

CLOSED, JURYDEMAND, STAYED

**U.S. District Court
WESTERN DISTRICT OF WASHINGTON (Seattle)
CIVIL DOCKET FOR CASE #: 2:91-cv-01128-RSL**

Turay v. Weston, et al
Assigned to: Hon Robert S. Lasnik
Demand: \$0
Lead case: [2:91-cv-00664-RSM](#) ([View Member Cases](#))
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 08/12/1991
Jury Demand: Defendant
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff**Richard Garrett Turay**

represented by **Richard Garrett Turay**
SCC
SPECIAL COMMITMENT CENTER
35 SETTLER STREET- McNEIL
ISLAND
STEILACOOM, WA 98388
PRO SE

Karen F Jones
RIDDELL & WILLIAMS
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

David B Weston
*Individually and in his official capacity
as Superintendent of Special
Commitment Center, SCC*

represented by **Gregory P. Canova**
ATTORNEY GENERAL'S OFFICE
CRIMINAL JUSTICE DIVISION
900 FOURTH AVE
SUITE 2000, TB-14
SEATTLE, WA 98164-1012
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LEAD ATTORNEY
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Terrance James Ryan
ATTORNEY GENERAL'S OFFICE

(EDU-OLY)
 EDUCATION
 PO BOX 40100
 OLYMPIA, WA 98504-0100
 360-586-0727
 Email: TerryR1@atg.wa.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Joan Kirchhoff
*Individually and in her official capacity
 as Forensic Therapist-2, at Special
 Commitment Center SCC*

represented by **Gregory P. Canova**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Terrance James Ryan
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

William Dehmer

Defendant

Norman W Nelson

Defendant

John Anderson-Taylor

Defendant

Steve Wahl

Defendant

Andre Simon

V.

Interested Party

Ronald L Petersen

represented by **Ronald L Petersen**
 MICC
 MCNEIL ISLAND CORRECTIONS
 CENTER
 PO BOX 88600
 STEILACOOM, WA 98388-0647
 PRO SE

Date Filed	#	Docket Text

08/12/1991		LODGED ORDER: application to proceed IFP and proposed complaint (MD) (Entered: 08/15/1991)
08/16/1991		PROPOSED motion for appointment of counsel and proposed order (MD) (Entered: 08/19/1991)
08/20/1991	1	ORDER by Judge William L. Dwyer granting motion to proceed IFP (C to Counsel) (MD) (Entered: 08/20/1991)
08/20/1991	2	COMPLAINT (Summons(es) not issued) Receipt # ifp (MD) (Entered: 08/20/1991)
08/20/1991	3	ORDER by Judge William L. Dwyer Case referred to Magistrate Judge John L. Weinberg (cc: all counsel, WLD, JLW) (MD) (Entered: 08/20/1991)
08/20/1991	4	MOTION by plaintiff for appointment of counsel noted for 9/6/91 (MD) (Entered: 08/21/1991)
08/20/1991		LODGED ORDER: granting motion for appointment of counsel (MD) (Entered: 08/21/1991)
09/12/1991	5	ORDER by JLW, denying motion for appointment of counsel [4-1] (cc: all counsel, JLW) (MD) (Entered: 09/16/1991)
09/12/1991	6	LETTER to pltf from JLW re: motion that is attached to motion for appointment of counsel as motion to show cause can not be considered until after defts have been served with s/c and then pltf can refile them and note motion on proper date. (MD) (Entered: 09/16/1991)
09/12/1991	7	ORDER by JLW re: directing service of process and procedures (cc: all counsel) (MD) (Entered: 09/16/1991)
09/16/1991		ENT- issued s/c upon defts by certified mail (MD) (Entered: 09/16/1991)
09/19/1991	8	RECEIPT received (green card) from AG as to s/c on 9/18/91 (MD) (Entered: 09/20/1991)
09/20/1991	9	RECEIPT returned (green card) as to deft Joan Kirchhoff re: service of s/c on 9/19/91 (MD) (Entered: 09/23/1991)
09/24/1991	10	RECEIPT returned (green card) as to service of s/c upon deft David Weston on 9/20/91 (MD) (Entered: 09/26/1991)
09/27/1991	11	ACCEPTANCE/ACKNOWLEDGEMENT OF SERVICE on 9/26/91 of s/c upon AG Office (MD) (Entered: 10/01/1991)
09/30/1991	12	ATTORNEY APPEARANCE for defendant David B Weston, defendant Joan Kirchhoff; Gregory Canova & Terrance J. Ryan-attorneys (MD) (Entered: 10/01/1991)
10/03/1991	13	CERTIFICATE of service re: Joint notice of appearance and certificate of service (MD) (Entered: 10/04/1991)
10/04/1991	14	ACCEPTANCE/ACKNOWLEDGEMENT OF SERVICE by defendant David B Weston on 10/2/91 (MD) (Entered: 10/07/1991)

10/16/1991	15	MOTION by plaintiff Richard Garrett Turay for appointment of counsel noted for 11/8/91 (MD) (Entered: 10/16/1991)
10/16/1991	16	AFFIDAVIT of Richard Garrett Turay regarding motion for appointment of counsel [15-1] (MD) (Entered: 10/16/1991)
10/16/1991	17	AFFIDAVIT of service regarding motion for appointment of counsel [15-1] (MD) (Entered: 10/16/1991)
10/18/1991	18	EXHIBITS to be attached to pltf's motion for appointment of counsel (MD) (Entered: 10/21/1991)
11/05/1991		ENT- remailed s/c to def't Joan Kirschhoff (MD) (Entered: 11/05/1991)
11/07/1991	19	RECEIPT returned (green card) as to s/c upon Joan Kirschhoff on 11/6/91 (MD) (Entered: 11/08/1991)
11/08/1991	20	ANSWER to complaint [2-1] by defendant David B Weston, defendant Joan Kirchhoff; jury demand (MD) (Entered: 11/12/1991)
11/08/1991	21	CERTIFICATE of service re: answer (MD) (Entered: 11/12/1991)
11/18/1991	22	ORDER by JLW; discovery ddl set for 1/18/92 ; mtn filing ddl set for 2/18/92, pretrial statements pltf's due by 3/18/92 and def'ts due 4/17/92 (cc: all counsel, JLW) (MD) (Entered: 11/18/1991)
11/18/1991	23	ORDER by JLW, denying reconsideration of motion for appointment of counsel [15-1] (cc: all counsel, JLW, WLD) (MD) (Entered: 11/18/1991)
11/20/1991	24	ACCEPTANCE/ACKNOWLEDGEMENT OF SERVICE by defendant Joan Kirchhoff on 11/6/91 (MD) (Entered: 11/22/1991)
11/22/1991	25	CERTIFICATE of service re: def'ts first interrogatories and requests for production of documents (MD) (Entered: 11/25/1991)
12/06/1991	26	MOTION by plaintiff for reconsideration for appointment of counsel noted for 12/27/91 (MD) (Entered: 12/09/1991)
12/06/1991	27	AFFIDAVIT of Richard G. Turay in support of motion for reconsideration for appointment of counsel [26-1] (MD) (Entered: 12/09/1991)
12/06/1991	30	AFFIDAVIT of service regarding motion for reconsideration for appointment of counsel [26-1] (MD) (Entered: 01/09/1992)
12/10/1991	28	NOTICE by defendant of taking depo of Richard G. Turay on 1/17/92 at 10:30 a.m. (MD) (Entered: 12/11/1991)
12/10/1991	29	CERTIFICATE of service re: notice of deposition (MD) (Entered: 12/11/1991)
01/08/1992	31	ORDER by JLW, granting motion for reconsideration for appointment of counsel [26-1] (cc: all counsel) (MD) (Entered: 01/09/1992)
01/08/1992	32	ORDER by JLW re: appointing counsel from Pro Bono Panel - Karen F. Jones (cc: all counsel, WLD, JLW, Karen Jones) (MD) (Entered: 01/09/1992)

		01/09/1992)
01/08/1992	33	ORDER by JLW; discovery ddl con't to 5/7/92 ; mtn filing ddl con't to 5/7/92; Service of pltf's statement due 6/22/92; Service of defts pretrial statement due 7/2/92; Conference of counsel due 7/13/92; PTO due 7/23/92; final PTC and Trial date to be set at later time (cc: all counsel, WLD, JLW, Jones) (MD) (Entered: 01/09/1992)
04/16/1992		LODGED ORDER: stipulation and order extending discovery cutoff (MD) (Entered: 04/17/1992)
04/21/1992	34	STIPULATION and ORDER by JLW : discovery ddl extended to 6/5/92, all other deadlines in this case shall remain unaffected (cc: all counsel, JLW) (MD) (Entered: 04/22/1992)
05/06/1992	35	MOTION by defendant David B Weston, defendant Joan Kirchhoff for summary judgment noted for 5/29/92 (dktclk) (Entered: 05/07/1992)
05/06/1992	36	MEMORANDUM by defendant in support of motion for summary judgment [35-1] (dktclk) (Entered: 05/07/1992)
05/06/1992	37	AFFIDAVIT of Terrance J. Ryan in support of motion for summary judgment [35-1] (dktclk) (Entered: 05/07/1992)
05/06/1992	38	AFFIDAVIT of William Dehmer in support of motion for summary judgment [35-1] (dktclk) (Entered: 05/07/1992)
05/06/1992	39	CERTIFICATE of service re motion for sj (dktclk) (Entered: 05/07/1992)
05/22/1992	40	NOTICE by defendant of taking depo of Richard G. Turay on 5/27/92 at 2:00 p.m. (MD) (Entered: 05/26/1992)
05/22/1992	41	CERTIFICATE of service re: notice of depositions (MD) (Entered: 05/26/1992)
05/22/1992		LODGED ORDER: stipulation and order con't hearing date for defts motion for sj (MD) (Entered: 05/26/1992)
05/23/1992	43	CERTIFICATE of service re: defts response to first interrogatories and first requests for production of documents (MD) (Entered: 05/27/1992)
05/26/1992	42	STIPULATION and ORDER by Judge William L. Dwyer : noted for 6/5/92 motion for summary judgment [35-1] (cc: all counsel) (MD) (Entered: 05/26/1992)
06/01/1992	44	MEMORANDUM by plaintiff in opposition to defts motion for summary judgment [35-1] (MD) (Entered: 06/02/1992)
06/01/1992	45	DECLARATION of Richard Turay in opposition to motion for sj [44-1] (MD) (Entered: 06/02/1992)
06/01/1992	46	AFFIDAVIT of Dr. Fred Wise [44-1] (MD) (Entered: 06/02/1992)
06/01/1992	47	AFFIDAVIT of Karen F. Jones in opposition to motion for sj [44-1] (MD) (Entered: 06/02/1992)

06/10/1992	48	STIPULATION and ORDER by Judge William L. Dwyer : noted for 6/12/92 motion for summary judgment [35-1] (cc: all counsel) (MD) (Entered: 06/11/1992)
06/11/1992	49	MEMORANDUM (supplemental) by defendant David B Weston, defendant Joan Kirchhoff in support of motion for summary judgment [35-1] (MD) (Entered: 06/12/1992)
06/11/1992	50	AFFIDAVIT (supplemental) of Terrance J. Ryan in susport of motion for sj [49-1] (MD) (Entered: 06/12/1992)
06/11/1992	51	CERTIFICATE of service re: defts supplemental memorandum in support of motion for sj, etal (MD) (Entered: 06/12/1992)
06/18/1992	52	MINUTE ORDER: by Judge William L. Dwyer, The scheduling order of 1/8/92 is stricken as to deadlines for pretrial statements, conference, and orders. The scheduling will be reset, if appropriate, following disposition of defts motion for sj (cc: all counsel) (MD) (Entered: 06/18/1992)
06/26/1992	53	Report and Recommendation regarding motion for summary judgment [35-1] by Magistrate Judge John L. Weinberg (cc: all counsel) (MD) (Entered: 06/29/1992)
06/26/1992		LODGED ORDER: granting report & recommendation regarding motion for summary judgment [35-1] (MD) (Entered: 06/29/1992)
07/13/1992	54	Objections to Report and Recommendation by plaintiff report & recommendation motion regarding motion for summary judgment [35-1] [53-1] noted for 7/31/92 (MD) (Entered: 07/14/1992)
07/13/1992	55	AFFIDAVIT of Karen F. Jones regarding objection motion to Report and Recommendation [54-1] (MD) (Entered: 07/14/1992)
09/17/1992	56	ORDER by Judge William L. Dwyer that deft's motion for sj is granted in part and denied in part as follows: sj is granted as to the issue of access to the courts, and denied as to visitation policies and violation of mail policies. The issues of the treatment program and recreational facilities are not before the court. [54-1] Case referred to Magistrate Judge John L. Weinberg (cc: all counsel) (MD) (Entered: 09/17/1992)
10/13/1992	57	ORDER by Judge William L. Dwyer last date for adding new parties is N/A; discovery ddl set for 11/6/92 ; mtn filing ddl set for 11/19/92 ; motions in limine to be filed by 12/31/92; pretrial order ddl set for 1/21/93 ; pretrial conf set for 9:30 1/25/93 ; trial brief ddl set for 2/4/93 ; Voir dire/jy inst set for 2/4/93 ; jury trial set for 2/9/93 (cc: all counsel) (MD) (Entered: 10/14/1992)
11/19/1992	58	MOTION by defendant David B Weston for leave to amend complaint noted for 12/4/92 (JK) (Entered: 11/23/1992)
11/19/1992	59	MEMORANDUM by plaintiff in support of motion for leave to amend complaint [58-1] (JK) (Entered: 11/23/1992)
11/19/1992		LODGED ORDER: re: motion for leave to amend complaint (JK)

		(Entered: 11/23/1992)
11/19/1992	60	AFFIDAVIT of Karen F. Jones regarding motion for leave to amend complaint [58-1] (JK) (Entered: 11/23/1992)
11/27/1992	61	MEMORANDUM by defendant in opposition to pltfs motion for leave to amend complaint [58-1] (MD) (Entered: 11/30/1992)
11/27/1992	62	AFFIDAVIT of Terrance J. Ryan in response to motion for leave to amend complaint [61-1] (MD) (Entered: 11/30/1992)
11/27/1992	63	CERTIFICATE of service re: memorandum in oppositoin to pltfs motion for leave to amend complaint (MD) (Entered: 11/30/1992)
12/03/1992	64	REPLY by plaintiff TO RESPONSE to motion for leave to amend complaint [58-1] (JK) (Entered: 12/04/1992)
12/03/1992	65	AFFIDAVIT of Karen F. Jones in support of motion for leave to amend complaint [58-1] (JK) (Entered: 12/04/1992)
12/16/1992	66	ORDER by JLW, granting motion for leave to amend complaint [58-1] ; discovery ddl cont to 3/15/93 ; mtn filing ddl cont to 3/25/93 ; motions in limine to be filed by 5/6/93; pretrial order ddl cont to 5/20/93 ; pretrial cont to 5/24/93 ; trial brief ddl cont to 6/10/93 ; Voir dire/jy inst cont to 6/10/93 ; jury trial cont to 6/15/93 (cc: all counsel, JLW, WLD) (MD) (Entered: 12/16/1992)
12/16/1992	67	AMENDED COMPLAINT(first) [2-1] by plaintiff Richard Garrett Turay; adding William Dehmer, Norman W Nelson, John Anderson-Taylor, Steve Wahl, Andre Simon (MD) (Entered: 12/16/1992)
12/23/1992	68	LETTER from cnsl for plaintiff Richard Garrett Turay, re Court Order of 12/16/92 & submitting completed Summons & Ntc of Acknowledgment forms for defts Dehmer, Nelson, Anderson-Taylor, Wahl & Simon. (s/c mailed to defts 12/30/92) (PM) (Entered: 12/31/1992)
01/06/1993	69	ACCEPTANCE/ACKNOWLEDGEMENT OF SERVICE by defendant John Anderson-Taylor on 1/4/93 (MD) (Entered: 01/07/1993)
01/08/1993	70	ACCEPTANCE/ACKNOWLEDGEMENT OF SERVICE by defendant William Dehmer, defendant Steve Wahl on 1/6/93 (MD) (Entered: 01/11/1993)
01/12/1993	71	ACCEPTANCE/ACKNOWLEDGEMENT OF SERVICE by defendant Norman W Nelson on 1/8/93 (MD) (Entered: 01/12/1993)
01/13/1993	72	ACCEPTANCE/ACKNOWLEDGEMENT OF SERVICE by defendant Andre Simon on 1/1/93 (MD) (Entered: 01/14/1993)
01/23/1993	73	MOTION by defendants to stay proceedings noted for 2/12/93 (MD) (Entered: 01/25/1993)
01/23/1993	74	MEMORANDUM by defendant in support of motion to stay proceedings [73-1] (MD) (Entered: 01/25/1993)

01/23/1993		LODGED ORDER: granting motion to stay proceedings (MD) (Entered: 01/25/1993)
01/23/1993	75	CERTIFICATE of service re: motion to stay, et al (MD) (Entered: 01/25/1993)
02/08/1993	80	MEMORANDUM by plaintiff in opposition to motion to stay proceedings [73-1] (MD) (Entered: 02/18/1993)
02/10/1993	76	AFFIDAVIT OF SERVICE of motion to stay served on 2/9/93 (MD) (Entered: 02/11/1993)
02/11/1993	77	RESPONSE by defendant to pltfs memorandum in opposition to defts motion to stay proceedings [73-1] (MD) (Entered: 02/12/1993)
02/11/1993	78	AFFIDAVIT (supplemental) of Terrance J. Ryan regarding motion response [77-1] (MD) (Entered: 02/12/1993)
02/11/1993	79	AFFIDAVIT OF SERVICE by defendant of response to pltfs memorandum in opposition to defts motion to stay, et al on 2/11/93 (MD) (Entered: 02/12/1993)
03/05/1993	81	AFFIDAVIT OF SERVICE of subpoenas duces tecum served on 3/2/93 (MD) (Entered: 03/08/1993)
03/11/1993	82	Report and Recommendation regarding motion to stay proceedings [73-1] by Magistrate Judge John L. Weinberg noted for 4/2/93, objs due 4/1/93. (cc: all counsel) (MD) (Entered: 03/12/1993)
03/11/1993		LODGED ORDER: granting report & recommendation motion regarding motion to stay proceedings [73-1] (MD) (Entered: 03/12/1993)
03/26/1993	83	Objections to Report and Recommendation by plaintiff regarding motion to stay proceedings [73-1] [82-1] noted for 4/16/93 (MD) (Entered: 03/29/1993)
04/10/1993	84	MEMORANDUM by defendant in support of Report and Recommendation [83-1] (MD) (Entered: 04/12/1993)
04/23/1993	85	ORDER by Judge William L. Dwyer Court adopts the Report and Recommendation [83-1], Defts motion to stay proceedings is granted. Within 30 days after resolution or withdrawal of pltfs state court personal restraint petition, either party may move to lift the stay in this action. Upon failure to do so the case can be dismissed. (cc: all counsel, JLW, WLD) (MD) (Entered: 04/26/1993)
04/27/1993	86	ORDER by Judge William L. Dwyer , removing case from active caseload and requiring joint status report ; joint status report ddl set for 7/2/93 and every sixth months thereafter. This order is entered for administrative purposes. The court retains full jurisdiction over this action and this order shall not prejudice the rights of any party. (cc: all counsel) (MD) (Entered: 04/28/1993)
08/05/1993	87	MOTION by plaintiff for order to lift stay noted for 8/13/93 (MD) (Entered: 08/06/1993)

08/05/1993	88	DECLARATION of Karen F. Jones re motion for order to lift stay [87-1] (MD) (Entered: 08/06/1993)
08/05/1993		LODGED ORDER: re: motion for order to lift stay [87-1] (MD) (Entered: 08/06/1993)
08/06/1993	89	ORDER by Judge William L. Dwyer GRANTING motion for order to lift stay [87-1]. This matter has been referred to Mag Judge JLW for further proceedings. (cc: all counsel) (MD) (Entered: 08/06/1993)
08/26/1993	90	MINUTE ORDER: by Magistrate Judge John L. Weinberg Status Conference set for 9:00 am on 9/2/93 before JLW (cc: all counsel, JLW) (MD) (Entered: 08/26/1993)
09/02/1993	92	MINUTES: JLW; Dep Clerk: Janna Status conference held on 9/2/93. Case to be consolidated w/C91-664WD by WLD. Cnsl advise the court that they will be willing to participate in 39.1 mediation. Cnsl will be ready for trial by 12/93. pretrial order ddl set for 12/2/93 ; trial brief ddl set for 11/15/93 (MD) (Entered: 09/10/1993)
09/07/1993	91	ORDER by Judge William L. Dwyer of consolidation w/C91-664WD. All pleadings to be filed in C91-664WD (cc: all counsel) (MD) (Entered: 09/07/1993)
07/19/1995	94	LETTER by Interested Party Ronald L Petersen with attachments (dktclk) (Entered: 07/20/1995)
07/19/1995	95	AFFIDAVIT OF SERVICE by Interested Party Ronald L Petersen of letter [94-1] (dktclk) (Entered: 07/20/1995)
05/24/1996	96	STIPULATED PROTOCOL for SCC Ombudsman (RS) (Entered: 05/29/1996)
12/06/2000		ORDER (CCA 99-36245)The court received appellants' response to 8/4/00 order to show cause. Appellants' 8/17/00 response is referred to the panel to decide the merits of these appeals. The stay of proceedings issued on 8/4/00 is lifted. These appeals are ready for calendaring. (cc: CCA, Judge, counsel) (JK) (Entered: 12/07/2000)
01/23/2001	97	MANDATE(99-352-2) from Circuit Court of Appeals AFFIRMING the decision of the District Court [1068-1] in 2:91-cv-00664 opinion attached (cc: all counsel) (JK) (Entered: 01/24/2001)
02/01/2001	98	TRANSCRIPT of proceedings for the following date(s): 12/5/00,12/6/00 & 12/7/00 (Re: Vol's I,II,III [1273-1] in 2:91-cv-00664, [725-1] in 2:91-cv-00664, [693-1] in 2:91-cv-00664) CR initials: T. Hendrix (JK) (Entered: 02/09/2001)
02/03/2001	99	MAIL RETURNED:Sam Elwonger re: order appeal [1457-1] in 2:91-cv-00664 addressed to Interested Attorney in 2:91-cv-00664 (JK) (Entered: 02/13/2001)
02/03/2001		MAIL RETURNED:Tamara Meuteer re: order appeal [1457-1] addressed to Interested Attorney in 2:91-cv-00664 (JK) (Entered: 02/13/2001)

09/13/2001		NOTICE OF APPEAL by defendant(s) in 2:91-cv-00664 from Dist. Court decision [1528-1] (cc: CCA, WLD, JLW, counsel) (SA) (Entered: 09/14/2001)
09/13/2001		APPEAL FEE RECEIVED: Appellant(s) paid fee in the amount of \$105.00 (Receipt #403895) (SA) (Entered: 09/14/2001)
09/14/2001		APPEAL NOTIFICATION packet sent to CCA (cc: cnsl) (SA) (Entered: 09/14/2001)
07/03/2003	100	Mail Returned as Undeliverable re [1791] Mandate of USCA addressed to Sam Elwonger Associated Cases: 2:91-cv-00664-BJR,2:91-cv-01128-WLD(SA,) (Entered: 07/09/2003)
08/15/2003	102	REPORT/SCC'S MONTHLY ACCOUNTING FOR JULY 2003 Associated Cases: 2:91-cv-00664-RSL,2:91-cv-01128-RSL(MD,) (Entered: 08/20/2003)
08/19/2003	101	ORDER REASSIGNING CASE This matter is hereby reassigned to U.S. District Judge Robert S. Lasnik for all future proceedings.Associated Cases: 2:91-cv-00664-BJR,2:91-cv-01128-WLD(Elizabeth Tyree) (Entered: 08/19/2003)

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