

CONSENT, FRC, TERMINATED

**U.S. District Court  
District of Oregon (Portland)  
CIVIL DOCKET FOR CASE #: 3:00-cv-00078-ST**

Staley et al v. Kulongoski, et al  
Assigned to: Magistrate Judge Janice M. Stewart  
Cause: 42:12101 Americans with Disabilities Act

Date Filed: 01/14/2000  
Date Terminated: 12/14/2000  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**James Staley**  
*by & through his mother & next friend*

represented by **Edward Johnson**  
Oregon Law Center  
State Support Unit  
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Portland, OR 97205  
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**ATTORNEY TO BE NOTICED**

**James A. Wrigley**  
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**ATTORNEY TO BE NOTICED**

**Robert C. Weaver , Jr.**  
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**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Karen Staley**

represented by **Edward Johnson**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**James A. Wrigley**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Robert C. Weaver , Jr.**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Brandie Evans**  
*by & through her mother & next friend*

represented by **Edward Johnson**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**James A. Wrigley**

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

**Robert C. Weaver , Jr.**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Brena Flota**

represented by **Edward Johnson**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**James A. Wrigley**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Robert C. Weaver , Jr.**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Helen Healy**

*by &through her mother &next friend*

represented by **Edward Johnson**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**James A. Wrigley**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Robert C. Weaver , Jr.**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Susan Schrepping**

represented by **Edward Johnson**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**James A. Wrigley**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Robert C. Weaver , Jr.**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Tara Peters**

*by &through her mother &next friend*

represented by **Edward Johnson**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**James A. Wrigley**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Robert C. Weaver , Jr.**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Chris Kannier**

represented by **Edward Johnson**  
(See above for address)

ATTORNEY TO BE NOTICED

**James A. Wrigley**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Robert C. Weaver , Jr.**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Plaintiff**

**John Duffield**  
*by &through his mother &guardian*

represented by **Edward Johnson**  
(See above for address)  
ATTORNEY TO BE NOTICED

**James A. Wrigley**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Robert C. Weaver , Jr.**  
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ATTORNEY TO BE NOTICED

**Plaintiff**

**Laurie Duffield**

represented by **Edward Johnson**  
(See above for address)  
ATTORNEY TO BE NOTICED

**James A. Wrigley**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Robert C. Weaver , Jr.**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Plaintiff**

**Molly Drummond**  
*by &through her mother &guardian*

represented by **Edward Johnson**  
(See above for address)  
ATTORNEY TO BE NOTICED

**James A. Wrigley**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Robert C. Weaver , Jr.**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Plaintiff**

**Diann Drummond**

represented by **Edward Johnson**  
(See above for address)  
ATTORNEY TO BE NOTICED

**James A. Wrigley**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Robert C. Weaver , Jr.**  
(See above for address)  
ATTORNEY TO BE NOTICED

**Plaintiff****ARC of Oregon, Inc.**

represented by **Edward Johnson**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**James A. Wrigley**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Robert C. Weaver , Jr.**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****John Kitzhaber**

*Govenor of the State of Oregon,  
 individually &in his official capacity  
 TERMINATED: 01/14/2004*

represented by **Stephen K. Bushong**  
 State of Oregon Department of Justice  
 Trial Division  
 1162 Court Street, NE  
 Salem, OR 97301-4096  
 (503) 378-6313  
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 Email: [Stephen.bushong@state.or.us](mailto:Stephen.bushong@state.or.us)  
**ATTORNEY TO BE NOTICED**

**Defendant****Gary Weeks**

*Director of the Oregon Department of  
 Human Resources, individually &in his  
 official capacity  
 TERMINATED: 01/14/2004*

represented by **Stephen K. Bushong**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant****Oregon Department of Human Resources**

represented by **Stephen K. Bushong**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant****Governor Theodore Kulongoski**

*Governor of the State of Oregon,  
 individually &in his official capacity*

represented by **Stephen K. Bushong**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant****Jean Thorne**

*Director of the Oregon Department of  
 Human Resources, individuall &in his  
 official capacity*

represented by **Stephen K. Bushong**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
01/14/2000	<u>1</u>	Complaint for Declaratory & Injunctive Relief against John Kitzhaber, Oregon Department of Human Resources, Gary Weeks. Filing fee collected. Receipt No.: #427642 issued. Filed by Diann Drummond, Molly Drummond, John Duffield, Laurie Duffield, Brandie Evans, Brena Flota, Helen Healy, Chris Kannier, Tara Peters, Susan Schrepping, James Staley, Karen Staley (Kirk, ) (Entered: 01/18/2000)

01/14/2000	<u>2</u>	Discovery and Pretrial Scheduling Order: Discovery to be completed by 5/13/2000, Pre-Trial Order lodged by 6/12/2000, (Kirk, ) (Entered: 01/18/2000)
02/02/2000	<u>3</u>	Amended Complaint for <i>Declaratory &amp; Injunctive Relief</i> against John Kitzhaber, Oregon Department of Human Resources, Gary Weeks. (related document(s) <u>1</u> ) Filed by Diann Drummond, Molly Drummond, John Duffield, Laurie Duffield, Brandie Evans, Brena Flota, Helen Healy, Chris Kannier, Tara Peters, Susan Schrepping, James Staley, Karen Staley (Kirk, ) (Entered: 02/03/2000)
02/04/2000	<u>4</u>	Return of Service Executed upon OR Dept of Human Resources on 1/18/00. Filed by all plaintiffs. (Kirk, ) (Entered: 02/07/2000)
02/04/2000	<u>5</u>	Return of Service Executed upon John Kitzhaber on 1/18/00. Filed by all plaintiffs. (Kirk, ) (Entered: 02/07/2000)
02/04/2000	<u>6</u>	Return of Service Executed upon John Kitzhaber as Govenor of the State of Oregon on 1/18/00. Filed by all plaintiffs. (Kirk, ) (Entered: 02/07/2000)
02/04/2000	<u>7</u>	Return of Service Executed upon Gary Weeks, individually on 1/18/00. Filed by all plaintiffs. (Kirk, ) (Entered: 02/07/2000)
02/04/2000	<u>8</u>	Return of Service Executed upon Gary Weeks, in his official capacity as Director of Oregon Department of Human Resources on 1/18/00. Filed by all plaintiffs. (Kirk, ) (Entered: 02/07/2000)
02/25/2000	<u>9</u>	Attorney Appearance: <i>Notice of Appearance by Stephen K. Bushone, Assistant Attorney General representing Defendants</i> . Filed by all defendants. (Kirk, ) (Entered: 02/25/2000)
02/29/2000	<u>10</u>	Stipulation and Order staying further proceedings in this case until April 10, 2000, Signed 2/28/00 by Judge Janice M. Stewart. (Ausbie, Donna) (Entered: 02/29/2000)
04/10/2000	<u>11</u>	Stipulated Motion for Stay <i>Extending Stay of Proceedings</i> . Response due by 4/24/2000. Filed by all defendants. (Kirk, ) (Entered: 04/11/2000)
04/12/2000	<u>12</u>	Record of Order by Judge Stewart – Granting Stipulated Motion for extension of stay (to May 10, 2000) (Related Doc # <u>11</u> ). (Ausbie, Donna) (Entered: 04/12/2000)
05/09/2000	<u>13</u>	Stipulated Motion for Stay <i>Second Stipulation to Extend Stay of Proceedings</i> . Response due by 5/23/2000. Filed by all defendants. (Kirk, ) (Entered: 05/09/2000)
05/10/2000	<u>14</u>	Record of Order by Judge Stewart: Granting Second Stipulation Extending Stay of proceedings to June 12, 2000. (Related Doc # <u>13</u> ). (Ausbie, Donna) (Entered: 05/10/2000)
06/09/2000	<u>15</u>	Stipulation <i>Permitting Plaintiffs to File Second Amended Complaint</i> . Filed by all plaintiffs. (Kirk, ) (Entered: 06/12/2000)
06/09/2000	<u>16</u>	Amended Complaint for <i>Declaratory &amp; Injunctive Relief</i> against John Kitzhaber, Oregon Department of Human Resources, Gary Weeks. (related document(s) <u>3</u> ) Filed by ARC of Oregon, Diann Drummond, Molly Drummond, John Duffield, Laurie Duffield, Brandie Evans, Brena Flota, Helen Healy, Chris Kannier, Tara Peters, Susan Schrepping, James Staley, Karen Staley (Kirk, ) (Entered: 06/12/2000)
06/14/2000	<u>17</u>	Record of Order by Judge Janice M. Stewart. Granting stipulation permitting Plaintiffs to file 2nd amended complaint. (related document(s) <u>15</u> ) (Ausbie, Donna) (Entered: 06/14/2000)
06/20/2000	<u>18</u>	Record of Order by Judge Janice M. Stewart: Setting Rule 16 Conference for 6/30/2000 at 02:30PM by Telephone. (Ausbie, Donna) (Entered: 06/21/2000)
06/23/2000	<u>19</u>	Answer to Amended Complaint & <i>Affirmative Defenses</i> . (Related Doc # <u>16</u> ) Filed by John Kitzhaber, Oregon Department of Human Resources, Gary Weeks. (Kirk, ) (Entered: 06/27/2000)
06/30/2000	<u>20</u>	Record of Proceedings before Judge Janice M. Stewart. Striking the discovery deadline and pretrial order due date and setting a Status Conference for 10/2/2000

		at 09:30AM by Telephone. stewart2. (Entered: 06/30/2000)
09/12/2000	<u>21</u>	Record of status conference. Order: In order to pursue class certification, plaintiffs granted leave to file 3rd Amended Complaint. Signed September 12, 2000 by Judge Janice M. Stewart. Stewart2. (Entered: 09/12/2000)
09/12/2000	<u>22</u>	Motion to Withdraw or Substitute an Attorney by <i>Legal Aid Services of Oregon</i> . Response due by 9/26/2000. Filed by all plaintiffs. (Kirk, ) (Entered: 09/14/2000)
09/14/2000	<u>23</u>	Record of Order by Judge Stewart – Granting Motion to Withdraw as counsel for plaintiffs by Legal Aid Services of Oregon, (Related Doc # <u>22</u> ). (da, ) (Entered: 09/15/2000)
09/20/2000	<u>24</u>	Third Amended Complaint for <i>Declaratory &amp; Injunctive Relief &amp; Class Action Allegation</i> against John Kitzhaber, Oregon Department of Human Resources, Gary Weeks. (related document(s) <u>16</u> ) Filed by ARC of Oregon, Diann Drummond, Molly Drummond, John Duffield, Laurie Duffield, Brandie Evans, Brena Flota, Helen Healy, Chris Kannier, Tara Peters, Susan Schrepping, James Staley, Karen Staley (Kirk, ) (Entered: 09/21/2000)
09/20/2000	<u>25</u>	Stipulation to Amendment of Complaint. (related document(s) <u>24</u> ) Filed by all plaintiffs. (Kirk, ) (Entered: 09/21/2000)
09/20/2000	<u>26</u>	Motion for Order <i>Certifying a Settlement Class &amp; for Preliminary Approval of Class Action Settlement</i> . Response due by 10/4/2000. Filed by all plaintiffs. (Kirk, ) (Entered: 09/21/2000)
09/20/2000	<u>27</u>	Memorandum in Support of Law in Support of Motion for An Order <i>Certifying A Settlement Class &amp; for Preliminary Approval of Class Action Settlement</i> . Filed by all plaintiffs. (Related motion(s) <u>26</u> ) (Kirk, ) (Entered: 09/21/2000)
09/25/2000	<u>28</u>	Full Consent by all parties to all further proceedings before a US Magistrate Judge. (Kirk, ) (Entered: 09/25/2000)
09/25/2000	<u>29</u>	Record of Order by Judge Stewart: Granting stipulation to amendment of complaint, #25. ORDER – Plaintiffs' motion for an order certifying a settlement class and for preliminary approval of class action settlement, (related document(s) <u>26</u> ) will be taken under advisement by Judge Stewart on 10/23/2000. (da, ) (Entered: 09/26/2000)
09/29/2000	<u>30</u>	Record of Order by Judge Stewart: Striking the status conference on Monday, 10/2/2000, as moot. (da, ) (Entered: 09/29/2000)
10/30/2000	<u>31</u>	Order Granting Motion for Order Certifying Settlement Class and for Preliminary Approval of Class Action Settlement (Related Doc # <u>26</u> ). Signed October 27, 2000 by Judge Janice M. Stewart. Stewart2. (Entered: 10/30/2000)
10/30/2000	<u>32</u>	Record of Order by Judge Janice M. Stewart: ORDER CERTIFYING SETTLEMENT CLASS AND PRELIMINARILY APPROVING SETTLEMENT, APPROVING CLASS NOTICE AND SCHEDULING FAIRNESS HEARING. Hearing set for 12/14/2000 at 09:30 AM in Portland. (stewart2, ) (Entered: 10/30/2000)
11/27/2000	<u>33</u>	Stipulation and Order setting time for plaintiffs to file motion for attorneys' fees and expenses and bill of costs. Based on the stipulation of the parties, it is hereby ordered that plaintiffs may file a motion for attorneys' fees and expenses and a bill of costs within thirty (30) days of entry of judgment approving the settlement in this case. Signed 11/22/2000 by Judge Janice M. Stewart. (da, ) (Entered: 11/27/2000)
12/06/2000	<u>34</u>	Record of Order by Judge Janice M. Stewart: Setting a Status Conference for 12/12/2000 at 09:00AM by telephone. (da, ) (Entered: 12/06/2000)
12/12/2000	<u>35</u>	Motion to Certify the Class <i>Motion for Final Approval of Class Action Settlement &amp; Dismissal of Case</i> . Response due by 12/26/2000. Filed by all plaintiffs. (Kirk, ) (Entered: 12/13/2000)
12/14/2000	<u>36</u>	Record of fairness hearing re: Class Action Settlement Approval. ORDER: Plaintiff's Motion for Final Approval of Class Action Settlement and Dismissal of



		Case is GRANTED,(Related Doc # <u>35</u> . The Court grants approval of the final settlement and the case is dismissed subject to the Court retaining jurisdiction for purposes of enforcing the settlement agreement. (da, ) (Entered: 12/14/2000)
12/14/2000	<u>37</u>	Order Granting Final approval of class settlement and dismissing class claims.Final approval is given to the Settlement Agreement. The claims set forth in the Third Amended Complaint in this case are dismissed, subject to the Court retaining jurisdiction solely for the purpose of enforcing compliance with the Settlement Agreement. As previously ordered pursuant to a stipulation of the parties, plaintiffs may file a motion for award of attorneys' fees and expenses and a bill of costs within thirty days of entry of judgment.Signed 12/14/2000 by Judge Janice M. Stewart. (da, ) (Entered: 12/14/2000)
12/14/2000	<u>38</u>	Judgment: The court has granted final approval to the Settlement Agreement. Pursuant to section VIIIF.2 of the Settlement Agreement, this action is hereby DISMISSED, subject to the court's limited retention of jurisdiction solely for the purpose of enforcing compliance with the Settlement Agreement. Signed 12/14/2000 by Judge Janice M. Stewart. (related document(s) <u>24</u> ) (da, ) (Entered: 12/14/2000)
12/14/2000	<u>39</u>	Affidavit of <i>Jack A. Morgan</i> . Filed by all defendants. (Kirk, ) (Entered: 12/18/2000)
10/30/2003	<u>41</u>	Joint Motion for Order <i>Granting Preliminary Approval of Settlement Modification Agreement</i> . Filed by all defendants. (Kirk, ) (Entered: 10/31/2003)
10/30/2003	<u>42</u>	Memorandum in Support of <i>Joint Motion for an Order Granting Approval of Settlement Modification Agreement</i> . Filed by all plaintiffs. (Related document(s) <u>41</u> ) (Kirk, ) (Entered: 10/31/2003)
10/31/2003	<u>40</u>	Memorandum in Support of <i>Motion for Approval of Modification of Settlement Agreement</i> . Filed by all defendants. (Bushong, Stephen) (Entered: 10/31/2003)
11/05/2003	43	<b>CIVIL MINUTES:</b> Record of Order by Judge Stewart – Setting a telephone conference call before Judge Stewart on 11/7/2003 at 03:15 PM to discuss dates for the Joint motion for an order granting preliminary approval of settlement modification agreement. (Related documents(s) <u>41</u> ) (da, ) (Entered: 11/05/2003)
11/07/2003	<u>44</u>	Notice of Modification of Settlement of Class Action. Signed 11/7/2003 by Judge Janice M. Stewart. (da, ) (Entered: 11/07/2003)
11/07/2003	<u>45</u>	Order Preliminarily Approving Agreement Modifying Settlement Agreement, Approving Class Notice, and Scheduling Fairness Hearing. A fairness hearing is set before Judge Stewart on 1/14/2004 at 9:30 AM in Courtroom 10B. Signed 11/7/2003 by Judge Janice M. Stewart. (da, ) (Entered: 11/07/2003)
11/07/2003	46	<b>CIVIL MINUTES:</b> Record of telephone conference on 11/7/03. ORDER – setting a hearing on objections before Judge Stewart on 1/14/2004 at 9:30 AM. See formal order. Counsel Present for Plaintiff: James Wrigley. Counsel Present for Defendant: Stephen Bushong. (da, ) (Entered: 11/13/2003)
01/12/2004	<u>47</u>	Affidavit of <i>Michael J. Maley</i> . Filed by all defendants. (Bushong, Stephen) (Entered: 01/12/2004)
01/12/2004	<u>48</u>	Motion <i>Plaintiffs' Motion for Order Granting Final Approval of Settlement Modification Agreement (with Affidavit of James A. Wrigley attached)</i> . Filed by all plaintiffs. (da, ) (Entered: 01/13/2004)
01/14/2004	<u>49</u>	<b>CIVIL MINUTES:</b> Record of time set for hearing of any objections on Motion for Approval of Settlement Modification Agreement. No objections were received.ORDER – Granting Plaintiffs' motion for Final Approval of Settlement Modification Agreement, #48. Formal order to follow. ORDER – Pursuant to FRCP 25 (d)(1), the current Governor, Theodore Kulongoski, and current Director of Human Resources, Jean Thorne, are substituted as defendants in this action. before Judge Janice M. Stewart. Counsel Present for Plaintiff: James Wrigley. Counsel Present for Defendant: Stephen Bushong. Court Reporter: Bonita Alexander. (Related documents(s) <u>48</u> ) (da, ) (Entered: 01/14/2004)

01/14/2004	<u>50</u>	Order Granting Final Approval of Settlement Modifiction Agreement. Signed 1/14/2004 by Judge Janice M. Stewart. (Related document(s) <u>48</u> ) (da, ) (Entered: 01/14/2004)
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