

(AJWx),APPEAL,CLOSED,REOPENED

**UNITED STATES DISTRICT COURT for the CENTRAL DISTRICT OF  
CALIFORNIA (Western Division – Los Angeles)  
CIVIL DOCKET FOR CASE #: 2:75-cv-03075-ABC-AJW**

Jerry E Stewart et al v. Brad Gates et al  
Assigned to: Judge Audrey B. Collins  
Referred to: Magistrate Judge Andrew J. Wistrich  
Case in other court: 9th CCA, 05-55845  
Cause: 42:1983 Civil Rights Act

Date Filed: 09/11/1975  
Date Terminated: 06/28/2011  
Jury Demand: Defendant  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Jerry E Stewart**

represented by **Barrett S Litt**  
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**Plaintiff**

**Richard Eugene Smith**

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**Bryan Barnet Miller**  
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**Cindy Panuco**  
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**Plaintiff**

**Kenneth Wilson**

represented by **Barrett S Litt**  
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**Plaintiff**

**William Brown**

represented by **Barrett S Litt**  
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**Cindy Panuco**  
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**Plaintiff**

**Susan Young**  
*on behalf of themselves and all others  
similarly situated*

represented by **Barrett S Litt**  
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**Bryan Barnet Miller**  
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**Christy Virginia Keeny**  
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**Cindy Panuco**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Brad Gates**  
*individually and in his official capacity  
as Orange County Sheriff*

represented by **Christina M Sprenger**  
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*ATTORNEY TO BE NOTICED*

**Defendant**

**William Wallace**  
*individually and in his official capacity  
as Chief Deputy of the Orange County  
Sheriffs Department and Jail Division*

represented by **Steven C Miller**  
(See above for address)  
*TERMINATED: 03/24/2009*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Ralph A Diedrich**

**Defendant**

**Robert W Battin**

**Defendant**

**Ralph B Clark**

**Defendant****Lawrence J Schmit****Defendant****Thomas F Riley***individually and constituting the Board of Supervisors of the County of Orange*

Date Filed	#	Docket Text
04/25/2003		MINUTES; Ex parte communication from party representative. The Court has received the attached ex parte letter from a representative of the Orange County Sheriffs Department. The attachments to the letter are not attached to this minute order. Although undoubtedly intended to be helpful, this sort of communication must come through counsel with proper notice to opposing parties. The Court orders all counsel to instruct their clients on the rules for dealing with their cases and ensure that the clients observe those rules. before Judge Gary L. Taylor : Court Reporter: n/a. (jag, ) (Entered: 02/23/2004)
07/31/2003		Ombudsmans memorandum to the Court; Beatings and the Hunger Strike of July 2003. (jag, ) (Entered: 02/23/2004)
09/26/2003		MEMORANDUM regarding Violation of Court Order filed by plaintiffs (jag, ) (Entered: 02/23/2004)
10/01/2003		MEMORANDUM to the Court filed by plaintiffs (jag, ) (Entered: 02/23/2004)
03/11/2004		PRIOR TO 3/11/04 THIS CASE HAD NO CONTROL NUMBERS.(lm ) (Entered: 03/12/2004)
03/11/2004	<u>1</u>	SCHEDULING ORDER, AND ORDER FOR CONSOLIDATION AND REVIEW by Judge Gary L. Taylor. Discovery cutoff 8/5/04; Pretrial conference 11/5/04 at 1:30 p.m. Trial month December 2004 (exact date to be assigned at pretrial conference). On the court's own motion, the court orders that Stewart v. Gates, CV 75-3075, is consolidated with Pierce v. County of Orange, SACV 01-981 GLT(MLGx), for purposes of the December 2004 trial hearing. The court waives normal discovery time limits to permit the parties to agree to any acceleration of discovery that might be appropriate.(twdb, ) (Entered: 03/12/2004)
03/17/2004	<u>2</u>	MINUTES In Chambers ; preparation Status Conferences. By order of 3/11/04 the court sets December 2004 trial on remaining Pierce issues and simultaneous hearing to review existing Stewart orders, preceded by August and September 2004 briefing on designated topics. In order to prepare for the briefing and hearing on the matters, the court sets two additional conferences: On 3/29/04 at 11:00 a.m. the court will conduct a status conference to discuss, and answer any questions about, the scope of the December trial hearing and the briefing to precede it. On 7/26/04, at 11:00 a.m. the court will conduct a status conference with counsel to discuss counsels' preparation for the briefing to be filed shortly thereafter: before Judge Gary L. Taylor : Court Reporter: not present. (twdb, ) (Entered: 03/18/2004)
03/29/2004	<u>3</u>	MINUTES In Chambers; Status Conference. Cause called for hearing. Court and counsel discuss the status of this case and the future briefing. The court sets this matter for trial. Trial set for 11/30/2004 09:00 AM before Honorable Gary L. Taylor. Court Reporter: Deborah Parker. (twdb, ) (Entered: 03/30/2004)
04/02/2004	<u>4</u>	MINUTES In Chambers; Pending over-all review of Stewart Orders. Confirming the clarification stated at the 3/29/04, status conference: the December 2004 hearing will include an over-all review of all existing Stewart orders, rather than simply those Stewart orders that may apply to the Pierce case; before Judge Gary L. Taylor : Court Reporter: none present. (twdb, ) (Entered: 04/05/2004)
07/26/2004	<u>5</u>	MINUTES In Chambers. Status conference. Cause is called for hearing with counsel present. Court and counsel discuss the status of this case and the briefing schedule before Judge Gary L. Taylor :Court Reporter: Deborah Parker. (twdb, ) (Entered: 07/27/2004)

10/08/2004	<u>6</u>	MINUTES [ In Chambers] by Judge Gary L. Taylor, Pretrial Conference advanced to 11/2/2004 01:30 PM before Honorable Gary L. Taylor.Court Reporter: none. (dmjr, ) (Entered: 10/08/2004)
11/03/2004	<u>7</u>	MINUTES OF Final Pretrial Conference held before Judge Gary L. Taylor :, motions in limine to be filed by 11/12/04, oppositions by 11/19/04. Witness statements, amended witness and exhibit lists by 11/23/04, closing arguments by briefingCourt Reporter: D Parker. (dmjr, ) (Entered: 11/09/2004)
11/03/2004	<u>8</u>	MINUTES OF Pretrial Conference held before Judge Gary L. Taylor : The Court allocates 6 days for the trial, with the time divided equally. All motions in limine shall be filed and personally served, faxed, or emailed by the close of business on or before 11/12/04. All oppositions shall be filed and personally served, faxed or emailed by the close of business on or before 11/19/04, whereupon the motions stand submitted. All witness statements (subject to cross-examination at time of trial), the trial brief, amended witness and exhibits lists shall be filed with the Court and personally served, faxed or emailed by the close of business on or before 11/23/04. Court Reporter: D Parker. (dmjr, ) (Entered: 12/06/2004)
11/09/2004		Judge Gary L. Taylor added. Judge Consuelo B. Marshall no longer assigned to case. (dmjr, ) (Entered: 11/09/2004)
11/22/2004	<u>13</u>	MINUTES Ruling on Motions in Limine, IN CHAMBERS ORDER by Judge Gary L. Taylor : Court Reporter: not present. (twdb, ) (Entered: 12/14/2004)
11/30/2004	<u>9</u>	MINUTES Court Trial (1st day )held before Judge Gary L. Taylor : Opening statements made by each side. Witnesses called, sworn and testified. Exhibits identified. Exhibits admitted. Motion of plaintiff to strike defendants trial brief is ORDERED DENIED. Plaintiffs' due process objection (filed 11/24/04) to allotted time for trial is DENIED. The court orders subpoenaed witnesses Pierpont, Palacios, Carisma and Lee be placed on call to counsel for the defendants and are ordered to return upon notice from counsel. Case continued for further jury deliberations Bench Trial set for 12/1/2004 09:00 AM before Honorable Gary L. Taylor.Court Reporter: Deborah Parker. (twdb, ) (Entered: 12/08/2004)
12/01/2004	<u>10</u>	MINUTES Court Trial (2nd day )held before Judge Gary L. Taylor : Witnesses called, sworn and testified. Exhibits identified. Exhibits admitted. Case continued for further trial. Bench Trial set for 12/2/2004 09:00 AM before Honorable Gary L. Taylor.Court Reporter: Deborah Parker. (twdb, ) (Entered: 12/08/2004)
12/02/2004	<u>11</u>	MINUTES Court Trial (3rd day )held before Judge Gary L. Taylor : Witnesses called, sworn and testified. Exhibits identified. Exhibits admitted. Case continued for further trial. Bench Trial set for 12/3/2004 08:00 AM before Honorable Gary L. Taylor.Court Reporter: Deborah Parker. (twdb, ) (Entered: 12/08/2004)
12/03/2004	<u>12</u>	MINUTES Court Trial (4th day )held before Judge Gary L. Taylor : Witnesses called, sworn and testified. Exhibits identified. Exhibits admitted. Plaintiffs rest subject to court considering excerpts of deposition testimony. Defendant reserves right to make a motion upon the court's consideration of the excerpts of testimony. Case continued for further trial. Bench Trial set for 12/7/2004 09:00 AM before Honorable Gary L. Taylor.Court Reporter: Deborah Parker. (twdb, ) (Entered: 12/08/2004)
12/07/2004	<u>18</u>	MINUTES Court Trial (5th day )held before Judge Gary L. Taylor : Witnesses called, sworn and testified. Exhibits identified. Exhibits admitted. Motion of defendant for judgment as matter of law is DENIED. Case continued to 12/8/04 at 9:00 a.m. for further trial.Court Reporter: Deborah Parker/John Turman. (twdb, ) (Entered: 12/16/2004)
12/08/2004	<u>19</u>	MINUTES Court Trial (6th day )held before Judge Gary L. Taylor : Witnesses called, sworn and testified. Exhibits identified. Exhibits admitted. Defendant rests. By stipulation of the parties, the closing arguments shall be by briefs. Plaintiffs' brief shall be filed and personally served, faxed or emailed on opposing counsel on or before 12/17/04. Defendant's brief shall be filed and personally served, faxed or emailed on opposing counsel on or before 1/7/05. Plaintiffs' closing brief shall be filed and personally served, faxed or emailed on opposing counsel on or before 1/18/05 whereupon the matter stands submitted. Submitted.Court Reporter: Deborah Parker. (twdb, ) (Entered: 12/16/2004)

12/10/2004	15	RECEIPT OF REPORTERS TRANSCRIPT of proceedings for the following dates: 11/1/04, 7/26/04 Court Reporter: Deborah Parker. (ghap, ) (Entered: 12/15/2004)
12/10/2004	16	TRANSCRIPT filed for proceedings held on 11/1/04. Court Reporter: Deborah Parker. (ghap, ) (Entered: 12/15/2004)
12/10/2004	17	TRANSCRIPT filed for proceedings held on 7/26/04. Court Reporter: Deborah Parker. (ghap, ) (Entered: 12/15/2004)
12/13/2004	14	RECEIPT OF REPORTERS TRANSCRIPT of proceedings for the following dates: 12/8/04 Court Reporter: Katherine Stride. (ghap, ) (Entered: 12/14/2004)
04/27/2005	<u>20</u>	ORDER VACATING EARLIER ORDERS AND DISMISSING CASE by Judge Gary L. Taylor: The Stewart orders are VACATED. This case is DISMISSED. (see document for further details)(mu, ) (Entered: 04/27/2005)
04/27/2005	21	LIST OF EXHIBITS AND WITNESSES at trial. (ca, ) (Entered: 04/29/2005)
05/10/2005	<u>22</u>	RECEIPT FOR RELEASE OF EXHIBITS to Counsel Upon Verdict/Judgment at Trial; Pursuant to stip of counsel and/or by Order of the Court, all exhibits listed on Joint exhibits list are returned to counsel for respective party(ies) Except the following exhibits: (none listed). (mu, ) (Entered: 05/11/2005)
05/26/2005	<u>23</u>	NOTICE OF APPEAL to 9th CCA filed by plaintiffs Jerry E Stewart, Fred Pierce, Timothy Lee Conn, Fermin Valenzuela, Laurie D. Ellerston. Appeal of Order <u>20</u> Filed On: 4/27/05; Entered On: 4/27/05; Filing fee \$255, Paid receipt number 9527. cc: Barrett S. Litt; Virginia Keeny; Richard P. Herman; Franscell, Strickland, Robert and Lawrence, Glendale, California; Franscell, Strickland, Robert and Lawrence, Orange, California; Steven Miller. (ghap, ) (mkr). (Entered: 05/31/2005)
05/26/2005	<u>24</u>	REPRESENTATION STATEMENT re Appeal to Circuit Court, <u>23</u> . (ghap, ) (mkr). (Entered: 05/31/2005)
05/26/2005		Civil Appeals Docketing Statement received from plaintiffs Jerry E Stewart, Fred Pierce, Timothy Lee Conn, Fermin Valenzuela, Laurie D. Ellerston forwarded to 9th CCA. RE: Appeal to Circuit Court, <u>23</u> . (ghap, ) (Entered: 05/31/2005)
06/01/2005		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re: Appeal to Circuit Court, <u>23</u> . (ghap, ) (Entered: 06/01/2005)
06/21/2005	25	TRANSCRIPT DESIGNATION AND ORDERING FORM For Dates: TRANSCRIPT DESIGNATION AND ORDERING FORM For Dates: 11/30/04, 12/01/04, 12/02/04 (afternoon only), 12/03/04, 12/07/04, 12/08/04 (morning only), 11/03/04, 11/01/04, 3/5/05, 7/30/04, 11/01/01, 12/02/04, CR: D. Parker; Court Reporter: 12/08/04, CR: K. Stride ; 12/07/04k, CR: J. Turman; Court of Appeals Case Number: 05-55845; Re: Appeal to Circuit Court, <u>23</u> , Transcript 16 (fvap, ) (Entered: 06/22/2005)
06/27/2005	26	NOTIFICATION by Circuit Court of Appellate Docket Number 05-55845, 9th CCA regarding Appeal to Circuit Court, <u>23</u> filed by Jerry E Stewart., (nm, ) (Entered: 06/27/2005)
07/21/2005	27	RECEIPT OF REPORTERS TRANSCRIPT of proceedings for the following dates: 3/29/04, 11/30/04, 12/1/04, 12/2/04, 12/3/04, 12/7/04, 12/8/04 regarding Transcript 589 , Transcript 590 , Transcript 591 , Transcript 592 , Transcript 586 , Transcript 587 , Transcript 588 . Court Reporter: Deborah D Parker. (mu, ) (SACV 01-981 GLT) (fvap (fvap, ) (Entered: 08/02/2005)
11/14/2005	28	ORDER from 9th CCA filed as to Appeal to Circuit Court <u>23</u> filed by Jerry E Stewart, CCA # 05-55845. Order received in this district on 11/16/2005. The appellees motion for an extension of time in which to file the answering briefs is granted. The answering briefs are due 2/13/2006. The optional reply briefs are due 14 days after service of the latter-served answering brief. (jp, ) (Entered: 11/18/2005)
05/23/2008	<u>29</u>	MANDATE of 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals, <u>23</u> , CCA # 05-55845. The Judgment is Affirmed in part, Reversed in part, Remanded. Mandate received in this district on 5/23/08. (car) (Entered: 06/02/2008)
11/20/2008	<u>30</u>	NOTICE OF REASSIGNMENT OF CASE upon Receipt of Mandate filed. This case having been returned on a mandate from the 9th CCA, Affirmed in part, reversed in

		part and remanded the decision of Judge Gary L. Taylor and requiring judicial action, this case has been reassigned to Judge Audrey B. Collins for all further proceedings. Case number will now read CV 75-3075 ABC. (rn) (Entered: 11/20/2008)
12/03/2008	<u>31</u>	MINUTES: (IN CHAMBERS) Following reversal and remand by the Ninth Circuit Court of Appeals, this action has been reassigned to the calendar of The Honorable Audrey B. Collins, U.S. District Judge. This Court hereby schedules a Status Conference on Monday, January 5, 2009, at 10:00AM. Counsel shall submit a joint status report to the Court no later than December 29, 2008 by Judge Audrey B. Collins (Case reopened. MD JS-5.) (ir) (Entered: 12/04/2008)
12/31/2008	<u>32</u>	STIPULATION AND ORDER by Judge Audrey B. Collins: the Status Conference is continued to January 22,2009 03:00 AM before Judge Audrey B. Collins. The status report shall be filed on week prior to that date. IT IS SO ORDERED. (da) (Entered: 12/31/2008)
12/31/2008	<u>33</u>	Amended ORDER by Judge Audrey B. Collins: the Status Conference is continued to Thursday, January 22,2009 03:00 PM before Judge Audrey B. Collins. The joint status report shall be filed one week prior to that date. IT IS SO ORDERED. (da) (Entered: 12/31/2008)
01/22/2009	<u>34</u>	MINUTES of Status Conference held before Judge Audrey B. Collins: The Court ORDERS the stay lifted. Counsel shall submit a stipulation of proposed motion cut-off, Pre Trial Conference and Trial dates, by January 30, 2009. Counsel shall contact the Clerk to Magistrate Judge Goldman to schedule a mediation conference. Counsel shall inform the Court on the outcome of mediation, as to claims, as well as to attorney fees, if successfully mediated. Counsel shall submit briefs regarding the number of disabled inmates deposed and county personnel deposed. The brief shall indicate how many testified at trial or by deposition, subject to HIPPA provision. The briefs shall be limited to 10 pages, due no later than February 5, 2009. The reply is limited to 5 pages, due no later than February 12, 2009. The Court approves designation of experts and inspection of all facilities, and programs within the Orange County Sheriff's jurisdiction. Counsel is directed to contact the Clerk of Court regarding the Application to tax costs. Court Reporter: Katherine Stride. (mg) (Entered: 01/28/2009)
02/03/2009	<u>35</u>	MINUTES (IN CHAMBERS) by Judge Audrey B. Collins: Pursuant to the stipulation of the parties, the following dates are set: Jury Trial set for 9/8/2009 at 08:30 AM before Judge Audrey B. Collins. Final Pretrial Conference set for 8/24/2009 at 10:00 AM. Law and Motion Cut-off 6/8/2009. Discovery cut-off 6/4/2009. Expert Designation Rebuttal and Reports 6/15/09. (mg) (Entered: 02/04/2009)
03/23/2009	<u>36</u>	NOTICE of Change of Attorney Information for attorney Wendy J Phillips counsel for Defendant Brad Gates. Changing wendy.phillips@coco.ocgov.com to 714-834-2359. Adding Wendy Phillips as attorney as counsel of record for Brad Gates for the reason indicated in the G-06 Notice. Filed by defendant Brad Gates (Phillips, Wendy) (Entered: 03/23/2009)
03/24/2009	<u>37</u>	NOTICE of Association of Counsel Filed by Defendant Brad Gates (Phillips, Wendy) (Entered: 03/24/2009)
03/24/2009	<u>38</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents. The following error(s) was found: account information was not updated RE: Notice of Change of Attorney Information (G-06) <u>36</u> . In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. (vh) (Entered: 03/24/2009)
03/24/2009	<u>39</u>	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents. The following error(s) was found: account information has not been updated re David Lawrence and Jin Choi RE: Notice of Association of Counsel <u>37</u> . In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. (vh) (Entered: 03/24/2009)
03/24/2009	<u>40</u>	NOTICE of Change of Attorney Information for attorney Jack W Golden counsel for Defendant Brad Gates. Adding Wendy J. Phillips as attorney as counsel of record for Brad Gates for the reason indicated in the G-06 Notice. Steven C. Miller is no longer

		attorney of record for the aforementioned party in this case for the reason indicated in the G-06 Notice. Filed by Defendant Brad Gates (Golden, Jack) (Entered: 03/24/2009)
05/18/2009	<u>41</u>	MINUTES OF IN CHAMBERS ORDER MODIFYING CASE SCHEDULE held before Judge Audrey B. Collins: The parties stipulated to modify the discovery cut-off dates in this matter. Accordingly, pursuant to the parties' stipulation, the Court MODIFIES the discovery deadlines as follows: Discovery Cut-off July 10, 2009; Initial Expert Disclosures July 10, 2009; Rebuttal Expert Disclosures July 24, 2009; Expert Discovery Completion August 14, 2009. The parties did not stipulate or propose new dates for filing dispositive motions, currently set for June 8, 2009, the pre-trial conference, currently set for August 24, 2009, or trial, currently set for September 8, 2009. Accordingly, the Court MODIFIES those dates as follows: Law & Motion Filing Cut-off August 31, 2009; Pre-trial Conference November 16, 2009 at 10:00 a.m.; Trial December 1, 2009 at 8:30 a.m. In the future, the parties should modify all affected dates when submitting stipulations and proposed orders. (bm) (Entered: 05/18/2009)
09/08/2009	<u>42</u>	MINUTES OF IN CHAMBERS ORDER Re: Plaintiffs' Motion for Attorneys' Fees held before Judge Audrey B. Collins: The hearing in this matter is presently scheduled for Monday, September 14, 2009. Due to court congestion, the Court hereby CONTINUES the hearing to Monday, November 9, 2009, at 10:00 a.m. (bm) (Entered: 09/10/2009)
11/05/2009	<u>43</u>	MINUTES: Motion for Attorney's Fees; SStatus Conference (In Chambers); Pending before the Court is Plaintiffs motion for attorneys fees and costs, set for hearing on November 9, 2009 at 10:00 a.m. The Court finds the matter appropriate for resolution without oral argument and VACATES the November 9, 2009 hearing date on the motion. Fed. R. Civ. P. 78; Local Rule 7-15. The pretrial conference in this matter is currently set for Monday, November 16, 2009 and the trial is set for December 1, 2009. The Court is unavailable for trial commencing on December 1, 2009. Therefore, the parties are ORDERED to appear before the Court on November 9, 2009 at 10:00 a.m. for a status conference to discuss proposed new pretrial and trial dates in early 2010. Finally, the Court notes that, on October 9, 2009, it ordered Plaintiffs to file a declaration by October 19, 2009 indicating whether the Ninth Circuit Commissioner had made any recommendation on Plaintiffs claims for attorneys fees on appeal. (Docket No. 674.) Plaintiffs filed nothing in response to the Courts order. Plaintiffs should be prepared to explain why they failed to comply with the Courts order and to update the Court on the status of its fee award with the Ninth Circuit Commissioner IT IS SO ORDERED by Judge Audrey B. Collins. (ir) (Entered: 11/05/2009)
11/09/2009	<u>44</u>	MINUTES: STATUS CONFERENCE; Case called. Counsel make their appearance. Plaintiffs counsel updates the Court regarding settling principal damages. The Court and counsel confer. The Court ORDERS the Pretrial Conference set January 25, 2010 at 10:00 a.m. The Court Trial estimate is 3-4 days. The Court Trial is set starting February 9, 2010 at 9:00 a.m. to February 10, 2010 and continuing to February 16, 2010 to February 17, 2010. If the court is not available on the above dates for trial, backup dates are starting March 23, 2010, March 24, 2010 and continuing to March 30, 2010 and March 31, 2010. The Court will wait for the full amount to address plaintiffs motion for attorney fees and costs previously taken under submission November 6, 2009 IT IS SO ORDERED by Judge Audrey B. Collins Judge Audrey B. Collins. Court Reporter: Sandra Becerra. (ir) (Entered: 11/12/2009)
01/25/2010	<u>45</u>	MINUTES: FINAL PRE TRIAL CONFERENCE; PLAINTIFFS MOTION IN LIMINE TO EXCLUDE AND/OR LIMIT TRIAL TESTIMONY OF DEFENSE EXPERT MICHAEL GIBBENS [E-FILED 11/2/09-DOC #677]; Matter called. Counsel are present. Defendants counsel represents to the Court that the opposition to the motion in limine listed above will be e-filed within the trial brief. Court informs counsel of all papers received with respect to the Court trial. Court and counsel confer regarding hours deemed for Court trial. Courts amends pretrial conference order with respect to length of trial in open Court. Each side will have 1 hours for opening, direct, cross-examination, and closing. Court and counsel confer regarding direct evidence by deposition to be presented at trial. Court signs pretrial conference order in open Court. Court and counsel confer regarding Court trial dates. The Court having heard from counsel, hereby dismisses the back up trial dates of March 30, 2010 and March 31, 2010. Counsel for plaintiffs and defendants are hereby ORDERED to appear on February 9, 2010 at 8:45 a.m., for Court trial, this date will take precedence

		over all other dates set. IT IS SO ORDERED by Judge Audrey B. Collins.Court Reporter: Katherine Stride. (ir) (Entered: 02/01/2010)
01/25/2010	<u>46</u>	PRETRIAL CONFERENCE ORDER approved by Judge Audrey B. Collins (ir) Modified on 2/1/2010 (ir). (Entered: 02/01/2010)
02/01/2010	<u>47</u>	MINUTES OF IN CHAMBERS ORDER re Bench Trial held before Judge Audrey B. Collins: This matter is set for a bench trial scheduled to commence on February 9, 2010 at 8:45 a.m. At the final pre-trial conference held on January 25, 2010, the Court allowed each side 11 hours for opening, direct, cross-examination, and closing. The Court and counsel tentatively discussed the possibility that direct testimony of experts and other witnesses could be presented by way of expert reports and deposition transcripts, and cross-examination and redirect testimony would be presented live. However, the Court has reviewed the pre-trial filings from the parties and believes that live direct testimony will be helpful to resolution of this matter. Thus, the Court will give each side up to two additional hours beyond the 11 hours already given to present the direct testimony of expert and other witnesses. The previously set additional trial dates of March 23 and March 24, 2010 remain effective, since presentation of evidence may go beyond the four dates of February 9, 10, 16, and 17, 2010 already set by the Court. (bm) (Entered: 02/01/2010)
02/09/2010	<u>48</u>	MINUTES OF COURT TRIAL (1st Day) held before Judge Audrey B. Collins. Opening statements made. Witnesses called, sworn and testified. Exhibits identified and admitted. Bench Trial continued to 2/10/2010 at 8:45 AM. Other: Doc #677, In Limine Motion, by plaintiff to exclude defense expert Michael Gibbons is DENIED and to limit trial testimony of defense expert Michael Gibbons is GRANTED. Court Reporters: Katherine Stride – AM/Lisa Gonzalez – PM. (bm) (Entered: 02/12/2010)
02/10/2010	<u>49</u>	MINUTES OF Court Trial (2nd day) held before Judge Audrey B. Collins: Opening statements made. Witnesses called, sworn and testified. Exhibits identified and admitted. Bench Trial continued to 2/16/2010 at 8:45 AM. Court Reporters: Katherine Stride – AM/Lisa Gonzalez – PM. (bm) (Entered: 02/12/2010)
02/16/2010	<u>50</u>	MINUTES OF Court Trial (3rd day) held before Judge Audrey B. Collins: Witnesses called, sworn and testified. Exhibits identified and admitted. Bench Trial continued to 2/17/2010 at 8:45 AM. Court Reporters: Katherine Stride – AM/Lisa Gonzalez – PM. (bm) (Entered: 02/18/2010)
02/17/2010	<u>51</u>	MINUTES: 4th Day Court Trial; Held and continued; Witnesses called, sworn and testified. Exhibits identified. Case continued to Tuesday, 3/23/2010 08:45 AM for further trial/further jury deliberations by Judge Audrey B. Collins.Court Reporter: Katherine Stride. (ir) (Entered: 02/22/2010)
03/23/2010	<u>52</u>	MINUTES OF Court Trial (5th day )held before Judge Audrey B. Collins: Witnesses called, sworn and testified. Exhibits identified and admitted. Bench Trial continued to 3/24/2010 at 9:00 AM. Court Reporters: Katherine Stride – AM, Lisa Gonzalez – PM. (bm) (Entered: 03/25/2010)
03/24/2010	<u>53</u>	MINUTES OF Court Trial (6th Day) held and completed before Judge Audrey B. Collins: Witnesses called, sworn and testified. Exhibits identified and admitted. Plaintiff(s) rest. Defendant(s) rest. Filed Witness & Exhibit Lists. Case submitted. Briefs to be filed by April 15, 2010; Responsive briefs to opposing counsel briefs due April 22, 2010. Other: The Court addresses its tentative minute order issued to counsel this morning. Court Reporter: Lisa Gonzalez – AM. (bm) (Entered: 03/25/2010)
03/24/2010	<u>54</u>	LIST OF EXHIBITS AND WITNESSES at trial. (bm) (Entered: 03/25/2010)
03/24/2010	<u>55</u>	AMENDED JOINT Exhibit List filed by plaintiffs and defendants Robert W Battin, William Brown, Ralph B Clark, Ralph A Diedrich, Brad Gates, Thomas F Riley, Lawrence J Schmit, Richard Eugene Smith, Jerry E Stewart, William Wallace, Kenneth Wilson, Susan Young. (bm) (Entered: 03/25/2010)
03/24/2010	<u>56</u>	Plaintiff's Witness List filed by plaintiff William Brown, Richard Eugene Smith, Jerry E Stewart, Kenneth Wilson, Susan Young. (bm) (Entered: 03/25/2010)
03/24/2010	<u>57</u>	Defendant's Witness List filed by defendant Robert W Battin, Ralph B Clark, Ralph A Diedrich, Brad Gates, Thomas F Riley, Lawrence J Schmit, William Wallace. (bm) (Entered: 03/25/2010)

03/24/2010	<u>58</u>	RECEIPT FOR RELEASE OF EXHIBITS to Counsel Upon Verdict/Judgment at Trial; Pursuant to stip of counsel and/or by Order of the Court, all exhibits listed on Joint exhibits list are returned to counsel for respective party(ies). (bm) (Entered: 03/25/2010)
03/24/2010	<u>59</u>	MINUTES OF IN CHAMBERS ORDER re: Briefing Following Bench Trial held before Judge Audrey B. Collins: During the course of the bench trial in this matter, the parties have raised several issues that the Court and the parties have agreed would be best resolved with the aid of written briefs filed by the parties prior to the parties' filing of proposed findings of fact and conclusions of law. Those issues are: (1) the scope of the issues remanded by the Ninth Circuit Court of Appeals; (2) what accessibility guidelines apply to the Orange County jail facilities; (3) whether the Pretrial Conference Order includes Plaintiffs' claim of lack of notice and grievance procedure under the ADA; and (4) whether certain expert testimony must be stricken from the record. (see document for further details) The parties agreed to the Court's proposed briefing schedule that the parties would file simultaneous opening briefs addressing these issues no later than Thursday, April 15, 2010 and file simultaneous responding briefs no later than Thursday, April 22, 2010. The Court declines to set oral argument at this time, see Fed. R. Civ. P. 78; Local Rule 7-15, but it may do so. Any argument on these issues would be in addition to closing arguments. Once these matters are resolved, the Court will consult with the parties on the proposed schedule moving forward with proposed findings of fact and conclusions of law and closing arguments. (bm) (Entered: 03/25/2010)
03/25/2010	<u>60</u>	NOTICE of Change of Attorney Information for attorney Hernaldo Jose Baltodano counsel for Plaintiffs Richard Eugene Smith, Jerry E Stewart, Kenneth Wilson, Susan Young.Hernaldo Jose Baltodano is no longer attorney of record for the aforementioned party in this case for the reason indicated in the G-06 Notice. Filed by Attorney Hernaldo Jose Baltodano (Baltodano, Hernaldo) (Entered: 03/25/2010)
05/04/2010	<u>61</u>	ORDER from 9th CCA filed re: Notice of Appeal to 9th Circuit Court of Appeals, <u>23</u> filed by Jerry E Stewart, CCA # 05-55845. Order received in this district on 5/4/10. The appellate Commissioner's report and recommendation is adopted in full. Accordingly, attorneys' fees of \$143,472.60 are awarded in favor of Fred Pierce, Timothy Lee Conn, Fermin Valenzuela, and Laurie D. Ellerston and against the County of Orange, Michael S. Carona, and the other appellees (cbr) (Entered: 05/04/2010)
05/07/2010	<u>63</u>	ORDER RE: PRELIMINARY TRIAL ISSUES by Judge Audrey B. Collins. (bm) (Entered: 05/10/2010)
05/10/2010	<u>62</u>	MINUTES OF IN CHAMBERS ORDER re: Reopening Trial and Post-Trial Proceedings held before Judge Audrey B. Collins: On March 24, 2010, the Court ordered the parties to brief several issues following the bench trial in this case, which the Court has resolved in a concurrently issued Order. Pursuant to that Order, the Court will reopen trial proceedings to give each side one (1) hour to present evidence on the issue of whether Plaintiffs "were denied adequate notice of their rights under the ADA and an appropriate grievance procedure, as required by the regulations." Pierce v. County of Orange, 526 F.3d 1190, 1223 (9th Cir. 2008) (citing 28 C.F.R. §§ 35.106, 35.107). After receiving input from the parties, the Court will also set a schedule for the parties to give closing arguments and to file their proposed findings of fact and conclusions of law. The Court will holding closing arguments first. Plaintiffs will be given ninety minutes to present their closing arguments, and the County will be given ninety minutes to respond with its closing arguments. The parties are ORDERED to meet and confer and lodge a proposed order no later than Monday, May 17, 2010, proposing the following dates: (1) the date on which each side will present an additional one (1) hour of evidence on the notice and grievance issue; (2) the date of closing arguments; and (3) the schedule for submitting proposed findings of fact and conclusions of law after closing arguments. In setting the briefing schedule after closing arguments, the parties should allow themselves at least three weeks between each brief. Plaintiffs will then be given twenty minutes for rebuttal. The parties will then submit their findings of fact and conclusions of law. Because Plaintiffs bear the ultimate burden of proof, Plaintiffs will submit their findings and conclusions first, and the County may file its own findings and conclusions in response. Plaintiffs may then have an opportunity to file a reply. The parties are ORDERED to meet and confer and lodge a proposed order no later than Monday, May 17, 2010, proposing the following

		dates: (1) the date on which each side will present an additional one (1) hour of evidence on the notice and grievance issue; (2) the date of closing arguments; and (3) the schedule for submitting proposed findings of fact and conclusions of law after closing arguments. In setting the briefing schedule after closing arguments, the parties should allow themselves at least three weeks between each brief. In setting dates for proceedings to be held in Court, the parties should be aware that, because of duties as Chief Judge, the Court is unavailable on May 19 through May 26, June 11, July 7 through July 9, August 16 through August 20, and August 27 through September 6, 2010. (bm) (Entered: 05/10/2010)
06/10/2010	<u>65</u>	MINUTES OF Court Trial (7th (Post) day )held before Judge Audrey B. Collins: Witnesses called, sworn and testified. Exhibits identified and admitted. Filed Witness & Exhibit Lists. Bench Trial continued to 6/23/2010 at 8:45 AM. Other: Post Court trial held re: further evidence with respect to plaintiffs' denial of adequate notice of rights under ADA and appropriate grievance procedure; case continued for further closing arguments to June 23, 2010 at 8:45 a.m. Court Reporter: Katherine Stride. (bm) (Entered: 09/22/2010)
06/23/2010	<u>66</u>	MINUTES OF Court Trial (8th Day Post) held and completed before Judge Audrey B. Collins: Other: Post Court trial closing arguments held; Counsel reminded that the plaintiffs proposed findings of fact & conclusion of law due July 15, 2010; defendants' due August 5, 2010; plaintiffs' rebuttal or reply brief due August 26, 2010. Court Reporter: Katherine Stride. (bm) (Entered: 09/22/2010)
08/25/2010	<u>64</u>	MINUTE ORDER IN CHAMBERS STRIKING Defendant's Objections to Plaintiff's Proposed Findings of Fact (Docket No. 745) by Judge Audrey B. Collins: On August 24, 2010, Defendants County of Orange, et al. (the "County"), filed a document entitled "Defendant's Objections to Plaintiff's Proposed Findings of Fact." (Docket No. 745.) The filing of this document violates the post-trial briefing schedule set by the Court, which allowed the County until August 5, 2010 to file its proposed findings of fact and conclusions of law. Moreover, the County offers no explanation why it waited nearly six weeks after Plaintiffs filed their proposed findings of fact on July 15, 2010 to file purported objections to them. The document is STRICKEN and the Court has not considered the matters stated therein. (bm) (Entered: 08/25/2010)
01/07/2011	<u>67</u>	FINDINGS OF FACT AND CONCLUSIONS OF LAW signed by Judge Audrey B. Collins. (ir) (Entered: 01/10/2011)
03/15/2011	<u>68</u>	MINUTE ORDER IN CHAMBERS re ORDER Granting Leave for Defendant to File Reply Brief and Continuing Hearing and Status Conference by Judge Audrey B. Collins: The Court has reviewed both Defendant County of Orange's (the "County's") Proposed Plan in response to the Court's Findings of Fact and Conclusions of Law (Docket No. 753) and Plaintiffs Fred Pierce, et al.'s Reply (Docket No. 754). The Court believes that a response from the County to Plaintiffs' Reply would be helpful and GRANTS the County LEAVE to file a responsive brief no later than Monday, April 11, 2011. The Court CONTINUES the hearing and status conference in this matter to Monday, April 25, 2011 at 10:00 a.m. The parties are strongly encouraged to meet and confer to discuss the issues raised by Plaintiff's reply brief and resolve as much as possible before the County files its response. (bm) (Entered: 03/15/2011)
04/06/2011	<u>69</u>	ORDER FOR A BRIEF EXTENSION TO RESPOND To Plaintiffs' Objections To The Proposed ADA Plan by Judge Audrey B. Collins: Pursuant to the agreement of the parties, Defendant's Ex Parte Application, and good cause appearing therefor, IT IS HEREBY ORDERED as follows: 1. Defendant is granted through and including April 25, 2011 to submit its responsive briefing. 2. The hearing currently scheduled for April 25, 2011, is continued to May 23, 2011, at 10:00 a.m., in Courtroom 680, of the United States District Court, located at 255 East Temple Street, Los Angeles, CA 90012. (bm) (Entered: 04/06/2011)
04/20/2011	<u>70</u>	ORDER FOR 1. AN EXTENSION OF THE PAGE LIMIT FOR DEFENDANTS BRIEFING, AND 2. A FOUR-DAY EXTENSION TO RESPOND TO PLAINTIFFS' OBJECTIONS TO THE PROPOSED ADA PLAN by Judge Audrey B. Collins:IT IS HEREBY ORDERED as follows: 1. An extension of the standard page limit to 45 pages to submit the County's revised proposed ADA Plan as well as its direct responses to each of Plaintiffs' objections to the prior proposed ADA Plan. 2. Defendant is granted through and including May 2, 2011 to submit its responsive

		briefing. granting 760 Ex Parte Application in SA CV 01-981 ABC. (lw) (Entered: 04/22/2011)
05/19/2011	<u>71</u>	MINUTE ORDER IN CHAMBERS by Judge Audrey B. Collins:A hearing is set for Monday, May 23, 2011 at 10:00 a.m. for the parties to discuss the outstanding objections to the Countys Amended Plan, filed on May 2, 2011. (Docket No. 762.) The Court has prepared a tentative Order addressing the issues outlined in the Countys Compendium of Plaintiffs Objections (Docket No. 763), which the Court will send to the parties via email concurrently with this Minute Order. The parties are ORDERED to review the Courts tentative Order and bring copies of it, the Countys Amended Plan, and the Compendium of Plaintiffs Objections to the hearing. The parties should also be prepared to discuss the Countys proposal to appoint Stephen Connolly as monitor and any alternate proposal from Plaintiffs, including the identity of any alternate monitorproposed by Plaintiffs. IT IS SO ORDERED (ab) (Entered: 05/19/2011)
05/23/2011	<u>72</u>	MINUTES OF Status Conference held Re: Outstanding Objections To The Amended Plan before Judge Audrey B. Collins: Court inquires with counsel as to tentative given prior to Court appearance via- email. Court and counsel confer regarding tentative with respect to certain rulings on objections. The Court having heard from counsel, allows counsel for defendant to file supplemental material as to ruling on numbers 27 and 41 of the Courts tentative due by no later than June 6, 2011. Plaintiff may e-file response no later than June 10, 2011. Court and counsel discuss appointment of monitor. The Court declines appointment of Stephen J. Connolly and Heidi Olguin. Counsel ORDERED to meet and confer to exchange names as to appointment of a monitor by June 2, 2011, and submit name to the Court by June 6, 2011. Court and counsel discuss judgment of final plan. Counsel for defendant ORDERED to submit final plan and judgment by no later than June 23, 2011. Court and counsel discuss verbiage to be used in judgment. Plaintiff will have until June 28, 2011 to submit any objections to the plan and final judgment. The Court will sign judgment thereafter if, no objections have been submitted. Court Reporter: Katherine Stride. (lw) (Entered: 05/24/2011)
06/10/2011	<u>73</u>	RULINGS ON FINAL OBJECTIONS TO AMENDED PLAN (Docket No. 763) by Judge Audrey B. Collins: The County is ORDERED to submit a final plan and judgment consistent with the Court's rulings herein no later than June 23, 2011. Plaintiffs may respond to the proposed plan no later than June 28, 2011, although the Court encourages Plaintiffs to respond earlier to ensure the Court can enter final judgment by June 28, 2011. (see document for further details) (bm) (Entered: 06/10/2011)
06/27/2011	<u>74</u>	MINUTE ORDER IN CHAMBERS RE Final Proposed Plan and Final Judgment by Judge Audrey B. Collins: The County is ORDERED to lodge the Proposed Final Plan consistent with the Order by 12 p.m. (noon) on Tuesday, June 28, 2011. (see document for further details) (bm) (Entered: 06/27/2011)
06/28/2011	<u>75</u>	ORDER ON DEFENDANT'S AMENDED FINAL Plan Submitted Pursuant To The Court's June 27, 2011 Order by Judge Audrey B. Collins. (bm) (Entered: 06/28/2011)
06/28/2011	<u>76</u>	JUDGMENT by Judge Audrey B. Collins: This matter came on for trial before the Court on February 9, 2010; the Honorable Audrey B. Collins, District Court Judge presiding. The parties have submitted post-trial briefing and objections. The evidence has been considered, the issues have been heard, and the objections have been ruled upon. Defendant has submitted its Final Proposed Plan, which the Court has reviewed. IT IS HEREBY ADJUDGED that the Court accepts Defendant's Final Proposed Plan, that Plaintiffs are the prevailing party, and that judgment be entered in favor of Plaintiffs. (MD JS-6, Case Terminated). (bm) (Entered: 06/28/2011)
08/02/2011	<u>77</u>	MINUTE ORDER IN CHAMBERS RE Letter from Pretrial Detainee by Judge Audrey B. Collins: On August 1, 2011, the Court received a letter from John Whitaker, a pretrial detainee in the Orange County jail system and a class member in this case. Under Local Rule 83-2.11, "[a]ttorneys or parties to any action or proceeding shall refrain from writing letters to the judge...All matters shall be called to a judge's attention by appropriate application or motion filed in compliance with the[] Local Rules." This letter does not comply with the Local Rules, so the Court REJECTS it for filing. Nevertheless, the Court has read the letter and informs Mr. Whitaker that he should contact the attorneys representing the class members in this case to address the

		issues he raises. (bm) (Entered: 08/02/2011)
09/28/2011	<u>78</u>	ORDER by Judge Audrey B. Collins, The Court having considered the parties Stipulation Re Intent to Address Cost Bill Issues at Upcoming Hearing on Plaintiffs Motions for Attorneys Fees, and good cause having been found, it is hereby ordered that the Court will permit the parties to address the prevailing party issue at the hearing currently set for October 17, 2011. (ir) (Entered: 09/29/2011)
10/12/2011	<u>79</u>	MINUTE ORDER IN CHAMBERS re Motions for Attorney's Fees and Costs by Judge Audrey B. Collins: Pending before the Court are two motions for attorney's fees filed by Plaintiff Fred Pierce, et al.: the first filed on July 31, 2009 and supplemented on August 12, 2011 (which the Court deferred until trial on the remaining claims) (Docket Nos. 665, 793); and the second filed on August 12, 2011 (Docket No. 792). Also pending is Plaintiffs' request to tax costs, referred to the Court for resolution of the prevailing party issue. (Docket Nos. 783, 798.) These matters are now fully briefed and the Court finds them appropriate for resolution without oral argument. Fed. R. Civ. P. 78; Local Rule 7-15. Therefore, the Court VACATES the October 17, 2011 hearing date and takes these matters UNDER SUBMISSION. (bm) (Entered: 10/12/2011)
02/01/2012	<u>80</u>	MINUTE ORDER IN CHAMBERS re Status Conference by Judge Audrey B. Collins: The Court has received the Monitor's second quarterly report, dated January 2012, and ORDERS the parties to appear for a status conference on Monday, February 13, 2012 at 3:00 p.m. to discuss several issues raised in the report regarding Defendant County of Orange, et al.'s (the "County's") compliance with the Court's Order on Defendant's Amended Final Plan. (Docket No. 779.) The Court commends the County on the substantial progress made on required physical modifications during the first six months following the Court's Order, but the County has not complied with several significant parts of the Court's Order, including the housing of class members and the implementing of required programmatic changes. The Court is particularly concerned with the following information from the Monitor's report: (see document for further details). (bm) (Entered: 02/01/2012)
02/13/2012	<u>81</u>	MINUTES OF Status Conference held before Judge Audrey B. Collins: Case called. Counsel makes appearances. Court discuss papers received. Court inquires of status of case. Court and counsel discuss certain issues raised in Courts order with respect to defendants' amended final plan. The Court having heard from counsel, acknowledges that a meet and confer will take place after the Court hearing to try and resolve matters. Counsel to e-file notice to the Court as to the outcome of the meet and confer. Court Reporter: Katherine Stride. (lw) (Entered: 02/21/2012)
07/30/2012	<u>82</u>	ORDER RE AMENDMENTS TO CLARIFY LANGUAGE IN THE COURTS JUNE 28, 2011 FINAL ORDER ON DEFENDANTS PROPOSED PLAN: The Court's Final Order of June 28, 2011, is amended as follows: At page 7, line 17, the phrase " , if their classification status meets that of inmates housed in the Barracks and their medical conditions permit," is added between the phrases "Module and" and "in the Inmate Programs Building (IPB)"; Numbered paragraph 13 on page 8 is stricken by Judge Audrey B. Collins. (ir) (Entered: 07/30/2012)
07/30/2012	<u>83</u>	MINUTES: ORDER Correcting Clerical Error in Order re Plaintiffs Motions for Attorneys Fees and Costs (In Chambers): The Court clarifies its Order (Docket No. 818) by deleting the above-quoted language and replacing it with the following: Plaintiffs' pending application to Tax Costs, filed on July 12, 2011, which was referred to this Court, shall be sent back to the Court Clerk with instructions to tax costs in favor of Plaintiffs. Once the taxable costs are determined, the Clerk shall award Plaintiffs 85% of the taxable costs incurred pre-appeal (prior to May 15, 2008), plus the full amount of taxable costs incurred after May 15, 2008 IT IS SO ORDERED by Judge Audrey B. Collins. (ir) (Entered: 07/30/2012)
07/31/2012	<u>84</u>	NOTICE of Change of Attorney Information for attorney Dan Stormer counsel for Plaintiffs William Brown, Richard Eugene Smith, Jerry E Stewart, Kenneth Wilson, Susan Young. Virginia Keeny is no longer attorney of record for the aforementioned party in this case for the reason indicated in the G-06 Notice. Filed by Plaintiff Jerry E. Stewart, et al. (Stormer, Dan) (Entered: 07/31/2012)
07/31/2012	<u>85</u>	NOTICE of Change of Attorney Information for attorney Dan Stormer counsel for Plaintiffs William Brown, Richard Eugene Smith, Jerry E Stewart, Kenneth Wilson, Susan Young. Changing firm name to Hadsell Stormer Richardson & Renick LLP.

		Filed by Plaintiff Jerry E. Stewart, et al. (Stormer, Dan) (Entered: 07/31/2012)
07/31/2012	<u>86</u>	NOTICE of Change of Attorney Information for attorney Cindy Panuco counsel for Plaintiffs William Brown, Richard Eugene Smith, Jerry E Stewart, Kenneth Wilson, Susan Young. Adding Cindy Pnuco as attorney as counsel of record for Jerry E. Stewart, et al. for the reason indicated in the G-06 Notice. Filed by Plaintiff Jerry E. Stewart, et al. (Panuco, Cindy) (Entered: 07/31/2012)
08/27/2012	<u>87</u>	MINUTES: August 2012 Monitor's Report (In Chambers): The Court has received the Monitors fourth quarterly report, dated August 2012. The Court commends the parties on the significant progress in the physical modifications required by the Court's Order in this case. There has been less progress on the Countys compliance with the procedural and programmatic aspects of the Court's Order. The Court appreciates the County's attempts at compliance when the Monitor has identified issues, but the Court also shares the Monitor's concerns that it has been one year since the Court's Order was issued and the Monitor continues to find key areas of noncompliance. One area of particular concern is outdoor recreation: the Monitor found that, at Module O of Theo Lacy, outdoor recreation in the enclosed recreation area was offered before 6:00 a.m. 49% ofthe time, and it was always declined. (Monitor Report 15, 17.) Even if this does not technically run afoul of the terms of the Courts Order, it certainly undermines the Court's intent to ensure class members can reasonably take advantage of outdoor recreation. The Court will not issue any further orders at this time, but it strongly encourages the County to take a more proactive approach to complying with the procedural and programmatic portions of Court'sOrder as it has done with physical modifications. That includes ensuring that outdoor recreation is offered at times with at least a reasonable probability of class members taking advantage of it. Offerings before 6:00 a.m. do not fall into that category IT IS SO ORDERED by Judge Audrey B. Collins. (ir) (Entered: 08/27/2012)
08/02/2013	<u>88</u>	ORDER RE EX PARTE APPLICATION FOR CONTINUANCE OF HEARING DATE AND BRIEF EXTENSION OF THE BRIEFING SCHEDULE by Judge Audrey B. Collins. IT IS HEREBY ORDERED: The briefing schedule for Defendant's Motion to Terminate the Injunction is modified as follows: Motion filing deadline: August 12, 2013. Opposition filing deadline: August 26, 2013. Reply filing deadline: September 2, 2013. Hearing date: September 23, 2013 at 10:00 a.m. (bp) (Entered: 08/02/2013)
08/14/2013	<u>90</u>	SEALED DOCUMENT- DEFENDANT'S APPLICATION Pursuant to Local Rule 79-5 for Leave to File Under Seal the Declaration of Dr. Chiang in Support of Defendant's Motion to Terminate Injunctive Relief. (mat) (Entered: 08/20/2013)
08/14/2013	<u>91</u>	SEALED DOCUMENT- ORDER for Leave to File Under Seal. (mat) (Entered: 08/20/2013)
08/14/2013	<u>92</u>	SEALED DOCUMENT- DECLARATION of Doctor C. Hsien Chang in Support of Defendant's Motion to Terminate Injunctive Relief Under the Prison Litigation Reform ACT [18 U S C 3626(b) and FRCP 60(b)(5) (mat) (Entered: 08/20/2013)
08/20/2013	<u>89</u>	NOTICE OF REASSIGNMENT OF CASE filed. Pursuant to Notice of Reassignment of Case in SACV 01-00981 ABC(AJWx). Case transferred to Magistrate Judge Andrew J. Wistrich for any discovery matters that may be referred by the District Judge. Case number will now read CV 75-03075 ABC(AJWx). (rn) (Entered: 08/20/2013)
08/20/2013	<u>93</u>	MINUTE ORDER IN CHAMBERS ORDER DENYING Defendant's Ex Parte Application for Protective Order by Judge Audrey B. Collins:(Please see Document for details) (bp) (Entered: 08/21/2013)
12/04/2013	<u>94</u>	MINUTE ORDER IN CHAMBERS Re: Briefing Schedule on Motions to Terminate/Extend Injunctive Relief by Judge Audrey B. Collins: As such, the Court GRANTS the parties' request to move forward with briefing and hearing on the pending Motions to Terminate/Extend Injunctive Relief (Docket Nos. 831, 839) and SETS the following deadlines: November 27, 2013: Defendant shall disclose to Plaintiffs and the Monitor the relevant medical records relied upon by Dr. Chiang in his analysis of the eight inmates discussed in Dr. Chiang's Declaration submitted in support of Defendant's Motion to Terminate Injunctive Relief; December 16, 2013: Plaintiffs shall file their Opposition to Defendant's Motion to Terminate Injunctive

		Relief; December 16, 2013: Defendant shall file its Response to Plaintiffs' Supplemental Brief in Support of Plaintiffs' Motion to Extend Injunctive Relief for an Additional Two Years; January 13, 2014: Plaintiffs shall file their Reply Brief in Support of Plaintiffs' Motion to Extend Injunctive Relief for an Additional Two Years; January 13, 2014: Defendant shall file its Reply Brief in Support of Defendant's Motion to Terminate Injunctive Relief; January 31, 2014 at 10:00 a.m.: Hearing on the Motions to Terminate/Extend Injunctive Relief. The Court ORDERS Keith Rohman, the court appointed Monitor, to attend the hearing on January 31, 2014 to address any issues raised by the parties or the Court. See Docket No. 831 at 2, n. 1 (Monitor "is available to appear for the hearing on this Motion if the Court is inclined to request [his] attendance"). To the extent practicable, the Court will issue a Minute Order with questions for the Monitor in advance of the hearing. (bm) (Entered: 12/04/2013)
01/02/2014	<u>95</u>	MINUTE ORDER IN CHAMBERS Re: Monitor's Ninth Quarterly Report by Judge Audrey B. Collins: Although the Court is well aware that the Monitor's Ninth Quarterly Report falls outside of the eight reports anticipated by the injunction, the Court will consider the Report in ruling on the pending motions. The Report is the Monitor's most recent evaluation of compliance with the injunction, he has already expended time in preparing it, and Defendant admits it does not raise any new substantive issues that would affect the determination of the pending motions. The Monitor shall not issue any further reports. (see document for further details) (bm) (Entered: 01/03/2014)
01/02/2014	<u>96</u>	ORDER TO CONTINUE THE HEARING ON THE PARTIES CROSS-MOTIONS TO TERMINATE/EXTEND INJUNCTIVE RELIEF by Judge Audrey B. Collins: The Court having read and reviewed the Parties' Joint Stipulation to continue the hearing on the cross-motions to terminate/extend injunctive relief and GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED THAT: The hearing on the parties' pending Motions to Terminate/Extend Injunctive Relief shall be continued from January 31, 2014, to February 10, 2014, at 10:00 a.m. (bm) (Entered: 01/03/2014)
01/31/2014	<u>97</u>	MINUTE ORDER IN CHAMBERS Re: Defendant's Request to Cross-Examine Keith Rohman and Christina Dalton by Judge Audrey B. Collins: The Court has reviewed Defendant's Request to Cross-Examine Keith Rohman and Christina Dalton Pursuant to Local Rules 7-6 and 7-8, filed on January 27, 2014. (Docket No. 885.) The Court has also received a letter from Keith Rohman, the Monitor, dated January 29, 2014. Having reviewed the parties' submissions, the Court does not find cross-examination of the Monitor or Ms. Dalton is necessary at the hearing. Therefore, the request is DENIED. The Court also notes that it previously indicated it may issue a Minute Order with questions for the Monitor. (Docket No. 859.) At this time, the Court does not anticipate it will have questions for the Monitor in advance of the hearing. (bm) (Entered: 02/03/2014)
02/10/2014	<u>98</u>	MINUTES OF MOTION FOR ORDER EXTENDING INJUNCTIVE RELIEF FOR AN ADDITIONAL TWO YEARS [DOCUMENT 831]; MOTION FOR RELIEF FROM INJUNCTION UNDER PRISON LITIGATION REFORM ACT 18 USC [DOCUMENT 839] Hearing held before Judge Audrey B. Collins: Matter called. Counsel makes appearances. Tentative given to counsel. Court and counsel confer regarding tentative. Oral arguments made by counsel. Court having heard from counsel, will maintain tentative. The Court signs tentative order in open Court, which reflects the ruling of the above motions. Court Reporter: Katherine Stride. (bm) (Entered: 02/12/2014)
02/10/2014	<u>99</u>	ORDER DENYING MOTION TO EXTEND AND GRANTING MOTION TO TERMINATE INJUNCTIVE RELIEF by Judge Audrey B. Collins: "It is well established that judges and juries must defer to prison officials' expert judgments." Norwood v. Vance, 591 F.3d 1062, 1066 (9th Cir. 2009). "[T]he problems of prisons in America are complex and intractable, and, more to the point, they are not readily susceptible of resolution by decree. Most require expertise, comprehensive planning, and the commitment of resources, all of which are peculiarly within the province of the legislative and executive branches of government." Procnier v. Martinez, 416 U.S. 396, 404-05 (1974). In light of the reality that "courts are ill equipped to deal with the increasingly urgent problems of prison administration and reform" (id.), and having found that the injunction is no longer necessary because the three areas in which Plaintiffs seek to extend the injunction do not present current or ongoing violations,

		the Court DENIES Plaintiffs' motion to extend injunctive relief and GRANTS Defendant's motion to terminate the injunction. (see document for further details) (bm) (Entered: 02/12/2014)
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