

**U.S. District Court
District of Oregon (Portland (3))
CIVIL DOCKET FOR CASE #: 3:07-cv-01677-PK**

Silvia v. Multnomah County et al
Assigned to: Magistrate Judge Paul Papak
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 11/08/2007
Date Terminated: 05/12/2009
Jury Demand: Plaintiff
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Riley Hinds

*both individually and on behalf of a class
of others similarly situated
TERMINATED: 11/19/2008*

represented by **Leonard Randolph Berman**
Law Office of Leonard R. Berman
4711 SW Huber Street
Suite E-3
Portland, OR 97219
(503) 473-8787
Fax: (503) 473-8787
Email: easyrabbi@yahoo.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Sandra Silvia

*both individually and on behalf of a class
of others similarly situated*

represented by **Leonard Randolph Berman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Alan Hakimoglu

*both individually and on behalf of a class
of others similarly situated
TERMINATED: 11/19/2008*

represented by **Leonard Randolph Berman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Thomas McCallum

*both individually and on behalf of a class
of others similarly situated
TERMINATED: 11/19/2008*

represented by **Leonard Randolph Berman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Amy Munson

*both individually and on behalf of a class
of others similarly situated
TERMINATED: 11/19/2008*

represented by **Leonard Randolph Berman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Michael B. McMullin

*both individually and on behalf of a class
of others similarly situated
TERMINATED: 11/19/2008*

represented by **Leonard Randolph Berman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Multnomah County

represented by **Stephen Lewis Madkour**
Clackamas County Counsel
2051 Kaen Road

Oregon City, OR 97045
 503-655-8362
 Fax: 503-742-5397
 Email: smadkour@co.clackamas.or.us
LEAD ATTORNEY

Agnes Sowle
 Clackamas County Counsel
 2051 Kaen Road
 Oregon City, OR 97045
 (503) 655-8362
 Fax: (503) 742-5397
 Email: asowle@co.clackamas.or.us

Defendant

Bernie Giusto

both individually and in his official capacity as Sheriff

represented by **Stephen Lewis Madkour**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Agnes Sowle
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

Deputy Diamond

personally

represented by **Stephen Lewis Madkour**
 (See above for address)
LEAD ATTORNEY

Defendant

Deputy Towers-Picton

personally

represented by **Stephen Lewis Madkour**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/08/2007	<u>1</u>	Complaint. Filing Fee in amount of \$350 collected. Receipt No. 18357 issued. Filed by Riley Hinds against Multnomah County, Bernie Giusto. (eo) (Entered: 11/09/2007)
11/08/2007	<u>2</u>	Discovery and Pretrial Scheduling Order and Notice of Case Assignment to the Honorable Paul Papak. Discovery is to be completed by 3/7/2008. Joint Alternate Dispute Resolution Report is due by 4/7/2008. Pretrial Order is due by 4/7/2008. Ordered by Judge Paul Papak. (eo) (Entered: 11/09/2007)
12/06/2007	<u>3</u>	Waiver of Service of Summons Returned Executed by Multnomah County waiver sent on 12/6/2007. Filed by all defendants. (Sowle, Agnes) (Entered: 12/06/2007)
12/13/2007	<u>4</u>	Notice of Association of Attorney. Filed by Multnomah County, Bernie Giusto. (Madkour, Stephen) (Entered: 12/13/2007)
01/22/2008	<u>5</u>	Answer to Complaint with Jury Demand <i>and Affirmative Defenses</i> . Filed by Multnomah County, Bernie Giusto. (Madkour, Stephen) (Entered: 01/22/2008)
01/23/2008	<u>6</u>	CIVIL MINUTES: Record of Order by Judge Paul Papak: Rule 16 Conference set for 2/19/2008 at 1:30PM in Chambers. Local Rules 16.2(b) and 26.1(a)(b) require that counsel confer prior to the conference. At the conference, counsel should be prepared to discuss the status of the case, relevant dates and deadlines, and any other significant issues. If consents are going to be filed, it is helpful if they are filed prior to the time of the conference, particularly if a firm trial date is desired. (gm) (Entered: 01/23/2008)

02/19/2008	<u>7</u>	CIVIL MINUTES: Record of Proceedings before Judge Paul Papak: Rule 16 Conference held 2/19/08. Order Resetting the following deadline: Discovery to be completed by 8/8/2008. Order: Setting a further Telephone Scheduling Conference for 8/4/2008 at 10:00AM in Chambers. The Court will initiate the call to counsel. Leonard Berman present as counsel for plaintiff(s). Stephen Madkour present as counsel for defendant(s). Court Reporter: (None). (gm) (Entered: 02/20/2008)
06/19/2008	<u>8</u>	Motion for Leave to File Amended Complaint/Petition. Filed by all plaintiffs. (Attachments: # <u>1</u> Exhibit Proposed Amended Complaint) (Berman, Leonard) (Entered: 06/19/2008)
06/19/2008	<u>9</u>	Declaration of Leonard Berman. Filed by all plaintiffs. (Related document(s): Motion for Leave to File Amended Complaint/Petition <u>8</u> .) (Berman, Leonard) (Entered: 06/19/2008)
06/20/2008	<u>10</u>	CIVIL MINUTES: Record of Order by Judge Paul Papak: Setting Plaintiff's Motion for Leave to File Amended Complaint <u>8</u> on the under advisement calendar of 7/21/2008. (gm) (Entered: 06/20/2008)
06/23/2008	<u>11</u>	Response to Motion for Leave to File Amended Complaint/Petition <u>8</u> Oral Argument requested. Filed by Multnomah County, Bernie Giusto. (Madkour, Stephen) (Entered: 06/23/2008)
06/23/2008	<u>12</u>	CIVIL MINUTES: Record of Order by Judge Paul Papak: Resetting Plaintiff's Motion for Leave to File Amended Complaint <u>8</u> from the Under Advisement Calendar of 7/21/2008 to the Oral Argument Calendar of 7/23/2008 at 10:00AM in Courtroom 10-B. (gm) (Entered: 06/24/2008)
07/21/2008	<u>13</u>	Motion for Leave <i>To File Revised Amended Complaint</i> . Oral requested. Filed by all plaintiffs. (Berman, Leonard) (Entered: 07/21/2008)
07/21/2008	<u>14</u>	Declaration of Leonard Berman. Filed by all plaintiffs. (Related document(s): Motion for Leave <u>13</u> .) (Attachments: # <u>1</u> Exhibit Exhibit A) (Berman, Leonard) (Entered: 07/21/2008)
07/23/2008	<u>15</u>	Amended Complaint. Filed by Riley Hinds against all defendants. (Berman, Leonard) (Entered: 07/23/2008)
07/23/2008	<u>16</u>	CIVIL MINUTES: Record of Proceedings before Judge Paul Papak: Oral Argument held 7/23/08. Order: Plaintiff's Motion for Leave to Amend Complaint <u>8</u> and Plaintiff's Motion for Leave to File Revised Amended Complaint <u>13</u> are Granted. Plaintiff will have until 7/25/2008 to file his revised amended complaint. Order Resetting the following deadlines: Discovery is to be completed by 9/22/2008. Dispositive Motions are due by 9/22/2008. Written consents, if any, should be submitted by 9/22/2008. Pretrial Order deadline will be reset at a later date, if necessary. Order: Striking the Telephone Scheduling Conference of 8/4/2008 at 10:00AM. Leonard Berman present as counsel for plaintiff(s). Stephen Madkour present as counsel for defendant(s). Court Reporter: Dennis Apodaca. (gm) (Entered: 07/23/2008)
07/28/2008	<u>17</u>	Answer to Amended Complaint. Filed by Multnomah County, Bernie Giusto. (Madkour, Stephen) (Entered: 07/28/2008)
09/03/2008	<u>18</u>	Motion for Summary Judgment. Oral Argument requested. Filed by Multnomah County, Bernie Giusto. (Madkour, Stephen) (Entered: 09/03/2008)
09/03/2008	<u>19</u>	Memorandum in Support of <i>Motion for Summary Judgment</i> . Filed by Multnomah County, Bernie Giusto. (Related document(s): Motion for Summary Judgment <u>18</u> .) (Madkour, Stephen) (Entered: 09/03/2008)
09/03/2008	<u>20</u>	Concise Statement of Material Fact <i>in Support of Motion for Summary Judgment</i> . Filed by Multnomah County, Bernie Giusto. (Related document(s): Motion for Summary Judgment <u>18</u> .) (Madkour, Stephen) (Entered: 09/03/2008)
09/03/2008	<u>21</u>	Declaration of Chief Deputy Ron Bishop <i>in Support of Motion for Summary Judgment</i> . Filed by Multnomah County, Bernie Giusto. (Related document(s): Motion for Summary Judgment <u>18</u> .) (Attachments: # <u>1</u> Exhibit Exhibits 101, 102 and 103) (Madkour, Stephen) (Entered: 09/03/2008)

09/03/2008	<u>22</u>	Declaration of Lieutenant Andrew Brosh <i>in Support of Motion for Summary Judgment</i> . Filed by Multnomah County, Bernie Giusto. (Related document(s): Motion for Summary Judgment <u>18</u> .) (Attachments: # <u>1</u> Exhibit 104) (Madkour, Stephen) (Entered: 09/03/2008)
09/03/2008	23	CIVIL MINUTES: Record of Order by Judge Paul Papak: Setting Defendants' Motion for Summary Judgment <u>18</u> on the Oral Argument Calendar of 10/14/2008 at 10:30AM in Courtroom 10-B. (gm) (Entered: 09/03/2008)
09/17/2008	24	CIVIL MINUTES: Record of Order by Judge Paul Papak: Setting a Telephone Conference for 9/22/2008 at 11:00AM in Chambers. The Court will initiate the call to counsel. Order: Counsel shall submit brief e-mail summaries of disputed issues (using the Courtroom Deputy's e-mail address) no later than <u>noon</u> on 9/19/2008. (gm) (Entered: 09/17/2008)
09/18/2008	<u>25</u>	Motion for Extension of Discovery & PTO Deadlines <i>Re Rule 56 (F) Motion</i> . Oral Argument requested. Filed by all plaintiffs. (Berman, Leonard) (Entered: 09/18/2008)
09/18/2008	<u>26</u>	Declaration of Leonard Berman. Filed by all plaintiffs. (Related document(s): Motion for Extension of Discovery & PTO Deadlines <u>25</u> .) (Berman, Leonard) (Entered: 09/18/2008)
09/18/2008	<u>27</u>	Memorandum in Support. Filed by all plaintiffs. (Related document(s): Motion for Extension of Discovery & PTO Deadlines <u>25</u> .) (Berman, Leonard) (Entered: 09/18/2008)
09/22/2008	28	CIVIL MINUTES: Record of Order by Judge Paul Papak: Telephone Conference held 9/22/08. Order: Plaintiff's Motion for Extension of Time <u>25</u> is Granted as follows and as modified: Discovery is to be completed by 11/17/2008. Responses to Dispositive Motions are due by 12/5/2008. Order: Setting another Telephone Conference re: dispositive motion briefing schedule for 12/8/2008 at 10:30AM in Chambers. The Court will initiate the call to counsel. Order: Striking the Oral Argument of 10/14/2008 at 10:30AM re: Defendant's Motion for Summary Judgment <u>18</u> . This motion will be reset at a later date. Leonard Berman present as counsel for plaintiff(s). Stephen Madkour present as counsel for defendant(s). Court Reporter: (None). (gm) (Entered: 09/22/2008)
11/18/2008	<u>29</u>	Unopposed Motion to Dismiss <i>Select Plaintiffs Voluntarily</i> . Filed by all plaintiffs. (Berman, Leonard) (Entered: 11/18/2008)
11/19/2008	<u>30</u>	ORDER OF DISMISSAL AS TO PLAINTIFFS HINDS, HAKIMOGLU, MCCALLUM, MUNSON AND MCMULLIN (ONLY): Plaintiffs' Voluntary Motion to Dismiss Individual Plaintiffs <u>29</u> is Granted. Plaintiffs Riley Hinds, Alan Hakimoglu, Thomas McCallum, Amy Munson and Michael B. McMullin are hereby Dismissed without prejudice. Signed on 11/19/08 by Judge Ancer L. Haggerty. (gm) (Entered: 11/19/2008)
11/25/2008	<u>31</u>	Motion for Leave to File Amended Complaint/Petition <i>2D</i> . Oral Argument requested. Filed by Sandra Silvia. (Attachments: # <u>1</u> Exhibit Exhibit A) (Berman, Leonard) (Entered: 11/25/2008)
11/25/2008	<u>32</u>	Declaration of Leonard Berman. Filed by Sandra Silvia. (Related document(s): Motion for Leave to File Amended Complaint/Petition <u>31</u> .) (Berman, Leonard) (Entered: 11/25/2008)
11/26/2008	33	CIVIL MINUTES: Record of Order by Judge Paul Papak: Granting Plaintiff's unopposed Motion for Leave to File Second Amended Complaint <u>31</u> . Plaintiff shall promptly file the amended complaint entitled "Second Amended Complaint." The case caption shall reflect the second amended complaint and any future filings shall reflect the new caption <u>Silva v. Multnomah County, et al.</u> (gm) (Entered: 11/26/2008)
12/02/2008	<u>34</u>	Motion for Leave to File Amended Complaint/Petition <i>Revised</i> . Oral Argument requested. Filed by Sandra Silvia. (Berman, Leonard) (Entered: 12/02/2008)
12/02/2008	35	CIVIL MINUTES: Record of Order by Judge Paul Papak: Setting a Telephone Conference re: Plaintiff's pending Revised Motion for Leave to File Second

		Amended Complaint <u>34</u> for 12/8/2008 at 10:30AM in Chambers (at the time set for a conference re: dispositive motion briefing schedule). The Court will initiate the call to counsel. (gm) (Entered: 12/03/2008)
12/03/2008	<u>36</u>	Response to Motion for Leave to File Amended Complaint/Petition <i>Revised</i> <u>34</u> . Filed by Multnomah County, Bernie Giusto. (Madkour, Stephen) (Entered: 12/03/2008)
12/08/2008	<u>37</u>	Second Amended Complaint. Filed by Sandra Silvia against all defendants. (Berman, Leonard) (Entered: 12/08/2008)
12/08/2008	<u>38</u>	CIVIL MINUTES: Record of Proceedings before Judge Paul Papak: Telephone Conference held 12/8/08. Order: Plaintiff's Revised Motion for Leave to File Second Amended Complaint <u>34</u> is Granted. Plaintiff shall promptly file the Second Amended Complaint. Order Resetting the following deadlines: Discovery to be completed by 4/10/2009. Dispositive Motions are due by 4/30/2009. Leonard Berman present as counsel for plaintiff(s). Stephen Madkour present as counsel for defendant(s). Court Reporter: (None). (gm) (Entered: 12/08/2008)
12/11/2008	<u>39</u>	Motion <i>to Withdraw Motion for Summary Judgment</i> . Filed by Deputy Diamond, Deputy Towers–Picton, Multnomah County, Bernie Giusto. (Attachments: # <u>1</u> Proposed Order Allowing Defendants to Withdraw Motion for Summary Judgment) (Madkour, Stephen) (Entered: 12/11/2008)
12/12/2008	<u>40</u>	ORDER: Granting Defendants' Motion to Withdraw Motion for Summary Judgment <u>39</u> : Defendants' Motion for Summary Judgment <u>18</u> is Withdrawn. Signed on 12/12/08 by Judge Paul Papak. (gm) (Entered: 12/12/2008)
02/04/2009	<u>41</u>	Answer to Amended Complaint <i>Answer and Affirmative Defenses to Second Amended Complaint</i> . Filed by Deputy Diamond, Deputy Towers–Picton, Multnomah County, Bernie Giusto. (Madkour, Stephen) (Entered: 02/04/2009)
02/25/2009	<u>42</u>	CIVIL MINUTES: Record of Order by Judge Paul Papak: Setting a Telephone Conference re: fees dispute for 3/4/2009 at 10:30AM in Chambers. The Court will initiate the call to counsel. (gm) (Entered: 02/25/2009)
03/04/2009	<u>43</u>	CIVIL MINUTES: Record of Proceedings before Judge Paul Papak: Telephone Conference held 3/4/09. Order: Plaintiff shall file a formal motion for fees by 3/10/2009. Leonard Berman present as counsel for plaintiff(s). Stephen Madkour present as counsel for defendant(s). Court Reporter: (None). (gm) (Entered: 03/04/2009)
03/10/2009	<u>44</u>	Motion for Attorney Fees. Filed by all plaintiffs. (Berman, Leonard) (Entered: 03/10/2009)
03/10/2009	<u>45</u>	Memorandum in Support. Filed by all plaintiffs. (Related document(s): Motion for Attorney Fees <u>44</u> .) (Berman, Leonard) (Entered: 03/10/2009)
03/10/2009	<u>46</u>	Declaration of Leonard R. Berman. Filed by all plaintiffs. (Related document(s): Motion for Attorney Fees <u>44</u> .) (Attachments: # <u>1</u> Exhibit 1. Billing statment) (Berman, Leonard) (Entered: 03/10/2009)
03/10/2009	<u>47</u>	CIVIL MINUTES: Record of Order by Judge Paul Papak: Setting Plaintiff's Motion for Attorney Fees <u>44</u> on the under advisement calendar of 4/13/2009. (gm) (Entered: 03/11/2009)
03/20/2009	<u>48</u>	Memorandum in Opposition (<i>Defendants' Objections</i>) to Motion for Attorney Fees <u>44</u> . Filed by Deputy Diamond, Deputy Towers–Picton, Multnomah County, Bernie Giusto. (Madkour, Stephen) (Entered: 03/20/2009)
03/20/2009	<u>49</u>	Declaration of Stephen L. Madkour <i>in Support of Defendants' Objections to Plaintiff's Motion for Attorney Fees</i> . Filed by Deputy Diamond, Deputy Towers–Picton, Multnomah County, Bernie Giusto. (Related document(s): Motion for Attorney Fees <u>44</u> .) (Attachments: # <u>1</u> Exhibit 101, # <u>2</u> Exhibit 102, # <u>3</u> Exhibit 103, # <u>4</u> Exhibit 104) (Madkour, Stephen) (Entered: 03/20/2009)
04/29/2009	<u>50</u>	OPINION & ORDER: Granting in Part and Denying in Part Plaintiff's Motion for Attorney Fees <u>44</u> . Plaintiff's counsel may recover \$3,975.00 in fees. Signed on 4/29/09 by Judge Paul Papak. (gm) (Entered: 04/29/2009)

05/08/2009	<u>51</u>	Accepted Offer of Judgment. Filed by Deputy Diamond, Deputy Towers–Picton, Multnomah County, Bernie Giusto. (Madkour, Stephen) (Entered: 05/08/2009)
05/12/2009	<u>52</u>	Judgment: It is Ordered and Adjudged that judgment is entered in favor of Plaintiff and against Defendants Multnomah County, Bernie Giusto, Deputy Diamond and Deputy Towers–Picton in the sum of \$5,001.01, plus reasonable, legally recoverable attorney fees and costs incurred by the Plaintiff through the date of service of their accepted Offer to Allow Judgment. Recoverable costs and attorney fees shall be determined by the Court in accordance with Fed. R. Civ. P. 54, and LR 54. Pending motions, if any, are Denied as Moot. Signed on 5/12/09 by Judge Ancer L. Haggerty. (gm) (Entered: 05/12/2009)
05/13/2009	<u>53</u>	Amended Judgment: It is Ordered and Adjudged that judgment is entered in favor of Plaintiff and against Defendants Multnomah County, Bernie Giusto, Deputy Diamond and Deputy Towers–Picton in the sum of \$5,001.01, plus reasonable, legally recoverable attorney fees and costs incurred by the Plaintiff through the date of service of their accepted Offer to Allow Judgment. Recoverable costs and attorney fees shall be determined by the Court in accordance with Fed. R. Civ. P. 54, and LR 54. Pending motions, if any, are Denied as Moot. Signed on 5/13/09 by Judge Ancer L. Haggerty. (<i>Original judgment amended to correct spelling of Plaintiff's last name.</i>) (gm) (Entered: 05/14/2009)
07/28/2009	<u>54</u>	Motion for Leave <i>To File Untimely Cost Bill</i> . Filed by Sandra Silvia. (Berman, Leonard) (Entered: 07/28/2009)
07/28/2009	<u>55</u>	Declaration of Leonard R. Berman. Filed by Sandra Silvia. (Related document(s): Motion for Leave <u>54</u> .) (Berman, Leonard) (Entered: 07/28/2009)
07/30/2009	<u>56</u>	Response in Opposition to Motion for Leave <i>To File Untimely Cost Bill</i> <u>54</u> . Filed by Deputy Diamond, Deputy Towers–Picton, Multnomah County, Bernie Giusto. (Madkour, Stephen) (Entered: 07/30/2009)
07/30/2009	<u>57</u>	Declaration of Stephen L. Madkour <i>in Support of Defendants' Objections to Motion for Leave to File Untimely Costs Bill</i> . Filed by Deputy Diamond, Deputy Towers–Picton, Multnomah County, Bernie Giusto. (Related document(s): Motion for Leave <u>54</u> .) (Attachments: # <u>1</u> Exhibit Exhibits 101, 102, 103, 104, 105, 106, 107, 108) (Madkour, Stephen) (Entered: 07/30/2009)
07/30/2009	58	CIVIL MINUTES: Record of Order by Judge Paul Papak: Setting Plaintiff's Motion for Leave To File Untimely Bill of Costs <u>54</u> on the under advisement calendar of 8/17/2009. (gm) (Entered: 07/30/2009)
08/12/2009	<u>59</u>	Reply <i>to Response to Motion for Leave To File Untimely Cost Bill</i> <u>54</u> . Filed by Sandra Silvia. (Berman, Leonard) (Entered: 08/12/2009)
08/19/2009	<u>60</u>	OPINION & ORDER: Plaintiff's Motion for Leave to File an Untimely Bill of Costs <u>54</u> is Denied. Signed on 8/19/09 by Judge Paul Papak. (gm) (Entered: 08/19/2009)