

CLOSED, LC02

**Eastern District of Washington
U.S. District Court (Spokane)
CIVIL DOCKET FOR CASE #: 2:79-cv-00359-WFN**

Hoptowit v. Ray
Assigned to: Senior Judge Wm. Fremming Nielsen
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 10/12/1979
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil
Rights
Jurisdiction: Federal Question

Plaintiff

Frederick Hoptowit

represented by **David John Burman**
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Plaintiff

Rick Rinier

Plaintiff

Steven Hopkins

Plaintiff

David Rivera

Plaintiff

Robert Smith

Plaintiff

Leo Victoria

Plaintiff

Tim Adamson

Plaintiff

Larry Camarillo

Plaintiff

Daniel Atteberry

Plaintiff

Carl Harp

Plaintiff

Gary Isaacs

Plaintiff

Lynn Brooks

Plaintiff

Daniel Clark

Plaintiff

Manuel Rampola

Plaintiff

John Wait

Plaintiff

Kenneth Holden

Plaintiff

Frederick Hoptowit

Plaintiff

Rick Rinier

Plaintiff

Steven Hopkins

Plaintiff

David Rivera

Plaintiff

Robert Smith

Plaintiff

Leo Victoria

Plaintiff

Tim Adamson

Plaintiff

Larry Camarillo

Plaintiff

Daniel Atteberry

Plaintiff

Carl Harp

Plaintiff

Gary Isaacs

Plaintiff

Lynn Brooks

Plaintiff

Daniel Clark

Plaintiff

Manuel Rampola

Plaintiff

John Wait

Plaintiff

Kenneth Holden

V.

Defendant

Dixie Lee Ray

represented by **Douglas W Carr**
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Defendant

Gerald Thompson

Defendant

John Shaughnessey

Defendant

Robert Tropp

Defendant

W Edward Naugler

Defendant

James Spalding

Defendant

Larry Kincheloe

Defendant

James Cummins

Defendant

Stanley Hansen

Defendant

Donald Talbot

Defendant

Robert Benzel

Defendant

Charles Crow

Defendant

Parley Edwards

Defendant

Zane Massaro

Defendant

Phillip Mathieson

Defendant

Raymond Miers

Defendant

Patrick Nugent

Defendant

Randy Patterson

Defendant

Richard Piver

Defendant

Richard Pontsler

Defendant

Geoffrey Proctor

Defendant

**WA St Board Prison Terms &
Paroles**

Defendant

USA

Defendant

Dixy Lee Ray

represented by **Douglas W Carr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John Scott Blonien
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Gerald Thompson

Defendant

John Shaughnessey

Defendant

Robert Tropp

Defendant

W Edward Naugler

Defendant

James Spalding

Defendant

Larry Kincheloe

Defendant

James Cummins

Defendant

Stanley Hansen

Defendant

Donald Talbot

Defendant

Robert Benzel

Defendant

Charles Crow

Defendant

Parley Edwards

Defendant

Zane Masaro

Defendant

Phillip Mathieson

Defendant

Raymond Miers**Defendant****Patrick Nugent****Defendant****Randy Patterson****Defendant****Richard Piver****Defendant****Richard Pontsler****Defendant****Geoffrey Proctor****Defendant****USA**

Date Filed	#	Docket Text
04/05/1990	1266	ORDER Directing Closing of File by Judge Robert J. McNichols, terminating case COB-98-81 (cc: all counsel) (PW) (Entered: 04/06/1990)
05/20/1996	1267	MOTION by defendants to reopen file , vacate permanent injunction , and dismiss action (LAM) (Entered: 05/21/1996)
05/20/1996	1268	Memorandum by defendants in support of motion to reopen file [1267-1], vacate permanent injunction [1267-2], and dismiss action [1267-3] [ATTACHMENT IN SEPARATE EXPANDO FOLDER] (LAM) Modified on 05/21/1996 (Entered: 05/21/1996)
05/20/1996	1269	Notice by defendants of hearing setting motion to reopen file [1267-1] (w/o oral argument 6/17/96), setting motion for permanent injunction [1267-2] (w/o oral argument 6/17/96), setting to motion dismiss action [1267-3] (w/o oral argument 6/17/96) (LAM) (Entered: 05/21/1996)
05/20/1996	1270	Proof of service by defendants of: #1267-1269 (LAM) (Entered: 05/21/1996)
05/29/1996	1271	ORDER Transferring Case by Judge Robert H. Whaley Case reassigned to Chief Judge Wm. Fremming Nielsen (cc: all counsel) (PW) (Entered: 05/30/1996)
05/30/1996		Law Clerk assigned to case is 2 (admin) (Entered: 05/30/1996)
05/31/1996	1272	Memorandum by plaintiffs in opposition to motion vacate permanent injunction [1267-2], motion dismiss action [1267-3]. . . (PW) (Entered: 05/31/1996)

05/31/1996	1273	Proof of service by plaintiffs of: # 1272 (PW) (Entered: 05/31/1996)
06/13/1996	1274	Defendants' Reply To Plaintiffs' Oppositon To Defendants' otion to reopen file [1267-1], re motion vacate permanent injunction [1267-2], re motion dismiss action [1267-3] (ECH) (Entered: 06/13/1996)
06/18/1996	1275	ORDER by Chief Judge Wm. Fremming Nielsen setting motion to reopen file [1267-1] ; w/o oral argument 4:30 8/9/96, setting motion vacate permanent injunction [1267-2] ; w/o oral argument 4:30 8/9/96, setting motion dismiss action [1267-3] ; w/o oral argument 4:30 8/9/96 (cc: all counsel) (ECH) (Entered: 06/18/1996)
07/01/1996	1276	Plaintiffs' Response To New Issue Raised By Defendants' Reply (ECH) (Entered: 07/01/1996)
08/06/1996	1277	ORDER by Chief Judge Wm. Fremming Nielsen IT IS ORDERED that: Plaintiffs shall file additional briefing concerning only the applicability of the Prisoner Litigation Reform Act no later than September 3, 1996. Defendants shall file a response no later than September 20, 1996. A hearing without oral argument is set for September 23, 1996. The August 9, 1996 hearing date is STRICKEN. setting motion to reopen file [1267-1] at 4:30 9/23/96, setting motion vacate permanent injunction [1267-2] at 4:30 9/23/96, setting motion dismiss action [1267-3] at 4:30 9/23/96 (cc: all counsel) (ECH) (Entered: 08/06/1996)
08/23/1996	1278	ORDER by Chief Judge Wm. Fremming Nielsen IT IS ORDERED that: 1. The deadline for Plaintiffs' additional briefing concerning the Prison Litigation Reform Act, established by the Court's Order dated August 6, 1996, is EXTENED by one day. Plaintiffs' briefing shall be due no later than September 4, 1996. 2. all other dates set by the August 6, 1996, Order shall REMAIN IN EFFECT.(cc: all counsel) (ECH) (Entered: 08/23/1996)
09/04/1996	1279	Plaintiffs' MOTION To File An Overlength Brief (ECH) (Entered: 09/05/1996)
09/04/1996	1280	Notice by plaintiff John Wait Of Constitutional Question (ECH) (Entered: 09/05/1996)
09/04/1996	1281	Declaration Of David C. Faith (ECH) (Entered: 09/05/1996)
09/04/1996	1282	Proof of service by plaintiff of: pldgs. #1279-1281 & overlength Brief (ECH) (Entered: 09/05/1996)
09/17/1996	1283	NOTICE OF CERTIFICATION by Chief Judge Wm. Fremming Nielsen Pursuant to 28 U.S.C. Sect 2403, this Court CERTIFIES to the above-referenced Act of Confress has been drawn into question (cc: all counsel) (ECH) (Entered: 09/17/1996)
09/23/1996		Proposed Stipulation And Order On Motion For Extension Of Time To File Pleading re: submitted by plaintiff, defendants, (ECH) (Entered: 09/23/1996)
09/27/1996	1284	Defendants' Response To Plaintiffs' Brief On Applicability Of PLRA

		(ECH) (Entered: 09/27/1996)
10/02/1996	1285	Statement Of Interest Of The United States (ECH) (Entered: 10/02/1996)
10/04/1996	1286	Stipulation and ORDER by Chief Judge Wm. Fremming Nielsen : IT IS HEREBY ORDERED that the Defendants' response to plaintiffs' additional briefing concerning the applicability of the Prisoner Litigation Reform Act shall be as stipulated. (cc: all counsel) (ECH) (Entered: 10/04/1996)
10/10/1996	1287	Plaintiffs' MOTION To Compel Responses To Discovery Requests And Inspection (ECH) (Entered: 10/11/1996)
10/10/1996	1288	Memorandum In Support Of Plaintiffs' Motion To Compel Responses To Discovery Requests And Inspection [1287-1] (ECH) (Entered: 10/11/1996)
10/10/1996	1289	Declaration Of David C. Faiti (ECH) (Entered: 10/11/1996)
10/10/1996	1290	Notice by plaintiffs of hearing setting motion To Compel Responses To Discovery Requests And Inspection [1287-1] (w/o oral argument 4:30 11/18/96) (ECH) (Entered: 10/11/1996)
10/16/1996	1291	ORDER by Chief Judge Wm. Fremming Nielsen granting motion To Compel Responses To Discovery Requests And Inspection [1287-1], granting motion to reopen file [1267-1], Ruling on motion vacate permanent injunction [1267-2] is reserved, Ruling on motion dismiss action [1267-3] is reserved ; Telephone status conf will be held in this matter on 8:30 2/3/97 Spokane, WA (cc: all counsel) (ECH) (Entered: 10/16/1996)
01/02/1997	1292	Report Of Plaintiffs' Expert (ECH) (Entered: 01/02/1997)
02/03/1997		Telephonic Status Conference Hearing : before Chief Judge Wm. Fremming Nielsen Hrg Location: Spokane; no court reporter (ECH) (Entered: 02/03/1997)
02/03/1997	1293	Defendants' Response To Report Of Patrick McManus (ECH) (Entered: 02/03/1997)
02/03/1997	1294	Status Conference Order by Chief Judge Wm. Fremming Nielsen ; tele status conference set 8:30 5/5/97, staying (cc:all counsel) (ECH) (Entered: 02/03/1997)
05/05/1997	1295	Status Conference Order by Chief Judge Wm. Fremming Nielsen tele status conference set 8:00 6/19/97 (cc:all counsel) (ECH) (Entered: 05/05/1997)
05/05/1997		Telephonic Status Conference Hearing: before Chief Judge Wm. Fremming Nielsen Hrg Location: Spokane; no court reporter (ECH) (Entered: 05/05/1997)
06/19/1997		Telephonic Status Conference Hearing : before Chief Judge Wm. Fremming Nielsen Hrg Location: Spokane; no court reporter (ECH) (Entered: 06/19/1997)

06/20/1997	1296	Status Conference Order by Chief Judge Wm. Fremming Nielsen ; tele status conference set 4:30 7/25/97 finding the motion To File An Overlength Brief [1279-1] moot. (cc:all counsel) (ECH) (Entered: 06/20/1997)
07/18/1997	1297	ORDER by Chief Judge Wm. Fremming Nielsen ; Settlement papers & draft of proposed notice 4:30 8/8/97 , ; Telephone status conf reset to 8:00 8/11/97 Spokane, WA (cc: all counsel) (ECH) (Entered: 07/18/1997)
08/08/1997		Pink slip routed ; Telephone status conf reset 8:00 8/14/97 Spokane, WA (MB) (Entered: 08/08/1997)
08/13/1997	1298	Stipulated MOTION For Order Provisionally Approving Settlement Of Class Action And Directing Notice To The Class (ECH) (Entered: 08/13/1997)
08/13/1997		Proposed Notice To All Inmates Regarding Proposed Settlement Of Class Action re: motion For Order Provisionally Approving Settlement Of Class Action And Directing Notice To The Class [1298-1] (ECH) (Entered: 08/14/1997)
08/13/1997		Proposed Order re: motion For Order Provisionally Approving Settlement Of Class Action And Directing Notice To The Class [1298-1] (ECH) (Entered: 08/14/1997)
08/14/1997	1299	NOTICE TO ALL INMATES REGARDING PROPOSED SETTLEMENT OF CLASS ACTION by Chief Judge Wm. Fremming Nielsen granting Motion For Order Provisionally Approving Settlement Of Class And Directing Notice To The Class [1298-1] (cc: all counsel) (ECH) (Entered: 08/14/1997)
08/14/1997	1300	ORDER PROVISIONALLY APPROVING SETTLEMENT AND DIRECTING NOTICE TO CLASS by Chief Judge Wm. Fremming Nielsen granting motion For Order Provisionally Approving Settlement Of Class Action And Directing Notice To The Class [1298-1] (cc: all counsel) (ECH) (Entered: 08/14/1997)
09/02/1997	1301	Plaintiff Demos' Objection To The Proposed Settlement And Lifting Of The Injunction (ECH) (Entered: 09/02/1997)
09/03/1997	1302	Plaintiff Denis' 2nd Objection To The Court's Provisional Approval Of A Proposed Settlement Of Suit (ECH) (Entered: 09/03/1997)
09/04/1997	1303	Objections To Order by Jai'mar Scott (ECH) (Entered: 09/04/1997)
09/18/1997	1331	Objections by Michael D. Oswald to order [1300-1] (LE) (Entered: 04/15/1999)
09/25/1997	1304	Objections by Efren Lopez Gamboa to order [1299-1] (PW) (Entered: 09/25/1997)
09/25/1997	1305	Objections to proposed settlement of class action by Troy Richard Talbot re: order [1299-1] (PW) (Entered: 09/25/1997)

09/26/1997	1306	Objections to dismissal of case or lifting of injunctions by James Clayton [1299-1] (PW) (Entered: 09/26/1997)
09/26/1997	1307	MOTION to intervene as an original party plaintiff (PW) (Entered: 09/26/1997)
09/26/1997	1308	Affidavit of John Demos regarding motion to intervene as an original party plaintiff (PW) (Entered: 09/26/1997)
09/26/1997	1309	Notice of hearing setting motion to intervene as an original party plaintiff [1307-1] (w/o oral argument 10/10/97) (PW) (Entered: 09/26/1997)
09/26/1997	1310	Proof of service of: #1307-1309 (PW) (Entered: 09/26/1997)
09/29/1997	1311	Objections By Carl Dalby to order [1300-1], order [1299-1] (ECH) (Entered: 09/29/1997)
09/29/1997	1312	Objections By Christina Ann Dalton aks Matthew Dalton to order [1300-1], order [1299-1] (ECH) (Entered: 09/29/1997)
09/29/1997	1313	Objections By Norm John Trapp To order [1300-1], order [1299-1] (ECH) (Entered: 09/29/1997)
10/01/1997	1314	Objections By Timothy E. Caffrey to order [1300-1], order [1299-1] (ECH) (Entered: 10/01/1997)
10/01/1997	1332	Objections by Bud A. Larson to order [1300-1] (LE) (Entered: 04/15/1999)
10/02/1997	1333	Objections by Lawrence Keller to order [1300-1] (LE) (Entered: 04/15/1999)
10/03/1997	1315	Objections To Lifting Of Injunction order [1300-1], order [1299-1] (ECH) (Entered: 10/03/1997)
10/10/1997	1316	Objection Of Timothy E. Cafrey (ECH) (Entered: 10/23/1997)
10/16/1997	1317	MOTION For Party Plaintiff Intervention To "Enforce" The Terms Of The Injunction (ECH) Modified on 10/23/1997 (Entered: 10/21/1997)
10/27/1997	1318	MOTION For Judicial Notice Of The Denial Of Adequate Mental Health Treatment At The Washington State Penitentiary (ECH) Modified on 01/08/1998 (Entered: 10/28/1997)
10/27/1997	1319	Notice of hearing setting motion For Judicial Notice Of The Denial Of Adequate Mental Health Treatment At The Washington State Penitentiary [1317-1] (w/o oral argument 4:30 11/14/97) (ECH) Modified on 01/08/1998 (Entered: 10/28/1997)
10/27/1997	1320	Proof of service of: pldgs. #1317 & 1318 (ECH) Modified on 01/08/1998 (Entered: 10/28/1997)
10/29/1997	1321	MOTION For Order To Compel Defendants To Comply With The Terms Of The Injunction (ECH) Modified on 01/08/1998 (Entered: 10/31/1997)
10/29/1997	1322	Notice of hearing setting motion For Order To Compel Defendants To

		Comply With The Terms Of The Injunction [1320-1] (w/o oral argument 4:30 11/14/97) (ECH) Modified on 01/08/1998 (Entered: 10/31/1997)
10/29/1997	1323	Proof of service of: pldgs. #1321 and 1322 (ECH) Modified on 01/08/1998 (Entered: 10/31/1997)
11/25/1997	1324	MOTION For The Taking Of Judicial Notice (ECH) Modified on 01/08/1998 (Entered: 11/28/1997)
11/25/1997	1325	Notice of hearing setting motion For The Taking Of Judicial Notice [1323-1] (w/o oral argument 4:30 12/8/97) (ECH) Modified on 01/08/1998 (Entered: 11/28/1997)
03/03/1998	1325	ORDER by Chief Judge Wm. Fremming Nielsen (An Order of Contempt against John Demos was entered 8/26/91 in Case No. CS-91-0027-JBH which prohibits Mr. Demos from initiating any civil actions in the USDC-EDWA; This Court considers the motions filed by Mr. Demos in the instant case an attempt on his part to initiate civil actions in the USDC-EDWA, ... Accordingly, the following motions filed by John R. Demos are stricken: striking motion to intervene as an original party plaintiff [1307-1], striking motion For Party Plaintiff Intervention To "Enforce" The Terms Of The Injunction [1317-1], striking motion For Judicial Notice Of The Denial Of Adequate Mental Health Treatment At The Washington State Penitentiary [1318-1], striking motion For Order To Compel Defendants To Comply With The Terms Of The Injunction [1321-1], striking motion For The Taking Of Judicial Notice [1324-1] : Case mgmt ddl set 4/3/98 by which date pltf's counsel shall respond to the Objections entered by Class members; defts shall then respond to pltf's submission no later than 4/17/98; the Court shall schedule a hearing if one is deemed necessary (cc: all counsel) (LE) (Entered: 03/03/1998)
04/02/1998	1326	Response by plaintiffs to objections to proposed settlement (PW) (Entered: 04/02/1998)
04/17/1998	1327	Response by defendants to plaintiffs' response to objections to proposed settlement [1326-1] (LE) (Entered: 04/17/1998)
04/17/1998	1328	Affidavit of Tanna Wood regarding response (LE) (Entered: 04/17/1998)
04/17/1998	1329	Proof of service by defendants of: #1327-#1328 (LE) (Entered: 04/17/1998)
10/16/1998		Pink slip routed ; Telephone status conf set 3:30 10/26/98 Spokane, WA (FmrEmp) (Entered: 10/16/1998)
10/26/1998		MINUTES: TELE STAT CONF Hrg Location: S/WFN; Topper Baker court reporter; court to review case law and proceed accordingly regarding settlement agreement (LE) (Entered: 10/27/1998)
11/16/1998	1330	Amended Response by plaintiffs [1326-1] to Proposed Settlement (LE) (Entered: 11/16/1998)
05/11/1999	1334	ORDER by Chief Judge Wm. Fremming Nielsen approving the parties' Proposed Settlement of this matter styled "Memorandum of

		Understanding" [1298-1]; the parties have until 6/14/99 to simultaneously submit proposed FFCL for the court to consider before vacating the permanent injunction; parties have until 7/12/99 to submit simultaneous responses to the parties' proposed FFCL; the court will take the matter under advisement (cc: all counsel) (LE) (Entered: 05/13/1999)
06/14/1999	1335	Proposed Findings of fact and conclusions of law by plaintiffs (LE) (Entered: 06/14/1999)
06/14/1999	1336	Proposed Findings of fact and conclusions of law by defendants (LE) (Entered: 06/14/1999)
07/12/1999	1337	Response by plaintiff to dfts' proposed findings of fact [1336-1] (LE) (Entered: 07/12/1999)
07/12/1999	1338	Response by defendants to pltfs' proposed findings of fact [1335-1] (LE) (Entered: 07/12/1999)
07/14/1999	1339	Affidavit of Fact Pursuant to 28 USC 1746 (signed by John Demos and other WSP Inmates) (LE) (Entered: 07/14/1999)
07/14/1999	1340	Affidavit Pursuant to 28 USC 1746 signed by John Demos and other WSP Inmates (LE) (Entered: 07/14/1999)
07/14/1999	1341	Affidavit Pursuant to 28 USC 636 signed by John Demos and other WSP Inmates (LE) (Entered: 07/14/1999)
07/14/1999	1342	Proof of service by John Demos and other WSP Inmates of: #1339-#1341 (LE) (Entered: 07/14/1999)
08/19/1999	1343	CIVIL RIGHTS COMPLAINT BY PRISONER (John Robert Demos) Fee-status: Receipt #: (LE) (Entered: 08/19/1999)
08/19/1999	1344	FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER by Chief Judge Wm. Fremming Nielsen: the parties' proposed settlement of this matter styled "Memorandum of Understanding" Ct.Rec.1298 is APPROVED and incorporated by reference and the permanent injunction in this matter is TERMINATED and this matter is DISMISSED WITH PREJUDICE; the Court retains jurisdiction for the limited purpose of adjudicating any remaining attorney fees and costs issues; the parties shall submit a joint stmt addressing the status of these issues by 9/17/99; DCE directed to RECLOSE THIS FILE terminating case COB: 167-88 (cc: all counsel) (LE) (Entered: 08/19/1999)
09/17/1999	1345	Joint Statement by plaintiff, defendant pursuant to Court's Order of 8/19/99 (LE) (Entered: 09/17/1999)
09/21/1999	1346	ORDER by Chief Judge Wm. Fremming Nielsen Case mgmt ddl set 12/1/99 to file mtn or request for fees or costs by any party in this matter DCE directed to RECLOSE this file (cc: all counsel) (LE) (Entered: 09/21/1999)
12/01/1999	1347	PROPOSED RECEIVED Stipulation and Order Re Request for Attorney Fees submitted by plaintiff, defendant (LE) (Entered: 12/01/1999)

12/13/1999	1348	Stipulation and ORDER Re Request for Attorney Fees by Chief Judge Wm. Fremming Nielsen: a mtn or request for fees or costs by any party in this matter, if any, shall be filed and served no later than 12/22/99 (cc: all counsel & parties of record) (LE) (Entered: 12/14/1999)
12/22/1999	1349	PROPOSED RECEIVED Stipulation and Order re: Attorney Fees (KH) (Entered: 12/22/1999)
01/03/2000	1350	Stipulation and ORDER Re Attorney Fees by Chief Judge Wm. Fremming Nielsen: per stipulation, w/in 30 days of this Order dfts shall pay to pltfs' counsel \$45,000.00 in attorney fees and \$1,409.06 in costs in full and final settlement of all pltfs' claims for atty fees and costs in this action (cc: all counsel) (LE) (Entered: 01/03/2000)
02/22/2000	1351	Ex Parte MOTION for Evidence by James S. Vaccaro (w/proposed order and afdt of mailing on USDC attached) (LE) (Entered: 03/01/2000)
03/27/2000	1352	ORDER by Chief Judge Wm. Fremming Nielsen denying motion for Evidence [1351-1] (cc: all counsel, James S. Vaccaro at WSP) (LE) (Entered: 03/27/2000)
07/21/2000	1353	Pr Se MOTION to joinder third party plaintiff no hearing set (LE) (Entered: 07/24/2000)
07/26/2000	1354	Letter to court by James S. Vaccaro (LE) (Entered: 07/26/2000)
08/28/2000	1355	ORDER by Chief Judge Wm. Fremming Nielsen denying as moot Vaccaro's ex parte motion to joinder third party plaintiff [1353-1] (cc: all counsel, Mr. Vaccaro) (LE) (Entered: 08/28/2000)

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10/07/2005 12:48:04			
PACER Login:	hs0328	Client Code:	
Description:	Docket Report	Search Criteria:	2:79-cv-00359-WFN
Billable Pages:	7	Cost:	0.56