

CLOSED, CONSENT

Eastern District of Washington
U.S. District Court (Spokane)
CIVIL DOCKET FOR CASE #: 2:94-cv-00208-CI

Crofton v. Spaulding, et al
Assigned to: Magistrate Judge Cynthia Imbrogno
Demand: \$0
Case in other court: 96-35600
Cause: 28:1983 Civil Rights

Date Filed: 06/13/1994
Date Terminated: 05/14/1996
Jury Demand: Defendant
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff**Clayton Crofton**

represented by **Clayton Crofton**
973362
WCC
P O Box 900
Shelton, WA 98584
PRO SE

V.

Defendant**James Spaulding**

represented by **Penelope Smith Nerup**
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**Tom Rolfs**

represented by **Penelope Smith Nerup**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Tana Wood**

represented by **Penelope Smith Nerup**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Ron Van Boening**

represented by **Penelope Smith Nerup**

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Dennis Potts

represented by **Penelope Smith Nerup**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/13/1994		COMPLAINT Fee-status: ifp Receipt #: wv (FmrEmp) (Entered: 06/13/1994)
06/22/1994		Law Clerk assigned to case is DS (CR) (Entered: 06/22/1994)
07/11/1994	1	COMPLAINT (Summons(es) issued) Fee-status: ifp Receipt #: wv (FmrEmp) (Entered: 07/11/1994)
07/11/1994	2	ORDER TO PROCEED IN FORMA PAUPERIS AND ORDER OF SERVICE by Judge Fred L. Van Sickle (Clerk to file cmp w/o pmyt of filing fee; Clerk to mail cc: #1 #2 pltf AG; USM to serve dfts); response due 8/25/94 (FmrEmp) (Entered: 07/11/1994)
07/21/1994	3	ATTORNEY APPEARANCE for defendant; Atty Penelope S Nerup appearing (FmrEmp) (Entered: 07/21/1994)
07/28/1994	4	SUMMONS/RETURN OF SERVICE executed upon defendant Ron Van Boening, defendant Dennis Potts, defendant Tom Rolfs, defendant Tana Wood, defendant James Spaulding (FmrEmp) (Entered: 07/29/1994)
08/03/1994	5	ANSWER by defendant; demand for jury trial (FmrEmp) (Entered: 08/03/1994)
09/19/1994	6	Status Report filed by plaintiff (FmrEmp) (Entered: 09/19/1994)
09/19/1994	7	MOTION by plaintiff to strike telephonic argument 9/29/94 @ 8:30 A.M. Spokane, WA (With Status conference) (FmrEmp) (Entered: 09/19/1994)
09/19/1994	8	Affidavit of service by mailing by defendant of: Plaintiff's first interrogatories (FmrEmp) (Entered: 09/19/1994)
09/22/1994	9	Status Report filed by defendant (FmrEmp) (Entered: 09/22/1994)
09/29/1994	10	Scheduling Conference Order by Judge Fred L. Van Sickle (It is ordered that the discovery to be complete 1/31/95; dispositive mtns to be filed by 2/15/95; this matter shall be scheduled for trial after dispositive mtns are resolved; the parties shall file NO FURTHER discovery; there shall be NO FURTHER joinder of parties; this matter shall NOT be consolidated with CS-92-415-FVS) (cc: all counsel) (FmrEmp) (Entered: 09/29/1994)
09/29/1994		SCHEDULING CONFERENCE HELD Hrg Location: (S/FVS); no court

		reporter (FmrEmp) (Entered: 09/30/1994)
10/11/1994	11	MOTION by plaintiff for anti-harrassment protective order under RCW 10.14 and for order directing appearance of WSP Officials via telephone to show cause (FmrEmp) (Entered: 10/11/1994)
10/12/1994	12	First MOTION by plaintiff to compel discovery under 37(A) (FmrEmp) (Entered: 10/12/1994)
01/09/1995	13	ORDER Denying Plaintiff's Motion For Protective Order And Granting Motion To Compel Discovery by Judge Fred L. Van Sickle (It is ordered that the motion to compel discovery under 37(A) is GRANTED [12-1] to the extent indicated in the Order; the motion for anti-harrassment protective order under RCW 10.14 is DENIED [11-1]; the parties shall conduct discovery in good faith; and clerk is directed to send copy of #12 to defense counsel) (cc: all counsel) (FmrEmp) (Entered: 01/09/1995)
02/14/1995	14	MOTION by defendant for extension of dispositive motion deadline (FmrEmp) (Entered: 02/14/1995)
02/14/1995	15	Affidavit of Penelope S. Nerup (FmrEmp) (Entered: 02/14/1995)
02/14/1995		Proposed Order granting motion for extension of dispositive motion deadline [14-1] submitted by defendant (FmrEmp) (Entered: 02/14/1995)
02/14/1995	16	MOTION by defendant for expedited hearing (FmrEmp) (Entered: 02/14/1995)
02/14/1995		Proposed Order granting motion for expedited hearing [16-1] submitted by defendant (FmrEmp) (Entered: 02/14/1995)
02/14/1995	17	Notice by defendant of hearing (setting motion for extension of dispositive motion deadline [14-1]) (w/o oral argument 4:30 3/17/95) (FmrEmp) (Entered: 02/14/1995)
02/14/1995	18	Affidavit of service by mailing by defendant of: #14 - #17 & 2 proposed orders (FmrEmp) (Entered: 02/14/1995)
02/16/1995	19	ORDER Granting Extension Of Time And Advising Plaintiff Regarding Summary Judgment by Judge Fred L. Van Sickle (It is ordered that the motion for extension of dispositive motion deadline is GRANTED [14-1] pla mtn ddl reset for 3/15/95; dft disp mtn ddl reset for 3/15/95; responsive pleadings are to be filed by 3/27/95; Case mgmt ddl set re responsive memorandum; any reply memoranda shall be filed by 4/3/95; Dispositive mtn hrg reset without oral argument for 4/10/95 ; plaintiff is advised re summary judgment) (cc: pltf & all counsel) (FmrEmp) (Entered: 02/16/1995)
02/23/1995	20	Affidavit of personal service by defendant of: #14 - #19 (FmrEmp) (Entered: 02/23/1995)
06/22/1995		Status Conference Notice ; scheduling conference set 9:00 7/21/95 Spokane, WA (CR) (Entered: 06/22/1995)
07/13/1995	21	Status Report filed by plaintiff (FmrEmp) (Entered: 07/13/1995)

07/20/1995	22	Consent by all parties to trial and order of reference to Magistrate Judge Cynthia Imbrogno (cc: all counsel) (LS) (Entered: 07/20/1995)
07/21/1995		MINUTES: Telephonic Status Conference before Magistrate Judge Cynthia Imbrogno (LS) (Entered: 07/21/1995)
07/25/1995	23	ORDER Of Reference To Federal Judicial Mediator, SCHEDULING ORDER, And ORDER Advising Plaintiff Of Summary Judgment Requirements by Magistrate Judge Cynthia Imbrogno Disp mtn ddl: 12/29/95; Mtn in limine ddl: 2/5/96 ;discovery to be complete 11/30/95 ;pretrial conference 2:30 2/22/96 Spokane, WA ;Jury Trial set 9:00 3/11/96 Spokane, WA ; the case is referred to Federal Judicial Mediator, Frank Hayes Johnson, for evaluation and mediation; all activity is STAYED for up to 30 days; Mr. Johnson shall report to the court results of the mediation; case mgmt ddl set 8/25/95 (cc:all counsel) (PW) (Entered: 07/25/1995)
09/18/1995	24	MOTION by plaintiff for return of files and transcript of phone calls (PW) (Entered: 09/25/1995)
09/25/1995	25	ORDER Extending Stay And Renoting Plaintiff's Motion For Hearing by Magistrate Judge Cynthia Imbrogno plaintiff's motion # 24 is renoted for 11/20/95 w/o oral argument; stay is extended an additional 60 days (cc: all counsel) (PW) (Entered: 09/25/1995)
11/20/1995	26	Supplemental motion pleadings by plaintiff re motion for return of files and transcript of phone calls [24-1] (PW) (Entered: 11/20/1995)
12/05/1995	27	MOTION by plaintiff for entry of default as to James Spaulding, Tom Rolfs, Tana Wood, Ron Van Boening, Dennis Potts (PW) (Entered: 12/05/1995)
01/03/1996	28	ORDER Denying Plaintiff's Motions And Directing Defendant To File Affidavit Regarding Access To Legal Papers by Magistrate Judge Cynthia Imbrogno continuing motion for return of files and transcript of phone calls and renoting for hearing w/o oral argument 01/31/96; Defts shall provide to court an affidavit regarding Pltf's access to his legal papers to be filed by 01/16/96 [24-1] (cc: all counsel) (PW) (Entered: 01/03/1996)
01/09/1996	29	OBJECTION And MOTION for summary ruling on motion for 37 sanctions by plaintiff (PW) (Entered: 01/09/1996)
02/22/1996		PRETRIAL CONFERENCE HELD Hrg Location: S/CI; no court reporter (PW) (Entered: 02/29/1996)
02/23/1996	30	ORDER To Transport Plaintiff For Trial by Magistrate Judge Cynthia Imbrogno for transportation to Spokane Co Jail on or before 3/11/96 & have Mr. Crofton available for trial 9:00 a.m., 3/11/96 (cc: all counsel) (PW) (Entered: 02/26/1996)
02/23/1996	31	NOTICE of Attorney Withdrawal and substitution of counsel (PW) Modified on 03/04/1996 (Entered: 03/04/1996)

02/23/1996	32	MOTION by defendants for summary judgment (PW) (Entered: 03/04/1996)
02/23/1996	33	Memorandum by defendants in support of motion for summary judgment [32-1] (PW) (Entered: 03/04/1996)
02/23/1996	34	Affidavit of Penelope S Nerup regarding motion for summary judgment (PW) (Entered: 03/04/1996)
02/23/1996	35	Statement of facts by defendant in support of motion for summary judgment [32-1] (PW) (Entered: 03/04/1996)
02/23/1996	36	Notice by defendant of hearing setting motion for summary judgment [32-1] (PW) (Entered: 03/04/1996)
02/23/1996	38	MOTION by defendant to expedite hearing (PW) (Entered: 03/04/1996)
02/23/1996	39	Notice by defendant of hearing setting motion to expedite hearing [38-1] (PW) (Entered: 03/04/1996)
02/23/1996	40	Proof of service by defendants of: # 31 - 39 (PW) (Entered: 03/04/1996)
02/27/1996	41	ORDER Denying Plaintiff's Motions And Memorializing The Court's Rulings Of The Pretrial Conference by Magistrate Judge Cynthia Imbrogno denying motion [29-1], denying motion for entry of default as to defendants, [27-1], denying motion for return of files and transcript of phone calls [24-1] ; jury trial waived, non jury trial set 9:00 3/11/96 Spokane, WA (cc: all counsel) (PW) Modified on 03/04/1996 (Entered: 02/28/1996)
03/04/1996	37	MOTION by defendant to exceed page limitation (PW) Modified on 03/04/1996 (Entered: 03/04/1996)
03/04/1996	43	Proof of service by defendants of: # 42 (PW) (Entered: 03/05/1996)
03/05/1996	42	Defendants' proposed findings of fact and conclusions of law (cc: all counsel) (PW) Modified on 03/05/1996 (Entered: 03/05/1996)
03/05/1996	44	Notice by plaintiff (re proposed findings requested by court) (PW) (Entered: 03/05/1996)
03/06/1996	45	Proof of service by defendants of: Rule 68 offer of judgment (PW) (Entered: 03/06/1996)
03/06/1996	46	Proof of service by defendants of: # 45 (PW) (Entered: 03/06/1996)
03/11/1996		MINUTES: Bench Trial before Magistrate Judge Cynthia Imbrogno: Trial Began 9:00 3/11/96 ; Hearing Location: [Spokane, WA]; Topper Baker court reporter (LS) (Entered: 03/13/1996)
03/11/1996	47	Exhibit list by plaintiff (LS) (Entered: 03/13/1996)
03/11/1996	48	Trial brief submitted by plaintiff (LS) (Entered: 03/13/1996)
03/11/1996	49	Affidavit of Kristy Walters (supporting oral motion of defense counsel for dismissal of defendant Spaulding) (LS) (Entered: 03/13/1996)

03/11/1996	52	Witness list from Trial (LS) (Entered: 03/13/1996)
03/11/1996	53	Exhibit list from Trial (LS) (Entered: 03/13/1996)
03/13/1996	50	MOTION by plaintiff for record and or to continue (PW) (Entered: 03/13/1996)
03/13/1996	51	MOTION by plaintiff to expedite hearing (PW) (Entered: 03/13/1996)
03/14/1996	54	ORDER Denying Motion For Transcript And Granting Motion For Continuance by Magistrate Judge Cynthia Imbrogno granting motion to expedite hearing [51-1] denying motion for record and granting motion for continuance until 4/1/96 [50-1] (cc: all counsel) (PW) (Entered: 03/14/1996)
03/20/1996	55	Response by defendants to motion for record and/or continuance (PW) (Entered: 03/20/1996)
03/20/1996	56	Proof of service by defendants of: # 55 (PW) (Entered: 03/20/1996)
03/21/1996	57	Transcript filed (non jury trial proceedings - March 11, 1996 S/CI) (PW) (Entered: 03/21/1996)
04/03/1996	58	MOTION by plaintiff for investigation (PW) (Entered: 04/04/1996)
04/04/1996	59	Declaration by plaintiff regarding harassment [58-1] (PW) (Entered: 04/04/1996)
04/04/1996	60	Proof of service by plaintiff of: # 58 & 59 (PW) (Entered: 04/04/1996)
04/05/1996	61	MOTION by plaintiff regarding mailing of exhibits (PW) (Entered: 04/05/1996)
04/12/1996	62	Proof of service by plaintiff of: attached Exhibits 154 - 172 (PW) (Entered: 04/12/1996)
04/22/1996	63	Objections by defendants to the admission of exhibits [53-1] (PW) (Entered: 04/23/1996)
04/22/1996	64	Closing Argument by defendants (PW) (Entered: 04/23/1996)
04/22/1996	65	Proof of service by defendants of: # 63 & 64 (PW) (Entered: 04/23/1996)
04/22/1996		End file # 2 (PW) (Entered: 05/30/1996)
05/02/1996	66	Declaration by plaintiff Clayton Crofton In Support Of Antiharassment Motion (ECH) (Entered: 05/02/1996)
05/02/1996	67	Plaintiff's Closing Reply (ECH) (Entered: 05/02/1996)
05/14/1996	68	ORDER Granting In Part Plaintiff's Claim For Injunctive Relief And Granting Judgment For Defendants On Remaining Claims by Magistrate Judge Cynthia Imbrogno terminating case COB-143-66 (cc: all counsel) (PW) (Entered: 05/15/1996)
05/14/1996	69	JUDGMENT:, (cc: all counsel) COB: 143-67 (PW) (Entered: 05/15/1996)

05/29/1996	70	MOTION by defendant to amend judgment (PW) (Entered: 05/30/1996)
05/29/1996	71	Memorandum by defendant in support of motion to amend judgment [70-1] (PW) (Entered: 05/30/1996)
05/29/1996	72	Notice by defendant of hearing setting motion to amend judgment [70-1] (w/o oral argument 6/17/96) (PW) (Entered: 05/30/1996)
05/29/1996	73	Proof of service by defendants of: # 70 - 72 (PW) (Entered: 05/30/1996)
05/30/1996	74	Objections by plaintiff to May 14th order [68-2] (PW) (Entered: 05/30/1996)
05/31/1996	75	Notice of appeal by plaintiff Clayton Crofton from Dist. Court decision [69-1] (cc: all counsel and 9CCA) (SW) (Entered: 05/31/1996)
05/31/1996	76	Copy 9CCA Docket Fee Payment Notification form. Original Fee Payment form, case information sheet and copy of docket entries forwarded to 9CCA. (SW) (Entered: 05/31/1996)
06/04/1996	77	MOTION by plaintiff to strike defendants' motion , and impose rule 11 sanctions (PW) (Entered: 06/04/1996)
06/04/1996	78	Proof of service by plaintiff of: # 77 (PW) (Entered: 06/04/1996)
06/20/1996	79	ORDER Denying Motions To Amend Judgment And To Impose Sanctions by Magistrate Judge Cynthia Imbrogno denying motion to strike defendants' motion [77-1], denying motion impose rule 11 sanctions [77-2] denying motion to amend judgment [70-1] (cc: all counsel) (PW) (Entered: 06/20/1996)
06/24/1996	80	TRANSCRIPT DESIGNATION ORDER Date appl filed: 5/31/96 CR: Topper Baker (CCA: 96-35600) Type of Proceeding: Pretrial Conference, Bench Trial Date: 2/22/96, 3/11/96 by Clayton Crofton cc:9cca (VR) (Entered: 06/24/1996)
06/24/1996	81	MOTION by plaintiff Clayton Crofton to borrow portions of record (VR) (Entered: 06/24/1996)
06/24/1996	82	COPY of 9CCA Order (CCA: 96-35600) (This appeal is taken in good faith by Magistrate Judge Imbrogno) (VR) (Entered: 06/24/1996)
06/25/1996	83	COPY of 9CCA Time Schedule Order (CCA: 96-35600) (Transcript designation 7/1/96; Reporter transcript 7/31/96; Opening brief 9/16/96; Appellee's brief 10/16/96;) (VR) (Entered: 06/25/1996)
06/27/1996	84	ORDER by Magistrate Judge Cynthia Imbrogno granting request for transcript [81-1] (cc: all counsel & Topper Baker - Court Reporter) (VR) (Entered: 06/27/1996)
08/05/1996	85	COPY of 9CCA Order (Appeal No. 96-35600): W/i 21 days of this order, appellant shall pay initial filing fee of \$3.00 or show cause why he is unable to pay fee. Failure to comply w/order shall result in automatic dismissal of appeal. If appellant pays initial filing fee, Clerk shall establish revised briefing schedule and prison officials shall be notified of

		obligation to collect remainder of \$105.00 docketing fee on monthly basis until entire fee is paid. (SW) (Entered: 08/05/1996)
08/08/1996	86	Copy 9CCA certificate of record - Original forwarded to 9CCA (CCA: 96-35600) (VR) (Entered: 08/08/1996)
01/17/1997		Notification by Circuit Court of Appellate Docket Number [75-1] 9CCA Number: 96-35600 Date appeal filed: 5/31/96 (FmrEmp) (Entered: 01/17/1997)
01/27/1997	87	Application by plaintiff for scheduling order Calendar Note: 2/10/97 (LAM) (Entered: 01/27/1997)
01/27/1997	88	MOTION by plaintiff for contempt of court sanctions (COPY)(LAM) Modified on 01/27/1997 (Entered: 01/27/1997)
01/27/1997	89	Statement of material facts in support of sum. judg. by plaintiff (COPY) (LAM) Modified on 01/27/1997 (Entered: 01/27/1997)
02/07/1997	90	Application by plaintiff for discovery (LS) (Entered: 02/07/1997)
02/18/1997	91	Response by defendant to motion for contempt of court sanctions [88-1] (LS) (Entered: 02/19/1997)
02/19/1997	92	Response by defendant to application motion for discovery [90-1] (LS) (Entered: 02/20/1997)
03/21/1997	93	Supplemental Response by defendant to motion for contempt of court sanctions [88-1] (LS) (Entered: 03/21/1997)
03/26/1997	94	Second Supplemental Response by defendant to plaintiff's motion for contempt of court sanctions [88-1] (LS) (Entered: 03/26/1997)
03/31/1997	95	ORDER Continuing Plaintiff's Motions for Certification of Facts, Denying Application for Scheduling Order, Striking With Leave to Refile Motion for Discovery, and Directing Payment of \$8.99 to Plaintiff's Prison Account by Magistrate Judge Cynthia Imbrogno (application motion for discovery [90-1] is stricken with leave to refile; motion for contempt of court sanctions [88-1] is continued and renoted [w/o oral argument] 4/28/97; application for scheduling order [87-1] is Denied as moot) (cc: all counsel) (LS) Modified on 03/31/1997 (Entered: 03/31/1997)
03/31/1997		End file #3 (LS) (Entered: 03/31/1997)
04/07/1997	96	COPY of 9CCA Order denying appellant's motion for appt of counsel and dismissing the appeal [75-1] (FmrEmp) (Entered: 04/10/1997)
04/09/1997	97	Response by defendant to Order dated March 31, 1997 [95-1] (LS) (Entered: 04/10/1997)
04/09/1997	98	Notice of service by defendant of Response to Order dated March 31, 1997 and Affidavit of Lori Fitzpatrick (FAX signature attached to the Response) (LS) (Entered: 04/10/1997)

04/10/1997	99	Affidavit of Lori Fitzpatrick (LS) (Entered: 04/10/1997)
04/21/1997	100	Application by plaintiff Clayton Crofton for consideration of discovery motion 4/28/97 (LAM) (Entered: 04/22/1997)
04/21/1997	101	Request by plaintiff for a 90 day continuance 4/28/97 (LAM) (Entered: 04/22/1997)
04/21/1997	102	Proof of service by plaintiff Clayton Crofton of: #100-101 (LAM) (Entered: 04/22/1997)
04/21/1997	103	COPY of 9CCA Order (#96-35600) granting appellant's alternative motion for voluntary dismissal (FmrEmp) (Entered: 04/22/1997)
04/21/1997	104	Mandate from 9CCA (#96-35600) dismissing appeal (cc: all counsel) (FmrEmp) (Entered: 04/22/1997)
04/28/1997	105	Response by defendant to application motion for consideration of discovery motion [100-1] (LS) (Entered: 04/29/1997)
04/30/1997	106	MOTION by plaintiff for appointment of counsel (NOTED: 6/2/97) (LS) (Entered: 04/30/1997)
05/01/1997	107	Reply by plaintiff to defendant's response re application motion for consideration of discovery motion [100-1] (LS) (Entered: 05/01/1997)
05/01/1997	108	Reply by plaintiff to defendants multiple responses to my motion for contempt of court sanctions (NOTE: Request to replace original Motion for Contempt with Second Motion for Contempt included in body of this reply) (LS) (Entered: 05/01/1997)
05/01/1997	109	Notice of service by plaintiff of Ct. Rec. 107 and 108 (LS) (Entered: 05/01/1997)
05/01/1997	110	MOTION by plaintiff for contempt of Court Sanctions NOTED for 8/18/97 (LS) (Entered: 05/01/1997)
05/09/1997	111	ORDER Denying Plaintiff's Motions for contempt, Discovery, Continuance, Appointment of counsel and Second Motion for Contempt by Magistrate Judge Cynthia Imbrogno (denying motions - Ct. Rec. 88, 90, 100, 101, 106 and 110) (cc: A.G. and Mr. Crofton at WSP) continuance [101-1], denying application motion for consideration of discovery motion [100-1], denying motion for contempt of court sanctions [88-1] (cc: all counsel) (LS) (Entered: 05/09/1997)
05/15/1997	112	MOTION by plaintiff for further declaratory relief (catalog estoppel) or for vacation of fraudulent judgment [NOTED: 8/18/97] (LS) (Entered: 05/15/1997)
08/28/1997	113	ORDER Denying Plaintiff's Motion for Further Declaratory Relief by Magistrate Judge Cynthia Imbrogno (denying motion for further declaratory relief [112-1])(cc: all counsel) (LS) (Entered: 09/03/1997)

PACER Service Center			
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