

**U.S. District Court
District of Colorado (Denver)
CIVIL DOCKET FOR CASE #: 1:02-cv-00651-RPM**

Shook, et al v. El Paso Cty Bd Commr, et al
Assigned to: Judge Richard P. Matsch
Demand: \$0
Case in other court: USCA, 06-01454
Cause: 42:1983 Civil Rights Act

Date Filed: 04/02/2002
Date Terminated: 09/22/2006
Jury Demand: Defendant
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Mark Shook

*on behalf of himself and all others
similarly situated*

represented by **David Cyrus Fathi**
American Civil Liberties Union-DC
915 15th Street, N.W.
Suite 600
Washington, DC 20005
202-548-6603
Fax: 202-393-4931
Email: dfathi@npp-aclu.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark Silverstein

American Civil Liberties Union-Denver
303 East 17th Street
Suite 350
Denver, CO 80203
303-777-5482
Fax: 303-777-1773
Email: msilver2@att.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas S. Nichols

Davis Graham & Stubbs, LLP-Denver
1550 17th Street
Suite 500
Denver, CO 80202
303-892-7387
Fax: 303-892-1379
Email: tom.nichols@dgsllaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

James Robillard

*on behalf of himself and all others
similarly situated*
TERMINATED: 12/03/2002

represented by **David Cyrus Fathi**
(See above for address)
TERMINATED: 12/03/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark Silverstein

(See above for address)
TERMINATED: 12/03/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas S. Nichols

(See above for address)
TERMINATED: 12/03/2002
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Plaintiff

Dennis Jones
*on behalf of himself and all others
similarly situated*

represented by **David Cyrus Fathi**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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

Thomas S. Nichols
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Intervenor Plaintiff

Lottie Elliott

represented by **Thomas S. Nichols**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark Silverstein
(See above for address)
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

Thomas Reinig

represented by **Thomas S. Nichols**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark Silverstein
(See above for address)
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

Victor Siegrist
TERMINATED: 09/22/2006

represented by **Thomas S. Nichols**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**El Paso County, Board of County
Commissioners of El Paso County**

represented by **Gordon Lamar Vaughan**
Vaughan & DeMuro—Colorado Springs
111 South Tejon Street
Suite 545
Colorado Springs, CO 80903
719-578-5500
Fax: 578-5504
Email: vnd@vaughandemuro.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jay Allen Lauer

El Paso County Attorney's Office--Main
Office
200 South Cascade Avenue
Colorado Springs, CO 80903
719-520-7370
Fax: 719-520-6487
Email: jaylauer@elpasoco.com
TERMINATED: 10/16/2007
LEAD ATTORNEY

Sara Ludke Cook
Vaughan & DeMuro--Colorado Springs
111 South Tejon Street
Suite 545
Colorado Springs, CO 80903
719-578-5500
Fax: 719-578-5504
Email: vnd@vaughandemuro.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Andrew Coleman Gorgey
Garfield County Federal Mineral Lease
District
817 Colorado Avenue
Suite 201
Glenwood Springs, CO 81601
970-945-1347
Email: gencounsel@garfieldfmlld.org
ATTORNEY TO BE NOTICED

Thomas S. Nichols
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

John Wesley Anderson
*in his official capacity as Sheriff of El
Paso County*
TERMINATED: 04/01/2005

represented by **Gordon Lamar Vaughan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jay Allen Lauer
(See above for address)
TERMINATED: 10/16/2007
LEAD ATTORNEY

Sara Ludke Cook
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Terry Maketa
*in his official capacity as Sheriff of El
Paso County*

represented by **Gordon Lamar Vaughan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jay Allen Lauer
(See above for address)
TERMINATED: 10/16/2007
LEAD ATTORNEY

Andrew Coleman Gorgey
(See above for address)

Thomas S. Nichols
(See above for address)

V.

Intervenor Defendant

John Wesley Anderson
in his official capacity as Sheriff of El Paso County

represented by **Sara Ludke Cook**
(See above for address)
ATTORNEY TO BE NOTICED

Intervenor Defendant

El Paso County, Board of County Commissioners of El Paso County

represented by **Gordon Lamar Vaughan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jay Allen Lauer
(See above for address)
TERMINATED: 10/16/2007
LEAD ATTORNEY

Andrew Coleman Gorgey
(See above for address)

Sara Ludke Cook
(See above for address)
ATTORNEY TO BE NOTICED

Thomas S. Nichols
(See above for address)

Intervenor Defendant

Terry Maketa
in his official capacity as Sheriff of El Paso County

represented by **Gordon Lamar Vaughan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jay Allen Lauer
(See above for address)
TERMINATED: 10/16/2007
LEAD ATTORNEY

Andrew Coleman Gorgey
(See above for address)

Thomas S. Nichols
(See above for address)

Intervenor Plaintiff

Shirlen Mosby

represented by **Thomas S. Nichols**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

James Vaughan

represented by **Thomas S. Nichols**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----|--|
| 04/02/2002 | 1 | Class Action COMPLAINT for Injunctive and Declaratory Relief (Summons(es) issued) (bpm) Modified on 04/02/2002 (Entered: 04/02/2002) |
| 04/02/2002 | 2 | MOTION by plaintiff to certify class action and supporting authorities (bpm) (Entered: 04/02/2002) |
| 04/02/2002 | | FILING FEE PAID: on 4/2/02 in the amount of \$ 150, receipt # 233715. (bpm) (Entered: 04/02/2002) |
| 04/19/2002 | 3 | Unopposed MOTION by defendants to extend time to 5/13/02 to file answer/response to cmp and response to mtn for class certification (lam) (Entered: 04/22/2002) |
| 04/19/2002 | 4 | ORDER by Judge Richard P. Matsch granting dfts' motion to extend time to 5/13/02 to file answer/response to cmp and response to mtn for class certification [3-1] (cc: all counsel) ; entry date : 4/22/02 (lam) (Entered: 04/22/2002) |
| 04/23/2002 | 5 | ATTORNEY APPEARANCE for plaintiffs by Thomas S. Nichols (lam) Modified on 04/24/2002 (Entered: 04/24/2002) |
| 04/25/2002 | 6 | Notice of ATTORNEY APPEARANCE for plaintiffs by David Cyrus Fathi (lam) (Entered: 04/26/2002) |
| 04/26/2002 | 7 | RETURN OF SERVICE of Summons and Complaint upon defendant El Paso Cty Bd Commr on 4/4/02 by leaving with Eileen F. Gilbert, Deputy Clerk (lam) (Entered: 04/26/2002) |
| 04/26/2002 | 7 | RETURN OF SERVICE of Summons and Complaint upon defendant John Wesley Anderson on 4/4/02 by leaving with Donald E. Walsh, agent (lam) (Entered: 04/26/2002) |
| 05/13/2002 | 8 | MOTION by defendants to dismiss , or for summary judgment (dlb) (Entered: 05/14/2002) |
| 05/13/2002 | 9 | RESPONSE by defendant to motion to certify class action and supporting authorities [2-1] (dlb) (Entered: 05/14/2002) |
| 05/22/2002 | 10 | Unopposed MOTION by plaintiffs to extend time to 6/4/02 to file reply in support of mtn to certify class (lam) (Entered: 05/23/2002) |
| 05/22/2002 | 11 | Amended Proof of Service (CERTIFICATE OF MAILING BY PARTY) of pla's unopppsoed motion to extend time to 6/4/02 to file reply in support of mtn to certify class [10-1] (lam) (Entered: 05/23/2002) |
| 05/22/2002 | 12 | MINUTE ORDER : by Judge Richard P. Matsch granting motion to extend time to 6/4/02 to file reply in support of mtn certify class [10-1] (cc: all counsel) ; entry date : 5/23/02 (lam) (Entered: 05/23/2002) |
| 05/30/2002 | 13 | Unopposed MOTION by plaintiffs to extend time to file response to mtn to dismiss to 6/11/02 (lam) (Entered: 05/31/2002) |
| 05/30/2002 | 14 | MINUTE ORDER : by Judge Richard P. Matsch granting pla's motion to extend time to file response to mtn to dismiss to to 6/11/02 [13-1], [8-1], [8-2] (cc: all counsel) ; entry date : 6/3/02 (lam) (Entered: 06/03/2002) |
| 06/03/2002 | 15 | Unopposed MOTION by plaintiffs for second 1 wk ext of time for plas to file reply in support of mtn to certify class (lam) (Entered: 06/04/2002) |
| 06/03/2002 | 16 | MINUTE ORDER : by Judge Richard P. Matsch granting pla's motion to ext time to file reply to 6/11/02 re: mtn to certify class [15-1], regarding [2-1] (cc: all counsel) ; entry date : 6/5/02 (lam) (Entered: 06/05/2002) |
| 06/07/2002 | 17 | Unopposed MOTION by plaintiffs for order to withdraw Robillard as named pla and to change case caption (lam) (Entered: 06/07/2002) |
| 06/11/2002 | 18 | REPLY by plaintiffs in support of motion to certify class [2-1] (lam) (Entered: 06/11/2002) |

| | | |
|------------|----|---|
| 06/11/2002 | 19 | Memorandum (BRIEF) by plaintiffs in opposition to motion to dismiss [8-1], or, in the alternative for summary judgment [8-2] (lam) (Entered: 06/11/2002) |
| 06/11/2002 | 20 | DECLARATION of Michael H. Gendel, M.D. by plaintiffs (lam) (Entered: 06/11/2002) |
| 06/11/2002 | 21 | DECLARATION of Deborah Van Den Honert by plaintiffs (lam) (Entered: 06/11/2002) |
| 06/18/2002 | 22 | Advisory (STATEMENT) re: suicide in El Paso Cnty Jail by plaintiffs (lam) (Entered: 06/19/2002) |
| 06/21/2002 | 23 | ORDER for Supplemental Briefing by Judge Richard P. Matsch regarding [2-1] motion to certify class action and supporting authorities; the parties have to 7/10/02, to submit suppl briefs regarding the applicability of the Prison Lit Reform Act to the question of class cert for protective relief (cc: all counsel) ; entry date : 6/24/02 (former empl) (Entered: 06/24/2002) |
| 06/21/2002 | 24 | MOTION by Dfts' to strike Pla's Advisory statement regarding Suicide in El Paso County Jail [22-1] (erv) (Entered: 06/24/2002) |
| 06/21/2002 | 25 | Unopposed MOTION by Dfts' to extend time to File a Reply in support of their Motion for Sum Jgm up to and incl 7/24/02 (erv) (Entered: 06/24/2002) |
| 06/24/2002 | 26 | MINUTE ORDER : by Judge Richard P. Matsch granting motion to extend time to File a Reply in support of their Motion for Sum Jgm up to and incl 7/24/02 [25-1] (cc: all counsel) ; entry date : 6/25/02 (pap) (Entered: 06/25/2002) |
| 06/28/2002 | 27 | Supplemental BRIEF FILED by plaintiffs regarding applicability of the PLRA to motion to certify class action [2-1] (lam) (Entered: 07/01/2002) |
| 07/03/2002 | 28 | RESPONSE by plaintiffs to motion to strike Pla's Advisory statement regarding Suicide in El Paso County Jail [22-1] [24-1] (lam) (Entered: 07/05/2002) |
| 07/10/2002 | 29 | SUPPLEMENTAL Brief by Dfts' Re: order [23-1] dated 6/21/02 Re: Applicability of the Prison Litigation Reform Act to Pla's Motion to Certify Class (erv) (Entered: 07/11/2002) |
| 07/25/2002 | 30 | REPLY by defendants to response to motion to dismiss [8-1], motion for summary judgment [8-2] (lam) (Entered: 09/05/2002) |
| 07/26/2002 | 31 | MOTION by proposed intervenors Shirlen Mosby, James Vaughan to intervene as plas and for joinder in motion to certify class (lam) (Entered: 07/29/2002) |
| 07/29/2002 | 32 | NOTICE of additional authority by plaintiffs relevant to dfts' motion to dismiss [8-1] or for summary judgment [8-2] (lam) (Entered: 07/30/2002) |
| 08/07/2002 | 33 | MOTION by Plas' for order to set Scheduling Conf and to Direct the Parties to Confer pursuant to D.C. COLO. LCivR.16.1 (erv) (Entered: 08/08/2002) |
| 08/14/2002 | 34 | NOTICE of addl authority by plaintiffs re: motion to dismiss [8-1] or for summary judgment [8-2] (lam) (Entered: 08/15/2002) |
| 08/15/2002 | 35 | RESPONSE by defendant in opp to motion to intervene as plas and for joinder in motion to certify class [31-1] (lam) (Entered: 08/15/2002) |
| 08/21/2002 | 36 | NOTICE of additional authority by plaintiffs re: dfts' motion to dismiss [8-1] or for summary judgment [8-2] (lam) (Entered: 08/22/2002) |
| 08/23/2002 | 37 | REPLY by plaintiffs in support of motion to intervene as plas and for joinder in motion to certify class [31-1] (lam) (Entered: 08/26/2002) |
| 08/27/2002 | 38 | RESPONSE by defendants in opp to motion for order to set scheduling conf and to direct parties to confer pursuant to Local Rule 16.1 [33-1] (lam) (Entered: 08/27/2002) |
| 08/30/2002 | 39 | ORDER by Judge Richard P. Matsch denying motion for order to set scheduling conf [33-1], there are dispositive mtns pending in this case (cc: all counsel) ; entry date : 9/3/02 (lam) (Entered: 09/03/2002) |

| | | |
|------------|----|--|
| 09/04/2002 | 40 | First SUPPLEMENT by defendants to motion reply [30-1] re: motion to dismiss [8-1], to motion for summary judgment [8-2] (lam) (Entered: 09/05/2002) |
| 12/03/2002 | 41 | ORDER by Judge Richard P. Matsch granting motion to strike Pla's Advisory statement regarding Suicide in El County Jail [22-1] [24-1]; the appropriate procedure to refer to addl info which may support the plas' cmp is to include it in responses to the mtn for sum jgm [22-1] (cc: all counsel) ; entry date : 12/5/02 (lam) (Entered: 12/05/2002) |
| 12/03/2002 | 42 | ORDER by Judge Richard P. Matsch setting hearing on dfts' motion to dismiss [8-1], or for summary judgment [8-2] and pla's motion to certify class action [2-1], to be considered as a motion for sum jgm, 2:00 1/15/03 (cc: all counsel) ; entry date : 12/5/02 (lam) (Entered: 12/05/2002) |
| 12/03/2002 | 43 | ORDER by Judge Richard P. Matsch deeming pla Robilliad's motion for order to withdraw Robillard as named pla and to change case caption [17-1] a motion to to dismiss; that the claims of James Robillard are dismissed and the caption will be changed to remove Robillard as a party pla (dismissing pla James Robillard) (cc: all counsel) ; entry date : 12/5/02 (lam) (Entered: 12/05/2002) |
| 01/08/2003 | 44 | NOTICE of additional authority by plaintiffs re: dfts' pending motion to dismiss [8-1] or for summary judgment [8-2] (lam) (Entered: 01/09/2003) |
| 01/15/2003 | 45 | COURTROOM MINUTES (Motions Hearing and Status Conf) by Judge Richard P. Matsch: plas' brief addressing eighth amendment issues raised by the Court is to be filed by 1/17/03; granting motion to intervene for the limited purpose of determinong class certification [31-1]; taking under advisement on 1/15/03 the motion to dismiss [8-1] or for summary judgment [8-2] and motion to certify class [2-1] in 02-M-651 ; entry date : 1/16/03 Court Reporter: ECR - Kathy Teraskai (lam) (Entered: 01/16/2003) |
| 01/15/2003 | 71 | CLASS ACTION Intervenor COMPLAINT , filed by Shirlen Mosby, James Vaughan.(pap,) (Entered: 01/12/2005) |
| 01/24/2003 | 47 | Supplemental BRIEF w/respect to 8th and 14th amendments FILED by plaintiffs re: minutes [45-1] (lam) Modified on 01/27/2003 (Entered: 01/27/2003) |
| 02/05/2003 | 48 | NOTICE of correction by defendant El Paso Cty Bd Commr, defendant John Wesley Anderson regarding oral argument on 1/15/03 [45-1] (lam) (Entered: 02/06/2003) |
| 04/07/2003 | 49 | SUPPLEMENT by defendants to notice of correction [48-1], re: [44-1] (lam) (Entered: 04/08/2003) |
| 04/24/2003 | 50 | Second SUPPLEMENT by defendants; as of 4/21/03, the El Pason Cnty Brd of Cnty Commr has hired 2 new mental health professionals to work at the jail re: [49-1], [48-1], [44-1] (lam) (Entered: 04/25/2003) |
| 05/06/2003 | 51 | MOTION by plaintiffs to strike supplement to notices [50-1], [49-1] (lam) (Entered: 05/07/2003) |
| 05/16/2003 | 52 | RESPONSE by defendants in opp to plas' motion to strike [50-1], [49-1] [51-1] (lam) (Entered: 05/19/2003) |
| 06/02/2003 | 53 | REPLY by plaintiffs in support of their motion to strike supplement to notices [50-1], [49-1] [51-1] (pap) (Entered: 06/03/2003) |
| 06/06/2003 | 54 | NOTICE of addl authority by plaintiffs re: plas' motion to certify class action [2-1] and dfts' motion to dismiss [8-1], or for summary judgment [8-2] (lam) (Entered: 06/09/2003) |
| 07/29/2003 | 55 | ORDER by Judge Richard P. Matsch that plas' and intervenors' motion for class certification is denied [2-1]; the dfts' motion to dismiss [8-1] or for summary judgment [8-2] is denied and the plas and intervenors have 30 days to file an amended complaint for individual remedies (cc: all counsel) ; entry date : 7/31/03 (lam) (Entered: 07/31/2003) |
| 07/31/2003 | 56 | ATTORNEY APPEARANCE for dfts El Paso Cty Bd Commr, John Wesley Anderson (Terry Maketa), in official capacity as Sheriff of El Paso Cnty by Jay Allen Lauer (lam) (Entered: 07/31/2003) |

| | | |
|------------|----|---|
| 08/21/2003 | 57 | Election (STATEMENT) by plaintiffs and intervenors not to file amended complaint re: order [55-1] (lam) (Entered: 08/22/2003) |
| 08/22/2003 | 58 | ORDER by Judge Richard P. Matsch that the plas and intervenors have now conceded that their claim for declaratory and injunctive relief are moot because they are no longer in the El Paso Cnty Jail Facilities and apparently do not want to amend their pleadings to seek damages; action is now dismissed (cc: all counsel) ; entry date : 8/26/03 (lam) (Entered: 08/26/2003) |
| 09/05/2003 | 59 | NOTICE OF APPEAL by plaintiffs Mark Shook and Dennis Jones and involuntary-plaintiffs Shirlen Mosby and James Vaughan re: order filed 7/29/03 [55-1] and order filed 8/22/03 [58-2]; Notice of transcript order form due 9/15/03; Notice mailed to all counsel on 9/9/03 (msn) (Entered: 09/09/2003) |
| 09/05/2003 | | \$100.00 fee and \$5.00 fee paid. Receipt No 246078. re: appeal [59-1] (msn) (Entered: 09/09/2003) |
| 09/12/2003 | 60 | NOTIFICATION by Circuit Court of assignment of Case No. [59-1] 03-1397 (msn) (Entered: 09/15/2003) |
| 09/15/2003 | 61 | NOTICE OF TRANSCRIPT ORDER FORM filed by plaintiffs/appellants and involuntary-plaintiffs/appellants; TOF filed states...a transcript is not necessary for this appeal; re: appeal [59-1] (msn) (Entered: 09/16/2003) |
| 09/15/2003 | 62 | CERTIFICATION by plaintiffs and involuntary-plaintiffs re: transcript. (msn) (Entered: 09/16/2003) |
| 09/16/2003 | 63 | LETTER (Re: [59-1]) to USCA and all counsel advising that the record is now complete...a transcript is not necessary for this appeal. (msn) (Entered: 09/16/2003) |
| 09/30/2003 | 64 | CERTIFICATE by plaintiffs/appellants Mark Shook and Dennis Jones and involuntary-plaintiffs/appellants Shirlen Mosby, and James Vaughan that appellants have ordered transcript of 1/15/03 requested by appellees (msn) (Entered: 10/02/2003) |
| 09/30/2003 | 65 | NOTICE OF TRANSCRIPT ORDER FORM filed by plaintiffs/appellants Mark Shook and Dennis Jones and involuntary-plaintiffs/appellants Shirlen Mosby and James Vaughan; Transcript of hearing 1/15/03 ordered but form not signed by Kathy Terasaki (appellees requested appellants to order this transcript) re: appeal [59-1] (msn) (Entered: 10/02/2003) |
| 10/02/2003 | 66 | LETTER (Re: [59-1]) to USCA and all counsel advising that the record is NOT complete. Appellants have filed a TOF ordering the transcript of the 1/15/03 hearing requested by appellees. (msn) (Entered: 10/02/2003) |
| 10/03/2003 | 67 | NOTICE OF TRANSCRIPT ORDER FORM filed by Kathy Teraskai; Transcript of 1/15/03 Hearing ordered; re: appeal [59-1]; reporter's transcript due at 12/2/03 (msn) (Entered: 10/06/2003) |
| 12/02/2003 | 68 | REPORTER'S TRANSCRIPT of Motion Hearing on 1/15/03 before Judge Matsch (Re: [59-1]); Pgs 1-55 Cert Copy; Prepared By: Kathy Terasaki (msn) Modified on 12/09/2003 (Entered: 12/04/2003) |
| 12/05/2003 | 69 | LETTER (Re: [59-1]) to USCA and all counsel advising that the record is now complete...all transcripts ordered for the appeal are now on file as of 12/2/03 (msn) Modified on 12/09/2003 (Entered: 12/05/2003) |
| 12/16/2004 | 70 | MANDATE of USCA issued on 12/16/04 as to 59 Notice of Appeal, filed by Dennis Jones,, Mark Shook,, Shirlen Mosby,, James Vaughan. Judgment of of 10/18/04 reversing and remanding the USDC decision for further consideration of the prisoners' complaint. (djs,) (Entered: 12/17/2004) |
| 12/28/2004 | 72 | Unopposed MOTION for Extension of Time to File Answer re 71 Intervenor Complaint, 1 Complaint up to and including 1/10/05 by Intervenor Defendants and Defendants.(pap,) (Entered: 01/12/2005) |
| 01/04/2005 | 73 | MINUTE ORDER granting 72 Dfts/Intervenor Dfts' Motion for Extension of Time to Answer John Wesley Anderson answer due 1/10/2005; El Paso County, Board of County Commissioners of El Paso County answer due 1/10/2005; El Paso County, Board of County Commissioners of El Paso County answer due 1/10/2005; John |

| | | |
|------------|----|--|
| | | Wesley Anderson answer due 1/10/2005. Entered by Judge Richard P. Matsch on 1/4/05. (pap,) (Entered: 01/12/2005) |
| 01/10/2005 | 74 | ANSWER to Class Action Complaint for Injunctive and Declaratory Relief with Jury Demand by El Paso County, Board of County Commissioners of El Paso County, John Wesley Anderson.(pap,) (Entered: 01/12/2005) |
| 01/10/2005 | 75 | ANSWER and Jury Demand to Class Action Intervenor Complaint by John Wesley Anderson, El Paso County, Board of County Commissioners of El Paso County.(pap,) (Entered: 01/12/2005) |
| 01/24/2005 | 76 | MOTION for Leave to File Supplemental Complaint 1 by Plaintiffs Mark Shook, Dennis Jones. (lam,) (Entered: 01/28/2005) |
| 01/24/2005 | 77 | TENDERED Supplemental Class Action Complaint for Injunctive and Declaratory Relief to 76 MOTION for Leave to file Supplemental Complaint 1 by Plaintiffs Mark Shook, Dennis Jones. (lam,) (Entered: 01/28/2005) |
| 01/24/2005 | 78 | MOTION to Intervene as parties plaintiff and class representatives and MOTION for Joinder in Motion to Certify Class by Thomas Reinig and Lottie Elliott. (lam,) (Entered: 01/28/2005) |
| 01/24/2005 | 79 | TENDERED Class Action Complaint in Intervention re: 78 MOTION to Intervene and MOTION for Joinder by Lottie Elliott, Thomas Reinig. (lam,) (Entered: 01/28/2005) |
| 02/14/2005 | 80 | Opposition (RESPONSE) 78 to MOTION to Intervene filed by Defendants El Paso County, Board of County Commissioners of El Paso County, John Wesley Anderson. (lam,) (Entered: 02/16/2005) |
| 02/14/2005 | 81 | MOTION to Hold in Abeyance (Opposed) or, alternatively, to file Brief in Substitution (Unopposed) by Defendants El Paso County, Board of County Commissioners of El Paso County, John Wesley Anderson. (lam,) (Entered: 02/16/2005) |
| 02/14/2005 | 82 | Opposition (RESPONSE) to 76 Plaintiffs' MOTION for Leave to File Supplemental 1 Complaint filed by Defendants El Paso County, Board of County Commissioners of El Paso County, John Wesley Anderson. (lam,) (Entered: 02/16/2005) |
| 02/15/2005 | 83 | Amended MOTION for Order to Hold in Abeyance matter pending the US Supreme Court's consideration of Defendants' petition for writ of certiorari (Opposed) or, Alternatively, MOTION to Set Briefing Schedule re: issue of class certification (Unopposed) by Defendants El Paso County, Board of County Commissioners of El Paso County, John Wesley Anderson. (lam,) (Entered: 02/17/2005) |
| 02/22/2005 | 84 | REPLY Memorandum in Support of Plas' 76 MOTION for Leave to File Supplemental 1 Complaint and 78 MOTION for Leave to Intervene and MOTION for Joinder in Motion to Certify Class, filed by Plaintiffs Mark Shook, Dennis Jones and proposed pla intervenors. (gms,) (Entered: 02/22/2005) |
| 02/22/2005 | 85 | RESPONSE in Opposition to Dfts' Amended 83 MOTION to Hold in Abeyance and in Response to Motion to Set Briefing Schedule filed by Plaintiffs Mark Shook, Dennis Jones, Intervenor Plaintiffs Shirlen Mosby, James Vaughan. (gms,) (Entered: 02/23/2005) |
| 02/28/2005 | 86 | REPLY in support of 83 Amended MOTION for Order to Hold in Abeyance matter pending the US Supreme Court's consideration of Defendants' petition for writ of certiorari (Opposed) or, Alternatively, MOTION to Set Briefing Schedule re: issue of class certification (Unopposed) by Defendants El Paso County, Board of County Commissioners of El Paso County, John Wesley Anderson (dlb,) (Entered: 03/01/2005) |
| 03/09/2005 | 87 | NOTICE of Change of Address of David C. Fathi by Thomas S. Nichols (gms,) (Entered: 03/10/2005) |
| 03/15/2005 | 88 | Letter from 10CCA regarding writ of certiorari re 59 Notice of Appeal assigned Supreme Court No. 04-1200. (Appeal No. 04-1397) (djs,) (Entered: 03/16/2005) |
| 04/01/2005 | 89 | ORDER granting 76 Plas' Motion to Supplement Class Action Complaint, granting 78 Thomas Reinig's and Lottie Elliott's Motion to Intervene and 78 Motion for Joinder. Denying 83 Dfts' Motion to hold in abeyance and 83 Motion to Stay. Dfts shall have to |

| | | |
|------------|------------|---|
| | | and including 5/27/05 to plead to the supplement. Plas and Intv's shall file a new motion for class certification and dfts shall respond to the motion on or before 7/25/05, plas and intervenors may reply on or before 8/9/05. Signed by Judge Richard P. Matsch on 4/1/05. (pap,) (Entered: 04/05/2005) |
| 04/01/2005 | 90 | SUPPLEMENTAL CLASS ACTION COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF against Terry Maketa, El Paso County, Board of County Commissioners of El Paso County , filed by Mark Shook, Dennis Jones.(pap,) (Entered: 04/05/2005) |
| 04/01/2005 | 91 | CLASS ACTION COMPLAINT IN INTERVENTION against Intervenor Defendants The Board of County Commissioners of the County of El Paso and Terry Maketa, filed by Lottie Elliott, Thomas Reinig.(pap,) (Entered: 04/05/2005) |
| 05/06/2005 | 92 | Letter from 10CCA regarding writ of certiorari was denied on 4/18/05 re 59 Notice of Appeal. (Appeal No. 03-1397) (djs,) (Entered: 05/09/2005) |
| 05/27/2005 | 93 | ANSWER to Class Action Intervenor Complaint by El Paso County, Board of County Commissioners of El Paso County, Terry Maketa.(lam,) (Entered: 05/31/2005) |
| 05/27/2005 | 94 | ANSWER to Supplemental Class Action Complaint for Injunctive and Declaratory Relief by Defendants Terry Maketa, El Paso County, Board of County Commissioners of El Paso County.(lam,) (Entered: 05/31/2005) |
| 06/17/2005 | 95 | MOTION to Certify Class and Supporting Authorities by Plaintiffs Mark Shook, Dennis Jones, Intervenor Plaintiffs Lottie Elliott, Thomas Reinig, Shirlen Mosby, James Vaughan. (lam,) (Entered: 06/17/2005) |
| 07/25/2005 | <u>96</u> | RESPONSE to Motion re 95 MOTION to Certify Class filed by Intervenor Defendants El Paso County, Board of County Commissioners of El Paso County, El Paso County, Board of County Commissioners of El Paso County, Terry Maketa, Defendants Terry Maketa, El Paso County, Board of County Commissioners of El Paso County. (Vaughan, Gordon) (Entered: 07/25/2005) |
| 07/28/2005 | <u>97</u> | Unopposed MOTION for Extension of Time to File Response/Reply <i>Brief in Support of Motion for Class Certification</i> by Plaintiffs Mark Shook, Dennis Jones, Intervenor Plaintiffs Lottie Elliott, Thomas Reinig, Shirlen Mosby, James Vaughan. (Nichols, Thomas) (Entered: 07/28/2005) |
| 07/28/2005 | <u>98</u> | MINUTE ORDER granting unopposed <u>97</u> Motion for Extension of Time to File Reply Brief in Support of 95 MOTION to Certify Class, filed by Plaintiffs, to 8/19/05, by Judge Richard P. Matsch on 7/28/05. (lam,) (Entered: 07/28/2005) |
| 08/19/2005 | <u>99</u> | REPLY to Response to Motion re 95 MOTION to Certify Class filed by Plaintiffs Mark Shook, Dennis Jones, Intervenor Plaintiffs Lottie Elliott, Thomas Reinig, Shirlen Mosby, James Vaughan. (Attachments: # <u>1</u> Declaration of Terry A. Kupers# <u>2</u> Declaration of Thomas S. Nichols)(Nichols, Thomas) (Entered: 08/19/2005) |
| 10/19/2005 | <u>100</u> | SUPPLEMENT/AMENDMENT <i>SUPPLEMENTAL AUTHORITY IN SUPPORT OF MOTION FOR CLASS CERTIFICATION</i> 95 by Plaintiffs Mark Shook, Dennis Jones, Intervenor Plaintiffs Lottie Elliott, Thomas Reinig, Shirlen Mosby, James Vaughan. (Nichols, Thomas) (Modified on 10/25/2005 to create linkage)(gms,). (Entered: 10/19/2005) |
| 10/25/2005 | 101 | Docket Annotation re: <u>100</u> Supplement/Amendment. This docket entry was modified to create a linkage to Doc #95. Text only entry – no document attached. (gms,) (Entered: 10/25/2005) |
| 02/27/2006 | <u>102</u> | MOTION for Hearing/Conference <i>RE SCHEDULING</i> by Plaintiffs Mark Shook, Dennis Jones, Intervenor Plaintiffs Lottie Elliott, Thomas Reinig, Shirlen Mosby, James Vaughan. (Nichols, Thomas) (Entered: 02/27/2006) |
| 03/06/2006 | <u>103</u> | RESPONSE to Motion re <u>102</u> MOTION for Hearing/Conference <i>RE SCHEDULING</i> filed by Intervenor Defendants El Paso County, Board of County Commissioners of El Paso County, Terry Maketa, Defendants Terry Maketa, El Paso County, Board of County Commissioners of El Paso County. (Vaughan, Gordon) (Entered: 03/06/2006) |

| | | |
|------------|------------|---|
| 03/17/2006 | <u>104</u> | REPLY to Response to Motion re <u>102</u> MOTION for Hearing/Conference <i>RE SCHEDULING</i> filed by Plaintiffs Mark Shook, Dennis Jones, Intervenor Plaintiffs Lottie Elliott, Thomas Reinig, Shirlen Mosby, James Vaughan. (Nichols, Thomas) (Entered: 03/17/2006) |
| 03/17/2006 | <u>105</u> | Unopposed MOTION to Intervene by Interested Party Victor Siegrist. (Attachments: # <u>1</u> Proposed Document Class Action Complaint in Intervention# <u>2</u> Exhibit Exhibits to Class Action Complaint in Intervention)(Nichols, Thomas) (Entered: 03/17/2006) |
| 06/28/2006 | <u>106</u> | ORDER that 95 Plaintiffs' Motion for Class Certification is denied. Signed by Judge Richard P. Matsch on 6/28/06. (lam,) (Entered: 06/28/2006) |
| 06/28/2006 | <u>107</u> | ORDER granting <u>105</u> Motion to Intervene by Victor Siegrist and the class action complaint in intervention submitted on 3/17/06 is filed. The Defendants shall plead to the complaint in intervention of Intervenor-Plaintiff Victor Siegrist w/in 20 days from the date of this order. Signed by Judge Richard P. Matsch on 6/28/06. (lam,) (Entered: 06/28/2006) |
| 06/28/2006 | <u>108</u> | INTERVENOR COMPLAINT against Intervenor Defendants The Board of County Commissioners of the County of El Paso and Terry Maketa, filed by Intervenor Plaintiff Victor Siegrist. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4# <u>5</u> Exhibit 5# <u>6</u> Exhibit 6# <u>7</u> Exhibit 7# <u>8</u> Exhibit 8# <u>9</u> Exhibit 9)(lam,) (Entered: 06/29/2006) |
| 06/30/2006 | <u>109</u> | NOTICE OF MOOTNESS OF INDIVIDUAL CLAIMS FOR INJUNCTIVE AND DECLARATORY RELIEF by Plaintiffs Mark Shook, Dennis Jones, Intervenor Plaintiffs Lottie Elliott, Thomas Reinig, Victor Siegrist, Shirlen Mosby, James Vaughan (Nichols, Thomas) (Entered: 06/30/2006) |
| 07/14/2006 | <u>110</u> | MOTION to Dismiss for Lack of Jurisdiction by Intervenor Defendants El Paso County, Board of County Commissioners of El Paso County, Terry Maketa, Defendants Terry Maketa, El Paso County, Board of County Commissioners of El Paso County. (Vaughan, Gordon) (Entered: 07/14/2006) |
| 07/25/2006 | <u>111</u> | RESPONSE to Motion re <u>110</u> MOTION to Dismiss for Lack of Jurisdiction filed by Plaintiffs Mark Shook, Dennis Jones, Intervenor Plaintiffs Lottie Elliott, Thomas Reinig, Victor Siegrist, Shirlen Mosby, James Vaughan. (Nichols, Thomas) (Entered: 07/25/2006) |
| 07/26/2006 | <u>112</u> | SUPPLEMENT/AMENDMENT to <u>111</u> Response to Motion by Plaintiffs Mark Shook, Dennis Jones, Intervenor Plaintiffs Lottie Elliott, Thomas Reinig, Victor Siegrist, Shirlen Mosby, James Vaughan. (Nichols, Thomas) (Entered: 07/26/2006) |
| 07/28/2006 | <u>113</u> | Unopposed MOTION to Withdraw <u>110</u> MOTION to Dismiss for Lack of Jurisdiction – <i>Portion of Motion Related to Intervenor Plaintiff Siegrist</i> by Intervenor Defendants El Paso County, Board of County Commissioners of El Paso County, Terry Maketa, Defendants Terry Maketa, El Paso County, Board of County Commissioners of El Paso County. (Attachments: # <u>1</u> Proposed Order (PDF Only))(Vaughan, Gordon) (Entered: 07/28/2006) |
| 07/31/2006 | <u>114</u> | ORDER granting Defendants' <u>113</u> Unopposed Motion to Withdraw Portion of Motion to Dismiss <u>110</u> . Defendants' motion to dismiss is withdrawn as to Intervenor Plaintiff Victor Siegrist, and Defendants shall have up to and including 8/14/06 to file an answer to Intervenor Plaintiff Siegrist's intervention complaint. Signed by Judge Richard P. Matsch on 7/31/06. (lam,) (Entered: 07/31/2006) |
| 08/14/2006 | <u>115</u> | ANSWER to Intervenor Complaint by El Paso County, Board of County Commissioners of El Paso County, Terry Maketa, Terry Maketa, El Paso County, Board of County Commissioners of El Paso County.(Vaughan, Gordon) (Entered: 08/14/2006) |
| 09/01/2006 | <u>116</u> | ORDER Setting Scheduling Conference for 10/20/2006 02:30 PM in Conference Room before Judge Richard P. Matsch. Signed by Judge Richard P. Matsch on 9/1/06. (lam,) (Entered: 09/01/2006) |
| 09/06/2006 | <u>117</u> | MINUTE ORDER : Scheduling Conference reset for 10/27/2006 02:30 PM in Conference Room before Judge Richard P. Matsch, by Judge Richard P. Matsch on 9/6/06. (gms,) (Entered: 09/06/2006) |

| | | |
|------------|------------|--|
| 09/22/2006 | <u>118</u> | Joint MOTION for Ruling on <u>110</u> MOTION to Dismiss for Lack of Jurisdiction by Plaintiffs Mark Shook, Dennis Jones, Intervenor Defendants El Paso County, Board of County Commissioners of El Paso County, Terry Maketa, Intervenor Plaintiffs Lottie Elliott, Thomas Reinig, Shirlen Mosby, James Vaughan, Defendants Terry Maketa, El Paso County, Board of County Commissioners of El Paso County. (Nichols, Thomas) (Entered: 09/22/2006) |
| 09/22/2006 | <u>119</u> | STIPULATION of Dismissal of Party <i>Victor Siegrist</i> by Plaintiffs Mark Shook, Dennis Jones, Intervenor Defendants El Paso County, Board of County Commissioners of El Paso County, Terry Maketa, Intervenor Plaintiffs Lottie Elliott, Thomas Reinig, Victor Siegrist, Shirlen Mosby, James Vaughan, Defendants Terry Maketa, El Paso County, Board of County Commissioners of El Paso County. (Nichols, Thomas) (Entered: 09/22/2006) |
| 09/22/2006 | <u>120</u> | ORDER of Dismissal of Intervenor–Plaintiff Victor Siegrist without prejudice, each party to bear own costs <u>118</u> . Signed by Judge Richard P. Matsch on 9/22/06.(lam,) (Entered: 09/22/2006) |
| 09/22/2006 | <u>121</u> | ORDER OF DISMISSAL that the motion to dismiss for lack of jurisdiction is granted and this action is dismissed. Signed by Judge Richard P. Matsch on 9/22/06. (lam,) (Entered: 09/22/2006) |
| 10/18/2006 | <u>122</u> | NOTICE OF APPEAL as to <u>106</u> Order denying Class Certification and <u>121</u> Order of Dismissal by Plaintiffs Mark Shook, Dennis Jones, Intervenor Plaintiffs Lottie Elliott, Thomas Reinig, Shirlen Mosby, James Vaughan (Nichols, Thomas) Modified on 10/19/2006 to create links to orders being appealed (bjr2,). (Entered: 10/18/2006) |
| 10/19/2006 | <u>123</u> | LETTER re Appeal to all counsel advising of the transmittal of the <u>122</u> Notice of Appeal filed by plaintiffs to the U.S. Court of Appeals. (Retained counsel, Fees paid) (Attachments: # <u>1</u> Notice of Appeal# <u>2</u> Docket Sheet# <u>3</u> Receipt)(bjr2,) (Entered: 10/19/2006) |
| 10/19/2006 | 124 | Docket Annotation re: <u>122</u> Notice of Appeal as to <u>106</u> and <u>121</u> , Modified on 10/19/06 to create links to orders being appealed. Text only entry – no document attached. (bjr2,) (Entered: 10/19/2006) |
| 10/20/2006 | <u>125</u> | USCA Case Number 06–1454 for <u>122</u> Notice of Appeal, filed by Mark Shook, Dennis Jones, Shirlen Mosby, Lottie Elliott, Thomas Reinig, James Vaughan. (bjr2,) (Entered: 10/23/2006) |
| 10/30/2006 | <u>126</u> | TRANSCRIPT ORDER FORM re <u>122</u> Notice of Appeal, by Plaintiffs Mark Shook, James Robillard, Dennis Jones (Johnson, Thomas) (Entered: 10/30/2006) |
| 10/31/2006 | <u>127</u> | LETTER TO USCA and all counsel certifying the record is complete as to <u>122</u> Notice of Appeal, filed by Mark Shook, Dennis Jones, Shirlen Mosby, Lottie Elliott, Thomas Reinig, James Vaughan. (Appeal No. 06–1454) (bjr2,) (Entered: 10/31/2006) |
| 10/11/2007 | <u>128</u> | NOTICE of Entry of Appearance by Andrew Coleman Gorgey on behalf of El Paso County, Board of County Commissioners of El Paso County, Terry Maketa (Gorgey, Andrew) (Entered: 10/11/2007) |
| 10/16/2007 | <u>129</u> | MOTION to Withdraw as Attorney by Intervenor Defendants El Paso County, Board of County Commissioners of El Paso County, Terry Maketa, Defendants Terry Maketa, El Paso County, Board of County Commissioners of El Paso County. (Attachments: # <u>1</u> Proposed Order (PDF Only))(Lauer, Jay) (Entered: 10/16/2007) |
| 10/16/2007 | <u>130</u> | ORDER granting <u>129</u> Motion to Withdraw as Attorney. Attorney Jay Allen Lauer terminated. Signed by Judge Richard P. Matsch on 10/16/07.(jjhsl,) (Entered: 10/16/2007) |
| 08/29/2008 | <u>131</u> | USCA Opinion and Judgment as to <u>122</u> Notice of Appeal, filed by Mark Shook, Dennis Jones, Shirlen Mosby, Lottie Elliott, Thomas Reinig, James Vaughan : The judgment of the district court is affirmed. (USCA Case No. 06–1454) (This document is not the Mandate) (Attachments: # <u>1</u> USCA Judgment, # <u>2</u> Letter)(bjrsl,) (Entered: 08/29/2008) |
| 10/03/2008 | <u>132</u> | MANDATE of USCA as to <u>122</u> Notice of Appeal, filed by Mark Shook, Dennis Jones, Shirlen Mosby, Lottie Elliott, Thomas Reinig, James Vaughan, <u>131</u> USCA Opinion/Judgment: Affirmed. (USCA Case No. 06–1454) (bjrsl,) (Entered: 10/03/2008) |

| | | |
|--|--|-------------|
| | | 10/03/2008) |
|--|--|-------------|