

**U.S. District Court  
District of Idaho (LIVE Database)Version 6.1 (Boise – Southern)  
CIVIL DOCKET FOR CASE #: 1:14-cv-00369-EJL**

In Re Matter of Disability Rights Idaho Inc.  
Assigned to: Judge Edward J. Lodge  
Case in other court: Ada County District Court,  
CV-OT-14-16560  
Cause: 42:10801 Protection & Advocacy for Individuals  
w/Mental Ill

Date Filed: 09/05/2014  
Date Terminated: 03/07/2016  
Jury Demand: None  
Nature of Suit: 890 Other Statutory  
Actions  
Jurisdiction: Federal Question

**In Re**

**Matter of Disability Rights Idaho, Inc.**

**Plaintiff**

**Ada County Coroner**

represented by **Sherry A Morgan**  
ADA COUNTY PROSECUTOR'S  
OFFICE  
Civil Division  
200 W Front Street, Rm 3191  
Boise, ID 83702  
(208) 287-7700  
Fax: (208) 287-7719  
Email: [smorgan@adaweb.net](mailto:smorgan@adaweb.net)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Gene A Petty**  
Ada County Prosecutor's Office  
200 W. Front Street, Room 3191  
Boise, ID 83702  
(208) 287-7700  
Fax: (208) 287-7719  
Email: [gpetty@adaweb.net](mailto:gpetty@adaweb.net)  
**TERMINATED: 05/21/2015**

**Plaintiff**

**Ada County**

represented by **Sherry A Morgan**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Gene A Petty**  
(See above for address)  
**TERMINATED: 05/21/2015**

V.

**Defendant**

**Disability Rights Idaho, Inc.**  
*also known as*  
DRI

represented by **Amy Cunningham**  
Disability Rights Idaho  
1246 Yellowstone Avenue, Ste. A3  
Pocatello, ID 83201  
(208) 232-0922x3  
Email: [amy@disabilityrightsidaho.org](mailto:amy@disabilityrightsidaho.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Courtney Rose Holthus**  
DisAbility Rights Idaho

4477 Emerald Street, Ste. B-100  
Boise, ID 83706  
208-336-5353x19  
Email: [courtney@disabilityrightsidaho.org](mailto:courtney@disabilityrightsidaho.org)  
**ATTORNEY TO BE NOTICED**

**John C Hummel**  
Disability Rights Idaho, Inc.  
4477 Emerald Street, Suite B-100  
Boise, ID 83706  
208-336-5353x123  
Fax: 208-336-5396  
Email: [john@disabilityrightsidaho.org](mailto:john@disabilityrightsidaho.org)  
**TERMINATED: 12/11/2014**  
**ATTORNEY TO BE NOTICED**

**Counter Claimant**

**Disability Rights Idaho, Inc.**  
*an Idaho nonprofit corporation*

represented by **Amy Cunningham**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Courtney Rose Holthus**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**John C Hummel**  
(See above for address)  
**TERMINATED: 12/11/2014**  
**ATTORNEY TO BE NOTICED**

V.

**Counter Defendant**

**Ada County Coroner**

represented by **Sherry A Morgan**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Gene A Petty**  
(See above for address)  
**TERMINATED: 05/21/2015**

| Date Filed | #        | Docket Text  |
|------------|----------|--|
| 09/08/2014 | <u>1</u> | NOTICE OF REMOVAL by Disability Rights Idaho, Inc. from District Court, Fourth Judicial District, Ada County, State of Idaho, case number CV OT 1416560.(Filing fee \$400 receipt number0976-1204218.), filed by Disability Rights Idaho, Inc.. (Attachments: # <u>1</u> Cover Sheet Civil Cover Sheet 1:14-CV-369, # <u>2</u> Summons Summons CV OT 1416560 8-29-14, # <u>3</u> State Court Complaint Complaint CV OT 1416560, # <u>4</u> Exhibit Complaint Exhibit A, # <u>5</u> Exhibit Complaint Exhibit B, # <u>6</u> Exhibit Complaint Exhibit C, # <u>7</u> Exhibit Complaint Exhibit D, # <u>8</u> Exhibit Complaint Exhibit E, # <u>9</u> Exhibit Complaint Exhibit F, # <u>10</u> Exhibit Complain Exhibit G, # <u>11</u> Exhibit Complaint Exhibit H, # <u>12</u> Exhibit Complaint Exhibit I Part 1, # <u>13</u> Exhibit Complaint Exhibit I Part 2, # <u>14</u> State Court Service Documents CV OT 146560 Return & Affidavit of Service, # <u>15</u> CV OT 1416560 Registry of Actions 9-3-14)(Hummel, John) |
| 09/08/2014 | <u>2</u> | Corporate Disclosure Statement by Disability Rights Idaho, Inc.. (Hummel, John)  |
| 09/08/2014 |          | RETURN OF SERVICE/PROCESS ASSUMED EXECUTED – Disability Rights Idaho, Inc. served on 9/5/2014. (service assumed for internal reporting purpose only) (st)  |

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| 09/08/2014 | <u>3</u>  | NOTICE of Assignment to Magistrate Judge and Requirement for Consent sent to counsel for Ada County, Ada County Coroner, and Disability Rights Idaho, Inc. re <u>1</u> Notice of Removal. Consent/Objection to Magistrate due by 11/10/2014. (st)   |
| 09/09/2014 | 4         | Docket entry only – CONSENT to Magistrate Judge filed. (st)   |
| 09/18/2014 | <u>5</u>  | ANSWER to Complaint for Declaratory Relief dated August 29, 2014, COUNTERCLAIM against Ada County Coroner by Disability Rights Idaho, Inc.. (Attachments: # <u>1</u> Exhibit DRI Counterclaim Exhibit A, # <u>2</u> Exhibit DRI Counterclaim Exhibit B, # <u>3</u> Exhibit DRI Counterclaim Exhibit C, # <u>4</u> Exhibit DRI Counterclaim Exhibit D, # <u>5</u> Exhibit DRI Counterclaim Exhibit E, # <u>6</u> Exhibit DRI Counterclaim Exhibit F, # <u>7</u> Exhibit DRI Counterclaim Exhibit G, # <u>8</u> Exhibit DRI Counterclaim Exhibit H)(Hummel, John) |
| 09/19/2014 | <u>6</u>  | NOTICE of Hearing: Telephonic Scheduling Conference set for 10/7/2014 02:00 PM Telephonic Hearing – Boise Courtroom 6 before Judge Candy W. Dale. (Attachments: # <u>1</u> TSC Letter, # <u>2</u> Litigation Plan) (ah)   |
| 09/24/2014 | 7         | AMENDED DOCKET ENTRY NOTICE of Hearing: Per the request of counsel in this matter, the Telephonic Scheduling Conference currently set for 10/7/2014 02:00 PM is hereby VACATED and RE–SET for 10/21/2014 01:30 PM PDT, 02:30 PM MDT Telephonic Hearing – Coeur d'Alene BK/Magistrate Courtroom before Judge Candy W. Dale. Counsel for Plaintiff to initiate the conference call and when all parties are on the line, connect to the courtroom at 208–665–6862. Litigation Plan(s) to be filed on or before 10/14/2014. (ah)                                   |
| 10/07/2014 | <u>8</u>  | ANSWER to <u>5</u> Answer to Complaint, Counterclaim,,, to Counterclaim of Disability Rights Idaho, Inc. Against Erwin Sonnenberg, In His Official Capacity as Ada County Coroner by Ada County, Ada County Coroner.(Petty, Gene)   |
| 10/07/2014 | <u>9</u>  | MOTION to Remand Gene A Petty appearing for Plaintiffs Ada County, Ada County Coroner, Counter Defendant Ada County Coroner. Responses due by 10/31/2014 (Attachments: # <u>1</u> Memorandum in Support of Motion to Remand, # <u>2</u> Affidavit of Erwin Sonnenberg in Support of Motion to Remand)(Petty, Gene)  |
| 10/09/2014 | <u>10</u> | SCHEDULING CONFERENCE FORM – LITIGATION PLAN by Disability Rights Idaho, Inc., Disability Rights Idaho, Inc.. (Hummel, John)  |
| 10/10/2014 | <u>11</u> | SCHEDULING CONFERENCE FORM – LITIGATION PLAN by Ada County, Ada County Coroner. (Petty, Gene)   |
| 10/20/2014 | 12        | AMENDED DOCKET ENTRY NOTICE of Hearing: Telephonic Scheduling Conference set for 10/21/2014 02:30 PM MDT Telephonic Hearing – Boise Courtroom 6 before Judge Candy W. Dale. Counsel for Plaintiff to initiate the conference call and when all parties are on the line, connect to the courtroom at 208–334–9945. (same date/time as previously set, **please note new call–in telephone number**) (at)   |
| 10/21/2014 | 14        | Minute Entry for proceedings held before Judge Candy W. Dale: Appearance by Gene Petty for the Plaintiff; John Hummel for the Defendant. Telephonic Scheduling Conference held on 10/21/2014. Court and counsel discussed dates as contained in filed Litigation Plans. Consent process discussed. Telephonic Status Conference to be set in early 2015, specific date/time to be included in forthcoming Case Management Order. Time in Court 10 mins. (Hearing not recorded.) (at) (Entered: 10/23/2014)  |
| 10/22/2014 | <u>13</u> | CASE MANAGEMENT ORDER. Amended Pleadings due by 12/15/2014. Discovery due by 2/16/2015. Joinder of Parties due by 12/15/2014. Dispositive Pretrial Motions due by 4/15/2015. The Court will conduct a telephonic status conference on Monday, 1/26/2015, at 4:00 p.m. Signed by Judge Candy W. Dale. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (st)   |
| 10/22/2014 |           | Set/Reset Hearings: Telephonic Status Conference set for 1/26/2015 04:00 PM in Boise – Courtroom 6 before Judge Candy W. Dale. (Per Case Management Order, dkt #13)(st)   |
| 10/29/2014 | <u>15</u> | RESPONSE to Motion re <u>9</u> MOTION to Remand filed by Plaintiffs on 10/7/2014 filed by Disability Rights Idaho, Inc.. Replies due by 11/17/2014.(Hummel, John)   |

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| 10/30/2014 | <u>16</u> | NOTICE of Appearance by John C Hummel on behalf of Disability Rights Idaho, Inc., Disability Rights Idaho, Inc. (Hummel, John)   |
| 11/07/2014 | <u>17</u> | STIPULATION <i>to Extend Scheduling Deadlines</i> by Ada County, Ada County Coroner. (Petty, Gene)   |
| 11/10/2014 | <u>18</u> | ORDER TO EXTEND SCHEDULING DEADLINE. The Stipulation <u>17</u> is GRANTED. IT IS HEREBY ORDERED that Ada County and Ada County Coroner's Reply Memorandum in Support of Motion to Remand <u>9</u> be extended for 30 days. Therefore, Ada County's reply memorandum is due on 12/17/2014. (Amended Pleadings due by 1/14/2015. Joinder of Parties due by 1/14/2015.). Signed by Judge Candy W. Dale. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (st)  |
| 11/10/2014 |           | Set/Reset Deadlines as to <u>9</u> MOTION to Remand . Replies due by 12/17/2014. (Per Order, dkt #18)(st)  |
| 11/12/2014 |           | The 60 day deadline has expired. Case has been reassigned to a District Judge. No more notice of availability or assignment will be sent out. Consent deadline(s) termed. (st)   |
| 11/12/2014 |           | DOCKET ENTRY NOTICE of Case Number Change. Case reassigned to Judge Edward J. Lodge for all further proceedings. Judge Candy W. Dale no longer assigned to case. Please use this case number on all future pleadings, 1:14-cv-00369-EJL. (st)  |
| 12/02/2014 | <u>19</u> | MEMORANDUM in Support re <u>9</u> MOTION to Remand filed by Ada County, Ada County Coroner.(Petty, Gene)   |
| 12/11/2014 | <u>20</u> | NOTICE of Substitution – Attorney John C Hummel terminated. (Hummel, John)   |
| 01/07/2015 | 21        | DOCKET ENTRY NOTICE VACATING HEARING: Due to reassignment of this matter on 11/12/2014, the Telephonic Status Conference set for 1/26/2015 04:00 PM in Boise – Courtroom 6 before Judge Candy W. Dale is hereby VACATED. (at)  |
| 02/25/2015 | <u>22</u> | STIPULATION <i>TO CONTINUE DISPOSITIVE MOTION DEADLINE</i> by Disability Rights Idaho, Inc.. (Cunningham, Amy)   |
| 02/27/2015 | <u>23</u> | ORDER GRANTING A CONTINUANCE OF THE DISPOSITIVE MOTION DEADLINE re <u>22</u> Stipulation filed by Disability Rights Idaho, Inc. Accordingly, it is ORDERED that: The 4/15/2015 dispositive motion deadline in Judge Dale's Case Management Order dated 10/22/2014 (Dkt 13), in this action is hereby VACATED. The deadlines set forth below will govern the filing of dispositive motions. Dispositive Motion deadline will be forty-five (45) days from the issuance of this Court's Order on the pending Motion to Remand (Dkt 9). Signed by Judge Edward J. Lodge. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (st) |
| 04/29/2015 | <u>24</u> | MEMORANDUM DECISION AND ORDER. Based on the foregoing, and being fully advised in the premises, IT IS HEREBY ORDERED that the Motion to Remand <u>9</u> is DENIED. IT IS FURTHER ORDERED that any dispositive motion(s) shall be filed by 6/15/2015. Signed by Judge Edward J. Lodge. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (st)   |
| 05/04/2015 | <u>25</u> | NOTICE of Appearance by Courtney Rose Holthus on behalf of Disability Rights Idaho, Inc., Disability Rights Idaho, Inc. (Holthus, Courtney)  |
| 05/21/2015 | <u>26</u> | NOTICE of Substitution – Attorney Sherry A Morgan for Ada County, Sherry A Morgan for Ada County Coroner, Sherry A Morgan for Ada County Coroner added. Attorney Gene A Petty terminated. (Morgan, Sherry)   |
| 06/09/2015 | <u>27</u> | MOTION for Leave to File Excess Pages Courtney Rose Holthus appearing for Counter Claimant Disability Rights Idaho, Inc., Defendant Disability Rights Idaho, Inc.. Responses due by 7/6/2015 (Holthus, Courtney)   |
| 06/10/2015 | <u>28</u> | NOTICE by Ada County, Ada County Coroner re <u>27</u> MOTION for Leave to File Excess Pages <i>Notice of Non-Opposition</i> (Morgan, Sherry)   |
| 06/11/2015 |           | CORRECTIVE ENTRY – Docket number <u>28</u> Notice (Other) filed by Ada County, Ada County Coroner was filed using the wrong event. The filing party shall re-submit  |

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|            |           | their filing using the event 'Response to Motion'.(st)   |
| 06/11/2015 | <u>29</u> | RESPONSE to Motion re <u>27</u> MOTION for Leave to File Excess Pages filed by Ada County, Ada County Coroner. Replies due by 6/29/2015.(Morgan, Sherry)   |
| 06/15/2015 | <u>30</u> | DOCKET ENTRY ORDER granting <u>27</u> Motion for Leave to File Excess Pages. Both parties shall be given leave to file 37–page cross–motions for summary judgment. SO ORDERED. Signed by Judge Edward J. Lodge. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (dmc)  |
| 06/15/2015 | <u>31</u> | MOTION to Dismiss , <i>Motion for Judgment on the Pleadings, and Motions for Summary Judgment</i> Courtney Rose Holthus appearing for Counter Claimant Disability Rights Idaho, Inc., Defendant Disability Rights Idaho, Inc.. Responses due by 7/9/2015 (Attachments: # <u>1</u> Memorandum in Support Memorandum in Support of Dispositive Motions, # <u>2</u> Separate Statement of Undisputed Material Facts, # <u>3</u> Affidavit Affidavit of Cecilia Vega, # <u>4</u> Affidavit Affidavit of Dina M. Flores–Brewer, # <u>5</u> Affidavit Affidavit of Leanne Jopson)(Holthus, Courtney) |
| 06/15/2015 | <u>32</u> | MOTION for Summary Judgment Sherry A Morgan appearing for Plaintiffs Ada County, Ada County Coroner. Responses due by 7/9/2015 (Attachments: # <u>1</u> Memorandum in Support of Motion for Summary Judgment, # <u>2</u> Statement of Material Facts, # <u>3</u> Affidavit of Dotti Owens)(Morgan, Sherry)   |
| 07/01/2015 | <u>33</u> | MOTION for Leave to File Excess Pages <i>for Responsive Brief</i> Courtney Rose Holthus appearing for Counter Claimant Disability Rights Idaho, Inc., Defendant Disability Rights Idaho, Inc.. Responses due by 7/27/2015 (Holthus, Courtney)  |
| 07/06/2015 | <u>34</u> | DOCKET ENTRY ORDER granting <u>33</u> Motion for Leave to File Excess Pages. Each party shall be allowed to file thirty (30) page response briefs, if necessary. SO ORDERED. Signed by Judge Edward J. Lodge. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (dmc)  |
| 07/06/2015 | <u>35</u> | RESPONSE to Motion re <u>31</u> MOTION to Dismiss , <i>Motion for Judgment on the Pleadings, and Motions for Summary Judgment</i> filed by Ada County, Ada County Coroner. Replies due by 7/23/2015.(Morgan, Sherry)   |
| 07/06/2015 | <u>36</u> | RESPONSE to Motion re <u>32</u> MOTION for Summary Judgment <i>Filed on June 15, 2015</i> filed by Disability Rights Idaho, Inc., Disability Rights Idaho, Inc.. Replies due by 7/23/2015. (Attachments: # <u>1</u> Response_Pages 14–22, # <u>2</u> Response_Pages 23–28, # <u>3</u> Exhibit Exhibit A_Pages 1–8, # <u>4</u> Exhibit Exhibit A_Pages 9–16, # <u>5</u> Affidavit Affidavit of Jim Baugh, # <u>6</u> Exhibit Exhibit 1 to Affidavit of Jim Baugh, # <u>7</u> Exhibit Exhibit 2 to Affidavit of Jim Baugh)(Holthus, Courtney)  |
| 07/14/2015 | <u>37</u> | MOTION for Leave to File Excess Pages Courtney Rose Holthus appearing for Counter Claimant Disability Rights Idaho, Inc., Defendant Disability Rights Idaho, Inc.. Responses due by 8/7/2015 (Holthus, Courtney)   |
| 07/20/2015 | <u>38</u> | REPLY to Response to Motion re <u>32</u> MOTION for Summary Judgment filed by Ada County, Ada County Coroner.(Morgan, Sherry)  |
| 07/20/2015 | <u>39</u> | REPLY to Response to Motion re <u>31</u> MOTION to Dismiss , <i>Motion for Judgment on the Pleadings, and Motions for Summary Judgment</i> filed by Disability Rights Idaho, Inc., Disability Rights Idaho, Inc..(Holthus, Courtney)   |
| 07/20/2015 | <u>40</u> | Department of Justice Statement of Interest by United States (England, Christine) Modified on 7/23/2015 to edit filer at US Attorney's Office's request (st).  |
| 07/27/2015 | <u>41</u> | DOCKET ENTRY ORDER granting <u>37</u> Motion for Leave to File Excess Pages. Signed by Judge Edward J. Lodge. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (dmc)  |
| 03/07/2016 | <u>42</u> | MEMORANDUM DECISION AND ORDER. NOW THEREFORE, IT IS HEREBY ORDERED: DRI's Motion to Dismiss, Motion for Judgment on the Pleadings, and Motion for Summary Judgment <u>31</u> is GRANTED IN PART and DENIED IN PART. The Coroner must immediately give DRI access to D.T.'s records. The Coroner's Motion for Summary Judgment <u>32</u> is GRANTED IN PART and DENIED IN PART.   |

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|            |           | Signed by Judge Edward J. Lodge. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (st)   |
| 03/07/2016 | <u>43</u> | JUDGMENT. Pursuant to the Court's 3/7/2016 Memorandum Order, entered herewith, and the Court being fully advised in the premises, IT IS HEREBY ORDERED, AJDUGED AND DECREED that judgment is accordingly entered as follows: Judgment is entered in favor of DisAbility Rights with respect to the issue of its right to access certain records under the Protection and Advocacy for Individuals with Mental Illness Act of 1986, 42 U.S.C. § 10801 et. seq. (PAIMI), the Court having declared DisAbility Rights is entitled to such records under PAIMI, and that the Coroner shall release such records to DisAbility Rights. Signed by Judge Edward J. Lodge. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by (st) |