

[Create an Alert for This Case on RECAP](#)

CASREF,DTE,DTEATTY

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:20-cv-01182-GMS-JZB**

Nielsen et al v. Shinn
Assigned to: Chief Judge G Murray Snow
Referred to: Magistrate Judge John Z Boyle
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 06/15/2020
Jury Demand: None
Nature of Suit: 555 Prisoner: Prison
Condition
Jurisdiction: Federal Question

Plaintiff

Jeffrey Nielsen
*on behalf of themselves and all
others similarly situated*

represented by **Jacob Jeffrey Baer**
Fredrikson & Byron PA
4000 Pillsbury Center
200 S 6th St.
Minneapolis, MN 55402
612-492-7000
Fax: 612-492-7077
Email: jbaer@fredlaw.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

John R Dacey
Abolish Private Prisons
125 N 2nd St., Ste. 110
Phoenix, AZ 85004
602-737-0600
Email:
johndacey@abolishprivateprisons.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Lousene M Hoppe
Fredrikson & Byron PA
200 S 6th St
Ste 4000
Minneapolis, MN 55402
612-492-7402
Fax: 612-492-7077

Email: lhoppe@fredlaw.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Robert Eugene Craig , III
Abolish Private Prisons
125 N 2nd St., Ste. 110
Phoenix, AZ 85004
602-471-9620
Email:
robertcraig@abolishprivateprisons.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas A Zlaket
Thomas A Zlaket PLLC
310 S Williams Blvd., Ste. 170
Tucson, AZ 85711
520-750-0250
Fax: 520-750-0243
Email: tom@zlaketlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Larry Hilgendorf
on behalf of themselves and all
others similarly situated

represented by **Jacob Jeffrey Baer**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

John R Dacey
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Lousene M Hoppe
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Robert Eugene Craig , III
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Thomas A Zlaket

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Plaintiff

Terry Brownell

*on behalf of themselves and all
others similarly situated*

represented by **Jacob Jeffrey Baer**

(See above for address)

LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

John R Dacey

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Lousene M Hoppe

(See above for address)

LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

Robert Eugene Craig , III

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Thomas A Zlaket

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Plaintiff

**Arizona State Conference of the
National Association for the**

Advancement of Colored People
*as an organization and on behalf of
its members*

represented by **Jacob Jeffrey Baer**

(See above for address)

LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

John R Dacey

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Lousene M Hoppe

(See above for address)

LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

Robert Eugene Craig , III

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Thomas A Zlaket

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Plaintiff

Joseph Bulen

*on behalf of themselves and all
others similarly situated*

represented by **Jacob Jeffrey Baer**

(See above for address)

LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

John R Dacey

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Lousene M Hoppe

(See above for address)

LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

Robert Eugene Craig , III

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Thomas A Zlaket

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Plaintiff

Brian Boudreaux

*on behalf of themselves and all
others similarly situated*

represented by **Jacob Jeffrey Baer**
(See above for address)

*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

John R Dacey

(See above for address)

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Lousene M Hoppe

(See above for address)

*LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED*

Robert Eugene Craig , III

(See above for address)

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Thomas A Zlaket

(See above for address)

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

V.

Defendant

David Shinn

*Director, Arizona Department of
Corrections, Rehabilitation &
Reentry, in his official capacity*

represented by **Daniel Patrick Struck**
Struck Love Bojanowski & Acedo

PLC

3100 W Ray Rd., Ste. 300

Chandler, AZ 85226

480-420-1600

Email: dstruck@strucklove.com

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Katherine Lindsay Hanna

Struck Love Bojanowski & Acedo
PLC

3100 W Ray Rd., Ste. 300

Chandler, AZ 85226
480-420-1600
Fax: 480-420-1695
Email: khanna@strucklove.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Nicholas Daniel Acedo
Struck Love Bojanowski & Acedo
PLC
3100 W Ray Rd., Ste. 300
Chandler, AZ 85226
480-420-1600
Email: NAcedo@strucklove.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Rachel Love
Struck Love Bojanowski & Acedo
PLC
3100 W Ray Rd., Ste. 300
Chandler, AZ 85226
480-420-1600
Fax: 480-420-1696
Email: RLove@strucklove.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/15/2020	<u>1</u>	*PRISONER CIVIL RIGHTS COMPLAINT. Filing fee received: \$ 400.00, receipt number 0970-18381670 filed by Jeffrey Nielsen, Arizona State Conference of the National Association for the Advancement of Colored People, Terry Brownell, Larry Hilgendorf, Joseph Bulen, Brian Boudreaux. (Dacey, John) (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit)(MCO) *Modified to correct filers on 6/16/2020 (CEI). (Entered: 06/15/2020)
06/15/2020	<u>2</u>	SUMMONS Submitted by Arizona State Conference of the National Association for the Advancement of Colored People, Terry Brownell, Larry Hilgendorf, Jeffrey Nielsen. (Dacey, John) (MCO) (Entered: 06/15/2020)
06/15/2020	<u>3</u>	NOTICE OF ASSIGNMENT (MCO) (Entered: 06/15/2020)

06/17/2020		Remark: Pro hac vice motion(s) granted for Lousene M Hoppe on behalf of Plaintiffs Brian Boudreaux, Terry Brownell, Joseph Bulen, Larry Hilgendorf, Jeffrey Nielsen. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAS) (Entered: 06/17/2020)
06/18/2020	4	Summons Issued as to David Shinn. (GMP). *** IMPORTANT: When printing the summons, select "Document and stamps" or "Document and comments" for the seal to appear on the document. (Entered: 06/18/2020)
06/19/2020	5	ORDER: Defendant David Shinn, in his official capacity, must answer the 1 Complaint. If Plaintiffs do not either obtain a waiver of service of the summons or complete service of the Summons and Complaint on Defendant within 90 days of the filing of the Complaint or within 60 days of the filing of this Order, whichever is later, the action may be dismissed. Fed. R. Civ. P. 4(m); LR Civ 16.2(b)(2)(B)(ii). Defendant must answer the Complaint or otherwise respond by appropriate motion within the time provided by the applicable provisions of Rule 12(a) of the Federal Rules of Civil Procedure. This matter is referred to Magistrate Judge John Z. Boyle pursuant to Rules 72.1 and 72.2 of the Local Rules of Civil Procedure for all pretrial proceedings as authorized under 28 U.S.C. § 636(b)(1). Signed by Chief Judge G Murray Snow on 6/19/20. (GMP) (Entered: 06/19/2020)
06/22/2020		Remark: Pro hac vice motion(s) granted for Jacob Jeffrey Baer on behalf of Plaintiffs Arizona State Conference of the National Association for the Advancement of Colored People, Brian Boudreaux, Terry Brownell, Joseph Bulen, Larry Hilgendorf, Jeffrey Nielsen. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (BAS) (Entered: 06/22/2020)
06/26/2020	6	* SERVICE EXECUTED filed by Arizona State Conference of the National Association for the Advancement of Colored People, Brian Boudreaux, Terry Brownell, Joseph Bulen, Larry Hilgendorf, Jeffrey Nielsen: Rule 4 Waiver of Service of Summons. Waiver sent on 06/17/2020 to Defendants David Shinn, Director . (Dacey, John) * Modified to correct date sent from 6/22/20 to 6/17/20 on 6/29/2020 (LAD). (Entered: 06/26/2020)
07/02/2020		NOTICE of request for e-notices by James Christian. (Christian, James) (Entered: 07/02/2020)
08/17/2020	7	MOTION to Dismiss for Failure to State a Claim by David Shinn. (Attachments: # 1 Index of Exhibits, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Exhibit 4, # 6 Exhibit 5, # 7 Exhibit 6, # 8 Exhibit 7, # 9 Exhibit 8, # 10 Exhibit 9)(Acedo, Nicholas) (Entered: 08/17/2020)

08/21/2020	<u>8</u>	MOTION for Extension of Time to File Response/Reply as to <u>7</u> MOTION to Dismiss for Failure to State a Claim by Arizona State Conference of the National Association for the Advancement of Colored People, Brian Boudreaux, Terry Brownell, Joseph Bulen, Larry Hilgendorf, Jeffrey Nielsen. (Attachments: # <u>1</u> Text of Proposed Order)(Hoppe, Lousene) (Entered: 08/21/2020)
08/24/2020	9	NOTICE TO FILER OF DEFICIENCY re: <u>8</u> MOTION for Extension of Time to File Response/Reply as to <u>7</u> MOTION to Dismiss for Failure to State a Claim filed by Arizona State Conference of the National Association for the Advancement of Colored People, Larry Hilgendorf, Jeffrey Nielsen, Brian Boudreaux, Joseph Bulen, Terry Brownell. Document not in compliance with LRCiv 5.5(g) - Documents signed by an attorney shall be filed using that attorney's ECF log-in and password and shall not be filed using a log-in and password belonging to another attorney. Document(s) signed by attorney John Dacey but submitted using the log-in and password belonging to attorney Lousene Hoppe. <u>No further action is required.</u> This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (GMP) (Entered: 08/24/2020)
08/27/2020	<u>10</u>	ORDER granting <u>8</u> Plaintiff's Motion. Plaintiffs shall file a response to Defendant's Motion to Dismiss (doc. <u>7</u>) on or before September 28, 2020. Signed by Magistrate Judge John Z Boyle on 8/27/20. (EJA) (Entered: 08/27/2020)
09/18/2020	<u>11</u>	MOTION for Leave to File Excess Pages for Opposition to Defendant's Motion to Dismiss by Arizona State Conference of the National Association for the Advancement of Colored People, Brian Boudreaux, Terry Brownell, Joseph Bulen, Larry Hilgendorf, Jeffrey Nielsen. (Attachments: # <u>1</u> Text of Proposed Order)(Hoppe, Lousene) (Entered: 09/18/2020)
09/18/2020	<u>12</u>	**Wrong PDF** LODGED Proposed Plaintiffs' Motion for Leave to File Their Opposition to Defendant's Motion to Dismiss In Excess of Page Limitations re: <u>11</u> MOTION for Leave to File Excess Pages for Opposition to Defendant's Motion to Dismiss. Document to be filed by Clerk if Motion or Stipulation for Leave to File or Amend is granted. Filed by Arizona State Conference of the National Association for the Advancement of Colored People, Brian Boudreaux, Terry Brownell, Joseph Bulen, Larry Hilgendorf, Jeffrey Nielsen. (Hoppe, Lousene) Modified on 9/29/2020 (DXD). (Entered: 09/18/2020)
09/21/2020	13	NOTICE TO FILER OF DEFICIENCY re: <u>12</u> Lodged Proposed Document filed by Arizona State Conference of the National Association for the Advancement of Colored People, Larry Hilgendorf, Jeffrey Nielsen, Brian Boudreaux, Joseph Bulen, Terry Brownell. Incorrect PDF

		attached. <i>FOLLOW-UP ACTION REQUIRED:</i> Please refile with correct PDF document. Deficiency must be corrected within one business day of this notice. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (GMP) (Entered: 09/21/2020)
09/22/2020	<u>14</u>	NOTICE of Errata re: <u>12</u> Lodged Proposed Document by Plaintiffs Arizona State Conference of the National Association for the Advancement of Colored People, Brian Boudreaux, Terry Brownell, Joseph Bulen, Larry Hilgendorf, Jeffrey Nielsen. (Hoppe, Lousene) (Entered: 09/22/2020)
09/28/2020	<u>15</u>	**FILED at Doc. <u>17</u> ** LODGED Proposed Plaintiffs' Opposition to Defendant's Motion to Dismiss re: <u>7</u> MOTION to Dismiss for Failure to State a Claim. Document to be filed by Clerk if Motion or Stipulation for Leave to File or Amend is granted. Filed by Arizona State Conference of the National Association for the Advancement of Colored People, Brian Boudreaux, Terry Brownell, Joseph Bulen, Larry Hilgendorf, Jeffrey Nielsen. (Attachments: # <u>1</u> Exhibit Index, # <u>2</u> Exhibit A, # <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)(Hoppe, Lousene) Modified on 9/29/2020 (DXD). (Entered: 09/28/2020)
09/29/2020	<u>16</u>	ORDER granting <u>11</u> Motion for Leave to File Excess Pages. The Clerk shall file Plaintiffs' proposed Opposition to Defendants Motion to Dismiss (lodged Doc. <u>15</u>). Signed by Magistrate Judge John Z Boyle on 9/29/20. (DXD) (Entered: 09/29/2020)
09/29/2020	<u>17</u>	RESPONSE to Motion re: <u>7</u> MOTION to Dismiss for Failure to State a Claim filed by Arizona State Conference of the National Association for the Advancement of Colored People, Brian Boudreaux, Terry Brownell, Joseph Bulen, Larry Hilgendorf, Jeffrey Nielsen. (Attachments: # <u>1</u> Exhibit Index, # <u>2</u> Exhibit A, # <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)(DXD) (Entered: 09/29/2020)
10/01/2020	<u>18</u>	MOTION for Extension of Time to File Response/Reply as to <u>7</u> MOTION to Dismiss for Failure to State a Claim (<i>Unopposed</i>) by David Shinn. (Attachments: # <u>1</u> Text of Proposed Order)(Acedo, Nicholas) *Modified linkage on 10/2/2020 (DXD). (Entered: 10/01/2020)

PACER Service Center

Transaction Receipt

10/04/2020 17:39:23

PACER Login:	CRClearinghouse:2563377:0	Client Code:	Simeck
Description:	Docket Report	Search Criteria:	2:20-cv-01182-GMS-JZB
Billable Pages:	8	Cost:	0.80