

CT, JT, PARTCONS, PROTECTIVE ORD, TERMINATED  
**U.S. District Court**  
**District of Oregon (Portland (3))**  
**CIVIL DOCKET FOR CASE #: 3:14-cv-00916-MO**

VanValkenburg v. Oregon Department of Corrections  
Assigned to: Chief Judge Michael W. Mosman  
Demand: \$460,000  
Case in other court: Multnomah County Circuit Court,  
140505831  
Ninth Circuit Court of Appeals, 17-35203  
9th Circuit Court of Appeals, 17-35222

Date Filed: 06/06/2014  
Date Terminated: 02/08/2017  
Jury Demand: Both  
Nature of Suit: 446 Civil Rights:  
Americans with Disabilities Act – Other  
Jurisdiction: Federal Question

Cause: 42:12102 Americans With Disabilities Act

**Plaintiff**

**David VanValkenburg**

represented by **Matthew C. Ellis**  
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V.

**Defendant**

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Date Filed	#	Docket Text
06/06/2014	<u>1</u>	Notice of Removal of Case Number 1400505831 from Multnomah. <i>DEMAND FOR JURY TRIAL</i> Filing Fee in amount of \$400 collected. Agency Tracking ID: 0979-3708757 issued.. Filed by Oregon Department of Corrections (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B). (Vincent, Shannon) (Entered: 06/06/2014)
06/06/2014	<u>2</u>	Notice of Case Assignment to Judge Anna J. Brown and Discovery and Pretrial Scheduling Order. Discovery is to be completed by 10/6/2014. Joint Alternate Dispute Resolution Report is due by 11/3/2014. Pretrial Order is due by 11/3/2014. Ordered by Judge Anna J. Brown. (cib) (Entered: 06/06/2014)
06/13/2014	<u>3</u>	Motion to Dismiss ( <i>Partial</i> ). Oral Argument requested. Filed by Oregon Department of Corrections. (Vincent, Shannon) (Entered: 06/13/2014)
06/19/2014	<u>4</u>	Fed. R. Civ. P. 26(a)(1) Agreement . Filed by David VanValkenburg. (Payne, Shenoa) (Entered: 06/19/2014)
06/19/2014	<u>5</u>	Report of the Parties' Rule 26 Conference. Filed by David VanValkenburg. (Payne, Shenoa) (Entered: 06/19/2014)
06/23/2014	<u>6</u>	Stipulated Motion for Protective Order . Filed by Oregon Department of Corrections. (Vincent, Shannon) (Entered: 06/23/2014)
06/24/2014	<u>7</u>	<b>Stipulated Protective Order:</b> Granting Motion for a Protective Order <u>6</u> . Signed on 06/24/2014 by Judge Anna J. Brown. See attached Stipulated Protective Order. (bb) (Entered: 06/24/2014)
06/25/2014	<u>8</u>	Memorandum in Opposition to Motion to Dismiss ( <i>Partial</i> ) <u>3</u> . Filed by David VanValkenburg. (Payne, Shenoa) Modified docket text on 6/27/2014 (cib). (Entered: 06/25/2014)
06/25/2014	<u>9</u>	Declaration of Matthew C. Ellis in Opposition to Defendant's Partial Motion to Dismiss. Filed by David VanValkenburg. (Related document(s): Motion to Dismiss <u>3</u> .) (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3) (Payne, Shenoa) (Entered: 06/25/2014)
06/30/2014	<u>10</u>	Order to Show Cause. The Court ORDERS Defendant to perfect the removal or show cause in writing by July 11, 2014, why this Court should not on its own motion remand this matter to Multnomah County Circuit Court. See attached Order to Show Cause. (bb) (Entered: 06/30/2014)
07/01/2014	<u>11</u>	Response to Order to Show Cause . Filed by Oregon Department of Corrections. (Attachments: # <u>1</u> Exhibit A (part 1 of 2), # <u>2</u> Exhibit A (part 2 of 2), # <u>3</u> Exhibit B, #

		<u>4</u> Exhibit C) (Vincent, Shannon) (Entered: 07/01/2014)
07/08/2014	<u>12</u>	<b>ORDER:</b> The Court acknowledges receipt of Plaintiff's 7/1/2014 Response <u>11</u> to the Court's Order <u>10</u> to Show Cause issued 6/30/2014 and finds Plaintiff has satisfied the removal issues raised in the Order. The Court regrets the error in overlooking Defendant's filing of its Motion <u>3</u> , and the Court thanks Defendant for supplementing the record as to the other matters. Ordered by Judge Anna J. Brown. (mr) (Entered: 07/08/2014)
07/14/2014	<u>13</u>	Reply in Support of Defendant Oregon Department of Corrections' Partial Motion to Dismiss Plaintiff's Complaint. Filed by Oregon Department of Corrections. (Related document(s): Motion to Dismiss <u>3</u> .) (Vincent, Shannon) (Entered: 07/14/2014)
07/25/2014	<u>14</u>	Notice of Association of Attorney Shannon M. Vincent, Heather J. Van Meter for Oregon Department of Corrections. Filed by Oregon Department of Corrections (Vincent, Shannon) (Entered: 07/25/2014)
08/27/2014	<u>15</u>	Scheduling Order by Judge Anna J. Brown. Oral Argument on Motion to Dismiss (Partial) <u>3</u> is SET for 9/15/2014 at 10:00 AM in Portland Courtroom 14A before Judge Anna J. Brown. (bb) (Entered: 08/27/2014)
09/15/2014	<u>17</u>	<b>MINUTES of Proceedings:</b> Oral Argument on Motion to Dismiss <u>3</u> . Parties to file a supplemental notice of authority. Rule 16 Conference held. Joint Status Reports due 10/17/2014, 12/17/2014, 2/17/2015 and 4/17/2015, regarding any discovery disputes that are ripe for the Courts resolution. Amended Complaint due no later than 10/06/2014; response to Amended Complaint due no later than 10/20/2014; reply due no later than 10/27/2014. Amendment to pleadings/joining of parties due no later than 1/9/2015. Discovery is to be completed by 4/17/2015. The last date to file any discovery motion is 4/3/2015, and responses to such motions are due no later than seven (7) calendar days after the initiating motion is filed; no replies are permitted for discovery motions. Initial expert disclosures are due no later than 3/2/2015. Rebuttal expert disclosures are due no later than 3/30/2015. Joint Statement of Agreed Material Facts due 5/8/2015. Updated Joint Alternate Dispute Resolution Report is due 5/8/2015. Dispositive Motions are due by 5/22/2015. Jointly proposed Pretrial order/jointly proposed Verdict form shall be filed by 9/30/2015. Pretrial Documents are due 10/8/2015 by NOON. Pretrial Conference is SET for 10/21/2015 at 09:00 AM in Portland Courtroom 14A before Judge Anna J. Brown. Jury Trial (6 days) is SET for 10/27/2015 at 09:00 AM in Portland Courtroom 14A before Judge Anna J. Brown. See attached Case-Management Order. Matthew Ellis, Shenoa Payne present as counsel for plaintiff(s). Heather Van Meter, Shannon Vincent present as counsel for defendant(s). Court Reporter: Amanda LeGore. Judge Anna J. Brown presiding. (bb) (Entered: 09/17/2014)
09/16/2014	<u>16</u>	Notice re Motion to Dismiss <u>3</u> <i>Supplemental Authorities</i> Filed by David VanValkenburg (Related document(s): Motion to Dismiss <u>3</u> .) (Payne, Shenoa) (Entered: 09/16/2014)
09/19/2014	<u>18</u>	Supplement ( <i>titled Supplemental Authorities in Support of Partial Motion to Dismiss</i> ). Filed by Oregon Department of Corrections. (Related document(s): Motion to Dismiss <u>3</u> .) (Van Meter, Heather) (Entered: 09/19/2014)
10/06/2014	<u>19</u>	First Amended Complaint . Filed by David VanValkenburg against Oregon Department of Corrections. (Ellis, Matthew) (Entered: 10/06/2014)
10/14/2014	<u>20</u>	Unopposed Motion for Extension of Time <i>to Respond to Amended Complaint</i> , Motion for Extension of Time to Answer . Filed by All Defendants. (Van Meter, Heather) (Entered: 10/14/2014)
10/16/2014	<u>21</u>	<b>ORDER by Judge Anna J. Brown.</b> Granting Unopposed Motion for Extension of Time to Respond to Amended Complaint <u>20</u> . Answer or responsive pleading to the First Amended Complaint <u>19</u> is now due two weeks after the Court's ruling on Defendant's pending Motion to Dismiss <u>3</u> . (bb) (Entered: 10/16/2014)
10/17/2014	<u>22</u>	Unopposed Motion for Extension of Time . Filed by Oregon Department of Corrections. (Van Meter, Heather) (Entered: 10/17/2014)
10/17/2014	<u>23</u>	Declaration of Shannon Vincent . Filed by Oregon Department of Corrections. (Related document(s): Motion for Extension of Time <u>22</u> .) (Van Meter, Heather)

		(Entered: 10/17/2014)
10/20/2014	24	<b>ORDER:</b> Granting Defendant's Unopposed Motion <u>22</u> for Extension of Time to file Joint Status Report. Joint Status Report is due by 10/31/2014. The Court provides additional time to ensure that the parties complete full and meaningful conferral on disputed discovery issues before submitting them to the Court for its consideration. Ordered by Judge Anna J. Brown. (sm) (Entered: 10/20/2014)
10/30/2014	<u>25</u>	Joint Status Report . Filed by David VanValkenburg. (Attachments: # <u>1</u> Exhibit A) (Payne, Shenoa) (Entered: 10/30/2014)
10/30/2014	<u>26</u>	<b>Opinion and Order:</b> The Court DENIES Defendant's Partial Motion <u>3</u> to Dismiss Plaintiff's Complaint. Signed on 10/30/2014 by Judge Anna J. Brown. See attached 24 page Opinion and Order for full text. (bb) (Entered: 10/30/2014)
11/04/2014	27	Order by Judge Anna J. Brown. The Court has reviewed the Joint Status Report <u>25</u> of the parties and directs the parties as follows: 1. Pursuant to Local Rule 37-1(a), the parties must not file in the record their various discovery requests and responses served on each other. The point of the Court's previous directions to the parties regarding an informal submission of discovery disputes was to provide a format for the parties to articulate concisely any ripe, disputed discovery issue and the parties positions about such disputes. At this stage the Court declines to review the parties' historical discovery requests and responses attached to their Joint Status Report <u>25</u> . 2. Defendant asserted in the Joint Status Report that various disputes were not ripe for resolution either because the parties were waiting for the Court's ruling <u>6</u> on Defendant's previously pending Motion <u>3</u> or for other reasons. The Court concludes it was improvident to condition the submission of disputes on an agreement by both parties that the dispute was ripe. Accordingly, the Court will hear the merits of any discovery dispute that either party believes is ripe provided there has, in fact, been meaningful conferral about the dispute between lead lawyers for each party in real time (i.e., not by unilateral messaging). 3. The Court directs the parties to confer again and to submit as soon as practicable an updated, single filing that articulates concisely (preferably in chart form); (a) any discovery issue on which there has been full conferral and either party presently seeks a ruling; (b) the specific position of each party as to the dispute; and(c) the basis for the position taken by each party as to the dispute. Upon receipt thereof, the Court will determine whether it can rule on the record of the updated submission or whether a hearing will be necessary, and the Court will advise the parties accordingly. (bb) (Entered: 11/04/2014)
11/13/2014	<u>28</u>	Answer to <u>19</u> Amended Complaint with Jury Demand . Filed by Oregon Department of Corrections. (Vincent, Shannon) (Entered: 11/13/2014)
11/17/2014	<u>29</u>	Status Report by David VanValkenburg. Filed by David VanValkenburg. (Ellis, Matthew) (Entered: 11/17/2014)
11/21/2014	30	Scheduling Order by Judge Anna J. Brown. Hearing on Plaintiff's Status Report <u>29</u> is SET for 11/25/2014 at 01:30 PM in Portland Courtroom 14A before Judge Anna J. Brown. (bb) (Entered: 11/21/2014)
11/21/2014	31	Scheduling Order by Judge Anna J. Brown. Due to a conflict in the Court's schedule, the hearing on Plaintiff's Status Report <u>29</u> is RESET AS TO TIME ON TO 11/25/2014 at 11:00 AM in Portland Courtroom 14A before Judge Anna J. Brown. (bb) (Entered: 11/21/2014)
11/25/2014	32	Scheduling Order by Judge Anna J. Brown. Due to a conflict in the Court's schedule, the Discovery Hearing set for 11/25/2014 is VACATED and is RESET for 12/11/2014 at 02:00 PM in Portland Courtroom 14A before Judge Anna J. Brown. The Court is requesting that the parties appear in person. (bb) (Entered: 11/25/2014)
12/11/2014	33	<b>MINUTES of Proceedings:</b> Discovery Hearing held before Judge Anna J. Brown. Formal Order to Issue. Further Discovery Hearing is set for 2/13/2015 at 01:30PM in Portland Courtroom 14A before Judge Anna J. Brown. Joint Status Report is now due by <b>NOON</b> on 2/10/2015. Matthew C. Ellis and Shenoa L. Payne present as counsel for plaintiff(s). Heather J. Van Meter and Shannon M. Vincent present as counsel for defendant(s). Court Reporter: Amanda LeGore. Judge Anna J. Brown presiding. (pvh) (Entered: 12/15/2014)

12/22/2014	<u>34</u>	Order. Defendant shall file its opening brief concerning accommodations Defendant made for other deaf inmates no later than January 5, 2015. Plaintiff's response brief is due no later than January 20, 2015. Defendant's optional reply brief is due no later than January 27, 2015, at which time the Court will take that issue under advisement. The Court SETS an additional discovery hearing on February 13, 2015, at 1:30 p.m. The parties shall file a joint status report no later than Noon on February 10, 2015, in which the parties enumerate any ripe issues they request the Court to address at the discovery hearing. Signed on 12/22/2014 by Judge Anna J. Brown. (bb) (Entered: 12/22/2014)
01/05/2015	<u>35</u>	Memorandum <i>Regarding Protection of Individually Identifiable Health Information</i> . Filed by Oregon Department of Corrections. (Related document(s): Order,, <u>34</u> .) (Vincent, Shannon) (Entered: 01/05/2015)
01/20/2015	<u>36</u>	Response <i>Memorandum Regarding Protection of Individually Identifiable Health Information</i> . Filed by David VanValkenburg. (Related document(s): Memorandum <u>35</u> , Order,, <u>34</u> .) (Attachments: # <u>1</u> Appendix A) (Payne, Shenoa) (Entered: 01/20/2015)
01/20/2015	<u>37</u>	Declaration of <i>Shenoa L. Payne</i> . Filed by David VanValkenburg. (Related document(s): Response <u>36</u> .) (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Payne, Shenoa) (Entered: 01/20/2015)
01/27/2015	<u>38</u>	Reply <i>in Support of Defendant's Memorandum Regarding Protection of Individually Identifiable Health Information</i> . Filed by Oregon Department of Corrections. (Related document(s): Memorandum <u>35</u> .) (Vincent, Shannon) (Entered: 01/27/2015)
02/02/2015	<u>39</u>	Opinion and Order. The Court ORDERS Defendant to provide substantive responses to Plaintiff's discovery requests consistent with this Opinion and Order no later than February 27, 2015. Signed on 02/02/2015 by Judge Anna J. Brown. See attached 10 page Opinion and Order for full text. (bb) (Entered: 02/02/2015)
02/10/2015	<u>40</u>	Joint Status Report . Filed by David VanValkenburg. (Payne, Shenoa) (Entered: 02/10/2015)
02/13/2015	41	<b>MINUTES of Proceedings:</b> Discovery Conference held.Matthew Ellis, Shenoa Payne present as counsel for plaintiff(s). Heather Van Meter, Shannon Vincent present as counsel for defendant(s). Court Reporter: Amanda LeGore. Judge Anna J. Brown presiding. (bb) (Entered: 02/19/2015)
03/18/2015	<u>42</u>	Stipulation <i>to File Second Amended Complaint</i> by David VanValkenburg. Filed by David VanValkenburg. (Ellis, Matthew) (Entered: 03/18/2015)
03/18/2015	<u>43</u>	Second Amended Complaint . Filed by David VanValkenburg against Oregon Department of Corrections. (Ellis, Matthew) (Entered: 03/18/2015)
03/20/2015	44	Order by Judge Anna J. Brown. Answer or responsive pleading to Second Amended Complaint <u>43</u> is due by 4/8/2015. (bb) (Entered: 03/20/2015)
04/08/2015	<u>45</u>	Answer to <u>43</u> Amended Complaint with Jury Demand ( <i>titled "Defendant's Answer and Defenses to Plaintiff's Second Amended Complaint"</i> ). Filed by Oregon Department of Corrections. (Vincent, Shannon) (Entered: 04/08/2015)
04/17/2015	<u>46</u>	Joint Status Report by David VanValkenburg. Filed by David VanValkenburg. (Ellis, Matthew) (Entered: 04/17/2015)
04/20/2015	47	Scheduling Order by Judge Anna J. Brown. Status Conference is set for 4/23/2015 at 11:00AM in Portland by telephone before Judge Anna J. Brown. The parties to call the court's conference line. Ordered by Judge Anna J. Brown. (dls) (Entered: 04/20/2015)
04/23/2015	48	<b>MINUTES of Proceedings:</b> Telephone Status Conference held. The Court reviewed with the parties their Joint Status Report <u>46</u> and, in the exercise of its case management discretion, the Court resets the case-management schedule as follows: Discovery is extended from 4/17/2015, to be completed by 8/17/2015. The last date to file any discovery motion is 8/3/2015, and responses to such motions are due no later than seven (7) calendar days after the initiating motion is filed. Initial expert disclosures are extended from 3/2/2015, due no later than 7/20/2015. Rebuttal expert disclosures are extended from 3/30/2015, due no later than 8/7/2015. Dispositive Motions are extended from 5/22/2015, due by 9/11/2015. Joint Statement of Agreed Material Facts extended from 5/8/2015, due 8/31/2015. If none is filed the court will maintain the previously set pretrial conference date of 10/21/2015 and the 6 day Jury

		Trial set for 10/27/2015. If a Joint Statement of Agreed Material Facts is filed the alternative trial schedule is as follows: Pretrial Order is due by 1/25/2016. Trial Papers due 2/5/2016. Pretrial Conference is set for 2/18/2016 at 09:00AM in Portland Courtroom 14A before Judge Anna J. Brown. Jury Trial is set for 2/23/2016 at 09:00AM in Portland Courtroom 14A before Judge Anna J. Brown. Status Report is due by 8/31/2015. Matthew C. Ellis and Shenoa L. Payne present as counsel for plaintiff(s). Heather Van Meter present as counsel for defendant(s). Court Reporter: Amanda LeGore. Judge Anna J. Brown presiding. (dls) (Entered: 04/23/2015)
06/16/2015	<u>49</u>	Motion for Summary Judgment . Oral Argument requested. Filed by Oregon Department of Corrections. (Van Meter, Heather) (Entered: 06/16/2015)
06/16/2015	<u>50</u>	Declaration of Heather Van Meter <i>in Support of Defendant's Motion for Summary Judgment</i> . Filed by Oregon Department of Corrections. (Related document(s): Motion for Summary Judgment <u>49</u> .) (Van Meter, Heather) (Entered: 06/16/2015)
06/16/2015	<u>51</u>	Joint Concise Statement of Material Fact . Filed by Oregon Department of Corrections. (Related document(s): Motion for Summary Judgment <u>49</u> .) (Van Meter, Heather) (Entered: 06/16/2015)
07/10/2015	<u>52</u>	Response in Opposition to Motion for Summary Judgment <u>49</u> Oral Argument requested. Filed by David VanValkenburg. (Payne, Shenoa) (Entered: 07/10/2015)
07/10/2015	<u>53</u>	Declaration of Shenoa L. Payne <i>in Opposition to Defendant's Motion for Summary Judgment</i> . Filed by David VanValkenburg. (Related document(s): Response in Opposition to Motion <u>52</u> .) (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E) (Payne, Shenoa) (Entered: 07/10/2015)
07/10/2015	<u>54</u>	Declaration of David D. VanValkenburg <i>in Opposition to Defendant's Motion for Summary Judgment</i> . Filed by David VanValkenburg. (Related document(s): Response in Opposition to Motion <u>52</u> .) (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E) (Payne, Shenoa) (Entered: 07/10/2015)
07/13/2015	<u>55</u>	Unopposed Motion for Extension of Time <i>to Extend Expert Disclosure Deadline</i> . Filed by David VanValkenburg. (Payne, Shenoa) (Entered: 07/13/2015)
07/13/2015	<u>56</u>	Declaration of Shenoa L. Payne . Filed by David VanValkenburg. (Related document(s): Motion for Extension of Time <u>55</u> .) (Payne, Shenoa) (Entered: 07/13/2015)
07/14/2015	57	<b>ORDER:</b> In light of the fact that Plaintiff's counsel has advised the Court that Plaintiff intends to file a dispositive motion by 9/11/2015, the previously-set deadline for dispositive motions, the Court will hold Defendant's Motion <u>49</u> for Summary Judgment in abeyance until the Court can address all dispositive motions at one time. When all dispositive motions have been received, the Court will determine whether oral argument is needed.  The tentatively set trial date of 10/27/2015 is hereby STRICKEN, and a jury trial (6 days) will be held on 2/23/2016. As previously ordered, the Pretrial Order and proposed Verdict Form are due on 1/25/2016, Pretrial Documents are due 2/5/2016, and the Pretrial Conference will be held on 2/18/2016 at 9:00 a.m. in Courtroom 14A. An updated Joint ADR Report is due 8/7/2015. Ordered by Judge Anna J. Brown. Modified on 7/14/2015 to correct ADR report date. (mr) (Entered: 07/14/2015)
07/17/2015	58	<b>ORDER:</b> At the parties' request the Court extends the Expert Disclosure Deadlines as follows: Initial Expert Disclosures due no later than 8/10/15 and Rebuttal Expert disclosures due no later than 8/28/15. All other case-management dates remain in effect as previously set. Ordered by Judge Anna J. Brown. (mr) (Entered: 07/17/2015)
07/27/2015	<u>59</u>	Reply to Motion for Summary Judgment <u>49</u> . Filed by Oregon Department of Corrections. (Van Meter, Heather) (Entered: 07/27/2015)
07/27/2015	<u>60</u>	Second Declaration of Heather J. Van Meter <i>in Support of Defendant's Motion for Summary Judgment</i> . Filed by Oregon Department of Corrections. (Related document(s): Reply to Motion <u>59</u> , Motion for Summary Judgment <u>49</u> .) (Van Meter, Heather) (Entered: 07/27/2015)

07/27/2015	<u>61</u>	Declaration of Becky Boast . Filed by Oregon Department of Corrections. (Related document(s): Motion for Summary Judgment <u>49</u> .) (Van Meter, Heather) (Entered: 07/27/2015)
07/27/2015	<u>62</u>	Declaration of Scott Sanetel . Filed by Oregon Department of Corrections. (Related document(s): Motion for Summary Judgment <u>49</u> .) (Van Meter, Heather) (Entered: 07/27/2015)
08/04/2015	<u>63</u>	Joint ADR Report . Filed by David VanValkenburg.(Payne, Shenoa) (Entered: 08/04/2015)
08/28/2015	<u>64</u>	Motion for Partial Summary Judgment <i> titled "Defendant's Second Motion for Summary Judgment (Partial Summary Judgment"</i> . Filed by Oregon Department of Corrections. (Van Meter, Heather) (Entered: 08/28/2015)
08/28/2015	<u>65</u>	Declaration of Heather J. VanMeter . <b>(DOCUMENT RESTRICTED ACCORDING TO PROTECTIVE ORDER)</b> Filed by Oregon Department of Corrections. (Related document(s): Motion for Partial Summary Judgment <u>64</u> .) (Van Meter, Heather) (Entered: 08/28/2015)
08/31/2015	66	Scheduling Order by Judge Anna J. Brown. Telephonic Conference is SET for 8/31/2015 at 01:30 PM in Portland Courtroom 14A before Judge Anna J. Brown. Counsel were emailed the conference call in number. (bb) (Entered: 08/31/2015)
08/31/2015	67	<b>MINUTES of Proceedings:</b> Scheduling Conference held. Any supplemental joint Statement of Agreed Facts is due 09/11/2015. Response to Motion for Partial Summary Judgment <u>64</u> is due 10/09/2015; reply is due 10/21/2015. Plaintiff's Motion for Summary Judgment is due 09/18/2015. Response is due 10/9/2015; reply is due 10/21/2015. Oral Argument is SET for 11/13/2015 at 9:00 am in Courtroom 14A. Matthew Ellis, Shenoa Payne present as counsel for plaintiff(s). Heather Van Meter present as counsel for defendant(s). Court Reporter: Amanda LeGore. Judge Anna J. Brown presiding. (bb) (Entered: 09/02/2015)
09/11/2015	<u>68</u>	Supplemental Concise Statement of Material Fact <i>for Plaintiff's Motion for Summary Judgment</i> . Filed by David VanValkenburg. (Related document(s): Motion for Summary Judgment <u>49</u> .) (Ellis, Matthew) (Entered: 09/11/2015)
09/17/2015	<u>69</u>	Motion to File Excess Pages <i>to Memorandum in Support of Plaintiff's Motion for Summary Judgment</i> . Expedited Hearing requested. Filed by David VanValkenburg. (Ellis, Matthew) (Entered: 09/17/2015)
09/17/2015	<u>70</u>	Declaration of Matthew C. Ellis <i>in Support of Plaintiff's Motion to File Excess Pages to Memorandum in Support of Plaintiff's Motion for Summary Judgment</i> .. Filed by David VanValkenburg. (Related document(s): Motion to File Excess Pages <u>69</u> .) (Ellis, Matthew) (Entered: 09/17/2015)
09/18/2015	71	<b>ORDER by Judge Anna J. Brown.</b> Granting Plaintiff's Motion to Allow Filing of a Legal Memorandum in Support of His Motion for Summary Judgment that Exceeds Page Limits <u>69</u> . Plaintiff is grant leave to file a brief of no more than 42 pages. (bb) (Entered: 09/18/2015)
09/18/2015	<u>72</u>	Motion for Partial Summary Judgment . Oral Argument requested. Filed by David VanValkenburg. (Payne, Shenoa) (Entered: 09/18/2015)
09/18/2015	<u>73</u>	Declaration of Jean F. Andrews, PH.D <i>in Support of Plaintiff's Motion for Summary Judgment</i> . Filed by David VanValkenburg. (Related document(s): Motion for Partial Summary Judgment <u>72</u> .) (Attachments: # <u>1</u> Exhibit A (Part 1 of 14), # <u>2</u> Exhibit A (Part 2 of 14), # <u>3</u> Exhibit A (Part 3 of 14), # <u>4</u> Exhibit A (Part 4 of 14), # <u>5</u> Exhibit A (Part 5 of 14), # <u>6</u> Exhibit A (Part 6 of 14), # <u>7</u> Exhibit A (Part 7 of 14), # <u>8</u> Exhibit A (Part 8 of 14), # <u>9</u> Exhibit A (Part 9 of 14), # <u>10</u> Exhibit A (Part 10 of 14), # <u>11</u> Exhibit A (Part 11 of 14), # <u>12</u> Exhibit A (Part 12 of 14), # <u>13</u> Exhibit A (Part 13 of 14), # <u>14</u> Exhibit A (Part 14 of 14)) (Payne, Shenoa) (Entered: 09/18/2015)
09/18/2015	<u>74</u>	Declaration of Merle Baldrige <i>in Support of Plaintiff's Motion for Summary Judgment</i> . Filed by David VanValkenburg. (Related document(s): Motion for Partial Summary Judgment <u>72</u> .) (Payne, Shenoa) (Entered: 09/18/2015)

09/18/2015	<u>75</u>	Declaration of Matthew C. Ellis <i>in Support of Plaintiff's Motion for Summary Judgment</i> . <b>(DOCUMENT RESTRICTED ACCORDING TO PROTECTIVE ORDER)</b> Filed by David VanValkenburg. (Related document(s): Motion for Partial Summary Judgment <u>72</u> .) (Attachments: # <u>1</u> Exhibit A) (Payne, Shenoa) (Entered: 09/18/2015)
09/18/2015	<u>76</u>	Declaration of Nina E. Festa <i>in Support of Plaintiff's Motion for Summary Judgment</i> . Filed by David VanValkenburg. (Related document(s): Motion for Partial Summary Judgment <u>72</u> .) (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Payne, Shenoa) (Entered: 09/18/2015)
09/18/2015	<u>77</u>	Declaration of Shenoa L. Payne <i>in Support of Plaintiff's Motion for Summary Judgment</i> . Filed by David VanValkenburg. (Related document(s): Motion for Partial Summary Judgment <u>72</u> .) (Attachments: # <u>1</u> Exhibit A (Part 1 of 2), # <u>2</u> Exhibit A (Part 2 of 2), # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I) (Payne, Shenoa) (Entered: 09/18/2015)
09/18/2015	<u>78</u>	Declaration of David D. VanValkenburg <i>in Support of Plaintiff's Motion for Summary Judgment</i> . Filed by David VanValkenburg. (Related document(s): Motion for Partial Summary Judgment <u>72</u> .) (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E) (Payne, Shenoa) (Entered: 09/18/2015)
09/28/2015	<u>79</u>	Motion to Appear as Amicus Curiae . Filed by HEARD. (Attachments: # <u>1</u> Exhibit Proposed Brief) (Merrithew, Jesse) (Entered: 09/28/2015)
09/29/2015	<u>80</u>	Response in Opposition to Motion to Appear as Amicus Curiae <u>79</u> . Filed by Oregon Department of Corrections. (Van Meter, Heather) (Entered: 09/29/2015)
10/06/2015	<u>81</u>	Scheduling Order by Judge Anna J. Brown.Oral Argument set for 11/13/2015 is VACATED and is RESET for 11/16/2015 at 9:00 AM in Courtroom 14A regarding Motion for Summary Judgment <u>49</u> , Motion for Partial Summary Judgment <u>72</u> and Motion to Appear as Amicus Curiae <u>79</u> . (bb) (Entered: 10/06/2015)
10/09/2015	<u>82</u>	Response to Motion for Partial Summary Judgment <u>72</u> . Filed by Oregon Department of Corrections. (Van Meter, Heather) (Entered: 10/09/2015)
10/09/2015	<u>83</u>	Declaration of Heather J. VanMeter . <b>(DOCUMENT RESTRICTED ACCORDING TO PROTECTIVE ORDER)</b> Filed by Oregon Department of Corrections. (Related document(s): Response to Motion <u>82</u> .) (Van Meter, Heather) (Entered: 10/09/2015)
10/09/2015	<u>84</u>	Declaration of Kimberly Hendricks . Filed by Oregon Department of Corrections. (Related document(s): Response to Motion <u>82</u> .) (Van Meter, Heather) (Entered: 10/09/2015)
10/09/2015	<u>85</u>	Declaration of Leonard Blix . Filed by Oregon Department of Corrections. (Related document(s): Response to Motion <u>82</u> .) (Van Meter, Heather) (Entered: 10/09/2015)
10/09/2015	<u>86</u>	Declaration of Marica Ventura . Filed by Oregon Department of Corrections. (Related document(s): Response to Motion <u>82</u> .) (Van Meter, Heather) (Entered: 10/09/2015)
10/09/2015	<u>87</u>	Memorandum in Opposition to Motion for Partial Summary Judgment titled " <i>Defendant's Second Motion for Summary Judgment (Partial Summary Judgment)</i> " <u>64</u> Oral Argument requested. Filed by David VanValkenburg. (Payne, Shenoa) Modified docket text on 10/20/2015 (cib). (Entered: 10/09/2015)
10/20/2015	<u>88</u>	Supplemental Declaration of Heather J. Van Meter . Filed by Oregon Department of Corrections. (Related document(s): Response to Motion <u>82</u> .) (Van Meter, Heather) (Entered: 10/20/2015)
10/21/2015	<u>89</u>	Reply <i>In Support of Plaintiff's</i> to Motion for Partial Summary Judgment <u>72</u> . Filed by David VanValkenburg. (Payne, Shenoa) (Entered: 10/21/2015)
10/21/2015	<u>90</u>	Supplemental Declaration of David D. VanValkenburg <i>In Support of Plaintiff's Motion for Summary Judgment</i> . Filed by David VanValkenburg. (Related document(s): Reply to Motion <u>89</u> .) (Payne, Shenoa) (Entered: 10/21/2015)
10/21/2015	<u>91</u>	Supplemental Declaration of Shenoa L. Payne <i>In Support of Plaintiff's Motion for Summary Judgment</i> . Filed by David VanValkenburg. (Related document(s): Reply to Motion <u>89</u> .) (Attachments: # <u>1</u> Exhibit J, # <u>2</u> Exhibit K) (Payne, Shenoa) (Entered: 10/21/2015)



		10/21/2015)
10/21/2015	<u>92</u>	Reply to Motion for Partial Summary Judgment <i> titled "Defendant's Second Motion for Summary Judgment (Partial Summary Judgment" 64 .</i> Filed by Oregon Department of Corrections. (Van Meter, Heather) (Entered: 10/21/2015)
10/29/2015	93	Order by Judge Anna J. Brown. In light of the lapses in communication that apparently caused HEARD to miss the deadline to file a motion to appear as amicus curiae and in the interest of justice, the Court excuses the late filing of HEARD's Motion <u>79</u> to Appear as Amicus Curiae and GRANTS HEARD's Motion. The Court directs HEARD to re-file no later than November 3, 2015, as a separate document and as its Amicus Brief that which was attached to HEARD's Motion as Exhibit 1. In addition, the Court finds the parties should be given an opportunity to respond to arguments presented in HEARD's amicus brief. Accordingly, no later than November 10, 2015, Plaintiff and Defendant may file optional supplemental memoranda, not to exceed 10 pages each, that respond to arguments contained in HEARD's memorandum. Finally, counsel for HEARD may participate in oral argument on November 16, 2015, at 9:00 a.m. (bb) (Entered: 10/29/2015)
10/30/2015	<u>94</u>	Brief of Amicus Curiae. Filed by HEARD. (Related document(s): Motion for Partial Summary Judgment <u>72</u> .) (Merrithew, Jesse) (Entered: 10/30/2015)
11/10/2015	<u>95</u>	Response to Amicus Curiae HEARD's Brief. Filed by Oregon Department of Corrections. (Related document(s): Brief <u>94</u> .) (Van Meter, Heather) (Entered: 11/10/2015)
11/10/2015	<u>96</u>	Declaration of Heather J. Van Meter in Support of Defendant's Response to Amicus Curiae HEARD's Brief. Filed by Oregon Department of Corrections. (Related document(s): Response <u>95</u> .) (Van Meter, Heather) (Entered: 11/10/2015)
11/16/2015	97	<b>MINUTES of Proceedings:</b> Oral Argument on Motion for Summary Judgment <u>49</u> , Motion for Partial Summary Judgment <u>64</u> and Motion for Partial Summary Judgment <u>72</u> . Optional Simultaneous supplemental briefing is due no later than 12/7/2015. Motions will go under advisement 12/7/2015. The Court STRIKES all pending case-management dates. Matthew Ellis, Shenoa Payne present as counsel for plaintiff(s). Heather Van Meter, Shannon Vincent, Jesse Merrithew (Amicus) present as counsel for defendant(s). Court Reporter: Amanda LeGore. Judge Anna J. Brown presiding. (bb) (Entered: 11/18/2015)
12/07/2015	<u>98</u>	Supplemental Brief In Opposition to Defendant's Motions for Summary Judgment. Filed by David VanValkenburg. (Related document(s): Motion for Partial Summary Judgment <u>64</u> , Motion for Summary Judgment <u>49</u> , Motion for Partial Summary Judgment <u>72</u> .) (Attachments: # <u>1</u> Exhibit A) (Ellis, Matthew) (Entered: 12/07/2015)
12/07/2015	<u>99</u>	Supplemental Brief Re: Summary Judgment. Filed by Oregon Department of Corrections. (Related document(s): Declaration, <u>54</u> , Response in Opposition to Motion <u>52</u> , Motion for Summary Judgment <u>49</u> .) (Van Meter, Heather) (Entered: 12/07/2015)
01/05/2016	<u>100</u>	Notice of Change of Address. Filed by David VanValkenburg (Payne, Shenoa) (Entered: 01/05/2016)
02/04/2016	<u>101</u>	<b>ORDER:</b> The Court GRANTS in part and DENIES in part Defendants Motion <u>49</u> for Summary Judgment and Defendants Second Motion <u>64</u> for Partial Summary Judgment. The Court also DENIES Plaintiffs Motion <u>72</u> for Partial Summary Judgment in its entirety. The Court directs the parties to confer and to submit no later than February 16, 2016, an updated, jointly proposed case management schedule for the Courts consideration in which the parties address all further motion practice and proceedings needed before the filing of a final Pretrial Order and the scheduling of a firm jury-trial date, including any additional briefing regarding the applicability of Oregon Revised Statute§ 30.650. Signed on 02/04/2016 by Judge Anna J. Brown. (bb) (Entered: 02/04/2016)
02/16/2016	<u>102</u>	Joint Motion for Extension of Time (titled) Joint Proposed Schedule for Additional Briefing and Pretrial Order. Filed by Oregon Department of Corrections. (Van Meter, Heather) (Entered: 02/16/2016)

03/07/2016	<u>103</u>	Response <i>Additional Briefing Re: ORS 30.650</i> . Filed by Oregon Department of Corrections. (Related document(s): Order on motion for summary judgment, Order on motion for partial summary judgment,,,,,, <u>101</u> .) (Van Meter, Heather) (Entered: 03/07/2016)
03/07/2016	<u>104</u>	Declaration of Heather Van Meter <i>in Support of Defendant's Additional Briefing Re: ORS 30.650</i> . Filed by Oregon Department of Corrections. (Related document(s): Response <u>103</u> .) (Van Meter, Heather) (Entered: 03/07/2016)
03/10/2016	105	<b>ORDER:</b> Granting Joint Motion for Extension of Time (titled) Joint Proposed Schedule for Additional Briefing and Pretrial Order <u>102</u> . The deadline for Defendant's supplemental briefing re ORS 30.650 is now due 03/07/2016. Deadline for Plaintiff's response to supplemental briefing is due 03/21/2016. Deadline for Defendant's reply (if any) is due 03/28/2016. Matter will go under advisement 3/28/2016. Jointly proposed Pretrial Order and proposed Verdict form is due by 6/16/2016. Pretrial documents are due no later than 06/30/2016 by NOON. Pretrial Conference is SET for 7/21/2016 at 10:00 AM in Portland Courtroom 14A before Judge Anna J. Brown. Jury Trial (4 days) is SET for 8/2/2016 at 09:00 AM in Portland Courtroom 14A before Judge Anna J. Brown. Ordered by Judge Anna J. Brown. (bb) (Entered: 03/10/2016)
03/21/2016	<u>106</u>	Response to <i>Defendant's Additional Briefing RE: ORS 30.650</i> . Filed by David VanValkenburg. (Payne, Shenoa) (Entered: 03/21/2016)
03/21/2016	<u>107</u>	Declaration of <i>Matthew C. Ellis</i> . Filed by David VanValkenburg. (Related document(s): Response to Motion <u>106</u> .) (Payne, Shenoa) (Entered: 03/21/2016)
04/20/2016	<u>108</u>	Notice of Change of Address. Filed by David VanValkenburg (Payne, Shenoa) (Entered: 04/20/2016)
05/02/2016	<u>109</u>	AMENDED Opinion and Order. Signed on 05/02/2016 by Judge Anna J. Brown. (bb) (Entered: 05/03/2016)
05/03/2016	110	Order by Judge Anna J. Brown. The Court directs the parties to confer and to submit no later than May 13, 2016, a Joint Status Report that reflects whether the existing pretrial and trial schedule remains realistic in light of the time needed to resolve dispositive motions and, if not, to propose a joint schedule for new dates for the filing of a final Pretrial Order and the scheduling of a firm jury trial date. (bb) (Entered: 05/03/2016)
05/13/2016	<u>111</u>	Joint Status Report . Filed by David VanValkenburg. (Ellis, Matthew) (Entered: 05/13/2016)
05/19/2016	<u>112</u>	Notice of Case Reassignment: This case has been reassigned from Judge Anna J. Brown to Judge Michael W. Mosman. (eo) (Entered: 05/19/2016)
06/20/2016	113	Scheduling Order by Chief Judge Michael W. Mosman. Rule 16 Conference is set for 6/22/2016 at 02:00PM in Portland by telephone before Chief Judge Michael W. Mosman. The parties will call the court's conference line. Ordered by Chief Judge Michael W. Mosman. (dls) (Entered: 06/20/2016)
06/22/2016	114	<b>MINUTES of Proceedings:</b> Telephone Rule 16 Conference held. Order GRANTING the parties' oral request for a settlement judge and to reset the trial dates. RESETTING the Pretrial Conference FROM 7/21/2016 at 10:00AM, SET FOR 10/17/2016 at 02:00PM – 04:00PM in Portland Courtroom 16 before Chief Judge Michael W. Mosman. RESETTING the 4–day Jury Trial FROM 8/2/2016 at 09:00AM, SET FOR 5–day Jury Trial on 10/31/2016 at 09:00AM in Portland Courtroom 16 before Chief Judge Michael W. Mosman. Trial Management Order to follow. The Joint Alternative Dispute Resolution and Pretrial Order are WAIVED. Matthew C. Ellis and Shenoa L. Payne present as counsel for plaintiff(s). Heather J. Van Meter and Shannon M. Vincent present as counsel for defendant(s). Court Reporter: Bonita Shumway. Chief Judge Michael W. Mosman presiding. (dls) Modified on 6/23/2016 (dls). (Entered: 06/23/2016)
07/18/2016	115	<b>Scheduling Order:</b> by Magistrate Judge Youlee Yim You. SETTING a Settlement Conference for 8/10/2016 at 10:00AM in 12B Chambers before Magistrate Judge Youlee Yim You. (pvh) (Entered: 07/18/2016)

08/10/2016	116	<b>MINUTES of Proceedings:</b> Settlement Conference held on 8/10/2016. Case does not settle. Matthew C. Ellis and Shenoa L. Payne present as counsel for plaintiff. Shannon M. Vincent present as counsel for defendant. Court Reporter: N/A. Interpreter: Stephen Marceno. Magistrate Judge Youlee Yim You presiding. (pvh) Modified on 8/16/2016 to add interpreter information. (eo) (Entered: 08/10/2016)
08/15/2016	<u>117</u>	Trial Management Order. Signed on 8/15/2016 by Judge Michael W. Mosman. (mjp) (Entered: 08/15/2016)
09/08/2016	<u>118</u>	Motion for Writ of Habeas Corpus ad testificandum( <i>Writ of Transport</i> ). Filed by David VanValkenburg. (Ellis, Matthew) (Entered: 09/08/2016)
09/08/2016	<u>119</u>	Declaration of Matthew C. Ellis <i>In Support of Writ of Transport</i> . Filed by David VanValkenburg. (Related document(s): Writ of Habeas Corpus ad testificandum <u>118</u> .) (Attachments: # <u>1</u> Exhibit 1) (Ellis, Matthew) (Entered: 09/08/2016)
09/12/2016	<u>120</u>	Joint Proposed Jury Verdict Form. Filed by David VanValkenburg. (Ellis, Matthew) (Entered: 09/12/2016)
09/12/2016	<u>121</u>	Joint Proposed Jury Instructions . Filed by David VanValkenburg. (Ellis, Matthew) (Entered: 09/12/2016)
09/14/2016	<u>122</u>	Motion to Bifurcate ( <i>for PLRA Exhaustion Bench Trial</i> ). Filed by Oregon Department of Corrections. (Vincent, Shannon) (Entered: 09/14/2016)
09/16/2016	<u>123</u>	Response in Opposition to Motion for Writ of Habeas Corpus ad testificandum( <i>Writ of Transport</i> ) <u>118</u> . Filed by Oregon Department of Corrections. (Vincent, Shannon) (Entered: 09/16/2016)
09/16/2016	<u>124</u>	Declaration of Nina Sobotta . Filed by Oregon Department of Corrections. (Related document(s): Response in Opposition to Motion <u>123</u> .) (Vincent, Shannon) (Entered: 09/16/2016)
09/16/2016	<u>125</u>	Declaration of Robert C. Fhuere . Filed by Oregon Department of Corrections. (Related document(s): Response in Opposition to Motion <u>123</u> .) (Vincent, Shannon) (Entered: 09/16/2016)
09/16/2016	<u>126</u>	Objection(s) to <u>120</u> Jury Verdict Form – Proposed, <u>121</u> Jury instructions – Proposed . Filed by Oregon Department of Corrections. (Vincent, Shannon) (Entered: 09/16/2016)
09/19/2016	<u>127</u>	Exhibit List . Filed by David VanValkenburg. (Payne, Shenoa) (Entered: 09/19/2016)
09/19/2016	128	Scheduling Order by Judge Michael W. Mosman. Oral Argument is set for 9/20/2016 at 01:30PM in Portland by telephone before Judge Michael W. Mosman, regarding Motion for Writ of Habeas Corpus ad testificandum( <i>Writ of Transport</i> ) <u>118</u> . The parties to call the court's conference line. Ordered by Judge Michael W. Mosman. (dls) Modified on 9/19/2016 (dls). (Entered: 09/19/2016)
09/19/2016	<u>129</u>	Witness Statement . Filed by David VanValkenburg. (Attachments: # <u>1</u> Exhibit 1) (Ellis, Matthew) (Entered: 09/19/2016)
09/19/2016	<u>130</u>	Objection(s) to <u>121</u> Jury instructions – Proposed . Filed by David VanValkenburg. (Ellis, Matthew) (Entered: 09/19/2016)
09/19/2016	<u>131</u>	Objection(s) to <u>120</u> Jury Verdict Form – Proposed . Filed by David VanValkenburg. (Ellis, Matthew) (Entered: 09/19/2016)
09/19/2016	<u>132</u>	Statement of Special Damages . Filed by David VanValkenburg. (Ellis, Matthew) (Entered: 09/19/2016)
09/20/2016	133	<b>MINUTES of Proceedings:</b> Telephone Motion Hearing Held regarding Writ of Habeas Corpus ad testificandum <u>118</u> . Plaintiff's Motion for Writ of Habeas Corpus ad testificandum <u>118</u> is DENIED on the grounds that the proposed testimony of the witnesses is not relevant. Plaintiff has until Friday, September 23, 2016 to file an Amended Witness Statement providing further information on the testimony of Ms. Karen Ricketts and Mr. David VanValkenburg. Mr. VanValkenburg's Witness Statement should be amended to identify the substance of anything he plans to testify about that was not discussed during discovery. Plaintiff has until Wednesday, September 28, 2016 to file a Response to Defendant's Motion to Bifurcate <u>122</u> .

		Defendant has until Friday, September 23, 2016 to provide Amended Proposed Jury Instructions. Matthew C. Ellis present as counsel for plaintiff(s). Shannon M. Vincent present as counsel for defendant(s). Court Reporter: Bonita Shumway. Judge Michael W. Mosman presiding. (Related document(s): Writ of Habeas Corpus ad testificandum <u>118</u> .) (dls) (Entered: 09/22/2016)
09/23/2016	<u>134</u>	Amended Proposed Jury Instructions . Filed by Oregon Department of Corrections. (Vincent, Shannon) (Entered: 09/23/2016)
09/23/2016	<u>135</u>	Amended Proposed Jury Instructions . Filed by David VanValkenburg. (Ellis, Matthew) (Entered: 09/23/2016)
09/23/2016	<u>136</u>	Amended Witness Statement . Filed by David VanValkenburg. (Attachments: # <u>1</u> Exhibit 1) (Ellis, Matthew) (Entered: 09/23/2016)
09/26/2016	<u>137</u>	Trial Memorandum . Filed by Oregon Department of Corrections. (Vincent, Shannon) (Entered: 09/26/2016)
09/26/2016	<u>138</u>	Exhibit List . Filed by Oregon Department of Corrections. (Vincent, Shannon) (Entered: 09/26/2016)
09/26/2016	<u>139</u>	Witness Statement . Filed by Oregon Department of Corrections. (Vincent, Shannon) (Entered: 09/26/2016)
09/26/2016	<u>140</u>	Trial Memorandum . Filed by David VanValkenburg. (Payne, Shenoa) (Entered: 09/26/2016)
09/29/2016	<u>141</u>	<b>ORDER:</b> GRANTING Motion to Bifurcate (for PLRA Exhaustion Bench Trial) <u>122</u> . Ordered by Judge Michael W. Mosman. (dls) (Entered: 09/29/2016)
09/29/2016	<u>142</u>	Scheduling Order by Judge Michael W. Mosman.PLRA Exhaustion Court Trial is set for 10/17/2016 at 02:00PM – 05:00PM in Portland Courtroom 16 before Judge Michael W. Mosman. ASL Interpreters requested for 10/17/2016 Court Trial. RESETTING the Pretrial Conference FROM 10/17/2016 at 2:00PM – 04:00PM, SET FOR 10/20/2016 at 10:00AM – 12:00PM in Portland Courtroom 16 before Judge Michael W. Mosman. The 5–day Jury Trial set for 10/31/2016 at 09:00AM in Portland Courtroom 16 before Chief Judge Michael W. Mosman will remain set. ASL Interpreters requested for 10/31/2016 5–day Jury Trial. Ordered by Judge Michael W. Mosman. (dls) (Entered: 09/29/2016)
10/03/2016	<u>143</u>	Motion in limine . Filed by Oregon Department of Corrections. (Vincent, Shannon) (Entered: 10/03/2016)
10/03/2016	<u>144</u>	Voir Dire . Filed by Oregon Department of Corrections. (Vincent, Shannon) (Entered: 10/03/2016)
10/03/2016	<u>145</u>	Motion to Exclude Portions of Plaintiff's Proposed Expert Testimony ( <i>Daubert Motion</i> ). Filed by Oregon Department of Corrections. (Vincent, Shannon) (Entered: 10/03/2016)
10/03/2016	<u>146</u>	Objection to Trial Exhibit . Filed by Oregon Department of Corrections. (Vincent, Shannon) (Entered: 10/03/2016)
10/03/2016	<u>147</u>	Objection(s) to Plaintiff's Witnesses. Filed by Oregon Department of Corrections. (Vincent, Shannon) (Entered: 10/03/2016)
10/06/2016	<u>148</u>	Objection(s) to <u>138</u> Exhibit List . Filed by David VanValkenburg. (Ellis, Matthew) (Entered: 10/06/2016)
10/06/2016	<u>149</u>	Proposed Voir Dire . Filed by David VanValkenburg. (Ellis, Matthew) (Entered: 10/06/2016)
10/06/2016	<u>150</u>	Objection(s) to <u>139</u> Witness statement . Filed by David VanValkenburg. (Ellis, Matthew) (Entered: 10/06/2016)
10/06/2016	<u>151</u>	Declaration of Matthew C. Ellis <i>In Opposition to Defendant's Witness Statement</i> . Filed by David VanValkenburg. (Related document(s): Objection <u>150</u> .) (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Ellis, Matthew) (Entered: 10/06/2016)

10/06/2016	<u>152</u>	Amended Exhibit List <i>in Rebuttal</i> . Filed by David VanValkenburg. (Ellis, Matthew) (Entered: 10/06/2016)
10/06/2016	<u>153</u>	Motion in limine . Filed by David VanValkenburg. (Payne, Shenoa) (Entered: 10/06/2016)
10/13/2016	<u>154</u>	Objection(s) to <u>145</u> Motion – Miscellaneous ( <i>Daubert Motion</i> ). Filed by David VanValkenburg. (Ellis, Matthew) (Entered: 10/13/2016)
10/13/2016	<u>155</u>	Declaration of Matthew C. Ellis <i>In Support of Plaintiff's Opposition to Defendant's Daubert Motion</i> . Filed by David VanValkenburg. (Related document(s): Motion – Miscellaneous <u>145</u> .) (Attachments: # <u>1</u> Exhibit 1) (Ellis, Matthew) (Entered: 10/13/2016)
10/13/2016	<u>156</u>	Response to <u>146</u> Objection to Trial Exhibit . Filed by David VanValkenburg. (Ellis, Matthew) Modified to add response to docket text on 10/14/2016 (cib). (Entered: 10/13/2016)
10/13/2016	<u>157</u>	Response to <u>147</u> Objection to <i>Plaintiff's Witnesses</i> . Filed by David VanValkenburg. (Payne, Shenoa) Modified to add response on 10/14/2016 (cib). (Entered: 10/13/2016)
10/13/2016	<u>158</u>	Response to Motion in limine <u>143</u> . Filed by David VanValkenburg. (Payne, Shenoa) (Entered: 10/13/2016)
10/13/2016	<u>159</u>	Objection(s) to <u>149</u> Proposed Voir Dire . Filed by Oregon Department of Corrections. (Vincent, Shannon) (Entered: 10/13/2016)
10/13/2016	<u>160</u>	Response to <i>Plaintiff's Objections to Defendant's Exhibit List</i> . Filed by Oregon Department of Corrections. (Related document(s): Objection <u>148</u> .) (Vincent, Shannon) (Entered: 10/13/2016)
10/13/2016	<u>161</u>	Response to <i>Plaintiff's Objections to Defendant's Witness Statements</i> . Filed by Oregon Department of Corrections. (Related document(s): Objection <u>150</u> .) (Vincent, Shannon) (Entered: 10/13/2016)
10/13/2016	<u>162</u>	Declaration of Shannon Vincent . Filed by Oregon Department of Corrections. (Related document(s): Response <u>161</u> .) (Vincent, Shannon) (Entered: 10/13/2016)
10/13/2016	<u>163</u>	Response . Filed by Oregon Department of Corrections. (Related document(s): Motion in Limine <u>153</u> .) (Vincent, Shannon) (Entered: 10/13/2016)
10/17/2016	166	<b>MINUTES of Proceedings:</b> RECORD OF FIRST DAY AND FINAL DAY OF COURT TRIAL: Witnesses sworn and evidence adduced. See separate list of witnesses and exhibits. For the reasons stated on the record, the Court finds the Defendant met its burden of proving Plaintiff failed to exhaust his Inmate Discrimination Complaint dated 9 May 2013. Failure to exhaust as to on-going discrimination based on the re-submission of that Inmate Discrimination Complaint in January, 2014 is TAKEN UNDER ADVISEMENT. The parties may submit additional material by email no later than 2:00pm on 10/19/2016. Matthew C. Ellis and Shenoa L. Payne present as counsel for plaintiff(s). Heather J. Van Meter and Shannon M. Vincent present as counsel for defendant(s). ASL Interpreters: Lisa Crawford and Richard Hall. Court Reporter: Bonita Shumway. Judge Michael W. Mosman presiding. (dls) (Entered: 10/19/2016)
10/17/2016	<u>167</u>	Clerks List of Exhibits & Witnesses. (dls) (Entered: 10/19/2016)
10/19/2016	<u>164</u>	Amended Trial Memorandum . Filed by David VanValkenburg. (Ellis, Matthew) (Entered: 10/19/2016)
10/19/2016	<u>165</u>	Supplemental Trial Brief <i>regarding PLRA Exhaustion</i> . Filed by David VanValkenburg. (Ellis, Matthew) (Entered: 10/19/2016)
10/20/2016	169	<b>MINUTES of Proceedings:</b> RECORD OF FIRST DAY OF PRE-TRIAL CONFERENCE: For the reasons stated on the record, this Court holds that Plaintiff failed to exhaust his Inmate Discrimination Complaint, and therefore, Claim 2 is dismissed with prejudice. Per the Courts Opinion and Order dated 2/4/2016 <u>101</u> , the statute of limitations for the state law claim (Claim 1), will remain limited to Defendant's alleged failure to accommodate Plaintiff's disability on or after September 23, 2013. Accordingly, Plaintiff may submit evidence of discrete events of

		discrimination within that time frame to establish liability for discrimination. Plaintiff's Motion in Limine No. 1 and Defendant's Motion in Limine No. 4 is DENIED with leave to renew as the objection relates to individual pieces of evidence submitted by the parties. Plaintiff's Motion in Limine No. 2 is GRANTED in PART and Defendant's Motion in Limine No. 3 is DENIED with leave to renew if Plaintiff submits evidence related to his being isolated in prison due to his lack of effective communication. Defendant's Motion in Limine No. 1 is GRANTED. Defendant's Motion in Limine No. 5 is GRANTED. Defendant's Motion in Limine No. 6 is GRANTED. Defendant's Motion in Limine No. 7 is GRANTED. Defendant's Motion in Limine No. 8 is GRANTED in PART. Plaintiff can say "This is an important case to Plaintiff" at trial. Plaintiff's Motion in Limine No. 3 is DENIED. Plaintiff's Motion in Limine No. 8 is DENIED with leave to renew should Defendant admit evidence regarding the change of the Effective Communications Policy. Final Pretrial Conference is set for Monday, October 31, 2016 at 9:00am. RESETTING the the 5 day jury trial FROM 10/31/2016, SET FOR a 3-4 day Jury Trial set for Tuesday, November 1, 2016 at 9:00am. Judge Michael W. Mosman presiding. Matthew Ellis; Shenoa Payne present as counsel for plaintiff(s). Heather Van Meter; Shannon Vincent present as counsel for defendant(s). (Court Reporter: Bonita Shumway.) (mjp) (Entered: 10/21/2016)
10/21/2016	<u>168</u>	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED Telephone Oral Argument held on 9/20/2016 before Chief Judge Michael W. Mosman, Court Reporter Bonita J. Shumway, telephone number 503-326-8188 or bonita_shumway@ord.uscourts.gov. <b>Transcript may be viewed at Court's public terminal or purchased from the Court Reporter before the deadline for Release of Transcript Restriction. Afterwards it may be obtained through the Court Reporter or PACER-See Policy at ord.uscourts.gov.</b> Notice of Intent to Redact Transcript is due by 10/31/2016. Redaction Request due 11/17/2016. Redacted Transcript Deadline set for 11/25/2016. Release of Transcript Restriction set for 1/23/2017. (Shumway, Bonita) (Entered: 10/21/2016)
10/26/2016	<u>170</u>	Second Exhibit List ( <i>Amended</i> ). Filed by David VanValkenburg. (Ellis, Matthew) (Entered: 10/26/2016)
10/26/2016	171	ORDER: The Court SUSTAINS Defendant's General Objection to Plaintiff's Exhibits. Plaintiff should provide clean copies of the exhibits to the jury. The exhibits should not include highlighting or underlining unless such marks were original to the exhibit. Defendant's Objections to Plaintiff's Exhibit 1, Exhibit 2, Exhibit 3, Exhibit 5, Exhibit 6, Exhibit 7, Exhibit 9, Exhibit 10, Exhibit 11, Exhibit 12, and Exhibit 27 are OVERRULED. Defendant's Objection to Plaintiff's Exhibit 4 is SUSTAINED. Plaintiff should fix the exhibit list so that it matches the dates of the exhibit. Defendant's Objection to Plaintiff's Exhibit 13 is SUSTAINED. Defendant's Objection to Plaintiff's Exhibit 17 is SUSTAINED in PART as to the NAD flyer; it is OVERRULED as to the other documents. Defendant's Objection to Plaintiff's Exhibit 24 is SUSTAINED. Defendant's Objection Plaintiff's Exhibit 25 is SUSTAINED. Defendant's Objection to Plaintiff's Exhibit 30 is SUSTAINED. Plaintiff should separate the exhibits. Defendant's Objection to Plaintiff's Exhibit 31 is OVERRULED. Defendant may introduce other parts of the report as necessary to make it complete. Defendant's Objections to Plaintiff's Exhibit 35, Exhibit 36, Exhibit 37, and Exhibit 38 are SUSTAINED. Plaintiff's Objections to Defendant's Exhibits 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, and 526 are OVERRULED. Plaintiff's Objection to Defendant's Witness Statement of Kimberly Hendricks is OVERRULED with leave to renew during trial as her testimony relates to her personal knowledge of ODOC's accommodation decisions. Plaintiff's Objection to Defendant's Witness Statement of Becky Boast is SUSTAINED. Plaintiff's Objection to Defendant's Witness Statement of Jennifer Carsner is SUSTAINED. Plaintiff's Objection to Defendant's Witness Statement of Marcus Ford is OVERRULED as to Mr. Ford's testimony about Plaintiff's psychological state. Mr. Ford may testify about his personal observations about Mr. VanValkenburg's demeanor. The remaining objections to Mr. Ford's testimony will be considered during the pre-trial conference. Plaintiff's Objection to Defendant's Witness Statement of Ms. Linda Lacy is OVERRULED to the extent Ms. Lacy testifies based on her personal observations. All remaining objections and motions will be considered during the pre-trial conference. Ordered by Judge Michael W. Mosman. (dls) (Entered: 10/26/2016)

10/28/2016	<u>172</u>	Third Exhibit List ( <i>Amended</i> ). Filed by David VanValkenburg. (Ellis, Matthew) (Entered: 10/28/2016)
10/28/2016	<u>173</u>	Objection(s) to Proposed Final Instruction on Claims and Defenses. Filed by David VanValkenburg. (Ellis, Matthew) (Entered: 10/28/2016)
10/28/2016	<u>174</u>	Amended Exhibit List . Filed by Oregon Department of Corrections. (Van Meter, Heather) (Entered: 10/28/2016)
10/28/2016	<u>175</u>	Amended Witness Statement . Filed by Oregon Department of Corrections. (Van Meter, Heather) (Entered: 10/28/2016)
10/31/2016	176	<b>MINUTES of Proceedings:</b> RECORD OF SECOND DAY OF PRE-TRIAL CONFERENCE. Defendant's Motion in Limine No. 2 is GRANTED. Plaintiff's Motion in Limine No. 4 is DENIED. Plaintiff's Motion in Limine No. 5 is DENIED. Plaintiff's Motion in Limine No. 6 is DENIED. Plaintiff's Motion in Limine No. 7 is DENIED. Defendant's Daubert Motion <u>145</u> is GRANTED in PART and DENIED in PART. Defendant's Objections to Mr. VanValkenburg's Witness Statement is OVERRULED with leave to renew at trial. Defendant's Objection to Plaintiff's calling witness Debbie Allen as a rebuttal witness is OVERRULED. Defendant's Motion to complete direct examination of witness Kimberly Hendricks immediately after she is called in Plaintiff's case in chief is GRANTED. Plaintiff's objection to statements by witness Marcus Ford about Mr. VanValkenburg seeking a job is SUSTAINED with leave to renew. The Court GRANTS Defendant's Objection to Plaintiff's proposed jury instruction on Claims and Defenses; the instruction will not include a claim for discrimination due to failure to provide an interpreter during counselor meetings because notice of specific instances of that alleged discrimination was not provided to Defendant. Matthew C. Ellis and Shenoa L. Payne present as counsel for plaintiff(s). Heather J. Van Meter and Shannon M. Vincent present as counsel for defendant(s). Court Reporter: Bonita Shumway. Judge Michael W. Mosman presiding. (dls) (Entered: 10/31/2016)
10/31/2016	177	Scheduling Order by Judge Michael W. Mosman. RESETTING THE TIME ONLY for the Jury Trial FROM 11/1/2016 at 9:00AM, SET FOR 11/1/2016 at 08:45AM in Portland Courtroom 16 before Judge Michael W. Mosman. Ordered by Judge Michael W. Mosman. (dls) (Entered: 10/31/2016)
11/01/2016	<u>178</u>	<b>MINUTES of Proceedings:</b> RECORD OF THE FIRST DAY OF JURY TRIAL: Jury Instructions discussed. Jury voir dire, selected and sworn. See separate sheet for voir dire questions. Preliminary Instructions read by the court. Opening statements given by counsel. Witnesses sworn and evidence adduced. See separate list of witnesses and exhibits on the last day of trial. Defendant's Objection related to opening the door during the Plaintiff's opening statement to further information about Plaintiff's conviction is taken under advisement. Defendant objected to Plaintiff's expert witness's testimony about the inaccuracy in her report related to Plaintiff's ASL level. The objection was OVERRULED, Defendant may use testimony for impeachment as stated on the record. Court in recess until 8:45a.m., Wednesday, November 2, 2016. Matthew C. Ellis and Shenoa L. Payne present as counsel for plaintiff(s). Heather J. Van Meter and Shannon M. Vincent present as counsel for defendant(s). Court Reporter: Bonita Shumway. Interpreters: Richard Hall and Andrea Medlock. Judge Michael W. Mosman presiding. (Attachments: # <u>1</u> Attachment Voir Dire questions) (dls) Docket text modified and PDF of minutes replaced on 11/3/2016 to add the names of the ASL Interpreters. (eo). Modified on 11/4/2016 (dls). Modified on 11/21/2016 (dls). (Entered: 11/02/2016)
11/02/2016	179	<b>MINUTES of Proceedings:</b> RECORD OF SECOND DAY OF JURY TRIAL: Jury Instructions discussed. Witnesses sworn and evidence adduced. Juror Questions A & B RECEIVED and discussed. Juror Question C Received and Discussed. Plaintiff objected to Defendant's cross-examination of Mr. VanValkenburg about kytes he sent that are not related to the claims in this case. Objection was SUSTAINED under Federal Rule of Evidence Rule 403 as stated on the record. Plaintiff rests. Plaintiff's Motion for Directed Verdict is DENIED for the reasons stated on the record. Defendant rests. Defendant's Motion for Directed Verdict is DENIED for the reasons stated on the record. Jury Instructions and Verdict Form discussed. Court in recess until 8:45 on Thursday, November 3, 2016. Matthew C. Ellis and Shenoa L. Payne present as counsel for plaintiff(s). Heather J. Van Meter and Shannon M. Vincent present as counsel for defendant(s). Court Reporter: Bonita Shumway. Interpreters:

		Richard Hall and Damon Thayer. Judge Michael W. Mosman presiding. (dls) (Entered: 11/04/2016)
11/03/2016	<u>180</u>	Jury Instructions. (dls) (Entered: 11/04/2016)
11/03/2016	<u>181</u>	<b>MINUTES of Proceedings:</b> RECORD OF THIRD AND FINAL DAY OF JURY TRIAL: Court instructs the jury. Closing Argument given. Jury deliberations begin. ORDER: 7 juror lunches to be provided from Big City Cafe during deliberations. Jury returns a Verdict in favor of Plaintiff for \$400,000.00 Jury polled. The court discharges the jury. All exhibits returned. Post-trial motions are due within 21 days. Responses to post-trial motions are due within 10 days after filing of post-trial motions. Plaintiff's proposed form of judgment and Defendant's objections thereto are due within 7 days. Court adjourned. Matthew C. Ellis and Shenoa L. Payne present as counsel for plaintiff(s). Heather J. Van Meter and Shannon M. Vincent present as counsel for defendant(s). Court Reporter: Bonita Shumway. Interpreters: Richard Hall and Damon Thayer. Judge Michael W. Mosman presiding. (dls) (Entered: 11/04/2016)
11/03/2016	<u>182</u>	Verdict Form <b>Unredacted Version Filed Under Seal</b> . (dls) (Entered: 11/04/2016)
11/03/2016	<u>183</u>	Verdict Form. In favor of the plaintiff in the amount of \$400,000.00. (dls) (Entered: 11/04/2016)
11/03/2016	<u>184</u>	Jury Notes A, B, C, and D. (dls) (Entered: 11/04/2016)
11/03/2016	<u>185</u>	Clerks List of Exhibits & Witnesses. (dls) (Entered: 11/04/2016)
11/07/2016	<u>186</u>	Transcript Designation and Order Form for the hearing held on 10/20/16, 10/31/16, 11/1/16–11/3/16 before Judge Hon. Michael Mosman. . Filed by Oregon Department of Corrections. (Vincent, Shannon) (Entered: 11/07/2016)
11/11/2016	<u>187</u>	Proposed Form of Order Submitted ( <i>Proposed Judgment</i> ). Filed by David VanValkenburg. (Ellis, Matthew) (Entered: 11/11/2016)
11/16/2016	<u>188</u>	Proposed Form of Order Submitted ( <i>titled Defendant's Proposed Judgment</i> ). Filed by Oregon Department of Corrections. (Vincent, Shannon) (Entered: 11/16/2016)
11/23/2016	<u>189</u>	Unopposed Motion for Extension of Time <i>for Filing Post-Trial Pleadings</i> . Filed by Oregon Department of Corrections. (Van Meter, Heather) (Entered: 11/23/2016)
11/23/2016	<u>190</u>	Declaration of Heather J. Van Meter . Filed by Oregon Department of Corrections. (Related document(s): Motion for Extension of Time <u>189</u> .) (Van Meter, Heather) (Entered: 11/23/2016)
11/23/2016	<u>191</u>	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED Pretrial Conference – Day 1 held on 10/20/2016 before Chief Judge Michael W. Mosman, Court Reporter Bonita J. Shumway, telephone number 503–326–8188 or bonita_shumway@ord.uscourts.gov. <b>Transcript may be viewed at Court's public terminal or purchased from the Court Reporter before the deadline for Release of Transcript Restriction. Afterwards it may be obtained through the Court Reporter or PACER–See Policy at ord.uscourts.gov.</b> Notice of Intent to Redact Transcript is due by 12/5/2016. Redaction Request due 12/19/2016. Redacted Transcript Deadline set for 12/30/2016. Release of Transcript Restriction set for 2/24/2017. (Shumway, Bonita) (Entered: 11/23/2016)
11/23/2016	<u>192</u>	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED Pretrial Conference – Day 2 held on 10/31/2016 before Chief Judge Michael W. Mosman, Court Reporter Bonita J. Shumway, telephone number 503–326–8188 or bonita_shumway@ord.uscourts.gov. <b>Transcript may be viewed at Court's public terminal or purchased from the Court Reporter before the deadline for Release of Transcript Restriction. Afterwards it may be obtained through the Court Reporter or PACER–See Policy at ord.uscourts.gov.</b> Notice of Intent to Redact Transcript is due by 12/5/2016. Redaction Request due 12/19/2016. Redacted Transcript Deadline set for 12/30/2016. Release of Transcript Restriction set for 2/24/2017. (Shumway, Bonita) (Entered: 11/23/2016)
11/23/2016	<u>193</u>	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED Jury Trial – Day 1 held on 11/1/2016 before Chief Judge Michael W. Mosman, Court Reporter Bonita J. Shumway, telephone number 503–326–8188 or bonita_shumway@ord.uscourts.gov.



		Transcript may be viewed at Court's public terminal or purchased from the Court Reporter before the deadline for Release of Transcript Restriction. Afterwards it may be obtained through the Court Reporter or PACER—See Policy at ord.uscourts.gov. Notice of Intent to Redact Transcript is due by 12/5/2016. Redaction Request due 12/19/2016. Redacted Transcript Deadline set for 12/30/2016. Release of Transcript Restriction set for 2/24/2017. (Shumway, Bonita) (Entered: 11/23/2016)
11/23/2016	<u>194</u>	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED Jury Trial – Day 2 held on 11/2/2016 before Chief Judge Michael W. Mosman, Court Reporter Bonita J. Shumway, telephone number 503–326–8188 or bonita_shumway@ord.uscourts.gov. Transcript may be viewed at Court's public terminal or purchased from the Court Reporter before the deadline for Release of Transcript Restriction. Afterwards it may be obtained through the Court Reporter or PACER—See Policy at ord.uscourts.gov. Notice of Intent to Redact Transcript is due by 12/5/2016. Redaction Request due 12/19/2016. Redacted Transcript Deadline set for 12/30/2016. Release of Transcript Restriction set for 2/24/2017. (Shumway, Bonita) (Entered: 11/23/2016)
11/23/2016	<u>195</u>	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED Jury Trial – Day 3 held on 11/3/2016 before Chief Judge Michael W. Mosman, Court Reporter Bonita J. Shumway, telephone number 503–326–8188 or bonita_shumway@ord.uscourts.gov. Transcript may be viewed at Court's public terminal or purchased from the Court Reporter before the deadline for Release of Transcript Restriction. Afterwards it may be obtained through the Court Reporter or PACER—See Policy at ord.uscourts.gov. Notice of Intent to Redact Transcript is due by 12/5/2016. Redaction Request due 12/19/2016. Redacted Transcript Deadline set for 12/30/2016. Release of Transcript Restriction set for 2/24/2017. (Shumway, Bonita) (Entered: 11/23/2016)
11/28/2016	196	<b>ORDER:</b> GRANTING Defendants' Motion for Extension of Time <u>189</u> . Post–trial motions are due on December 5, 2016. Additionally, parties have through December 5, 2016 to file objections to Proposed Form of Order [187, 188]. Ordered by Judge Michael W. Mosman. (dls) (Entered: 11/28/2016)
12/05/2016	<u>197</u>	Objection(s) ( <i>titled Defendant's Objections to Plaintiff's Proposed Judgment</i> ). Filed by Oregon Department of Corrections. (Related document(s): Proposed Form of Order or Judgment <u>187</u> .) (Vincent, Shannon) (Entered: 12/05/2016)
12/05/2016	<u>198</u>	Objection(s) to <u>188</u> Proposed Form of Order or Judgment . Filed by David VanValkenburg. (Ellis, Matthew) (Entered: 12/05/2016)
12/05/2016	<u>199</u>	Declaration of Shenoa L. Payne <i>In Support of Plaintiff's Opposition to Defendant's Proposed Judgment</i> . Filed by David VanValkenburg. (Related document(s): Objection <u>198</u> .) (Attachments: # <u>1</u> Exhibit A) (Ellis, Matthew) (Entered: 12/05/2016)
12/05/2016	<u>200</u>	Motion for Judgment , Motion for New Trial ( <i>titled Defendant's Post–Trial Motions (JMOL, New Trial, Remittitur)</i> ). Filed by Oregon Department of Corrections. (Van Meter, Heather) (Entered: 12/05/2016)
12/05/2016	<u>201</u>	Declaration of Heather J. Van Meter . Filed by Oregon Department of Corrections. (Related document(s): Motion for judgment, Motion for new trial <u>200</u> .) (Van Meter, Heather) (Entered: 12/05/2016)
12/13/2016	202	ORDER: The Proposed Forms of Order [187, 188] are taken under advisement. The Court will rule on the judgments after ruling on Defendant's post–trial motions <u>200</u> . Ordered by Judge Michael W. Mosman. (dls) (Entered: 12/13/2016)
12/14/2016	<u>203</u>	Response to Motion for Judgment Motion for New Trial ( <i>titled Defendant's Post–Trial Motions (JMOL, New Trial, Remittitur)</i> ) <u>200</u> . Filed by David VanValkenburg. (Ellis, Matthew) (Entered: 12/14/2016)
12/14/2016	<u>204</u>	Declaration of Matthew C. Ellis . Filed by David VanValkenburg. (Related document(s): Motion for judgment, Motion for new trial <u>200</u> .) (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 51, # <u>8</u> Exhibit 511, # <u>9</u> Exhibit 513) (Ellis, Matthew) (Entered: 12/14/2016)
12/15/2016	<u>205</u>	Motion for Extension of Time . Filed by Oregon Department of Corrections. (Vincent, Shannon) (Entered: 12/15/2016)

12/15/2016	<u>206</u>	Declaration of Shannon Vincent . Filed by Oregon Department of Corrections. (Related document(s): Motion for Extension of Time <u>205</u> .) (Vincent, Shannon) (Entered: 12/15/2016)
12/15/2016	<u>207</u>	Response in Opposition to Motion for Extension of Time <u>205</u> . Filed by David VanValkenburg. (Payne, Shenoa) (Entered: 12/15/2016)
12/30/2016	208	<b>ORDER:</b> GRANTING Motion for Extension of Time <u>205</u> . Defendants have until January 25, 2017 to file a reply in support of pending post-trial motions. Ordered by Judge Michael W. Mosman. (dls) (Entered: 12/30/2016)
01/25/2017	<u>209</u>	Reply to Motion for Judgment Motion for New Trial ( <i>titled Defendant's Post-Trial Motions (JMOL, New Trial, Remittitur)</i> ) <u>200</u> . Filed by Oregon Department of Corrections. (Van Meter, Heather) (Entered: 01/25/2017)
02/08/2017	<u>210</u>	<b>OPINION AND ORDER:</b> Defendants' Motions for Judgment as a Matter of Law, New Trial, and Remittitur <u>200</u> are DENIED. Signed on 02/08/2017 by Judge Michael W. Mosman. (rs) (Entered: 02/09/2017)
02/08/2017	<u>211</u>	JUDGMENT: IT IS ORDERED AND ADJUDGED that Judgment is entered for Plaintiff and against Defendant in the amount of \$400,000 with interest accruing from the date of entry of this judgment at the amount of 0.64% on Plaintiff's claim under ORS 659A.142(5). Judgment is entered for Defendant on Plaintiff's claim under the Americans with Disabilities Act. Signed on 02/08/2017 by Judge Michael W. Mosman. (rs) (Entered: 02/09/2017)
03/01/2017	<u>212</u>	Motion to File Excess Pages . Expedited Hearing requested. Filed by David VanValkenburg. (Ellis, Matthew) (Entered: 03/01/2017)
03/01/2017	<u>213</u>	Declaration of Matthew C. Ellis <i>In Support of Motion to File Excess Pages</i> . Filed by David VanValkenburg. (Related document(s): Motion to File Excess Pages <u>212</u> .) (Ellis, Matthew) (Entered: 03/01/2017)
03/01/2017	214	<b>ORDER:</b> Plaintiff's Motion to File Excess Pages <u>212</u> is GRANTED. Plaintiff's Brief in Support of his Motion for Attorney's fees and Costs is limited to 20 pages. Ordered by Judge Michael W. Mosman. (rs) (Entered: 03/01/2017)
03/02/2017	<u>215</u>	Motion for Attorney Fees , <i>Costs and Disbursements</i> . Filed by David VanValkenburg. (Ellis, Matthew) (Entered: 03/02/2017)
03/02/2017	<u>216</u>	Declaration of Matthew C. Ellis . Filed by David VanValkenburg. (Related document(s): Motion for Attorney Fees <u>215</u> .) (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4) (Ellis, Matthew) (Entered: 03/02/2017)
03/02/2017	<u>217</u>	Declaration of R. Kyle Busse . Filed by David VanValkenburg. (Related document(s): Motion for Attorney Fees <u>215</u> .) (Ellis, Matthew) (Entered: 03/02/2017)
03/02/2017	<u>218</u>	Declaration of Shenoa Payne . Filed by David VanValkenburg. (Related document(s): Motion for Attorney Fees <u>215</u> .) (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F) (Payne, Shenoa) (Entered: 03/02/2017)
03/02/2017	<u>219</u>	Declaration of Stephen L. Brischetto . Filed by David VanValkenburg. (Related document(s): Motion for Attorney Fees <u>215</u> .) (Ellis, Matthew) (Entered: 03/02/2017)
03/02/2017	<u>220</u>	Declaration of Kathy Wilde . Filed by David VanValkenburg. (Related document(s): Motion for Attorney Fees <u>215</u> .) (Ellis, Matthew) (Entered: 03/02/2017)
03/02/2017	<u>221</u>	Declaration of Joel Greenberg . Filed by David VanValkenburg. (Related document(s): Motion for Attorney Fees <u>215</u> .) (Ellis, Matthew) (Entered: 03/02/2017)
03/02/2017	<u>222</u>	Declaration of Beth Creighton . Filed by David VanValkenburg. (Related document(s): Motion for Attorney Fees <u>215</u> .) (Ellis, Matthew) (Entered: 03/02/2017)
03/02/2017	<u>223</u>	Declaration of Dana Sullivan . Filed by David VanValkenburg. (Related document(s): Motion for Attorney Fees <u>215</u> .) (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Payne, Shenoa) (Entered: 03/02/2017)
03/02/2017	<u>224</u>	Declaration of Brent Barton . Filed by David VanValkenburg. (Related document(s): Motion for Attorney Fees <u>215</u> .) (Ellis, Matthew) (Entered: 03/02/2017)

03/02/2017	<u>225</u>	Declaration of Michael Haglund . Filed by David VanValkenburg. (Related document(s): Motion for Attorney Fees <u>215</u> .) (Attachments: # <u>1</u> Exhibit A) (Payne, Shenoa) (Entered: 03/02/2017)
03/09/2017	<u>226</u>	Notice of Appeal to the 9th Circuit from Judgment, <u>211</u> Filing fee \$505 collected; Agency Tracking ID 0979-4934113: . Filed by Oregon Department of Corrections. (Fjordbeck, Denise) (Entered: 03/09/2017)
03/09/2017	<u>227</u>	Representation Statement re Notice of Appeal <u>226</u> . Filed by Oregon Department of Corrections. (Fjordbeck, Denise) (Entered: 03/09/2017)
03/10/2017		USCA Case Number and Notice confirming Docketing Record on Appeal re Notice of Appeal <u>226</u> . <b>Case Appealed to Ninth Circuit Court of Appeals Case Number 17-35203</b> assigned. (sss) (Entered: 03/14/2017)
03/15/2017	<u>228</u>	Cross Notice of Appeal to the 9th Circuit Filing fee \$505 collected; Agency Tracking ID 0979-4940409: . Filed by David VanValkenburg. (Payne, Shenoa) (Entered: 03/15/2017)
03/15/2017	<u>229</u>	Representation Statement re Notice of Appeal <u>228</u> . Filed by David VanValkenburg. (Payne, Shenoa) (Entered: 03/15/2017)
03/16/2017		USCA Case Number and Notice confirming Docketing Record on Appeal re Notice of Appeal <u>228</u> . <b>Case Appealed to 9th Circuit Court of Appeals Case Number 17-35222</b> assigned. (sss) (Entered: 03/16/2017)
03/16/2017	<u>230</u>	Objections ( <i>titled Objections to Plaintiff's Motion for Attorney Fees, Costs and Disbursements</i> ). Filed by Oregon Department of Corrections. (Van Meter, Heather) (Entered: 03/16/2017)
03/16/2017	<u>231</u>	Declaration of Heather J. Van Meter . Filed by Oregon Department of Corrections. (Related document(s): Objections to Bill of Costs <u>230</u> .) (Van Meter, Heather) (Entered: 03/16/2017)
03/29/2017	<u>232</u>	Motion for Extension of Time to File a Response/Reply to Motion for Attorney Fees , <i>Costs and Disbursements</i> <u>215</u> . Filed by David VanValkenburg. (Payne, Shenoa) (Entered: 03/29/2017)
03/29/2017	<u>233</u>	Declaration of <i>Shenoa Payne</i> . Filed by David VanValkenburg. (Related document(s): Motion for Extension of Time to File Response/Reply to a Motion <u>232</u> .) (Payne, Shenoa) (Entered: 03/29/2017)
03/29/2017	234	<b>ORDER:</b> GRANTING Plaintiff's Motion for Extension of Time <u>232</u> . Plaintiff's Response to Defendant's Objections to Motion for Attorney Fees, Costs and Disbursements is due April 6, 2017. Ordered by Judge Michael W. Mosman. (rs) (Entered: 03/29/2017)
04/06/2017	<u>235</u>	Reply to Motion for Attorney Fees , <i>Costs and Disbursements</i> <u>215</u> . Filed by David VanValkenburg. (Payne, Shenoa) (Entered: 04/06/2017)
04/06/2017	<u>236</u>	Supplemental Declaration of <i>Shenoa Payne</i> . Filed by David VanValkenburg. (Related document(s): Reply to Motion <u>235</u> .) (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Payne, Shenoa) (Entered: 04/06/2017)
04/10/2017	<u>237</u>	Transcript Designation and Order Form for the hearing held on 11/16/2015; 9/20/2016; 10/20/2016; 10/31/2016; 11/1/2016-11/3/2016 before Judge Anna J. Brown; Michael W. Mosman. Court Reporter: Amanda LeGore; Bonita Shumway. regarding Notice of Appeal <u>226</u> . Filed by Oregon Department of Corrections. Transcript is due by 5/10/2017. (Fjordbeck, Denise) (Entered: 04/10/2017)
05/02/2017	<u>238</u>	OFFICIAL COURT TRANSCRIPT OF PROCEEDINGS FILED Oral Argument held on November 16, 2015 before Judge Anna J. Brown, Court Reporter Amanda LeGore, telephone number 503-326-8184. <b>Transcript may be viewed at Court's public terminal or purchased from the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. Afterwards it may be obtained through PACER-See Policy at <a href="http://ord.uscourts.gov">ord.uscourts.gov</a>.</b> Notice of Intent to Redact Transcript is due by 5/9/2017. Redaction Request due 5/23/2017. Redacted Transcript Deadline set for 6/2/2017. Release of Transcript Restriction set for 7/31/2017. (LeGore, Amanda) (Entered: 05/02/2017)

06/09/2017	<u>239</u>	Notice of Change of Address. Filed by David VanValkenburg (Payne, Shenoa) (Entered: 06/09/2017)
06/09/2017	<u>240</u>	OPINION AND ORDER Signed on 06/09/2017 by Judge Michael W. Mosman. (rs) (Entered: 06/09/2017)
06/29/2017	<u>241</u>	Supplemental Proposed Form of Order Submitted . Filed by David VanValkenburg. (Payne, Shenoa) (Entered: 06/29/2017)
07/05/2017	<u>242</u>	SUPPLEMENTAL JUDGMENT. Judgment is entered for Plaintiff and against Defendant on Plaintiff's ORS 659A.142(5) claim in the amount of \$683,873.13 in attorney fees, \$18,155.19 in costs, and \$3,924.79 in litigation expenses, with interest accruing from the date of entry of this Supplemental Judgment, at the amount of 1.21%. This Judgment is supplemental to the Judgment entered on February 9, 2017, which entered Judgment for Plaintiff in the amount of \$400,000. Signed on 7/5/17 by Judge Michael W. Mosman. (dls) (Entered: 07/06/2017)
09/21/2017	<u>243</u>	Order of USCA for the 9th Circuit, <b>USCA # 17-35203, 17-35222</b> , re Notice of Appeal <u>226</u> , Notice of Appeal <u>228</u> . Pursuant to stipulation of the parties (docket #15,#14), these appeals are voluntarily dismissed. Fed. R. App. P. 42(b). The parties shall bear their own fees and costs. This order served on the district court shall act as and for the mandate of this court. (jtj) (Entered: 09/21/2017)
11/03/2017	<u>244</u>	Satisfaction re Judgment, <u>211</u> , Order,, <u>242</u> by Oregon Department of Corrections. Filed by Oregon Department of Corrections. (Fjordbeck, Denise) (Entered: 11/03/2017)