CLOSED

U.S. District Court Eastern District of California - Live System (Sacramento) CIVIL DOCKET FOR CASE #: 2:04-cv-01617-FCD-EFB

Robinson, et al v. Sacramento County, et al Assigned to: Judge Frank C. Damrell, Jr

Referred to: Magistrate Judge Edmund F. Brennan

Demand: \$0

Cause: 42:1983 Civil Rights Act

Date Filed: 08/10/2004 Date Terminated: 03/02/2007

Jury Demand: Both

Nature of Suit: 440 Civil Rights: Other

Jurisdiction: Federal Question

Plaintiff

Emily Robinson

a minor, by & through her Guardian Ad Litem, her custodial parent, Michael Robinson, on behalf of herself and all those similarly situated

represented by Jeffrey I. Schwarzschild

Department of Justice Office of the Attorney General Employment, Regulation & Administration Section

1300 I Street

Sacramento, CA 95814

916/324-8630

Email: Jeffrey.Schwarzschild@doj.ca.gov

TERMINATED: 02/27/2007

LEAD ATTORNEY

Mark E. Merin

Law Office of Mark E. Merin

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Plaintiff

Ryan Price

guardian ad litem Michael D Price

represented by Jeffrey I. Schwarzschild

(See above for address)
TERMINATED: 02/27/2007
LEAD ATTORNEY

Mark E. Merin

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

V.

Defendant

Sacramento County

represented by Terence John Cassidy

Porter Scott, A Professional Corporation

350 University Avenue

Suite 200

P.O. Box 255428

Sacramento, CA 95825 (916) 929-1481 x316

Fax: (916) 927-3706

Email: tcassidy@porterscott.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Sacramento County Probation

Department

represented by Terence John Cassidy

(See above for address) LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Verne Speirs

Sacramento County Chief Probation Officer in his official and individually

capacity

represented by Terence John Cassidy

(See above for address) LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Suzanne Collins

Sacramento County Assistant Chief Probation Officer in her individual and

official capacity

represented by Terence John Cassidy

(See above for address) LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

- Glaziers Architectural Metal and Glass

Workers Local Union No 767

Plaintiff

Heather J Harrison

by and through her Guadian Ad Litem, her custodial parent, Nicki J Evans, on behalf of themselves and all those similarly

situated

guardian ad litem

Nicki J Evans

represented by Jeffrey I. Schwarzschild

(See above for address) TERMINATED: 02/27/2007

LEAD ATTORNEY

Mark E. Merin

(See above for address) LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Plaintiff

Michael - Robinson guardian ad litem **Emily Robinson**

represented by Jeffrey I. Schwarzschild

(See above for address) TERMINATED: 02/27/2007 LEAD ATTORNEY

Mark E. Merin

(See above for address) LEAD ATTORNEY ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text	
08/10/2004		LODGED petition and proposed order for appointment of guardian ad litem by plaintiff Emily Robinson (crf) (Entered: 08/11/2004)	
08/10/2004	1	COMPLAINT; jury demand, fee status pd, receipt # 7330, assigned to Judge William B. Shubb referred to Magistrate Judge Dale A. Drozd (crf) (Entered: 08/11/2004)	
08/10/2004	2	ORDER setting status (pretrial scheduling) conference for 9:00 10/18/04 before Judge William B. Shubb (crf) (Entered: 08/11/2004)	
08/11/2004		LODGED petition and order for appointment of guardian ad litem by plaintiffs (sk) (Entered: 08/12/2004)	
08/12/2004	3	ORDER by Judge William B. Shubb ORDERING that the petition for order appointing guardian ad litem is GRANTED; plaintiff Michael Robinson added as guardian ad litem (cc: all counsel) (crf) (Entered: 08/12/2004)	
08/13/2004	4	AMENDED COMPLAINT complaint [1-1] TERMINATED by Pltfs Emily Robinson, Michael - Robinson adding Heather J Harrison; jury demand (lm) (Entered: 08/16/2004)	
08/13/2004	5	NOTICE by Pltfs of related case(s) 03-CV-458 FCD PAN (lm) (Entered: 08/16/2004)	
08/17/2004	<u>6</u>	RELATED CASE ORDER by Judge Frank C. Damrell Jr ORDERING that the action denominated CIV S-04-1617 WBS DAD is REASSIGNED to judge Frank C Damrell Jr and Magistrate Judge Peter A Nowinski for all further proceedings and any dates currently set in this reassigned case are VAATED; the caption on documents filed in the reassigned case shall be shown as CIV S-04-1617 FCD PAN; the clerk shall make the appropriate adjustment in the assignment of civil cases to compensate for this reassignment (cc: all counsel) by Judge Frank C. Damrell Jr ORDERING (cc: all counsel) (ds) (Entered: 08/17/2004)	
08/17/2004	7	AMENDED RETURN OF SERVICE executed upon Dfts Sacramento County, Sac County Probation, Verne Speirs, Suzanne Collins in 2:04-cv-01617 on 8/16/04 (lm) (Entered: 08/18/2004)	
08/18/2004	10	SECOND AMENDED COMPLAINT complaint [4-1] TERMINATED by plaintiffs; jury demand (P/S FCD-no leave of court) (ds) (Entered: 08/19/2004)	

08/18/2004	11	PROOF OF SERVICE by plaintiff in 2:04-cv-01617 of [10-1] (ds) (Entered: 08/19/2004)	
08/18/2004	12	COURT NOTICE from M. Price instructing the pltfs to serve the Order Requiring Joint Status Report on all dfts (order attached to notice) (cc: all counsel) (ds) (Entered: 08/19/2004)	
08/19/2004	8	ORDER by Judge Frank C. Damrell Jr ORDERING petition for appointment of guardian ad litem GRANTED; Nicki J Evans is appointed as guardian ad litem for petitioner Heather J Harrison (cc: all counsel) (ds) (Entered: 08/19/2004)	
08/19/2004	9	ORDER by Judge Frank C. Damrell Jr ORDERING that the petition for order appointing Michael D Price as guardian ad litem for petitioner Ryan Price is GRANTED (cc: all counsel) (ds) (Entered: 08/19/2004)	
08/20/2004	13	PROOF OF SERVICE by plaintiff Emily Robinson, Michael Robinson, and Heather J Harrison of [12-1] (daw) (Entered: 08/23/2004)	
08/24/2004	<u>14</u>	ORDER by Judge Frank C. Damrell Jr ORDERING second amended complaint [10-1] STRICKEN from the record (cc: all counsel) (ds) (Entered: 08/24/2004)	
09/14/2004		LODGED Stipulation to amend complaint by plaintiffs (sk) (Entered: 09/15/2004)	
09/14/2004		LODGED Second amended complaint by plaintiffs (sk) (Entered: 09/15/2004)	
09/14/2004	15	PROOF OF SERVICE by plaintiffs [0-0], [0-0] (sk) (Entered: 09/15/2004)	
09/17/2004	<u>16</u>	STIPULATION AND ORDER by Judge Frank C. Damrell Jr ORDERING that pltfs Robinson and Harrison may amend the complaint to add an additional named pltf Ryan Price; dfts' responses shall be due on or before 20 days after the filing of the Second Amended Complaint (cc: all counsel) (ds) (Entered: 09/17/2004)	
09/17/2004	17	SECOND AMENDED COMPLAINT by plaintiff adding pltf Ryan Price to case(s); jury demand (ds) (Entered: 09/17/2004)	
10/07/2004		LODGED stipulation and order to enlarge time to respond to complaint (ds) (Entered: 10/08/2004)	
10/13/2004	<u>18</u>	STIPULATION AND ORDER by Judge Frank C. Damrell Jr ORDERING that parties' request for enlargment of time GRANTED; dfts to file their response to the complaint by 10/15/04 (cc: all counsel) (crf) (Entered: 10/13/2004)	
10/15/2004	19	MOTION to dismiss pursuant to Rule 12 case by defendants motion TO BE HEARD by Judge Frank C. Damrell Jr; Motion Hearing Set For 10:00 a.m. 12/3/04 (ds) (Entered: 10/18/2004)	
10/15/2004	20	NOTICE by defendants of motion to dismiss [19-1] (ds) (Entered: 10/18/2004)	
10/15/2004	21	REQUEST for Judicial notice by defendants (ds) (Entered: 10/18/2004)	
11/04/2004	22	JOINT STATUS REPORT (sk) (Entered: 11/05/2004)	
11/05/2004	23	MINUTE ORDER issued by CRD: the hearing on dft's motion to dismiss [19-1] set for 12/3/04 VACATED AND RESET FOR 10:00 12/17/04 (cc: all counsel) (crf) (Entered: 11/08/2004)	

Suzanne Collins re 35 Answer to Amended Complaint (*Notice of Errata*)

		(Cassidy, Terence) (Entered: 02/24/2005)	
03/17/2005	<u>39</u>	MINUTE ORDER: from CRD M. Price for Judge Frank C. Damrell Jr. on 3/17/05. Status Conference set for 4/15/2005 at 10:00 AM in Courtroom 2 (FCI before Judge Frank C. Damrell Jr. The parties shall submit a supplemental joint status report on or before April 8, 2005 regarding the issues of class certificatio the setting of a briefing schedule, and the possibility of consolidating this action with the related action.(Price, M) (Entered: 03/17/2005)	
04/08/2005	<u>40</u>	STATUS REPORT <i>SUPPLEMENTAL [JOINT]</i> by Emily Robinson, Sacramento County, Sacramento County Probation, Verne Speirs, Suzanne Collins, Michael - Robinson, Heather J Harrison, Ryan Price. (Schwarzschild, Jeffrey) (Entered: 04/08/2005)	
04/08/2005	<u>41</u>	MINUTE ORDER: from CRD M. Price for Judge Frank C. Damrell Jr. on 4/8/6 re 40 Status Report. Motion Hearing set for 9/23/2005 at 10:00 AM in Courtroo 2 (FCD) before Judge Frank C. Damrell Jr. Status Conference set for 12/2/2005 at 10:00 AM in Courtroom 2 (FCD) before Judge Frank C. Damrell Jr. Joint report due by 11/29/05.(Price, M) (Entered: 04/08/2005)	
06/16/2005	42	STIPULATION and PROPOSED ORDER: STIPULATED REQUEST TO RESET HEARING ON PLAINTIFFS' JOINT MOTION FOR CLASS CERTIFICATION by Emily Robinson, Sacramento County, Sacramento County Probation, Verne Speirs, Suzanne Collins, Heather J Harrison, Ryan Price. (Merin, Mark) (Entered: 06/16/2005)	
06/16/2005	43	STIPULATION AND ORDER (hearing date modified) - Plaintiffs' Joint Motion for Class Certification. Filing due by 9/20/2005. Opposition by 10/4/05 and reply 10/14/05. Motion Hearing set for 11/4/2005 at 10:00 AM in Courtroom 2 signed by Judge Frank C. Damrell Jr. on 6/16/05. (Price, M) (Entered: 06/16/2005)	
09/13/2005	<u>44</u>	STIPULATED REQUEST and PROPOSED ORDER to Reset Hearing on Plaintiffs' Joint Motion for Class Certification; by Emily Robinson, Sacramento County, Sacramento County Probation, Verne Speirs, Suzanne Collins, Heather Harrison, Ryan Price. (Merin, Mark) Modified on 9/16/2005 (Mena-Sanchez, L) (Entered: 09/13/2005)	
09/14/2005	<u>45</u>	STIPULATION and ORDER signed by Judge Frank C. Damrell Jr. on 9/14/05. Motion Hearing on Class Certification set for 12/2/2005 at 10:00 AM in Courtroom 2 (FCD) before Judge Frank C. Damrell Jr. Motions due by 11/1/2005. Opposition due by 11/15/05. Reply due by 11/23/05. Status Conference reset for 1/27/2006 at 10:00 AM in Courtroom 2 (FCD) before Judge Frank C. Damrell Jr. Status report filing due by 1/17/2006. (Price, M) (Entered: 09/14/2005)	
10/07/2005	46	[CLERK'S CORRECTION - TEXT ONLY] setting MOTION to COMPEL filed by Sacramento County, Sacramento County Probation Department, Verne Speirs, Suzanne Collins. Motion Hearing SET for 11/2/2005 at 09:00 AM in Courtroom 25 (PAN) before Magistrate Judge Peter A. Nowinski. (Waggoner, D) (Entered: 10/11/2005)	
11/02/2005	<u>47</u>	STIPULATION and PROPOSED ORDER to Extend the Time for Plaintiffs to File Motion for Class Certification, Continue the Status Conference, and the Stay	

		of Action for 120 Days by Emily Robinson, Sacramento County, Sacramento County Probation Department, Verne Speirs, Suzanne Collins, Heather J Harrison, Ryan Price. (Attachments: # 1 Proposed Order)(Merin, Mark) Modified on 11/3/2005 (Kirkpatrick, S). (Entered: 11/02/2005)	
11/02/2005	48	STIPULATION and ORDER signed by Judge Frank C. Damrell Jr. on 11/2/05 47 Stipulation to Stay - GRANTED. All dates VACATED. Case stayed. The parties are directed to file a Joint Status Report setting forth the current status of this matter and future proceedings within ten (10) days from the running of the one hundred (120) day stay Order. (Price, M) (Entered: 11/02/2005)	
02/21/2006	<u>49</u>	JOINT STATUS REPORT by Emily Robinson, Sacramento County, Sacramento County Probation Department, Verne Speirs, Suzanne Collins, Heather J Harrison, Ryan Price. (Merin, Mark) (Entered: 02/21/2006)	
02/21/2006	<u>50</u>	PROPOSED ORDER Re: Joint Status Report and Stipulation to Extend the Time for Plaintiffs' to File a Motion for Class Certification, Continue the Status Conference, and Stay of Action for an Additional 90 Days by Emily Robinson, Sacramento County, Sacramento County Probation Department, Verne Speirs, Suzanne Collins, Heather J Harrison, Ryan Price. (Merin, Mark) (Entered: 02/21/2006)	
02/23/2006	<u>51</u>	STIPULATION and ORDER <u>50</u> signed by Judge Frank C. Damrell Jr. on 2/22/06. Action STAYED for 90 days from date of Order. Parties directed to fil Joint Status Report w/in 10 days from running of 90-day Stay Order. Plaintiff time to file Motion for Class Certification and further Status Conference is EXTENDED to dates and time to be rescheduled upon lifting of Stay Order. (Marciel, M) (Entered: 02/23/2006)	
03/08/2006	<u>52</u>	NOTICE OF TEMPORARY ASSIGNMENT notifying parties that due to the retirement of Magistrate Judge Peter A. Nowinski, this action is temporarily reassigned to Magistrate Judge John F. Moulds. (Reader, L) (Entered: 03/08/2006)	
05/19/2006	<u>53</u>	JOINT STATUS REPORT and PROPOSED ORDER by Emily Robinson, Heather J Harrison, Ryan Price. (Merin, Mark) Modified on 5/24/2006 (Reader, L). (Entered: 05/19/2006)	
05/24/2006	<u>54</u>	ORDER signed by Judge Frank C. Damrell Jr. on 5/24/2006 ORDERING 53 that if the parties have not approved the stipulated settlement agreement within 30 Days of this order, they shall file a further status report requesting thesetting of dates for hearing on Pltfs' Motion for Class Certification and/or the setting of a further status conference. The Parties shall either file the stipulated settlement or a joint status report within 30 Days of the expiration of the time period as noted above. (Reader, L) (Entered: 05/24/2006)	
06/22/2006	<u>55</u>	JOINT STATUS REPORT by Emily Robinson, Heather J Harrison, Ryan Price. (Merin, Mark) (Entered: 06/22/2006)	
06/22/2006	<u>56</u>	PROPOSED ORDER as to <u>55</u> Status Report and Joint Stipulated Motion for Preliminary Approval of Provisional Settlement Class by Emily Robinson, Heather J Harrison, Ryan Price. (Merin, Mark) Modified on 6/23/2006 (Marciel, M). (Entered: 06/22/2006)	

06/27/2006	<u>57</u>	ORDER signed by Judge Frank C. Damrell Jr. on 6/26/06 ORDERING that the parties shall file their Joint Stipulated Motion for Preliminary Approval of Provisional Settlement Class and Settlement of Class Action and Stipulation of Settlement on or before 7/10/06 and a hearing is set in this matter for 8/18/2006 at 10:00 AM in Courtroom 2 (FCD) before Judge Frank C. Damrell Jr (Yin, K) (Entered: 06/27/2006)	
07/10/2006	<u>58</u>	STIPULATED Motion for Preliminary Approval of Provisional Settlement Class and Settlement of Class Action by Emily Robinson, Sacramento County, Sacramento County Probation Department, Verne Speirs, Suzanne Collins, Heather J. Harrison, Ryan Price. (Attachments: # 1 Exhibit 1 # 2 Exhibit 2 # 3 Exhibit 3)(Merin, Mark) Modified on 7/11/2006 (Krueger, M). (Entered: 07/10/2006)	
07/10/2006	<u>59</u>	STIPULATION <i>of Settlement</i> by Emily Robinson, Sacramento County, Sacramento County Probation Department, Verne Speirs, Suzanne Collins, Heather J Harrison, Ryan Price. (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Exhibit 3# 4 Exhibit 4)(Merin, Mark) (Entered: 07/10/2006)	
07/10/2006	<u>60</u>	PROPOSED ORDER for Preliminary Approval of Settlement of Class Action Defendants. (Attachments: # 1 Exhibit A # 2 Exhibit B)(Merin, Mark) Modifie on 7/11/2006 (Krueger, M). (Entered: 07/10/2006)	
07/10/2006	<u>61</u>	PROPOSED PROTECTIVE ORDER for Disclosure of Juvenile Records by Defendants. (Merin, Mark) Modified on 7/11/2006 (Krueger, M). (Entered: 07/10/2006)	
08/08/2006	62	NOTICE of HEARING: from CRD M. Price on 8/8/06. The start time for the hearing on the stipulated motion for preliminary approval of settlement set for 8/18/2006 is RESET for 01:30 PM in Courtroom 2 (FCD) before Judge Frank C. Damrell Jr (TEXT ONLY) (Price, M) (Entered: 08/08/2006)	
08/09/2006	63	MINUTE ORDER: from CRD M. PRice for Judge Frank C. Damrell Jr. on 8/9/06. The 58 Stipulated Motion for Approval of Settlement -MOTION SUBMITTED: without oral argument. The hearing set for 8/18/06 is VACATED The court shall issue a written order. (TEXT ONLY)(Price, M) (Entered: 08/09/2006)	
08/11/2006	<u>64</u>	ORDER FOR PRELIMINARY APPROVAL OF SETTLEMENT OF CLASS ACTION signed by Judge Frank C. Damrell Jr. on 8/11/06. Class members shall have up to and including 1/8/07 in which to optout of settlement. Fairness Hearing set for 3/2/2007 at 10:00 AM in Courtroom 2 (FCD) before Judge Frank C. Damrell JrObjections to be filed by 2/16/07. (Attachments: # 1 Exhibit A# 2 Exhibit B)(Price, M) (Entered: 08/11/2006)	
08/11/2006	<u>65</u>	PROTECTIVE ORDER FOR DISCLOSURE OF JUVENILE RECORDS signed by Judge Frank C. Damrell Jr. on 8/11/06. (See order for specifics).(Price, M) (Entered: 08/11/2006)	
08/29/2006	<u>66</u>	ORDER by Chief Judge David F. Levi ORDERING due to the recent appointment of Magistrate Judge Edmund F. Brennan to the bench of the Eastern District, this action is REASSIGNED from Magistrate Judge Peter A. Nowinski for all further proceedings. (Carlos, K) (Entered: 08/29/2006)	

02/06/2007	<u>67</u>	MOTION for ATTORNEY FEES <i>Class Counsel's Application for Approval of Stipulated Attorney's Fees and Reimbursement of Costs</i> by pltfs. Motion Hearing set for 3/2/2007 at 10:00 AM before Judge Frank C. Damrell Jr. (Attachments: # 1 Exhibit 1 # 2 Exhibit 2 # 3 Exhibit 3 # 4 Exhibit 4)(Merin, Mark) Modified on 2/7/2007 (Manzer, C). (Entered: 02/06/2007)	
02/06/2007	<u>68</u>	DECLARATION of Mark E. Merin in support of <u>67</u> motion for attorney fees. Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B # <u>3</u> Exhibit C)(Merin, Mark) Modified on 2/7/2007 (Manzer, C). (Entered: 02/06/2007)	
02/15/2007	<u>69</u>	NOTICE of joint submission in support of Final Approval for Stipulated Settlement by all parties. (Attachments: # 1 Exhibit 1# 2 Exhibit 2)(Merin, Mark) Modified on 2/16/2007 (Marciel, M). (Entered: 02/15/2007)	
02/15/2007	<u>70</u>	PROPOSED ORDER and Judgment of Dismissal by Emily Robinson, Sacramento County, Sacramento County Probation Department, Verne Speirs, Suzanne Collins, Michael - Robinson, Heather J Harrison, Ryan Price. (Merin, Mark) (Entered: 02/15/2007)	
02/20/2007	71	DECLARATION of Markham Sherwood in in Support of Final Approval of the Settlement. (Merin, Mark) (Entered: 02/20/2007)	
03/02/2007	72	MINUTES for proceedings held before Judge Frank C. Damrell Jr.: MOTION HEARING held on 3/2/2007 re 67 MOTION for ATTORNEY FEES filed by Emily Robinson,, Heather J Harrison,, Ryan Price - GRANTED. Court to issue order. Plaintiffs Counsel Mark Merin present. Defendants Counsel Terence Cassidy present. Court Reporter/CD Number: Michelle Babbitt. (TEXT ONLY) (Price, M) (Entered: 03/02/2007)	
03/02/2007	73	ORDER AND JUDGMENT OF DISMISSAL signed by Judge Frank C. Damrell Jr. on 3/2/07. 67 Pltf's motion for attorney fees GRANTED. Pltf counsel approves payment of atty fees and costs \$1,500,000. Court approves payment from the fund a total of \$280,000 to be divided among pltfs as specified. The matter is DISMISSED with PREJUDICE and JUDGMENT entered. All pending dates VACATED. CASE CASE CLOSED.(Price, M) (Entered: 03/05/2007)	
03/05/2007	<u>74</u>	JUDGMENT dated *3/2/07* signed by Judge Frank C. Damrell Jr. on 3/2/07 in accordance with the order signed 3/2/07. (Price, M) (Entered: 03/05/2007)	

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