

CIVIL

U.S. District Court
Eastern District of California - Live System (Sacramento)
CIVIL DOCKET FOR CASE #: 2:05-cv-00783-RRB-GGH

Taggart v. Solano County et al
Assigned to: Judge Ralph R. Beistline
Referred to: Magistrate Judge Gregory G. Hollows
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 04/21/2005
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Jasmine Taggart
guardian ad litem
Barbara Perry

represented by **Mark E. Merin**
Law Office of Mark E. Merin
2001 P Street
Suite 100
Sacramento, CA 95814
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LEAD ATTORNEY
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Jeffrey I. Schwarzschild
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TERMINATED: 11/16/2006

V.

Defendant

Solano County

represented by **Terence John Cassidy**
Porter Scott, APC
350 University Avenue
Suite 200
Sacramento, CA 95825
(916) 929-1481 x316
Fax: (916) 927-3706
Email: tcassidy@porterscott.com
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Defendant**Gemma Grossi***Solano County Chief Probation Officer*represented by **Terence John Cassidy**

(See above for address)

LEAD ATTORNEY**ATTORNEY TO BE NOTICED****Defendant****Gladys Moore***Solano County Juvenile Hall**Superintendent*represented by **Terence John Cassidy**

(See above for address)

LEAD ATTORNEY**ATTORNEY TO BE NOTICED**

| Date Filed | # | Docket Text |
|-------------------|-------------------|--|
| 04/21/2005 | 1 | COMPLAINT <i>class action</i> against all defendants, filed by Jasmine Taggart. (Attachments: # 1 Exhibit Exhibit 1 to Class Action Complaint)(Merin, Mark) Modified on 4/22/2005 (Reader, L). (Entered: 04/21/2005) |
| 04/21/2005 | 2 | NOTICE of Civil Cover Sheet by Jasmine Taggart re 1 Complaint filed by Jasmine Taggart, <i>Civil Case Cover Sheet</i> . (Merin, Mark) Modified on 4/22/2005 (Reader, L). (Entered: 04/21/2005) |
| 04/21/2005 | 3 | PETITION to APPOINT Guardian Ad Litem ad Litem and [Proposed] Order by Jasmine Taggart. (Merin, Mark) Modified on 4/25/2005 (Krueger, M). (Entered: 04/21/2005) |
| 04/21/2005 | | RECEIPT number 2048776 for \$250.00 for civil case filing fee from Mark E Merin. (Marcotte, D) (Entered: 04/21/2005) |
| 04/21/2005 | 4 | SUMMONS ISSUED as to *Solano County, Solano County Chief Probation Officer Gemma Grossi, Solano County Juvenile Hall Superintendent Gladys Moore* with answer to complaint due within *20* days. Attorney *Mark E Merin* *Law Office of Mark E Merin* *2001 P Street, Suite 100* *Sacramento CA 95814*. (Marcotte, D) (Entered: 04/21/2005) |
| 04/21/2005 | 5 | CIVIL NEW CASE DOCUMENTS ISSUED; (Attachments: # 1 Consent Forms # 2 VDRP Forms) (Marcotte, D) (Entered: 04/21/2005) |
| 04/25/2005 | 6 | ORDER signed by Judge David F. Levi on 4/22/05 ORDERING that the petition to appoint Barbara Perry as guardian ad litem for plaintiff 3 GRANTED. (Krueger, M) (Entered: 04/25/2005) |
| 06/07/2005 | 7 | MOTION to DISMISS <i>Pursuant to F.R.Civ.P. 2(b)(6); Memorandum of P's & A's</i> by Solano County, Gemma Grossi, Gladys Moore. Motion Hearing set for 7/13/2005 at 10:00 AM in Courtroom 7 (DFL) before Chief Judge David F. Levi. (Attachments: # 1 Notice of Motion# 2 Req for Judicial Notice# 3 Exhibit A to Def's Req for Judicial Notice)(Cassidy, Terence) Modified on 6/8/2005 (Marciel, M). (Entered: 06/07/2005) |
| 06/14/2005 | 8 | AMENDED NOTICE (first) of Motion to Dismiss by Solano County, Gemma Grossi, Gladys Moore. Motion Hearing set for 8/24/2005 at 10:00 AM in |

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| | | Courtroom 7 (DFL) before Chief Judge David F. Levi. (Cassidy, Terence) Modified on 6/17/2005 (Reader, L). (Entered: 06/14/2005) |
| 06/28/2005 | 10 | SUMMONS RETURNED EXECUTED Solano County Counsel,Genna Grossi,Gladys Moore . (Servantes, G) Modified on 7/7/2005 (Servantes, G). (Entered: 06/29/2005) |
| 06/29/2005 | 9 | SUMMONS RETURNED EXECUTED by Jasmine Taggart. Solano County served on 5/18/2005, answer due 6/7/2005; Gemma Grossi served on 5/18/2005, answer due 6/7/2005; Gladys Moore served on 5/18/2005, answer due 6/7/2005. (Merin, Mark) (Entered: 06/29/2005) |
| 08/05/2005 | 11 | OPPOSITION re 7 MOTION to DISMISS Pursuant to F.R.Civ.P. 2(b)(6); Memorandum of P's & A's. (Attachments: # 1 Declaration of Jeffrey I. Schwarzschild# 2 Exhibit 1 & 2 to Declaration of Jeffrey I. Schwarzschild)(Schwarzschild, Jeffrey) Modified on 8/5/2005 (Reader, L). (Entered: 08/05/2005) |
| 08/05/2005 | 12 | REQUEST for JUDICIAL NOTICE by Jasmine Taggart in re 11 Memorandum/Response in Opposition to Motion,. (Attachments: # 1 Exhibit A through I)(Schwarzschild, Jeffrey) (Entered: 08/05/2005) |
| 08/17/2005 | 13 | REPLY to pltf's opposition to <i>Defendants' Motion to Dismiss</i> . (Cassidy, Terence) Modified on 8/19/2005 (Reader, L). (Entered: 08/17/2005) |
| 08/22/2005 | | MINUTE ORDER: Based on a review of the briefs, the court anticipates granting the motion to dismiss for the following state law claims: (1) all claims against Solano County because they are time barred under Cal. Govt Code Sec 946.6(f) and Solano County is immune under Cal. Govt Code Sec 844.6; (2) the Cal. Civ. Code Sec 52.1 claim for damages against Solano County Chief Probation Officer Gemma Grossi ("Grossi"), Solano County Juvenile Hall Superintendent Gladys Moore ("Moore"), and the unnamed dfts 1 through 10 because they are immune under Cal. Govt Code Sec 820.2; and (3) the class claim under Sec 52.1 because Cal. Civil Code Sed 52.1(b) does not authorize representative actions. The court anticipates denying the motion to dismiss for the following state law claims: (1) the claims for declaratory and injunctive relief under Cal. Civ. Code Sec 52.1 against Grossi, Moore, and the unnamed dfts because the claimed immunities do not reach these forms of relief; and (2) the Cal. Penal Code Sec 4030 claim against Grossi, Moore, and unnamed dfts because that section evidences the legislature's intent to withdraw applicable immunities. The court will order the matter submitted on the briefs unless a party shows good cause for hearing oral argument on the motion. Good cause must be shown before 4:00 PM today, 8/22/2005, by contacting Harry Vine at (916) 930-4091 and by electronic filing as required by local rule. (Vine, H) Modified on 8/30/2005 (Reader, L). (Entered: 08/22/2005) |
| 08/22/2005 | 14 | NOTICE by Jasmine Taggart of <i>Plaintiff's Request for Hearing on Defendants' Motion to Dismiss</i> (Schwarzschild, Jeffrey) (Entered: 08/22/2005) |
| 08/22/2005 | 15 | AFFIDAVIT re 14 Notice (Other) <i>Affidavit of Mark E. Merin, Attorney for Plaintiff Taggart, in Support of Good Cause for Hearing Oral Argument on Defendants' Motion to Dismiss</i> by Jasmine Taggart. (Merin, Mark) (Entered: 08/22/2005) |

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| 08/22/2005 | 16 | NOTICE by Solano County, Gemma Grossi, Gladys Moore of <i>Request for Hearing on Defendants' Motion to Dismiss</i> (Cassidy, Terence) (Entered: 08/22/2005) |
| 08/23/2005 | | MINUTE ORDER: Argument on the pending motion to dismiss shall remain calendared for hearing on August 24, 2005 at 10:00 a.m. (TEXT ONLY) (Vine, H) (Entered: 08/23/2005) |
| 08/24/2005 | | MINUTES for proceedings held before Judge David F. Levi, Chief Judge: MOTION HEARING held on 8/24/2005 re 7 MOTION to DISMISS; arguments were heard and the matter was ordered submitted. Plaintiffs Counsel M. Merin; J. Schwarzschild present. Defendants Counsel K. Nourot present. Court Reporter: K. Watkins. (Vine, H) (Entered: 08/24/2005) |
| 12/08/2005 | 17 | MEMORANDUM OF OPINION AND ORDER dfts' motion to dismiss Taggart's state law claims for damages and her class claim under Section 52.1 is GRANTED; and dfts' motion to dismiss the state law claims for declaratory and injunctive relief is DENIED 7,8 signed by Judge David F. Levi on 12/6/2005. (Reader, L) (Entered: 12/08/2005) |
| 12/20/2005 | 18 | ANSWER to COMPLAINT with Jury Demand by Solano County, Gemma Grossi, Gladys Moore. (Attachments: # 1 Demand for Jury Trial)(Cassidy, Terence) (Entered: 12/20/2005) |
| 01/17/2006 | 19 | MINUTE ORDER requiring joint status report. (Due 2/3/06) (Vine, H) (Entered: 01/17/2006) |
| 01/27/2006 | 20 | MOTION for JUDGMENT <i>on the Pleadings and/or Summary Adjudication</i> by Solano County, Gemma Grossi, Gladys Moore. Motion Hearing set for 3/1/2006 at 10:00 AM in Courtroom 7 (DFL) before Chief Judge David F. Levi. (Attachments: # 1 Points and Authorities # 2 Req for Jud Notice# 3 Stmt of UMF's)(Cassidy, Terence) Modified on 10/26/2006 (Reader, L). (Entered: 01/27/2006) |
| 02/03/2006 | 21 | JOINT STATUS REPORT by Solano County, Gemma Grossi, Gladys Moore. (Cassidy, Terence) (Entered: 02/03/2006) |
| 02/08/2006 | | MINUTE ORDER: GOOD CAUSE APPEARING it is ordered that the parties shall submit an updated joint status report within 15 days of the court's ruling on the pending motions now scheduled for March 1, 2006. (TEXT ONLY) (Vine, H) (Entered: 02/08/2006) |
| 02/15/2006 | 22 | MEMORANDUM/RESPONSE in OPPOSITION re 20 Motion for Judgment/ Summary Adjudication. (Attachments: # 1 Exhibit 1# 2 Affidavit A# 3 Appendix B# 4 Appendix C)(Merin, Mark) Modified on 2/16/2006 (Donati, J). (Entered: 02/15/2006) |
| 02/15/2006 | 23 | DECLARATION of Mark E. Merin in Support of 20 Motion for Judgment/Summary Adjudication. (Merin, Mark) Modified on 2/16/2006 (Donati, J). (Entered: 02/15/2006) |
| 02/15/2006 | 24 | CERTIFICATE of SERVICE by Jasmine Taggart re 22 Memorandum/Response in Opposition to Motion, 23 and Declaration of Mark E. Merin (Merin, Mark) (Entered: 02/15/2006) |

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| 02/22/2006 | | MINUTE ORDER: The hearing date and time re 20 Motion for Judgment, now calendared for 3/1/2005 is reset for 3/2/2006 at 01:30 PM in Courtroom 7 (DFL) before Chief Judge David F. Levi. (TEXT ONLY) (Vine, H) (Entered: 02/22/2006) |
| 02/22/2006 | 25 | REPLY to <i>Plaintiff's Opposition to Motion for Judgment on the Pleadings and/or Summary Adjudication</i> . (Cassidy, Terence) Modified on 2/24/2006 (Reader, L). (Entered: 02/22/2006) |
| 02/22/2006 | 26 | REQUEST for JUDICIAL NOTICE by Solano County, Gemma Grossi, Gladys Moore in re 25 Reply to Response to Motion <i>IN SUPPORT OF DEFENDANTS' REPLY TO PLAINTIFF'S OPPOSITION TO MTN FOR JUDGMENT ON THE PLEADINGS/SA</i> . (Cassidy, Terence) (Entered: 02/22/2006) |
| 03/02/2006 | | MINUTES for proceedings held before Judge David F. Levi: MOTION HEARING held on 3/2/2006 re 20 MOTION for JUDGMENT filed by Solano County, Gladys Moore, Gemma Grossi. Arguments were heard and the matter was ordered submitted for decision. Plaintiffs Counsel M. Merin present. Defendants Counsel T. Cassidy present. Court Reporter: D. McKinnon. (Vine, H) Modified on 10/26/2006 (Reader, L). (Entered: 03/02/2006) |
| 03/20/2006 | 27 | MEMORANDUM of OPINION and ORDER signed by Judge David F. Levi on 3/17/06 DENYING 20 Motion for Judgment. (Donati, J) (Entered: 03/20/2006) |
| 04/04/2006 | 28 | JOINT STATUS REPORT by Solano County, Gemma Grossi, Gladys Moore. (Cassidy, Terence) (Entered: 04/04/2006) |
| 09/27/2006 | 29 | STIPULATION and PROPOSED ORDER to Extend the Time for Plaintiffs to File Motion for Class Certification by Jasmine Taggart, Solano County, Gemma Grossi, Gladys Moore. Attorney Merin, Mark E. added. (Merin, Mark) (Entered: 09/27/2006) |
| 09/29/2006 | 30 | STIPULATION and ORDER 29 signed by Judge David F. Levi on 9/29/2006 ORDERING That Pltfs shall file their Motion for Class Certification on or before 1/12/2007.(Reader, L) (Entered: 09/29/2006) |
| 10/24/2006 | 31 | STIPULATION and PROPOSED ORDER for Protective Order for Disclosure of Juvenile Records by Solano County, Gemma Grossi, Gladys Moore. (Cassidy, Terence) Modified on 10/26/2006 (Reader, L). (Entered: 10/24/2006) |
| 11/14/2006 | 32 | STIPULATION and PROTECTIVE ORDER signed by Judge Gregory G. Hollows on 11/14/06 ORDERING the disclosure of Juvenile Records. (See order for Details) (Donati, J) (Entered: 11/14/2006) |
| 11/15/2006 | 33 | DESIGNATION of COUNSEL by all plaintiffs. Jeffrey I. Schwarzschild terminated. (Merin, Mark) Modified on 11/16/2006 (Donati, J). (Entered: 11/15/2006) |
| 01/12/2007 | 34 | STIPULATION and PROPOSED ORDER to Extend the Time for Plaintiffs to File Motion for Class Certification by Jasmine Taggart. (Merin, Mark) (Entered: 01/12/2007) |
| 01/17/2007 | 35 | STIPULATION and ORDER 34 for extension signed by Judge David F. Levi on 1/17/07. Plaintiffs shall file their Motion for Class Certification on or before 5/11/07.(Marciel, M) (Entered: 01/17/2007) |

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| 06/11/2007 | | MINUTE ORDER: The parties shall e-file an updated joint status report on or before June 29, 2007. (TEXT ONLY) (Vine, H) (Entered: 06/11/2007) |
| 06/12/2007 | 36 | ORDER by Chief Judge David F. Levi; Due to the Order of Designation of Judge Ralph R. Beistline to serve in the Eastern District, this action is REASSIGNED from Judge David F. Levi to Judge Ralph R. Beistline for all further proceedings. (Cayo, A) (Entered: 06/12/2007) |
| 06/13/2007 | 37 | NOTICE of Change of Firm Name by Solano County, Gemma Grossi, Gladys Moore. (Cassidy, Terence) Modified on 6/14/2007 (Manzer, C). (Entered: 06/13/2007) |
| 07/03/2007 | 38 | JOINT STATUS REPORT by Jasmine Taggart. (Merin, Mark) (Entered: 07/03/2007) |
| 07/03/2007 | 39 | MINUTE ORDER: re 38 Status Report and report of settlement. (Vine, H) (Entered: 07/03/2007) |

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