

TERMED

**U.S. District Court  
District of Wyoming (Cheyenne)  
CIVIL DOCKET FOR CASE #: 2:09-cv-00040-ABJ**

Miller v Grubbe, et al  
Assigned to: Honorable Alan B Johnson  
Referred to: Honorable William C Beaman  
Demand: \$50,000  
Cause: 42:1983 Civil Rights Act

Date Filed: 02/24/2009  
Date Terminated: 07/30/2009  
Jury Demand: Both  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Joseph Miller**

*on his own behalf and on behalf of all  
other persons similarly situated,*

represented by **Jennifer Horvath**  
AMERICAN CIVIL LIBERTIES UNION  
Wyoming Chapter  
P O Box 20706  
Cheyenne, WY 82003  
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**LEAD ATTORNEY**  
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**Stephen L Pevar**

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**LEAD ATTORNEY**  
**PRO HAC VICE**  
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V.

**Defendant**

**Michael Grubbe**

*in his official and individual capacities*

represented by **Christine Annette Gilbert Cox**  
WYOMING ATTORNEY GENERAL'S  
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**Melissa E Westby**

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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

represented by

**Lonnie Prindle**  
*in his official and individual capacities*

**Christine Annette Gilbert Cox**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Melissa E Westby**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Defendant**

**Clyde Goodman**  
*in his official and individual capacities*

represented by **Christine Annette Gilbert Cox**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Melissa E Westby**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Defendant**

**Michael Murphy**  
*in his official and individual capacities*

represented by **Christine Annette Gilbert Cox**  
 (See above for address)  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Melissa E Westby**  
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 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/24/2009	<u>1</u>	COMPLAINT (summons(es) issued) ( Filing fee \$350 receipt #6319.), filed by Plaintiff Joseph Miller. (Attachments: # <u>1</u> Civil Cover Sheet)(sbad, ) (Entered: 02/25/2009)
02/24/2009	<u>2</u>	NOTICE of Complexity by Plaintiff Joseph Miller, this case is non-complex. (sbad, ) Modified on 2/25/2009 (sal). (Entered: 02/25/2009)
02/24/2009	<u>3</u>	REFERRED TO MAGISTRATE JUDGE. MOTION for Stephen L Pevar to appear pro hac vice; Check tendered; filed by Plaintiff Joseph Miller. (Attachments: # <u>1</u> Proposed Order)(sbad, ) (Entered: 02/25/2009)
02/26/2009	<u>4</u>	ORDER by the Honorable Judge William C Beaman granting <u>3</u> Motion to appear pro hac vice admitting Stephen L Pevar for Joseph Miller. (sbad, ) (Entered: 02/27/2009)
03/17/2009	<u>5</u>	WAIVER OF SERVICE Returned Executed by Clyde Goodman. Clyde Goodman waiver sent on 2/24/2009, answer due 4/27/2009. (Cox, Christine) (Entered: 03/17/2009)
03/17/2009	<u>6</u>	WAIVER OF SERVICE Returned Executed by Michael Grubbe. Michael Grubbe waiver sent on 2/24/2009, answer due 4/27/2009. (Cox, Christine) (Entered: 03/17/2009)
03/17/2009	<u>7</u>	WAIVER OF SERVICE Returned Executed by Michael Murphy. Michael Murphy waiver sent on 2/24/2009, answer due 4/27/2009. (Cox, Christine) (Entered: 03/17/2009)
03/17/2009	<u>8</u>	WAIVER OF SERVICE Returned Executed by Lonnie Prindle. Lonnie Prindle waiver sent on 2/24/2009, answer due 4/27/2009. (Cox, Christine) (Entered: 03/17/2009)

04/22/2009	<u>9</u>	NOTICE of Attorney Appearance by Christine Annette Gilbert Cox on behalf of Michael Grubbe, Lonnie Prindle, Clyde Goodman, Michael Murphy (Cox, Christine) (Entered: 04/22/2009)
04/22/2009	<u>10</u>	NOTICE of complexity by Defendants Michael Grubbe, Lonnie Prindle, Clyde Goodman, Michael Murphy ; this case is non-complex. (Cox, Christine) (Entered: 04/22/2009)
04/22/2009	<u>11</u>	ANSWER to <u>1</u> Complaint with Affirmative Defenses, with Jury Demand by Defendants Michael Grubbe, Lonnie Prindle, Clyde Goodman, Michael Murphy.(Cox, Christine) (Entered: 04/22/2009)
04/27/2009	<u>12</u>	NOTICE of Initial Pretrial Conference: Initial Pretrial Conference set for 6/3/2009 08:30 AM in Judge Beaman's Chambers (Room #2117) before Judge William C Beaman. (sdb, ) (Entered: 04/27/2009)
06/03/2009	<u>13</u>	INITIAL PRETRIAL ORDER by the Honorable Judge William C Beaman: The plaintiff shall file a motion for class certification on or before 6/17/2009. Discovery due by 10/5/2009. Stipulation Deadline 10/13/2009. Dispositive Motion filing deadline 10/30/2009. Dispositive Motion response deadline 11/13/2009. Final Pretrial Conference set for 1/13/2010 09:00 AM in Judge Johnson's Chambers (Room # 2243) before Judge Alan B Johnson. <b>Jury Trial set for 2/8/2010 01:30 PM (4-5 days, stacked #2) in Cheyenne Courtroom #1 (Room # 2132) before Judge Alan B Johnson.</b> (sdb, ) (Entered: 06/03/2009)
06/16/2009	<u>14</u>	First MOTION for Partial Summary Judgment, filed by Plaintiff Joseph Miller. (Attachments: # <u>1</u> Proposed Order)(Pevan, Stephen) (Entered: 06/16/2009)
06/16/2009	<u>15</u>	First MOTION to Certify Class filed by Plaintiff Joseph Miller. (Attachments: # <u>1</u> Proposed Order)(Pevan, Stephen) (Entered: 06/16/2009)
06/19/2009	<u>16</u>	MOTION to Dismiss, <i>Second Claim for Relief</i> filed by Defendants Michael Grubbe, Lonnie Prindle, Clyde Goodman, Michael Murphy. (Cox, Christine) (Entered: 06/19/2009)
06/19/2009	<u>17</u>	MEMORANDUM in Support of <u>16</u> Motion to Dismiss filed by Defendants Michael Grubbe, Lonnie Prindle, Clyde Goodman, Michael Murphy. (Cox, Christine) (Entered: 06/19/2009)
06/19/2009	<u>18</u>	PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW re <u>16</u> Motion to Dismiss filed by Plaintiff Joseph Miller, Defendants Lonnie Prindle, Clyde Goodman, Michael Murphy. (Cox, Christine) (Entered: 06/19/2009)
06/23/2009	<u>19</u>	NOTICE of Hearing on <u>15</u> First MOTION to Certify Class Motion Hearing set for 8/21/2009 10:30 AM in Cheyenne Courtroom #1 (Room # 2132) before Judge Alan B Johnson. (slb, ) (Entered: 06/23/2009)
06/29/2009	<u>20</u>	<del>REFERRED TO MAGISTRATE JUDGE.</del> MOTION for Order <i>Extending All Pending Deadlines</i> filed by Defendants Michael Grubbe, Lonnie Prindle, Clyde Goodman, Michael Murphy. (Attachments: # <u>1</u> Proposed Order)(Cox, Christine) (Entered: 06/29/2009)
06/29/2009	<u>21</u>	<del>REFERRED TO MAGISTRATE JUDGE.</del> REQUEST for Hearing <i>on All Pending Motions</i> filed by Defendants Michael Grubbe, Lonnie Prindle, Clyde Goodman, Michael Murphy. (Attachments: # <u>1</u> Proposed Order)(Cox, Christine) (Entered: 06/29/2009)
06/29/2009		Motion No Longer Referred: <u>20</u> MOTION for Order <i>Extending All Pending Deadlines</i> (including final pretrial and trial dates) referred to trial judge. (sdb, ) (Entered: 06/29/2009)
06/30/2009	<u>22</u>	ORDER granting <u>21</u> Motion to Hear All Pending Motions on August 21, 2009. All pending motions will be heard at 10:30 am on 8/21/2009 by the Honorable Judge Alan B Johnson.(slb, ) Text modified on 7/13/2009 (sdn, ). (Entered: 06/30/2009)
06/30/2009	<u>23</u>	RESPONSE to <u>14</u> Motion for Partial Summary Judgment filed by Defendants Michael Grubbe, Lonnie Prindle, Clyde Goodman, Michael Murphy. (Cox, Christine) (Entered: 06/30/2009)

07/06/2009	<u>24</u>	MEMORANDUM in Opposition to <u>16</u> MOTION to Dismiss, <i>Second Claim for Relief</i> filed by Plaintiff Joseph Miller. (Pevar, Stephen) (Entered: 07/06/2009)
07/08/2009	<u>25</u>	<del>REFERRED TO MAGISTRATE JUDGE.</del> MOTION for Order <i>To File Reply Brief</i> filed by Plaintiff Joseph Miller. (Attachments: # <u>1</u> Proposed Order)(Pevar, Stephen) (Entered: 07/08/2009)
07/08/2009	<u>26</u>	REPLY BRIEF re <u>14</u> Motion for Partial Summary Judgment filed by Plaintiff Joseph Miller. (Pevar, Stephen) (Entered: 07/08/2009)
07/08/2009	<u>27</u>	NOTICE of Attorney Appearance by Melissa E Westby on behalf of Michael Grubbe, Lonnie Prindle, Clyde Goodman, Michael Murphy (Westby, Melissa) (Entered: 07/08/2009)
07/08/2009		Motion No Longer Referred: <u>25</u> MOTION for Order <i>To File Reply Brief re Partial Summary Judgment</i> referred to trial judge. (sdb, ) (Entered: 07/09/2009)
07/13/2009	<u>28</u>	ORDER granting <u>20</u> Motion to Extend Deadlines by the Honorable Judge Alan B Johnson; the deadlines currently set in this matter are hereby vacated until a final determination is made on the pending dispositive motions. (slb, ) Text modified on 7/14/2009 (sdn, ). (Entered: 07/13/2009)
07/13/2009	<u>29</u>	ORDER granting <u>25</u> Motion for Leave to File Plaintiffs' Reply Brief Re: Plaintiffs' First Motion for Partial Summary Judgment by the Honorable Judge Alan B Johnson (slb, ) (Entered: 07/13/2009)
07/30/2009	<u>30</u>	STIPULATION of Dismissal by Joseph Miller. (Pevar, Stephen) (Entered: 07/30/2009)
07/30/2009	<u>31</u>	Notice Vacating Hearing on Motion to Certify Class scheduled for August 21, 2009 at 10:30 am. (slb, ) (Entered: 07/30/2009)