CLOSED

U.S. District Court Eastern District of California - Live System (Fresno) CIVIL DOCKET FOR CASE #: 1:92-cv-05236-REC

Martinez v. Tully, et al

Assigned to: Senior Judge Robert E. Coyle

Demand: \$500,000

Case in other court:

Cause: 28:1983 Civil Rights

Date Filed: 04/01/1992 Date Terminated: 06/08/1993

Jury Demand: y

Nature of Suit: 440 Civil Rights: Other

Jurisdiction: Federal Question

Plaintiff

Irene Zapata Martinez

represented by Robert Y Chan

Law Offices of Robert Y Chan

2429 Bay Street

San Francisco, CA 94123

415-283-3254 *LEAD ATTORNEY*

ATTORNEY TO BE NOTICED

V.

Defendant

Darrel L Tully

Individually and as an officer of the Dinuba

Police Department

represented by Michael Duane Ott

Ericksen Arbuthnot Brown Kilduff and Day

2440 W Shaw Avenue

Suite 101

Fresno, CA 93711 209-449-2600

Email: mott@eakdl.com LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Donald G Lane

Individually as an officer of the Dinuba

Police Department

represented by Michael Duane Ott

(See above for address) *LEAD ATTORNEY*

ATTORNEY TO BE NOTICED

Defendant

Michael W Potts

Individually and as an officer of the Dinuba

Police Department

represented by Michael Duane Ott

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Phillip G Perkins

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Defendant

Peter J Boyer

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Police Department

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ATTORNEY TO BE NOTICED

Defendant

Mark S Swaim

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Defendant

Jon Reinnecius

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Defendant

Paul M Walker

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Police Department

represented by Michael Duane Ott

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Defendant

James F Olvera

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Defendant

Jay L Johnson

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Police Department

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ATTORNEY TO BE NOTICED

Defendant

Devon T Popovich

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Police Department

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Edward Hernandez

Individually and as the Chief of Police of the

Dinuba Police Department

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(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Robert Mathews

Individually and as an officer of the Tulare

County Sheriff's Department

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Defendant

Steven Kennedy

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Defendant

Michael Strawser

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represented by John Laurence Rozier

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Defendant

Dennis McElhaney

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Defendant

Mario Krstic

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Defendant

Harold Hoffman

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Defendant

Jacob Huerta

Individually and as an officer of the Tulare County Sherriff's Department

represented by John Laurence Rozier

(See above for address)

Defendant

Butch Coley

Individually and as the Sheriff of Tulare County

represented by James R. Parrinello

Nielsen Mersamer Hodgson Parrinello and

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ATTORNEY TO BE NOTICED

John Laurence Rozier

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Defendant

Dinuba City

represented by Michael Duane Ott

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

County of Tulare

represented by James R. Parrinello

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

John Laurence Rozier

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed # Docket Text		Docket Text			
07/22/1991	13	MINUTES of 7/21/92; Scheduling conf held; order to follow (old) (Entered: 07/23/1992)			
09/11/1991	21	DECLARATION of Robert Chan in support of Ex Parte application [20-1] (ll) (Entered: 09/17/1992)			
04/01/1992	1	COMPLAINT For Damages; Summons issued; fee status paid; Receipt #146394; Notice re: Consent forms. (old) (Entered: 04/01/1992)			
04/02/1992	2	ORDER setting scheduling conference for 8:30 7/21/92 before Magistrate Dennis L. Beck (cc: all counsel) (old) (Entered: 04/02/1992)			
04/21/1992	3	ANSWER by Darrel L Tully, Donald G Lane, Michael W Potts, Phillip G Perkins, Peter J Boyer, Mark S Swaim, Jon Reinnecius, Paul M Walker, James F Olvera, Jay L Johnson, Devon T Popovich, Edward Hernandez, City of Dinuba (old) (Entered: 04/22/1992)			
04/29/1992	4	MOTION by defendant Tulare Co to dismiss, for more definite statement, to strike before Judge Coyle 6/15/92 1:30 (old) Modified on 05/18/1992 (Entered: 04/29/1992)			
04/29/1992	5	MEMORANDUM in support of motion by defendant Tulare Co to dismiss [4], for more definite statement [4-2], to strike [4] (old) (Entered: 04/29/1992)			
04/30/1992	6	LETTER: from H Nazaroff resetting hearing on motions by defendant Tulare Co to dismiss [4-1], motion for more definite statement [4-2], motion to strike before Judge Coyle [4-3] 1:30 6/22/92 (old) (Entered: 05/05/1992)			
06/08/1992	7	MEMORANDUM by plaintiff Irene Zapata Martinez in opposition to motion by defendant Tulare Co to dismiss [4-1], motion for more definite statement [4-2], motion to strike [4-3] (old) (Entered: 06/08/1992)			
06/16/1992	8	SUPPLEMENTAL MEMORANDUM by defendant County of Tulare in support of motion to dismiss [4-1] (old) (Entered: 06/16/1992)			
06/23/1992	9	MINUTES of 6/22/92 that the motion by defendant Tulare Co to dismiss [4-1] is submitted (old) (Entered: 06/23/1992)			
07/16/1992	10	JOINT STATUS REPORT (old) (Entered: 07/16/1992)			

07/20/1992	11	EX PARTE APPLICATION by Irene Zapata Martinez for enlargement of time for service (old) (Entered: 07/21/1992)	
07/20/1992	12	DECLARATION of Robert Chan in support of application [11-1] (old) (Entered: 07/21/1992)	
07/20/1992		LODGED proposed order granting [11] (old) (Entered: 07/21/1992)	
07/30/1992	14	ORDER by Magistrate Dennis L. Beck, granting application [11-1] extending time for service of the summons and complaint for an additional sixty (60) sixty days to and including 9/28/92 (cc: all counsel) (old) (Entered: 07/31/1992)	
07/30/1992	15	SCHEDULING ORDER Magistrate Dennis L. Beck; Discovery Completed 4/30/93; dispositive motion deadline 7/12/93; non-dispositive motion deadline 5/14/93; Pretrial Conference 8/30/93 at 11:00; Jury Trial 10/5/93 at 10:00: Settlement Conference 5/21/93 at 10:30 (cc: all counsel) (old) (Entered: 08/03/199)	
08/14/1992	16	NOTICE by plaintiff Irene Zapata Martinez of taking deposition of Dr Mark Fabrizio on 8/31/92 9:30AM (lm) (Entered: 08/19/1992)	
09/02/1992	17	ORDER by Judge Coyle granting motion by defendant Tulare Co to dismiss [4-1] denying motion for more definite statement [4-2], granting motion to strike, it is a ordered that the Doe defendants are dismissed as improperly pleaded in a Federal action Coyle [4-3] (cc: all counsel) (lm) (Entered: 09/03/1992)	
09/11/1992	18	MOTION by plaintiff for relief before Judge Coyle set for 10/19/92 at 1:30 (ll) (Entered: 09/17/1992)	
09/11/1992	19	MEMORANDUM by plaintiff in support of motion for relief before Judge Coyle [18-1] (ll) (Entered: 09/17/1992)	
09/11/1992	20	EX PARTE APPLICATION by plaintiff for enlargement of time for service (ll) (Entered: 09/17/1992)	
09/11/1992	22	DECLARATION of Robert Chan in support of motion for relief before Judge Coy [18-1] (ll) (Entered: 09/17/1992)	
09/11/1992		LODGED Order granting ex parte application for enlargement of time for service (ll) (Entered: 09/17/1992)	
09/14/1992	23	ORDER by Judge Beck extending time to serve summons and complaint to 11/28/9 (cc: all counsel) (old) (Entered: 09/19/1992)	
09/22/1992	24	ANSWER by defendant County of Tulare (lm) (Entered: 09/23/1992)	
09/29/1992	25	NOTICE by Irene Zapata Martinez of entry of order granting ex parte application (old) (Entered: 10/01/1992)	
10/08/1992	26	MEMORANDUM of P/A by defendant County of Tulare in opposition to motion for relief before Judge Coyle [18-1] (lm) (Entered: 10/09/1992)	
10/13/1992	27	REPLY by plaintiff Irene Zapata Martinez re opposition to motion for relief from order[18-1] (lm) (Entered: 10/14/1992)	
10/19/1992	28	MINUTES of 10/19/92 that the motion for relief before Judge Coyle [18-1] is submitted (lm) (Entered: 10/20/1992)	
10/22/1992	29	ORDER by Judge Coyle denying motion for reconsideration before Judge Coyle [18-1] (cc: all counsel) (old) (Entered: 10/23/1992)	

11/03/1992		LODGED Proposed order granting ex parte application for an order shortening time re hearing on motion to compel from plaintiff (lm) (Entered: 11/05/1992)		
11/03/1992	30	MOTION by plaintiff to compel responses to interrogatories 1:30 11/23/92 (lm) (Entered: 11/05/1992)		
11/03/1992	31	DECLARATION of Robert Y Chan in support of ex parte application for order shortening time re motion to compel (lm) (Entered: 11/05/1992)		
11/03/1992	32	EX PARTE APPLICATION by plaintiff for an order shortening time re hearing or motion to compel. (lm) (Entered: 11/05/1992)		
11/12/1992	33	AMENDMENT by plaintiff Irene Zapata Martinez to motion to compel responses t interrogatories [30-1] (lm) (Entered: 11/12/1992)		
11/18/1992	34	STATEMENT by plaintiff of re interrogatory responses (lm) (Entered: 11/19/1992)		
11/24/1992	35	MINUTES of 11/23/92 granting motion to compel responses to interrogatories [30] Mr rozier ordered to provide information by wednesday, Mr chan to prepare order. (lm) (Entered: 11/25/1992)		
12/11/1992	36	ANSWER by defendants Robert Mathews, Steven Kennedy, Michael Strawser, Dennis McElhaney, Mario Krstic, Harold Hoffman, Jacob Huerta, Butch Coley (o (Entered: 12/14/1992)		
01/22/1993	37	NOTICE by defendant of taking deposition of Crystal Martinez on 2/19/93 @ 10:30 am (old) (Entered: 01/25/1993)		
01/22/1993	38	NOTICE by defendant of taking deposition of Eva Vasquez on 2/18/93 1:00 (old) (Entered: 01/25/1993)		
01/22/1993	39	NOTICE by defendant of taking deposition of Rachel Morales on 2/19/93 1:00 (o (Entered: 01/25/1993)		
01/22/1993	40	NOTICE by defendant of taking deposition of Sergio Gutierrez on 2/19/93 9:00 (old) (Entered: 01/25/1993)		
01/22/1993	41	NOTICE by defendant of taking deposition of Virginia Rodriguez on 2/17/93 3:00 (old) (Entered: 01/25/1993)		
01/22/1993	42	NOTICE by defendant of taking deposition of Hubert Vasquez on 2/18/93 3:00 (ol (Entered: 01/25/1993)		
01/22/1993	43	NOTICE by defendant of taking deposition of Margaret Leon on 2/17/93 9:00 (old) (Entered: 01/25/1993)		
01/22/1993	44	NOTICE by defendant of taking deposition of Pablo Reyes on 2/18/93 9:00 (old) (Entered: 01/25/1993)		
01/22/1993	45	NOTICE by defendant of taking deposition of Carmen Garcia on 2/17/93 11:00 (old) (Entered: 01/25/1993)		
01/22/1993	46	NOTICE by defendant of taking deposition of Anna Nevarez on 2/17/93 1:00 (old) (Entered: 01/25/1993)		
01/22/1993	47	NOTICE by defendant of taking deposition of Severa Contreras on 2/19/93 3:00 (old) (Entered: 01/25/1993)		
05/05/1993	48	DEPOSITION of Howard Spencer, Jr. taken on the following date(s): 2/16/93 (old) (Entered: 05/05/1993)		

05/05/1993	49	DEPOSITION of Eva Vasquez taken on the following date(s): 2/18/93 (old) (Entered: 05/05/1993)	
05/05/1993	50	DEPOSITION of Virginia Rodriguez taken on the following date(s): 2/18/93 (old) (Entered: 05/05/1993)	
05/05/1993	51	DEPOSITION of Rachel Morales taken on the following date(s): 2/18/93 (old) (Entered: 05/05/1993)	
05/05/1993	52	DEPOSITION of Mark Fabrizio taken on the following date(s): 8/31/92 (old) (Entered: 05/05/1993)	
05/05/1993	53	DEPOSITION of Melvin Coley taken on the following date(s): 2/16/93 (old) (Entered: 05/05/1993)	
05/05/1993	54	DEPOSITION of Gracie Johnson - vol. 1 - taken on the following date(s): 8/31/9 (old) (Entered: 05/05/1993)	
05/05/1993	55	DEPOSITION of Gracie Johnson - vol. 2 - taken on the following date(s): 10/1/92 (old) (Entered: 05/05/1993)	
05/05/1993	56	DEPOSITION of Donald G. Lane taken on the following date(s): 7/9/92 (old) (Entered: 05/05/1993)	
05/05/1993	57	DEPOSITION of Donald G. Lane - vol 2 - taken on the following date(s): 10/1/92 (old) (Entered: 05/05/1993)	
05/05/1993	58	DEPOSITION of Rudy Pollack taken on the following date(s): 10/1/92 (old) (Entered: 05/05/1993)	
05/24/1993	59	MINUTES of 5/21/93 before Magistrate Beck : ; Settlement Conference held no settlement5/24/93 C/R: (lm) (Entered: 05/24/1993)	
06/08/1993	60	NOTICE by defendant of taking deposition of Pablo Reyes on 6/22/93 3:00 (lm) (Entered: 06/08/1993)	
06/08/1993	61	STIPULATION and ORDER by Judge Coyle: consolidating cases 1:93-cv-5001 with member cases 1:93-cv-5236 (cc: all counsel) (lm) (Entered: 06/09/1993)	
06/08/1993	61	SCHEDULING ORDER Judge Coyle; Discovery 7/15/93; non-dispositive motion deadline 7/11/93; dispositive motion deadline 8/2/93:; Pretrial Conference 8/30/11:00; Jury Trial 10/5/93 10:00 (cc: all counsel) (lm) (Entered: 06/09/1993)	
08/30/1993	62	MINUTES of 8/30/93 before Magistrate Beck : ; Jury trial 10/5/93 10:00 ; Mtn filing ddl 9/3/93 reply due 9/9/93, motions in limine 9/20/93 1:30; jury instructions to court by 9/28/93 C/R: 3570 0001 2 of 2 (lm) (Entered: 08/31/1993)	
09/03/1993	63	MOTION in 1:93-cv-05001, and 1:92-cv-05236 in limine to exclude Hearsay, irrelevant, and by conclusory testimony by Margaret Leon by plaintiffs before REC 9/20/93 1:30 (lm) (Entered: 09/03/1993)	
09/03/1993	64	MOTION in limine to exclude testimony from Anna Nevarez by plaintiffs before REC 9/20/93 1:30 (lm) (Entered: 09/03/1993)	
09/03/1993	65	MOTION in limine to exclude evidence of meeting at Severa Contreras House by plaintiffs before REC 9/20/93 1:30 (lm) (Entered: 09/03/1993)	
09/03/1993	66	MOTION in limine to exclude written stastements made to Police by third parties, and police reports by plaintiffs before REC 9/20/93 1:30 (lm) (Entered: 09/03/1993)	

09/03/1993	67	MOTION in limine to exclude use of deposition testimony that has not been designated in advance by plaintiff before REC 9/20/93 1:30 (lm) (Entered: 09/03/1993)	
09/03/1993	68	MOTION in limine to exclude evidence of how third parties acted during the school board meeting by plaintiffs before REC 9/20/93 1:30 (lm) (Entered: 09/03/1993)	
09/03/1993	69	MOTION in limine to exclude testimony from proposed defense expert Jeff Hall by plaintiff before REC 9/20/93 1:30 (lm) (Entered: 09/03/1993)	
09/03/1993	70	DECLARATION of Arthur J Gonzalez support re motion in limine to exclude testimony from proposed defense expert Jeff Hall by plaintiff before REC [40] in 1:93-cv-05001, 1:92-cv-05236, re motion in limine to exclude evidence of how third parties acted during the school board meeting by plaintiffs before REC [39] in 1:93-cv-05001, 1:92-cv-05236, re motion in limine to exclude use of deposition testimony that has not been designated in advance by plaintiff before REC [38] in 1:93-cv-05001, 1:92-cv-05236, re motion in limine to exclude written stastements made to Police by third parties, and police reports by plaintiffs before REC [37] in 1:93-cv-05001, 1:92-cv-05236, re motion in limine to exclude evidence of meeting at Severa Contreras House by plaintiffs before REC [36] in 1:93-cv-05001, 1:92-cv-05236, re motion in limine to exclude testimony from Anna Nevarez by plaintiffs before REC [35] in 1:93-cv-05001, 1:92-cv-05236, re motion in limine to exclude Hearsay, irrelevant, and by conclusory testimony by Margaret Leon by plaintiffs before REC [34] in 1:93-cv-05001, 1:92-cv-05236 (lm) (Entered: 09/03/1993)	
09/03/1993	71	DECLARATION of Arturo J Gonzalez support re motion in limine to exclude Hearsay, irrelevant, and by conclusory testimony by Margaret Leon by plaintiffs before REC [34-1] in 1:93-cv-05001, 1:92-cv-05236 (lm) (Entered: 09/03/1993)	
09/03/1993	72	PROOF OF SERVICE by plaintiff in 1:93-cv-05001, plaintiff in 1:92-cv-05236 of declaration [42-1] in 1:93-cv-05001, 1:92-cv-05236, declaration [41] in 1:93-cv-05001, 1:92-cv-05236, motion in limine to exclude testimony from proposed defense expert Jeff Hall by plaintiff before REC [40] in 1:93-cv-05001, 1:92-cv-05236, motion in limine to exclude evidence of how third parties acted during the school board meeting by plaintiffs before REC [39] in 1:93-cv-05001, 1:92-cv-05236, motion in limine to exclude use of deposition testimony that has not been designated in advance by plaintiff before REC [38] in 1:93-cv-05001, 1:92-cv-05236, motion in limine to exclude written stastements made to Police by third parties, and police reports by plaintiffs before REC [37] in 1:93-cv-05001, 1:92-cv-05236, motion in limine to exclude evidence of meeting at Severa Contreras House by plaintiffs before REC [36] in 1:93-cv-05001, 1:92-cv-05236, motion in limine to exclude testimony from Anna Nevarez by plaintiffs before REC [35] in 1:93-cv-05001, 1:92-cv-05236 (lm) (Entered: 09/03/1993)	
09/03/1993	73	DECLARATION of Arturo J Gonzalez support re motion in limine to exclude Hearsay, irrelevant, and by conclusory testimony by Margaret Leon by plaintiffs before REC [34-1] in 1:93-cv-05001, 1:92-cv-05236 (lm) (Entered: 09/03/1993)	
09/03/1993	74	MOTION in limine No. 10 of defendants for order excluding reference to the personal political beliefs of individual defendants 10/5/93 10:00 (lm) (Entered: 09/03/1993)	
09/03/1993	75	MOTION in limine No 1 by defendants before Judge Coyle 10:00 10/5/93 #1 (old) (Entered: 09/07/1993)	
09/03/1993	76	MOTION in limine No 2 by defendants before Judge Coyle 10:00 10/5/93 #1 (old) Modified on 09/07/1993 (Entered: 09/07/1993)	

09/13/1993	77	LETTER from H. Nazaroff to counsel continuing hearing on motions in limine and Pretrial conf to 9/27/93 1:30 (old) (Entered: 09/16/1993)	
09/28/1993	78	MINUTES of 9/27/93 before Judge Coyle: that the motion in limine No. 10 of defendants for order excluding reference to the personal political beliefs of individual defendants [74] is submitted, that the motion in limine to exclude testimony from proposed defense expert Jeff Hall by plaintiff [69] is submitted, the motion in limine to exclude evidence of how third parties acted during the sc board meeting by plaintiffs [68] is submitted, that the motion in limine to exclude use of deposition testimony that has not been designated in advance by plaintiff is submitted, that the motion in limine to exclude written stastements made to Poby third parties, and police reports by plaintiffs [66] is submitted, that the motion limine to exclude evidence of meeting at Severa Contreras House by plaintiffs [6 is submitted, that the motion in limine to exclude Hearsay, irrelevant by conclusory testimony by Margaret Leon by plaintiffs [63] is submitted, the motion in limine No 2 by defendants [76] is submitted, that the motion in limine No 1 by defendants [75] is submitted C/R: G Thomas (lm) (Entered: 09/29/1993)	
09/30/1993	79	PROOF OF SERVICE by plaintiff in 1:92-cv-05236 of Designation of deposition testimony, designation of discovery, agreed stateement of the case, proposed voir dire, proposed instructions and proposed special verdict form (old) (Entered: 10/04/1993)	
10/26/1993	80	ORDER by Judge Coyle GRANTING motion in limine N0 6 of defendants for or limiting lay testimony by defendants [49] in 1:93-cv-05001, GRANTING motion limine No 8 of defendants for order excluding reference to injuries of non parties and alleged brutality of non parties. [48] in 1:93-cv-05001, GRANTING motion limine No 9 of defendant's for order excluding reference to radio transmission by defendants [46] in 1:93-cv-05001, DENYING motion in limine to exclude testim from proposed defense expert Jeff Hall by plaintiff [40] in 1:93-cv-05001, 1:92-cv-05236, in DENYING motion in limine to exclude use of deposition testimony that has not been designated in advance by plaintiff [38] in 1:93-cv-05001, 1:92-cv-05236, finding the motion in limine to exclude testimony from Anna Nevarez by plaintiffs [35] MOOT. (cc: all counsel) (old) (Entered: 10/29/1993)	
10/28/1993	81	RESPONSE by plaintiff to defendants' supplemental trial brief (old) (Entered: 11/02/1993)	
11/29/1993	82	NOTICE by defendant County of Tulare in 1:92-cv-05236, defendant Butch Coley in 1:92-cv-05236 of association of attorney James Richard Parrinello (lm) (Entered: 11/30/1993)	
11/07/1994	83	TRANSCRIPT DESIGNATION and Ordering Form for dates 5/24/93, 9/27/93, 1/25/94 (lm) (Entered: 11/08/1994)	
11/14/1994	84	SUPPLEMENTAL ORDER by Magistrate Judge Sandra Snyder-Hylton granting attorney's fees (cc: all counsel) (lm) (Entered: 11/16/1994)	
11/28/1994	85	NOTIFICATION by 9th Circuit of Appellate Docket Number 94-17033 (lm) (Entered: 11/30/1994)	
12/28/1994	86	TRANSCRIPT of 9/27/93 hearing on motion in limine by C/R G Thomas (lm) (Entered: 12/30/1994)	
12/30/1994	87	CERTIFICATE OF RECORD transmitted to 9th Circuit (notice sent) (lm) (Entered: 12/30/1994)	

05/02/1995	88	CLERK'S record on appeal transmitted to 9th Circuit original case file volumes 2 and certified copy of docket mailed to 9th Circuit (old) (Entered: 05/04/1995)	
08/28/1995	89	CERTIFIED COPY of judgment from 9th Circuit; appeals are dismissed (old) (Entered: 08/30/1995)	
04/26/1996	90	RECORD on appeal returned from 9th Circuit volumes 2 (old) (Entered: 04/29/1996)	
05/26/1999	<u>91</u>	STIPULATION AND ORDER by Magistrate Judge Sandra M. Snyder CASE DISMISSED with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) (cc: all counsel) (rab) (Entered: 05/27/1999)	

PACER Service Center				
Transaction Receipt				
08/06/2007 14:40:07				
PACER Login:	hs0328	Client Code:		
Description:	Docket Report	Search Criteria:	1:92-cv-05236-REC	
Billable Pages:	6	Cost:	0.48	