

CLOSED, JURYDEMAND

U.S. District Court
United States District Court for the Western District of Washington (Tacoma)
CIVIL DOCKET FOR CASE #: 3:09-cv-05382-RJB

Brawley v. State of Washington et al
Assigned to: Judge Robert J. Bryan
Cause: 28:2201 Declaratory Judgement

Date Filed: 06/25/2009
Date Terminated: 05/07/2010
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Casandra Brawley
an individual

represented by **Michael Simon Wampold**
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V.

Defendant

State of Washington

represented by **Gary E Andrews**
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ATTORNEY TO BE NOTICED

Defendant

Washington State Department of Corrections

represented by **Gary E Andrews**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Harold Clarke
*former Secretary, Washington State
Department of Corrections
TERMINATED: 04/08/2010*

represented by **Gary E Andrews**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Eldon Vail
*Secretary, Washington State Department
of Corrections, in his official capacity*

represented by **Gary E Andrews**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Ruben Cedeno
*Deputy Secretary, Department of
Corrections, in his official capacity
TERMINATED: 04/08/2010*

represented by **Gary E Andrews**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Alice Payne
*Prisons Administrator, in her official
capacity
TERMINATED: 04/08/2010*

represented by **Gary E Andrews**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Douglas Cole
*Superintendent of Washington
Corrections Center for Women, in his
official capacity
TERMINATED: 03/09/2010*

represented by **Gary E Andrews**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Correctional Officer Brydee Glasco
*Washington Corrections Center for
Women, in her individual and official
capacity*

represented by **Gary E Andrews**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Correctional Officer Herbert Joy
*Washington Corrections Center for
Women, in his individual and official
capacity*

represented by **Gary E Andrews**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Correctional Officer Leah Eason
*Washington Corrections Center for
Women, in her individual and official
capacity
TERMINATED: 01/29/2010*

represented by **Gary E Andrews**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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06/25/2009	<u>1</u>	COMPLAINT against defendants Douglas Cole, State of Washington, Washington State Department of Corrections, Harold Clarke, Eldon Vail, Ruben Cedeno, Alice Payne (Summons(es) issued)(Receipt # T-5795), filed by Casandra Brawley. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Transmittal email.) (JL) (Entered: 06/26/2009)
06/26/2009	<u>2</u>	ORDER REGARDING DISCOVERY AND DEPOSITIONS. Authorized by Judge Robert J. Bryan. (JL) (Entered: 06/26/2009)
06/26/2009	<u>3</u>	ORDER REGARDING INITIAL DISCLOSURES, JOINT STATUS REPORT AND EARLY SETTLEMENT. FRCP 26f Conference Deadline is 9/10/2009; Initial Disclosure Deadline is 9/17/2009; Joint Status Report due by 9/24/2009. Authorized by Judge Robert J. Bryan. (JL) (Entered: 06/26/2009)
06/26/2009		JSR due 9/24/2009. (JL) (Entered: 06/26/2009)
07/02/2009	<u>4</u>	NOTICE of Appearance by attorney Gary E Andrews on behalf of Defendants Douglas Cole, State of Washington, Washington State Department of Corrections, Harold Clarke, Eldon Vail, Ruben Cedeno, Alice Payne. (Andrews, Gary) (Entered: 07/02/2009)
07/15/2009	<u>5</u>	ANSWER to Complaint by Douglas Cole, State of Washington, Washington State Department of Corrections, Harold Clarke, Eldon Vail, Ruben Cedeno, Alice Payne.(Andrews, Gary) (Entered: 07/15/2009)
09/17/2009	<u>6</u>	INITIAL DISCLOSURES Filed by Defendants Douglas Cole, State of Washington, Washington State Department of Corrections, Harold Clarke, Eldon Vail, Ruben Cedeno, Alice Payne.(Andrews, Gary) (Entered: 09/17/2009)
09/17/2009	<u>7</u>	INITIAL DISCLOSURES Filed by Plaintiff Casandra Brawley.(Wampold, Michael) (Entered: 09/17/2009)
09/21/2009	<u>8</u>	JOINT STATUS REPORT signed by all parties estimated Trial Days: 5-6. Filed by Plaintiff Casandra Brawley.(Wampold, Michael) (Entered: 09/21/2009)
09/28/2009	<u>9</u>	MINUTE ORDER SETTING TRIAL, PRETRIAL DATES AND ORDERING MEDIATION; Length of Trial: *SIX DAYS*. Jury Trial is set for 6/21/2010 at 09:30 AM in Courtroom A before Judge Robert J. Bryan. Joinder of Parties due by 10/28/2009, Expert Witness Disclosure/Reports under FRCP 26(a)(2) due by 12/23/2009, Motions due by 2/1/2010, Discovery completed by 2/22/2010, Dispositive motions due by 3/23/2010, Settlement conference to be held by 4/22/2010, 39.1 mediation to be completed by 5/24/2010, 39.1 Settlement Report due by 6/1/2010, Motions in Limine due by 5/24/2010, Pretrial Order due by 6/4/2010, Pretrial Conference set for 6/11/2010 at 08:30 AM. Trial briefs to be submitted by 6/11/2010, Proposed voir dire/jury instructions due by 6/11/2010. Authorized by Judge Robert J. Bryan. (DK) (Entered: 09/28/2009)
10/28/2009	<u>10</u>	MOTION to Amend <i>Complaint and Add Parties</i> by Plaintiff Casandra Brawley. (Attachments: # <u>1</u> Proposed Order) Noting Date 11/6/2009, (Wampold, Michael) (Entered: 10/28/2009)
10/29/2009	<u>11</u>	ORDER granting <u>10</u> Motion to Amend. The parties having so stipulated, IT IS SO ORDERED this 29th day of October, 2009. Plaintiff shall now serve all newly named and individually named Defendants. Counsel is directed to e-file their Amended Complaint. Signed by Judge Robert J. Bryan. (JL) (Entered: 10/29/2009)
10/30/2009	<u>12</u>	AMENDED COMPLAINT <i>FOR DAMAGES & DECLARATORY RELIEF</i> against defendant(s) all defendants, filed by Casandra Brawley.(Wampold, Michael) (Entered: 10/30/2009)
11/13/2009	<u>13</u>	ANSWER to <u>12</u> Amended Complaint by Douglas Cole, State of Washington, Washington State Department of Corrections, Harold Clarke, Eldon Vail, Ruben Cedeno, Alice Payne.(Andrews, Gary) (Entered: 11/13/2009)
12/07/2009	<u>14</u>	STIPULATION of <i>Factual Statement</i> by parties. (Andrews, Gary) (Entered: 12/07/2009)
12/23/2009	<u>15</u>	DISCLOSURE OF EXPERT WITNESSES Filed by Defendants Douglas Cole, State of Washington, Brydee Glasco, Herbert Joy, Leah Eason, Washington State

		Department of Corrections, Harold Clarke, Eldon Vail, Ruben Cedeno, Alice Payne. (Attachments: # <u>1</u> Appendix Curriculum Vita of Theresa Lantz)(Andrews, Gary) (Entered: 12/23/2009)
01/28/2010	<u>16</u>	STIPULATION <i>FOR VOLUNTARY NONSUIT OF DEFENDANT LEAH EASON</i> by parties. (Wampold, Michael) (Entered: 01/28/2010)
01/29/2010	<u>17</u>	ORDER DISMISSING LEAH EASON. Signed by Judge Robert J. Bryan. (JL) (Entered: 01/29/2010)
01/29/2010		Party Leah Eason terminated. (JL) (Entered: 01/29/2010)
03/08/2010	<u>18</u>	STIPULATION <i>for Voluntary Nonsuit of Defendant Eldon Vail in his Individual Capacity Only and Defendant Douglas Cole</i> by parties. (Wampold, Michael) (Entered: 03/08/2010)
03/09/2010	<u>19</u>	ORDER ON STIPULATION by Judge Robert J. Bryan. Defendant Eldon Vail, in his official capacity only, and Defendant Douglas Cole should be dismissed from this matter without prejudice and without fees or costs to any party. (DK) (Entered: 03/09/2010)
03/11/2010	<u>20</u>	Agreed Stipulated MOTION <i>and Order Re Briefing Schedule for Summary Judgment Motions</i> by Defendants State of Washington, Brydee Glasco, Herbert Joy, Washington State Department of Corrections, Harold Clarke, Eldon Vail, Ruben Cedeno, Alice Payne. Noting Date 3/11/2010, (Andrews, Gary) (Entered: 03/11/2010)
03/12/2010	<u>21</u>	STIPULATED MOTION AND ORDER RE BRIEFING SCHEDULE FOR SUMMARY JUDGMENT MOTIONS, granting <u>20</u> Stipulated Motion. Motions for Summary Judgment will be filed by March 23, 2010. The motions shall be set for hearing on April 16, 2010. Signed by Judge Robert J. Bryan. (JL) (Entered: 03/12/2010)
03/23/2010	<u>22</u>	SEALED DOCUMENT MOTION for Summary Judgment by Defendants State of Washington, Brydee Glasco, Herbert Joy, Washington State Department of Corrections, Harold Clarke, Eldon Vail, Ruben Cedeno, Alice Payne. (Attachments: # <u>1</u> Proposed Order) Noting Date 4/16/2010, (Andrews, Gary) Modified on 3/29/2010 to seal document (JL). (Entered: 03/23/2010)
03/23/2010	<u>23</u>	DECLARATION of Gary E. Andrews filed by Defendants State of Washington, Brydee Glasco, Herbert Joy, Washington State Department of Corrections, Harold Clarke, Eldon Vail, Ruben Cedeno, Alice Payne re <u>22</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Exhibit Att. A, Brawley Dep, # <u>2</u> Exhibit Att. B, Glasco Dep, # <u>3</u> Exhibit Att. C, McLane Dep, # <u>4</u> Exhibit Att. D, Joy Dep, # <u>5</u> Exhibit Att. E, Payne Dep, # <u>6</u> Exhibit Att. F, Herdener Dep, # <u>7</u> Exhibit Att. G, Morgan Dep, # <u>8</u> Exhibit Att. H)(Andrews, Gary) (Entered: 03/23/2010)
03/23/2010	<u>24</u>	DECLARATION of Donna Payne-Snyder filed by Defendants State of Washington, Brydee Glasco, Herbert Joy, Harold Clarke, Eldon Vail, Ruben Cedeno, Alice Payne re <u>22</u> MOTION for Summary Judgment (Andrews, Gary) (Entered: 03/23/2010)
03/23/2010	<u>25</u>	DECLARATION of Kevin Mauss filed by Defendants State of Washington, Brydee Glasco, Herbert Joy, Washington State Department of Corrections, Harold Clarke, Eldon Vail, Ruben Cedeno, Alice Payne re <u>22</u> MOTION for Summary Judgment (Andrews, Gary) (Entered: 03/23/2010)
03/23/2010	<u>26</u>	DECLARATION of Douglas Cole filed by Defendants State of Washington, Brydee Glasco, Herbert Joy, Washington State Department of Corrections, Harold Clarke, Eldon Vail, Ruben Cedeno, Alice Payne re <u>22</u> MOTION for Summary Judgment (Andrews, Gary) (Entered: 03/23/2010)
03/23/2010	<u>27</u>	MOTION for Partial Summary Judgment by Plaintiff Casandra Brawley. Oral Argument Requested. Noting Date 4/16/2010, (Wampold, Michael) (Entered: 03/23/2010)
03/23/2010	<u>28</u>	DECLARATION of Casandra Brawley filed by Plaintiff Casandra Brawley re <u>27</u> MOTION for Partial Summary Judgment (Wampold, Michael) (Entered: 03/23/2010)

		03/23/2010)
03/23/2010	<u>29</u>	DECLARATION of Dr. Easterling filed by Plaintiff Casandra Brawley re <u>27</u> MOTION for Partial Summary Judgment (Wampold, Michael) (Entered: 03/23/2010)
03/23/2010	<u>30</u>	DECLARATION of Michael S. Wampold filed by Plaintiff Casandra Brawley re <u>27</u> MOTION for Partial Summary Judgment (Attachments: # <u>1</u> Exhibit Exs. 1-7, # <u>2</u> Exhibit Exs. 8-15, # <u>3</u> Exhibit Exs. 16-24)(Wampold, Michael) (Entered: 03/23/2010)
03/25/2010	<u>31</u>	Stipulated MOTION <i>to File Amended Motion for Summary Judgment</i> by Defendants State of Washington, Brydee Glasco, Herbert Joy, Washington State Department of Corrections, Harold Clarke, Eldon Vail, Ruben Cedeno, Alice Payne. Noting Date 3/25/2010, (Andrews, Gary) (Entered: 03/25/2010)
03/25/2010	<u>32</u>	DECLARATION of Gary E. Andrews filed by Defendants State of Washington, Brydee Glasco, Herbert Joy, Washington State Department of Corrections, Harold Clarke, Eldon Vail, Ruben Cedeno, Alice Payne re <u>31</u> Stipulated MOTION <i>to File Amended Motion for Summary Judgment</i> (Andrews, Gary) (Entered: 03/25/2010)
03/26/2010	<u>33</u>	WRONG DOCUMENT ATTACHED. COUNSEL WILL FILE THE CORRECT AMENDED MOTION. THIS DOCUMENT IS A DUPLICATE TO DOCUMENT <u>31</u> Amended MOTION for Summary Judgment by Defendants State of Washington, Brydee Glasco, Herbert Joy, Washington State Department of Corrections, Harold Clarke, Eldon Vail, Ruben Cedeno, Alice Payne. Noting Date 4/16/2010, (Andrews, Gary) Modified on 3/29/2010 (VB). (Entered: 03/26/2010)
03/26/2010		NOTICE of Docket Text Modification re <u>33</u> Amended MOTION for Summary Judgment : WRONG DOCUMENT ATTACHED. COUNSEL WILL FILE THE CORRECT AMENDED MOTION. THIS DOCUMENT IS A DUPLICATE TO DOCUMENT <u>31</u> . (VB) (Entered: 03/29/2010)
03/29/2010	<u>34</u>	PRAECIPE re <u>33</u> Amended MOTION for Summary Judgment by Defendants State of Washington, Brydee Glasco, Herbert Joy, Washington State Department of Corrections, Harold Clarke, Eldon Vail, Ruben Cedeno, Alice Payne. (Andrews, Gary) (Entered: 03/29/2010)
03/29/2010	<u>35</u>	ORDER granting <u>31</u> Stipulated Motion. The Defendants shall file an Amended Defendants' Motion for Summary Judgment and Memorandum in Support by March 29, 2010. The clerk of the Court shall seal the previously-filed Defendants Motion for Summary Judgment and Memorandum in Support and take the necessary steps to render the previously-filed document publicly unavailable. Signed by Judge Robert J. Bryan. (JL) (Entered: 03/29/2010)
04/01/2010	<u>36</u>	Stipulated MOTION <i>Re Time for Filing of Fed. R. Civ. P. 11(b) Motion</i> by Defendants State of Washington, Brydee Glasco, Herbert Joy, Harold Clarke, Eldon Vail, Ruben Cedeno, Alice Payne. Noting Date 4/1/2010, (Andrews, Gary) (Entered: 04/01/2010)
04/02/2010	<u>37</u>	STIPULATED MOTION AND ORDER RE TIME FOR FILING OF FED. R. CIV. P. 11(b) MOTION, granting <u>36</u> Stipulated Motion. Signed by Judge Robert J. Bryan. (JL) (Entered: 04/02/2010)
04/07/2010	<u>38</u>	STIPULATION <i>FOR VOLUNTARY NONSUIT OF DEFENDANT HAROLD CLARKE, DEFENDANT RUBEN CEDENO AND DEFENDANT ALICE PAYNE</i> by parties. (Wampold, Michael) (Entered: 04/07/2010)
04/08/2010	<u>39</u>	Stipulated MOTION <i>to Authenticity and Limited Release of Restricted Policy</i> by Defendants State of Washington, Brydee Glasco, Herbert Joy, Washington State Department of Corrections, Harold Clarke, Eldon Vail, Ruben Cedeno, Alice Payne. Noting Date 4/8/2010, (Andrews, Gary) (Entered: 04/08/2010)
04/08/2010	40	MINUTE ORDER. Pursuant to the Stipulation for Voluntary Nonsuit of Defendant Harold Clarke, Defendant Ruben Cedeno and Defendant Alice Payne (Dkt. <u>38</u>), filed by the parties on April 7, 2010, all claims against Defendants Clarke, Cedeno and Payne are DISMISSED WITH PREJUDICE. Signed by Judge Robert J. Bryan. (JL) (Entered: 04/08/2010)

04/08/2010	<u>41</u>	STIPULATION AND ORDER TO AUTHENTICITY AND LIMITED RELEASE OF RESTRICTED POLICY. Signed by Judge Robert J. Bryan. (JL) (Additional attachment(s) added on 4/13/2010: # <u>1</u> Attachment A) (JL). (Entered: 04/08/2010)
04/12/2010	<u>42</u>	RESPONSE, by Plaintiff Casandra Brawley, to <u>33</u> Amended MOTION for Summary Judgment. (Wampold, Michael) (Entered: 04/12/2010)
04/12/2010	<u>43</u>	DECLARATION of Michael S. Wampold filed by Plaintiff Casandra Brawley re <u>33</u> Amended MOTION for Summary Judgment (Wampold, Michael) (Entered: 04/12/2010)
04/12/2010	<u>44</u>	RESPONSE, by Defendants State of Washington, Brydee Glasco, Herbert Joy, Washington State Department of Corrections, Eldon Vail, to <u>27</u> MOTION for Partial Summary Judgment. (Andrews, Gary) (Entered: 04/12/2010)
04/12/2010	<u>45</u>	DECLARATION of Gary E. Andrews filed by Defendants State of Washington, Brydee Glasco, Herbert Joy, Washington State Department of Corrections, Eldon Vail re <u>27</u> MOTION for Partial Summary Judgment (Attachments: # <u>1</u> Exhibit Attachment A, # <u>2</u> Exhibit Attachment B, # <u>3</u> Exhibit Attachment C, # <u>4</u> Exhibit Attachment D, # <u>5</u> Exhibit Attachment E, # <u>6</u> Exhibit Attachment F, # <u>7</u> Exhibit Attachment G, # <u>8</u> Exhibit Attachment H)(Andrews, Gary) (Entered: 04/12/2010)
04/16/2010	<u>46</u>	SURREPLY filed by Defendants State of Washington, Brydee Glasco, Herbert Joy, Washington State Department of Corrections, Eldon Vail re <u>27</u> MOTION for Partial Summary Judgment (Andrews, Gary) (Entered: 04/16/2010)
04/20/2010	<u>47</u>	STIPULATION <i>to Mediate Under CR 39.1(c)</i> by parties. (Andrews, Gary) (Entered: 04/20/2010)
05/03/2010	<u>48</u>	ORDER ON CROSS MOTIONS FOR SUMMARY JUDGMENT, granting in part and denying in part <u>22</u> Motion for Summary Judgment; denying <u>27</u> Motion for Partial Summary Judgment. It is hereby, ORDERED that: Defendants' motion to strike (Dkt. <u>44</u>) is GRANTED, IN PART, and DENIED, IN PART, as stated above. Defendants' motion to strike (Dkt. <u>46</u>) is GRANTED. Defendants' Amended Motion for Summary Judgment (Dkt. <u>22</u> refiled as Dkt. <u>34</u>) is DENIED AS MOOT to the extent Defendants seek dismissal of parties already dismissed by stipulation, DENIED as to dismissal based on Plaintiff's failure to exhaust or laches, DENIED as to qualified immunity on Plaintiff's Eighth Amendment Claim, GRANTED as to Plaintiff's claims for declaratory relief, and GRANTED as to Plaintiff's damages claims against the State of Washington and the Washington State Department of Corrections; Plaintiffs' Motion for Partial Summary Judgment (Dkt. <u>27</u>) is DENIED. Signed by Judge Robert J. Bryan. (JL) (Entered: 05/03/2010)
05/07/2010	<u>49</u>	Stipulated MOTION <i>to Dismiss as to All Claims and All Remaining Defendants</i> by Defendants State of Washington, Brydee Glasco, Herbert Joy, Washington State Department of Corrections, Eldon Vail. Noting Date 5/7/2010, (Andrews, Gary) (Entered: 05/07/2010)
05/07/2010	<u>50</u>	STIPULATION AND ORDER OF DISMISSAL AS TO ALL CLAIMS AND ALL REMAINING DEFENDANTS. Signed by Judge Robert J. Bryan. (JL) (Entered: 05/07/2010)
12/01/2010	<u>51</u>	MOTION To Publish Order On Motions For Summary Judgment by Plaintiff Casandra Brawley. (Attachments: # <u>1</u> Proposed Order) Noting Date 12/20/2010, (Wampold, Michael) (Entered: 12/01/2010)
12/10/2010	<u>52</u>	RESPONSE, by Defendants Brydee Glasco, Herbert Joy, State of Washington, Eldon Vail, Washington State Department of Corrections, to <u>51</u> MOTION To Publish Order On Motions For Summary Judgment. (Attachments: # <u>1</u> Proposed Order)(Andrews, Gary) (Entered: 12/10/2010)
12/17/2010	<u>53</u>	REPLY, filed by Plaintiff Casandra Brawley, TO RESPONSE to <u>51</u> MOTION To Publish Order On Motions For Summary Judgment (Wampold, Michael) (Entered: 12/17/2010)
12/21/2010	<u>54</u>	ORDER ON MOTION TO PUBLISH ORDER ON MOTIONS FOR SUMMARY JUDGMENT, finding as moot <u>51</u> . Signed by Judge Robert J. Bryan. (JL) (Entered: 12/21/2010)

		12/21/2010)
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