

**U.S. District Court
District of New Mexico – Version 6.0 (Santa Fe)
CIVIL DOCKET FOR CASE #: 6:05-cv-00036-BB-ACT**

Leyba, et al v. Santa Fe County, et al
Assigned to: District Judge Bruce D. Black
Referred to: Magistrate Judge Alan C. Torgerson
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 01/12/2005
Date Terminated: 12/08/2006
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Elizabeth Leyba

represented by **John C. Bienvenu**
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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

Lucy M Marquez

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Plaintiff

Mark Miller

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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

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Robert R Rothstein
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Plaintiff

Kimberly Wright
*on their own behalf and on behalf of a
class of similarly situated persons*

represented by **John C. Bienvenu**
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Robert R Rothstein
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V.

Appellant

Sharon Fried

represented by **Sharon Fried**
551 West Cordova Road
#512
Santa Fe, NM 87505
PRO SE

Appellant

Dale A. Richman

represented by **Dale A. Richman**
1228 Osage Ave.
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V.

Defendant

**Santa Fe County Board of
Commissioners**

represented by **Grace Philips**
Santa Fe County Attorney's Office
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Defendant

Management & Training Corporation

represented by **Gary J. Van Luchene**
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Defendant

Greg Solano
*Santa Fe County Sheriff, in his individual
 and official capacities*

represented by **Grace Philips**
 (See above for address)
TERMINATED: 03/03/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Dickman
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Raymond L Sisneros
*Former Santa Fe County Sheriff, in his
 individual and official capacities*

represented by **Grace Philips**
 (See above for address)
TERMINATED: 03/03/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Dickman
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Kerry Dixon
in his individual and official capacities

represented by **P. Scott Eaton**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/12/2005	<u>1</u>	CLASS ACTION COMPLAINT FOR DAMAGES (5 Summons(es) issued) (referred to Magistrate Judge Alan C. Torgerson) (mjr) (Additional attachment(s) added on 8/14/2012: # <u>1</u> Civil Cover Sheet) (kg). (Entered: 01/13/2005)
01/12/2005		FILING FEE PAID: on 1/12/05 in the amount of \$150.00, receipt #: 504969. (mjr) (Entered: 01/13/2005)

01/12/2005		LETTER to counsel re; consent forms (mjr) (Entered: 01/13/2005)
01/18/2005	<u>2</u>	ENTRY OF APPEARANCE for defts Management & Training & Kerry Dixon by P. Scott Eaton* (dmw) (Entered: 01/18/2005)
01/25/2005	<u>3</u>	RETURN OF SERVICE executed upon deft Management & Training on 1/14/05 (mjr) (kg). (Entered: 01/25/2005)
01/25/2005	<u>4</u>	RETURN OF SERVICE executed upon deft Kerry Dixon on 1/13/05 (mjr) (kg). (Entered: 01/25/2005)
01/25/2005	<u>5</u>	RETURN OF SERVICE executed upon deft Santa Fe County on 1/13/05 (mjr) (kg). (Entered: 01/25/2005)
01/25/2005	<u>6</u>	RETURN OF SERVICE executed upon deft Greg Solano on 1/13/05 (mjr) (kg). (Entered: 01/25/2005)
01/25/2005	<u>7</u>	NOTICE by pltfs of refusal to consent to proceed before Magistrate Judge Don J. Svet (mjr) (Entered: 01/25/2005)
01/26/2005	<u>8</u>	MINUTE ORDER: Case reassigned from Magistrate Judge Don J. Svet to District Judge Bruce D. Black (cc: all counsel) (mjr) (Entered: 01/26/2005)
02/03/2005	<u>9</u>	ANSWER by Management & Training & Kerry Dixon [1-1]* (dmw) (Entered: 02/03/2005)
02/09/2005	<u>10</u>	ENTRY OF APPEARANCE for deft Management & Train by Kurt Wihl, Gary J. Van Luchene (jrm) (Entered: 02/10/2005)
02/18/2005	<u>11</u>	ACCEPTANCE/ACKNOWLEDGEMENT OF SERVICE by deft Raymond L Sisneros on 2/18/05 (td) (Entered: 02/18/2005)
02/24/2005	<u>12</u>	ENTRY OF APPEARANCE for defts Santa Fe County Board of Commissioners, Greg Solano, & Raymond L Sisneros by Michael Dickman & Grace Philips (td) (Entered: 02/25/2005)
02/28/2005	<u>13</u>	ANSWER to complaint by defts Santa Fe County, Greg Solano & Raymond L Sisneros [1-1] (pz) (Entered: 03/01/2005)
03/06/2005	<u>14</u>	NOTICE by defendant Management & Training of Rule 7.1 disclosure statement* (dmw) (Entered: 03/07/2005)
03/16/2005	<u>15</u>	INITIAL SCHEDULING ORDER by Magistrate Judge Alan C. Torgerson Rule 16 scheduling conference set for 4/14/05 at 2:00 pm; provisional discovery plan and IPTR due on 4/4/05 (cc: all counsel*) (sl) (Entered: 03/16/2005)
03/21/2005	<u>16</u>	NOTICE/CONSENT by movant John Murray of consent to be a member of the class (td) (Entered: 03/21/2005)
03/29/2005	<u>17</u>	CERTIFICATE of service by defts of initial disclosures to counsel on 3/29/05 (td) (Entered: 03/29/2005)
03/29/2005	<u>18</u>	ERRATA/NOTICE OF CORRECTIONS by Santa Fe County, Greg Solano & Raymond L Sisneros to Answer [13-1] (td) (Entered: 03/29/2005)
04/04/2005	<u>19</u>	PROVISIONAL DISCOVERY PLAN by the parties* (kd) (Entered: 04/04/2005)
04/06/2005	<u>20</u>	CERTIFICATE of service by plaintiff of initial disclosures to counsel on 4/6/05 * (vv) (Entered: 04/06/2005)
04/06/2005	<u>21</u>	ORDER by District Judge Bruce D. Black striking the qualified immunity portion of the third defense by defts MTC & Dixon in their answer [9-1] (cc: all counsel) (dmw) (Entered: 04/06/2005)
04/08/2005	<u>22</u>	CERTIFICATE by defendant Management & Training Corp of service of initial disclosures to counsel on 4/7/05 (dmw) (Entered: 04/08/2005)
04/18/2005	<u>23</u>	CLERK'S MINUTES: before Magistrate Judge Alan C. Torgerson Rule 16 scheduling conference held 4/14/05 * (pr) (Entered: 04/19/2005)

04/18/2005	<u>24</u>	ORDER by Magistrate Judge Alan C. Torgerson adopting Attys' Provisional Discovery Plan w/changes and setting case management deadlines as follows: Discovery cutoff is 4/14/06; Motion Filing cutoff is 5/19/06; Pretrial order ddl is 8/18/06 (cc: all counsel*) (pr) (Entered: 04/19/2005)
04/25/2005	<u>25</u>	CERTIFICATE by defendant Management & Training of service of first interrogatories & request for production to counsel on 4/25/05 (dmw) (Entered: 04/26/2005)
04/27/2005	<u>26</u>	INITIAL PRE-TRIAL REPORT by District Judge Bruce D. Black and Magistrate Judge Alan C. Torgerson; Discovery set for 4/14/06; mtn filing ddl set for 5/19/06; proposed pretrial order due 8/18/06; pretrial conference set for 1:30 pm on 9/21/06; jury trial set for 9:00 am on 10/2/06; Estimated # of Trial Days: unable to estimate; Chances of Settlement: unknown (cc: all counsel) (dmw) (Entered: 04/27/2005)
08/09/2005	<u>69</u>	Letter by Kurt Wihl (kg) (Entered: 08/14/2012)
08/10/2005	<u>27</u>	STIPULATED CONFIDENTIALITY ORDER by District Judge Bruce D. Black as described herein (cc: all counsel) (vv) (Entered: 08/10/2005)
10/17/2005	<u>28</u>	ORDER by Magistrate Judge Alan C. Torgerson amending case management deadlines Discovery cutoff 5/31/06; Motion Filing cutoff 6/30/06; Pretrial order ddl 8/18/06 (cc: all counsel*) (dmw) (Entered: 10/18/2005)
12/19/2005	<u>29</u>	JOINT MOTION to stay proceedings until 2/28/06 * (dmw) (Entered: 12/20/2005)
12/21/2005	<u>30</u>	ORDER by Magistrate Judge Alan C. Torgerson granting joint motion to stay proceedings until 2/28/06 [29-1] (cc: all counsel) (dmw) (Entered: 12/21/2005)
02/27/2006	<u>31</u>	UNOPPOSED MOTION by defts Raymond L Sisneros, Greg Solano & Santa Fe County to withdraw attorney Grace Philips for defts Raymond L Sisneros, Greg Solano & Santa Fe County (pz) (Entered: 02/28/2006)
03/02/2006	<u>32</u>	JOINT MOTION by all parties to stay proceedings * (ln) (Entered: 03/02/2006)
03/03/2006	<u>33</u>	ORDER by Magistrate Judge Alan C. Torgerson granting joint motion to stay proceedings until 05/01/06 [32-1] (cc: all counsel) (ln) (Additional attachment(s) added on 8/14/2012: #_1 Envelope) (kg). (Entered: 03/03/2006)
03/03/2006	<u>34</u>	ORDER by District Judge Bruce D. Black granting mtn to withdraw attorney Grace Philips for defts Raymond L Sisneros, Greg Solano & Santa Fe County [31-1] (cc: all counsel)* (jm) (Entered: 03/03/2006)
05/03/2006	<u>35</u>	ORDER by Magistrate Judge Alan C. Torgerson that the parties have reached a settlement, closing documents are due 05/31/06 to Judge Black, as further described herein (cc: all counsel*) (ln) (Entered: 05/03/2006)
05/31/2006	<u>36</u>	ORDER by Magistrate Judge Alan C. Torgerson that parties were instructed to submit their closing documentation by 06/23/06 to Judge Black, as further described herein (cc: all counsel*) (ln) (Entered: 05/31/2006)
06/05/2006	<u>37</u>	NOTICE by Santa Fe County defts of counsel's non-availability 6/26/06 thru 7/7/06 (pz) (Entered: 06/06/2006)
06/19/2006	<u>38</u>	NOTICE by John Murray of change of address (ln) (Entered: 06/20/2006)
06/23/2006	<u>39</u>	ORDER by Magistrate Judge Alan C. Torgerson that parties to submit settlement documents by 7/10/06 to Judge Black; Status Conference set for 7/10/06 @ 10:00 a.m. (cc: all counsel*) (pr) (Entered: 06/23/2006)
07/06/2006	<u>40</u>	JOINT UNOPPOSED MOTION for order for preliminary approval of class action settlement agreement (pz) (Entered: 07/06/2006)
07/06/2006	<u>41</u>	AFFIDAVIT of John C Bienvenu regarding joint unopposed motion for order for preliminary approval of class action settlement agreement [40-1] (pz) (Entered: 07/06/2006)
07/06/2006	<u>42</u>	CERTIFICATE of service by pltfs of Joint Unopposed Motion for Preliminary Approval of Class Action Settlement Agreement & Affidavit of John C Bienvenu to counsel on 7/6/06 (pz) (Entered: 07/06/2006)

07/10/2006	<u>43</u>	NOTICE of hearing by the direction of Judge Bruce D. Black setting hearing on mtn for order for preliminary approval of class action settlement agreement [40-1] @ 10:30 am on 7/19/06 in Albuquerque, NM (cc: all counsel)* (jm) (Entered: 07/11/2006)
07/19/2006	<u>44</u>	CLERK'S MINUTES: before District Judge Bruce D. Black re: motion for order for preliminary approval of class action settlement agreement [40-1] ; hearing held 7/19/06 C/R: J. Bean* (ln) Modified on 07/20/2006 (Entered: 07/19/2006)
07/24/2006	<u>45</u>	ORDER by District Judge Bruce D. Black granting joint unopposed motion for preliminary approval of class action settlement agreement and approving the form and manner of notice [40-1] (cc: all counsel) (ln) (Entered: 07/24/2006)
08/14/2006	<u>46</u>	STIPULATED ORDER by District Judge Bruce D. Black appointing Settlement Services, Inc. of Tallahassee, Florida as class settlement administrator (cc: all counsel) (ln) (Entered: 08/14/2006)
08/28/2006	<u>47</u>	STIPULATED ORDER by District Judge Bruce D. Black modifying the procedures related to payment of claims administration costs (cc: all counsel) (mjr) (Entered: 08/28/2006)
09/18/2006	<u>48</u>	JOINT UNOPPOSED MOTION by parties for order for entry of stipulated order amending preliminary approval of settlement agreement and the form and manner of notice * (ln) (Entered: 09/18/2006)
09/18/2006	<u>49</u>	SUPPLEMENT re motion for order for entry of stipulated order amending preliminary approval of settlement agreement and the form and manner of notice [48-1]* (ln) (Entered: 09/18/2006)
09/20/2006	<u>50</u>	ORDER by District Judge Bruce D. Black granting the joint motion for order for entry of stipulated order amending approval of settlement agreement and the form and manner of notice [48-1] (cc: all counsel) (mjr) (Entered: 09/20/2006)
11/02/2006	<u>51</u>	MOTION by pltf for extension of deadline for submission of claim forms * (ln) (Entered: 11/02/2006)
11/03/2006	<u>52</u>	ORDER by District Judge Bruce D. Black granting pltf's mtn for extension of deadline for submission of claim forms until 11/27/06 [51-1] (cc: all counsel) (td) (Entered: 11/03/2006)
11/03/2006	<u>53</u>	RESPONSE by deft Management & Training Corporation and Kerry Dixon to pltf's motion for entry of order extending deadline for submission of claim forms [51-1]* (ln) (Entered: 11/06/2006)
12/01/2006	<u>54</u>	JOINT MOTION for final approval of class action settlement * (dmw) (Entered: 12/01/2006)
12/01/2006	<u>55</u>	MEMORANDUM by plaintiffs in support of motion for final approval of class action settlement (approval of reasonable attorneys fees, costs & incentive payments) [54-1]* (dmw) (Entered: 12/01/2006)
12/01/2006	<u>56</u>	AFFIDAVIT of John C Bienvenu in support of joint motion for final approval of class action settlement [54-1]* (dmw) (Entered: 12/01/2006)
12/01/2006	<u>57</u>	AFFIDAVIT of Robert R Rothstein in support of joint motion for final approval of class action settlement [54-1]* (dmw) (Entered: 12/01/2006)
12/01/2006	<u>58</u>	AFFIDAVIT of Elizabeth Leyba in support of joint motion for final approval of class action settlement [54-1] (dmw) (Entered: 12/01/2006)
12/01/2006	<u>59</u>	AFFIDAVIT of Mark Patton in support of joint motion for final approval of class action settlement [54-1]* (dmw) (Entered: 12/01/2006)
12/01/2006	<u>60</u>	AFFIDAVIT of Paul Bardacke in support of motion for final approval of class action settlement (approval of attorneys fees & costs) [54-1]* (dmw) (Entered: 12/01/2006)
12/04/2006	<u>61</u>	NOTICE by District Judge Black relocating the 12/08/06 hearing at 10:00 am to USDC Rio Grande courtroom, in Albuquerque, NM* (ln) (Entered: 12/04/2006)

12/04/2006	<u>62</u>	AFFIDAVIT of Mark H. Donatelli in support of joint motion for final approval of class action settlement [54-1]* (ln) (Entered: 12/04/2006)
12/08/2006	<u>63</u>	FINAL JUDGMENT: by District Judge Bruce D. Black granting joint unopposed motion for final approval of class action settlement [54-1] dismissing case (cc: all counsel) (ln) (Entered: 12/08/2006)
12/11/2006	<u>64</u>	CLERK'S MINUTES: before District Judge Bruce D. Black re final settlement approval C/R: J. Bean (*) (ln) (Entered: 12/11/2006)
09/25/2007	<u>66</u>	NOTICE OF APPEAL to the district court from the judgment or final order of the case administrator by Dale A. Richman. (mjr) (Entered: 10/19/2007)
09/28/2007	<u>65</u>	NOTICE OF APPEAL of the claims decision by the claims administrators pursuant to the settlement agreement by Sharon Fried. (mjr) (Entered: 10/19/2007)
12/21/2007	<u>68</u>	NOTICE OF WITHDRAWAL OF DOCUMENT as to <u>65</u> Notice of Appeal by Sharon Fried (mjr) (Entered: 12/21/2007)