

CLOSED

**United States District Court  
District of Nevada (Reno)  
CIVIL DOCKET FOR CASE #: 3:05-cv-00327-RAM**

Donald York Evans and John Witherow VS Lenard Vare, et al  
Assigned to: Magistrate Judge Robert A McQuaid, Jr  
Case in other court: 9th Circuit, 05-17406  
9th Circuit, 05-17409  
USCA, 07-15147

Date Filed: 06/02/2005  
Date Terminated: 04/14/2008  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

Cause: 42 USC 198

**Plaintiff**

**Donald Evans**

represented by **Marc P Picker**  
Marc Picker, Esq., Ltd.  
P.O. Box 3344  
Reno, NV 89505-3344  
775-324-4533  
Email: [mpickesq@msn.com](mailto:mpickesq@msn.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Robert R. Hager**  
Hager and Hearne  
245 E. Liberty St.  
Suite 450  
Reno, NV 89501  
775-329-5800  
Fax: 775-329-5819  
Email: [office@hagerhearnelaw.com](mailto:office@hagerhearnelaw.com)  
**TERMINATED: 09/13/2006**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Donald Y Evans**  
Donald York Evans  
216 East Liberty Street  
PO Box 864  
Reno, NV 89504  
Email: [dyeltd@gbis.com](mailto:dyeltd@gbis.com)  
**ATTORNEY TO BE NOTICED**

**Treva J. Hearne**  
Treva J. Hearne  
450 Marsh Ave.  
Reno, NV 89509  
775-329-5800  
Fax: 775-329-5819  
Email: [thearne@hagerhearnelaw.com](mailto:thearne@hagerhearnelaw.com)  
**TERMINATED: 09/13/2006**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**John Witherow**

represented by **John Witherow**  
#29313  
Nevada State Prison  
P.O. Box 607  
Carson City, NV 89702  
PRO SE

**Marc P Picker**  
(See above for address)

*TERMINATED: 11/13/2007*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert R. Hager**  
(See above for address)  
*TERMINATED: 09/01/2006*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Treva J. Hearne**  
(See above for address)  
*TERMINATED: 09/14/2006*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Kelly Balenger**

represented by **Daniel Wong**  
Nevada Attorney General's Office  
100 North Carson Street  
Carson City, NV 89701-4717  
775-684-1251  
Fax: 775-684-1275  
Email: [dxwong@ag.state.nv.us](mailto:dxwong@ag.state.nv.us)  
*TERMINATED: 03/14/2007*  
*LEAD ATTORNEY*

**Janet E Traut**  
Nevada Attorney General's Office  
Bureau of Litigation  
Personnel Division  
5420 Kietzke Lane, Suite 202  
Reno, NV 89511  
775-850-4107  
Fax: 775-688-1822  
Email: [jtraut@ag.nv.gov](mailto:jtraut@ag.nv.gov)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kelly S. Werth**  
Nevada Attorney General's Office  
100 North Carson St.  
Carson City, NV 89701-4717  
Email: [kwert@ag.nv.gov](mailto:kwert@ag.nv.gov)  
*TERMINATED: 03/14/2007*  
*LEAD ATTORNEY*

**Susan K. Stewart**  
Office of the Attorney General  
101 North Carson Street  
Carson City, NV 89701  
(775) 684-1256  
Fax: (775) 684-1275  
Email: [sstewart@ag.nv.gov](mailto:sstewart@ag.nv.gov)  
*TERMINATED: 04/11/2008*  
*LEAD ATTORNEY*

**Defendant**

**Rosemary Seals**

represented by **Daniel Wong**  
(See above for address)  
*TERMINATED: 03/14/2007*  
*LEAD ATTORNEY*

**Janet E Traut**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kelly S. Werth**  
(See above for address)  
*TERMINATED: 03/14/2007*  
*LEAD ATTORNEY*

**Susan K. Stewart**  
(See above for address)  
*TERMINATED: 04/11/2008*  
*LEAD ATTORNEY*

**Defendant**

**Lenard Vare**

represented by **Daniel Wong**  
(See above for address)  
*TERMINATED: 03/14/2007*  
*LEAD ATTORNEY*

**Janet E Traut**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kelly S. Werth**  
(See above for address)  
*TERMINATED: 03/14/2007*  
*LEAD ATTORNEY*

**Susan K. Stewart**  
(See above for address)  
*TERMINATED: 04/11/2008*  
*LEAD ATTORNEY*

**Defendant**

**Lenard Vare Rosemary**  
*2nd Amended Complaint [71]*

**Defendant**

**Robert LeGrand**  
*2nd Amended Complaint filed on 3/22/06*  
*[71]*

represented by **Janet E Traut**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kelly S. Werth**  
(See above for address)  
*TERMINATED: 03/14/2007*  
*LEAD ATTORNEY*

**Susan K. Stewart**  
(See above for address)  
*TERMINATED: 04/11/2008*  
*LEAD ATTORNEY*

**Defendant**

**Craig Farwell**  
*2nd Amended Complaint filed 3/22/06*  
*[71]*

represented by **Janet E Traut**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kelly S. Werth**  
(See above for address)  
*TERMINATED: 03/14/2007*  
*LEAD ATTORNEY*

**Susan K. Stewart**  
(See above for address)  
*TERMINATED: 04/11/2008*  
*LEAD ATTORNEY*

**Defendant**

**Glen Whorton**  
*2nd Amended Complaint filed on 3/22/06*  
[71]

represented by **Janet E Traut**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kelly S. Werth**  
(See above for address)  
*TERMINATED: 03/14/2007*  
*LEAD ATTORNEY*

**Susan K. Stewart**  
(See above for address)  
*TERMINATED: 04/11/2008*  
*LEAD ATTORNEY*

**Defendant**

**Jackie Crawford**  
*2nd Amended Complaint filed on 3/22/06*  
[71]

represented by **Janet E Traut**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kelly S. Werth**  
(See above for address)  
*TERMINATED: 03/14/2007*  
*LEAD ATTORNEY*

**Susan K. Stewart**  
(See above for address)  
*TERMINATED: 04/11/2008*  
*LEAD ATTORNEY*

**Defendant**

**Greg Cox**  
*2nd Amended Complaint filed 3/22/06*  
[71]

represented by **Janet E Traut**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kelly S. Werth**  
(See above for address)  
*TERMINATED: 03/14/2007*  
*LEAD ATTORNEY*

**Susan K. Stewart**  
(See above for address)  
*TERMINATED: 04/11/2008*  
*LEAD ATTORNEY*

**Defendant**

**Cherie Scott**  
*2nd Amended Complaint filed 3/22/06*

represented by **Janet E Traut**  
(See above for address)

[71]

*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kelly S. Werth**  
 (See above for address)  
*TERMINATED: 03/14/2007*  
*LEAD ATTORNEY*

**Susan K. Stewart**  
 (See above for address)  
*TERMINATED: 04/11/2008*  
*LEAD ATTORNEY*

**Defendant****Does I–X**

*2nd Amended Complaint filed 3/22/06*

[71]

Date Filed	#	Docket Text
06/02/2005	<u>2</u>	COMPLAINT obo P. (Entered: 06/02/2005)
06/02/2005	<u>3</u>	MOTION FOR PRELIMINARY INJUNCTION mtn for prelim/injctn &req for hrg obo Ps. (no srv sho) (Entered: 06/02/2005)
06/02/2005	<u>1</u>	MISCELLANEOUS DOCUMENT CIVIL COVER SHEET. (Entered: 06/02/2005)
06/02/2005	<u>4</u>	SUMMONS ISSUED as to D, Kelly Balenger. (Entered: 06/02/2005)
06/02/2005	<u>5</u>	SUMMONS ISSUED as to D, Rosemary Seals. (Entered: 06/02/2005)
06/02/2005	<u>6</u>	SUMMONS ISSUED as to D, Lenard Vare. (Entered: 06/02/2005)
06/03/2005	<u>7</u>	ORDER Ds shl hv 15dys aftr srvc of process and srvc of cpy of the mtn for preliminary injunction (#3) upon them within which time to rspnd to Ps mtn for prelim injunctn, thereaftr Ps will hv 15dys within which time to file a reply. (Entered: 06/06/2005)
06/15/2005	<u>8</u>	AMENDED COMPLAINT first amended obo Ps (Entered: 06/15/2005)
06/15/2005	<u>9</u>	MOTION FOR PRELIMINARY INJUNCTION (titled) first amended mtn for preliminary injunction request for hearing obo Ps. (Entered: 06/15/2005)
06/17/2005	<u>10</u>	ORDER Ds shl hv 15dys aftr srvc of process and srvc of cpy of 1st amend mtn for prelim injunctn (#9) to rspnd to (#9). Thereaftr Ps will hv 15dys to file a reply to (#9). The first amend cmplt (#8) and the first amend mtn for prelim injunctn (#9) suppl (Entered: 06/20/2005)
07/11/2005	<u>11</u>	WAIVER OF SERVICE EXECUTED as to D–Lenard Vare signed by AG office. (Entered: 07/11/2005)
07/11/2005	<u>12</u>	WAIVER OF SERVICE EXECUTED as to D–Rosemary Seals signed by AG office. (Entered: 07/11/2005)
07/11/2005	<u>13</u>	WAIVER OF SERVICE EXECUTED as to D–Kelly Balenger signed by AG office. (Entered: 07/11/2005)
07/18/2005	<u>14</u>	RESPONSE IN OPPOSITION TO MOTION to first amend mtn for prelim injunctn, req for hrg (#9) obo Ds. (m) plcd in sep folder due to size (Entered: 07/19/2005)
07/27/2005		MISCELLANEOUS DOCUMENT stip and ord for enlrgmnt of time (Entered: 07/28/2005)
07/29/2005	<u>15</u>	ORDER ON STIPULATION tht Ps hv til 8/10/05 to file their response to Ds oppo to first amended mtn for prelim injunction. (Entered: 08/01/2005)

08/10/2005	<u>16</u>	REPLY TO RESPONSE TO MOTION to oppo (#14) to first amend pet for prelim injunctn (#9) obo Ps. (m) sep folder due to size (Entered: 08/12/2005)
08/15/2005	<u>17</u>	ANSWER TO COMPLAINT answr to first amended cmpltnt obo Ds. (m) (Entered: 08/17/2005)
09/27/2005	<u>18</u>	AFFIDAVIT original affidavit of Lenard Vare and Kelly Belanger, copies attch'd to oppo (#14)(m) (Entered: 09/30/2005)
09/30/2005	<u>19</u>	ORDER a hrg is set for 10/12/05 @ 10am on Ps first amend mtn for prelim injunctn (#9). (see ord for spec) (Entered: 09/30/2005)
10/14/2005	<u>20</u>	ORDER ON STIPULATION tht the hrg sched for 10/12/05 is vacated and is resched for 10/27/05 @ 10am. (Entered: 10/17/2005)
10/28/2005	<u>21</u>	MISCELLANEOUS HEARING dtd: 10/27/05; re: hrg on Ps first amend mtn for prelim injunctn (#9); CR: Margaret Griener; arguments are presented by respective cnsl; matter stands submitted; the crt will enter a written order (Entered: 10/28/2005)
10/28/2005	<u>22</u>	EXHIBIT LIST on behalf of Ps. (Entered: 10/28/2005)
10/28/2005	<u>23</u>	EXHIBIT LIST on behalf of Ds. (Entered: 10/28/2005)
10/31/2005	<u>24</u>	ORDER parties have failed to submit a DPSO, parties hv 5dys frm receipt of this ord within which to submit a DPSO (see ord for spec) (Entered: 10/31/2005)
11/10/2005	<u>26</u>	PROPOSED Discovery Plan/Scheduling Order filed by Plaintiffs Donald Evans, John Witherow. (WJ, ) (Entered: 11/17/2005)
11/17/2005	<u>25</u>	PROPOSED Discovery Plan/Scheduling Order filed by Plaintiffs Donald Evans, John Witherow. (WJ, ) (Entered: 11/17/2005)
11/18/2005	<u>27</u>	SCHEDULING ORDER; Discovery Cut-Off: March 13, 2006; Amended Pleadings: December 14, 2005; Dispositive Motions: April 11, 2006; Pretrial Order: May 10, 2006. Signed by Judge Robert A. McQuaid Jr. on 11/8/05. (HJ, ) (Entered: 11/18/2005)
11/18/2005	<u>28</u>	Plaintiff's First Amended Motion for Preliminary Injunction <u>9</u> is granted. A preliminary injunction order shall be issued forthwith. Signed by Judge Edward C. Reed Jr. on 11/18/05. (KV, ) (Entered: 11/18/2005)
11/18/2005	<u>29</u>	PRELIMINARY INJUNCTION re. treatment of legal mail between Plaintiffs. See Preliminary Injunction Order for specifics. Ordered the Court retains jurisdiction to preliminary injunction matters; ordered Defendants shall provide notice to persons in active participation; and ordered posting of security is waived. Signed by Judge Edward C. Reed Jr. on 11/18/05. (KV, ) (Entered: 11/18/2005)
12/02/2005	<u>31</u>	MOTION to declare Plaintiff's the prevailing parties and request for attorney fees and costs by Plaintiffs Donald Evans, John Witherow. Responses due by 12/20/2005. (WJ, ) (Entered: 12/08/2005)
12/05/2005	<u>32</u>	NOTICE of violation of preliminary injunction by plaintiffs obo Defendants Kelly Balenger, Rosemary Seals, Lenard Vare re <u>29</u> Preliminary Injunction,, <u>28</u> Order on Motion for Preliminary Injunction. (WJ, ) (Entered: 12/08/2005)
12/05/2005	<u>33</u>	BILL OF COSTS in the amount of \$963.30 by Plaintiffs Donald Evans, John Witherow. Tax or object to Bill of Costs by 12/15/2005. (WJ, ) (Entered: 12/08/2005)
12/05/2005	<u>34</u>	ERRATA to <u>31</u> MOTION to declare P's the prevailing parties ; filed by Plaintiffs Donald Evans, John Witherow. (WJ, ) (Entered: 12/08/2005)
12/06/2005	<u>35</u>	NOTICE of submission of unauthorized mail by Defendants Kelly Balenger, Rosemary Seals, Lenard Vare (WJ, ) (Entered: 12/08/2005)
12/08/2005	<u>30</u>	MOTION for leave of court to supplement Defendant's PAin suppot of opposition to First Amended Motion for preliminary Injunction with request for hearing by Defendants Kelly Balenger, Rosemary Seals, Lenard Vare. Responses due by 12/26/2005. (WJ, ) (Entered: 12/08/2005)



12/15/2005	<u>38</u>	NOTICE OF APPEAL as to <u>29</u> Preliminary Injunction, by Defendants Kelly Balenger, Rosemary Seals, Lenard Vare. Filing fee \$ 255. (WJ, ) (Entered: 12/19/2005)
12/15/2005	<u>39</u>	MOTION to Stay re <u>29</u> Preliminary Injunction,, <u>38</u> Notice of Appeal by Defendants Kelly Balenger, Rosemary Seals, Lenard Vare. (WJ, ) (Entered: 12/19/2005)
12/16/2005	37	TRANSCRIPT of Proceedings: re Mtn for Prelim injunct held on 10/27/05 before Judge Edward C. Reed, Jr.. Court Reporter: Margaret E. Griener. (SA, ) (Entered: 12/16/2005)
12/19/2005	<u>40</u>	TRANSMITTAL of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>38</u> Notice of Appeal. (WJ, ) (Entered: 12/19/2005)
12/19/2005	<u>41</u>	NOTICE OF APPEAL as to <u>29</u> Preliminary Injunction, by Plaintiff Donald Evans. Filing fee \$ 255. (WJ, ) (Entered: 12/20/2005)
12/20/2005	<u>42</u>	TRANSMITTAL of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>41</u> Notice of Appeal. (WJ, ) (Entered: 12/20/2005)
12/20/2005	<u>43</u>	STIPULATION – tht Ds shl hv til 1/4/06 to file their oppo to mtn to declare Ps the prevailing parties and req for atty's fees and costs by Defendants Kelly Balenger, Rosemary Seals, Lenard Vare. (JAR, ) (Entered: 12/20/2005)
12/22/2005	<u>44</u>	ORDER ON STIPULATION re <u>43</u> Stipulation. Defendants shall have to January 4, 2006, to file opposition to Motion to Declare Plaintiffs the Prevailing Parties <u>31</u> . Signed by Judge Edward C. Reed Jr. on 12/22/05. (CLL, ) (Entered: 12/22/2005)
12/27/2005	<u>45</u>	TRANSMITTAL RETURN of Notice of Appeal from USCA re <u>41</u> Notice of Appeal. <b>USCA Case Number 05–17409</b> . (WJ, ) (Entered: 12/28/2005)
12/27/2005	<u>46</u>	ORDER for Time Schedule as to <u>41</u> Notice of Appeal 05–17409 dtd 12/23/05. see document (WJ, ) (Entered: 12/28/2005)
12/27/2005	<u>47</u>	ORDER for Time Schedule as to <u>38</u> Notice of Appeal re 05–174406 filed 12/23/05. see document for particulars (WJ, ) (Entered: 12/28/2005)
12/27/2005	<u>48</u>	TRANSMITTAL RETURN of Notice of Appeal from USCA re <u>38</u> Notice of Appeal. <b>USCA Case Number 05–17406</b> . (WJ, ) (Entered: 12/28/2005)
01/03/2006	<u>49</u>	STIPULATION <i>for Extension of Time to File Opposition to Motion to Stay</i> by Plaintiff Donald Evans. (Hearne, Treva) (Entered: 01/03/2006)
01/04/2006	<u>50</u>	RESPONSE to <u>31</u> MOTION; filed by Defendant Lenard Vare. <i>Opposition to Motion to Declare Plaintiffs the Prevailing Parties and Request for Attorneys Fees and Costs</i> Replies due by 1/18/2006. (Attachments: # <u>1</u> Affidavit of Kelly S. Werth# <u>2</u> Certificate of Service)(Werth, Kelly) (Entered: 01/04/2006)
01/06/2006	<u>51</u>	ORDER ON STIPULATION re <u>49</u> Stipulation. Responses to motion for stay <u>39</u> due by 1/17/2006. Signed by Judge Edward C. Reed Jr. on 1/6/05. (CLL, ) (Entered: 01/06/2006)
01/06/2006	<u>52</u>	COSTS TAXED in amount of \$ 0.00 against no prevailing party having been found. (JAR, ) (Entered: 01/07/2006)
01/17/2006	<u>53</u>	REPLY to Response to <u>31</u> MOTION; filed by Plaintiff Donald Evans. <i>and John Witherow</i> (Hearne, Treva) (Entered: 01/17/2006)
01/17/2006	<u>54</u>	RESPONSE to <u>39</u> MOTION to Stay re <u>29</u> Preliminary Injunction,, <u>38</u> Notice of Appeal; filed by Plaintiff Donald Evans. <i>and John Witherow</i> (Hearne, Treva) (Entered: 01/17/2006)
01/24/2006	<u>55</u>	NOTICE by Defendants Kelly Balenger, Rosemary Seals, Lenard Vare <i>Amended Notice of Plaintiffs' Second Violation of Preliminary Injunction and Plaintiffs' Activies</i> (Werth, Kelly) (Entered: 01/24/2006)
01/24/2006	<u>56</u>	REPLY to Response to <u>39</u> MOTION to Stay re <u>29</u> Preliminary Injunction,, <u>38</u> Notice of Appeal; filed by Defendants Kelly Balenger, Rosemary Seals, Lenard Vare. (Attachments: # <u>1</u> Exhibit Exhibits A, B, C, D, E# <u>2</u> Exhibit Exhibit F# <u>3</u>

		Exhibit Exhibit G)(Werth, Kelly) (Entered: 01/24/2006)
02/10/2006	<u>57</u>	Joint MOTION to Strike <i>Fugitive Documents</i> by Plaintiff John Witherow. Responses due by 2/28/2006. (Hearne, Treva) (Entered: 02/10/2006)
02/10/2006	<u>58</u>	Joint MOTION for Preliminary Injunction <i>Second</i> by Plaintiff John Witherow. (Attachments: # <u>1</u> Proposed Order Proposed Order# <u>2</u> Exhibit Exhibit)(Hearne, Treva) (Entered: 02/10/2006)
02/17/2006	<u>59</u>	ORDER of USCA as to <u>41</u> Notice of Appeal, 05-17409 and Notice of Appeal, 05-17406 dtd 2/6/06: These appeals are cross appeals from the district court's order granting preliminary injunction. Appellant unopposed oral motion for a 14 days extension to file opening brief was granted. Clerk shall file appellant's opening brief received on 1/30/06. appellees principal and response brief due 2/24/06; appellant's response and reply brief due 21 days after service of appellee's principal and response brief; and appellees optional reply brief due 14 days after service of appellants' response and reply. The appeal and any motions pending at the time briefing is completed shall be referred to the next available motions panel for disposition. (WJ, ) (Entered: 02/21/2006)
02/22/2006	<u>60</u>	STIPULATION <i>and Order to Extend Discovery</i> by Defendants Kelly Balenger, Rosemary Seals, Lenard Vare, Plaintiffs Donald Evans, John Witherow. (Werth, Kelly) (Entered: 02/22/2006)
02/22/2006	<u>61</u>	(STIPULATED) SCHEDULING ORDER: Discovery cut off by 6/11/2006. Dispositive Motions due by 7/11/2006. Signed by Judge Robert A. McQuaid Jr. on 2/22/06. (WJ, ) (Entered: 02/24/2006)
02/28/2006	<u>62</u>	RESPONSE to <u>58</u> Joint MOTION for Preliminary Injunction <i>Second</i> ; filed by Defendants Kelly Balenger, Rosemary Seals, Lenard Vare. <i>Defendants' Opposition to Plaintiffs' Second Motion for Preliminary Injunction or, Alternatively Clarification/ Expansion of Existing Preliminary Injunction (Request for Hearing)</i> (Attachments: # <u>1</u> Exhibit s A through J)(Werth, Kelly) (Entered: 02/28/2006)
02/28/2006	<u>63</u>	RESPONSE to <u>57</u> Joint MOTION to Strike <i>Fugitive Documents</i> ; filed by Defendants Kelly Balenger, Rosemary Seals, Lenard Vare. Replies due by 3/14/2006. (Werth, Kelly) (Entered: 02/28/2006)
03/01/2006	<u>64</u>	Joint MOTION for Order to Show Cause <i>by Don York Evans and</i> by Plaintiff John Witherow. (Attachments: # <u>1</u> Proposed Order Proposed Order to Show Cause)(Hearne, Treva) (Entered: 03/01/2006)
03/01/2006	<u>65</u>	Joint MOTION to Amend/Correct <i>and Joinder of Parties by Plaintiff Don York Evans and</i> by Plaintiff John Witherow. Responses due by 3/19/2006. (Attachments: # <u>1</u> Exhibit Proposed Second Amended Complaint)(Hearne, Treva) (Entered: 03/01/2006)
03/13/2006	<u>66</u>	REPLY OPPOSITION to motion to strike fugitive documents <u>57</u> filed by Plaintiff Donald Evans. (Hearne, Treva) Modified on 4/5/2006 to reflect incorrect PDF attached, also link added to motion; counsel notified. (BLG). (Entered: 03/13/2006)
03/16/2006	<u>67</u>	RESPONSE to <u>64</u> Joint MOTION for Order to Show Cause <i>by Don York Evans and</i> ; filed by Defendants Kelly Balenger, Rosemary Seals, Lenard Vare. <i>Opposition to Motion for Order to Show Cause and Exhibit A</i> Replies due by 3/30/2006. (Werth, Kelly) (Entered: 03/16/2006)
03/16/2006	<u>68</u>	STIPULATION <i>AND ORDER FOR ENLARGEMENT OF TIME</i> by Plaintiff Donald Evans. (Hearne, Treva) (Entered: 03/16/2006)
03/17/2006	<u>69</u>	ORDER ON STIPULATION re <u>68</u> Stipulation for Enlargement of Time. Plaintiffs shall have to and including 3/20/06 to file their Reply to Opposition to Second Motion for Preliminary Injunction or, Alternatively, Classification/Expansion of Existing Preliminary Injunction. Signed by Judge Robert A. McQuaid Jr.. (HJ, ) (Entered: 03/17/2006)
03/20/2006	<u>70</u>	RESPONSE to <u>65</u> Joint MOTION to Amend/Correct <i>and Joinder of Parties by Plaintiff Don York Evans and</i> ; filed by Defendants Kelly Balenger, Rosemary Seals, Lenard Vare. <i>Opposition to Motion for Leave to Join Additional Parties and</i>



		<i>to File Second Amended Complaint</i> Replies due by 4/3/2006. (Werth, Kelly) (Entered: 03/20/2006)
03/21/2006	<u>72</u>	REPLY to Response to <u>58</u> Joint MOTION for Preliminary Injunction <i>Second</i> ; filed by Plaintiffs Donald Evans, John Witherow. (Attachments: # <u>1</u> Part 2)(AF, ) (Entered: 03/23/2006)
03/21/2006	<u>73</u>	MOTION for Acceptance of Hard Copy of the <u>72</u> Reply to Response to Second Motion for Preliminary Injunction, by Plaintiffs Donald Evans, John Witherow. (AF, ) (Entered: 03/23/2006)
03/22/2006	<u>71</u>	<del>Third MOTION to Amend/Correct</del> , <b>Second Amended Complaint</b> by Plaintiff John Witherow. Responses due by 4/9/2006. (Attachments: # <u>1</u> Second Amended Complaint)(Hearne, Treva) Modified on 9/6/2006 to reflect Second Amended Complaint granted see order <u>93</u> . (BLG). (Entered: 03/22/2006)
03/27/2006	<u>74</u>	REPLY to Response to <u>64</u> Joint MOTION for Order to Show Cause <i>by Don York Evans and</i> ; filed by Plaintiff John Witherow. <i>and Don Evans</i> (Hearne, Treva) (Entered: 03/27/2006)
04/04/2006	<u>75</u>	ORDER denying <u>39</u> Motion to Stay. See attached order. Signed by Judge Edward C. Reed Jr. on 4/4/06. (CLL, ) (Entered: 04/04/2006)
04/04/2006	<u>76</u>	ORDER denying <u>31</u> Motion Signed by Judge Edward C. Reed Jr. on 4/4/06. See attached order. (CLL, ) (Entered: 04/04/2006)
04/07/2006	<u>77</u>	NOTICE by Defendants Kelly Balenger, Rosemary Seals, Lenard Vare <i>Notice of Plaintiffs' Violations of Preliminary Injunction and Plaintiffs' Activities</i> (Attachments: # <u>1</u> Exhibit A through D)(Werth, Kelly) (Entered: 04/07/2006)
04/10/2006	<u>78</u>	RESPONSE to <u>71</u> Third MOTION to Amend/Correct <i>Second Amended Complaint</i> ; filed by Defendants Kelly Balenger, Rosemary Seals, Lenard Vare. <i>Defendants' Opposition to Motion for Leave to Join Additional Parties and to File Second Amended Complaint</i> (Werth, Kelly) (Entered: 04/10/2006)
04/11/2006	<u>79</u>	MINUTE ORDER IN CHAMBERS of the Honorable Edward C. Reed Jr., U.S. District Judge on 4/11/2006. By Deputy Clerk: C. Larsen. RE: <u>58</u> Joint MOTION for Preliminary Injunction <i>Second</i> filed by John Witherow, Motion Hearing set for 6/2/2006 10:00 AM in Reno Courtroom 3 before Judge Edward C. Reed Jr.. See attached order (CLL, ) (Entered: 04/11/2006)
04/12/2006	<u>80</u>	MINUTE ORDER IN CHAMBERS of the Honorable Edward C. Reed Jr., U.S. District Judge on 4/12/2006. By Deputy Clerk: C. Larsen. Hearing on motion for preliminary injunction <u>58</u> set 6/2/06 is vacated. See attached order (CLL, ) (Entered: 04/12/2006)
04/24/2006	<u>81</u>	REPLY to Response to <u>65</u> Joint MOTION to Amend/Correct <i>and Joinder of Parties by Plaintiff Don York Evans and</i> ; filed by Plaintiff John Witherow. <i>and Don York Evans</i> (Hearne, Treva) (Entered: 04/24/2006)
04/25/2006	<u>82</u>	MINUTE ORDER IN CHAMBERS of the Honorable Edward C. Reed Jr., U.S. District Judge on 4/25/2006. By Deputy Clerk: C. Larsen. RE: <u>57</u> Joint MOTION to Strike <i>Fugitive Documents</i> filed by John Witherow, DENIED. See attached order (CLL, ) (Entered: 04/25/2006)
05/11/2006	<u>83</u>	MOTION To Depose an Incarcerated Person by Defendants Kelly Balenger, Rosemary Seals, Lenard Vare. Responses due by 5/29/2006. (Werth, Kelly) (Entered: 05/11/2006)
05/11/2006	<u>84</u>	Second MOTION for Order to Show Cause <i>With Exhibits</i> by Plaintiff Donald Evans. (Attachments: # <u>1</u> Exhibit Exhibit 1# <u>2</u> Exhibit Exhibit 2)(Hearne, Treva) (Entered: 05/11/2006)
05/12/2006	<u>85</u>	MINUTE ORDER IN CHAMBERS of the Honorable Edward C. Reed Jr., U.S. District Judge on 5/12/2006. By Deputy Clerk: C. Larsen. RE: <u>84</u> Second MOTION for Order to Show Cause <i>With Exhibits</i> filed by Donald Evans, Responses due by 5/30/2006; reply due 6/13/06. (CLL, ) (Entered: 05/12/2006)

05/19/2006	<u>86</u>	MINUTE ORDER IN CHAMBERS of the Honorable Edward C. Reed Jr., U.S. District Judge on 5/19/2006. By Deputy Clerk: C. Larsen. RE: <u>65</u> Joint MOTION to Amend/Correct <i>and Joinder of Parties by Plaintiff Don York Evans</i> and filed by John Witherow, is DENIED. Response to motion to amend <u>71</u> Responses due by 6/5/2006. (CLL, ) (Entered: 05/19/2006)
05/26/2006	<u>87</u>	RESPONSE to <u>84</u> Second MOTION for Order to Show Cause <i>With Exhibits</i> ; filed by Defendants Kelly Balenger, Rosemary Seals, Lenard Vare. <i>Opposition to Second Motion for Order to Show Cause/Request for Attorney Fees</i> (Attachments: # <u>1</u> Exhibit A – E)(Werth, Kelly) (Entered: 05/26/2006)
05/30/2006	<u>88</u>	NOTICE of Change of Address by Plaintiff John Witherow., has mov'd to Nevada State Prison, P.O. Box 607, Carson City, NV 89702 (SA, ) (Entered: 05/30/2006)
06/02/2006	<u>89</u>	ORDER granting <u>83</u> Defendants' Motion to Depose. Signed by Judge Robert A. McQuaid Jr. on 6/2/2006. (HJ, ) (Entered: 06/02/2006)
06/19/2006	<u>90</u>	MINUTE ORDER IN CHAMBERS of the Honorable Edward C. Reed Jr., U.S. District Judge on 6/19/2006. By Deputy Clerk: C. Larsen. RE: <u>58</u> Joint MOTION for Preliminary Injunction <i>Second</i> filed by John Witherow., <u>73</u> is DENIED, as moot. MOTION for Acceptance of Hard Copy re <u>72</u> Reply to Response to Motion filed by Donald Evans., John Witherow, is also DENIED, as moot. (CLL, ) (Entered: 06/19/2006)
06/19/2006	<u>91</u>	MINUTE ORDER IN CHAMBERS of the Honorable Edward C. Reed Jr., U.S. District Judge on 6/19/2006. tht the Motion for Leave of Court to supplement D's Ps doc # <u>30</u> , filed on 12/8/05 is DENIED as moot in light of the court's Ord doc # <u>29</u> granting the Preliminary Injunction. (SA, ) (Entered: 06/19/2006)
06/19/2006	<u>92</u>	MINUTE ORDER IN CHAMBERS of the Honorable Edward C. Reed Jr., U.S. District Judge on 6/19/2006. By Deputy Clerk: C. Larsen. RE: <u>84</u> Second MOTION for Order to Show Cause <i>With Exhibits</i> filed by Donald Evans, Motion Hearing set for 8/22/2006 10:00 AM in Reno Courtroom 3 before Judge Edward C. Reed Jr.. Motion for order to show cause <u>64</u> is denied. (CLL, ) (Entered: 06/19/2006)
06/19/2006	<u>93</u>	MINUTE ORDER IN CHAMBERS of the Honorable Edward C. Reed Jr., U.S. District Judge on 6/19/2006. Ord tht P's Motion for Leave to Join additional ptys & to file 2nd Am Complnt doc #[71–1] filed on 3/22/06 is GRANTED. The 2nd Am Complnt was filed as doc #[71–2]. D's who have previously appeared in the actn shall hv 20 days w/in which to respond to the 2nd Am Complnt doc #[71–2]. The additional ptys shall have 20 days after service of process or admission of service of process, is filed w/in which time to respond to the 2nd Am Cmplnt. FUR ORD tht this matter is referred to the Magistrate Judge to determine whether a new scheduling order is needed in respect to the additional claims set forth in the 2nd am complnt doc # <u>71</u> . (SA, ) Modified on 6/20/2006 (SA, ). Added doc #71. (Entered: 06/20/2006)
07/03/2006	<u>94</u>	ORDER of USCA as to <u>41</u> Notice of Appeal, 05–17409 and <u>38</u> Notice of Appeal, 05–17406, dtd 6/30/06: Submission of these cases is withdrawn and deferred until further order of the court, and these cases are referred to the Circuit's Mediation program for 90 days to explore the possibility of resolving the dispute through mediation. A circuit mediator will contact counsel directly to arrange a conference. Questions may be directed to Chief Circuit Mediator David Lombardi at 415 556 9907. The parties shall file a status report before the end of the 90 days period on the status of settlement negotiations. (WJ, ) (Entered: 07/05/2006)
08/22/2006	<u>95</u>	MINUTES OF PROCEEDINGS – Show Cause Hearing held on 8/22/2006 before Judge Edward C. Reed Jr.. Crtrm Administrator: C. Larsen; Pla Counsel: R. Hager; Def Counsel: K. Werth; Court Reporter/FTR #: D. Davidson; Time of Hearing: 10:10 AM to 10:20 AM. Motion Hearing set for 10/5/2006 10:00 AM in Reno Courtroom 3 before Judge Edward C. Reed Jr.. (CLL, ) (Entered: 08/22/2006)
09/05/2006	<u>96</u>	PROPOSED SUMMONS to be issued on <i>Robert Legrand</i> , filed by Plaintiff Donald Evans. (Evans, Donald) Modified on 9/6/2006 to reflect <b>SUMMONS ISSUED</b> (BLG). (Entered: 09/05/2006)

09/05/2006	<u>97</u>	PROPOSED SUMMONS to be issued <i>of Craig Farwell</i> , filed by Plaintiff Donald Evans. (Evans, Donald) Modified on 9/6/2006 to reflect <b>SUMMONS ISSUED</b> (BLG). (Entered: 09/05/2006)
09/05/2006	<u>98</u>	PROPOSED SUMMONS to be issued <i>to Glen Whorton</i> , filed by Plaintiff Donald Evans. (Evans, Donald) Modified on 9/6/2006 to reflect <b>SUMMONS ISSUED</b> (BLG). (Entered: 09/05/2006)
09/05/2006	<u>99</u>	PROPOSED SUMMONS to be issued <i>to Jackie Crawford</i> , filed by Plaintiff Donald Evans. (Evans, Donald) Modified on 9/6/2006 to reflect <b>SUMMONS ISSUED</b> (BLG). (Entered: 09/05/2006)
09/05/2006	<u>100</u>	PROPOSED SUMMONS to be issued <i>to Greg Cox</i> , filed by Plaintiff Donald Evans. (Evans, Donald) Modified on 9/6/2006 to reflect <b>SUMMONS ISSUED</b> (BLG). (Entered: 09/05/2006)
09/05/2006	<u>101</u>	PROPOSED SUMMONS to be issued <i>to Cherie Scott</i> , filed by Plaintiff Donald Evans. (Evans, Donald) Modified on 9/6/2006 to reflect <b>SUMMONS ISSUED</b> (BLG). (Entered: 09/05/2006)
09/06/2006	<u>102</u>	SUMMONS Issued as to 2nd Amended Complaint <u>71</u> Greg Cox. (BLG) (Entered: 09/06/2006)
09/06/2006	<u>103</u>	SUMMONS Issued as to 2nd Amended Complaint <u>71</u> Jackie Crawford. (BLG) (Entered: 09/06/2006)
09/06/2006	<u>104</u>	SUMMONS Issued as to 2nd Amended Complaint <u>71</u> Craig Farwell. (BLG) (Entered: 09/06/2006)
09/06/2006	<u>105</u>	SUMMONS Issued as to 2nd Amended Complaint <u>71</u> Robert LeGrand. (BLG) (Entered: 09/06/2006)
09/06/2006	<u>106</u>	SUMMONS Issued as to 2nd Amended Complaint <u>71</u> Robert LeGrand. (BLG) (Entered: 09/06/2006)
09/06/2006	<u>107</u>	SUMMONS Issued as to 2nd Amended Complaint <u>71</u> Cherie Scott. (BLG) (Entered: 09/06/2006)
09/06/2006	<u>108</u>	SUMMONS Issued as to 2nd Amended Complaint <u>71</u> Glen Whorton. (BLG) (Entered: 09/06/2006)
09/12/2006	<u>109</u>	MOTION to Substitute Attorney <i>Substitution of Attorney</i> by Plaintiff Donald Evans. (Evans, Donald). (Entered: 09/12/2006)
09/13/2006	<u>110</u>	NOTICE of Appearance by attorney Donald Y Evans on behalf of Plaintiff Donald Evans. (Evans, Donald) (Entered: 09/13/2006)
09/13/2006	<u>111</u>	ORDER granting <u>109</u> Motion to Substitute Attorney. Attorney Marc P Picker for Donald Evans substituted for Attorney Robert R. Hager. Signed by Judge Robert A. McQuaid Jr. on 9/13/06. (DRM, ) (Entered: 09/13/2006)
09/13/2006	<u>112</u>	<del>MOTION to Substitute Attorney by Plaintiff Donald Evans. (Evans, Donald)</del> (Entered: 09/13/2006)
09/13/2006	<u>113</u>	<del>MOTION to Substitute Attorney by Plaintiff Donald Evans. (Evans, Donald)</del> (Entered: 09/13/2006)
09/13/2006	<u>114</u>	<del>MOTION to Substitute Attorney by Plaintiff Donald Evans. (Evans, Donald)</del> (Entered: 09/13/2006)
09/14/2006	<u>115</u>	MOTION to Substitute Attorney by Plaintiff John Witherow. (Evans, Donald) (Entered: 09/14/2006)
09/14/2006	<u>116</u>	ORDER tht Marc Picker is substituted as cnsl of rcd for P-John Witherow in place and stead of Robert R. Hager, see ord for spec. Signed by Judge Robert A. McQuaid Jr. on 9/14/06. (JAR, ) (Entered: 09/14/2006)
10/03/2006	<u>117</u>	MINUTE ORDER IN CHAMBERS of the Honorable Edward C. Reed Jr., U.S. District Judge on 10/3/2006. Order DENYING <u>84</u> Second MOTION for Order to Show Cause filed by Donald Evans; and, VACATING the hearing set for 10:00

		a.m., Thursday, October 5, 2006 by <u>95</u> Order; The preliminary injunction issued in this case will be amended by separate Order. (DRM, ) See Ord for spec. (Entered: 10/03/2006)
10/03/2006	<u>118</u>	ORDER AMENDING <u>29</u> Preliminary Injunction: Ordered that Ds are preliminarily enjoined and restrained from denying P Witherow the receipt or forwarding of legal mail when conditions specified in this order are met. See Order for specifics. Further Ordered the Court retains jurisdiction of all matters relating to this preliminary injunction; Further Ordered that Ds shall provide notice of this injunction to their officers, agents, servants, employees, and attorneys and upon those persons in active concert or participation with any of them or each of them. Further Ordered that posting of security is waived. Signed by Judge Edward C. Reed Jr. on 10/3/06. See Order for specifics. (DRM, ) (Entered: 10/03/2006)
11/01/2006	<u>119</u>	WAIVER OF SERVICE Returned Executed by Defendants Robert LeGrand, Robert LeGrand. Robert LeGrand waiver sent on 10/31/2006, answer due 12/30/2006. (Werth, Kelly) (Entered: 11/01/2006)
11/01/2006	<u>120</u>	WAIVER OF SERVICE Returned Executed by Defendants Craig Farwell, Craig Farwell. Craig Farwell waiver sent on 10/31/2006, answer due 12/30/2006. (Werth, Kelly) (Entered: 11/01/2006)
11/01/2006	<u>121</u>	WAIVER OF SERVICE Returned Executed by Defendants Glen Whorton, Glen Whorton. Glen Whorton waiver sent on 10/31/2006, answer due 12/30/2006. (Werth, Kelly) (Entered: 11/01/2006)
11/01/2006	<u>122</u>	WAIVER OF SERVICE Returned Executed by Defendants Jackie Crawford, Jackie Crawford. Jackie Crawford waiver sent on 10/31/2006, answer due 12/30/2006. (Werth, Kelly) (Entered: 11/01/2006)
11/01/2006	<u>123</u>	WAIVER OF SERVICE Returned Executed by Defendants Greg Cox, Greg Cox. Greg Cox waiver sent on 10/31/2006, answer due 12/30/2006. (Werth, Kelly) (Entered: 11/01/2006)
11/01/2006	<u>124</u>	WAIVER OF SERVICE Returned Executed by Defendants Cherie Scott, Cherie Scott. Cherie Scott waiver sent on 10/31/2006, answer due 12/30/2006. (Werth, Kelly) (Entered: 11/01/2006)
11/01/2006	<u>125</u>	STIPULATION re <u>93</u> Minute Order,,, ; <i>Joint Stipulated Discovery Plan and Scheduling Order</i> by Defendants Robert LeGrand, Craig Farwell, Glen Whorton, Jackie Crawford, Greg Cox, Cherie Scott, Kelly Balenger, Rosemary Seals, Lenard Vare, Plaintiffs Donald Evans, John Witherow. (Werth, Kelly) (Entered: 11/01/2006)
11/02/2006	<u>126</u>	ORDER ON STIPULATION re <u>125</u> proposed Stipulation: Discovery due by 2/28/2007. Motions due by 3/30/2007. Proposed Joint Pretrial Order due by 3/30/2007. (see order) Signed by Judge Robert A. McQuaid Jr. on 11/1/06. (WJ, ) (Entered: 11/03/2006)
11/09/2006	<u>127</u>	MEMORANDUM/OPINION of USCA as to <u>41</u> Notice of Appeal filed by Donald Evans,, <u>38</u> Notice of Appeal filed by Kelly Balenger, Lenard Vare,, Rosemary Seals: USDC AFFIRMED in part, REVERSED in part, and REMANDED with instructions. (DRM, ) Additional attachment(s) added on 11/14/2006 (WJ, ). (Entered: 11/13/2006)
11/09/2006	<u>128</u>	JUDGMENT of USCA as to <u>41</u> Notice of Appeal filed by Donald Evans,, <u>38</u> Notice of Appeal filed by Kelly Balenger,, Lenard Vare,, Rosemary Seals: USDC AFFIRMED IN PART, REVERSED IN PART, REMANDED. (DRM, ) (Entered: 11/13/2006)
11/15/2006	<u>129</u>	ORDER on Mandate as to <u>41</u> Notice of Appeal filed by Donald Evans,, <u>38</u> Notice of Appeal by Judge Edward C. Reed Jr. See ord for spec. (DRM, ) (Entered: 11/15/2006)
11/16/2006	<u>130</u>	MINUTE ORDER IN CHAMBERS of the Honorable Edward C. Reed Jr., U.S. District Judge on 11/16/2006. RE: <u>127</u> USCA Memorandum/Opinion; <u>118</u> Amended Preliminary Injunction: Ordered the parties have 15 days to file points and authorities indicating whether they agree with the form of the attached



		proposed Second Amended Preliminary Injunction, or whether they object to the same and on basis for such an objection. Thereafter the parties will have 15 days to file responses to the points and authorities filed by opposing counsel. See order and attached proposed order for specification. (DRM, ) (Entered: 11/17/2006)
11/20/2006	<u>131</u>	MOTION for Leave to File <i>Answer to Second Amended Complaint</i> by Defendants Robert LeGrand, Craig Farwell, Glen Whorton, Jackie Crawford, Greg Cox, Cherie Scott, Kelly Balenger, Rosemary Seals, Lenard Vare. (Attachments: # <u>1</u> Exhibit A, pages 1–13, Defendants' Answer to Plaintiff's Second Amended Complaint)(Werth, Kelly) (Entered: 11/20/2006)
12/01/2006	<u>132</u>	OBJECTION to <u>130</u> Minute Order,, ; filed by Plaintiff Donald Evans. (Attachments: # <u>1</u> Affidavit of John Witherow# <u>2</u> Affidavit of Donald Evans)(Picker, Marc) (Entered: 12/01/2006)
12/01/2006	<u>133</u>	OBJECTION To <i>Proposed Second Amended Preliminary Injunction</i> filed by Defendants Robert LeGrand, Craig Farwell, Glen Whorton, Jackie Crawford, Greg Cox, Cherie Scott, Kelly Balenger, Rosemary Seals, Lenard Vare. (Werth, Kelly) (Entered: 12/01/2006)
12/18/2006	<u>134</u>	RESPONSE to <u>132</u> Objection to Document; <i>Defendants' Response to Plaintiffs' Objection to Proposed Second Amended Preliminary Injunction</i> filed by Defendants Robert LeGrand, Craig Farwell, Glen Whorton, Jackie Crawford, Greg Cox, Cherie Scott, Kelly Balenger, Rosemary Seals, Lenard Vare. (Werth, Kelly) (Entered: 12/18/2006)
12/29/2006	<u>136</u>	MINUTE ORDER IN CHAMBERS of the Honorable Edward C. Reed Jr., U.S. District Judge on 12/29/2006. By Deputy Clerk: Colleen Larsen. RE: <u>130</u> Minute Order: a Second Amended Injunction shall be entered by separate Order. See Order for specification. (JW, ) (Entered: 01/03/2007)
12/29/2006	<u>137</u>	SECOND AMENDED PRELIMINARY INJUNCTION. Ordered that Defendants are preliminarily enjoined and restrained from denying Plaintiff Witherow the receipt or forwarding of legal mail when conditions specified in this order are met. See Order for specifics. Further Ordered the Court retains jurisdiction of all matters relating to this preliminary injunction; Further Ordered that Defendants shall provide notice of this injunction to their officers, agents, servants, employees, and attorneys and upon those persons in active concert or participation with any of them or each of them. Further Ordered that posting of security is waived. Signed by Judge Edward C. Reed Jr. on 12/28/06. See order for specification. (JW ) (Entered: 01/03/2007)
01/02/2007	<u>135</u>	ADDENDUM to <u>132</u> Objection to Document, <u>130</u> Minute Order,, ; <i>Request for Oral Argument</i> by Plaintiff Donald Evans. (Picker, Marc) (Entered: 01/02/2007)
01/03/2007	<u>138</u>	MINUTE ORDER IN CHAMBERS of the Honorable Edward C. Reed Jr., U.S. District Judge on 1/3/2007: DENYING <u>135</u> Request for Oral Argument. Counsel may move for reconsideration of <u>136</u> Order and <u>137</u> Second Amended Preliminary Injunction by 1/18/07. See order for additional specifications. (DRM, ) (Entered: 01/03/2007)
01/18/2007	<u>139</u>	MINUTE ORDER IN CHAMBERS of the Honorable Edward C. Reed Jr., U.S. District Judge on 1/18/2007. By Deputy Clerk: C. Larsen. RE: <u>131</u> MOTION for Leave to File <i>Answer to Second Amended Complaint</i> is granted. Answer to second amended complaint due by 2/2/2007. (CLL, ) (Entered: 01/18/2007)
01/22/2007	<u>140</u>	NOTICE OF APPEAL as to <u>137</u> Preliminary Injunction,, by Defendants Robert LeGrand, Craig Farwell, Glen Whorton, Jackie Crawford, Greg Cox, Cherie Scott, Kelly Balenger, Rosemary Seals, Lenard Vare. Filing fee \$ 455, receipt number 460130. (Attachments: # <u>1</u> Exhibit A)(Werth, Kelly) (Entered: 01/22/2007)
01/23/2007	<u>141</u>	TRANSMITTAL of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>140</u> Notice of Appeal,. (DRM, ) (Entered: 01/23/2007)
02/02/2007	<u>142</u>	TRANSMITTAL RETURN of Notice of Appeal from USCA re <u>140</u> Notice of Appeal. <b>USCA Case Number 07–15147</b> . (JW ) (Entered: 02/02/2007)
02/28/2007	<u>143</u>	First MOTION to Extend Time regarding discovery/non dispositive matter re <u>125</u> Stipulation, by Plaintiff Donald Evans. (Picker, Marc) (Entered: 02/28/2007)

02/28/2007	<u>144</u>	MINUTE ORDER IN CHAMBERS of the Honorable Robert A. McQuaid Jr., U.S. Magistrate Judge on 2/28/2007. P's Mtn to Extend Joint Disc Plan and Sched Order <u>143</u> is GRANTED. Discovery due by 6/28/2007. Motions due by 7/28/2007. Proposed Joint Pretrial Order due by 7/28/2007. See order for spec.(JW ) Modified on 3/1/2007 to clarify (JW ). (Entered: 02/28/2007)
03/14/2007	<u>145</u>	NOTICE of Change of Attorney on behalf of Defendants Robert LeGrand, Craig Farwell, Glen Whorton, Jackie Crawford, Greg Cox, Cherie Scott, Kelly Balenger, Rosemary Seals, Lenard Vare. (Stewart, Susan) (Entered: 03/14/2007)
03/14/2007	<u>146</u>	MOTION to Extend Time regarding discovery/non dispositive matter re <u>139</u> Minute Order,, Set/Reset Deadlines & Hearings, by Defendants Robert LeGrand, Craig Farwell, Glen Whorton, Jackie Crawford, Greg Cox, Cherie Scott, Kelly Balenger, Rosemary Seals, Lenard Vare. (Attachments: # <u>1</u> Exhibit Answer to 2nd Amended Complaint)(Stewart, Susan) (Entered: 03/14/2007)
03/15/2007	<u>147</u>	ORDER granting <u>146</u> Motion to Extend Time to Answer <u>71</u> <i>Second Amended Complaint</i> . Answers due 3/14/07. Signed by Judge Edward C. Reed Jr. on 3/14/07. (JW ) (Entered: 03/15/2007)
03/16/2007	<u>148</u>	ANSWER to <u>71</u> Complaint <i>Second Amended Complaint</i> by Defendants Robert LeGrand, Craig Farwell, Glen Whorton, Jackie Crawford, Greg Cox, Cherie Scott, Kelly Balenger, Rosemary Seals, Lenard Vare. Certificate of Interested Parties due by 3/26/2007. Discovery Plan/Scheduling Order due by 4/30/2007.(Stewart, Susan) Modified on 3/19/2007 to add link to complaint (JW ). (Entered: 03/16/2007)
03/20/2007	<u>149</u>	CERTIFICATE of Interested Parties by Plaintiff Donald Evans. (Picker, Marc) (Entered: 03/20/2007)
03/28/2007	<u>150</u>	MOTION to Take Deposition from Plaintiff John Witherow # 29313 by Defendants Robert LeGrand, Craig Farwell, Glen Whorton, Jackie Crawford, Greg Cox, Cherie Scott, Kelly Balenger, Rosemary Seals, Lenard Vare. (Stewart, Susan) (Entered: 03/28/2007)
03/28/2007	<u>151</u>	ORDER granting <u>150</u> Defendants' Motion for Leave to Depose Incarcerated Person. Signed by Judge Robert A. McQuaid Jr. on 3/28/2007. (HJ, ) (Entered: 03/28/2007)
04/20/2007	<u>152</u>	ORDER of USCA as to <u>140</u> Notice of Appeal. Notice of withdrawal construed as mtn for voluntary dismissal. Mtn granted. Appeal dismissed. (JW ) (Entered: 04/20/2007)
05/04/2007	<u>153</u>	ORDER ON MANDATE as to <u>140</u> Notice of Appeal, <u>152</u> USCA Order. Signed by Judge Edward C. Reed Jr. on 5/4/07. (JW ) (Entered: 05/07/2007)
05/17/2007	<u>154</u>	STIPULATION <i>JOINT STIPULATION TO EXTEND DISCOVERY PLAN</i> by Plaintiff John Witherow. (Picker, Marc) (Entered: 05/17/2007)
05/21/2007	<u>155</u>	SCHEDULING ORDER. Discovery due by 9/26/2007. Motions due by 10/26/2007. Proposed Joint Pretrial Order due by 11/26/2007. Signed by Judge Robert A. McQuaid Jr. on 5/21/2007. See ord for spec. (DRM, ) (Entered: 05/21/2007)
09/21/2007	<u>156</u>	STIPULATION re <u>155</u> Scheduling Order, <u>146</u> MOTION to Extend Time regarding discovery/non dispositive matter re <u>139</u> Minute Order,, Set/Reset Deadlines & Hearings, MOTION to Extend Time regarding discovery/non dispositive matter re <u>139</u> Minute Order,, Set/Reset Deadlines & Hearings,, <u>125</u> Stipulation, ; by Plaintiff Donald Evans. (Picker, Marc) (Entered: 09/21/2007)
09/21/2007	<u>157</u>	AMENDED SCHEDULING ORDER re <u>156</u> Amended Stipulated Discovery Plan and Scheduling Order. Discovery due by 12/28/2007. Motions due by 1/25/2008. Proposed Joint Pretrial Order due by 2/22/2008. THERE SHALL BE NO FURTHER EXTENSIONS GRANTED. Signed by Judge Robert A. McQuaid Jr. on 9/21/2007. (Copies have been distributed pursuant to the NEF – HJ) (Entered: 09/21/2007)
11/09/2007	<u>158</u>	MOTION to Substitute Attorney by Plaintiff John Witherow. (JC) (Entered: 11/09/2007)



11/13/2007	<u>159</u>	ORDER/SUBSTITUTION OF ATTORNEYS re <u>158</u> Motion to Substitute Attorney. Attorney Marc P Picker terminated. Plaintiff John Witherow in pro per. <b>Address for John Witherow: John Witherow, #29313, Nevada State Prison, PO Box 607, Carson City, Nevada 89702.</b> Signed by Judge Robert A. McQuaid Jr. on 11/13/2007. (Copies have been distributed pursuant to the NEF – HJ) (Entered: 11/13/2007)
12/17/2007	<u>160</u>	MOTION for Settlement Conference <i>and Continuation of Scheduling Order</i> by Defendants Robert LeGrand, Craig Farwell, Glen Whorton, Jackie Crawford, Greg Cox, Cherie Scott, Kelly Balenger, Rosemary Seals, Lenard Vare. (Attachments: # <u>1</u> Declaration of Susan K. Stewart)(Stewart, Susan) (Entered: 12/17/2007)
12/19/2007	<u>161</u>	MINUTE ORDER IN CHAMBERS of the Honorable Robert A. McQuaid, Jr., U.S. Magistrate Judge, on 12/19/2007. By Deputy Clerk: Jennifer Cotter. Settlement Conference set for <b>Friday, January 25, 2008 at 09:00 AM</b> in Reno Courtroom 2 before Magistrate Judge Robert A. McQuaid, Jr. The Deputy Attorney General shall arrange for the incarcerated Plaintiff to be present <b>in person.</b> (See attached) (Copies have been distributed pursuant to the NEF – JC) (Entered: 12/19/2007)
01/25/2008	<u>162</u>	ORDER REFERRING CASE to US Magistrate Judge on Consent. Case reassigned to Judge Robert A. McQuaid, Jr for all further proceedings; Edward C. Reed, Jr no longer assigned to case. Signed by Judge Edward C. Reed Jr. on 1/25/2008. (Copies have been distributed pursuant to the NEF – DRM) (Entered: 01/25/2008)
01/25/2008	163	MINUTES OF PROCEEDINGS – Settlement Conference held on 1/25/2008 before Judge Robert A. McQuaid, Jr. Crtrm Administrator: <i>Jennifer Cotter</i> ; Pla Counsel: <i>John Witherow, In Pro Per and Marc Picker</i> ; Def Counsel: <i>Janet Traut and Joe Ward, Jr.</i> ; FTR #: <i>11:36:03 a.m. – 11:40:54 a.m.</i> ; Time of Hearing: <i>9:00 a.m. – 11:40:54 a.m.</i> ; Courtroom: 2. The Court met with counsel and the parties to discuss settlement. After some discussions and negotiations, the parties were able to settle the case. The parties orally consent to proceed before the US Magistrate Judge so that he may approve the final settlement documents. Written consent signed by the parties in court to be submitted to Judge Reed for his approval. The terms of the settlement are placed on the record. IT IS ORDERED that the recording of this proceeding is sealed. <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF – JC) (Entered: 01/25/2008)
04/07/2008	164	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Robert A. McQuaid, Jr., on 4/7/2008. By Deputy Clerk: Jennifer Cotter. A Status Conference has been set for <b>Monday, 5/5/2008, at 1:30 PM</b> in Reno Courtroom 2 before Magistrate Judge Robert A. McQuaid, Jr. The Deputy Attorney General shall arrange for the incarcerated Plaintiff to be present by telephone. Said counsel shall contact the courtroom administrator, Jennifer Cotter, at (775) 686–5758, at least two (2) days in advance of the hearing to advise her of the number where the Plaintiff may be reached for the hearing. <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF – JC) (Entered: 04/07/2008)
04/11/2008	<u>165</u>	NOTICE of Change of Attorney on behalf of Defendants Robert LeGrand, Craig Farwell, Glen Whorton, Jackie Crawford, Greg Cox, Cherie Scott, Kelly Balenger, Rosemary Seals, Lenard Vare. <i>NOTICE OF APPEARANCE AND CHANGE OF ATTORNEY</i> (Traut, Janet) (Entered: 04/11/2008)
04/11/2008	<u>166</u>	STIPULATION of Dismissal <i>STIPULATION FOR DISMISSAL WITH PREJUDICE</i> by Defendants Robert LeGrand, Craig Farwell, Glen Whorton, Jackie Crawford, Greg Cox, Cherie Scott, Kelly Balenger, Rosemary Seals, Lenard Vare, Plaintiffs Donald Evans, John Witherow. (Traut, Janet) (Entered: 04/11/2008)
04/11/2008	<u>168</u>	PERMANENT INJUNCTION. Refer to Order for specifics. Signed by Magistrate Judge Robert A. McQuaid, Jr on 4/11/08. (Copies have been distributed pursuant to the NEF – KO) (Entered: 04/14/2008)
04/14/2008	167	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Robert A. McQuaid, Jr., on 4/14/2008. By Deputy Clerk: Jennifer Cotter. A stipulation for dismissal having been filed, the status hearing currently scheduled for <b>Monday, May 5, 2008 at 1:30 p.m.</b> is <b>VACATED.</b> <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF – JC) (Entered: 04/14/2008)

04/14/2008	<u>169</u>	ORDER OF DISMISSAL by Court for <del>Want of Prosecution</del> . <u>166</u> Stipulation has been approved and is based upon settlement reached by the parties in this matter. Each party shall bear his own attorney's fees and cost. Signed by Magistrate Judge Robert A. McQuaid, Jr on 4/11/08. (Copies have been distributed pursuant to the NEF – KO) <i>Modified on 4/14/2008 to line through incorrect language used in docket entry.</i> (BLG). ( <b>See attached IMAGE.</b> ) (Entered: 04/14/2008)
12/27/2011	170	MINUTE ORDER IN CHAMBERS of the Honorable Magistrate Judge Robert A. McQuaid, Jr, on 12/27/2011. The Court currently has custody of exhibits in this action. It having been determined these exhibits can be returned to the parties in accordance with LR 79–1, IT IS HEREBY ORDERED that the parties have 21 days from the date of this Order within which to claim the exhibits from the Clerk of Court in accordance with said Local Rule or said exhibits shall be destroyed by the Court. Please contact the Clerk's Office in Reno at (775) 686–5800 to make arrangements to have the exhibits picked up or said exhibits shall be destroyed by the Court. Deadline to return exhibits set for 1/17/2012. <b>(no image attached)</b> (Copies have been distributed pursuant to the NEF – DRM) (Entered: 12/27/2011)
01/03/2012	<u>171</u>	Mail Returned as Undeliverable ( <i>inmate not in custody</i> ) re 170 Minute Order for Return of Exhibits, addressed to John Witherow @ NSP. (KO) (Entered: 01/03/2012)