wayne Carr (dktclk) (Entered: 06/21/1993)
06/17/1993	12	AFFIDAVIT OF SERVICE by defendants of attorney notice [11-1] mailed to pltf (dktclk) (Entered: 06/21/1993)
06/19/1993	13	NOTICE & ACKNOWLEDGEMENT OF RECEIPT of S/C by defendant William Woodley on 6/8/93 (DS) (Entered: 06/21/1993)
06/19/1993	14	NOTICE & ACKNOWLEDGEMENT OF RECEIPT of S/C by defendant David Karton on 6/8/93 (DS) (Entered: 06/21/1993)
06/19/1993	15	NOTICE & ACKNOWLEDGEMENT OF RECEIPT of S/C by defendant Craig Yost on 6/8/93 (DS) (Entered: 06/21/1993)
07/21/1993	16	ANSWER to complaint [2-1] by defendants and JURY DEMAND (DS) (Entered: 07/22/1993)
07/21/1993	17	AFFIDAVIT OF SERVICE by defendant of answer [16-1] served on plaintiff (DS) (Entered: 07/22/1993)
08/03/1993	18	ORDER by Magistrate Judge David E. Wilson REGARDING PRETRIAL PREPARATIONS: Procedures re filing of documents, etc. outlined and the following schedule set: Discovery completion date: 10/4/93; Mtn filing ddl: 11/3/93; Pretrial statements: Pltf's due: 1/3/94,

		Defts' due: 2/2/94. (cc: plaintiff, all counsel, JCC, DEW, JPM) ent 8/4/93 (DS) (Entered: 08/04/1993)
08/05/1993	19	STATUS MEMORANDUM by Dep Clerk: JPM; File Review set 3/17/94 (DS) (Entered: 08/11/1993)
09/22/1993	20	MOTION by plaintiff for preliminary injunction noted for 10/15/93 (JK) (Entered: 09/27/1993)
09/22/1993	21	NOTICE by plaintiff that the following is noted for motion for preliminary injunction. Ntd for 10/15/93 (JK) (Entered: 09/27/1993)
09/22/1993	22	INTRODUCTION OF EXHIBITS re: motion for preliminary injunction [20-1] (JK) (Entered: 09/27/1993)
09/22/1993	23	AFFIDAVIT OF SERVICE by plaintiff of exhibits [22-1], of motion notice [21-1], of motion for preliminary injunction [20-1] served on 9/20/93 (JK) (Entered: 09/27/1993)
10/04/1993	24	MINUTE ORDER: by direction of Magistrate Judge David E. Wilson: Pltf's motion for preliminary injunction was not accompanied by an affidavit indicating it was served on defts. The Clerk shall send cc of motion and supporting documents to defts, however, pltf is advised if in the future, pltf fails to comply with these procedures, the Court will disregard the submitted documents. (cc: all counsel w/ cc of motion, plaintiff, JCC, DEW, JPM) ent 10/4/93 (DS) (Entered: 10/04/1993)
10/14/1993	25	RESPONSE by defendant to motion for preliminary injunction [20-1] (DS) (Entered: 10/18/1993)
10/14/1993	26	AFFIDAVIT OF SERVICE BY MAILING by defendant of motion response [25-1] served on plaintiff (DS) (Entered: 10/18/1993)
10/25/1993	27	MINUTE ORDER: by direction of Judge John C. Coughenour: Pltf's motion for preliminary injunction [20-1] is DENIED (cc: all counsel, pltf, JCC, DEW, JPM) ent 10/25/93 (DS) (Entered: 10/25/1993)
11/04/1993	28	MOTION by defendant for summary judgment noted for 12/3/93 (dktclk) (Entered: 11/08/1993)
11/04/1993	29	MEMORANDUM by defendant in support of motion for summary judgment [28-1]. Exhibits attached (dktclk) (Entered: 11/08/1993)
11/04/1993	30	AFFIDAVIT OF SERVICE of motion for summary judgment [28-1] etc served on Sean G Duffy on 11/3/93 (dktclk) (Entered: 11/08/1993)
11/23/1993	31	RESPONSE by plaintiff to the memorandum in support of defendants' motion for summary judgment [28-1] (DS) (Entered: 11/29/1993)
11/24/1993	32	AFFIDAVIT OF SERVICE BY MAILING by plaintiff of motion response [31-1] served on defendants (DS) (Entered: 11/29/1993)
11/24/1993	33	RESPONSE by plaintiff Sean G Duffy - to memo in support of motion for summary judgment [28-1] (dktclk) (Entered: 12/02/1993)

12/04/1993	34	MOTION by plaintiff for preliminary injunction noted for 12/31/93 (DS) (Entered: 12/07/1993)
12/04/1993	35	NOTICE by plaintiff that the following is noted for 12/31/93 motion for preliminary injunction (DS) (Entered: 12/07/1993)
12/04/1993	36	AFFIDAVIT OF SERVICE BY MAILING by plaintiff of motion for preliminary injunction [34-1] served on defendants (DS) (Entered: 12/07/1993)
12/23/1993	37	RESPONSE by defendants to motion for preliminary injunction [34-1] (DS) (Entered: 12/27/1993)
12/23/1993	38	AFFIDAVIT OF SERVICE BY MAILING by defendants of motion response [37-1] served on plaintiff (DS) (Entered: 12/27/1993)
12/29/1993	39	PRETRIAL STATEMENT by plaintiff (DS) (Entered: 01/03/1994)
12/29/1993	40	AFFIDAVIT OF SERVICE BY MAILING by plaintiff of pretrial statement [39-1] served on defendants (DS) (Entered: 01/03/1994)
02/22/1994	41	Report and Recommendation recommending: Pltf's motion for preliminary injunction [34-1] be DENIED. Defts' motion for summary judgment [28-1] be GRANTED. Pltf's complaint should be DISMISSED w/ prejudice. by Magistrate Judge David E. Wilson noted for 3/18/94 (cc: all counsel) (DS) (Entered: 02/23/1994)
02/22/1994		LODGED ORDER: re: Report and Recommendation recommending: Pltf's motion for preliminary injunction [34-1] be DENIED. Defts' motion for summary judgment [28-1] be GRANTED. Pltf's complaint should be DISMISSED w/ prejudice. [41-1] (DS) (Entered: 02/23/1994)
03/10/1994	42	Objections to Report and Recommendation (submitted as Motion in opposition to Magistrate Judge's R & R) by plaintiff noted for 3/25/94 (DS) (Entered: 03/11/1994)
03/10/1994	43	AFFIDAVIT OF SERVICE BY MAILING by plaintiff of Objections to Report and Recommendation (submitted as Motion in opposition to Magistrate Judge's R & R) [42-1] (DS) (Entered: 03/11/1994)
03/21/1994	44	STATUS MEMORANDUM by Dep Clerk: JPM; File Review set 3/17/94 (DS) (Entered: 03/22/1994)
04/19/1994	45	ORDER by Judge John C. Coughenour ADOPTOMG Magistrate Judge David E. Wilson's Report and Recommendation: Pltf's motion for preliminary injunction [34-1] is DENIED. Defts' motion for summary judgment [28-1] is GRANTED. Pltf's complaint is DISMISSED w/ prejudice. [41-1] (cc: all counsel, JCC, DEW, JPM) ent 4/19/94 (DS) (Entered: 04/19/1994)
04/19/1994	46	JUDGMENT ON DECISION BY THE COURT: Defts' mtn for summary jgmt is GRANTED. Pltf's complaint is DISMISSED w/ prejudice. (cc: all counsel, JCC, DEW, JPM, Jgm bk) ent 4/19/94 (DS) (Entered: 04/19/1994)

04/22/1994		Bill of costs; taxation due by 5/5/94 (assigned to Clerk Bruce Rifkin) by defendants noted for 5/5/94 (DS) (Entered: 04/25/1994)
04/22/1994	47	MEMORANDUM by defendants in support of bill of costs [0-1] (DS) (Entered: 04/25/1994)
04/22/1994	48	AFFIDAVIT OF SERVICE by Mailing by defendants of bill of costs motion [0-1] (DS) (Entered: 04/25/1994)
04/30/1994	49	NOTICE OF APPEAL by plaintiff Sean G Duffy from Dist. Court decision [46-1] (cc: CCA, JCC, all counsel) (dktclk) (Entered: 05/04/1994)
04/30/1994		NO APPEAL FEE RECEIVED: 5/12/93 order grants IFP status (dktclk) (Entered: 05/04/1994)
04/30/1994	50	AFFIDAVIT OF SERVICE BY MAILING of appeal [49-1] (dktclk) (Entered: 05/04/1994)
05/04/1994		APPEAL NOTIFICATION packet sent to CCA (cc: cnsl) (dktclk) (Entered: 05/04/1994)
05/04/1994		CERTIFICATE OF RECORD Transmitted to USCA (cc: all counsel) (dktclk) (Entered: 05/04/1994)
05/13/1994		NOTIFICATION by Circuit Court of Appellate Docket Number 94-35444 (dktclk) (Entered: 05/17/1994)
05/13/1994	51	TIME SCHEDULE ORDER (CCA) 94-35444: Open.br. and excerpts due 6/20/94; resp.br. due 7/20/94; optional reply br. due within 14 days of svc. of resp.br. (dktclk) (Entered: 05/17/1994)
05/25/1994	52	COSTS taxed for defendants in the amount of \$ 36.00 against plaintiff (cc: all counsel, JCC, Jgm bk) ent 5/25/94 (DS) (Entered: 05/25/1994)
11/08/1996	53	MANDATE #94-35444 from Circuit Court of Appeals AFFIRMING IN PART, REVERSING IN PART AND REMANDING THE DECISION of the District Court [Appeal [49-1] Original w/ opinion filed in C92-1586R (cc: JCC, JM, all counsel) (NS) (Entered: 11/08/1996)
11/18/1996	54	ORDER (CCA) #94-35444: The mandate issued in this matter is hereby RECALLED as having issued prematurely (cc: JCC, cnsl) [original certified order filed/docketed in C92-1596R] (NS) (Entered: 11/19/1996)
01/18/1997	55	MANDATE (94-35444) from Circuit Court of Appeals. ON CONSIDERATION WHEREOF, it is now here ordered and adjudged by this Court, that the judgment of the said District Court in this cause be, and hereby is AFFIRMED IN PART, REVERSED IN PART AND REMANDED. (cc: all counsel) Opinion attached. (Copy docketed in C92-1596BJR) (dktclk) (Entered: 01/21/1997)
02/11/1997	56	ATTORNEY APPEARANCE for plaintiff Sean G Duffy by Leonard J Feldman (dktclk) (Entered: 02/13/1997)
02/11/1997	57	AFFIDAVIT OF SERVICE by plaintiff Sean G Duffy of attorney [56-1]

		(dktclk) (Entered: 02/13/1997)
02/11/1997	58	LETTER by plaintiff Sean G Duffy re mandate (dktclk) (Entered: 02/19/1997)
02/21/1997	59	MINUTES: JCC; Dep Clerk: J. Mahnke: This action is transferred to the Hon. Barbara Jacobs Rothstein as related to C92-1596R. All pleadings filed in the future shall bear case number C93-637(C)R. Case reassigned to Judge Barbara J. Rothstein (cc: all counsel, JCC,BJR,ET,Intake) (dktclk) (Entered: 02/21/1997)
02/27/1997	60	NOTICE OF WITHDRAWAL AND SUBSTITUTION OF COUNSEL. Daniel J. Judge withdraws and Penelope S. Nerup and Thomas J. Young substitute in for defendants. (dktclk) (Entered: 02/28/1997)
02/27/1997	61	AFFIDAVIT OF SERVICE by counsel for defendants of attorney substitution [60-1] (dktclk) (Entered: 02/28/1997)
03/12/1997	62	ORDER by Judge Barbara J. Rothstein Case referred to Magistrate Judge David E. Wilson for review (cc: BJR, DEW, counsel) (dktclk) (Entered: 03/13/1997)
03/18/1997	63	ORDER by Judge Barbara J. Rothstein: Court CONSOLIDATES C93-637R with C92-1596R. All future pleadings shall be filed under C92-1596R. All further proceedings REFERRED to U.S. Magistrate Judge Sweigert. Case C93-637R statistically closed. (Original order in C92-1596.)(cc: BJR, PKS, counsel) (dktclk) (Entered: 03/20/1997)
05/24/1997	65	AFFIDAVIT OF SERVICE by defendants of motion response [64-1] (dktclk) (Entered: 05/28/1997)

PACER Service Center			
Transaction Receipt			
11/01/2005 15:26:22			
PACER Login:	hs0328	Client Code:	+++++
Description:	Docket Report	Search Criteria:	2:93-cv-00637-BJR-DEW
Billable Pages:	5	Cost:	0.40