

CLOSED

**U.S. District Court
District of Montana (Butte)
CIVIL DOCKET FOR CASE #: 2:17-cv-00066-SEH**

DiFrancesco v. Fox et al
Assigned to: Judge Sam E Haddon
Cause: 42:1983 Civil Rights Act

Date Filed: 08/31/2017
Date Terminated: 06/17/2019
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Michael DiFrancesco
*on behalf of himself and others similarly
situated*

represented by **Phil Telfeyan**
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Plaintiff

Ashley Davis
*on behalf of herself and others similarly
situated*

represented by **Phil Telfeyan**
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PRO HAC VICE

ATTORNEY TO BE NOTICED

Rebecca Ramaswamy
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Robert Farris-Olsen
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Scott L. Peterson
(See above for address)
LEAD ATTORNEY
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V.

Defendant

Steve Bullock
*in his official capacity as Governor of
Montana*
TERMINATED: 03/27/2018

represented by **Robert Thomas Cameron**
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PO Box 201401
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Defendant

Tim Fox
*in his official capacity as Attorney
General of Montana*

represented by **Robert Thomas Cameron**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Hannah E. Tokerud
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Defendant

Sarah Garcia
*in her official capacity as Administrator
of the Motor Vehicle Division*

represented by **Robert Thomas Cameron**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Hannah E. Tokerud
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Michele Snowberger
*in her official capacity as Bureau Chief
of the Driver Services Bureau*

represented by **Robert Thomas Cameron**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Hannah E. Tokerud
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/31/2017	<u>1</u>	COMPLAINT against Steve Bullock, Tim Fox, Sarah Garcia, Michele Snowberger, filed by Michael DiFrancesco. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit) (ELL) (Entered: 08/31/2017)
08/31/2017		Filing fee: \$ 400.00, receipt number 0977-200527 (ELL) (Entered: 08/31/2017)
08/31/2017	<u>2</u>	MOTION Phil Telfeyan to Appear Pro Hac Vice (Filing fee \$ 255 receipt number 0977-2005618.) Robert Farris-Olsen appearing for Plaintiff Michael DiFrancesco (Farris-Olsen, Robert) (Entered: 08/31/2017)
08/31/2017	<u>3</u>	MOTION Catherine Sevchenko to Appear Pro Hac Vice (Filing fee \$ 255 receipt number 0977-2005630.) Robert Farris-Olsen appearing for Plaintiff Michael DiFrancesco (Farris-Olsen, Robert) (Entered: 08/31/2017)
08/31/2017	<u>4</u>	MOTION Rebecca Ramaswamy to Appear Pro Hac Vice (Filing fee \$ 255 receipt number 0977-2005633.) Robert Farris-Olsen appearing for Plaintiff Michael DiFrancesco (Farris-Olsen, Robert) (Entered: 08/31/2017)
09/01/2017	<u>5</u>	NOTICE of Filing Exhibits <i>6 and 7</i> re: <u>1</u> Complaint (Attachments: # <u>1</u> Exhibit) (Farris-Olsen, Robert) (Entered: 09/01/2017)
09/05/2017	<u>6</u>	ORDER. Pla shall withdraw the application for phv admission of one of the above mentioned lawyers on or before 9/12/17. The Court will take up the applications upon receipt of the withdrawal ordered. Signed by Judge Sam E Haddon on 9/5/2017. (ELL) (Entered: 09/05/2017)
09/11/2017	<u>7</u>	NOTICE by Michael DiFrancesco re <u>3</u> MOTION Catherine Sevchenko to Appear Pro Hac Vice (Filing fee \$ 255 receipt number 0977-2005630.) (Farris-Olsen, Robert) Modified on 9/12/2017 to indicate that finance has been notified re refund of PHV fee (ELL). Modified on 9/28/2017 to indicate that party has been refunded PHV fee by finance on 9/13/17 (ELL). (Entered: 09/11/2017)
09/11/2017	<u>8</u>	ORDER granting <u>2</u> Motion to Appear Pro Hac Vice ; granting <u>4</u> Motion to Appear Pro Hac Vice Acknowledgment of PHV Order due by 9/26/2017. Signed by Judge Sam E Haddon on 9/11/2017. (ELL) (Entered: 09/11/2017)
09/11/2017	<u>9</u>	Letter to Attorneys Telfeyan and Ramaswamy RE ECF Registration. (ELL) (Entered: 09/11/2017)
09/25/2017	<u>10</u>	NOTICE of Acknowledgment of Pro Hac Vice Order by Michael DiFrancesco re <u>8</u> Order on Motion to Appear Pro Hac Vice, (Telfeyan, Phil) (Entered: 09/25/2017)
10/17/2017	<u>11</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM Robert Thomas Cameron appearing for Defendants Steve Bullock, Tim Fox, Sarah Garcia, Michele Snowberger (Cameron, Robert) (Entered: 10/17/2017)
10/17/2017	<u>12</u>	Brief/Memorandum in Support re <u>11</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Steve Bullock, Tim Fox, Sarah Garcia, Michele Snowberger. (Cameron, Robert) (Entered: 10/17/2017)
10/18/2017	<u>13</u>	Notice of Undeliverable Electronic Notice: re <u>12</u> Brief/Memorandum in Support, <u>11</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM . Name of attorney whose NEF was undeliverable: Robert Thomas Cameron. (MRC) (Entered: 10/18/2017)
11/07/2017	<u>14</u>	RESPONSE to Motion re <u>11</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Michael DiFrancesco. (Farris-Olsen, Robert) (Entered: 11/07/2017)
11/21/2017	<u>15</u>	REPLY to Response to Motion re <u>11</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>DEFENDANTS' REPLY BRIEF IN SUPPORT OF MOTION TO DISMISS COMPLAINT</i> filed by Steve Bullock, Tim Fox, Sarah Garcia, Michele

		Snowberger. (Cameron, Robert) (Entered: 11/21/2017)
02/07/2018	<u>16</u>	NOTICE by Steve Bullock, Tim Fox, Sarah Garcia, Michele Snowberger <i>NOTICE OF UNAVAILABILITY OF COUNSEL FOR STATE</i> (Cameron, Robert) (Entered: 02/07/2018)
02/16/2018	<u>17</u>	ORDER. The Plaintiff shall file an appropriate motion for class certification on or before March 2, 2018, at 4:45 p.m. Defendants shall have to and including March 16, 2018, at 4:45 p.m. in which to file a motion in opposition to certification with brief, or a response brief in opposition. Plaintiff's reply brief will be due on or before March 30, 2018, at 4:45 p.m. The parties are directed to meet, confer, and file a joint report on or before March 30, 2018, at 4:45 p.m. Defendant's Motion to Dismiss Complaint (With Prejudice) is DENIED WITHOUT PREJUDICE to renewal if appropriate following determination of class certification. Signed by Judge Sam E Haddon on 2/16/2018. (NOS) (Entered: 02/16/2018)
03/02/2018	<u>18</u>	MOTION to Certify Class Rebecca Ramaswamy appearing for Plaintiff Michael DiFrancesco (Ramaswamy, Rebecca) Modified on 10/2/2018 Ann Wayrynen to report (HEG). (Modified to terminate motion as moot; Amended Motion to Certify Class filed on 11/2/18 as Doc. 43.) (NOS) (Entered: 03/02/2018)
03/02/2018	<u>19</u>	<i>Brief in Support of Motion to Certify Class</i> Rebecca Ramaswamy appearing for Plaintiff Michael DiFrancesco (Attachments: # <u>1</u> Exhibit Email from Patrick McJannet, # <u>2</u> Exhibit Declaration of Phil Telfeyan) (Ramaswamy, Rebecca) Modified on 3/5/2018 to reflect terming motion event as brief was misfiled and correct event to use was "Brief in Support". Regenerated NEF. Created relationship to <u>18</u> Motion (APP). (Entered: 03/02/2018)
03/02/2018	<u>20</u>	NOTICE by Michael DiFrancesco re <u>18</u> MOTION to Certify Class of <i>Errata</i> (Peterson, Scott) (Entered: 03/02/2018)
03/16/2018	<u>21</u>	RESPONSE to Motion re <u>18</u> MOTION to Certify Class <i>ANSWER BRIEF IN OPPOSITION TO CLASS CERTIFICATION</i> filed by Steve Bullock, Tim Fox, Sarah Garcia, Michele Snowberger. (Cameron, Robert) (Entered: 03/16/2018)
03/23/2018	<u>22</u>	STIPULATION of Dismissal of <i>Steve Bullock</i> by Michael DiFrancesco. (Farris-Olsen, Robert) (Entered: 03/23/2018)
03/30/2018	<u>23</u>	JOINT DISCOVERY PLAN by Michael DiFrancesco. (Farris-Olsen, Robert) (Entered: 03/30/2018)
03/30/2018	<u>24</u>	REPLY to Response to Motion re <u>18</u> MOTION to Certify Class filed by Michael DiFrancesco. (Ramaswamy, Rebecca) (Entered: 03/30/2018)
04/02/2018	<u>25</u>	AMENDED DOCUMENT by Michael DiFrancesco. Amended to <u>23</u> Joint Discovery Plan. (Farris-Olsen, Robert) (Modified on 4/2/2018 to terminate incorrectly filed motion event; modify docket text.) (NOS) (Entered: 04/02/2018)
04/05/2018	<u>26</u>	ORDER re; <u>18</u> MOTION to Certify Class – all parties shall have to and including August 3, 2018, in which to conduct discovery on issues relevant to Plaintiff's Motion to Certify Class. Supplemental briefs in support of party's position due by 8/17/2018, responses due by 8/31/2018, replies due by 9/14/2018. A hearing on the Plaintiff's Motion to Certify Class will be set by further order of the Court. Signed by Judge Sam E Haddon on 4/5/2018. (CDH) (Entered: 04/05/2018)
08/17/2018	<u>27</u>	SUPPLEMENTAL RESPONSE to Motion re <u>18</u> MOTION to Certify Class as to <u>26</u> ORDER filed by Tim Fox, Sarah Garcia, Michele Snowberger. (Attachments: # <u>1</u> Exhibit 1 – Discovery Responses) (Cameron, Robert) (Modified to amend docket text.) (NOS) (Entered: 08/17/2018)
08/17/2018	<u>28</u>	SUPPLEMENTAL Brief/Memorandum in Support re <u>18</u> MOTION to Certify Class as to <u>26</u> ORDER filed by Michael DiFrancesco. (Attachments: # <u>1</u> Ramaswamy Declaration, # <u>2</u> Defs' Response to Interrogatories, # <u>3</u> DI Code 601 Chart, # <u>4</u> DI Code 605 Chart, # <u>5</u> All FTC Chart) (Ramaswamy, Rebecca) (Modified to amend docket text.) (NOS) (Entered: 08/17/2018)
08/31/2018	<u>29</u>	RESPONSE to <u>28</u> Supplemental Brief/Memorandum in Support re <u>18</u> MOTION to Certify Class as to <u>26</u> ORDER filed by Tim Fox, Sarah Garcia, Michele Snowberger.

		(Cameron, Robert) (Modified to amend docket text, link to motion.) (NOS) (Entered: 08/31/2018)
08/31/2018	<u>30</u>	REPLY to RESPONSE to <u>27</u> SUPPLEMENTAL RESPONSE to Motion re <u>18</u> MOTION to Certify Class as to <u>26</u> ORDER filed by Michael DiFrancesco. (Attachments: # <u>1</u> Exhibit Defs' Answer to Pl's Second Set of Discovery Requests, # <u>2</u> Exhibit Second Ramaswamy Declaration) (Ramaswamy, Rebecca) (Modified to amend docket text, link to motion.) (NOS) (Entered: 08/31/2018)
09/14/2018	<u>31</u>	Brief/Response to Order re <u>29</u> Brief/Response to Order <i>Plaintiff's Reply Supplemental Brief in Support of Class Certification</i> filed by Michael DiFrancesco. (Ramaswamy, Rebecca) (Modified to link to motion.) (NOS) (Entered: 09/14/2018)
09/14/2018	<u>32</u>	REPLY to Response to Motion re <u>18</u> MOTION to Certify Class <i>STATE'S REPLY BRIEF RE: PLAINTIFF'S MOTION TO CERTIFY CLASS</i> filed by Tim Fox, Sarah Garcia, Michele Snowberger. (Cameron, Robert) (Entered: 09/14/2018)
09/27/2018	<u>33</u>	ORDER Setting Hearing on Motion <u>18</u> MOTION to Certify Class : Motion Hearing set for 10/16/2018 at 10:00 AM in Helena, MT before Judge Sam E Haddon. Contract Court Reporter is Needed. Signed by Judge Sam E Haddon on 9/27/2018. (HEG) (Entered: 09/27/2018)
09/28/2018	<u>34</u>	ORDERED: The Court has determined that a status conference with counsel to address and discuss issues directly related to Plaintiffs Motion to Certify Class should be conducted in advance of the hearing on Plaintiffs Motion to Certify Class set for 10:00 a.m. on October 16, 2018. Signed by Judge Sam E Haddon on 9/28/2018. (HEG) Modified on 10/2/2018 Ann Wayrynen to report . (HEG). (Entered: 09/28/2018)
10/16/2018	35	MINUTE ENTRY for proceedings held before Judge Sam E Haddon: Status Conference re <u>18</u> MOTION to Certify Class filed by Michael DiFrancesco held on 10/16/2018. Motion Hearing not held re <u>18</u> MOTION to Certify Class filed by Michael DiFrancesco. Present in the Courtroom are Phil Telfeyan and Scott Peterson for the plaintiff; Robert Thomas Cameron for defendants. Court advises counsel of the purpose of todays proceeding; reviewing matter to date. Class definition is inadequate and can not serve as a class claim asserted in the complaint of the inability to pay. Parties will have until 10/26, to file simultaneous briefs in support of their controversies that exist. Plaintiff has until close of business Friday, 11/2 to file an amended class certification in addition to if necessary or appropriate an amended complaint as stated. Plaintiff has until Friday, 11/2 to file a brief of explanation of particular driving infractions. Counsel are to meet and confer before 11/2 to address and agree upon and submit to the court; complete court records including driving infractions of the plaintiff. Counsel for the plaintiff is to provide a written report to the court on or before 11/2 to identify every case of which counsel has information that relates to the issues that are raised in this case as stated; (title of court; cause no. and date of filing.) Defendant will have until 11/9 to review materials and file a supplement. Court expects a report from plaintiff counsel by 11/2 to identify every statute in Montana that plaintiff feels was violated by his claim or class members not appropriately applied. Defendant will have until 11/9, to file a supplement to identify any further statutes. Upon review of the documents discussed, the court will take up another hearing if appropriate on the issues. No arguments on the motion for class certification were heard. Court is in recess. Hearing commenced at 9:30 and concluded at 10:09. (Court Reporter Ann Wayrynen.) (Law Clerk: E. Anderson), (Hearing held in Helena) (HEG) (Entered: 10/16/2018)
10/17/2018	<u>36</u>	ORDERED: The Plaintiff shall file an amended motion for class certification on or before November 2, 2018. Plaintiff shall have the option, if deemed appropriate, on or before November 2, 2018, to file an amended complaint setting forth modifications or changes in allegations in the complaint necessary and appropriate and in support of the revised proposed class certification. (please see order for additional deadlines and information.) Signed by Judge Sam E Haddon on 10/17/2018. (HEG) (Entered: 10/17/2018)
10/24/2018	<u>37</u>	TRANSCRIPT DESIGNATION ORDER FORM <i>Transcript Request</i> by Michael DiFrancesco for proceedings held on 10/16/18 before Judge Haddon. Court reporter Ann Wayrynen, ann@wlcrrs.com. Transcript due by 10/29/2018. (Farris-Olsen, Robert) (Entered: 10/24/2018)

10/24/2018	<u>38</u>	TRANSCRIPT of Status Conference held on October 16, 2018, before Judge Sam E. Haddon. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER, the Clerks Office or the court reporter NOTICE: A NOTICE OF INTENT TO REQUEST REDACTION MUST BE FILED WITHIN 14 DAYS OF THIS FILING. Contact Court Reporter Ann Wayrynen, 406-494-4755. For further information, please see the Transcript Redaction Procedure and Schedule on the Court Reporters page of our website. Redaction Request due 11/14/2018. Redacted Transcript Deadline set for 11/26/2018. Release of Transcript Restriction set for 1/22/2019. (NOS) (Entered: 10/24/2018)
10/25/2018	<u>39</u>	NOTICE by Michael DiFrancesco <i>Notice of Intent to File Amended Complaint</i> (Ramaswamy, Rebecca) (Entered: 10/25/2018)
10/26/2018	<u>40</u>	NOTICE by Michael DiFrancesco <i>Notice Regarding Future Class Members</i> (Ramaswamy, Rebecca) (Entered: 10/26/2018)
10/26/2018	<u>41</u>	Brief/Response to Order re <u>36</u> Order. <i>STATE'S BRIEF RE LACK OF JUSTICIABLE CONTROVERSY FOR POTENTIAL FUTURE CLASS MEMBERS</i> filed by Tim Fox, Sarah Garcia, Michele Snowberger. (Cameron, Robert) (Modified to amend event type.) (NOS) (Entered: 10/26/2018)
11/02/2018	<u>42</u>	AMENDED COMPLAINT against Tim Fox, Sarah Garcia, Michele Snowberger, filed by Michael DiFrancesco. (Attachments: # <u>1</u> Exhibit Index, # <u>2</u> Exhibit DiFrancesco Declaration, # <u>3</u> Exhibit Davis Declaration, # <u>4</u> Exhibit MVD Website, # <u>5</u> Exhibit Rutzke Affidavit, # <u>6</u> Exhibit Driver's License Sanctions, # <u>7</u> Exhibit Talk Poverty Mont 2016, # <u>8</u> Exhibit DiFrancesco Bozeman Record, # <u>9</u> Exhibit DiFrancesco Suspension Notice, # <u>10</u> Exhibit DiFrancesco Driver Record, # <u>11</u> Exhibit HTO Declaration, # <u>12</u> Exhibit Davis Driver Record, # <u>13</u> Exhibit Davis Missoula Municipal Ct, # <u>14</u> Exhibit Davis Missoula County, # <u>15</u> Exhibit Semuels Article, # <u>16</u> Exhibit Impacts and Fairness Report, # <u>17</u> Exhibit Census Data, # <u>18</u> Exhibit Commuter Data) (Ramaswamy, Rebecca) (Entered: 11/02/2018)
11/02/2018	<u>43</u>	Amended MOTION to Certify Class Rebecca Ramaswamy appearing for Plaintiff Michael DiFrancesco (Ramaswamy, Rebecca) (Entered: 11/02/2018)
11/02/2018	<u>44</u>	Brief/Memorandum in Support re <u>43</u> Amended MOTION to Certify Class Rebecca Ramaswamy appearing for Plaintiff Michael DiFrancesco (Attachments: # <u>1</u> Exhibit Index, # <u>2</u> Exhibit Rutzke Affidavit, # <u>3</u> Exhibit Telfeyan Declaration) (Ramaswamy, Rebecca) (Modified on 11/5/2018 to term incorrectly docketed motion event and amend docket text.) (NOS) (Entered: 11/02/2018)
11/02/2018	<u>45</u>	NOTICE by Michael DiFrancesco <i>Joint Notice Re: Alleged Violations</i> (Ramaswamy, Rebecca) (Entered: 11/02/2018)
11/02/2018	<u>46</u>	NOTICE by Michael DiFrancesco <i>Notice Re: Similar Cases</i> (Ramaswamy, Rebecca) (Entered: 11/02/2018)
11/02/2018	<u>47</u>	NOTICE by Michael DiFrancesco re <u>36</u> Order,, Set Deadlines, <i>Plaintiffs' Statement of Relevant Citations</i> (Attachments: # <u>1</u> Exhibit Bozeman City Court Records, # <u>2</u> Exhibit Ennis City Court Records, # <u>3</u> Exhibit Bozeman Justice Court Records, # <u>4</u> Exhibit Official Driving Record, # <u>5</u> Exhibit 2009 Suspension Notice, # <u>6</u> Exhibit Habitual Offender Declaration, # <u>7</u> Exhibit Missoula City and Justice Court Records, # <u>8</u> Exhibit Davis Driving Record, # <u>9</u> Exhibit Davis Custer County Records) (Farris-Olsen, Robert) (Entered: 11/02/2018)
11/05/2018	<u>48</u>	Notice of Correction: re <u>44</u> Amended MOTION to Certify Class <i>Brief in Support of Amended Motion to Certify Class</i> . The filing error relates to: Incorrect Docket Event used. See the attached document for a brief description of the error made. (NOS) (Entered: 11/05/2018)
11/05/2018		Remark: Plaintiff Ashley Davis added to docket per Amended Complaint filed on November 2, 2018. (NOS) (Entered: 11/05/2018)
11/08/2018	<u>49</u>	NOTICE of Appearance by Hannah E. Tokerud on behalf of All Defendants (Tokerud, Hannah) (Entered: 11/08/2018)

11/16/2018	<u>50</u>	ANSWER to <u>42</u> Amended Complaint,, by Tim Fox, Sarah Garcia, Michele Snowberger. (Tokerud, Hannah) (Entered: 11/16/2018)
11/16/2018	<u>51</u>	RESPONSE to Motion re <u>43</u> Amended MOTION to Certify Class <i>BRIEF IN OPPOISITION TO AMENDED MOTION FOR CLASS CERTIFICATION</i> filed by Tim Fox, Sarah Garcia, Michele Snowberger. (Tokerud, Hannah) (Entered: 11/16/2018)
11/20/2018	<u>52</u>	REPLY to Response to Motion re <u>43</u> Amended MOTION to Certify Class filed by Ashley Davis, Michael DiFrancesco. (Ramaswamy, Rebecca) (Entered: 11/20/2018)
12/21/2018	<u>53</u>	ORDER Setting Hearing on Motion <u>43</u> Amended MOTION to Certify Class , Motion Hearing set for 1/3/2019 at 11:00 AM in Helena, MT before Judge Sam E Haddon. Signed by Judge Sam E Haddon on 12/21/2018. (HEG) Modified on 12/21/2018 Tina Brilz to report (HEG). (Entered: 12/21/2018)
12/26/2018	<u>54</u>	Unopposed MOTION to Continue <i>Hearing on Plaintiffs' Amended Motion to Certify Class</i> Robert Thomas Cameron appearing for Defendants Tim Fox, Sarah Garcia, Michele Snowberger (Attachments: # <u>1</u> Text of Proposed Order) (Cameron, Robert) (Entered: 12/26/2018)
12/26/2018	<u>55</u>	ORDERED: Defendant's Motion for Continuance is GRANTED. The hearing on Plaintiffs' Amended Motion to Certify Class, set for January 3, 2019, is VACATED and RESET for 11 :00 a.m. on January 8, 2019, at the Paul G. Hatfield Courthouse, Helena, Montana. Signed by Judge Sam E Haddon on 12/26/2018. (HEG) (Entered: 12/26/2018)
12/26/2018		Reset Hearings: Motion Hearing set for 1/8/2019 at 11:00 AM in Helena, MT before Judge Sam E Haddon. (HEG) Modified on 12/26/2018 Tina Brilz to report (HEG). (Entered: 12/26/2018)
01/08/2019	<u>56</u>	MINUTE ENTRY for proceedings held before Judge Sam E Haddon: Motion Hearing held on 1/8/2019 re <u>43</u> Amended MOTION to Certify Class filed by Michael DiFrancesco. Present in the Courtroom are Rebecca Ramaswamy and Scott Peterson for plaintiff; Robert Cameron for defendants. Court advises counsel of the purpose of todays proceeding reviewing matter to date. Arguments heard on pending motion by counsel Ramaswamy and Cameron. Court addresses the issue before it and will take matter under consideration. An opinion will be issued as prompt as feasible. Nothing further from the parties. Court is in Recess. Hearing commenced at 11:00 and concluded at 11:44. (Court Reporter Tina Brilz.) (Law Clerk: E. Anderson), (Hearing held in Helena) (HEG) (Entered: 01/08/2019)
01/09/2019	<u>57</u>	MEMORANDUM AND ORDER: Plaintiffs' Amended Motion for Class Certification is DENIED. Signed by Judge Sam E Haddon on 1/9/2019. (HEG) (Entered: 01/09/2019)
01/09/2019	<u>58</u>	Order Setting: Joint Proposed Discovery due by 2/22/2019. Preliminary Pretrial Statement due by 2/22/2019. A preliminary pretrial conference to develop a case management plan will be held at 10:00 a.m. on March 5, 2019, at the Chambers of District Judge Sam E. Haddon, Paul G. Hatfield Courthouse, Helena, Montana. Lead counsel for each party is to attend in person. Signed by Judge Sam E Haddon on 1/9/2019. (HEG) (Entered: 01/09/2019)
02/14/2019	<u>59</u>	Joint MOTION to Vacate <u>58</u> Order Setting, Rebecca Ramaswamy appearing for Plaintiffs Ashley Davis, Michael DiFrancesco (Attachments: # <u>1</u> Proposed Order) (Ramaswamy, Rebecca) (Entered: 02/14/2019)
02/14/2019	<u>60</u>	ORDER denying <u>59</u> Motion to Vacate Pretrial Conference and for Joint Proposed Briefing Schedule. The Court's order of January 9, 2019, in all respects remains in full force and effect. The preliminary pretrial conference will proceed as scheduled. Signed by Judge Sam E Haddon on 2/14/2019. (NOS) (Entered: 02/14/2019)
02/22/2019	<u>61</u>	JOINT DISCOVERY PLAN by Ashley Davis, Michael DiFrancesco. (Ramaswamy, Rebecca) (Entered: 02/22/2019)
02/22/2019	<u>62</u>	PRELIMINARY PRETRIAL STATEMENT by Ashley Davis, Michael DiFrancesco. (Ramaswamy, Rebecca) (Entered: 02/22/2019)

02/22/2019	<u>63</u>	PRELIMINARY PRETRIAL STATEMENT by Tim Fox, Sarah Garcia, Michele Snowberger. (Cameron, Robert) (Entered: 02/22/2019)
02/26/2019	<u>64</u>	STATEMENT OF STIPULATED FACTS by Ashley Davis, Michael DiFrancesco. (Ramaswamy, Rebecca) (Entered: 02/26/2019)
03/05/2019		MINUTE ENTRY Minute Entry for proceedings held before Judge Sam E Haddon: Initial Pretrial Conference held on 3/5/2019. (LJF) (Entered: 04/01/2019)
03/06/2019	<u>65</u>	SCHEDULING ORDER: To assist the Court in address and resolution of issues relevant to the case, plaintiffs are directed to file and serve, on or before April 5, 2019, a report (see order for complete details). Amended Pleadings and Joinder of Parties due by 5/3/2019. Discovery due by 6/28/2019. All pretrial motions, other than discovery motions, shall be filed and fully briefed on or before 8/30/2019. Proposed Pretrial Order due by 11/15/2019. Signed by Judge Sam E Haddon on 3/6/2019. (HEG) (Entered: 03/06/2019)
03/15/2019	<u>66</u>	NOTICE by Ashley Davis, Michael DiFrancesco re <u>65</u> Scheduling Order,, <i>Report Re: Plaintiffs' Citations</i> (Ramaswamy, Rebecca) (Entered: 03/15/2019)
04/08/2019	<u>67</u>	Brief/Response to Order re <u>65</u> Scheduling Order,, <u>66</u> Notice (Other) <i>DEFENDANTS' RESPONSE TO PLAINTIFFS' REPORT RE: RELEVANT CITATIONS</i> filed by Tim Fox, Sarah Garcia, Michele Snowberger. (Tokerud, Hannah) (Entered: 04/08/2019)
04/09/2019	<u>68</u>	<i>AMENDED ANSWER to 42 AMENDED COMPLAINT</i> by Tim Fox, Sarah Garcia, Michele Snowberger. (Tokerud, Hannah) (Modified to link to Amended Complaint.) (NOS) (Entered: 04/09/2019)
04/12/2019	<u>69</u>	MOTION for Summary Judgment Rebecca Ramaswamy appearing for Plaintiffs Ashley Davis, Michael DiFrancesco (Ramaswamy, Rebecca) (Entered: 04/12/2019)
04/12/2019	<u>70</u>	Statement of Undisputed Fact re: <u>69</u> MOTION for Summary Judgment by Ashley Davis, Michael DiFrancesco filed by Ashley Davis, Michael DiFrancesco. (Ramaswamy, Rebecca) (Entered: 04/12/2019)
04/12/2019	<u>71</u>	Brief/Memorandum in Support re <u>69</u> MOTION for Summary Judgment filed by Ashley Davis, Michael DiFrancesco. (Ramaswamy, Rebecca) (Entered: 04/12/2019)
04/12/2019	<u>72</u>	MOTION for Summary Judgment Robert Thomas Cameron appearing for Defendants Tim Fox, Sarah Garcia, Michele Snowberger (Cameron, Robert) (Entered: 04/12/2019)
04/12/2019	<u>73</u>	Brief/Memorandum in Support re <u>72</u> MOTION for Summary Judgment filed by Tim Fox, Sarah Garcia, Michele Snowberger. (Cameron, Robert) (Entered: 04/12/2019)
04/12/2019	<u>74</u>	Statement of Undisputed Fact re: <u>72</u> MOTION for Summary Judgment , <u>73</u> Brief/Memorandum in Support. (Cameron, Robert) (Entered: 04/12/2019)
04/12/2019	<u>75</u>	AMENDED DOCUMENT by Tim Fox, Sarah Garcia, Michele Snowberger. Amendment to <u>73</u> Brief/Memorandum in Support of <i>Motion for Summary Judgment</i> . (Cameron, Robert) (Modified to link to motion.) (NOS) (Entered: 04/12/2019)
04/24/2019	<u>76</u>	Witness List by Tim Fox, Sarah Garcia, Michele Snowberger. (Cameron, Robert) (Entered: 04/24/2019)
04/26/2019	<u>77</u>	Witness List by Ashley Davis, Michael DiFrancesco. (Telfeyan, Phil) (Entered: 04/26/2019)
05/03/2019	<u>78</u>	RESPONSE to Motion re <u>72</u> MOTION for Summary Judgment <i>Opposition</i> filed by Ashley Davis, Michael DiFrancesco. (Ramaswamy, Rebecca) (Entered: 05/03/2019)
05/03/2019	<u>79</u>	RESPONSE to Motion re <u>69</u> MOTION for Summary Judgment filed by Tim Fox, Sarah Garcia, Michele Snowberger. (Tokerud, Hannah) (Entered: 05/03/2019)
05/03/2019	<u>80</u>	Statement of Disputed Facts re: <u>79</u> Response to Motion filed by Tim Fox, Sarah Garcia, Michele Snowberger. (Tokerud, Hannah) (Entered: 05/03/2019)
05/14/2019	<u>81</u>	Unopposed MOTION to Stay <i>All Proceedings</i> Rebecca Ramaswamy appearing for Plaintiffs Ashley Davis, Michael DiFrancesco (Attachments: # <u>1</u> Exhibit HB 217, # <u>2</u> Exhibit Proposed Order) (Ramaswamy, Rebecca) (Entered: 05/14/2019)

05/15/2019	<u>82</u>	ORDER granting <u>81</u> Motion to Stay All Proceedings for thirty days, in light of the enactment by the Montana Legislature and signing into law by Governor Steve Bullock of HB217. Signed by Judge Sam E Haddon on 5/15/2019. (HEG) (Entered: 05/15/2019)
06/14/2019	<u>83</u>	STIPULATION of Dismissal by Ashley Davis, Michael DiFrancesco. (Ramaswamy, Rebecca) (Entered: 06/14/2019)
06/17/2019		NOTICE from the Clerk of Court's Office: On June 14, 2019, the parties filed a Stipulation of Dismissal (Doc. <u>83</u>) signed by all parties who have appeared. Therefore, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), this case is dismissed in accordance with the filing of the Parties' Stipulation of Dismissal and without further order of the Court. (NOS) (Entered: 06/17/2019)