

Docket as of July 26, 2004 11:28 am

Web PACER (v2.4)

U.S. District Court**U.S. District Court of Montana (Helena)****CIVIL DOCKET FOR CASE #: 96-CV-63****Travis D., et al v. Eastmont Human Svc, et al**

Filed: 08/23/96

Assigned to: Judge Carolyn S. Ostby

Demand: \$0,000

Nature of Suit: 440

Lead Docket: None

Jurisdiction: Federal Question

Dkt# in other court: None

Cause: 42:1983 Civil Rights Act

TRAVIS D., by his mother and
next friend Leslie Barry
 plaintiff

Linda J. Deola
[COR NTC ret]
REYNOLDS MOTL AND SHERWOOD
401 N Last Chance Gulch
Helena, MT 59601
406-442-3261
FTS 443-7294

Andree Larose
[COR LD NTC]
Allen Smith, Jr.
[term 12/21/98]
[COR]
Alan Freed, Jr.
[COR LD NTC]
MONTANA ADVOCACY PROGRAM
PO Box 1681
Helena, MT 59624
406-449-2344
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Ira A. Burnim
[COR LD NTC]
JUDGE DAVID L. BAZELON CENTER
1101 - 15th Street, NW
Suite 1212
Washington, DC 20005
202-467-5730

Thomas K. Gilhool

[COR LD NTC]
Judith A. Gran
[COR LD NTC]
PUBLIC INTEREST LAW CENTER OF
PHILADELPHIA
125 S Ninth Street
Suite 700
Philadelphia, PA 19107

215-627-7100

ALLEN K., by his parents and
guardians Michael and Earlene
K.
 plaintiff

Linda J. Deola
(See above)
[COR NTC ret]

Andree Larose
(See above)
[COR LD NTC]
Allen Smith, Jr.
 [term 12/21/98]
(See above)
[COR]
Alan Freed, Jr.
(See above)
[COR LD NTC]

Ira A. Burnim
(See above)
[COR LD NTC]

Thomas K. Gilhool
(See above)
[COR LD NTC]
Judith A. Gran
(See above)
[COR LD NTC]

VIRGINIA L., by her sister and
next friend Barbara Mercer
 plaintiff

Linda J. Deola
(See above)
[COR NTC ret]

Andree Larose
(See above)
[COR LD NTC]
Allen Smith, Jr.
 [term 12/21/98]
(See above)
[COR]
Alan Freed, Jr.
(See above)
[COR LD NTC]

Ira A. Burnim
(See above)
[COR LD NTC]

Thomas K. Gilhool
(See above)
[COR LD NTC]

Judith A. Gran
(See above)

[COR LD NTC]

ISIDOR S., by his next friend
Nancy Staigmilller
 plaintiff

Linda J. Deola
(See above)
[COR NTC ret]

Andree Larose
(See above)
[COR LD NTC]
Allen Smith, Jr.
 [term 12/21/98]
(See above)
[COR]
Alan Freed, Jr.
(See above)
[COR LD NTC]

Ira A. Burnim
(See above)
[COR LD NTC]

Thomas K. Gilhool
(See above)
[COR LD NTC]
Judith A. Gran
(See above)
[COR LD NTC]

KIMBERLY B., by her next
friend Dawn DeVor
 plaintiff

Linda J. Deola
(See above)
[COR NTC ret]

Andree Larose
(See above)
[COR LD NTC]
Allen Smith, Jr.
 [term 12/21/98]
(See above)
[COR]
Alan Freed, Jr.
(See above)
[COR LD NTC]

Ira A. Burnim
(See above)
[COR LD NTC]

Thomas K. Gilhool
(See above)
[COR LD NTC]
Judith A. Gran
(See above)

[COR LD NTC]

CORIE B., by his sister and
next friend Lilly Westby
 plaintiff

Linda J. Deola
(See above)
[COR NTC ret]

Andree Larose
(See above)
[COR LD NTC]
Allen Smith, Jr.
 [term 12/21/98]
(See above)
[COR]
Alan Freed, Jr.
(See above)
[COR LD NTC]

Ira A. Burnim
(See above)
[COR LD NTC]

Thomas K. Gilhool
(See above)
[COR LD NTC]
Judith A. Gran
(See above)
[COR LD NTC]

TIFFANY M., by her next friend
Johnelle Howanach
 plaintiff

Linda J. Deola
(See above)
[COR NTC ret]

Andree Larose
(See above)
[COR LD NTC]
Allen Smith, Jr.
 [term 12/21/98]
(See above)
[COR]
Alan Freed, Jr.
(See above)
[COR LD NTC]

Ira A. Burnim
(See above)
[COR LD NTC]

Thomas K. Gilhool
(See above)
[COR LD NTC]
Judith A. Gran
(See above)

[COR LD NTC]

LYLE H., by his parents and
guardians Martha and Ervin H.
 plaintiff

Linda J. Deola
(See above)
[COR NTC ret]

Andree Larose
(See above)

[COR LD NTC]
Allen Smith, Jr.
[term 12/21/98]
(See above)
[COR]
Alan Freed, Jr.
(See above)
[COR LD NTC]

Ira A. Burnim
(See above)
[COR LD NTC]

Thomas K. Gilhool
(See above)
[COR LD NTC]
Judith A. Gran
(See above)
[COR LD NTC]

JUDY M., by her next friend
Nancy Staigmilller
 plaintiff

Linda J. Deola
(See above)
[COR NTC ret]

Andree Larose
(See above)
[COR LD NTC]
Allen Smith, Jr.
[term 12/21/98]
(See above)
[COR]
Alan Freed, Jr.
(See above)
[COR LD NTC]

Ira A. Burnim
(See above)
[COR LD NTC]

Thomas K. Gilhool
(See above)
[COR LD NTC]
Judith A. Gran
(See above)

[COR LD NTC]

ALVIN W., by his next friend
Gay Moddrell
 plaintiff

Linda J. Deola
(See above)
[COR NTC ret]

Andree Larose
(See above)
[COR LD NTC]
Allen Smith, Jr.
[term 12/21/98]
(See above)
[COR]
Alan Freed, Jr.

(See above)
[COR LD NTC]

Ira A. Burnim
(See above)
[COR LD NTC]

Thomas K. Gilhool
(See above)
[COR LD NTC]
Judith A. Gran
(See above)
[COR LD NTC]

BRENDA S., by her mother and
guardian Mary Ann Parrent
 plaintiff
[term 02/05/04]

Linda J. Deola
 [term 02/05/04]
(See above)
[COR NTC ret]

Andree Larose
 [term 02/05/04]
(See above)
[COR LD NTC ret]

Ira A. Burnim
 [term 02/05/04]
(See above)
[COR NTC ret]

Thomas K. Gilhool
 [term 02/05/04]
(See above)
[COR NTC ret]

FREEMAN B., by his father and
next friend Bob B.
 plaintiff

Linda J. Deola
 [term 02/05/04]
(See above)

[term 02/05/04]

[COR NTC ret]

Andree Larose
 [term 02/05/04]
(See above)
[COR LD NTC ret]

Ira A. Burnim
 [term 02/05/04]
(See above)
[COR NTC ret]

Thomas K. Gilhool
 [term 02/05/04]
(See above)
[COR NTC ret]

ANDREA I., by her mother and
next friend Lori I.
 plaintiff
[term 02/05/04]

Linda J. Deola
 [term 02/05/04]
(See above)
[COR NTC ret]

Andree Larose
[term 02/05/04]
(See above)
[COR LD NTC ret]

Ira A. Burnim
[term 02/05/04]
(See above)
[COR NTC ret]

Thomas K. Gilhool
[term 02/05/04]
(See above)
[COR NTC ret]

TRAVIS C., by his mother and
guardian Ann C.
 plaintiff
[term 02/05/04]

Linda J. Deola
[term 02/05/04]
(See above)
[COR NTC ret]

Andree Larose
[term 02/05/04]
(See above)
[COR LD NTC ret]

Ira A. Burnim
[term 02/05/04]
(See above)
[COR NTC ret]

Thomas K. Gilhool
[term 02/05/04]
(See above)
[COR NTC ret]

MICHAEL H., by his step mother
and next friend Helen H.
 plaintiff

Linda J. Deola
(See above)
[COR NTC ret]

Andree Larose
(See above)
[COR LD NTC ret]

Ira A. Burnim
(See above)
[COR NTC ret]

Thomas K. Gilhool
(See above)
[COR NTC ret]

JAMES K., by his next friend
Nancy Staigmiller
 plaintiff

Linda J. Deola
(See above)
[COR NTC ret]

Andree Larose
(See above)

[COR LD NTC ret]

Ira A. Burnim
(See above)
[COR NTC ret]

Thomas K. Gilhool
(See above)
[COR NTC ret]

PATRICK D., by his parents and
guardians Dayle and Monte D.
 plaintiff

Linda J. Deola
(See above)
[COR NTC ret]

Andree Larose
(See above)
[COR LD NTC ret]

Ira A. Burnim
(See above)
[COR NTC ret]

Thomas K. Gilhool
(See above)

[COR NTC ret]

LYNN D., by her next friend
Nancy Maxson
 plaintiff

Linda J. Deola
(See above)
[COR NTC ret]

Andree Larose
(See above)
[COR LD NTC ret]

Ira A. Burnim
(See above)
[COR NTC ret]

Thomas K. Gilhool
(See above)
[COR NTC ret]

PEOPLE FIRST OF MONTANA, on
behalf of its members
 plaintiff

Linda J. Deola
(See above)
[COR NTC ret]

Andree Larose
(See above)
[COR LD NTC ret]

Ira A. Burnim
(See above)
[COR NTC ret]

Thomas K. Gilhool
(See above)
[COR NTC ret]

v.

EASTMONT HUMAN SERVICE CENTER
defendant
[term 02/05/04]

Russell E. Cater
[term 02/05/04]
[COR LD NTC]
MONTANA DEPARTMENT OF SOCIAL &
REHABILITATION SERVICES
Box 4210
Helena, MT 59604-4210
406-444-5622

Katherine J. Orr
[term 02/05/04]
[COR LD NTC]
OFFICE OF THE MONTANA ATTORNEY
GENERAL

PO Box 201401
215 N Sanders, Justice Building
Helena, MT 59620-1401
406-444-2026
FTS 444-3549

Cary B. Lund
[term 02/05/04]
[COR LD NTC]
MONTANA DEPARTMENT OF PUBLIC
HEALTH & HUMAN SERVICES
PO Box 4210
Helena, MT 59604-4210
406-444-5622

Kimberly A. Kradolfer
[term 02/05/04]
[COR LD NTC]
MONTANA DEPARTMENT OF JUSTICE
PO Box 201440
Helena, MT 59620-1440
406-444-2026
FTS 444-4303

MONTANA DEVELOPMENTAL CENTER
defendant

Russell E. Cater
(See above)
[COR LD NTC]

Katherine J. Orr
(See above)
[COR LD NTC]

Cary B. Lund
(See above)
[COR LD NTC]

Kimberly A. Kradolfer
(See above)
[COR LD NTC]

PETER S. BLOUKE, Director,
Montana Department of Public

Russell E. Cater
[term 11/02/01]

Health and Human Services
defendant
[term 11/02/01]

(See above)
[COR LD NTC]

Katherine J. Orr
[term 11/02/01]
(See above)
[COR LD NTC]

Cary B. Lund
[term 11/02/01]

(See above)
[COR LD NTC]

Kimberly A. Kradolfer
[term 11/02/01]
(See above)
[COR LD NTC]

GAIL GRAY, Director, Montana
Department of Public Health &
Human Services
defendant

Russell E. Cater
(See above)
[COR LD NTC ret]

Katherine J. Orr
(See above)
[COR NTC ret]

Cary B. Lund
(See above)
[COR NTC ret]

Kimberly A. Kradolfer
(See above)
[COR NTC ret]

ROBERT ANDERSON,
Administrative Services
Division, Department of
Corrections
defendant
[term 10/15/98]

Russell E. Cater
[term 10/15/98]
(See above)
[COR LD NTC]

Katherine J. Orr
[term 10/15/98]
(See above)
[COR LD NTC]

Cary B. Lund
[term 10/15/98]
(See above)
[COR NTC]

Kimberly A. Kradolfer
[term 10/15/98]
(See above)
[COR LD NTC]

JOE MATTHEWS, Director,
Disability Services Division,
Department of Public Health
and Human Services

Russell E. Cater
(See above)
[COR LD NTC]

defendant

Katherine J. Orr
(See above)
[COR LD NTC]

Cary B. Lund
(See above)
[COR LD NTC]

Kimberly A. Kradolfer
(See above)
[COR LD NTC]

DAN ANDERSON, Administrator,
Mental and Addictive Disorders
Division, Department of Public
Health and Human Services

defendant

[term 02/05/04]

Russell E. Cater
[term 02/05/04]
(See above)
[COR LD NTC]

Katherine J. Orr
[term 02/05/04]
(See above)
[COR LD NTC]

Cary B. Lund
[term 02/05/04]
(See above)
[COR LD NTC]

Kimberly A. Kradolfer
[term 02/05/04]
(See above)
[COR LD NTC]

JENNIFER PRYOR, Superintendent,
Montana Developmental Center

defendant

[term 11/02/01]

Russell E. Cater
[term 11/02/01]
(See above)
[COR LD NTC]

Katherine J. Orr
[term 11/02/01]
(See above)
[COR LD NTC]

Cary B. Lund
[term 11/02/01]
(See above)
[COR LD NTC]

Kimberly A. Kradolfer
[term 11/02/01]
(See above)
[COR LD NTC]

JEFF STURM, Superintendent,
Montana Developmental Center

defendant

Russell E. Cater
(See above)

[COR LD NTC ret]

Katherine J. Orr

(See above)
[COR NTC ret]

Cary B. Lund
(See above)
[COR NTC ret]

Kimberly A. Kradolfer
(See above)
[COR NTC ret]

SYLVIA HAMMER, Superintendent,
Eastmont Human Service Center
defendant
[term 02/05/04]

Russell E. Cater
[term 02/05/04]
(See above)
[COR LD NTC]

Katherine J. Orr
[term 02/05/04]
(See above)
[COR LD NTC]

Cary B. Lund
[term 02/05/04]
(See above)
[COR LD NTC]

Kimberly A. Kradolfer
[term 02/05/04]
(See above)
[COR LD NTC]

CARL KEENER, Dr., Medical
Director, Montana State
Hospital
defendant
[term 11/02/01]

Russell E. Cater
[term 11/02/01]
(See above)
[COR LD NTC]

Katherine J. Orr
[term 11/02/01]
(See above)
[COR LD NTC]

Cary B. Lund
[term 11/02/01]
(See above)
[COR LD NTC]

Kimberly A. Kradolfer
[term 11/02/01]
(See above)

[COR LD NTC]

ED AMBERG, Chief Executive
Officer, Montana State
Hospital
defendant
[term 02/05/04]

Russell E. Cater
[term 02/05/04]
(See above)
[COR LD NTC ret]

Katherine J. Orr
[term 02/05/04]

(See above)
[COR NTC ret]

Cary B. Lund
[term 02/05/04]
(See above)
[COR NTC ret]

Kimberly A. Kradolfer
[term 02/05/04]
(See above)
[COR NTC ret]

RON BALAS, Superintendent,
Montana Mental Health Nursing
Care Center
defendant
[term 02/05/04]

Russell E. Cater
[term 02/05/04]
(See above)
[COR LD NTC]

Katherine J. Orr
[term 02/05/04]
(See above)
[COR LD NTC]

Cary B. Lund
[term 02/05/04]
(See above)
[COR LD NTC]

Kimberly A. Kradolfer
[term 02/05/04]
(See above)
[COR LD NTC]

STATE OF MONTANA
defendant

Joseph Seifert
[COR LD NTC]
KELLER REYNOLDS DRAKE JOHNSON &
GILLESPIE
50 S Last Chance Gulch
3rd Floor
Helena, MT 59601
406-442-0230
FTS 449-2256

Russell E. Cater
(See above)
[COR LD NTC]

Katherine J. Orr
(See above)
[COR LD NTC]

Cary B. Lund
(See above)
[COR LD NTC]

Kimberly A. Kradolfer
(See above)
[COR LD NTC]
Paul D. Johnson

[COR LD NTC -]
MONTANA DEPARTMENT OF JUSTICE
PO Box 201440
Helena, MT 59620-1440
406-444-2026
FTS 444-4303

DOCKET PROCEEDINGS

| DATE | # | DOCKET ENTRY |
|---------|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8/23/96 | 1 | COMPLAINT - 9 Original Summons issued, hn'd to cnsl (gar) [Entry date 08/26/96] |
| 9/4/96 | 2 | RETURN OF SERVICE EXECUTED upon defendant Jennifer Pryor, Supt Mont Develop Center on 8/29/96 (dmz) [Entry date 09/09/96] [Edit date 11/08/96] |
| 9/12/96 | 3 | RETURN OF SERVICE EXECUTED upon defendant Joe Matthews on 8/26/96 (dmz) [Entry date 09/25/96] |
| 9/12/96 | 4 | RETURN OF SERVICE EXECUTED upon defendant Peter Blouke on 8/26/96 (dmz) [Entry date 09/25/96] |
| 9/12/96 | 5 | RETURN OF SERVICE EXECUTED upon defendant Robert - Anderson on 8/26/96 (dmz) [Entry date 09/25/96] |
| 9/12/96 | 6 | RETURN OF SERVICE EXECUTED upon defendant Dan Anderson on 8/26/96 (dmz) [Entry date 09/25/96] |
| 9/13/96 | 7 | MOTION by defendant Eastmont Human Svc, Mont Develop Center, Peter Blouke, Robert - Anderson, Joe Matthews, Dan Anderson, Jennifer Pryor, Sylvia Hammer, Carl Keener, Ron Balas, State of Montana to dismiss complaint (dmz) [Entry date 09/25/96] |
| 9/24/96 | 8 | RETURN OF SERVICE EXECUTED upon defendant State of Montana on 8/26/96 (dmz) [Entry date 09/25/96] |
| 9/24/96 | 9 | RETURN OF SERVICE EXECUTED upon defendant Sylvia Hammer, supt Eastmont Human Svc on 8/27/96 (dmz) [Entry date 09/25/96] [Edit date 11/08/96] |
| 9/24/96 | 10 | RETURN OF SERVICE EXECUTED upon defendant Ron Balas, director, Mt Mental Health Nursing Care Center on 9/3/96 (dmz) [Entry date 09/25/96] [Edit date 11/08/96] |

9/24/96 -- ATTORNEY APPEARANCE for plaintiff Travis D., Allen K., Virginia L., Isidor S., Kimberly B., Corie B., Tiffany M., Lyle H., Judy M., Alvin W. by Thomas K. Gilhool, Judith A. Gran (dmz) [Entry date 11/08/96]

9/25/96 11 RESPONSE by plaintiff to motion to dismiss complaint [7-1] (dmz)

10/1/96 12 RETURN OF SERVICE EXECUTED upon defendant Carl Keener on 9/24/96 (dmz) [Entry date 10/07/96]

10/2/96 13 MOTION by defendant to extend time to file answer (dmz) [Entry date 10/07/96]

10/4/96 14 ORDER by Judge Charles C. Lovell granting motion to extend time to file answer [13-1] defts to have until 10/25/96 (cc: Mt Advocacy, Orr, cCL) (dmz) [Entry date 10/07/96]

10/25/96 -- ATTORNEY APPEARANCE for defendant Eastmont Human Svc, Mont Develop Center, Peter Blouke, Robert - Anderson, Joe Matthews, Dan Anderson, Jennifer Pryor, Sylvia Hammer, Carl Keener, Ron Balas, State of Montana by Cary B. Lund, Russell E. Cater (dmz) [Entry date 11/08/96]

10/25/96 15 ANSWER by defendant Eastmont Human Svc, Mont Develop Center, Peter Blouke, Robert - Anderson, Joe Matthews, Dan Anderson, Jennifer Pryor, Sylvia Hammer, Carl Keener, Ron Balas, State of Montana to [1-1] (dmz) [Entry date 11/08/96]

11/8/96 16 ORDER by Judge Charles C. Lovell denying as moot defts' motion to dismiss complaint [7-1] (cc: Larose, Gilhool, Lund, Cater, Kradolfer, Orr, CCL, TC) (dmz)

11/8/96 -- ATTORNEY APPEARANCE for defendant Eastmont Human Svc, defendant Mont Develop Center, defendant Peter Blouke, defendant Robert - Anderson, defendant Joe Matthews, defendant Dan Anderson, defendant Jennifer Pryor, defendant Sylvia Hammer, defendant Carl Keener, defendant Ron Balas, defendant State of Montana by Kimberly A. Kradolfer (dmz)

11/8/96 17 ORDER by Judge Charles C. Lovell ; pptc set for 9:30 12/4/96, Hlna - cnsl for parties to file a written ppt stmt by 11/27/96, written precovery disclosure stmt by 11/20/96 (cc: all same counsel as order #16 today, Tina, USM, Sec, CCL, TC) (dmz) [Edit date 11/08/96]

11/13/96 18 MOTION by plaintiffs to continue Preliminary Pre-Trial Conference w/c/s (gar) [Entry date 11/18/96]

11/15/96 19 ORDER by Judge Charles C. Lovell granting motion to continue Preliminary Pre-Trial Conference [18-1] ; Pretrial conference set for 12/4/96 is vacated and now set for 11:00 2/14/97. Written preliminary pretrial disclosure statements shall be filed by 11/20/96 and written preliminary pretrial statements by 12/20/96. cc: CCL, Clk, Crt Rpr, USM, Lund, Gilhool, Cater, Orr, Larose (gar) [Entry date 11/18/96]

11/20/96 20 MOTION by defendant to extend time to file prediscovery disclosure stmt (dmz) [Entry date 11/21/96]

11/20/96 21 PREDISCOVERY DISCLOSURE STATEMENT of facts by plaintiff (dmz) [Entry date 11/21/96]

11/21/96 22 ORDER by Judge Charles C. Lovell granting motion to extend time to file prediscovery disclosure stmt [20-1] - defts to have until 11/25/96 to file prediscovery disc stmt, pltf's to file disclosure stmt pursuant to the original schedule or may file it simultaneously w/defts (cc: Cater, Gilhool, Larose, Kradolfer) (dmz) [Entry date 11/22/96]

11/22/96 23 MOTION by plaintiffs for attorney Ira A. Burnim to appear pro hac vice w/c/s (gar) [Entry date 11/26/96]

11/22/96 24 CONSENT OF DESIGNATION AS LOCAL CNSL as to Mot PHV of Burnim (gar) [Entry date 11/26/96]

11/22/96 25 AFFIDAVIT of Ira A. Burnim re [23-1] w/ attachments (gar) [Entry date 11/26/96]

11/22/96 26 MOTION by plaintiffs for attorney Judith A. Gran to appear pro hac vice w/c/s (gar) [Entry date 11/26/96]

11/22/96 27 CONSENT TO DESIGNATION OF LOCAL CNSL of Pltfs as to Mot PHV of Judith A. Gran (gar) [Entry date 11/26/96]

11/22/96 28 AFFIDAVIT of Judith A. Gran re [26-1] w/ attachments (gar) [Entry date 11/26/96]

11/22/96 29 MOTION by plaintiff for attorney Thomas K. Gilhool to appear pro hac vice w/c/s (gar) [Entry date 11/26/96]

11/22/96 30 CONSENT TO DESIGNATION AS LOCAL CNSL of Pltfs as to Mot PHV of Gilhool (gar) [Entry date 11/26/96]

11/22/96 31 AFFIDAVIT of Thomas K. Gilhool re [29-1] w/ attachments (gar) [Entry date 11/26/96]

11/25/96 32 ORDER by Judge Charles C. Lovell granting Pltfs' motion for attorney Ira A. Burnim to appear pro hac vice [23-1] (cc: Burnim, Larose, Gran, Gilhool, Kradolfer, Carter) (gar) [Entry date 11/26/96]

11/25/96 33 ORDER by Judge Charles C. Lovell granting Pltfs' motion for attorney Judith A. Gran to appear pro hac vice [26-1] (cc: Gran, Gilhool, Burnim, Larose, Kradolfer, Cater) (gar) [Entry date 11/26/96]

11/25/96 34 ORDER by Judge Charles C. Lovell granting Pltfs' motion for attorney Thomas K. Gilhool to appear pro hac vice [29-1] (cc: Gran, Gilhool, Burnim, Larose, Cater, Kradolfer) (gar) [Entry date 11/26/96]

11/25/96 36 MOTION by defendant to extend time to file prediscovery disclosure stmt (dmz) [Entry date 12/02/96]

11/25/96 -- REMARK - Docket item #35 was deleted - item was docketed twice - thuse there is no item #35 (dmz) [Entry date 12/06/96]

11/26/96 37 ORDER by Judge Charles C. Lovell granting motion to extend time to file prediscovery disclosure stmt [36-1] until 11/26/96 (cc: Kradolfer, Gilhhol, Larose) (dmz) [Entry date 12/02/96]

11/26/96 38 PREDISCOVERY DISCLOSURE STATEMENT of facts by defendant (dmz) [Entry date 12/02/96]

12/4/96 -- FINANCIAL ENTRY Rec'd ck #18507 from MT Advocacy Program in amt of \$90.00 as pmt of Adm PHV of Ira Burnim, Judith Gran, and Thomas Gilhool (gar) [Entry date 12/05/96]

12/19/96 39 PRELIMINARY PRETRIAL STATEMENT of facts by defendant State of Montana (dmz) [Entry date 12/30/96]

12/20/96 40 PRELIMINARY PRETRIAL STATEMENT of facts by plaintiff (dmz) [Entry date 12/30/96]

1/10/97 41 MOTION by plaintiff for order for determination of class (dmz) [Entry date 01/13/97]

1/10/97 42 MEMORANDUM/BRIEF by plaintiff in support of motion for order for determination of class [41-1] (dmz) [Entry date 01/13/97]

1/17/97 43 AMENDMENT by plaintiff to preliminary pretrial stmt [40-1] (dmz) [Entry date 01/21/97]

1/21/97 44 MOTION by defendant to extend time to file obj to pltfs' mtn to certify class (dmz)

1/21/97 45 ATTACHMENT NO 3 by plaintiff re motion for order for determination of class [41-1] (dmz)

1/21/97 46 ORDER by Judge Charles C. Lovell granting motion to extend time to file obj to pltfs' mtn to certify class [44-1] ; Dfts shall have to and including 2/7/97 to file objection to Pltfs' Motion to Certify Class (cc: Gilhool, LaRose, Kradolfer, Cater) (gar) [Entry date 01/22/97]

2/6/97 47 MOTION by defendant State of Montana to extend time to file obj to Mot to Cert Class w/c/s (gar) [Entry date 02/07/97]

2/6/97 48 OBJECTION by plaintiff to motion to extend time to file obj to Mot to Cert Class [47-1] w/c/s (gar) [Entry date 02/07/97]

2/10/97 49 ORDER by Judge Charles C. Lovell ; in-court hearing set for 2:30 2/14/97 instead of 11:00 (cc: Mt Advocacy, Kradolfer, Cater, CCL, TC, USM, Tina) (dmz) [Entry date 02/11/97]

- 2/11/97 50 ORDER by Judge Charles C. Lovell granting motion to extend time to file obj to Mot to Cert Class [47-1] defts to have until 3/7/97 (cc: Kradolfer, Larose, Gilhool) (dmz)
- 2/12/97 51 RESPONSE by defendants to Request for Extension of Time w/c/s (gar)
- 2/13/97 52 MOTION by defendant State of Montana to extend time to serve response to 1st Request for Production Nos. 1-101 w/c/s (gar) [Entry date 02/14/97]
- 2/13/97 53 ORDER by Judge Charles C. Lovell granting motion to extend time to serve response to 1st Request for Production Nos. 1-101 [52-1]. Dfts shall have to and including 3/17/97 in which to prepare and serve those responses. cc: Kradolfer, Larose, Gilhool (gar) [Entry date 02/14/97]
- 2/14/97 54 MINUTES: before Judge Charles C. Lovell C/R: Tina Brilz. PRELIMINARY PRETRIAL CONF. Pr for plf: Andre Larose, Tom K. Gilhool, Alan Freed. Pr for dft. Kim Kradolfer, Katherine Orr, Carry Lund. Crt will enter an order shortening the caption and asks cnsl to adhere to this caption once done. Crt gives proposed discovery schedule. Discovery cutoff-11/20/97; Motions ddline, to include motns in limine and for summary jgmt - 12/11/97; Written discovery, answers by 11/20/97; Status report by 9/18/97; Atty's conf-March, 1998; Pretrial Order to be lodged by 3/23/98; Settlement date 3/16/98. If deft's want to amend answer, to be done by end of February 1997, to be set in the scheduling order. Both sides agree on schedule given. Cnsl are meeting to try to stipulate to facts; if this goes well, may not need to amend answer. Crt urges settlement if possible. Court would consider settlmt conf if desired. There is a settlmt proposal, hopefully to be acted on by end of month. A. Larose reports on status of discovery. May need a motion to compel on certain discovery. If hrg is nec, it could be set. K. Kradolfer responds. Crt won't set trial date or final pretrial conf. til the pretrial order is in. K. Kradolfer says they may ask crt to tour the facilities late in the discovery process. Crt would consider this. Adj. (baf)
- 2/14/97 55 STENO NOTES of proceedings before Judge Charles C. Lovell (Court Reporter: Tina Brilz) Hearing date: 2/14/97 Prelim PT Conf status report minutes [54-1] (baf)
- 2/14/97 56 ORDER by Judge Charles C. Lovell, it having come to the crt's attention that there is some d3viation in the manner the pties are captioning their crt documents, IT IS ORDERED that the pties shall, when using an abbreviated caption for this case, conform their pleadings to reflect that used herein. (cc: Larose, et al, Burnim, Gilhool, Kradolfer,/Orr; Lund/Cater, CCL)(baf) [Entry date 02/18/97]
- 2/14/97 57 ORDER by Judge Charles C. Lovell that cnsl to adhere to the following discovery schedule: All discovery to be completed by 11/20/97; All motns, including motns in

limine and Motions for summ. jgmt, including partial summary jgmt to be filed by 12/11/97. Briefing in accordance with Local Rule 220-1. All written discovery be served w/i the time provided by appropriate rule or, where applicable, order of court, in order that the responses meet the respective ddlines. All Answers to such written discov to be made by 11/20/97. Cnsl for ea pty to file status rpt by 9/18/97. Plf expert witness disclosure purs to Rule 26, Fed., R.Civ.P. by 9/18/97. Dfts by 10/20/97. Plfs cnsl to convene attys conf during week of 3/9/98 to complete final pretrial order. Final pretrial order in the form prescribed by local rule, signed by cnsl for all pties, to be lodged by 3/23/98. No new pties may be joined or pleadings amended after this date except by lv of crt for good cause shown. This order must be lodged by this date regardless of whether pending motns remain undecided by the crt. A contin of any ddline does not a;utomatically extend any unspecified ddlines. Settlement date is 3/16/98.

FURTHER ORDERED cnsl for dfts having stated their intention to amend their answer, that the amended answer must be filed by 2/28/97. (cc: Larose et al; Burnim, Gilhool; Kradolfer/Orr; Lund/Cater,CCL) (baf)
[Entry date 02/18/97]

- 2/17/97 58 AMENDED ANSWER [15-1] by defendant State of Montana (dmz)
[Entry date 03/03/97]
- 3/7/97 59 OBJECTIONS by defendant State of Montana to request for class certification [41-1] - with blue folder of Mont. Admin. R. 46.8.101 thru 46.8.2055 (dmz)
[Entry date 03/10/97] [Edit date 03/10/97]
- 3/21/97 60 RESPONSE by plaintiff to [59-1] (dmz) [Entry date 03/25/97]
- 4/7/97 61 MOTION by plaintiffs to compel production of documents w/c/s (gar) [Entry date 05/02/97]
- 4/7/97 62 BRIEF by plaintiff in support of motion to compel production of documents [61-1] w/c/s, bound vol "Department of Public Health & Human Services Rules" and bound Exhibit "A" (vols placed in expand. folder) (gar)
[Entry date 05/02/97]
- 4/21/97 63 MOTION by defendant State of Montana to extend time to and including 5/21/97 to respond to Mot to Compel w/c/s (gar)
[Entry date 05/02/97]
- 4/22/97 64 OBJECTION by plaintiff to motion to extend time to and including 5/21/97 to respond to Mot to Compel [63-1] w/c/s (gar) [Entry date 05/02/97]
- 4/22/97 65 MOTION by plaintiffs to file brief exceeding 20 pages w/c/s (gar) [Entry date 05/02/97]
- 4/23/97 66 ORDER by Judge Charles C. Lovell granting motion to extend time to and including 5/21/97 to respond to Mot to Compel [63-1] ; Dfts shall have to and including 5/21/97 to prepare and serve those responses. cc: Lund Kradolfer, Larose, Gilhool, Burnim (gar) [Entry date 05/02/97]

4/23/97 67 ORDER by Judge Charles C. Lovell granting motion to file brief exceeding 20 pages [65-1]. Note: said brief filed 4/7/97, doc. #62. cc: Lund, Kradolfer, Larose, Gilhool, Burnim (gar) [Entry date 05/02/97]

5/16/97 68 MOTION by defendant to extend time to file responses to plaintiffs' second requests for production w/c/s (tlh) [Entry date 05/20/97]

5/16/97 69 ORDER by Judge Charles C. Lovell granting motion to extend time to file responses to plaintiffs' second requests for production [68-1]. Defendant's have to and including 6/13/97 to respond to second request for production. cc: Smith, Gilhool, Burnim, Cater and Kradolfer (tlh) [Entry date 05/20/97] [Edit date 05/20/97]

5/21/97 70 MOTION by defendants to extend time to prepare and serve their response to pltfs mot to compel w/c/s (tlh) [Entry date 05/23/97]

5/23/97 71 RESPONSE (Objection) by plaintiff to motion to extend time to prepare and serve their response to pltfs mot to compel [70-1] w/c/s (tlh) [Entry date 05/28/97]

5/23/97 71 MOTION (Request) by plaintiff for conference with court w/c/s (tlh) [Entry date 05/28/97]

5/27/97 72 ORDER by Judge Charles C. Lovell granting defts' motion to extend time to prepare and serve their response to pltfs to compel [70-1] ; ddl set for 6/20/97 (cc: Cater, Lund, Gilhool, Burnim, Larose, Kradolfer) (dmz) [Entry date 05/28/97]

6/17/97 73 MOTION by defendant State of Montana for leave to file oversized brief w/c/s (tlh)

6/18/97 74 ORDER by Judge Charles C. Lovell granting motion for leave to file oversized brief [73-1] (cc: Cater, Lund, Gilhool, Burnim, Larose, Kradolfer) (dmz) [Entry date 06/24/97]

6/20/97 75 RESPONSE by defendant to motion to compel production of documents [61-1] - kept in expando folder (dmz) [Entry date 06/24/97]

7/1/97 76 MOTION by plaintiffs to extend time to submit reply brief w/c/s (gar) [Entry date 07/02/97]

7/1/97 77 ORDER by Judge Charles C. Lovell granting motion to extend time to submit reply brief [76-1]. Pltfs shall have an extension of time until 7/3/97 in which to file reply to dft's resp to pltfs' mot to compel. cc: CCL, Laroe, Gilhool, Kradolfer, Cater (gar) [Entry date 07/02/97] [Edit date 07/02/97]

7/3/97 78 REPLY by plaintiff to response to motion to compel production of documents [61-1] (dmz) [Entry date 07/11/97]

7/9/97 79 NOTICE by plaintiff of taking deposition of James Driggers on 6/27/97 at Hlna (dmz) [Entry date 07/11/97]

7/9/97 80 NOTICE by plaintiff of taking deposition of Mike Hanshew on 7/17/97 at Hlna (dmz) [Entry date 07/11/97]

7/25/97 81 SECOND MOTION by plaintiff to compel production of documents (dmz) [Entry date 07/30/97]

7/25/97 82 MEMORANDUM/BRIEF by plaintiff in support of second motion to compel production of documents [81-1] (dmz) [Entry date 07/30/97]

8/7/97 83 MOTION by defendant State of Montana for extension of time to respond to Pltfs' Second Motion to Compel w/c/s (tlh) [Entry date 08/08/97] [Edit date 08/18/97]

8/7/97 84 ORDER by Judge Charles C. Lovell granting motion for extension of time to 8/29/97 to respond to Pltfs' Second motion to Compel [83-1] (cc: Larose, Gilhool, Kradolfer, Burnim, Cater, GR) (tlh) [Entry date 08/13/97] [Edit date 08/18/97]

8/29/97 85 RESPONSE by defendant to pltfs' 2nd motion to compel production of documents [81-1] - kept in expando (dmz) [Entry date 09/19/97]

9/5/97 86 MOTION by plaintiff to extend time to submit reply brief in resp to defts' resp to pltfs' 2nd mtn to compen (dmz) [Entry date 09/19/97]

9/8/97 87 ORDER by Judge Charles C. Lovell granting motion to extend time to submit reply brief in resp to defts' resp to pltfs' 2nd mtn to compel [86-1] ; case management ddl set for 9/23/97 (cc: Burnim, Larose, Cater, Gilhool, Kradolfer) dmz for tlh (dmz) [Entry date 09/19/97]

9/17/97 88 MOTION by plaintiff to extend time to disclose expert witnesses (dmz) [Entry date 09/19/97]

9/18/97 89 STATUS REPORT by plaintiff - pltf requests the crt designate this a complex litigation and consider whether it would be helpful to develop a case mgmt plan, prospects for settlement do not look promising (dmz) [Entry date 09/19/97]

9/18/97 90 STATUS REPORT by defendant - a class certification is pertinent to the disc disputes and a decision by the court will have direct and significant bearing on the scope of disc which is relevant and approp in this matter, a longer extension of the current disc schedule is warranted (dmz) [Entry date 09/19/97]

9/19/97 91 ORDER by Judge Charles C. Lovell granting motion to extend time to disclose expert witnesses [88-1] (cc: Burnim, Larose, Cater, Gilhool, Kradolfer) (dmz)

9/23/97 92 REPLY by plaintiffs to Defts' response to Pltf's Second motion to compel production of documents [81-1] w/c/s (tlh) [Entry date 09/25/97]

9/24/97 93 AMENDMENT OF STATUS REPORT by plaintiff - Pltfs amend status report submitted 9/18/97. Parties agree to modify the limitation on the number of depos allowed to be taken under Rule 30, Fed. R. Civ. P. to allow more than ten depos to be taken by the pltfs or by the defts. The parties agree that the number of depos to be taken shall be reasonable and that either party may file an objection if the party believes the number of depos scheduled are unreasonable. The parties agree with the proposed alteration of the discovery schedule to allow expert witness disclosure by pltf by 11/20/97 by defts by 12/19/97 and close of discovery by 2/20/98. w/c/s (tlh) [Entry date 09/25/97] [Edit date 10/08/97]

10/1/97 94 AMENDED STATUS REPORT by defendant State of Montana and response to Pltfs' status report. Defts do not anticipate major discovery conflicts and therefore to not see the need for development of special case management methods. Defts will continue to defend this action and will not cause delay in this matter. w/c/s (tlh) [Entry date 10/03/97] [Edit date 10/08/97]

10/17/97 95 MOTION by defendant to vacate all or part of disc schedule (dmz) [Entry date 10/24/97]

10/28/97 96 RESPONSE by plaintiff to motion to vacate all or part of disc schedule [95-1] (dmz) [Entry date 11/03/97]

10/29/97 -- REMARK - Vol. 4 begins here..... (tlh) [Entry date 11/25/97]

11/20/97 97 MOTION by plaintiff to extend time for expert witness disclosure w/c/s (tlh) [Entry date 11/25/97]

11/20/97 98 PRELIMINARY EXPERT WITNESS DISCLSORE submitted by plaintiffs w/c/s, attchs (tlh) [Entry date 11/25/97]

11/26/97 99 MOTION by defendant for partial summary judgment (dmz)

11/26/97 100 MEMORANDUM/BRIEF by defendant in support of motion for partial summary judgment [99-1] (dmz)

12/9/97 101 MOTION by plaintiffs for extension of time w/c/s (tlh) [Entry date 12/10/97]

12/16/97 102 JOINT MOTION by parties to vacate existing sched orders and set briefing sched proposed in this motion and request for oral argument and sched conference w/c/s (gar) [Entry date 12/19/97] [Edit date 12/19/97]

12/22/97 103 PRELIMINARY EXPERT WITNESS DISCLOSURE submitted by defendant State of Montana w/c/s & attachments (gar) [Entry date 12/29/97]

12/23/97 104 ORDER by Judge Charles C. Lovell granting motion to vacate existing sched orders and set briefing sched in this motion [102-1]. Previously set deadlines are vacated. ; mtion resp ddl is vacated reply brief ddl is vacated; Pretrial

order ddl is vacated ; Oral argument on Pltfs' Motion to Certify Class set for hearing at 10:30 on 4/16/98 ; The following briefing sched on motions which may be dispositive of some aspects of this case is set: 2/9/98, Pltf file response brf to Dfts' Mot for Partial Jdgmt on Pleadings. Any other legal motions currently contemplated by either party which may be dispositive of some aspect of the case must be filed on or before this date. This does not preclude either party from filing substantive legal motions after the date discovery closes in accordance with a new court-ordered sched. 3/27/98 - Reply brf in support of Motion for parties jdgmt on pleadings due. any response brfs to any orther dispositive motions shall be filed on or before this date. 4/24/98 - All reply brfs on any dispoitve motion s must be filed on or before this date. Dfts shall identfy and provide abbreviated disclosure of those expert witnesses they currently intend to call at trial by 12/23/97. Near the end of the above briefing sched, the Court will entertain a request to set a timely sched in this matter. motion brief ddl satisfied (cc: Larose, Burnim, Gilhool, Cater, Kradolfer, Lund, CCL, Crt Rpr, Clk, BF, USM) (gar) [Entry date 12/29/97]

- 2/5/98 105 JOINT MOTION by defendant, plaintiff to modify schedule (dmz) [Entry date 02/10/98]
- 2/6/98 106 ORDER by Judge Charles C. Lovell granting motion to modify schedule [105-1] - pltfs to file resp brief to defts' mtn for partial sj by 2/26/98 (cc: all cnsl) (dmz) [Entry date 02/10/98] [Edit date 02/10/98]
- 2/25/98 107 MOTION by defendants and plaintiffs for modification of schedule w/c/s (tlh) [Entry date 03/02/98]
- 2/26/98 108 ORDER by Judge Charles C. Lovell granting motion for modification of schedule [107-1]; Pltfs to file response brief to defts' mtn for Partial judgment on pleadings by 3/13/98; Defts' reply brief in support of motion for partial judgment on the pleadings due 4/22/98; all reply briefs on any dispositive motions must be filed by 5/8/98. (cc: Gilhool, Kradolfer, Burnim, Larose, Cater) (cc: all counsel) (tlh) [Entry date 03/02/98]
- 3/11/98 109 MOTION by plaintiffs to file brief exceeding twenty pages w/c/s (tlh) [Entry date 03/18/98]
- 3/12/98 110 JOINT MOTION by defendants and plaintiffs for order to modify schedule w/c/s (tlh) [Entry date 03/18/98]
- 3/13/98 111 ORDER by Judge Charles C. Lovell granting motion to file brief exceeding twenty pages [109-1] (cc: Gilhool, Lund, Cater, Burnim, Gallagher, Kradolfer) (tlh) [Entry date 03/18/98]
- 3/13/98 112 RESPONSE by plaintiff to motion for partial summary judgment [99-1] w/c/s (tlh) [Entry date 03/18/98]
- 3/30/98 113 ORDER by Judge Charles C. Lovell hrg set for 4/14/98 on mtn to certify class is VACATED and reset ; for 10:30 4/23/98

Hlna (cc: all counsel) (dmz) [Entry date 03/31/98]

3/30/98 114 ORDER by Judge Charles C. Lovell granting parties' motion for order to modify schedule [110-1] ; 3/13/98 - pltf's to file resp to defts' mt'n for partial jgmt, 4-24-98 - defts' rply brief in supp of mt'n for sj, 5-15/98 - any resp briefs to any other dispositive mt'ns, 6/4/98 - all rply briefs on any dispositive mt'ns (cc: all counsel) (dmz) [Entry date 03/31/98]

4/14/98 115 ORDER by Judge Charles C. Lovell, A review of the file demonstrates that the parties are still briefing a motion for partial jdgmt on pldgs. Consequently, judicial economy dictates that the oral argument be rescheduled until after this motion is ripe for determination. Accordingly, ; The hearing sched for 4/23/98 is vacated to be rescheduled at a later date. (cc: Orr/Kradolfer, Lund/cater, Burnim, Gran/Gilhool, Larose, Crt Rpr, CCL, GR, USM) gr for dmz (gar) [Entry date 04/17/98]

4/16/98 116 ORDER by Judge Charles C. Lovell referring to Mag Judge Leif B. Erickson the motion to compel production of documents [81-1], [61-1] Case referred to Mag Judge Leif B. Erickson for ruling (cc: Kradolfer, Cater, Burnim, Gran, Gallagher, CCL, GR, LBE) (dmz) [Edit date 04/17/98]

4/16/98 -- FILE DELIVERED (4 volumes plus expando) to Msla for LBE (dmz)

4/20/98 -- RECEIVED file (4 volumes & expando) from Helena Clerk's office (kjh)

4/20/98 -- FILE DELIVERED to LBE for ruling on Motions to Compel [61-1] and [81-1] (kjh)

4/20/98 -- RECEIVED Exhibits for Depositions of Driggers and Hanshew (tlh) [Entry date 05/11/98]

4/23/98 117 MOTION by defendant State of Montana to extend time to 6/4/98 to file reply brief (mgs) [Entry date 04/24/98] [Edit date 04/24/98]

4/24/98 118 ORDER by Mag Judge Leif B. Erickson setting hearing on motion to compel production of documents [81-1] and on motion to compel production of documents [61-1] 9:00 5/13/98 @ Missoula, USMJ Crtrm. (cc: all counsel, USM, CSO, RPR, KH) (mgs)

4/24/98 119 MOTION by defendant State of Montana to dismiss Robert Anderson (mcn) [Entry date 04/29/98] [Edit date 04/29/98]

4/24/98 120 MEMORANDUM/BRIEF by defendant State of Montana in support of motion to dismiss Robert Anderson [119-1] (mcn) [Entry date 04/29/98]

4/24/98 121 MOTION by defendant State of Montana for partial summary judgment (mcn) [Entry date 04/29/98]

4/24/98 122 MOTION by plaintiff Alvin W., plaintiff Judy M., plaintiff

Lyle H., plaintiff Tiffany M., plaintiff Corie B., plaintiff Kimberly B., plaintiff Isidor S., plaintiff Virginia L., plaintiff Allen K., plaintiff Travis D. for partial summary judgment for failing to provide services in the most interated setting to class members unnecessarily placed in the institutions. (mcn) [Entry date 04/29/98]

4/24/98 -- PROPOSED Order submitted by plaintiff Alvin W., plaintiff Judy M., plaintiff Lyle H., plaintiff Tiffany M., plaintiff Corie B., plaintiff Kimberly B., plaintiff Isidor S., plaintiff Virginia L., plaintiff Allen K., plaintiff Travis D. [122-1]. (mcn) [Entry date 04/29/98]

4/27/98 123 ORDER by Judge Charles C. Lovell granting motion to extend time to 6/4/98 to file reply brief [117-1] (cc: LaRose, Cater, Lund, Kradolfer, Gilhool, Burnim) (tlh) [Entry date 04/28/98] [Edit date 04/29/98]

4/29/98 124 MOTION by defendant State of Montana to vacate oral argument scheduled for 5/13/98, and to reset for 6/15/98 and continue as needed to 6/16/98. Copy to LBE/chambers. (mcn) [Entry date 05/05/98] [Edit date 05/05/98]

4/29/98 -- PROPOSED Order submitted by defendant State of Montana, original to LBE/chambers. (mcn) [Entry date 05/05/98]

4/29/98 -- REMARK - END OF FILE FOLDER #4..... (mgs) [Entry date 06/11/98]

4/30/98 -- RECEIVED Deposition of Michael Hanshew, Vols 1 & 2 (in expando) (tlh) [Entry date 05/11/98]

4/30/98 -- RECEIVED Deposition of James Driggers (in expando) (tlh) [Entry date 05/11/98]

4/30/98 -- RECEIVED Exhibits for Driggers and Hanshew Depositions (in black binder) (tlh) [Entry date 05/11/98]

4/30/98 125 NOTICE by plaintiffs of receipt of deposition of James Driggers w/c/s (tlh) [Entry date 05/11/98] [Edit date 06/11/98]

4/30/98 126 NOTICE by plaintiffs of receipt of deposition of Michael Hanshew w/c/s (tlh) [Entry date 05/11/98] [Edit date 06/11/98]

4/30/98 127 MOTION by plaintiffs for leave to file brief exceeding twenty pages w/c/s (tlh) [Entry date 05/11/98] [Edit date 06/11/98]

4/30/98 128 AFFIDAVIT of Barbara Mercer re sister Virginia LeDoux being kept at Eastmont Human Service Center against her will (tlh) [Entry date 05/11/98] [Edit date 06/11/98]

4/30/98 129 AFFIDAVIT of Charlene Lindberg re brother Lyle Huber being kept at Eastmont Human Services against his will (tlh) [Entry date 05/11/98] [Edit date 06/11/98]

4/30/98 130 Certificate OF SERVICE by plaintiffs of Afdt of Charlene

Linderg dated 2/3/98 and Afdt of Barbara Mercer dated 1/29/98 (tlh) [Entry date 05/11/98] [Edit date 06/11/98]

4/30/98 131 STATEMENT of Uncontroverted facts by plaintiffs in support of pltfs' mtns for partial summary judgment w/c/s (tlh) [Entry date 05/11/98] [Edit date 06/11/98]

4/30/98 132 APPENDIX filed by plaintiff for Statement of uncontroverted facts in support of pltfs' mtns for partial sj [132-1] (tlh) [Entry date 05/11/98] [Edit date 06/11/98]

4/30/98 133 REPLY by plaintiff re [122-1] pltfs' mtn for partial summary judgment for failing to provide services in the most integrated setting to class members unnecessarily placed in institutions w/c/s (tlh) [Entry date 05/11/98] [Edit date 06/11/98]

5/1/98 134 MEMORANDUM of law by plaintiffs in support of motion for partial summary judgment for failing to provide services in the most interated setting to class members unnecessarily placed in the institutions. [122-1] w/c/s (tlh) [Entry date 05/11/98]

5/1/98 135 MEMORANDUM by defendant State of Montana in support of motion for partial summary judgment [121-1] w/c/s (tlh) [Entry date 05/11/98]

5/6/98 136 ORDER by Mag Judge Leif B. Erickson granting motion to vacate oral argument scheduled for 5/13/98 [124-1], granting motion to reset for 6/15/98 and continue as needed to 6/16/98. [124-2] resetting hearing on motions to compel [81-1], [61-1] for 1:30 6/13/98 (cc: all counsel) (kjh) [Entry date 05/08/98] [Edit date 06/11/98]

5/6/98 137 ORDER by Judge Charles C. Lovell granting motion for leave to file Pltfs' brief in Support of pltfs' mtn for partial sj for failing to provide services in the Most Integrated Setting to Class Members Unnecessarily Placed in Institutions exceeding twenty pages [128-1] (cc: Gallagher, Gran, Burnim, Lund, Cater, Kradolfer) (tlh) [Entry date 05/11/98] [Edit date 06/11/98]

5/11/98 -- REMARK - Documents 126-132 and 134-137 sent to Missoula to be inserted into file. Bulky document 133 and rec'd documents Depos of Driggers, Hanshew (vols 1 & 2) and Exhibits for depos of Drigger and Hanshew kept in Helena office. (tlh)

5/14/98 138 Dft.'s MOTION to extend time to & including 07/31/98 to serve dft.'s resp. brf. (cad) [Entry date 05/27/98] [Edit date 06/11/98]

5/15/98 139 MOTION by plaintiff to exceed page limitation (dmz) [Entry date 05/21/98] [Edit date 06/11/98]

5/18/98 140 ORDER by Judge Charles C. Lovell granting motion to exceed page limitation [138-1] (cc: all counsel) (dmz) [Entry date 05/21/98] [Edit date 06/11/98]

5/18/98 141 RESPONSE by plaintiff to defts' motion for partial summary judgment [121-1] (dmz) [Entry date 05/21/98]

5/19/98 142 OBJECTIONS by plaintiff to defts' mtm for ext of time to file response briefs to pltfs' mtm for partial sj (dmz) [Entry date 05/21/98] [Edit date 06/11/98]

5/20/98 143 ORDER by Judge Charles C. Lovell granting defts' mtm for extension of time, defts to have until 6/19/98 to file resp to pltfs' mtm for partial sj (cc: all counsel) dmz for tlh (dmz) [Entry date 05/21/98] [Edit date 06/11/98]

6/3/98 144 MOTION by defendant to extend time to file rply brief in suppo of defts' mtm for partial jgmt and defts' rply brief in suppo of defts' mtm for partial sj (dmz) [Entry date 06/05/98]

6/3/98 145 ORDER by Judge Charles C. Lovell granting defts' motion to extend time to file rply brief in suppo of defts' mtm for partial jgmt and defts' rply brief in suppo of defts' mtm for partial sj [144-1] - defts to have until 6/19/98 (cc: all counsel) (dmz) [Entry date 06/05/98]

6/5/98 -- REMARK - docket items #144 and 145 sent to Msla for file (dmz)

6/10/98 146 ATTORNEY APPEARANCE for defendant State of Montana by Joseph Seifert (mgs) [Entry date 06/11/98]

6/11/98 -- FILES DELIVERED to LBE (mgs)

6/12/98 147 MOTION by defendant to extend time to Deft response brief in opposition to Plf Motion for Partial Summ. Jgmt for Failing to Provide Title XIX Services to Class members at Risk of Placement in the Institutions" and Plfs' motion for Partial summ. jgmt for failing to provide services in the Most Integrated setting to Class Members unnecessarily placed in institutions, which were filed 4/30/98 (baf)

6/12/98 148 ORDER by Judge Charles C. Lovell granting motion to extend time to and including 7/3/98 to Deft response brief in opposition to Plf Motion for Partial Summ. Jgmt for Failing to Provide Title XIX Services to Class members at Risk of Placement in the Institutions" and Plfs' motion for Partial summ. jgmt for failing to provide services in the Most Integrated setting to Class Members unnecessarily placed in institutions, were filed 4/30/98 [147-1] (cc: all counsel) (baf)

6/15/98 149 MINUTES: Pltf cns1 Larose and Freed, and dft cns1 Seifert, Lund and Kradolfer present for hearing on the motion to compel production of documents [81-1], and the motion to compel production of documents [61-1], before Mag Judge Leif B. Erickson; argument presented; crt conducted review of documents in dispute and discussion; further hearing continued to Tuesday, 6/16/98 at 9:00 a.m. C/R: Daina Hodges (kjh) [Entry date 06/20/98]

6/16/98 150 MINUTES: before Mag Judge Leif B. Erickson; pltf cnsl Larose and Freed, and dft chsl Seifert and Lund present for continuation of hearing on the motion to compel production of documents [81-1], and the motion to compel production of documents [61-1]; the crt continued its discussion and review of discovery documents in dispute and ruled in accordance with Order to be filed C/R: Daina Hodges (kjh) [Entry date 06/20/98]

6/19/98 151 REPLY by defendant State of Montana to response to motion for partial summary judgment [121-1] files 4 & 5 delivered to: LBE (mgs) [Entry date 06/23/98]

6/19/98 -- REMARK - END OF FILE FOLDER #5..... (mgs) [Entry date 06/23/98]

6/19/98 152 REPLY by defendant State of Montana to response to motion for partial summary judgment [99-1] files 4, 5 & 6 delivered to: LBE (mgs) [Entry date 06/23/98]

6/20/98 153 MOTION by defendant State of Montana to file Dfts' resp brfs in opposition to pltfs' mot for partial summary judgment for failing to provide Title XIX Svcx and pltfs' mot for partial sum jdgmt for failing to provide services in the most integrated setting to classmembers unnecessarily placed in institutions (gar) [Entry date 07/01/98]

6/24/98 -- REMARK - files returned to Clks' Ofc w/advice that this file was referred to LBE for the motion to compel only. (mgs)

7/1/98 154 ORDER by Judge Charles C. Lovell granting motion to file Dfts' resp brfs in opposition to pltfs' mot for partial summary judgment for failing to provide Title XIX Svcx and pltfs' mot for partial sum jdgmt for failing to provide services in the most integrated setting to classmembers unnecessarily placed in institutions [153-1]. July 17, 1998 - Dfts' shall file response brf to Pltfs' mots for partial summary jdgmt. August 27, 1998 - Pltfs' shall file their reply briefs in support of their motions for partial summary judgment. cc: LaRose, Burnim, Gilhool, Kradolfer, gar (gar)

7/1/98 155 ORDER by Mag Judge Leif B. Erickson granting motions to compel production of documents [81-1] and [61-1] as set out in copy of transcript attached; denying pltfs' claim for costs & atty fees in pursuing the mtn/compel. (cc: all counsel) (mgs) [Entry date 07/02/98]

7/2/98 -- MINUTES: terminating case referral to Mag Judge Leif B. Erickson for motions to compel (mgs)

7/2/98 -- FILES DELIVERED to Helena Div. Ofc (mgs)

7/2/98 156 TRANSCRIPT filed of hearing held 6-15/16-98 in Msla - kept in expando file (dmz) [Entry date 07/08/98] [Edit date 07/08/98]

7/6/98 -- REMARK - file received at Helena from Msla, copy of order

#55 to CCL and LC (dmz) [Entry date 07/08/98]

7/14/98 -- REMARK - rec'd Attachment A to Janice Frisch's affidavit which was filed in support of Defendants' Reply Brief in Support of Defendants' Motion for Partial Summary judgment (Doc #152) and attached to affidavit (tlh)

7/17/98 157 RESPONSE by defendants to motion for partial summary judgment for failing to provide services in the most integrated setting to class members unnecessarily placed in the institutions. [122-1] w/c/s (tlh) [Entry date 07/21/98]

7/17/98 158 RESPONSE by defendant State of Montana to Plaintiffs' motion for partial summary judgment for failing to provide Title XIX services to class members at risk of placement in the institutions. [122-1] w/c/s (tlh) [Entry date 07/29/98]

7/28/98 -- FILE DELIVERED (6 volumes) to Msla for LBE at request of KJH (dmz)

7/29/98 -- FILE RECEIVED from Helena (6 VOLUMES) and DELIVERED to LBE Chambers for Mary Ann Sutton (san)

8/27/98 159 MOTION by plaintiffs for leave of court to file brief exceeding twenty pages w/c/s (tlh) [Entry date 08/31/98]

8/27/98 160 REPLY by plaintiff to response to motion for partial summary judgment for failing to provide title XIX services to class members at risk of placement in the institutions [122-1] w/c/s (tlh) [Entry date 08/31/98] [Edit date 09/01/98]

8/28/98 161 ORDER by Judge Charles C. Lovell granting motion for leave of court to file brief exceeding twenty pages [159-1] (cc: Kradolfer, Cater, Lund, Seifert, Burnim, Gran, Gallagher, Larose) (tlh) [Entry date 08/31/98]

8/28/98 162 REPLY by plaintiff to response to motion for partial summary judgment for failing to provide services in the most interated setting to class members unnecessarily placed in the institutions. [122-1] w/c/s (tlh) [Entry date 09/01/98]

9/2/98 163 ORDER by Mag Judge Leif B. Erickson regarding plaintiffs' Second Motion to Compel [81-1]; documents withheld from discovery by defendants under claims of attorney-client privilege and/or work product protection having been reviewed in camera, granted in part and denied in part (cc: all counsel) (kjh)

9/2/98 -- REMARK - documents submitted for in camera review relating to Plaintiffs' Second Motion to Compel [81-1] retained under seal in Clerk's office (kjh) [Edit date 09/03/98]

9/3/98 -- FILE DELIVERED to Helena from Missoula by certified mail (Vols 1 thru 6, transcript of proceedings of 6/15/98 and 6/16/98, and envelope containing documents submitted for in camera inspection relative to motion to compel No. 81((kjh)

9/4/98 -- REMARK - File (6 Vols., transcript of proceedings of

6/15/98 and 6/16/98 and envelope containing documents submitted for in camera inspection relative to mtn to compel No. 81) rec'd from Msla (tlh) [Entry date 09/09/98]

9/9/98 -- FILE DELIVERED to law clerk (tlh)

9/16/98 164 ORDER by Judge Charles C. Lovell; hearing on class certification and parties competing mtns for partial summary judgment set for 9:30 12/16/98 (cc: Kradolfer, Cater, Seifert, Burnim, Gran, Gallagher, Smith, USM, RPR, Sched Clerk, CCL) (tlh) [Entry date 09/17/98]

9/18/98 -- REMARK - per call from LBE lawclerk, mailed out copy of 9/2/98 order again to all cns1. Faxed copy to Andre Larose and Kim Kradolfer per her instructions. (baf)

10/13/98 165 STIPULATION BY ALL for dismissal of Robert Anderson as a party deft (dmz) [Entry date 10/16/98]

10/15/98 166 ORDER by Judge Charles C. Lovell dismissing party Robert Anderson (cc: all cns1, CCL, GR) (dmz) [Entry date 10/16/98]

11/19/98 167 NOTICE OF NONCOMPLIANCE WITH LOCAL RULES and MOTION by plaintiffs For Order Barring Dfts from Filing Statement of Genunie Issues and Supporting Evidence (gar) [Entry date 11/25/98]

11/19/98 168 MEMORANDUM by plaintiffs in support of motion For Order Barring Dfts from Filing Statement of Genunie Issues and Supporting Evidence [167-1] (gar) [Entry date 11/25/98]

11/20/98 169 STATEMENT of Genuine Issues by defendants (gar) [Entry date 11/25/98] [Edit date 11/25/98]

11/20/98 170 EXHIBITS IN SUPPORT OF DFTS' STATEMENT OF GENUNIE ISSUES Doc. #169 (BOUND VOLUME IN EXPAND. FOLDER) (gar) [Entry date 11/25/98] [Edit date 11/25/98]

11/24/98 171 RESPONSE by defendants to motion For Order Barring Dfts from Filing Statement of Genunie Issues and Supporting Evidence [167-1] (gar) [Entry date 11/25/98]

11/25/98 -- REMARK Folder #7 begins here.....
(gar)

12/2/98 172 AMENDED STATEMENT of genuine issues by defendants [169-1] w/c/s (tlh) [Entry date 12/03/98]

12/3/98 173 NOTICE by defendant State of Montana of Additional Authority and NOTICE of Pending Petition for Writ of Certiorari In Case Involving Relevant Issues w/ attachments.(Copy given to Lawclerk) (gar) [Entry date 12/07/98]

12/8/98 174 REPLY by plaintiff to response to motion For Order Barring Dfts from Filing Statement of Genunie Issues and Supporting Evidence [167-1] file delivered to: lawclerk (tlh) [Entry date 12/10/98]

- 12/14/98 175 MOTION by defendants for leave to rebrief & notice that certiorari granted in 98-536, Olmstead v. L.C., et al, and motion to vacate December 16, 1998 hearing w/c/s/ (baf) [Entry date 12/16/98]
- 12/14/98 176 SUPPLEMENTal reply to defts respons to plfs motion for partial summary judgment for failing to provide services in the most integrated setting to class members unnecessarily placed in the institutions - by plaintiff (baf) [Entry date 12/16/98]
- 12/15/98 177 SUPPLEMENTal reply memo in suppt of motion for partial summary judgment for failing to provide Title XIX services to class members at risk of placement in the institutions - by plaintiff (baf) [Entry date 12/16/98]
- 12/15/98 178 NOTICE of supplemental authority re plf motion for summary judgment by plaintiff (baf) [Entry date 12/16/98]
- 12/15/98 179 NOTICE by Montana Advocacy Program of Change of Address as follows: Andree Larose, Alan Freed, Mary Gallagher, Montana Advocacy Program, 316 N. Park, Rm 211P. O. Box 1681, Helena, MT 59624; Voice/Tdd (406) 444-3889; Fax. (406) 444-0261. (baf) [Entry date 12/16/98]
- 12/15/98 180 Opposition by plaintiff to motion for leave to rebrief [175-1]& to motion motion to vacate December 16, 1998 hearing [175-2]. (baf) [Entry date 12/16/98]
- 12/15/98 181 ORDER by Judge Charles C. Lovell denying motion motion to vacate December 16, 1998 hearing [175-2]. Crt to hear argumts at that hrg on the question of whether it should stay its rulings relating to plfs ADA claims pending the Supreme Court's ruling in Olmstead. Each side to have 1 hr to pr argumts on all pending motns at the hrg. Hrg to commence at 9:10. Crt has confnc call at 10:15, an so crt will recess at 10:10 and resume hrg at completion of conf. call. (cc: Seifert (picked up order); Kradolfer/Orr faxed. Cater, Burnim, Gran/Gilhool, Gallagher, Larose/Freed; CCL,CLK,RPR) (baf) [Entry date 12/21/98]
- 12/15/98 182 ORDER by Judge Charles C. Lovell that plfs motion for an order barring defendants from filing a stmt of Genuine Issues is Denied and granting motion for leave to rebrief in response to dfts motion for partial summary jgmt [175]. (cc: Seifert (picked up) Kradolfer/Orr - faxed. Cater, Burnim, Gran/Gilhool, Gallagher, Larose/Freed - cnsl called. CCL,CLK,RPR) Court is in receipt of these briefs. (cc: all counsel) (baf) [Entry date 12/21/98]
- 12/16/98 183 MINUTES, HEARING ON MOTIONS: before Judge Charles C. Lovell. Present for plf, Andree Larose, Judy Gran, Alan Freed. Also pr is Travis D. Pr for dfts: Kim Kradolfer, Cary Lund, Joe Seifert. Cnsl have agreed defdts will begin. Kim Kradolfer for dft, and Andre Larose & Judy Gran, for pfs have hrd several times on several motions. Motions submitted and under advisement. C/R: Tina Brilz (baf) [Entry date 12/21/98] [Edit date 12/21/98]

12/21/98 184 ORDER by Judge Charles C. Lovell, All proceedings are STAYED pending the United States Supreme Court's ruling in Olmstead vs. L.C. Cause No. 98-536. When that ruling issues, the parties shall brief the question of its impact upon the claims and motions currently before this court. [184-2] (cc: Seifert, Cater, Kradolfer, Lund, Larose, Burnim, Gilhool, Gallagher) (tlh) [Entry date 12/22/98]

2/18/99 185 TRANSCRIPT filed of oral arguments of hearing held 12/16/98 (kept in expando) (dmz) [Entry date 02/23/99]

9/30/99 186 ORDER by Judge Charles C. Lovell - parties shall brief the question of the impact of the Olmstead decision upon the claims and mtns currently before this crt and shall file the same w/in 45 days of receipt of this order; case management ddl set for 11/15/99 (cc: Cater, Burnim, Gilhool, Gallagher, Orr, Larose, Seifert, CCL, GR) (dmz) [Entry date 10/01/99] [Edit date 10/01/99]

10/15/99 187 MOTION by defendant State of Montana to extend time to prepare and serve brf on question of impact of Olmstead v. L.C. (gar) [Entry date 10/19/99]

10/15/99 188 ORDER by Judge Charles C. Lovell granting motion to extend time to prepare and serve brf on question of impact of Olmstead v. L.C. [187-1] ; State of Montana shall have to and including 12/16/99 to file and serve brf on the question (cc: Lund, Burnim, LaRose, Gilhool, Kradolfer) (gar) [Entry date 10/19/99]

12/16/99 189 BRIEF FILED by plaintiff re impact of Supreme Court decision in Olmstead v Curtis and Wilson (dmz) [Entry date 12/17/99]

12/16/99 190 BRIEF FILED by defendant re Olmstead v LC (dmz) [Entry date 12/17/99]

12/16/99 191 NOTICE by defendant of additional authority (dmz) [Entry date 12/17/99]

8/3/00 192 ATTORNEY SUBSTITUTION: addition of co-counsel - attorney Linda J. Deola for pltf's (dmz) [Entry date 08/17/00]

8/23/00 193 MOTION by plaintiffs for protective order and certification of attempts to resolve dispute (gar) [Entry date 08/30/00]

8/23/00 194 BRIEF by plaintiffs in support of motion for protective order [193-1] (gar) [Entry date 08/30/00]

8/23/00 -- PROPOSED Protective Order submitted by plaintiff (gar) [Entry date 08/30/00]

8/30/00 195 ORDER by Judge Jack D. Shanstrom referring to Mag Judge Leif B. Erickson the motion for protective order [193-1] The clerk directed to notify parties and Mag. Judge Erickson of entry of this order and to forward case file to Mag. Judge Erickson. Case referred to Mag Judge Leif B. Erickson (cc: JDS, CCL, LBE, Judy A., Geola, Larose,

Gallagher, Gran, Burnim, Cater, Seifert, Kradolfer, Lund)
(gar)

8/30/00 -- FILE CONSISTING OF 8 VOLUMES AND 3 EXPANDABLE FOLDERS
DELIVERED to Clerk, Missoula for Mag. Judge Erickson (gar)

8/31/00 -- RECEIVED from Helena vol 1-8 plus 3 expando files. copy of
motion, brief and proposed order to MAS fyi. (mcn)

8/31/00 196 MOTION (REQUEST) by plaintiffs for order setting
scheduling conference. (l11) [Entry date 09/07/00]

9/6/00 197 RESPONSE by defendants to [193-1]. (l11)
[Entry date 09/08/00] [Edit date 09/08/00]

9/6/00 -- PROPOSED Protective Order submitted by defendants. (l11)
[Entry date 09/08/00]

9/6/00 197 CROSS-MOTION by defendants for entry of defendants'
protective order. (l11) [Entry date 09/08/00]

9/7/00 -- RED FILE DELIVERED to MAS for review o # 193 & 194 (mcn)

9/8/00 198 ORDER by Mag Judge Leif B. Erickson regarding [197-1],
regarding [193-1], parties are directed to use Defendants'
Protective Order as a guide and that the parties are
directed to attempt draft an order within one week (see
Order for specifics) (cc: all counsel). (l11)

9/11/00 -- REMARK - faxed copy of document #197 and 198 to attorney
Andree Larose per her request (san)

9/11/00 -- PROPOSED Interim Order submitted by defendant State of
Montana. (l11) [Entry date 09/12/00]

9/18/00 199 STIPULATION BY ALL for entry of protective order. (l11)
[Entry date 09/21/00]

9/18/00 -- PROPOSED Protective Order (Exhibit A) submitted by
defendants, plaintiffs. (l11) [Entry date 09/21/00]

9/21/00 -- RED FILE DELIVERED to LBE for review of item #199 and
proposed Protective Order. (l11)

9/22/00 200 PROTECTIVE ORDER by Mag Judge Leif B. Erickson : adopting
[199-1] (cc: all counsel). (l11)

10/10/00 -- REMARK Case assigned to Hon. Charles C. Lovell pursuant to
Standing Order #11 of Chief Judge Shanstrom (gar)
[Entry date 12/01/00]

10/23/00 -- FILE DELIVERED to Helena (Vol. 8 only) for review of item
#196. (l11)

10/24/00 -- RECEIVED file vol #8 from Clerk, Missoula and delivered to
Law Clerk re request for sched conf and mot for protective
order & cert cert of attempts to resolve dispute. (gar)

12/1/00 -- VOLUME 1-7 OF FILE DELIVERED W/ 3 BROWN EXPANDOS to Helena

for review by Jay (san)

12/5/00 -- REMARK - rec'd 6 volumes and 2 expandos of file in Helena from Mssla. (baf)

4/26/01 -- PROPOSED suppl brief submitted by plaintiff (dmz)
[Entry date 05/01/01]

4/27/01 201 MOTION by plaintiff for leave to file supplemental brief summarizing recent legal developments (dmz)
[Entry date 05/01/01]

4/27/01 202 PROOF/NOTICE OF SERVICE by plaintiff of proposed order (dmz)
[Entry date 05/01/01]

5/1/01 203 ORDER by Judge Charles C. Lovell granting motion for leave to file supplemental brief summarizing recent legal developments [201-1] (cc: Orr/Kradolfer, Burnim, Gilhool/Gran, Deola, Larose, Seifert, Cater/Lund, CCL,GR) (dmz)

5/1/01 204 SUPPLEMENTAL MEMO OF LAW SUMMARIZING RECENT LEGAL DEVELOPMENTS RELEVANT TO PENDING MTNS by plaintiff (dmz)

5/22/01 205 MOTION by defendant State of Montana to extend time to prepare and serve supplemental brief (gar)
[Entry date 05/23/01]

5/23/01 206 CLERK'S ORDER by order of Judge Charles C. Lovell granting motion to extend time to prepare and serve supplemental brief [205-1]. Dft State of Montana has to and including 6/8/01 to prepare, serve and file their supplemental brief in quest of impact of Olmstead decision. cc: Kradolfer, Gilhool, Burnim, Larose (gar)

6/4/01 207 MOTION by plaintiffs Travis D., et al to extend time to file a motion to amend the complaint and no objection by dfts' cnsl. (snyb) [Entry date 06/05/01]

6/4/01 -- PROPOSED order submitted by pltfs in re doc. #207, Mot. for ext. and delvd to CCl as the file is in chambers. (snyb)
[Entry date 06/05/01]

6/5/01 208 ORDER by Judge Charles C. Lovell granting motion to extend time of three days to file a motion to amend the complaint [207-1] Briefing on the motion to amend complnt to be conducted in accordance w/Local Rule and resolution of the motion to be governed by F.R.Civ.P. 15(a). (cc: Lund, Orr, Kradolpher, Seifert, Coler, Deola, Burnim, Gran, Gilhool, Gallagher, Freed, Larose) (baf)
[Entry date 06/06/01]

6/5/01 209 MOTION by plaintiff to amend complaint (dmz)
[Entry date 06/12/01]

6/5/01 210 MEMORANDUM/BRIEF by plaintiff in support of motion to amend complaint [209-1] (dmz) [Entry date 06/12/01]

6/5/01 -- PROPOSED 1st amended complaint submitted by plaintiff (dmz)

[Entry date 06/12/01]

6/8/01 211 SUPPLEMENTAL POST OLMSTEAD BRIEF by defendant (dmz)
[Entry date 06/12/01]

6/19/01 212 OBJECTIONS by defendant to amendment of complaint [209-1]
(dmz) [Entry date 07/17/01]

6/21/01 213 NOTICE (Eratta) by defendant of omittance to obj to
amendment of complaint (dmz) [Entry date 07/17/01]

7/3/01 214 REPLY by plaintiff re defts' obj to amendment of complaint
[212-1] (dmz) [Entry date 07/17/01]

7/13/01 215 OBJECTIONS by plaintiff to consideration of improperly
raised defenses and notice of supplemental authority (dmz)
[Entry date 07/17/01]

7/27/01 216 RESPONSE by defendant to obj to consideration of improperly
raised defenses [215-1] (dmz) [Entry date 08/02/01]

8/29/01 217 ORDER by Judge Charles C. Lovell granting motion to
amend complaint [209-1]. Clerk is directed to File plf's
first amended complaint that was lodged with the court
6/5/01. FURTHER ORDERED all other motions presently pending
in this case are denied as moot. Pties to have 45 days frm
entry of this order to file whatever dispositive or other
motions they wish the crt to consider at this stage of the
proceedings. Briefing of those motns to be in accord.
w/local rule (cc: Lund; Orr/Kradolfer; Seifert; Cater;
Deola; Burnim; Gran/Gilhool; Gallagher/Freed/Larose; CCL)
(baf) [Entry date 08/30/01]

8/30/01 218 AMENDED COMPLAINT [1-1] by plaintiff (baf)

8/31/01 219 NOTICE by Andrea Larose, atty for plaintiff of change of
address: Montana Advocacy Program, 400 North Park Avenue,
PO Box 1681, Helena, MT 59624 (dmz) [Entry date 09/04/01]

9/27/01 220 MOTION by defendant State of MT for leave to file mtn to
dismiss and brief pursuant to crt's scheduling order in
lieu of now filing amended answer (dmz)
[Entry date 10/02/01]

10/12/01 221 Unopposed MOTION for leave to file a second amended
complaint (dmz) [Entry date 10/15/01]

10/12/01 221 JOINT MOTION by defendant, plaintiff to set schedule (dmz)
[Entry date 10/15/01]

10/12/01 221 JOINT MOTION by defendant, plaintiff to exceed page
limitation (dmz) [Entry date 10/15/01]

10/16/01 222 ORDER by Judge Charles C. Lovell granting motion to set
schedule [221-1] ; second amended complaint to be filed by
11/2/01; motion brief ddl set for 11/15/01; setting mtion
resp ddl for 11/14/01; setting date for reply brief ddl set
for 1/18/02 (cc: all counsel) (dmz) [Entry date 10/26/01]
[Edit date 10/28/03]

11/2/01 223 AMENDED COMPLAINT [218-1] by plaintiff; adding Brenda S., Freeman B., Andrea I., Travis C., Michael H., James K., Patrick D., Lynn D., People First of MT, Gail Gray, Jeff Sturm, Ed Amberg (dmz) [Entry date 11/05/01]

11/14/01 224 MOTION by plaintiff to extend time to submit mtn for sj (dmz) [Entry date 11/15/01]

11/15/01 225 ORDER by Judge Charles C. Lovell granting mtn to extend time to submit mtn for sj by 11/21/01 (cc: all cnsl) (dmz)

11/15/01 226 MOTION by plaintiff to certify class action (dmz) [Entry date 11/19/01]

11/15/01 227 MEMORANDUM/BRIEF by plaintiff in support of motion to certify class action [226-1] (dmz) [Entry date 11/19/01]

11/21/01 228 MOTION by plaintiff to extend time to submit mtn for sj and brief and stmt of facts (dmz) [Entry date 11/26/01]

11/26/01 229 ORDER by Clerk by Order of Judge Charles C. Lovell granting motion to extend time to submit mtn for sj and brief and stmt of [228-1], 12/14/01-Dispositive motions briefs and any Statements of Uncontroverted Facts to be simultaneously filed by parties ; setting motion resp ddl set for 2/1/02 (including to plntfs' Motion for Class Cert filed 11/15/01 and any Statements of Genuine Issues to be filed simultaneously by parties ; setting date for reply brief ddl set for 3/1/02 to be simultaneously filed by parties. Parties are granted leave to file oversized briefs. cc: Deola, Burnim, Larose Gilhool, Kradolfer, Seifert, Lund, Law Clerk-MKB (gar) [Entry date 11/27/01] [Edit date 10/28/03]

12/12/01 230 MOTION by plaintiff for partial summary judgment (dmz) [Entry date 12/13/01]

12/12/01 231 MEMORANDUM/BRIEF by plaintiff in support of motion for partial summary judgment [230-1] - kept in expando folder (dmz) [Entry date 12/13/01] [Edit date 12/13/01]

12/12/01 232 SUMMARY of uncontroverted facts by plaintiff in support of [230-1] (dmz) [Entry date 12/13/01] [Edit date 12/13/01]

12/12/01 233 STATEMENT of UNCONTROVERTED FACTS by plaintiff in support of [230-1] (dmz) [Entry date 12/13/01]

12/12/01 234 APPENDICES 1-117 CONTAINED IN 5 VOLUMES OF THREE RING BINDERS filed by plaintiff re [230-1] (dmz) [Entry date 12/13/01]

12/14/01 235 MOTION by defendant to dismiss equal protection and due process claims (dmz) [Entry date 12/17/01]

12/14/01 236 MEMORANDUM/BRIEF by defendant in support of motion to dismiss equal protection and due process claims [235-1] (dmz) [Entry date 12/17/01]

12/14/01 237 SECOND MOTION by defendant to dismiss claims for relief under the Americans with Disabilities Act (dmz) [Entry date 12/17/01]

12/14/01 238 MEMORANDUM/BRIEF by defendant in support of motion to dismiss claims for relief under the Americans with Disabilities Act [237-1] (dmz) [Entry date 12/17/01]

12/14/01 239 THIRD MOTION by defendant to dismiss Section 504 claims (dmz) [Entry date 12/17/01]

12/14/01 240 MEMORANDUM/BRIEF by defendant in support of motion to dismiss Section 504 claims [239-1] (dmz) [Entry date 12/17/01]

12/14/01 241 FOURTH MOTION by defendant to dismiss medicaid claims (dmz) [Entry date 12/17/01]

12/14/01 242 MEMORANDUM/BRIEF by defendant in support of motion to dismiss medicaid claims [241-1] (dmz) [Entry date 12/17/01]

12/14/01 243 MOTION by defendant for summary judgment (dmz) [Entry date 12/17/01]

12/14/01 244 MEMORANDUM/BRIEF by defendant in support of motion for summary judgment [243-1] (dmz) [Entry date 12/17/01]

12/14/01 245 STATEMENT of facts by defendant in support of [243-1] kept in expando folder (dmz) [Entry date 12/17/01]

1/23/02 246 JOINT MOTION by defendant, plaintiff to modify briefing schedule (dmz) [Entry date 01/24/02]

3/12/02 247 MOTION by defendants to modify briefing schedule (baf) [Entry date 03/14/02]

3/13/02 248 ORDER by Judge Charles C. Lovell granting motion to modify briefing schedule [247-1] & Ordered Response briefs for all pending motions and stmts of genuine issues to be filed and served by 4/19/02; Rply brfs for pending motns to be filed and served by 5/16/02 (cc: Lund, Orr/Kradolpher, Seifert, Cater, Deola, Burnim, Gran, Gilhool, Gallagher, Freed, Larose) (baf) [Entry date 03/14/02] [Edit date 10/28/03]

4/18/02 249 MOTION by defendant State of Montana to extend time to file resp brfs to pltfs'mot for sum jdgmt and brf requesting class cert (gar) [Entry date 04/22/02]

4/19/02 250 ORDER by Judge Charles C. Lovell granting motion to extend time to file resp brfs to pltfs'mot for sum jdgmt brf requesting class cert [249-1]. Dfts shall have to and including 4/26/02 to prepare, srv and file their response brfs to Pltfs' Motion for Class Cert and Pltfs' Mot for Summary Jdgmt with supporting documents including Stmt of Genuine Issues. CCL, PED, LaRose, Gilhool, Burnim, Deola, Carter, Seifert, Kradolfer, Lund (gar) [Entry date 04/22/02]

4/19/02 251 RESPONSE by plaintiff to motion to dismiss equal protection and due process claims [235-1] (gar) [Entry date 04/22/02]

4/19/02 252 RESPONSE by plaintiff to motion to dismiss claims for relief under the Americans with Disabilities Act [237-1] (Placed in expando folder) (gar) [Entry date 04/22/02] [Edit date 04/22/02]

4/19/02 253 RESPONSE by plaintiff to motion to dismiss medicaid claims [241-1] (gar) [Entry date 04/22/02]

4/19/02 254 RESPONSE by plaintiff to motion to dismiss Section 504 claims [239-1] (gar) [Entry date 04/22/02]

4/19/02 255 RESPONSE by plaintiff to motion for summary judgment [243-1] (Placed in expando folder) (gar) [Entry date 04/22/02] [Edit date 04/22/02]

4/19/02 256 STATEMENT of Genuine Issued by plaintiffs in opposition to dfts' Motion for Summary Jdgmt. (gar) [Entry date 04/22/02]

4/24/02 257 ORDER by Judge Charles C. Lovell ; status hearing set for 2:30 4/25/02 in chambers at Helena, MT (cc: all cnsl rec'd cpies, called Cater, Seifert, Kradolpher, Orr, Lund, Deola, Gallagher; cpies to Clk-Hlna, Sched Clk-Hlna, CCL) (baf)

4/25/02 258 MINUTES status conference before Judge Charles C. Lovell In chambers w/crt, MKB, Kim Kradolfer and Joe Seifert pr for dfts. Andre Larose, Alexandra Volkert pr for plfs. Crt indicates a need to move forward with the case and a need to set scheduling conference. There are pending motions for summ. jgmt, motns to dismiss and for class certification. Motns shall be ripe by 5/16/02. Crt will set hrg and trial dates and will order court supervised sttlmt confns. Cnsl could consider having summary jury trial. All sides would have to agree on this. Schedule given by court. Motions hrg on 5/30/02; hear class certification issue in May. Disclosure of plf expts 3/24/02; Disclose deft expts 6/24/02; Discovery ddline 6/5/02; Mtns ddline 8/2/02. Attys pretrl cnfns week of 8/19/02; FPTO and trl brfs due by 9/4/02; FPTC held 9/9/02; Trial date 9/16/02. Larose feels schedule is optimistic. Kradolfer has conflicting trial 9/9/02 in state court. Pties have agreed to mediation in July w/private mediator. Crt says that is fine but will require crt supervised sttlmt confns. Pties among themselves discussed a spring trial. Larose suggests that it may be good to have sttlmt confns before legislature. Kradolfer asks for argumt on motns and a hrg as the decision on that will shape and focus the case. Says they may need more time for discovery after motns are ruled on. Crt will set 6/4/2 as date to hear motns. At hrg there will primarily be argumt. On summ jgmt motns could be testimony by declaration of key expts and then have cross exam on those declarations. Crt will give the schedule as suggested above. Cnsl to attempt to agree on a schedule and may attempt to persuade the court

to continue that which will be given. Volkert asks to change the disclosure of experts til after the June hrg. Crt agrees to extend that to 6/11/02. Issues before court. Larose states, assuming class certification is granted and they get access to records, that records are all over the state. Suggest placing records in 1 location & having dfts provide those. Argumt is had re this matter. Once it was clarified that records are as to those listed in the case, Kradolfer had no obj to getting info in one location. All agree. Larose asks if it is nec to have out of state people pr for cross exam at 6/4/02 hrg. Crt says up to cnsl. Ea side to let other side know who witns are,, crt to be notified also. Kradolfer suggestts 4 wks for trial. Crt supervised sttlmt confns to be set at later time. Status rpts will be necc and if a summ. jury trial is held, it would be done in one day. Adj. 3:35 (baf)
[Entry date 04/26/02]

- 4/26/02 259 ORDER by Judge Charles C. Lovell - Ordered an omnibus hrg for all currently pending motns is set for 10:00 Wed. 6/5/02 at Helena, MT. Absent an order granting any d ispositive motns, the following schedule to govern further procdgs: Disclosure of plfs Expts - 7/31/02; Disclosure of dft experts - 8/30/02; Discovery ddline - 9/13/02; Motions ddline - 9/23/02; Attorney conference to prepare pretrial order - wk of 10/7/02; Submit final pretrial order & trl brfs - 10/25/02 ; final pretrial conference set for 10/30/02 @ 10:00 a.m. Hlna; bench trial set for 9:30 11/4/02 At Helena, MT. Cnsl to adhere to paragraphs 9-21 to prepare for trial. Each month beginning 5/1/02, cnsl to file a joint status report. (cc: Lund; Orr'Kradolfer;Seifert, Cater, Deola, Burnim,Gran, Gilhool, Gallagher, Freed Larose, CCL, CLK-Hlna, Sched Clk-Hlna, PED) (baf) [Entry date 05/01/02] [Edit date 05/17/02]
- 4/26/02 260 OBJECTION by defendants to Class Certification (baf) [Entry date 05/01/02]
- 4/26/02 261 RESPONSE by defendants to plaintiffs' motion for partial summary judgment [230-1] (baf) [Entry date 05/01/02]
- 4/26/02 262 STATEMENT of Genuine Issues by Defendants (kept in very large black binder separately) (baf) [Entry date 05/01/02]
- 4/26/02 263 Errata to Deft Response to Plf Motn for Summ. Jgmt [261-1] by State of Montana (baf) [Entry date 05/01/02]
- 5/1/02 264 Joint STATUS REPORT (copy to LC) (baf) [Entry date 05/02/02]
- 5/3/02 265 MOTION by defendant State of Montanafor court tours of Eastmont Human Services Center and Montana De velopmental Center. (cpy to LC) (baf)
- 5/11/02 289 NOTICE by plaintiffs of Supplemental Authority (gar) [Entry date 06/12/02]
- 5/14/02 266 RESPONSE by plf to motion for court tours of Eastmont Human Services Center and Montana De velopmental Center.

[265-1] (baf) [Entry date 05/17/02]

5/16/02 267 NOTICE of supplemental authority by plf (baf)
[Entry date 05/17/02]

5/16/02 268 REPLY by plaintiff to response to plaintiffs' motion for
summary judgment [243-1] (copy to MKB)d to: (baf)
[Entry date 05/17/02]

5/16/02 269 REPLY by plaintiff to defendant's objection to class
certification. (cpy to MKB) (baf) [Entry date 05/17/02]

5/16/02 270 RESPONSE to motion to dismiss equal protection and due
process claims [235-1] (baf) [Entry date 05/17/02]

5/16/02 271 REPLY by plaintiff to response to motion to dismiss claims
for relief under the Americans with Disabilities Act
[237-1] (cpy o MKB) (baf) [Entry date 05/17/02]

5/16/02 272 REPLY by plaintiff to response to motion to dismiss Section
504 claims [239-1] (copy to MKB) (baf)
[Entry date 05/17/02]

5/16/02 273 REPLY by plaintiff to response to motion to dismiss
medicaid claims [241-1] (copy to MKB) (baf)
[Entry date 05/17/02]

5/16/02 274 REPLY by plaintiff to defendant's motion for summary
judgment [243-1] (copy to MKB) (baf) [Entry date 05/17/02]

5/16/02 275 AFFIDAVIT of Daphne Crosbie (baf) [Entry date 05/17/02]

5/16/02 276 AFFIDAVIT of Joyce Decunzo (baf) [Entry date 05/17/02]

5/16/02 277 AFFIDAVIT of Barbara Hoffmann (baf) [Entry date 05/17/02]

5/16/02 278 AFFIDAVIT of Joe Mathews (baf) [Entry date 05/17/02]

5/16/02 279 AFFIDAVIT of Mick Robinson (baf) [Entry date 05/17/02]

5/16/02 280 AFFIDAVIT of Scott Sim (baf) [Entry date 05/17/02]

5/21/02 281 ORDER by Judge Charles C. Lovell denying motion for court
tours of Eastmont Human Services Center and Montana De
velopmental Center. [265-1] with lv to refile later if
circumstances warrant.(cc: Lund, Orr/Kradolfer, Seifert,
Cater, Deola, Burnim, Gran/Gilhool, Freed/Larose, CCL,PED)
(baf) [Entry date 05/22/02]

5/28/02 282 OBJECTIONS to Hearsay evidence by Defts (copy to law clk)
(baf) [Entry date 05/29/02] [Edit date 05/29/02]

5/28/02 283 NOTICE of additional authority by defendants (copy to law
clk) (baf) [Entry date 05/29/02] [Edit date 05/29/02]

6/3/02 284 STATUS REPORT regarding discovery and regarding motions to
dismiss and motion for summary jgmt, by defendants (copy to
law clk) (baf) [Edit date 06/03/02]

6/3/02 285 STATUS REPORT by plaintiff (baf) [Entry date 06/04/02]

6/5/02 286 MINUTES - motions hearing: Present for plaintiff is Andre Larose. Pr for deft is Kimberly Kradolfer and Cary B. Lund. Two of the named plfs are present. Kim Kradolfer is hrd re motions to dismiss 1,2 & 3. Deft has packet of exhibits. No obj to admission. Marked A and admitted w/o obj. Andre Larose is hrd for plf. Cnsl Kradolfer is hrd in rebuttal. Crt asks if any named plfs are entitled to placemt in group home setting. Dft responds. The open slots regarding the Medicaid waiver are discussed. Motns to dismiss are submitted and under advisement. There are several volumes of treatment records. They are admitted w/o objection as Deft's B,C,D,E,F,G,H. The affidavits are discussed. Plf moves that all docs submitted be admitted. State moves to admit original deposition of Mike Hansoew and James Driggers. These are to be admitted also. All depositions admitted w/o obj, except that deft has objections to some testimony in the deposition of Mike Hanshew. These are to be received. Some of the affidavits are included in appendices to summ. jgmt motion and are found in appendices 13,15,116, 96 and 8. Cnsl have no live testimony today and have no cross exam of affidavit testimony. The affidavits were to be treated as live testimony and are received into the record. Crt questions re the Medicaid vacancies. Cnsl Larose is hrd on this and on summ. jgmt. Kim Kradolfer is hrd re summ. jgmt. Ms. Kradolfer has rec'd new info and informs crt that 18 individuals will now be moved into new facilities. She also discusses budget cuts to the State yr. She give updates on named defts and where they are on placement lists and why. Cnsl Larose is hrd re summ. jgmt. Kradolfer hrd on summ. jgmt. Adj @ 5:10 p.m. Done before Judge Charles C. Lovell C/R: Lisa Lesofski (baf) [Entry date 06/11/02] [Edit date 06/13/02]

6/10/02 287 MINUTES continuation of motions hearing before Judge Charles C. Lovell C/R: Lisa Lesofski. Andre Larose pr for plf. Kim Kradolfer and Cary Lund pr for dft. Cnsl Kradolfer is hrd re new group homes and placing some individuals into those. Kradolfer hrd re State's budget cuts. Kradolfer argues and moves crt to grant dft's summ. jgmt motn. Ms. Larose is hrd. Moves to admit a packet of exhibits. Exhibits are a part of other summary jgmt motions and are admitted w/o objection. Plf objects on the record that Eastmont and MDC is a community based facility and wants to present evidence on this at trial. Deft objects to Plf exhibit 7. Plf to be filing this testimony under seal and will provide a copy to deft. Admitted over obj. Crt cites that both MDC and Eastmont are running @ 1/2 capacity, could one be closed and others moved to the remaining facility? Cnsl both hrd re t his. Crt asked for testimony re state budget. Mr. Simms is out of state. Gail Breezy-Zimmer S/T for Deft on this matter. Cnsl Larose argues motion for class certification. Kradolfer argues re class certification. Dft opposes court certifying class til other motions are ruled on. There is discussion by crt and cnsl retarding definition of class. Hrg to be continued til 2:30 on 6/11/02. Adj. 12:20 p.m. (baf) [Entry date 06/11/02]

[Edit date 06/13/02]

6/11/02 288 MINUTES: 2:30 pm, continuation of Motions Hearing before Judge Charles C. Lovell C/R: Laurie Crutcher. Andree Larose pr for Pltfs; Cary Lund and Karen Powell pr for Dfts. Court hrd, all motions set for hearing have been submitted and under advisement with exception of Motion to Cert as Class. Court hrd on matter of cert as class, cnsl heard and discussion had. Janice Frisch with State of Montana presents Exh E (chart (list) of persons in service and waiting for service. Exhibit E admitted on stipulation and Frisch will not be sworn and will not testify as to this exhibit. Court and counsel heard as to starting point in determining those included in suit. The date of filing Complaint found fair by Court. Larose agrees, Lund disagrees w/ Class Cert. Closing stmts hrd. Court asks cnsl to meet and draw up description of class based on todays hearing. This to be done this afternoon and filed by 5pm. Cnsl to use dates of filing of complaint through trial. 3:30 ajrn. (gar) [Entry date 06/12/02]

6/11/02 290 STIPULATED Submission of Class Definition (copy to CCL, MKB) (gar) [Entry date 06/12/02]

6/14/02 291 TRANSCRIPT of proceedings for Day 3 of hearing held 6/11/02 held in Helena, MT on motions hearing. Laurie Crutcher RPR (baf) [Entry date 06/17/02]

6/17/02 -- RECEIVED - letter from Mt. Advocacy regarding a breakdown of document classifications of the appendices and/or exhibits submitted in connection with various motions for summary judgment. (baf)

7/1/02 292 STATUS REPORT (baf) [Entry date 07/02/02]

7/23/02 293 TRANSCRIPT filed of hearing held June 5 and 10, Lisa Lesofski, RPR (baf) [Entry date 07/24/02]

7/29/02 294 MOTION by plaintiff to continue trial (copy to sched clk w/propo) (baf) [Entry date 07/30/02]

8/1/02 295 Joint STATUS REPORT - (baf) [Entry date 08/02/02]

8/2/02 296 OBJECTIONS by State of Montana to trial date proposed by plfs in [294-1] (cpy to J. Smith) (baf)

8/7/02 297 ORDER by Judge Charles C. Lovell, present schedule cannot be maintained, parties are in agreement as a schedule which the court now finds acceptable, granting motion to continue trial [294-1] ; trial set for 9:30 5/26/03 at Helena ; Disclosure of Pltf's Experts due 10/14/02; Disclosure of Dfts' Experts due 12/13/02; Discovery Deadline is 1/14/03; Atty conference to prepare Final Pretrial order is week of 4/21/03; pretrial order ddl set for 5/14/03 ; final pretrial conference set for 10:00 5/22/03 at Helena (cc: PED, CCL, Sched Clk, USM, Lund/Carter, Kradolfer/Orr, Seifert, Deola, Burnim, Gran/Gilholl, Larose/Freed (gar)

8/9/02 298 ORDER NUNC PRO TUNC by Judge Charles C. Lovell, date set in

8/7/02 order are vacated and the following date are submitted and shall govern: Disclosure of Pltfs' Experts: 10/31/02, Disclosure of Dfts Experts: 11/30/02, Discovery Deadline: 1/31/03, ; Motions Deadline set for 5/16/02, Atty Conf to Prepare Final Pretrial Order: Week of 4/7/03, ; pretrial order and trial brief deadline set for 4/30/03 Final Pretrial Conference set for 5/22/03 at 10:00 am and Trial set for 5/27/03 at 9:30.1 Both Final Pretrial Conference and Trial will be held in Courtroom 2 of US Dist. Courthouse, 901 Front St., Helena. cc: CCL, Sched Clk, Crtrm Dep, USM, PED, Lund/Carter, Kradolfer/Orr, Seifert, Deola, Burnim, Gran/Gilhool, Larose/Freed (gar)

8/27/02 -- PROPOSED Stipulation and order for confidentiality of records. (cpy to MKB) (baf) [Entry date 08/30/02]

8/28/02 299 MOTION for written order of Class Certification. (baf) [Entry date 08/30/02]

9/3/02 300 STATUS REPORT by defendant (baf) [Entry date 09/09/02]

9/6/02 301 MOTION by plaintiff, defendant, plaintiff to compel cooperation of institution staff in examination of plaintiffs. (cpy to MKB) (baf) [Entry date 09/09/02]

9/6/02 302 RESPONSE by defendant to motion to compel cooperation of institution staff in examination of plaintiffs. [301-1] (baf) [Entry date 09/09/02]

9/6/02 303 Clerk's ORDER that defts' time to respond to the emergency motion is shortened to 9/9/02, and should be on file w/clk of court by that date. (cc: faxed to all counsel, PED) (baf) [Entry date 09/09/02]

9/9/02 304 REPLY by plaintiff to response to motion to compel cooperation of institution staff in examination of plaintiffs. [301-1] file delivered to: MKB (baf)

9/9/02 305 ORDER by Judge Charles C. Lovell recusing himself from all further proceedings herein and no further issues will be decided. Ordered clks to transmit this order (cc: all counsel, dwm, ped) (baf)

9/9/02 306 SUPPLEMENTAL response to Motion to Compel by defendant and (baf) [Entry date 09/10/02]

9/9/02 306 MOTION by defendant for protective order (baf) [Entry date 09/10/02]

9/9/02 307 NOTICE by State of Montana of additional authority (baf) [Entry date 09/10/02]

9/16/02 308 NOTICE by defendant of additional authority: Fredrick L. (baf)

9/18/02 309 NOTICE by plaintiff to Chief Judge of Pending Motions and Status Report (baf) [Entry date 10/02/02]

9/18/02 310 NOTICE by plaintiff of Supplemental Controlling Authority

(cpy to law clk R. Hyslop and to DWM) (baf)
[Entry date 10/02/02]

9/18/02 311 Withdrawal of Portion of Motion to Compel and RESPONSE by plaintiff to motion for protective order [306-1] (cpy to lawclk Blgs and to DWM) (baf) [Entry date 10/02/02]

9/18/02 -- REMARK ***** vol # 15 begins with doc # 310
***** (rmw) [Entry date 11/26/02]

9/20/02 312 ORDER by Judge Donald W. Molloy Case reassigned to Judge Donald W. Molloy as to State of Montana, Carl Keener, Ron Balas, Sylvia Hammer, Jennifer Pryor, Dan Anderson, Joe Matthews, Robert Anderson, Peter Blouke, Mont Develop Center, Eastmont Human Svc, Gail Gray, Jeff Sturm, Ed Amberg (cc: Lund, Orr/Kradolfer;Seifert;Cater;Deola;Burnim;Gran/Gilhool;Freed/ Larose;CCL,PED) (baf) [Entry date 10/02/02]

9/23/02 313 ORDER by Judge Donald W. Molloy Status hearing set for 11:00 11/20/02 @ USDC Helena, Crtrm I. (cc: Lund, Kradolfer/Orr;Seifert;Cater;Deola;Burnim; Gran/Gilhool; Freed/Larose; PED, USM) (baf) [Entry date 10/02/02]

9/24/02 -- 9 RED FILES DELIVERED to Clerk Blgs. for delivery to law clerk BH re outstanding mtns. (baf)

9/25/02 -- RECEIVED in Billings from Helena 9 red files (tmd)

9/25/02 -- DELIVERED 9 red files to Ryan for review (tmd)

10/2/02 -- File delivered to Billings to lawclerk Ryan Hyslop - 14 volumes plus transcript of hrg 6/5/02 through 6/11/02 hrg mailed. Remainder of file remains in Helena til further notice. (baf)

10/2/02 314 RESPONSE by State of Montana to motion to compel cooperation of institution staff in examination of plaintiffs. [301-1] (files with cpy of this motion to Blgs) (baf)

10/2/02 315 STATUS REPORT by State of Montana for October, 2002 (baf)

10/3/02 316 RESPONSE by plaintiff to Deft's Rule 34 Objection (0 + 1 to Blgs for file) (baf) [Entry date 10/10/02]

10/4/02 -- RECEIVED file in Billings from Helena consisting of 14 clerk's volumes, 4 brown expandos and 3 loose copies of plaintiff's 2nd amended complaint (tmd) [Entry date 10/07/02]

10/7/02 -- FILE DELIVERED to Ryan Hyslop for review (tmd)

10/11/02 317 MOTION by plaintiffs to vacate discovery schedule with Proposed Order (gar)

10/11/02 -- PROPOSED Order vac disc sched received (gar)

10/11/02 -- RED MOTION FILE DELIVERED to Judge Molloy for Mot to Vacate

Disc Sched with proposed order. Note: Orig motion to Clerk, Billings, for file. (gar)

- 10/30/02 318 ORDER by Judge Donald W. Molloy granting motion to vacate discovery schedule [317-1], discovery deadlines set forth in Order of 8/9/02 are vacated. Parties shall attend status conference on 11/20/02 at 11:00 at Helena. cc: PED, Lund, Kradolfer, Seifert, Cater, Deola, Gilhool, Burnem, Larose. (gar) [Entry date 11/04/02]
- 11/1/02 319 JOINT STATUS REPORT, parties are preparing for mediation they have set with Billings atty Ron Loddors as mediator scheduled for 11/14-15/02. (gar) [Entry date 11/04/02]
- 11/4/02 -- REMARK Orig Order #318, Status Report #319 to Clerk, Billings, for file and copy of Status Report to Judge Molloy and Law Clerk, Billings. (gar)
- 11/14/02 320 NOTICE of supplemental authority by plaintiff (Orig and cpy mailed to Blgs for file and law clk) (baf)
- 11/18/02 -- RECEIVED in Billings from Helena 2 boxes of documents consisting of 2 expandos, transcripts and miscellaneous loose documents and delivered to Ryan (tmd)
- 11/18/02 321 ORDER by Judge Donald W. Molloy granting motion for written order of Class Certification. [299-1], denying motion to dismiss medicaid claims [241-1], denying motion to dismiss Section 504 claims [239-1], denying motion to dismiss claims for relief under the Americans with Disabilities Act [237-1], granting motion to certify class action [226-1] and defining the class members as "All those individuals with developmental disabilities who are presently, have been or will be residents of the Montana Developmental Center or Eastmont Human Services Center at any time during the period beginning August 23, 1996 and ending on the date of final adjudication of this matter. (cc: all counsel) (caa)
- 11/19/02 -- FILE DELIVERED to RH for review (caa)
- 11/22/02 322 SCHEDULING ORDER Judge Donald W. Molloy purs to status conf held 11/20/02: the previous dates of FPT 5/22/03 and bench trial of 5/26/03 in Helena MT - are vacated and reset: non-jury trial reset to 9/13/04 @ 9 AM-Helena MT ; final pretrial conference reset for 8:00 9/13/04 in Helena MT; motion brief ddl reset for 5/21/04 and Motion filing: by 5/21/04; Discovery due: by 4/23/04; and deadline to submit proposed FPT Order is 8/30/04 & to give notice to Court reporter re Use of Real Time & Notice of Intent to use CD ROM & to submit porposed Findings of Fact & Conclusionso of Law is 8-23-04 & deflt disclose damages experts by 2/27/04 and pltf disclose damages experts & simul dissclosure of liability experts is 1/30/04 (cc: all counsel) (rmw) [Entry date 11/26/02]
- 11/22/02 -- REMARK cpy of # 322 to Clerks office - Helena - pointing out old & new dates (rmw) [Entry date 11/26/02]

11/27/02 323 ORDER by Judge Donald W. Molloy denying as moot dft's motion for protective order [306-1], denying pltfs' motion to compel that has not been withdrawn regarding cooperation of institution staff in examination of plaintiffs [301-1]. Dfts shall cooperate in the assessments to be conducted of pltfs by pltfs' experts under the Rules of Civil Proc, or by agreement; Pltfs' cnsl and Pltfs' experts shall not interview DPHHS employees ex parte without the consent from defense counsel. (cc: all counsel) (snyb) [Entry date 12/02/02]

12/2/02 -- FILE DELIVERED to JDS (RH) for review (snyb)

12/12/02 324 NOTICE by State of Montana of additional authority: Martin v. Taft (mailed to Blgs for file) (baf) [Entry date 12/13/02]

12/16/02 325 MOTION by State of Montana to stay pending appeal.(orig and red file to Blgs for file) (baf) [Entry date 12/17/02] [Edit date 12/17/02]

12/16/02 326 MEMORANDUM/BRIEF by State of Montana in support of motion to stay pending appeal. [325-1] (0+1 to Blgs for file) (baf) [Entry date 12/17/02]

12/16/02 -- RECEIVED re [327-1] fee in amount of \$ \$105 (Receipt # 314822) (baf) [Entry date 12/17/02]

12/16/02 -- *****REMARK*****
*****DOCUMENT #327 WAS REMOVED FROM THIS FILE*****
IT IS THE NOTICE OF APPEAL AND HAS BEEN LODGED AND PLACED WITH FILE UNTIL A RULING FROM JUDGE MOLLOY (snyb) [Entry date 02/14/03]

12/18/02 328 TRANSCRIPT filed of status confnc on 11/20/02, Daina Hodges, RPR (baf) [Entry date 12/19/02] [Edit date 01/09/03]

12/19/02 -- REMARK - #329 mailed to Blgs for file (baf)

12/23/02 329 MOTION to extend time til 1/24/03 to file brief in response to Motion for Stay and to prepare Plfs' Motion to Certify Appeal as Frivolous. (Orig to Blgs for file - Red file to DWM for action) (baf) [Edit date 01/09/03]

1/3/03 -- REMARK - Sent to Missoula for DWM's review a Memo from LC Hyslop along with Proposed Order Granting Pla's Motion for Extension of Time pursuant to instructions by LC Hyslop. (ell)

1/6/03 330 ORDER by Judge Donald W. Molloy granting motion to extend time til 1/24/03 to file brief in response to Motion for Stay and to prepare Plfs' Motion to Certify Appeal as Frivolous. [330-1] (cc: all counsel) (baw) [Entry date 01/07/03] [Edit date 01/09/03]

1/6/03 -- FILE DELIVERED to JDS (RH) for Review (ell) [Entry date 01/09/03]

1/7/03 -- REMARK orig. doc. 331 to BLG for placement in file (baw)

1/16/03 -- EXCERPT OF RECORD sent to incarcerated pro se appellant per Circuit Court rule (gar) [Entry date 01/17/03]

1/16/03 -- EXCERPT OF RECORD sent to incarcerated pro se appellant per Circuit Court rule (gar) [Entry date 01/17/03]

1/16/03 331 DESIGNATION OF THE RECORD FOR TRANSMITTAL ON APPEAL by defendant State of Montana (Orig & copy to Clerk, Billings) (gar) [Entry date 01/17/03] [Edit date 01/27/03]

1/17/03 332 MOTION by plaintiffs for certificate of Dfts' Appeal as Frivolous and Invalid (gar) [Entry date 01/21/03] [Edit date 01/27/03]

1/17/03 333 RESPONSE by plaintiffs to motion to stay pending appeal. [325-1] (gar) [Entry date 01/21/03] [Edit date 01/27/03]

1/17/03 333 BRIEF by plaintiffs in support of motion for certificate of Dfts' Appeal as Frivolous and Invalid (gar) [Entry date 01/21/03] [Edit date 01/27/03]

1/21/03 -- RED MOTION FILE as to Motion for Cert #333 DELIVERED to Clerk, Billings, for Law Clerk, RH, consisting of 2 copies each of Motion #333 and Resp/Memsup #334 and Origs. (gar)

1/22/03 -- RECEIVED red motion file in Billings from Helena re #333 and delivered to Ryan (tmd)

1/22/03 334 Amended Representation STATEMENT by State of Montana (baf) [Edit date 01/27/03]

1/22/03 -- REMARK #334 mailed to Blgs for file (baf) [Edit date 01/27/03]

1/31/03 335 MOTION by defendant State of Montana to extend time to prepare, serve and file reply brief in support of Motion to Stay (faxed to Judge Molloy with proposed order, orig to Clerk, Billings, for file) (gar)

2/5/03 336 ORDER by Judge Donald W. Molloy granting motion to extend time to prepare, serve and file reply brief in support of Motion to Stay [335-1]. Defts have til 2/7/03. (cc: all lfer (faxed); Larose/Freed; Gran/Gilhool/ Burnim; Deola; Cater; Seifert; Lund) counsel) (baf) [Entry date 02/07/03]

2/5/03 337 ORDER by Judge Donald W. Molloy, Motion for Ext of Time #335 is granted. Dfts shall filr reply brf no later than 2/7/03. cc: Kradolfer, Lund, Seifert, Cater, Burnim, Gran, Larose (gar) [Entry date 02/07/03]

2/7/03 -- REMARK #336 mailed to Blgs for file (baf)

2/7/03 338 REPLY by defendant State of Montana to response to motion to stay pending appeal. [325-1] (orig & copy to Clerk,

Billings, for file and Law Clerk) (gar)

2/20/03 339 REPLY by plaintiffs to response to motion for certificate of Dfts' Appeal as Frivolous and Invalid [332-1] (copy to Judge Molloy, Orig & copy to Clerk, Billings, for file) (gar)

3/24/03 340 RULE 11(f) STIPULATION to designate that most items lodged in dist court record should be retained by dist court subject to call by court of appeals. (Copy and Proposed Order to Judge Molloy, Orig to Clerk, Billings, for file) (gar) [Entry date 03/27/03]

3/26/03 341 ORDER by Judge Donald W. Molloy that Docket entries # 2-14,16-217,219-222,224-236,239-251,253-270,272-292, 294-309,311-320,322-326 and all documts filed subsequent to the Notc of appeal filed as docket # 327 shall be retained in the district court subject to call by the court of appeals. The following to be transmitted to the court of appeals: items 1,15,218,223,237,238,252,271,293,310,321. (cc: Lund, Orr/Kradolfer, Seifert, Cater, Deola, Burnim, Gran, Gilhool, Freed/Larose) (baf) [Entry date 03/27/03]

3/27/03 -- REMARK - Doct # 341 mailed to Blgs for file. (baf)

4/16/03 342 MOTION by plaintiff for preliminary injunction (baf) [Entry date 04/18/03]

4/16/03 -- LODGED PROPOSED Order submitted by plaintiff Travis D. (tmd) [Entry date 04/22/03]

4/28/03 343 MOTION by defendant State of Montana for scheduling conference (Orig to Billings for file, Red Motion file to Judge Molloy w/ Proposed Order) (gar)

5/1/03 344 ORDER by Judge Donald W. Molloy setting hearing on motion for preliminary injunction [342-1] 3:00 5/13/03 ; Preliminary Injunction set for May 13, 2003 at 3:00 at Helena (cc: USM, Crt Sec, Gilhool, Larose, Burnim, Deola, Cater, Kradolfer, Seifert, Lund) (gar) [Entry date 05/05/03]

5/5/03 345 MOTION by defendants for extension of time to respond to Application for Prel Inj (faxed to Judge Molloy) (gar)

5/5/03 -- REMARK Order #344 and Motion #345 sent to Clerk, Billings, for file. (gar)

5/5/03 346 RESPONSE (obj) by plaintiff to motion for extension of time to respond to Application for Prel Inj [345-1] (baf) [Entry date 05/06/03]

5/6/03 347 REPLY by defendant to response to motion for extension of time to respond to Application for Prel Inj [345-1] Orig to Clk Blg for file and cpy for LC- RH in Blg (baf) [Edit date 05/06/03]

5/7/03 -- REMARK Orig of Order filed 5/1/03 sent to Clerk, Billings, to be attached to faxed copy. (gar)

5/7/03 348 ORDER by Judge Donald W. Molloy granting motion for

extension of time to respond to Application for Prel Inj [345-1], vacating hearing re motion for preliminary injunction [342-1] A new hearing will be set by separate order ; Motion hearing set for 5/13/03 is vacated (cc: USM, Crt Sec, All cnsl of record) (gar) [Entry date 05/08/03] [Edit date 05/08/03]

5/8/03 -- REMARK #347 to Clerk, Billings, for file (gar)

5/8/03 349 ORDER by Judge Donald W. Molloy granting motion for extension of time to respond to Application for Prel Inj [345-1] Dfts shall respond to motion no later than 5/23/03. No further extensions will be granted. (Order faxed by Clk, Missoula, to cnsl of record) Orig order forwarded to Clerk, Billings, for file. (gar) [Entry date 05/09/03]

5/12/03 350 CERTIFICATE OF SERVICE by defendants Notice of Deposition of Diane Edwards, MD; Dfts' reply to Pltf obj to Mot for Extension of Time and Motion for Ext of time to Linda M. Deola, Atty. (Orig to Clk, Billings, Copy to Judge Molloy) (gar)

5/12/03 351 NOTICE by defendant St of Mont of Schedule Conflicts as to Dfts' expert in June (fax to Judge Molloy) (gar) [Entry date 05/13/03]

5/13/03 -- REMARK #351 to Clerk, Billings, copy faxed & mailed to Judge Molloy (gar)

5/15/03 352 ORDER by Judge Donald W. Molloy setting hearing on motion for preliminary injunction [342-1] 9:00 6/16/03 at Russell Smith Courthouse, Missoula; Preliminary Inj reset to 9:00 6/16/03 at Missoula (cc: Clerk-Missoula, Law Clerk-TH, Billings, Deola, Seifert, Kradolfer, Lund, Burnim, Cater, Gran) (forwarded to Clerk, Billings, for file) (gar) [Entry date 05/16/03]

5/15/03 353 NOTICE by plaintiffs of Supplemental Authority (Orig & copy to Clerk, Billings, for file and Law Clerk and copy to Judge Molloy) (gar) [Entry date 05/16/03]

5/16/03 354 NOTICE by defendant State of Montana, Agency Legal Services Bureau of Change of Address. Copy to Atty Maint Clk, Orig to Clerk, Billings, for file. (gar)

5/20/03 355 NOTICE by plaintiffs of Scheduling Considerations (Faxed to Judge Molloy, Orig & copy to Clerk, Billings for file and Law Clerk) (gar) [Entry date 05/21/03]

5/20/03 356 ORDER by Judge Donald W. Molloy, Pltfs having file Notice of Sched Considerations, ; Preliminary Inj set for June 16 is reset for 9:00 on 7/16/03 at Courthouse, Missoula (cc: Law Clerk-RH, Clk-Msla, Kradolfer, Lund, Gilhool, Burnim, Larose, Deola, Seifer) Note: faxed to all cnsl w/ available fax numbers) (Orig to Clerk, Billings, for file) (gar) [Entry date 05/21/03]

5/23/03 357 RESPONSE by defendant State of Montana to motion for preliminary injunction [342-1] (This document in expand

folder) Copy to Judge Molloy, Orig to Billings for file.
(gar) [Entry date 05/28/03]

5/27/03 358 MOTION by plaintiffs to compel Dfts to allow observations
of Pltfs by Pltfs' Expert (gar) [Entry date 05/28/03]

5/27/03 358 BRIEF by plaintiffs in support of motion to compel Dfts to
allow observations of Pltfs by Pltfs' Expert [358-1] (gar)
[Entry date 05/28/03]

5/28/03 -- REMARK Orig #358 + copy to Clerk, Billings, for file and
Law Clerk. Copy of #358 in red motion folder with proposed
order to Judge Molloy (gar)

5/28/03 359 NOTICE by State of Montana that defts have agreed to plf's
expert to observe. (orig and cpy to Blgs for file and LC)
(baf)

6/6/03 360 RESPONSE by plaintiff to deft's response to application
for prelim. inj. [342-1] (orig to Blgs for file w/cpy for
lawclk) (baf) [Entry date 06/09/03]

6/20/03 361 MOTION by defendant State of Montana for protective order
(gar) [Entry date 06/24/03]

6/20/03 362 BRIEF by defendant State of Montana in support of motion
for protective order [361-1] (gar) [Entry date 06/24/03]

6/20/03 363 MOTION by defendant State of Montana for sanctions (gar)
[Entry date 06/24/03]

6/20/03 364 BRIEF by defendant State of Montana in support of motion
for sanctions [363-1] (gar) [Entry date 06/24/03]

6/20/03 -- REMARK - Volume 2 begins with Document #362 (caa)
[Entry date 06/26/03]

6/24/03 -- REMARK Motions and Briefs #s 361-364 along with red motion
folders sent to Clerk, Billings, for file and Law Clerk (gar)

7/1/03 365 NOTICE by defendant State of Montana of taking deposition
of Questa Teppo on 7/7/03 at 9:30am (gar)

7/1/03 -- REMARK #365 and copy to Clerk, Billings (gar)

7/1/03 -- RECEIVED original executed affid of Dr. Irene
Campbell-Taylor to be substituted for unsigned copy that
Dfts had included as Exh C in support of their Motion for
Sancations. (Original to Clerk, Billings. Copy delivered
to Judge Molloy by Clerk, Missoula) (gar)
[Entry date 07/02/03]

7/8/03 -- PROPOSED Second SupplementalStipulation for protection of
confidential information w/propo attached. (Orig and cpy to
Blgs for file and LC) (baf) [Entry date 07/09/03]
[Edit date 07/09/03]

7/9/03 366 ORDER by Judge Donald W. Molloy finding the motion for
scheduling conference [343-1] moot., finding the motion to

compel Dfts to allow observations of Pltfs by Pltfs' Expert [358-1] moot, having been withdrawn. (cc: all counsel) (cad) [Entry date 07/10/03]

7/9/03 -- FILE DELIVERED to clerk's ofc in GF for delivery to Magistrate Ostby who will take it to Missoula for a hrg. Mailed 3 volumes by Fed. Express. (caa) [Entry date 07/10/03]

7/10/03 -- REMARK mailed orig. order to Clerk Helena, & copy to Clerk Blgs. (cad)

7/10/03 367 ORDER by Judge Donald W. Molloy Case referred to Judge Carolyn S. Ostby for the limited purpose of considering Pltfs' request for a preliminary injunctin. Judge Ostby will issue findings and recommendations. cc: Judge Ostby, Orr, Kradolfer, Deola, Larose, Seifert, Gilhool, Carter, Burnim, Lund (Orig order to Clerk, Billings, for file) (gar) [Entry date 07/11/03]

7/11/03 -- RECEIVED Red File from Billings, delivered to CAD (lll)

7/11/03 368 RESPONSE by plaintiffs to motion for protective order [361-1] (gar) [Entry date 07/15/03]

7/11/03 369 RESPONSE by plaintiffs to motion for sanctions [363-1] (gar) [Entry date 07/15/03]

7/14/03 -- RED FILE DELIVERED to Clerk Gt. Falls Containing 7/08/03 Proposed Supplemental Stip. for Protection of Confidential Info. Orig. + copy. For purpose of keeping entire file in one place. Faxed to Mag. Judge CSO on 07/14/03. (cad)

7/15/03 -- REMARK #s 368 & 369 faxed to Law Clerk and Judge Ostby. Orig of same forwarded to Clerk, Missoula, for insertion into Court file. (gar)

7/16/03 370 MINUTES: ; In-court hearing held 7/16/03 on motion for preliminary injunction; chambers with counsel: Judge Molloy to sign order today denying motion to stay; each side will have 2 witnesses; Court will allow filing of depo of Questa Teppo; 9am-witnesses sworn for plf: Dr. Diane Rose Edwards; Debra Ann Beckman; witnesses sworn for deft: Irene Campbell Taylor; Dr. Jean Justad; exhibits 28-36, 38-103, 530, 535, 536, 537, 541-548, 550, 551 admitted before Judge Carolyn S. Ostby C/R: Julie Lake (baw) [Entry date 07/21/03]

7/16/03 371 DEPOSITION of Questa Teppo taken on the following date(s): 7/8/03 at 9:30am for plaintiff (baw) [Entry date 07/21/03]

7/17/03 372 ORDER by Judge Donald W. Molloy denying motion to stay pending appeal. [325-1], granting motion for certificate of Dfts' Appeal as Frivolous and Invalid in part and denied in part; defts' appeal of the Court's order rejecting their 11th amendment defense is deemed frivolous [332-1] (cc: all counsel) (baw) [Entry date 07/21/03]

7/17/03 373 ORDER by Judge Donald W. Molloy Case referred to Judge

Carolyn S. Ostby for all pretrial proceedings; Judge Ostby will enter findings and recommendations (cc: all counsel) (baw) [Entry date 07/21/03]

7/21/03 -- (4 boxes) FILE DELIVERED to Helena per Law Clerk RH for storage (baw)

7/21/03 374 NOTICE by plaintiffs of Supplemental Authority relevant to the parties' pending cross motions for summary judgment. (2 copies to Judge Ostby) (gar) [Entry date 07/22/03]

7/22/03 -- RECEIVED Court file at Helena from Clerk, Missoula, consisting of 17 Vols, expando folder and transcripts (gar)

7/24/03 -- RECEIVED exhibit 548, during the 7/16/03 hrg cnsl were allowed to submit exh 548 after the hrg, but it was admitted during the hrg. (exhibit kept on left side of file) (baf)

7/24/03 375 ORDER (nunc pro tunc) by Judge Donald W. Molloy Case reassigned to Judge Carolyn S. Ostby (cc: all counsel-9, Judge Ostby) (gar) [Entry date 07/25/03]

7/24/03 376 NOTICE OF ASSIGNMENT to Judge Carolyn S. Ostby mailed to attorney(s): attorney for plaintiff, attorney for defendant (gar) [Entry date 07/25/03]

7/25/03 377 REPLY by defendant State of Montana to response to motion for sanctions [363-1] (gar)

7/25/03 378 REPLY by defendant State of Montana to response to motion for protective order [361-1] (gar)

7/25/03 379 NOTICE by defendant State of Montana of Additional Authority: Pennsylvania P&A v. Dept of Public Welfare (gar)

7/25/03 380 FIFTY MOTION by defendant State of Montana to dismiss Claims re: Services In ICF/MRs (gar)

7/25/03 381 BRIEF by defendant State of Montana in support of motion to dismiss Claims re: Services In ICF/MRs [380-1] (gar)

7/25/03 -- REMARK Folder #18 begins here.....
(gar)

7/25/03 -- REMARK Request copies of Dfts pleadings of 7/25/03 and advised them we would need 2 copies of filings. Clerk advised that copies would be delivered. (gar)
[Entry date 07/29/03]

7/29/03 -- RED MOTION FILE AS TO #380 (5TH MOTION TO DISMISS) DELIVERED to Chambers of Judge Shanstrom for Law Clerk RH with copies of Reply Briefs 377 & 378 (gar)

8/1/03 -- NOTICE OF CONSENT TO MAGISTRATE (placed in envelope on left side of file) (gar) [Entry date 08/04/03]

8/13/03 382 NOTICE of consent to proceed before a Magistrate - signed by K. Kradolfer for dfts (Put on left side of file) (baf)

8/18/03 382 RESPONSE by plaintiff to motion to dismiss Claims re: Services In ICF/MRS [380-1] (cpy to Judge Ostby and LCRH-Blgs) (baf) [Entry date 08/19/03]

8/18/03 383 NOTICE by plaintiff cnsl Andre Larose for designation as local counsel if Jennifer Mathis admitted PHV. (cpy to MJCSO-GF; LCRH-Blgs) (baf) [Entry date 08/19/03]

8/18/03 384 MOTION by plaintiff for attorney Jennifer Mathis to appear pro hac vice (cpy MJ CSO-GF; LC RH-Blgs) (baf) [Entry date 08/19/03]

8/19/03 -- REMARK - EXHIBIT 536 & 537 FROM 7/16/03 HRG ARE KEPT IN VAULT IN HELENA. (oversized x-rays) (baf)

8/19/03 385 AFFIDAVIT of Jennifer Mathis re [384-1] (baf)

8/20/03 -- RECEIVED in Billings from Helena copies of doc. #382, 383, 384 & 385 in red file (tmd)

8/20/03 -- RED FILE DELIVERED w/docs. frm Helena to Ryan (tmd)

8/22/03 386 ORDER by Judge Jack D. Shanstrom upon written consent of parties, this case transferred to Judge Carolyn S. Ostby for final disposition (cc: all counsel) (snyb)

8/22/03 -- REMARK- orig order (doc #386) mailed to Helena as file is there. Copy of Order mailed to Judge Ostby (snyb) [Edit date 08/22/03]

8/22/03 -- REMARK per instructions from Judge Ostby, 18 volumes of file plus everything else associated with the file is being transported to Great Falls (Court Reporter T. Brilz transporting all) (baf)

8/22/03 387 ORDER by Judge Carolyn S. Ostby granting motion for attorney Jennifer Mathis to appear pro hac vice [384-1] (cc: all counsel Cpy of Order to Helena for rcpt of atty adm) (rew) [Entry date 08/26/03] [Edit date 08/26/03]

8/26/03 -- REMARK Receipt #34555 written for PHV Jennifer Mathis (baf)

8/27/03 388 ATTORNEY APPEARANCE for defendant State of Montana by Paul D. Johnson, Orig & copy to Clerk, Gr. Falls (gar)

8/28/03 389 MOTION by defendant State of Montana to extend time to file reply brief in support of Dfts' 5th Motion to Dismiss Claims Re: Svc in ICF/Mrs. (Orig & copy to Clk, Gr Falls, with proposed and copy to Law Clerk-Blgs) (gar)

9/2/03 390 ORDER by Judge Carolyn S. Ostby granting motion to extend time to file reply brief in support of Dfts' 5th Motion to Dismiss Claims Re: Svc in ICF/Mrs. [389-1] rply brf due 9/19/03, regarding [380-1] (cc: all counsel) (ljm)

9/18/03 391 SUPPLEMENTAL STIPULATION and ORDER FOR CONFIDENTIALITY OF RECORDS -That the parties are to respect the privacy of

non-parties pursuant to this Stipulation-SEE STIPULATION by Judge Carolyn S. Ostby : (cc: all counsel) (rew)

- 9/18/03 392 SECOND SUPPLEMENTAL STIPULATION and ORDER FOR PROTECTION OF CONFIDENTIAL INFORMATION by Judge Carolyn S. Ostby : In Discovery of Medicaid expenditures of non party pltfs (cc: all counsel) (rew)
- 9/19/03 393 REPLY by defendant State of Montana to response to motion to dismiss Claims re: Services In ICF/MRs [380-1] file delivered to: CSO (Original and copy sent to Great Falls Clerk's Office - copy to LC RH in Blgs.) (ell) [Entry date 09/22/03]
- 9/22/03 394 AMENDED REPLY by defendant State of Montana to response to motion to dismiss Claims re: Services In ICF/MRs [380-1] file delivered to: CSO (Mailed Original and copy to Clerk's Office in GF - Copy to LC RH in Blgs.) (ell) [Edit date 09/22/03]
- 9/30/03 396 ORDER by Judge Carolyn S. Ostby Defts' Motion to Dismiss Equal Protection and Due Process Claims is DENIED [235-1], Parties' Motions for S/J are both DENIED. [230-1], [243-1] (cc: all counsel) (ljm) [Entry date 10/03/03]
- 9/30/03 397 ORDER by Judge Carolyn S. Ostby denying Pltfs' motion for preliminary injunction [342-1], denying Defts' motion for protective order [361-1], denying Defts' motion for sanctions [363-1] (cc: all counsel) (ljm) [Entry date 10/03/03]
- 10/1/03 395 TRANSCRIPT filed of 7/16/03 oral argument proceedings (ljm) [Entry date 10/03/03]
- 10/1/03 398 ORDER by Judge Carolyn S. Ostby ; status hearing set for 1:30 10/30/03 in GF, re: Disc issues, proposed add'l disc, add'l legal issues, propriety of proceeding as class action, identification of claims/defenses that can be abandoned in light of factual or legal developments since 2nd amd cmplt was filed, and all other matters parties believe may streamline trial prep. (cc: all counsel) (ljm) [Entry date 10/03/03]
- 10/28/03 399 ORDER by Judge Carolyn S. Ostby that the Status Conf set for 10/30/03 is VACATED; lead trial cnsl for ea party shall appear via telephone conf on Dec 10, 2003 at 1:30 p.m. for purpose of status conf; status hearing set for 1:30 12/10/03 (cc: all counsel) (seal)
- 11/5/03 -- REMARK per RH - mail 2 brown folders of exhibits to Helena - per RH - these were from msla hrg earlier this year and Helena depts will deliver exhibits to counsels. (rmw)
- 11/13/03 -- REMARK - per instructions of clk Blgs, Hlna clk mailed exhibits 28 - 96 & 530 from hrg this summer to Andre Larose. Mailed exh 357 to Kimberly Kradolfer per same instrns. (baf)

12/10/03 400 ORDER by Judge Carolyn S. Ostby lead cnsl for ea party shall appear via telephone conf w/cnsl for defts shall coordinate, initiate and pay for the conf call status hearing set for 11:00 12/18/03 (cc: all counsel) (rew)

12/19/03 401 ORDER by Judge Carolyn S. Ostby (1) that the parties shall attend a mediation conf in Billings, MT on Jan 21, 04. The Crt has appointed Mr. Ronald R. Ladders as mediator at the conf. Parties to contact Mr. ladders to arrange place, time and method of compensating him for his work. (2) The mediation will be a ONE-DAY MEDIATION SESSION only taking place on Jan 21, 04. (3) Mr. Ladders will not conduct any mediation activity in this case after Jan 21, 04, the Court will not consider any further requests to appoint mediator (4) This medication shall not be construed as a cont of any dates set forth in Sch Order entered by Judge Molloy on Nov 22, 2002 w/except of pltf's disclose of damage and liab expers shall be ext to Feb 19, 2004. Deadline for defts damage expert shall be extended to Mar 26, 04 (5) No ext of the Jan 21, 04 trial preparations (6) All parties are to negotiate in good faith- CPS ALSO FAXED TO ALL CNSL AND MR. LODDERS AS WELL AS MAILED (cc: all counsel) (rew)

1/22/04 402 ORDER by Judge Carolyn S. Ostby status hearing set for 4:00 2/5/04 in Great Falls, MT (cc: all counsel) (rew)

2/5/04 403 JOINT MOTION by defendant, plaintiff, defendant to dismiss w/ prejudice certain named plaintiffs and named defendants (ljm) [Entry date 02/06/04]

2/5/04 404 ORDER by Judge Carolyn S. Ostby granting motion to dismiss w/ prejudice certain named plaintiffs and named defendants [403-1] party Brenda S., party Freeman B., party Andrea I., party Travis C. dismissing party Eastmont Human Svc, party Dan Anderson, party Sylvia Hammer, party Ed Amberg, party Ron Balas (cc: all counsel) (ljm) [Entry date 02/06/04]

2/5/04 405 MOTION for order to approve class action settlement agreement and for fairness hearing (ljm) [Entry date 02/06/04]

2/5/04 406 ORDER by Judge Carolyn S. Ostby granting motion for order to approve class action settlement agreement and for fairness hearing [405-1], Court preliminarily approves Class Action Stlmt Agreement attached as Exh 1 to the Joint Motion, Pltf Class re-certified as contained in this Order, ; fairness hearing set for 10:00 5/13/04 in Hlna. Court directs C/C to issue the Ntc in the form annexed to this Order, and to serve it on cnsl of record for svc on Pltf Class as provided in this Order (cc: all counsel) (ljm) [Entry date 02/06/04]

2/6/04 407 NOTICE of Proposed Class Action Settlement and Fairness Hearing. Hearing set for 5/13/04 at 10:00 in Helena. (CC: All counsel) (ljm)

2/11/04 408 ORDER by Judge Carolyn S. Ostby denying motion to dismiss Claims re: Services In ICF/MRs [380-1] as moot, w/oo

prejudice. If stlmt is not finally approved and matter goes forward, Defts may reassert the motion. (cc: all counsel) (ljm) [Entry date 02/12/04]

2/12/04 409 TRANSCRIPT filed of Settlement Conf 2/5/04 (ljm) [Entry date 02/13/04]

4/2/04 410 OBJECTIONS by Alta LeDoux w/ copy of letter from Doris Whithorn to [407-1] (ljm) [Entry date 04/12/04]

4/2/04 411 OBJECTIONS by Sherry Paton to [407-1] (ljm) [Entry date 04/12/04]

4/12/04 -- REMARK copy of 410 and 411 to JDS L/C R.H. (ljm)

4/13/04 412 CERTIFICATE OF SERVICE by plaintiffs of Ntc of prop stlmt (gar) [Entry date 04/15/04]

4/13/04 412 MOTION by plaintiff to seal attachment A as confidential (gar) [Entry date 04/15/04]

4/15/04 -- RED MOTION FILE as to Cert of Svc & Motion to seal attachment #412 DELIVERED to Clerk, Gr. Falls, for Judge Ostby along with orig pleading & proposed order. (gar)

4/16/04 -- FILE DELIVERED to CSO for review of #412 and prop order (ljm)

4/19/04 413 ORDER by Judge Carolyn S. Ostby granting motion to seal attachment A of doc # 412 as confidential [412-1] (cc: all counsel) (ljm) [Entry date 04/20/04]

5/11/04 414 Supplemental Cert of Svc Upon Class Members and MOTION by plaintiff for order to keep attachment confidential (Orig & 2 cps to Clerk, Great Falls) (gar)

5/12/04 415 MEMORANDUM by defendant in support of Final Approval of Class Action Settlement (faxed to LC RH-Blgs; and Judge Ostby-GF) (baf)

5/12/04 417 MEMORANDUM/BRIEF by plaintiff in support of Final Approval of Class Action Settlement (baf) [Entry date 05/13/04]

5/12/04 418 Objection by Allen L. (baf) [Entry date 05/13/04]

5/13/04 419 MINUTES FAIRNESS HEARING before Judge Carolyn S. Ostby. Andre Larose pr for plf; Paul Johnson and Carey Lund pr for Dft. In chambers hrg 10:05. In open crt @ 10:31. Crt asks cnsl re the adequacy of the notice of svc of hearing. Both sides say it was timely and proper. Court states the purpose of the hearing and requirements of the court. Only issue here is the fairness, reasonableness and adequacy of the settlement agmt. Andre Larose (for plf) hrd. Crt questions regarding objections. Ms. Larose hrd re objections of Ms. Ladeiu, Ms. Patton and Ms. Lynes. Paul Johnson hrd for deft, touching on arms-length agreemt and the three objections. Exh A offered and admitted w/o obj. Crt asks if objecting pties wish to be hrd. Patricia C.

Lynes is sworn and hrd. She doesn't object to the provisions in the settlmt agmt, but has individual concerns regarding her son. No other obj to be hrd. Crt finds that based on its knowledge of the file, the memorandums received, the oral argumts hrd and objections, that the settlement is fair, reasonable and adequate. Crt finds that obj of Ms. Ladieu pertain to an individual being moved; the obj of Ms. Patton, based on Exh A, is not part of this case. Crt thanks Ms. Lynes for her input but finds that her testimony supports the settlm agmt, but there are issues with her son. Crt finds the settlmt reasonable and adequate. Deft objected to 2 objections filed outside the notice. Crt will consider. Daphne Crosby is S/T for dft. Plf obj to testimony, asking the purpose of same and if it can be supptd by an offer of proof. Obj overruled. Deft pr offer of proof that the Lynes family requested a discharge of their son and the staff agreed to allow that. Johnson, Larose and Ms. Lynes question Crosby. Witns S/T for plf: Lorraine Jacobs. Plf moves admission of plf exh 1. Deft obj. Admitted. Nothing further either cnsl. Crt concludes that settlmt is fair and reasonable. A written order will follow. C/R: Debbie Eickhoff (baf)
[Entry date 05/14/04]

5/14/04 -- REMARK - minutes and exhibits mailed to GF frm Hlna for file (baf)

5/17/04 420 ORDER by Judge Carolyn S. Ostby granting motion for order to keep attachment A confidential [414-1]; Attach A to Supplt Cert IN SEALED ENV MARKED CONFIDENTIAL (cps mailed to counsel) (rew) [Entry date 05/18/04]

5/27/04 421 MEMORANDUM and ORDER: by Judge Carolyn S. Ostby, Court approves settlement proposed by parties. Any pending motions are denies as moot. Pursuant to agreement of parties, Clerk of Court shall enter judgment of dismissal with prejudice. cc: All Cnsl, J/O Book (seal)
[Entry date 06/01/04]

5/28/04 -- FILE DELIVERED to Helena per RH in JDS's chambers request. Delivery Confirm. #0103 8555 7493 0860 3892 (hmm)

5/28/04 422 FILED AND ENTERED JUDGMENT by Clerk pursuant to order by Judge Carolyn S. Ostby dismissing case with prejudice (cc: all counsel and j/O Book Vol 34 page 2020) (seal)
[Entry date 06/01/04]

6/1/04 -- RECEIVED Vol 18 only at Helena from Clerk Missoula (gar)

6/14/04 423 MOTION to adopt and incorporate terms of Class Action Settlement Agreement as Order of Court (red file to Judge Ostby) (baf) [Entry date 06/15/04]

6/21/04 424 ORDER Amending Judgment by Judge Carolyn S. Ostby granting motion to adopt and incorporate terms of Class Action Settlement Agreement as Order of Court [423-1] and the Clerk shall amend Judgment to add the following terms: (1) the Court adopts & incorporates the terms of the settlement agmt into its May 27, 2004 Order approving settlement; and (2)

the Court retains jurisdiction over this case for the limited purpose of enforcing the terms of the settlement agmt & (cc: all counsel) (J/O Book Vol 34, Pg 2020) (rmw) [Edit date 06/24/04]

6/21/04 -- REMARK mail # 424 to Helena MT. (rmw)

7/1/04 -- 10 Boxes containing 18 volumes of file, 11 brown expandos and 18 three-ring binders DELIVERED to C/C Helena by Court Reporter Tina Brilz; Misc filing placed in box to be placed in last file that was mailed to C/C Helena by C/C Blgs (rew)

Case Flags:
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