

APPEAL, CLOSED

Eastern District of Washington
U.S. District Court (Spokane)
CIVIL DOCKET FOR CASE #: 2:96-cv-03102-LRS

McFarlane v. Walters, et al
Assigned to: Judge Lonny R. Suko
Demand: \$7,000
Case in other court: 97-36081
Cause: 28:1983 Civil Rights

Date Filed: 06/12/1996
Date Terminated: 10/20/1997
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff**Donald D McFarlane**represented by **Donald D McFarlane**
PRO SE

Donald D McFarlane
AHCC
#981260
P O Box 1839
Airway Heights, WA 99001-1839
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**Kay Walters**
*Superintendent, AHCC*represented by **Colleen B Evans**
Attorney General of Washington - OLY

Olympia Division
P O Box 40100
Olympia, WA 98504-0100
360-753-6200
TERMINATED: 05/14/1998
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Eric Andrew Mentzer
Attorney General of Washington - OLY

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P O Box 40100
Olympia, WA 98504-0100
360-753-6200
Email: EricM@atg.wa.gov
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Nancy Joan Krier
Attorney General of Washington - OLY

Olympia Division
P O Box 40100
Olympia, WA 98504-0100
360-753-6200
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

- Buss
Sergeant, Mailroom Supervisor, AHCC

represented by **Colleen B Evans**
(See above for address)
TERMINATED: 05/14/1998
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Eric Andrew Mentzer
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Nancy Joan Krier
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

- Ervin
*Correctional Officer, Mailroom
Employee, AHCC*

represented by **Colleen B Evans**
(See above for address)
TERMINATED: 05/14/1998
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Eric Andrew Mentzer
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Nancy Joan Krier
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Paul Whitten
Mailroom Employee, AHCC

represented by **Colleen B Evans**
(See above for address)
TERMINATED: 05/14/1998

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Eric Andrew Mentzer
(See above for address)
LEAD ATTORNEY
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Nancy Joan Krier
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Chase Riveland
Secretary, Department of Corrections

represented by **Colleen B Evans**
(See above for address)
TERMINATED: 05/14/1998
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Eric Andrew Mentzer
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Nancy Joan Krier
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/12/1996		COMPLAINT Fee-status: ifp Receipt #: ifp (FmrEmp) (Entered: 06/12/1996)
08/02/1996	1	ORDER TO SHOW CAUSE: by Magistrate Judge Lonny R. Suko (plaintiff must show cause in writing by 8/23/96, why case should not be dismissed pursuant to rule 11) (cc: all counsel) (FmrEmp) (Entered: 08/05/1996)
08/14/1996	2	AFFIDAVIT OF DONALD D MacFARLANE IN Response by plaintiff Donald D McFarlane to order to show cause hearing [1-1] (FmrEmp) (Entered: 08/14/1996)
08/14/1996	3	Proof of service by plaintiff Donald D McFarlane of: Docs #2-3 (FmrEmp) (Entered: 08/14/1996)
08/14/1996		Proposed Amended Complaint submitted by plaintiff Donald D McFarlane (FmrEmp) (Entered: 08/14/1996)
09/03/1996	4	ORDER DIRECTING PAYMENT OF INITIAL PARTIAL FILING FEE

		by Magistrate Judge Lonny R. Suko Filing fee ddl set 10/3/96 (in the amount of \$6.55 pursuant to 28 USC 1915)(cc: all counsel) (FmrEmp) (Entered: 09/03/1996)
10/17/1996	5	NOTICE by plaintiff Donald D McFarlane of change of address (FmrEmp) (Entered: 10/17/1996)
11/27/1996	6	AMENDED COMPLAINT re:complaint [0-1] (FmrEmp) (Entered: 11/27/1996)
11/27/1996	7	ORDER TO PROCEED IN FORMA PAUPERIS AND ORDER DIRECTING SERVICE by Magistrate Judge Lonny R. Suko (Clerk to file cmp w/o pmyt of filing fee; Clerk to mail #1 #2 to pltf AG; USM to serve dfts); response due 1/11/97 (FmrEmp) (Entered: 11/27/1996)
11/27/1996	8	ORDER OF REFERENCE TO FEDERAL JUDICIAL MEDIATOR by Magistrate Judge Lonny R. Suko Case referred to FJM Frank H Johnsn , Case mgmt ddl set for report from FJM - F H Johonson 1/27/97 , Telephone status conf set per o of ref to FJM before MJLRS 9:00 1/27/97 Yakima, WA , Case stayed for 60 days (cc: all counsel) (FmrEmp) (Entered: 12/03/1996)
12/09/1996	9	ATTORNEY APPEARANCE for defendants; Atty Colleen B Evans appearing (FmrEmp) (Entered: 12/09/1996)
01/02/1997	10	WAIVER of SERVICE by defendant Chase Riveland ; (FmrEmp) (Entered: 01/02/1997)
01/10/1997	11	WAIVER of SERVICE by defendant Kay Walters, defendant - Buss, defendant - Ervin, defendant Paul Whitten, defendant Chase Riveland ; (FmrEmp) (Entered: 01/13/1997)
01/14/1997	12	Initial Disclosure by plaintiff, defendant pur. to FRCP 26 (FmrEmp) (Entered: 01/15/1997)
01/21/1997	13	Status Conference Certificate filed by plaintiff, defendants (FmrEmp) (Entered: 01/21/1997)
01/23/1997	14	ANSWER by defendants (FmrEmp) (Entered: 01/24/1997)
01/23/1997	15	Proof of service by defendants' of: Answer and this proof of service (FmrEmp) (Entered: 01/24/1997)
02/03/1997		MINUTES: before Magistrate Judge Lonny R. Suko TELEPHONIC STATUS CONFERENCE HELD Hrg Location: YAK/LRS; (FmrEmp) (Entered: 02/04/1997)
02/04/1997	16	Scheduling Order by Magistrate Judge Lonny R. Suko (Discovery to be complete 5/23/97; Disp mtn ddl: 6/20/97; parties shall exchg wit and exh lists ddl: 7/18/97; pretrial conference 9:30 8/4/97 Yakima, WA; proposed PTO due 7/31/97; Trial mem by 8/25/97; Bench trial 9:30 8/25/97 Yakima, WA) (cc:all counsel) (FmrEmp) (Entered: 02/05/1997)
02/05/1997	17	Proof of service by plaintiff Donald D McFarlane of: Interrogatories for defendants, request for admissions and this prf of svc (FmrEmp)

		(Entered: 02/05/1997)
02/21/1997	18	Proof of service by plaintiff Donald D McFarlane of: first set of interrogatories, admissions and this proof of mailing (FmrEmp) (Entered: 02/21/1997)
04/11/1997	19	Notice by plaintiff Donald D McFarlane of taking depositions (PP) (Entered: 04/11/1997)
06/20/1997	20	MOTION by defendant Kay Walters, defendant - Buss, defendant - Ervin, defendant Paul Whitten, defendant Chase Riveland for summary judgment (FmrEmp) (Entered: 06/20/1997)
06/20/1997	21	Notice by defendant Kay Walters, defendant - Buss, defendant - Ervin, defendant Paul Whitten, defendant Chase Riveland of hearing setting motion for summary judgment [20-1] (w/o oral argument 8/11/97) (FmrEmp) (Entered: 06/20/1997)
06/20/1997	22	Memorandum by defendant Kay Walters, defendant - Buss, defendant - Ervin, defendant Paul Whitten, defendant Chase Riveland in support of motion for summary judgment [20-1] (FmrEmp) (Entered: 06/20/1997)
06/20/1997	23	Statement of facts by defendant Kay Walters, defendant - Buss, defendant - Ervin, defendant Paul Whitten, defendant Chase Riveland in support of motion for summary judgment [20-1] (FmrEmp) (Entered: 06/20/1997)
06/20/1997	24	Proof of service by defendant Kay Walters, defendant - Buss, defendant - Ervin, defendant Paul Whitten, defendant Chase Riveland of: documents 20-23 (FmrEmp) (Entered: 06/20/1997)
07/07/1997	25	Affidavit of Deborah Ervin regarding motion for summary judgment (FmrEmp) (Entered: 07/07/1997)
07/14/1997	26	MOTION by plaintiff Donald D McFarlane to strike pretrial conference , and to expedite ruling (FmrEmp) (Entered: 07/14/1997)
07/14/1997	27	Notice by plaintiff Donald D McFarlane of hearing setting motion to strike pretrial conference [26-1] (w/o oral argument 8/11/97), setting motion to expedite ruling (w/o oral argument 8/11/97) (FmrEmp) (Entered: 07/14/1997)
07/14/1997	28	Declaration by plaintiff Donald D McFarlane re motion to strike pretrial conference [26-1], re motion to expedite ruling [26-2] (FmrEmp) (Entered: 07/14/1997)
07/14/1997	29	Proof of service by plaintiff Donald D McFarlane of: Docs # 26-29 (FmrEmp) (Entered: 07/14/1997)
07/22/1997	30	Exhibit list of Exhibits attached to Statement of Material Facts by plaintiff Donald D McFarlane (FmrEmp) (Entered: 07/22/1997)
07/22/1997	31	Memorandum by plaintiff Donald D McFarlane in opposition to motion for summary judgment [20-1] (FmrEmp) (Entered: 07/22/1997)

07/22/1997	32	Statement of facts by plaintiff Donald D McFarlane in opposition to motion for summary judgment [20-1] (FmrEmp) (Entered: 07/22/1997)
07/22/1997	33	Proof of service by plaintiff Donald D McFarlane of: documents 30-32 (FmrEmp) (Entered: 07/22/1997)
07/23/1997	34	ORDER by Magistrate Judge Lonny R. Suko granting motion to strike pretrial conference [26-1] granting motion to expedite ruling [26-2] (cc: all counsel) (FmrEmp) (Entered: 07/23/1997)
07/31/1997	35	Reply Memorandum by defendant Kay Walters, defendant - Buss, defendant - Ervin, defendant Paul Whitten, defendant Chase Riveland to Memorandum in Opposition to motion for summary judgment [20-1] (FmrEmp) (Entered: 08/05/1997)
07/31/1997	36	Declaration of Colleen B. Evans by defendant Kay Walters, defendant - Buss, defendant - Ervin, defendant Paul Whitten, defendant Chase Riveland re motion reply [35-1] (FmrEmp) (Entered: 08/05/1997)
07/31/1997	37	Supplemental Statement of facts by defendant Kay Walters, defendant - Buss, defendant - Ervin, defendant Paul Whitten, defendant Chase Riveland in support of motion for summary judgment [20-1] (FmrEmp) (Entered: 08/05/1997)
07/31/1997	38	Proof of service by defendant Kay Walters, defendant - Buss, defendant - Ervin, defendant Paul Whitten, defendant Chase Riveland of: documents 35-37 (FmrEmp) (Entered: 08/05/1997)
07/31/1997		End file # 1 Docs # 1-38 (FmrEmp) (Entered: 11/18/1997)
08/11/1997	39	Reply Memorandum in Opposition by plaintiff Donald D McFarlane re motion reply [35-1] (FmrEmp) (Entered: 08/11/1997)
08/11/1997	40	Supplemental Statement of facts by plaintiff Donald D McFarlane in opposition of motion for summary judgment [20-1] (FmrEmp) (Entered: 08/11/1997)
08/11/1997	41	Proof of service by plaintiff Donald D McFarlane of: Docs # 39-41 (FmrEmp) (Entered: 08/11/1997)
09/10/1997	42	ADDITIONAL AUTHORITY by plaintiff Donald D McFarlane re statement [40-1] (FmrEmp) (Entered: 09/10/1997)
09/22/1997	43	Report and Recommendation by Magistrate Judge Lonny R. Suko (referred the motion for summary judgment [20-1]; Obj ddl 10/6/97; R&R review to Judge Robert H. Whaley) (cc: all counsel, JRHW) (FmrEmp) (Entered: 09/24/1997)
10/20/1997	44	ORDER ADOPTING REPORT AND RECOMMENDATION by Judge Robert H. Whaley (adopting in its entirety report & recommendation motion Report and Recommendation [43-1],denying deft Riveland's motion for dismissal for lact of participation and granting deft Ervin's motion for summary judgment [20-1]; GRANTING pla's motion for sum jgm re: violations of 1st amendment rights and 14th, DEFT's motion for

		sum jgm re the same is DENIED; defts permanetly enjoined from prohibiting delivery of inmate's paid-for subs; pla is awarded actual damages in addition to costs ddl to be set by Ct; complaint is dismissed [6-1]without prejudice; terminating case COB: Y27-69 (cc: all counsel) (FmrEmp) (Entered: 10/21/1997)
11/17/1997	45	Affidavit of Donald McFarlane in support of damages and Costs regarding order (FmrEmp) (Entered: 11/17/1997)
11/19/1997	46	MOTION by plaintiff Donald D McFarlane to publish order adopting report and recommendation granting pla's motion (FmrEmp) (Entered: 11/19/1997)
11/19/1997	47	Notice by plaintiff Donald D McFarlane of hearing setting motion to publish order adopting report and recommendation granting pla's motion [46-1] (w/o oral argument 12/22/97) (FmrEmp) (Entered: 11/19/1997)
11/19/1997	48	Memorandum by plaintiff Donald D McFarlane in support of motion to publish order adopting report and recommendation granting pla's motion [46-1] (FmrEmp) (Entered: 11/19/1997)
11/19/1997	49	Proof of service by plaintiff Donald D McFarlane of: Docs # 46 - 49 (FmrEmp) (Entered: 11/19/1997)
11/19/1997	50	Notice of appeal by defendant Kay Walters, defendant - Buss, defendant - Ervin, defendant Paul Whitten, defendant Chase Riveland from Dist. Court decision [44-2] (cc: all counsel and 9CCA) (FmrEmp) (Entered: 11/21/1997)
11/21/1997	51	Copy 9CCA Docket Fee Payment Notification form. Original Fee Payment form, case information sheet and copy of docket entries forwarded to 9CCA. (FmrEmp) (Entered: 11/21/1997)
11/21/1997	52	Copy 9CCA certificate of record - Original forwarded to 9CCA (FmrEmp) (Entered: 11/21/1997)
11/24/1997	53	Response by defendant Kay Walters, defendant - Buss, defendant - Ervin, defendant Paul Whitten, defendant Chase Riveland to Plaintiff's Statement of Damages (FmrEmp) (Entered: 11/24/1997)
12/09/1997	54	Notification by Circuit Court of Appellate Docket Number [50-1] 9CCA Number: 97-36081 Date appeal filed: 11/19/97 (FmrEmp) (Entered: 12/09/1997)
01/07/1998	55	ORDER by Judge Robert H. Whaley denying motion to publish order adopting report and recommendation granting pla's motion [46-1] (cc: all counsel) (FmrEmp) (Entered: 01/07/1998)
05/14/1998	56	Notice of Withdrawl and Substitution of counsel: Nancy Joan Krier, Eric Andrew Mentzer replacing attorney Colleen B Evans for Chase Riveland, attorney Colleen B Evans for Paul Whitten, attorney Colleen B Evans for - Ervin, attorney Colleen B Evans for - Buss, attorney Colleen B Evans for Kay Walters (FmrEmp) (Entered: 05/15/1998)

12/30/1998	57	Order 9CCA of dismissal dismissing the appeal [50-1]; No. 97-36081 (cc: all counsel) (FmrEmp) (Entered: 01/04/1999)
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02/20/2007 07:27:29			
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