

**U.S. District Court - District of Colorado
District of Colorado (Denver)
CIVIL DOCKET FOR CASE #: 1:20-cv-03646-RBJ**

Weikert et al v. Elder
Assigned to: Judge R. Brooke Jackson
Cause: 42:1983 Civil Rights Act

Date Filed: 12/13/2020
Jury Demand: None
Nature of Suit: 440 Civil Rights:
Other
Jurisdiction: Federal Question

Plaintiff

Hannah Weikert

*on their own and on behalf of a class
of similarly situated persons
TERMINATED: 01/14/2021*

represented by **Arielle Kay Herzberg**

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Plaintiff

Jennifer Hermanns

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of similarly situated persons*

represented by **Arielle Kay Herzberg**

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ATTORNEY TO BE NOTICED

Asma Kadri Keeler

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Rachel Z. Geiman

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ATTORNEY TO BE NOTICED

Sara R. Neel

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ATTORNEY TO BE NOTICED

Daniel David Williams

(See above for address)

ATTORNEY TO BE NOTICED

Plaintiff

Terrence Lacey

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of similarly situated persons*

represented by **Arielle Kay Herzberg**

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Plaintiff

Sean Nelson
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Daniel David Williams
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Plaintiff

Jean-Joseph Le Chiffre
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Daniel David Williams
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Plaintiff

Gilbert Trujillo
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Sara R. Neel

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ATTORNEY TO BE NOTICED

Daniel David Williams

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ATTORNEY TO BE NOTICED

V.

Defendant

Bill Elder

*Sheriff of El Paso County, Colorado,
in his official capacity*

represented by **Diana Kay May**

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Date Filed	#	Docket Text
12/13/2020	1	COMPLAINT against Bill Elder as Sheriff of El Paso County Sheriff's Office (Filing fee \$ 402,Receipt Number 1082-7628482)Attorney Daniel David Williams added to party Jennifer Hermanns(pty:pla), Attorney Daniel David Williams added to party Terrence Lacey(pty:pla), Attorney Daniel David Williams added to party Jean-Joseph Le Chifre(pty:pla), Attorney Daniel David Williams added to party Sean Nelson(pty:pla), Attorney Daniel David Williams added to party Gilbert Trujillo(pty:pla), Attorney Daniel David Williams added to party Hannah Weikert(pty:pla), filed by Gilbert Trujillo, Hannah Weikert, Sean Nelson, Terrence Lacey, Jennifer Hermanns, Jean-Joseph Le Chifre. (Attachments: # 1 Civil Cover Sheet)(Williams, Daniel) (Entered: 12/13/2020)
12/13/2020	2	MOTION for Temporary Restraining Order by Plaintiffs Jennifer Hermanns, Terrence Lacey, Jean-Joseph Le Chifre, Sean Nelson, Gilbert Trujillo, Hannah Weikert. (Attachments: # 1 Motion for Temporary Restraining Order and Preliminary Injunction Exhibit List, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I, # 11 Exhibit J, # 12 Exhibit K, # 13 Exhibit L, # 14 Exhibit M, # 15 Exhibit N, # 16 Exhibit O, # 17 Exhibit P, # 18 Exhibit Q, # 19 Exhibit R, # 20 Exhibit S, # 21 Exhibit T, # 22 Proposed Order (PDF Only))(Williams, Daniel) (Entered: 12/13/2020)
12/13/2020	3	MOTION to Certify Class by Plaintiffs Jennifer Hermanns, Terrence Lacey, Jean-Joseph Le Chifre, Sean Nelson, Gilbert Trujillo, Hannah Weikert. (Williams, Daniel) (Entered: 12/13/2020)
12/13/2020	4	Case assigned to Judge Christine M. Arguello and drawn to Magistrate Judge Kathleen M. Tafoya. Text Only Entry. (trvo,) (Entered: 12/14/2020)

12/13/2020	5	Magistrate Judge consent form issued pursuant to 28 U.S.C. 636(c). NO SUMMONS ISSUED. (trvo,) (Entered: 12/14/2020)
12/14/2020	6	NOTICE of Entry of Appearance by Jamie Hughes Hubbard on behalf of All Plaintiffs Attorney Jamie Hughes Hubbard added to party Jean-Joseph Le Chiffre(pty:pla), Attorney Jamie Hughes Hubbard added to party Jennifer Hermanns(pty:pla), Attorney Jamie Hughes Hubbard added to party Terrence Lacey(pty:pla), Attorney Jamie Hughes Hubbard added to party Sean Nelson(pty:pla), Attorney Jamie Hughes Hubbard added to party Gilbert Trujillo(pty:pla), Attorney Jamie Hughes Hubbard added to party Hannah Weikert(pty:pla) (Hubbard, Jamie) (Entered: 12/14/2020)
12/14/2020	7	ORDER REFERRING CASE to Magistrate Judge Kathleen M. Tafoya. Magistrate Judge Tafoya is designated to conduct NDISPO proceedings pursuant to 28 U.S.C. § 636(b)(1)(A) and (B) and Fed. R. Civ. P. 72(a) and (b). The parties should expect to be given a firm trial setting that is 90 to 120 days from the date of the final pretrial conference and should be available for trial accordingly. Court-sponsored alternative dispute resolution is governed by D.C.COLO.LCivR 16.6. The Magistrate Judge, at his/her discretion, may convene such early neutral evaluation and/or settlement conferences and direct related procedures as may facilitate resolution of this case without the necessity of a motion or prior authorization of the undersigned. SO ORDERED by Judge Christine M. Arguello on 12/14/2020. Text Only Entry (cmasec) (Entered: 12/14/2020)
12/14/2020	8	ORDER OF RECUSAL. Upon review of the file of this case, I conclude that I must recuse myself from further service in this case because one of my law clerks is married to one of the attorneys in this case. It is, therefore, ORDERED that the judges file be returned to the clerk and that the case be reassigned by random draw, by Judge Christine M. Arguello on 12/14/2020. (evana,) (Entered: 12/14/2020)
12/14/2020	9	CASE REASSIGNED Pursuant to 8 Order of Recusal, this case is randomly reassigned Judge R. Brooke Jackson. All future pleadings should be designated as 20-cv-03646 RBJ. (Text Only Entry) (evana,) (Entered: 12/14/2020)
12/14/2020	10	NOTICE of Entry of Appearance by Mark Silverstein on behalf of All Plaintiffs Attorney Mark Silverstein added to party Jean-Joseph Le Chiffre(pty:pla), Attorney Mark Silverstein added to party Jennifer Hermanns(pty:pla), Attorney Mark Silverstein added to party Terrence Lacey(pty:pla), Attorney Mark Silverstein added to party Sean Nelson(pty:pla), Attorney Mark Silverstein added to party Gilbert Trujillo(pty:pla), Attorney Mark Silverstein added to party Hannah Weikert(pty:pla) (Silverstein, Mark) (Entered: 12/14/2020)
12/14/2020	11	NOTICE of Entry of Appearance by Arielle Kay Herzberg on behalf of All Plaintiffs Attorney Arielle Kay Herzberg added to party Jean-Joseph Le Chiffre(pty:pla), Attorney Arielle Kay Herzberg added to party Jennifer Hermanns(pty:pla), Attorney Arielle Kay Herzberg added to party Terrence

		Lacey(pty:pla), Attorney Arielle Kay Herzberg added to party Sean Nelson(pty:pla), Attorney Arielle Kay Herzberg added to party Gilbert Trujillo(pty:pla), Attorney Arielle Kay Herzberg added to party Hannah Weikert(pty:pla) (Herzberg, Arielle) (Entered: 12/14/2020)
12/14/2020	12	NOTICE of Entry of Appearance by Sara R. Neel on behalf of All Plaintiffs Attorney Sara R. Neel added to party Jean-Joseph Le Chiffre(pty:pla), Attorney Sara R. Neel added to party Jennifer Hermanns(pty:pla), Attorney Sara R. Neel added to party Terrence Lacey(pty:pla), Attorney Sara R. Neel added to party Sean Nelson(pty:pla), Attorney Sara R. Neel added to party Gilbert Trujillo(pty:pla), Attorney Sara R. Neel added to party Hannah Weikert(pty:pla) (Neel, Sara) (Entered: 12/14/2020)
12/14/2020	13	NOTICE of Entry of Appearance by Asma Kadri Keeler on behalf of All Plaintiffs Attorney Asma Kadri Keeler added to party Jean-Joseph Le Chiffre(pty:pla), Attorney Asma Kadri Keeler added to party Jennifer Hermanns(pty:pla), Attorney Asma Kadri Keeler added to party Terrence Lacey(pty:pla), Attorney Asma Kadri Keeler added to party Sean Nelson(pty:pla), Attorney Asma Kadri Keeler added to party Gilbert Trujillo(pty:pla), Attorney Asma Kadri Keeler added to party Hannah Weikert(pty:pla) (Keeler, Asma) (Entered: 12/14/2020)
12/14/2020	14	NOTICE of Entry of Appearance by David George Maxted on behalf of All Plaintiffs Attorney David George Maxted added to party Jean-Joseph Le Chiffre(pty:pla), Attorney David George Maxted added to party Jennifer Hermanns(pty:pla), Attorney David George Maxted added to party Terrence Lacey(pty:pla), Attorney David George Maxted added to party Sean Nelson(pty:pla), Attorney David George Maxted added to party Gilbert Trujillo(pty:pla), Attorney David George Maxted added to party Hannah Weikert(pty:pla) (Maxted, David) (Entered: 12/14/2020)
12/15/2020	15	NOTICE of Entry of Appearance by Rachel Z. Geiman on behalf of All Plaintiffs Attorney Rachel Z. Geiman added to party Jean-Joseph Le Chiffre(pty:pla), Attorney Rachel Z. Geiman added to party Jennifer Hermanns(pty:pla), Attorney Rachel Z. Geiman added to party Terrence Lacey(pty:pla), Attorney Rachel Z. Geiman added to party Sean Nelson(pty:pla), Attorney Rachel Z. Geiman added to party Gilbert Trujillo(pty:pla), Attorney Rachel Z. Geiman added to party Hannah Weikert(pty:pla) (Geiman, Rachel) (Entered: 12/15/2020)
12/15/2020	16	MINUTE ORDER: The Order of Reference entered at ECF No. 7 is vacated. Due to the COVID-19 pandemic the Court will not hold a Scheduling Conference. The Court requests that counsel confer and attempt to agree on a schedule and submit a proposed scheduling order no later than 45 days after the answer, motion to dismiss or other response to the complaint is filed pointing out any areas of disagreement. Please email the proposed order to Jackson_Chambers@cod.uscourts.gov in Word format and efile into CM/ECF. The Court will review the proposed order and make

		<p>such rulings as are appropriate. The proposed scheduling order should be prepared as described in the local rules. A copy of instructions for the preparation of a scheduling order and a form scheduling order can be downloaded from the Courts website www.cod.uscourts.gov/CourtOperations/RulesProcedures/Forms.aspx. By Judge R. Brooke Jackson on 12/15/2020. Text Only Entry (rbjsec.) (Entered: 12/15/2020)</p>
12/16/2020	17	<p>MINUTE ORDER re: 2 MOTION for Temporary Restraining Order and Preliminary Injunction. The Court is aware that there is no return of service on file but notes at ECF No. 2 at 1, n.1, that service was being attempted on December 11, 2020. The Court requests that the parties do the following within five days after the return of service is filed. First, if you have not already done so, read at least these pleadings from Carranza v. Reams, No. 20-CV-00977-PAB: (1) Chief Judge Brimmer's preliminary injunction order of May 15, 2020 in ECF No. 55 (also found at 2020 WL 2320174); (2) the transcript of the preliminary injunction hearing in that case, ECF No. 61, and (3) the parties' joint motion for preliminary approval of class action settlement, ECF No. 96, with the proposed consent decree attached as ECF No. 96-1. These and other pleadings in that case are publicly accessible documents. This Court recognizes that there might be different circumstances as between the Weld County and El Paso County jails that are relevant, but the work that was done in the Weld case is certainly of interest to this Court and should be of interest to the parties. Second, meet and confer (remotely) and make an immediate, good faith effort (or, as the case might be, another effort) to resolve the issues presented and to draft a proposed settlement agreement for filing with this Court. Third, if steps one and two have taken place but a resolution is not forthcoming, the Court will hold a preliminary injunction hearing for one day on your choice of the following dates: 12/29/2020 at 9:00 or 12/30/2020 at 9:00. The Court believes that an agreed resolution would be preferable to a resolution dictated by the Court. Please notify Chambers at jackson_chambers@cod.uscourts.gov by 12/23/2020 if you plan to set a hearing on one of the two available dates. By Judge R. Brooke Jackson on 12/16/2020. Text Only Entry (rbjsec.) (Entered: 12/16/2020)</p>
12/18/2020	18	<p>WAIVER OF SERVICE Returned Executed by Gilbert Trujillo, Hannah Weikert, Sean Nelson, Terrence Lacey, Jennifer Hermanns, Jean-Joseph Le Chiffre. Bill Elder waiver sent on 12/16/2020, answer due 2/14/2021. (Williams, Daniel) (Entered: 12/18/2020)</p>
12/22/2020	19	<p>NOTICE of Entry of Appearance by Nathan James Whitney on behalf of Bill ElderAttorney Nathan James Whitney added to party Bill Elder(pty:dft) (Whitney, Nathan) (Entered: 12/22/2020)</p>
12/22/2020	20	<p>NOTICE of Entry of Appearance by Diana Kay May on behalf of Bill ElderAttorney Diana Kay May added to party Bill Elder(pty:dft) (May, Diana) (Entered: 12/22/2020)</p>

12/26/2020	21	MINUTE ORDER re: 2 MOTION for Temporary Restraining Order filed by Hannah Weikert, Jennifer Hermanns, Sean Nelson, Jean-Joseph Le Chiffre, Terrence Lacey, Gilbert Trujillo. A full-day Hearing is set for 12/30/2020 at 9:00 AM before Judge R. Brooke Jackson. Due to the COVID-19 pandemic, the hearing will be held by video teleconference. The Court's staff will provide connection instructions to the parties by email prior to the hearing. By Judge R. Brooke Jackson on 12/26/2020. Text Only Entry (rbjsec.) (Entered: 12/26/2020)
12/29/2020	22	MINUTE ORDER re: 21 Minute Order. The parties have informed the Court by email to Chambers that they have reached an agreement in principle regarding the plaintiffs' motion for a preliminary injunction. The Evidentiary Hearing set tomorrow, 12/30/2020 is VACATED. The Court requests that the parties file their proposed stipulated preliminary injunction by end of business on 12/31/2020. By Judge R. Brooke Jackson on 12/29/2020. Text Only Entry (rbjsec.) (Entered: 12/29/2020)
12/31/2020	23	Stipulated MOTION for Preliminary Injunction by Plaintiffs Jean-Joseph Le Chiffre, Jennifer Hermanns, Terrence Lacey, Sean Nelson, Gilbert Trujillo, Hannah Weikert. (Attachments: # 1 Proposed Order (PDF Only) Proposed Stipulated Preliminary Injunction)(Williams, Daniel) (Entered: 12/31/2020)
01/04/2021	24	ORDER granting 23 Stipulated Motion for Entry of Preliminary Injunction. By Judge R. Brooke Jackson on 1/4/2021. Text Only Entry(rbjsec.) (Entered: 01/04/2021)
01/04/2021	25	STIPULATED PRELIMINARY INJUNCTION by Judge R. Brooke Jackson on January 4, 2021. (rvill,) (Entered: 01/04/2021)
01/05/2021	26	MOTION for Extension of Time to File Response/Reply as to 3 MOTION to Certify Class by Defendant Bill Elder. (Whitney, Nathan) (Entered: 01/05/2021)
01/05/2021	27	ORDER granting 26 MOTION for Extension of Time to File Response/Reply as to 3 MOTION to Certify Class. By Judge R. Brooke Jackson on 1/5/2021. Text Only Entry(rbjsec.) (Entered: 01/05/2021)
01/12/2021	28	NOTICE of Entry of Appearance by Terry Angela Sample on behalf of Bill Elder Attorney Terry Angela Sample added to party Bill Elder(pty:dft) (Sample, Terry) (Entered: 01/12/2021)
01/12/2021	29	MOTION to Dismiss <i>Hannah Weikert</i> by Plaintiff Hannah Weikert. (Williams, Daniel) (Entered: 01/12/2021)
01/14/2021	30	ORDER denying 29 MOTION to Dismiss Hannah Weikert. Please comply with local rule 7.1(a). By Judge R. Brooke Jackson on 1/14/2021. Text Only Entry(rbjsec.) (Entered: 01/14/2021)
01/14/2021	31	NOTICE of Voluntary Dismissal of Party <i>Hannah Weikert</i> by Plaintiff Hannah Weikert (Williams, Daniel) (Entered: 01/14/2021)

01/20/2021	32	MINUTE ORDER: A Telephonic Status Conference is set for 1/22/2021 at 9:30 AM in Courtroom A 902 before Judge R. Brooke Jackson. The Court directs that the parties use dial-in number 1-888-204-5984 and then enter access code 7557338# when prompted. By Judge R. Brooke Jackson on 1/20/2021. Text Only Entry (rbjsec.) (Entered: 01/20/2021)
01/22/2021	33	MINUTE ENTRY for proceedings held before Judge R. Brooke Jackson: Telephone Status Conference held on 1/22/2021. Court Reporter: Sarah Mitchell. (jdyne,) (Entered: 01/22/2021)

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