

**U.S. District Court
Eastern District of California – Live System (Sacramento)
CIVIL DOCKET FOR CASE #: 2:08-cv-02295-GEB-EFB**

Hazle vs Crofoot, et al
Assigned to: Judge Garland E. Burrell, Jr
Referred to: Magistrate Judge Edmund F. Brennan
Case in other court: USCA, 10-16067
USCA, 11-15354

Date Filed: 09/29/2008
Date Terminated: 10/15/2014
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Cause: 28:1331 Federal Question: Other Civil Rights

Plaintiff

Barry A. Hazle, Jr.

represented by **John G. Heller**
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V.

Defendant

Mitch Crofoot
*Individually and as Parole Officer of the
CA Dept of Corrections*

represented by **Vickie Pochelle Whitney**
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TERMINATED: 12/10/2012

Defendant

Brenda Wilding
*Individually and as Unit Supervisor of the
CA Dept. of Corrections*

represented by **Vickie Pochelle Whitney**
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*LEAD ATTORNEY
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Todd Darrow Irby
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Defendant

Matthew Cate
*Individually and as Secretary of the CA
Dept of Corrections*

represented by **Vickie Pochelle Whitney**
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*LEAD ATTORNEY
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Todd Darrow Irby
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Defendant

Scott Kernan
*Individually and as Chief Deputy
Secretary of Adult Operations of the CA
Dept of Corrections and Rehabilitation*

represented by **Vickie Pochelle Whitney**
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Todd Darrow Irby
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ATTORNEY TO BE NOTICED

Defendant

Tim Hoffman
*Individually and as Director of the
Division of Adult Parole Operations in
California*

represented by **Todd Darrow Irby**
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ATTORNEY TO BE NOTICED

Defendant

Marion Smith
*Individually and in his Office Capacity
TERMINATED: 12/04/2008*

represented by **Jeffrey M. Hamerling**
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Defendant

Deputy Jallings
Individually and as Deputy Commissioner

represented by **Vickie Pochelle Whitney**
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Todd Darrow Irby
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Defendant

Westcare
A Nevada Non-Profit Corporation

represented by **Wayne H. Maire**
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TERMINATED: 10/29/2009

Defendant

Mental Health Systems Inc.
a California Corporation
TERMINATED: 12/04/2008

represented by **Jeffrey M. Hamerling**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/29/2008	<u>1</u>	CIVIL COVER SHEET by Barry A. Hazle, Jr. (Heller, John) (Entered: 09/29/2008)
09/29/2008	<u>2</u>	COMPLAINT against all defendants by Barry A. Hazle, Jr..(Heller, John) (Entered: 09/29/2008)
09/29/2008	<u>4</u>	SUMMONS ISSUED as to *Brenda Wilding, Matthew Cate, Scott Kernan, Tim Hoffman, Marion Smith, Deputy Jallings, Westcare, Mental Health Systems Inc., Mitch Crofoot* with answer to complaint due within *20* days. Attorney *John G. Heller* *650 California Street* *19th Floor* *San Francisco, CA 96001*. (Carlos, K) (Entered: 09/29/2008)
09/29/2008	<u>5</u>	CIVIL NEW CASE DOCUMENTS ISSUED; Initial Scheduling Conference set for 1/20/2009 at 09:00 AM in Courtroom 10 (GEB) before Judge Garland E. Burrell Jr.. (Attachments: # <u>1</u> VDRP Forms, # <u>2</u> Consent Forms) (Carlos, K) (Entered: 09/29/2008)
10/02/2008		RECEIPT number #CAE200010653 \$350.00 by John G. Heller on 9/29/2008 for civil filing fee. (Carlos, K) (Entered: 10/02/2008)
10/13/2008	<u>6</u>	SUMMONS RETURNED EXECUTED by Barry A. Hazle, Jr.. Matthew Cate served on 10/9/2008, answer due 10/29/2008. (Heller, John) (Entered: 10/13/2008)
10/13/2008	<u>7</u>	SUMMONS RETURNED EXECUTED by Barry A. Hazle, Jr.. Scott Kernan served on 10/9/2008, answer due 10/29/2008. (Heller, John) (Entered: 10/13/2008)
10/13/2008	<u>8</u>	SUMMONS RETURNED EXECUTED by Barry A. Hazle, Jr.. Deputy Jallings served on 10/9/2008, answer due 10/29/2008. (Heller, John) (Entered: 10/13/2008)

10/17/2008	<u>9</u>	SUMMONS RETURNED EXECUTED by Barry A. Hazle, Jr.. Mental Health Systems Inc. served on 10/13/2008, answer due 11/3/2008. (Heller, John) (Entered: 10/17/2008)
10/20/2008	<u>10</u>	SUMMONS RETURNED EXECUTED by Barry A. Hazle, Jr.. Mitch Crofoot served on 10/15/2008, answer due 11/4/2008. (Heller, John) (Entered: 10/20/2008)
10/20/2008	<u>11</u>	SUMMONS RETURNED EXECUTED by Barry A. Hazle, Jr.. Brenda Wilding served on 10/15/2008, answer due 11/4/2008. (Heller, John) (Entered: 10/20/2008)
10/22/2008	<u>12</u>	STIPULATION and PROPOSED ORDER by Matthew Cate, Scott Kernan, Deputy Jallings. Attorney Irby, Todd Darrow added. (Attachments: # <u>1</u> Proposed Order)(Irby, Todd) (Entered: 10/22/2008)
10/31/2008	<u>13</u>	STIPULATION for an extension of time to file a responsive pleading by Marion Smith, Mental Health Systems Inc. Attorney Hamerling, Jeffrey M. added. (Hamerling, Jeffrey) Modified on 11/3/2008 (Manzer, C). (Entered: 10/31/2008)
11/14/2008	<u>14</u>	SUMMONS RETURNED EXECUTED by Barry A. Hazle, Jr.. Marion Smith served on 10/24/2008, answer due 11/13/2008. (Heller, John) (Entered: 11/14/2008)
11/18/2008	<u>15</u>	NOTICE of Errata by Barry A. Hazle, Jr. re <u>2</u> Complaint. (Heller, John) (Entered: 11/18/2008)
11/24/2008	<u>16</u>	APPLICATION for <i>Order to Correct Typographical Error in Caption and Directing Clerk to Re-Issue Summons</i> by Barry A. Hazle, Jr.. (Heller, John) (Entered: 11/24/2008)
11/24/2008	<u>17</u>	DECLARATION of Tamora Horen re <u>16</u> Application – ATY. (Heller, John) (Entered: 11/24/2008)
11/24/2008	<u>18</u>	PROPOSED ORDER directing clerk to re-issue summons by Barry A. Hazle, Jr.. (Heller, John) (Entered: 11/24/2008)
12/02/2008	<u>19</u>	NOTICE of VOLUNTARY DISMISSAL by Barry A. Hazle, Jr.. (Heller, John) (Entered: 12/02/2008)
12/03/2008	<u>20</u>	ORDER signed by Judge Garland E. Burrell, Jr on 12/02/2008 DENYING <u>16</u> Application for Order to Correct Typographical Error in Caption and Directing Clerk to Re-Issue Summons. (Streeter, J) (Entered: 12/03/2008)
12/04/2008		PARTY UPDATE: Mental Health Systems Inc. and Marion Smith TERMINATED per <u>19</u> pltf's Notice of Voluntary Dismissal without prejudice pursuant to FRCP 41(a)(1). (Kastilahn, A) (Entered: 12/04/2008)
12/04/2008	<u>21</u>	ANSWER to COMPLAINT by Westcare. Attorney Bonetati, Marilyn L. added.(Bonetati, Marilyn) (Entered: 12/04/2008)
12/04/2008	<u>22</u>	STATEMENT of Corporate Disclosure Statement of Defendant Westcare California, Inc. by Defendant Westcare. (Bonetati, Marilyn) (Entered: 12/04/2008)
12/12/2008	<u>23</u>	SUMMONS RETURNED EXECUTED by Barry A. Hazle, Jr.. Tim Hoffman served on 12/10/2008, answer due 12/30/2008. (Heller, John) (Entered: 12/12/2008)
01/13/2009	<u>24</u>	ORDER to SHOW CAUSE signed by Judge Garland E. Burrell, Jr on 1/12/09. Plaintiff is ORDERED to Show Cause in writing no later than 4:00 PM on 2/4/2009, why sanctions should not be imposed against him and/or his counsel for failure to file a timely status report. The Status Conference is RESET for 2/17/2009 at 09:00 AM. (Mena-Sanchez, L) (Entered: 01/13/2009)
01/13/2009	<u>25</u>	RESPONSE to <u>24</u> ORDER to SHOW CAUSE by Barry A. Hazle, Jr. (Heller, John) Modified on 1/14/2009 (Duong, D). (Entered: 01/13/2009)
01/22/2009	<u>26</u>	CLERK'S NOTICE OF DOCKET CORRECTION and CIVIL NEW CASE DOCUMENTS ISSUED; after Clerk reviewed the docket it was discovered that the initial scheduling order was never issued on 9/29/2008. Initial Scheduling Conference SET for 2/17/2009 at 09:00 AM in Courtroom 10 (GEB) before Judge Garland E. Burrell Jr. (Waggoner, D) (Entered: 01/22/2009)

01/23/2009	<u>27</u>	ANSWER to COMPLAINT with Jury Demand by Brenda Wilding, Deputy Jallings, Mitch Crofoot. Attorney Irby, Todd Darrow added.(Irby, Todd) Modified on 1/23/2009 (Becknal, R). (Entered: 01/23/2009)
01/23/2009	<u>28</u>	MOTION to DISMISS by Matthew Cate, Scott Kernan, Tim Hoffman. Motion Hearing set for 4/20/2009 at 09:00 AM in Courtroom 10 (GEB) before Judge Garland E. Burrell Jr.. (Attachments: # <u>1</u> Points and Authorities, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C)(Irby, Todd) (Entered: 01/23/2009)
01/23/2009	<u>29</u>	CERTIFICATE of SERVICE by Barry A. Hazle, Jr.. <i>of Order Setting Status (Pretrial Scheduling) Conference</i> (Heller, John) (Entered: 01/23/2009)
01/30/2009	<u>30</u>	CONSENT to VDRP by Barry A. Hazle, Jr..(Heller, John) (Entered: 01/30/2009)
01/30/2009	<u>31</u>	JOINT STATUS REPORT by Barry A. Hazle, Jr.. (Heller, John) (Entered: 01/30/2009)
02/12/2009	<u>32</u>	STATUS (PRETRIAL SCHEDULING) ORDER signed by Judge Garland E. Burrell, Jr on 2/12/09 ORDERING: Discovery due by 11/25/2009. The last hearing date for motions shall be 1/25/2010 at 9:00 AM. Final Pretrial Conference set for 3/29/2010 at 11:00 AM in Courtroom 10 (GEB) before Judge Garland E. Burrell Jr. Jury Trial set for 6/22/2010 at 09:00 AM in Courtroom 10 (GEB) before Judge Garland E. Burrell Jr. (Donati, J) (Entered: 02/12/2009)
03/13/2009	<u>33</u>	STIPULATION and PROPOSED ORDER for mediation before Judge Vadas and Continuing Hearing on Motion to Dismiss by Barry A. Hazle, Jr.. (Heller, John) (Entered: 03/13/2009)
03/16/2009	<u>34</u>	ORDER signed by Judge Garland E. Burrell, Jr on 3/16/09 ORDERING that Defendants' MOTION to DISMISS filed 1/23/09 <u>28</u> is DEEMED WITHDRAWN since Defendants do not elect to proceed with the Motion at this time. (Mena-Sanchez, L) (Entered: 03/16/2009)
07/22/2009	<u>35</u>	STIPULATION and PROPOSED ORDER for Extension of Discovery Deadlines to 1/8/2010 by Barry A. Hazle, Jr. (Heller, John) (Entered: 07/22/2009)
08/12/2009	<u>36</u>	NOTICE OF MOTION To Bring in a Third Party Defendant by Westcare. Attorney Edborg, Michelle Catherine added. Motion Hearing set for 9/14/2009 at 09:00 AM in Courtroom 10 (GEB) before Judge Garland E. Burrell Jr.. (Edborg, Michelle) Modified on 8/17/2009 (Becknal, R). (Entered: 08/12/2009)
08/12/2009	<u>37</u>	MOTION To BRING IN A THIRD PARTY DEFENDANT by Westcare. Motion Hearing set for 9/14/2009 at 09:00 AM in Courtroom 10 (GEB) before Judge Garland E. Burrell Jr. (Edborg, Michelle) Modified on 8/17/2009 (Becknal, R). (Entered: 08/12/2009)
08/12/2009	<u>38</u>	NOTICE of Lodgment of Third Party Complaint by Westcare re <u>36</u> MOTION To Bring in a Third Party Defendant. (Edborg, Michelle) (Entered: 08/12/2009)
08/28/2009	<u>39</u>	STATEMENT of Non-Opposition to Westcare's Motion to Bring in Third Party Defendant by Plaintiff Barry A. Hazle, Jr.. (Heller, John) (Entered: 08/28/2009)
08/31/2009	<u>40</u>	STATEMENT of NON-OPPOSITION by Brenda Wilding, Matthew Cate, Scott Kernan, Tim Hoffman, Deputy Jallings, Mitch Crofoot to <u>37</u> MOTION To bring in a third party defendant. (Irby, Todd) (Entered: 08/31/2009)
09/09/2009	41	MINUTE ORDER: The stipulation filed on 7/22/09, is approved. re <u>35</u> Stipulation and Proposed Order Ordered by Judge Garland E. Burrell, Jr on 9/9/09. (Furstenau, S) (Entered: 09/09/2009)
09/11/2009	42	MINUTE ORDER: The Motion to Add Third Party Defendant, scheduled for hearing on 9/14/09, is submitted without oral argument. There will not be a hearing on 9/14/09, and no appearance is necessary. re <u>37</u> Motion for Miscellaneous Relief Ordered by Judge Garland E. Burrell, Jr on 9/11/09. (Furstenau, S) (Entered: 09/11/2009)
09/30/2009	<u>43</u>	ORDER signed by Judge Garland E. Burrell, Jr. on 09/29/09 DENYING Westcare's <u>37</u> Motion to Bring in Third party dft. (Benson, A.) (Entered: 09/30/2009)

10/21/2009	<u>44</u>	ORDER Report of Pro Se Prisoner Early Settlement Proceeding; case did not settle signed by Magistrate Judge Nandor J Vadas on 10/21/09. (Masterson, G) (Entered: 10/21/2009)
10/28/2009	<u>45</u>	SUBSTITUTION of ATTORNEY – PROPOSED, submitted by Westcare. (Maire, Wayne) (Entered: 10/28/2009)
10/29/2009	<u>46</u>	ORDER signed by Judge Garland E. Burrell, Jr on 10/29/2009 SUBSTITUTING ATTORNEY Wayne H. Maire for Westcare in place of Marilyn L. Bonetati and Michele C. Edborg. (Matson, R) (Entered: 10/29/2009)
12/23/2009	<u>47</u>	MOTION for SUMMARY JUDGMENT by Westcare. Motion Hearing set for 1/25/2010 at 09:00 AM in Courtroom 10 (GEB) before Judge Garland E. Burrell Jr.. (Attachments: # <u>1</u> Points and Authorities in Support of Motion for Summary Judgment or, In the Alternative, Summary Adjudication of Issues, # <u>2</u> Statement of Undisputed Facts in Support of Motion for Summary Judgment, or, In the Alternative, Summary Adjudication of Issues, # <u>3</u> Declaration of Wayne H. Maire In Support of Motion for Summary Judgment Or, In the Alternative, Summary Adjudication of Issues, # <u>4</u> Declaration of Patty Nealy in Support of Motion for Summary Judgment, or In the Alternative, Summary Adjudication of Issues, # <u>5</u> Declaration of Maurice Lee in Support of Motion for Summary Judgment or, In the Alternative, Summary Adjudication of Issues)(Maire, Wayne) (Entered: 12/23/2009)
12/23/2009	<u>48</u>	MOTION for SUMMARY JUDGMENT by Barry A. Hazle, Jr.. Motion Hearing set for 1/25/2010 at 09:00 AM in Courtroom 10 (GEB) before Judge Garland E. Burrell Jr.. (Heller, John) (Entered: 12/23/2009)
12/23/2009	<u>49</u>	MEMORANDUM by Barry A. Hazle, Jr. in SUPPORT of <u>48</u> MOTION for SUMMARY JUDGMENT. (Heller, John) (Entered: 12/23/2009)
12/23/2009	<u>50</u>	STATEMENT of Undisputed Material Facts in Support of Motion for Partial Summary Judgment by Plaintiff Barry A. Hazle, Jr. re <u>48</u> MOTION for SUMMARY JUDGMENT. (Heller, John) (Entered: 12/23/2009)
12/23/2009	<u>51</u>	DECLARATION of Barry Hazle in Support Of <u>48</u> MOTION for SUMMARY JUDGMENT. (Heller, John) (Entered: 12/23/2009)
12/23/2009	<u>52</u>	DECLARATION of John Heller in Support of <u>48</u> MOTION for SUMMARY JUDGMENT. (Attachments: # <u>1</u> Exhibit A through F to Heller Declaration, # <u>2</u> Exhibit G through I to Heller Decl.)(Heller, John) (Entered: 12/23/2009)
01/06/2010	<u>53</u>	STIPULATION and PROPOSED ORDER for Extension of Time for Plaintiff's Opposition to Westcare's Motion for Summary Judgment by Barry A. Hazle, Jr.. (Heller, John) (Entered: 01/06/2010)
01/07/2010	<u>54</u>	MINUTE ORDER: The Motions for Summary Judgment, currently scheduled for 1/25/10, are rescheduled for 2/22/10 at 9:00 a.m. The opposition to the motions shall be filed by 1/15/10. Any reply shall be filed by 1/22/10. The pretrial conference, currently set for 3/29/10, is rescheduled for 4/26/10 at 11:00 a.m. A joint pretrial statement shall be filed seven days prior to the hearing. re <u>48</u> Motion for Summary Judgment, <u>47</u> Motion for Summary Judgment, Ordered by Judge Garland E. Burrell, Jr on 1/7/10. (Furstenau, S) (Entered: 01/07/2010)
01/15/2010	<u>55</u>	OPPOSITION by Brenda Wilding, Matthew Cate, Scott Kernan, Tim Hoffman, Deputy Jallings, Mitch Crofoot to <u>48</u> MOTION for SUMMARY JUDGMENT. (Attachments: # <u>1</u> Statement of Undisputed Facts, # <u>2</u> Declaration of Todd Darrow Irby, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D)(Irby, Todd) (Entered: 01/15/2010)
01/15/2010	<u>56</u>	MOTION for SUMMARY JUDGMENT by Barry A. Hazle, Jr.. Motion Hearing set for 2/22/2010 at 09:00 AM in Courtroom 10 (GEB) before Judge Garland E. Burrell Jr.. (Heller, John) (Entered: 01/15/2010)
01/15/2010	<u>57</u>	STATEMENT of Undisputed Material Facts in Support of Cross-Motion for Partial Summary Judgment Against Westcare by Plaintiff Barry A. Hazle, Jr. re <u>56</u> MOTION for SUMMARY JUDGMENT. (Heller, John) (Entered: 01/15/2010)

01/15/2010	<u>58</u>	OPPOSITION by Barry A. Hazle, Jr. to <u>47</u> MOTION for SUMMARY JUDGMENT. (Heller, John) (Entered: 01/15/2010)
01/15/2010	<u>59</u>	MEMORANDUM by Barry A. Hazle, Jr. in SUPPORT of <u>56</u> MOTION for SUMMARY JUDGMENT. (Heller, John) (Entered: 01/15/2010)
01/16/2010	<u>60</u>	RESPONSE by Barry A. Hazle, Jr. to <u>47</u> MOTION for SUMMARY JUDGMENT. (Heller, John) (Entered: 01/16/2010)
01/16/2010	<u>61</u>	DECLARATION of John G. Heller re <u>47</u> MOTION for SUMMARY JUDGMENT, <u>56</u> MOTION for SUMMARY JUDGMENT. (Heller, John) (Entered: 01/16/2010)
01/16/2010	<u>62</u>	EXHIBIT <i>A through C to Declaration of John Heller</i> by Barry A. Hazle, Jr. re <u>61</u> Declaration. (Heller, John) (Entered: 01/16/2010)
01/16/2010	<u>63</u>	EXHIBIT <i>D through F to Declaration of John Heller</i> by Barry A. Hazle, Jr. re <u>61</u> Declaration. (Heller, John) (Entered: 01/16/2010)
01/16/2010	<u>64</u>	EXHIBIT <i>G through H to Declaration of John Heller</i> by Barry A. Hazle, Jr. re <u>61</u> Declaration. (Heller, John) (Entered: 01/16/2010)
01/16/2010	<u>65</u>	EXHIBIT <i>I through O to Declaration of John Heller</i> by Barry A. Hazle, Jr. re <u>61</u> Declaration. (Heller, John) (Entered: 01/16/2010)
01/16/2010	<u>66</u>	DECLARATION of Michael A. Scheibli re <u>47</u> MOTION for SUMMARY JUDGMENT, <u>56</u> MOTION for SUMMARY JUDGMENT. (Heller, John) (Entered: 01/16/2010)
01/16/2010	<u>67</u>	DECLARATION of Barry Hazle re <u>47</u> MOTION for SUMMARY JUDGMENT, <u>56</u> MOTION for SUMMARY JUDGMENT. (Heller, John) (Entered: 01/16/2010)
01/16/2010	<u>68</u>	DECLARATION of Jill Ales re <u>47</u> MOTION for SUMMARY JUDGMENT, <u>56</u> MOTION for SUMMARY JUDGMENT. (Heller, John) (Entered: 01/16/2010)
01/16/2010	<u>69</u>	DECLARATION of Martin Nicolaus re <u>47</u> MOTION for SUMMARY JUDGMENT, <u>56</u> MOTION for SUMMARY JUDGMENT. (Heller, John) (Entered: 01/16/2010)
01/16/2010	<u>70</u>	DECLARATION of Tracy Becker re <u>47</u> MOTION for SUMMARY JUDGMENT, <u>56</u> MOTION for SUMMARY JUDGMENT. (Heller, John) (Entered: 01/16/2010)
01/16/2010	<u>71</u>	DECLARATION of Melanie Solomon re <u>47</u> MOTION for SUMMARY JUDGMENT, <u>56</u> MOTION for SUMMARY JUDGMENT. (Heller, John) (Entered: 01/16/2010)
01/20/2010	<u>72</u>	MINUTE ORDER: Defendant's Opposition to Plaintiff's Cross Motion for Summary Judgment shall be filed by 1/29/10; Any reply shall be filed by 2/5/10. Ordered by Judge Garland E. Burrell, Jr on 1/20/10. (Furstenau, S) (Entered: 01/20/2010)
01/21/2010	<u>73</u>	OBJECTIONS by Defendant Westcare to <u>56</u> MOTION for SUMMARY JUDGMENT. (Maire, Wayne) (Entered: 01/21/2010)
01/21/2010	<u>74</u>	NOTICE of Errata by Barry A. Hazle, Jr. re <u>58</u> Opposition to Motion, <u>59</u> Memorandum in Support of Motion. (Heller, John) (Entered: 01/21/2010)
01/21/2010	<u>75</u>	OPPOSITION by Plaintiff Barry A. Hazle, Jr. to <u>73</u> Objections. (Heller, John) (Entered: 01/21/2010)
01/22/2010	<u>76</u>	REPLY by Westcare re <u>58</u> Opposition to Motion. (Attachments: # <u>1</u> Declaration of Summer D. Ryan in Support of Reply)(Maire, Wayne) (Entered: 01/22/2010)
01/22/2010	<u>77</u>	ORDER signed by Judge Garland E. Burrell, Jr., on 1/21/10, ORDERING that dfts' opposition to pltf's cross motion shall be filed by February 5, 2010. Any reply shall be filed by February 12, 2010. The cross motion will be heard on February 22, 2010 at 9:00 a.m. (Kastilahn, A) (Entered: 01/22/2010)
01/22/2010	<u>78</u>	REPLY by Barry A. Hazle, Jr. re <u>48</u> MOTION for SUMMARY JUDGMENT. (Heller, John) (Entered: 01/22/2010)
01/22/2010	<u>79</u>	OBJECTIONS by Plaintiff Barry A. Hazle, Jr. to <u>55</u> Opposition to Motion,. (Heller, John) (Entered: 01/22/2010)

02/03/2010	<u>80</u>	STIPULATION and PROPOSED ORDER for Rescheduling Pretrial Conference by Barry A. Hazle, Jr.. (Heller, John) (Entered: 02/03/2010)
02/05/2010	<u>81</u>	OPPOSITION by Westcare to <u>56</u> MOTION for SUMMARY JUDGMENT. (Maire, Wayne) (Entered: 02/05/2010)
02/05/2010	<u>82</u>	RESPONSE by Westcare to <u>56</u> MOTION for SUMMARY JUDGMENT. (Maire, Wayne) (Entered: 02/05/2010)
02/05/2010	<u>83</u>	DECLARATION of Wayne H. Maire in SUPPORT OF OPPOSITION <u>56</u> MOTION for SUMMARY JUDGMENT. (Maire, Wayne) (Entered: 02/05/2010)
02/08/2010	84	MINUTE ORDER: The pretrial conference is rescheduled for 5/3/10 at 1:30 p.m. A joint pretrial statement is to be filed seven days prior to the hearing. Ordered by Judge Garland E. Burrell, Jr on 2/8/10. (Furstenau, S) (Entered: 02/08/2010)
02/12/2010	<u>85</u>	REPLY by Barry A. Hazle, Jr. re <u>56</u> MOTION for SUMMARY JUDGMENT. (Heller, John) (Entered: 02/12/2010)
02/19/2010	86	MINUTE ORDER: The Cross Motions for Summary Judgment, scheduled for hearing on 2/22/10, are submitted without oral argument. There will not be a hearing on 2/22/10, and no appearance is necessary. re <u>48</u> Motion for Summary Judgment, <u>47</u> Motion for Summary Judgment,,, <u>56</u> Motion for Summary Judgment Ordered by Judge Garland E. Burrell, Jr on 2/19/10. (Furstenau, S) (Entered: 02/19/2010)
04/07/2010	<u>87</u>	ORDER signed by Judge Garland E. Burrell, Jr. on 4/6/2010 ORDERING Pltf's <u>48</u> partial motion for summary judgment is GRANTED, Westcare's <u>47</u> motion for summary judgment is GRANTED and Pltf's <u>56</u> cross-motion for summary judgment is DENIED. Westcare prevails on its argument that Plt's request for injunction is DENIED. (Engbretson, K.) (Entered: 04/07/2010)
04/08/2010	<u>88</u>	NOTICE of CHANGE of ADDRESS by Wayne H. Maire. (Maire, Wayne) (Entered: 04/08/2010)
04/16/2010	<u>89</u>	JOINT PRETRIAL STATEMENT by plaintiff Barry A. Hazle, Jr.. (Heller, John) Modified on 4/19/2010 (Marciel, M). (Entered: 04/16/2010)
04/16/2010	<u>90</u>	STIPULATION by Barry A. Hazle, Jr.. (Heller, John) (Entered: 04/16/2010)
04/19/2010	<u>91</u>	BILL of COSTS SUBMITTED by Westcare. (Attachments: # <u>1</u> Declaration of Wayne H. Maire in Support of Defendant Westcare's Cost Bill)(Maire, Wayne) (Entered: 04/19/2010)
05/03/2010	92	MINUTES (Text Only) for proceedings held before Judge Garland E. Burrell, Jr. IN COURT HEARING Pretrial conference held on 5/3/2010. Confirm trial for 6/22/10 at 9:00 a.m. Plaintiffs Counsel John Heller present. Defendants Counsel Todd Irby present. Court Reporter/CD Number: Vickie Whitney. (Furstenau, S) (Entered: 05/04/2010)
05/05/2010	<u>93</u>	FINAL PRETRIAL ORDER signed by Judge Garland E. Burrell, Jr. on 5/5/2010 ORDERING Jury Trial set for 6/22/2010 at 09:00 AM in Courtroom 10 (GEB) before Judge Garland E. Burrell Jr. (Reader, L) (Entered: 05/05/2010)
05/05/2010	<u>94</u>	NOTICE of APPEAL by Barry A. Hazle, Jr. as to <u>87</u> Order on Motion for Summary Judgment. (Attachments: # <u>1</u> Ninth Circuit Docketing Statement)(Heller, John) Modified on 5/6/2010 (Engbretson, K.). (Entered: 05/05/2010)
05/05/2010	<u>95</u>	SUPPLEMENTAL EXHIBIT LIST by Barry A. Hazle, Jr..(Heller, John) Modified on 5/6/2010 (Engbretson, K.). (Entered: 05/05/2010)
05/06/2010		RECEIPT number #CAE200026012 \$455.00 fbo Barry A Hazle Jr by John G Heller on 5/6/2010. (Kastilahn, A) (Entered: 05/06/2010)
05/07/2010	<u>98</u>	APPEAL PROCESSED to Ninth Circuit re <u>94</u> Notice of Appeal filed by Barry A. Hazle, Jr.. Filed dates for Notice of Appeal *5/5/2010*, Complaint *9/29/2008* and Appealed Order / Judgment *4/7/2010*. Court Reporter: *V. Whitney*. *Fee Status: Paid on 5/6/2010 in the amount of \$455.00* ** (Attachments: # <u>1</u> Appeal Information) (Engbretson, K.) (Entered: 05/07/2010)

05/25/2010	<u>99</u>	USCA CASE NUMBER 10-16067 for 94 Notice of Appeal filed by Barry A. Hazle, Jr.. (Engbretson, K.) (Entered: 05/25/2010)
05/25/2010	<u>100</u>	ORDER Setting Settlement Conference in prisoner settlement program for June 10, 2010 at 1:30 in Courtroom F, San Francisco, CA signed by Magistrate Judge Nandor J Vadas on 5/25/10. (Masterson, G) (Entered: 05/25/2010)
05/28/2010	<u>101</u>	MOTION IN LIMINE to exclude non-party witnesses from courtroom prior to testifying by defendants. Motion Hearing set for 6/22/2010 at 09:00 AM in Courtroom 10 (GEB) before Judge Garland E. Burrell Jr. (Irby, Todd) Modified on 6/2/2010 (Mena-Sanchez, L). (Entered: 05/28/2010)
05/28/2010	<u>102</u>	MOTION IN LIMINE to exclude testimony of plaintiff witnesses. Motion Hearing set for 6/22/2010 at 09:00 AM in Courtroom 10 (GEB) before Judge Garland E. Burrell Jr.. (Attachments: # <u>1</u> Declaration of Todd Irby with Attachment A) (Irby, Todd) Modified on 6/2/2010 (Mena-Sanchez, L). (Entered: 05/28/2010)
05/28/2010	<u>103</u>	LIST of MOTIONS IN LIMINE by plaintiff. (Heller, John) Modified on 6/2/2010 (Mena-Sanchez, L). (Entered: 05/28/2010)
05/28/2010	<u>104</u>	MOTION IN LIMINE No. 1: to exclude evidence that plaintiff agreed to participate in NA or AA-based program as term or condition of parole by plaintiff. (Heller, John) Modified on 6/2/2010 (Mena-Sanchez, L). Modified on 6/17/2010 (Marciel, M). (Entered: 05/28/2010)
05/28/2010	<u>105</u>	MOTION IN LIMINE No. 2: to Preclude evidence of plaintiff's alleged participation in prison NA/AA meetings in 2006 - 2007. (Heller, John) Modified on 6/2/2010 (Mena-Sanchez, L). (Entered: 05/28/2010)
05/28/2010	<u>106</u>	MOTION IN LIMINE No. 3: to preclude defendants from calling witnesses on issues pertaining to Hazle's supposed participation in NA/AA meetings, including those not disclosed in Discovery by plaintiff. (Heller, John) Modified on 6/2/2010 (Mena-Sanchez, L). (Entered: 05/28/2010)
05/28/2010	<u>107</u>	MOTION IN LIMINE No. 4: to preclude defendants from calling witnesses on issues pertaining to Hazle's supposed participation in NA/AA meetings. (Heller, John) Modified on 6/2/2010 (Mena-Sanchez, L). (Entered: 05/28/2010)
05/28/2010	<u>108</u>	MOTION IN LIMINE No. 5: to preclude evidence of Hazle's prior arrests and incarcerations by plaintiff. (Heller, John) Modified on 6/2/2010 (Mena-Sanchez, L). (Entered: 05/28/2010)
05/28/2010	<u>109</u>	MOTION IN LIMINE No. 6: to preclude evidence of recent arrest by plaintiff. (Heller, John) Modified on 6/2/2010 (Mena-Sanchez, L). (Entered: 05/28/2010)
05/28/2010	<u>110</u>	MOTION IN LIMINE No. 7: to preclude evidence and testimony regarding CDCR directive issued after events in this case by plaintiff. (Heller, John) Modified on 6/2/2010 (Mena-Sanchez, L). (Entered: 05/28/2010)
05/28/2010	<u>111</u>	Compendium of Exhibits; Declaration of Counsel by Barry A. Hazle, Jr. (Attachments: # <u>1</u> Exhibits A through C, # <u>2</u> Exhibits D through K)(Heller, John) Modified on 6/2/2010 (Mena-Sanchez, L). (Entered: 05/28/2010)
06/01/2010	<u>112</u>	PROPOSED VERDICT submitted by Defendants Brenda Wilding, Deputy Jallings, Mitch Crofoot.(Irby, Todd) (Entered: 06/01/2010)
06/01/2010	<u>113</u>	JOINT PROPOSED JURY INSTRUCTIONS by Barry A. Hazle, Jr..(Heller, John) Modified on 6/2/2010 (Kaminski, H). (Entered: 06/01/2010)
06/01/2010	<u>114</u>	JOINT PROPOSED VOIR DIRE by Barry A. Hazle, Jr..(Heller, John) Modified on 6/2/2010 (Kaminski, H). (Entered: 06/01/2010)
06/01/2010	<u>115</u>	PROPOSED JURY INSTRUCTIONS by Brenda Wilding, Deputy Jallings, Mitch Crofoot.(Irby, Todd) (Entered: 06/01/2010)
06/01/2010	<u>116</u>	TRIAL BRIEF by Brenda Wilding, Deputy Jallings, Mitch Crofoot.(Irby, Todd) (Entered: 06/01/2010)
06/01/2010	<u>117</u>	PROPOSED VERDICT submitted by Plaintiff Barry A. Hazle, Jr..(Heller, John) (Entered: 06/01/2010)

06/01/2010	<u>118</u>	PROPOSED JURY INSTRUCTIONS by Barry A. Hazle, Jr..(Heller, John) (Entered: 06/01/2010)
06/01/2010	<u>119</u>	TRIAL BRIEF by Barry A. Hazle, Jr..(Heller, John) (Entered: 06/01/2010)
06/04/2010	<u>120</u>	OPPOSITION by Brenda Wilding, Deputy Jallings, Mitch Crofoot to <u>104</u> MOTION IN LIMINE. (Irby, Todd) (Entered: 06/04/2010)
06/04/2010	<u>121</u>	OPPOSITION by Brenda Wilding, Deputy Jallings, Mitch Crofoot to <u>105</u> MOTION IN LIMINE. (Irby, Todd) (Entered: 06/04/2010)
06/04/2010	<u>122</u>	OPPOSITION by Brenda Wilding, Deputy Jallings, Mitch Crofoot to <u>106</u> MOTION IN LIMINE. (Irby, Todd) (Entered: 06/04/2010)
06/04/2010	<u>123</u>	OPPOSITION by Brenda Wilding, Deputy Jallings, Mitch Crofoot to <u>109</u> MOTION IN LIMINE. (Irby, Todd) (Entered: 06/04/2010)
06/04/2010	<u>124</u>	OPPOSITION by Brenda Wilding, Deputy Jallings, Mitch Crofoot to <u>107</u> MOTION IN LIMINE. (Irby, Todd) (Entered: 06/04/2010)
06/04/2010	<u>125</u>	OPPOSITION by Brenda Wilding, Deputy Jallings, Mitch Crofoot to <u>108</u> MOTION IN LIMINE. (Irby, Todd) (Entered: 06/04/2010)
06/04/2010	<u>126</u>	OPPOSITION by Brenda Wilding, Deputy Jallings, Mitch Crofoot to <u>110</u> MOTION IN LIMINE. (Irby, Todd) (Entered: 06/04/2010)
06/04/2010	<u>127</u>	OPPOSITION by Barry A. Hazle, Jr. to <u>102</u> MOTION IN LIMINE. (Heller, John) (Entered: 06/04/2010)
06/04/2010	<u>128</u>	DECLARATION of John G. Heller in Opposition to <u>102</u> MOTION IN LIMINE. (Heller, John) (Entered: 06/04/2010)
06/04/2010	<u>129</u>	STATEMENT of NON-OPPOSITION by Barry A. Hazle, Jr. to <u>101</u> MOTION IN LIMINE. (Heller, John) (Entered: 06/04/2010)
06/07/2010	<u>130</u>	REPLY by Brenda Wilding, Deputy Jallings, Mitch Crofoot to RESPONSE to <u>102</u> MOTION IN LIMINE. (Irby, Todd) (Entered: 06/07/2010)
06/07/2010	<u>131</u>	REPLY by Brenda Wilding, Deputy Jallings, Mitch Crofoot to RESPONSE to <u>101</u> MOTION IN LIMINE. (Irby, Todd) (Entered: 06/07/2010)
06/08/2010	<u>132</u>	OBJECTIONS by Defendant Brenda Wilding to <u>89</u> Pretrial Statement, <u>95</u> Exhibit List. (Irby, Todd) (Entered: 06/08/2010)
06/08/2010	<u>133</u>	JOINT PROPOSED SHORT STATEMENT of the Parties , to be Read to the Jury by Plaintiff Barry A. Hazle, Jr.. (Heller, John) Modified on 6/9/2010 (Williams, D). (Entered: 06/08/2010)
06/08/2010	<u>134</u>	REPLY by Barry A. Hazle, Jr. re <u>104</u> MOTION IN LIMINE. (Heller, John) (Entered: 06/08/2010)
06/08/2010	<u>135</u>	REPLY by Barry A. Hazle, Jr. re <u>105</u> MOTION IN LIMINE. (Heller, John) (Entered: 06/08/2010)
06/08/2010	<u>136</u>	REPLY by Barry A. Hazle, Jr. re <u>106</u> MOTION IN LIMINE. (Heller, John) (Entered: 06/08/2010)
06/08/2010	<u>137</u>	REPLY by Barry A. Hazle, Jr. re <u>107</u> MOTION IN LIMINE. (Heller, John) (Entered: 06/08/2010)
06/08/2010	<u>138</u>	REPLY by Barry A. Hazle, Jr. re <u>108</u> MOTION IN LIMINE. (Heller, John) (Entered: 06/08/2010)
06/08/2010	<u>139</u>	REPLY by Barry A. Hazle, Jr. re <u>110</u> MOTION IN LIMINE. (Heller, John) (Entered: 06/08/2010)
06/08/2010	<u>140</u>	OBJECTIONS by Plaintiff Barry A. Hazle, Jr.. (Heller, John) (Entered: 06/08/2010)
06/08/2010	<u>141</u>	DECLARATION of John G. Heller in Support of Plaintiff's Reply Motions in Limine. (Heller, John) (Entered: 06/08/2010)

06/09/2010	<u>142</u>	ORDER vacating June 10, 2010 further settlement conference signed by Magistrate Judge Nandor J Vadas on June 9, 2010. (Masterson, G) (Entered: 06/09/2010)
06/10/2010	<u>143</u>	SUPPLEMENT by Barry A. Hazle, Jr. re <u>118</u> Proposed Jury Instructions. (Heller, John) (Entered: 06/10/2010)
06/11/2010	<u>144</u>	RESPONSE by Barry A. Hazle, Jr. to <u>132</u> Objections. (Heller, John) (Entered: 06/11/2010)
06/15/2010	<u>145</u>	RESPONSE by Brenda Wilding, Deputy Jallings, Mitch Crofoot to <u>143</u> Supplement. (Irby, Todd) (Entered: 06/15/2010)
06/16/2010	<u>146</u>	REPLY by Barry A. Hazle, Jr. re <u>143</u> Supplement. (Heller, John) (Entered: 06/16/2010)
06/17/2010	<u>147</u>	OPPOSITION by Barry A. Hazle, Jr. to new arguments raised in Defendants' Reply in SUPPORT of the MOTION In Limine <u>130</u> . (Heller, John) Modified on 6/18/2010 (Mena-Sanchez, L). (Entered: 06/17/2010)
06/17/2010	<u>148</u>	ORDER signed by Judge Garland E. Burrell, Jr. on 6/17/2010. Plaintiff's <u>104</u> <u>105</u> <u>107</u> <u>108</u> <u>109</u> <u>110</u> Motions in Limine are DENIED. But plaintiff's <u>106</u> Motion In Limine No. 3 is GRANTED in part and DENIED in part. Defendants' <u>101</u> Motion in Limine to restrict all non-party witnesses from entering Courtroom until called to testify is GRANTED. Defendants' <u>102</u> Motion in Limine to exclude testimony of plaintiff witnesses is DENIED. (Marciel, M) (Entered: 06/17/2010)
06/18/2010	<u>149</u>	TRIAL EXHIBITS by Barry A. Hazle, Jr..(Heller, John) Modified on 6/21/2010 (Kaminski, H). (Entered: 06/18/2010)
06/18/2010	<u>150</u>	TRIAL EXHIBIT by Brenda Wilding, Deputy Jallings, Mitch Crofoot.(Irby, Todd) (Entered: 06/18/2010)
06/18/2010	<u>151</u>	NOTICE OF FILING / LODGING DOCUMENT IN PAPER by Brenda Wilding, Deputy Jallings, Mitch Crofoot: Deposition Transcripts Lodged. (Irby, Todd) [Lodged documents received and routed to file room]. Modified on 6/21/2010 (Duong, D). (Entered: 06/18/2010)
06/21/2010	<u>152</u>	DECLARATION of Todd D. Irby. (Irby, Todd) (Entered: 06/21/2010)
06/22/2010	<u>153</u>	NOTICE OF LODGING DEPOSITION TRANSCRIPT of Richard Jallins, Mitch Crofoot and Brenda Wilding taken on December 4, 2009. (Heller, John) Modified on 6/23/2010 (Kaminski, H). (Entered: 06/22/2010)
06/22/2010	154	MINUTES (Text Only) for proceedings held before Judge Garland E. Burrell, Jr: IN COURT HEARING held on 6/22/2010. Jury selection; jury panel selected and sworn; jury given preliminary instructions; opening statements; Plaintiff's witnesses Mitchel Crofoot, Brenda Wilding, Richard Jallins; Maline Hazle, Brian Hazle, Judy Pfahnl, Barry Hazle testified. Recess to 6/23/10 at 9:00 a.m. Plaintiffs Counsel John Heller present. Defendants Counsel Todd Irby, Vicki Whitney present. Court Reporter/CD Number: Kimberly Bennett. (Furstenau, S) (Entered: 06/23/2010)
06/23/2010	155	MINUTES (Text Only) for proceedings held before Judge Garland E. Burrell, Jr: IN COURT HEARING held on 6/23/2010. 2nd day Jury trial. Barry Hazle, Mitch Crofoot testified. Defense rests. Closing arguments; jury instructed; deliberation. Recess to 6/24/10 at 9:00 a.m. Plaintiffs Counsel John Heller present. Defendants Counsel Todd Irby, Vicki Whitney present. Court Reporter/CD Number: Kimberly Bennett. (Furstenau, S) (Entered: 06/24/2010)
06/24/2010	<u>156</u>	JURY NOTES. (Kaminski, H) (Entered: 06/25/2010)
06/24/2010	<u>157</u>	JURY NOTES re verdict.(Kaminski, H) (Entered: 06/25/2010)
06/24/2010	<u>158</u>	VERDICT FORM(Reader, L) (Entered: 06/28/2010)
06/24/2010	160	MINUTES (Text Only) for proceedings held before Judge Garland E. Burrell, Jr: IN COURT HEARING held on 6/24/2010. Jury Deliberation. Jury returned verdict. No damages were awarded. Exhibits returned to counsel. Plaintiffs Counsel John Heller present. Defendants Counsel Todd Irby, Vicki Whitney present. Court Reporter/CD Number: Kimberly Bennett. (Furstenau, S) (Entered: 06/30/2010)

06/28/2010	<u>159</u>	STATEMENT of Plaintiff in Response to Issues Pertaining to Defendants' Asserted Defenses Regarding Policy and Lack of Authority by Plaintiff Barry A. Hazle, Jr.. (Heller, John) (Entered: 06/28/2010)
06/30/2010	<u>161</u>	JUDGMENT dated *6/24/2010* pursuant to jury verdict, before Judge Garland E. Burrell, Jr. on 6/24/2010. CASE CLOSED (Reader, L) (Entered: 06/30/2010)
07/12/2010	<u>162</u>	MOTION for SUMMARY JUDGMENT by Matthew Cate, Mitch Crofoot, Deputy Jallings, Scott Kernan, Brenda Wilding. Motion Hearing set for 8/16/2010 at 08:30 AM in Courtroom 10 (GEB) before Judge Garland E. Burrell Jr.. (Attachments: # <u>1</u> Points and Authorities, # <u>2</u> Statement of Undisputed Facts, # <u>3</u> Declaration of Todd Darrow Irby, # <u>4</u> Exhibit A, # <u>5</u> Exhibit 1, # <u>6</u> Exhibit 4, # <u>7</u> Exhibit B, # <u>8</u> Exhibit C, # <u>9</u> Exhibit D, # <u>10</u> Exhibit 56, # <u>11</u> Exhibit E, # <u>12</u> Exhibit F, # <u>13</u> Exhibit G)(Irby, Todd) (Entered: 07/12/2010)
07/20/2010	<u>163</u>	RESPONSE by Barry A. Hazle, Jr. to <u>162</u> MOTION for SUMMARY JUDGMENT. (Heller, John) (Entered: 07/20/2010)
07/28/2010	<u>164</u>	MOTION for NEW TRIAL by Barry A. Hazle, Jr. Motion Hearing set for 09/27/10 at 09:00 AM in Courtroom 10 (GEB) before Judge Garland E. Burrell, Jr. (Heller, John) (Entered: 07/28/2010)
07/28/2010	<u>165</u>	DECLARATION of John G. Heller in Support of <u>164</u> MOTION for NEW TRIAL. (Heller, John) (Entered: 07/28/2010)
07/28/2010	<u>166</u>	MEMORANDUM of Points and Authorities by Barry A. Hazle, Jr. in SUPPORT of <u>164</u> MOTION for NEW TRIAL. (Heller, John) Modified on 7/29/2010 (Mena-Sanchez, L). (Entered: 07/28/2010)
07/28/2010	<u>167</u>	REQUEST for JUDICIAL NOTICE by Barry A. Hazle, Jr. in re <u>164</u> Motion for New Trial. (Heller, John) (Entered: 07/28/2010)
08/05/2010	<u>168</u>	ORDER of USCA for <u>94</u> Notice of Appeal filed by plaintiff Barry A. Hazle, Jr.: appellant's Motion to Dismiss this Appeal is GRANTED and parties shall bear their own costs. (Marciel, M) (Entered: 08/06/2010)
08/06/2010	<u>169</u>	COSTS TAXED in amount of \$ \$3,689.90 against Plaintiff Hazle. (Mena-Sanchez, L) (Entered: 08/10/2010)
08/11/2010	<u>170</u>	ORDER signed by Judge Garland E. Burrell, Jr. on 08/10/10 GRANTING dfts' <u>162</u> Motion for Summary Judgment. (Benson, A.) (Entered: 08/11/2010)
09/07/2010	<u>171</u>	TRANSCRIPT of Proceedings held on 6/22/10, before Judge Garland E. Burrell, Jr, filed by Court Reporter Kimberly Bennett, Phone number 916-442-8420 E-mail reporter.bennett@yahoo.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction must be filed within 5 court days. Redaction Request due 9/30/2010. Redacted Transcript Deadline set for 10/8/2010. Release of Transcript Restriction set for 12/6/2010. (Bennett, Kimberly) (Entered: 09/07/2010)
09/07/2010	<u>172</u>	TRANSCRIPT of Proceedings held on 6/23/10, before Judge Garland E. Burrell, Jr, filed by Court Reporter Kimberly Bennett, Phone number 916-442-8420 E-mail reporter.bennett@yahoo.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction must be filed within 5 court days. Redaction Request due 9/30/2010. Redacted Transcript Deadline set for 10/8/2010. Release of Transcript Restriction set for 12/6/2010. (Bennett, Kimberly) (Entered: 09/07/2010)
09/07/2010	<u>173</u>	TRANSCRIPT of Proceedings held on 6/24/10, before Judge Garland E. Burrell, Jr, filed by Court Reporter Kimberly Bennett, Phone number 916-442-8420 E-mail reporter.bennett@yahoo.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction must be filed within 5 court days. Redaction Request due 9/30/2010. Redacted Transcript Deadline set for 10/8/2010. Release of Transcript Restriction set for 12/6/2010. (Bennett, Kimberly) (Entered: 09/07/2010)

09/13/2010	<u>174</u>	OPPOSITION by Mitch Crofoot, Deputy Jallings, Brenda Wilding to <u>164</u> Motion for New Trial. (Attachments: # <u>1</u> Declaration)(Irby, Todd) (Entered: 09/13/2010)
09/20/2010	<u>175</u>	REPLY by Barry A. Hazle, Jr. re <u>164</u> Motion for a New Trial. (Heller, John) (Entered: 09/20/2010)
09/20/2010	<u>176</u>	DECLARATION of John Heller re <u>175</u> Reply. (Heller, John) (Entered: 09/20/2010)
09/27/2010	177	MINUTES (Text Only) for proceedings held before Judge Garland E. Burrell, Jr: MOTION HEARING held on 9/27/2010 re <u>164</u> Motion for a New Trial filed by Barry A. Hazle, Jr. Motion submitted. Plaintiffs Counsel John Heller present. Defendants Counsel Vickie Whitney present. Court Reporter/CD Number: Kimberly Bennett. (Furstenau, S) (Entered: 09/27/2010)
01/13/2011	<u>178</u>	ORDER signed by Judge Garland E. Burrell, Jr on 1/12/2011 DENYING <u>164</u> Hazle's Motion for New Trial. (Reader, L) (Entered: 01/13/2011)
02/10/2011	<u>179</u>	NOTICE of APPEAL by Barry A. Hazle, Jr. as to <u>178</u> Order denying Motion for New Trial. (Attachments: # <u>1</u> Docketing Statement) (Heller, John) Modified on 2/11/2011 (Marciel, M). (Entered: 02/10/2011)
02/11/2011		RECEIPT number #CAE200033210 \$455.00 fbo Plaintiff Barry A. Hazle, Jr. by Chapman P. White on 2/11/2011. (Reader, L) (Entered: 02/11/2011)
02/11/2011	<u>181</u>	APPEAL PROCESSED to Ninth Circuit for <u>179</u> Notice of Appeal filed by Barry A. Hazle, Jr.. Filed dates for Notice of Appeal *2/10/2011*, Complaint *9/28/2008* and Appealed Order / Judgment *1/13/2011*. Court Reporter: *Kimberly Bennett*. *Fee Status: Paid on 2/11/2011 in the amount of \$455.00* ** (Attachments: # <u>1</u> Appeal Information) (Marciel, M) (Entered: 02/11/2011)
03/01/2011	182	USCA CASE NUMBER 11-15354 for <u>179</u> Notice of Appeal filed by Barry A. Hazle, Jr.. (Zignago, K.) (Entered: 03/01/2011)
03/09/2011	<u>183</u>	TRANSCRIPT of Proceedings held on 9/27/10, before Judge Garland E. Burrell, Jr, filed by Court Reporter Kimberly Bennett, Phone number 916-442-8420 E-mail reporter.bennett@yahoo.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction must be filed within 5 court days. Redaction Request due 3/31/2011. Redacted Transcript Deadline set for 4/11/2011. Release of Transcript Restriction set for 6/9/2011. (Bennett, Kimberly) (Entered: 03/09/2011)
03/11/2011	<u>184</u>	TRANSCRIPT REQUEST by Barry A. Hazle, Jr. (Heller, John) (Entered: 03/11/2011)
03/18/2011	<u>185</u>	CERTIFICATE of RECORD transmitted to Ninth Circuit re <u>179</u> Notice of Appeal filed by Barry A. Hazle, Jr. for USCA Case Number *11-15354* Hearing Dates of *6/22/10**6/23/10**6/24/10**9/27/10* (Zignago, K.) (Entered: 03/18/2011)
04/04/2011	<u>186</u>	TRANSCRIPT REQUEST by Barry A. Hazle, Jr. (Heller, John) (Entered: 04/04/2011)
04/05/2011	<u>187</u>	TRANSCRIPT of Proceedings held on 5/3/10, before Judge Garland E. Burrell, Jr, filed by Court Reporter Kimberly Bennett, Phone number 916-442-8420 E-mail reporter.bennett@yahoo.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction must be filed within 5 court days. Redaction Request due 4/28/2011. Redacted Transcript Deadline set for 5/6/2011. Release of Transcript Restriction set for 7/5/2011. (Bennett, Kimberly) (Entered: 04/05/2011)
12/10/2012	<u>188</u>	TRANSMITTED RECORD on APPEAL to USCA # *11-15354* re <u>179</u> Notice of Appeal. * Volumes of Expandable Folders: 1.* *Electronic Documents: 1 to 187.* (Waggoner, D) (Entered: 12/10/2012)
08/23/2013	<u>189</u>	USCA OPINION as to Notice of Appeal filed by Barry A. Hazle, Jr. For the reasons stated above, we hold that the jury verdict awarding Hazle no compensatory damages is contrary to law, reverse the district judge's denial of Hazle's motion for a new trial, and remand for a new trial as to his loss of liberty damages. The jury shall be instructed that liability is joint and several and that Hazle is entitled to compensatory

		damages. We also hold that Hazle is entitled to a new trial as to his emotional distress damages as a result of the district judge's erroneous jury instruction and verdict form. In addition, we reverse the district judge's grant of summary judgment to Westcare on Hazle's section 1983 claim, as well as its holding that Hazle's state law claim for injunctive relief was moot. We remand both of these issues for further consideration. REVERSED AND REMANDED. (Becknal, R) (Entered: 08/23/2013)
08/23/2013		APPEAL RECORD REQUESTED: Final Judgment has been entered by the Ninth Circuit in case USCA, 10-16067, USCA, 11-15354. Please return the Clerk's Record to our office. (TEXT ONLY ENTRY) (Becknal, R) (Entered: 08/23/2013)
09/16/2013	<u>190</u>	MANDATE of USCA as to <u>179</u> Notice of Appeal filed by Barry A. Hazle, Jr. The judgment of this Court, entered 8/23/13, takes effect this date. Costs are taxed against the appellee in the amount of \$696.60. (Meuleman, A) (Entered: 09/17/2013)
09/20/2013		APPEAL RECORD RETURNED: <u>94</u> <u>179</u> Notice of Appeal (Becknal, R) (Entered: 09/20/2013)
06/06/2014	191	MINUTE ORDER: A status conference is scheduled for 7/21/14 at 9:00 a.m. A joint status report shall be filed fourteen days prior to the hearing. Ordered by Judge Garland E. Burrell, Jr on 6/6/14. (Furstenau, S) (Entered: 06/06/2014)
07/07/2014	<u>192</u>	JOINT STATUS REPORT by Barry A. Hazle, Jr.. (Heller, John) (Entered: 07/07/2014)
07/11/2014	<u>193</u>	TRANSCRIPT REQUEST by Westcare for proceedings held on June 22, 2010; June 23, 2010; June 24, 2010 before Judge Garland E. Burrell, Jr., (Maire, Wayne) (Entered: 07/11/2014)
07/15/2014	<u>194</u>	ORDER signed by Judge Garland E. Burrell, Jr. on 7/14/2014 CONTINUING the Status (Pretrial Scheduling) Conference to 8/4/2014 at 09:00 AM in Courtroom 10 (GEB) before Judge Garland E. Burrell, Jr. ORDERING that a further joint status report be filed fourteen (14) days prior to the Status Conference. (Michel, G) Modified on 7/16/2014 (Michel, G). (Entered: 07/15/2014)
07/21/2014	<u>195</u>	JOINT STATUS REPORT by Barry A. Hazle, Jr.. (Huie, Dennis) (Entered: 07/21/2014)
07/23/2014	<u>196</u>	STATUS (PRETRIAL SCHEDULING) ORDER signed by Judge Garland E. Burrell, Jr. on 7/23/2014 ORDERING that the status conference scheduled for 8/4/2014 is VACATED. The deadline to file motions for leave to amend complaint to add and substitute parties to the action is 9/22/2014. The deadline to file motions to reopen or for leave to conduct additional discovery is 9/22/2014. The deadline to file motions for summary judgment or partial summary judgment is 11/17/2014. Final Pretrial Conference set for 3/16/2015 at 02:30 PM in Courtroom 10 (GEB) before Judge Garland E. Burrell Jr.. Trial set for 6/16/2015 at 09:00 AM in Courtroom 10 (GEB) before Judge Garland E. Burrell Jr.. (Zignago, K.) (Entered: 07/23/2014)
09/04/2014	<u>197</u>	STIPULATION and PROPOSED ORDER for EXTENSION OF DEADLINE TO FILE MOTION TO AMEND COMPLAINT AND MOTION TO REOPEN DISCOVERY by Barry A. Hazle, Jr.. (Heller, John) (Entered: 09/04/2014)
09/05/2014	<u>198</u>	STIPULATION and ORDER signed by Judge Garland E. Burrell, Jr on 9/4/14 <u>197</u> . IT IS HEREBY ORDERED that the deadline to file motions to amend the complaint and reopen discovery is CONTINUED to 10/13/14. (Meuleman, A) (Entered: 09/05/2014)
10/08/2014	<u>199</u>	STIPULATION and PROPOSED ORDER for Continuation of Motion Deadlines by Barry A. Hazle, Jr.. (Heller, John) (Entered: 10/08/2014)
10/14/2014	<u>200</u>	STIPULATION for VOLUNTARY DISMISSAL with prejudice by defendants. Attorney Whitney, Vickie Pochelle added. (Whitney, Vickie) Modified on 10/15/2014 (Marciel, M) (Entered: 10/14/2014)
10/15/2014	201	NOTICE of VOLUNTARY DISMISSAL: pursuant to <u>200</u> Stipulation, this action is DISMISSED with prejudice. Each party shall bear its own litigation costs and attorney's fees, except to extent that any fees & costs are encompassed within parties' Settlement of matter. (Marciel, M) (Entered: 10/15/2014)