

APPEAL, CLOSED

**U.S. District Court  
Southern District of California (San Diego)  
CIVIL DOCKET FOR CASE #: 3:07-cv-00783-BEN -WVG**

Johnson v. Poway Unified School District et al  
Assigned to: Judge Roger T. Benitez  
Referred to: Magistrate Judge William V. Gallo  
Case in other court: USCA, 10-55445  
Cause: 42:1983 Civil Rights Act

Date Filed: 04/30/2007  
Date Terminated: 02/26/2010  
Jury Demand: Defendant  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Bradley Johnson**

represented by **Charles Salvatore LiMandri**  
Law Offices of Charles S LiMandri  
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**LEAD ATTORNEY**  
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V.

**Defendant**

**Poway Unified School District**

represented by **Jack M Sleeth , Jr**  
Stutz Artiano Shinoff and Holtz  
2488 Historic Decatur Road  
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**LEAD ATTORNEY**  
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**Defendant**

**Jeff Mangum**  
*individually and in his official capacity as  
a Member of the Board of Education for  
the Poway Unified School District*

represented by **Jack M Sleeth , Jr**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Paul Vincent Carelli , IV**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Linda Vanderveen**  
*individually and in her official capacity as  
a Member of the Board of Education for  
the Poway Unified School District*

represented by **Jack M Sleeth , Jr**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Paul Vincent Carelli , IV**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Andrew Patapow**  
*individually and in his official capacity as  
a Member of the Board of Education for  
the Poway Unified School District*

represented by **Jack M Sleeth , Jr**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Paul Vincent Carelli , IV**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Todd Gutschow**  
*individually and in his official capacity as  
a Member of the Board of Education for  
the Poway Unified School District*

represented by **Jack M Sleeth , Jr**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Paul Vincent Carelli , IV**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Penny Ranftle**  
*individually and in her official capacity as  
a Member of the Board of Education for  
the Poway Unified School District*

represented by **Jack M Sleeth , Jr**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Paul Vincent Carelli , IV**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Dr Donald A Phillips**  
*individually and in his official capacity as  
Superintendent of the Poway Unified  
School District*

represented by **Jack M Sleeth , Jr**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Paul Vincent Carelli , IV**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Dawn Kastner**  
*individually and in her official capacity as  
 Principal, Westview High School, Poway  
 Unified School District*

represented by **Jack M Sleeth , Jr**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Paul Vincent Carelli , IV**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**William R Chiment**  
*individually and in his official capacity as  
 Assistant Superintendent of the Poway  
 Unified School District*

represented by **Jack M Sleeth , Jr**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Paul Vincent Carelli , IV**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
04/30/2007	<u>1</u>	COMPLAINT against Donald A Phillips, Dawn Kastner, William R Chiment, Poway Unified School District, Jeff Mangum, Linda Vanderveen, Andrew Patapow, Todd Gutschow, Penny Ranftle (Filing fee \$ 350, Receipt #137674) , filed by Bradley Johnson.(pdc)(bar). Modified on 5/2/2007 to add defendant Chiment(pdc). (Entered: 05/01/2007)
05/01/2007	<u>2</u>	Summons Issued (joeh, ) (Entered: 05/03/2007)
05/01/2007	<u>3</u>	PRO HAC VICE APPOINTED: Charles Salvatore LiMandri, Robert J Muise appearing for Plaintiff Bradley Johnson (joeh, ) (Entered: 05/03/2007)
07/02/2007	<u>4</u>	WAIVER OF SERVICE Returned Executed by Bradley Johnson. Poway Unified School District waiver sent on 6/1/2007, answer due 7/31/2007. (Muise, Robert) (Entered: 07/02/2007)
07/02/2007	<u>5</u>	WAIVER OF SERVICE Returned Executed by Bradley Johnson. Jeff Mangum waiver sent on 6/1/2007, answer due 7/31/2007. (Muise, Robert) (Entered: 07/02/2007)
07/02/2007	<u>6</u>	WAIVER OF SERVICE Returned Executed by Bradley Johnson. Linda Vanderveen waiver sent on 6/1/2007, answer due 7/31/2007. (Muise, Robert) (Entered: 07/02/2007)
07/02/2007	<u>7</u>	WAIVER OF SERVICE Returned Executed by Bradley Johnson. Andrew Patapow waiver sent on 6/1/2007, answer due 7/31/2007. (Muise, Robert) (Entered: 07/02/2007)
07/02/2007	<u>8</u>	WAIVER OF SERVICE Returned Executed by Bradley Johnson. Todd Gutschow waiver sent on 6/1/2007, answer due 7/31/2007. (Muise, Robert) (Entered: 07/02/2007)
07/02/2007	<u>9</u>	WAIVER OF SERVICE Returned Executed by Bradley Johnson. Penny Ranftle waiver sent on 6/1/2007, answer due 7/31/2007. (Muise, Robert) (Entered: 07/02/2007)
07/02/2007	<u>10</u>	WAIVER OF SERVICE Returned Executed by Bradley Johnson. Donald A Phillips waiver sent on 6/1/2007, answer due 7/31/2007. (Muise, Robert) (Entered: 07/02/2007)
07/02/2007	<u>11</u>	WAIVER OF SERVICE Returned Executed by Bradley Johnson. William R Chiment waiver sent on 6/1/2007, answer due 7/31/2007. (Muise, Robert) (Entered: 07/02/2007)

07/02/2007	<u>12</u>	WAIVER OF SERVICE Returned Executed by Bradley Johnson. Dawn Kastner waiver sent on 6/1/2007, answer due 7/31/2007. (Muisse, Robert) (Entered: 07/02/2007)
07/26/2007	<u>13</u>	Joint MOTION for Extension of Time to File Answer <i>or Otherwise Respond to Complaint</i> by Donald A Phillips, Dawn Kastner, Poway Unified School District, Jeff Mangum, Linda Vanderveen, Andrew Patapow, Penny Ranftle. (Attachments: # <u>1</u> Proof of Service)(Carelli, Paul) (Entered: 07/26/2007)
07/27/2007	<u>14</u>	ORDER, the Court grants <u>13</u> Joint MOTION and extends time for Dft's to answer or otherwise respond to complaint to 08/21/07. Signed by Judge Roger T. Benitez on 07/27/07. (joeh) Modified on 8/23/2007 edit text(joeh, ). (Entered: 07/27/2007)
08/21/2007	<u>15</u>	MOTION to Dismiss <i>Complaint [FRCP 12(b)(1), 12(b)(6); 12(f)]</i> by Donald A Phillips, Dawn Kastner, Poway Unified School District, Jeff Mangum, Linda Vanderveen, Andrew Patapow, Penny Ranftle. (Attachments: # <u>1</u> Memo of Points and Authorities Points & Authorities in Support of Defendants' Motion to Dismiss Complaint# <u>2</u> Request for Judicial Notice Defendants' request for Judicial Notice of Documents in Support Motion to Dismiss Complaint# <u>3</u> Proof of Service)(Carelli, Paul) (Entered: 08/21/2007)
09/21/2007	<u>16</u>	NOTICE by Bradley Johnson <i>of Filing First Amended Complaint</i> (Muisse, Robert)(joeh, ). (Entered: 09/21/2007)
09/21/2007	<u>17</u>	AMENDED COMPLAINT against all defendants, filed by Bradley Johnson. (Attachments: # <u>1</u> Proof of Service)(Muisse, Robert)(joeh, ). (Entered: 09/21/2007)
10/05/2007	<u>18</u>	MOTION to Dismiss <i>Complaint [FRCP 12(b)(1), 12(b)(6); 12(f)]</i> by Donald A Phillips, Dawn Kastner, William R Chiment, Poway Unified School District, Jeff Mangum, Linda Vanderveen, Andrew Patapow, Todd Gutschow, Penny Ranftle. (Attachments: # <u>1</u> Memo of Points and Authorities Points and Authorities in Support of Defendants' Motion to Dismiss First Amended Complaint# <u>2</u> Request for Judicial Notice Defendants' Request for Judicial Notice of Documents in Support of Motion to Dismiss First Amended Complaint# <u>3</u> Proof of Service)(Carelli, Paul) (mkz). (Entered: 10/05/2007)
10/05/2007	<u>19</u>	NOTICE OF WITHDRAWAL OF DOCUMENT by Donald A Phillips, Dawn Kastner, William R Chiment, Poway Unified School District, Jeff Mangum, Linda Vanderveen, Andrew Patapow, Todd Gutschow, Penny Ranftle <i>Defendants' Ex Parte Application to Withdraw Motion to Dismiss (Docket #15) Scheduled for October 15, 2007.</i> (Attachments: # <u>1</u> Proof of Service)(Carelli, Paul) Modified on 10/9/2007, atty contacted, motion filed, see doc. 20 (mkz). (Entered: 10/05/2007)
10/05/2007	20	Ex Parte MOTION to Withdraw <u>15</u> MOTION to Dismiss <i>Complaint [FRCP 12(b)(1), 12(b)(6); 12(f)]</i> MOTION to Dismiss <i>Complaint [FRCP 12(b)(1), 12(b)(6); 12(f)]</i> , filed to reflect doc. <u>19</u> , by Donald A Phillips, Dawn Kastner, William R Chiment, Poway Unified School District, Jeff Mangum, Linda Vanderveen, Andrew Patapow, Todd Gutschow, Penny Ranftle. (mkz)(mam). (Entered: 10/09/2007)
11/09/2007	<u>21</u>	RESPONSE in Opposition re <u>18</u> MOTION to Dismiss <i>Complaint [FRCP 12(b)(1), 12(b)(6); 12(f)]</i> MOTION to Dismiss <i>Complaint [FRCP 12(b)(1), 12(b)(6); 12(f)]</i> MOTION to Dismiss <i>Complaint [FRCP 12(b)(1), 12(b)(6); 12(f)]</i> filed by Bradley Johnson. (Attachments: # <u>1</u> Plaintiff's Opposition to Request for Judicial Notice# <u>2</u> Proof of Service)(Muisse, Robert)(joeh, ). (Entered: 11/09/2007)
11/15/2007	22	MINUTE ORDER issued by the Honorable Roger T. Benitez granting [20-1] Motion to Withdraw Motion to Dismiss {15-1}; withdrawing [15-1] Motion to Dismiss. (gxr) (Entered: 11/15/2007)
11/15/2007	23	MINUTE ORDER issued by the Honorable Roger T. Benitez submitting [18-1] Motion to Dismiss. Motion Hearing date of 11/26/2007 10:30AM is hereby vacated. (gxr) (Entered: 11/15/2007)
11/15/2007	<u>24</u>	REPLY re <u>18</u> MOTION to Dismiss <i>Complaint [FRCP 12(b)(1), 12(b)(6); 12(f)]</i> MOTION to Dismiss <i>Complaint [FRCP 12(b)(1), 12(b)(6); 12(f)]</i> MOTION to Dismiss <i>Complaint [FRCP 12(b)(1), 12(b)(6); 12(f)]</i> Defendants' Reply to Plaintiff's Opposition to Motion to Dismiss First Amended Complaint filed by

		Donald A Phillips, Dawn Kastner, Poway Unified School District, Jeff Mangum, Linda Vanderveen, Andrew Patapow, Penny Ranftle. (Attachments: # <u>1</u> Proof of Service)(Carelli, Paul) (Entered: 11/15/2007)
09/04/2008	<u>25</u>	ORDER denying <u>18</u> Motion to Dismiss Complaint. Signed by Judge Roger T. Benitez on 9/4/08. (asw) (kaj). (Entered: 09/05/2008)
09/19/2008	<u>26</u>	<i>DEFENDANTS'</i> ANSWER to <u>17</u> Amended Complaint by Donald A Phillips, Dawn Kastner, William R Chiment, Poway Unified School District, Jeff Mangum, Linda Vanderveen, Andrew Patapow, Todd Gutschow, Penny Ranftle. (Attachments: # <u>1</u> Proof of Service)(Carelli, Paul) (asw). (Entered: 09/19/2008)
09/22/2008	<u>27</u>	Notice and ORDER for Early Neutral Evaluation Conference: An Early Neutral Evaluation will be held on 12/9/08, at 2:00 PM before Magistrate Judge Leo S. Papas. Signed by Magistrate Judge Leo S. Papas on 9/22/08. (asw) (av1). (Entered: 09/22/2008)
10/14/2008	<u>28</u>	Minute ORDER: The Early Neutral Evaluation Conference on 12/9/08 is vacated and reset for 12/15/08 at 2:00 PM. Signed by Magistrate Judge Leo S. Papas on 10/14/08. (asw) (av1). (Entered: 10/14/2008)
10/30/2008	<u>29</u>	Minute ORDER: The Early Neutral Evaluation Conference on 12/15/08 is vacated and reset for 12/19/08 at 10:00 AM. Signed by Magistrate Judge Leo S. Papas on 10/30/08. (asw) (kaj). (Entered: 10/30/2008)
12/19/2008	<u>30</u>	ORDER Following ENE. ENE Conference was held on 12/19/2008. Rule 26(f) Conference shall be completed by 1/12/2009. Discovery Plan shall be lodged w/ Chambers by 1/22/2009. Case Management Conference set for 1/27/2009 08:30 AM in Courtroom G before Magistrate Judge Leo S. Papas. Signed by Magistrate Judge Leo S. Papas on 12/19/2008. (jah) (Entered: 12/19/2008)
12/19/2008	31	Minute Entry for proceedings held before Magistrate Judge Leo S. Papas:Early Neutral Evaluation Conference held on 12/19/2008(jmy) (Entered: 12/19/2008)
12/24/2008	<u>32</u>	SCHEDULING ORDER:Case Management Conference set for 1/27/09 at 8:30am is vacated. Mandatory Settlement Conference set for 4/28/2009 02:00 PM in Courtroom G before Magistrate Judge Leo S. Papas. Final Pretrial Conference set for 11/9/2009 10:30 AM in Courtroom 03 before Judge Roger T. Benitez. Memorandum of Contentions of Fact and Law due by 10/19/2009. Proposed Pretrial Order due by 11/2/2009. Signed by Magistrate Judge Leo S. Papas on 12/24/08. (kaj) (Entered: 12/24/2008)
02/26/2009	<u>33</u>	Minute ORDER. The date and time of the Settlement Conference on April 28, 2009 at 2:00 PM is vacated and reset for May 6, 2009 at 9:00 AM. Signed by Magistrate Judge Leo S. Papas on 2/26/09. (asw) (kaj). (Entered: 02/26/2009)
03/27/2009	<u>34</u>	Minute Order for proceedings held before Magistrate Judge Leo S. Papas:Discovery Conference held on 3/26/2009. Defendants counsel shall arrange for Plaintiffs counsel to have access to three high schools for site inspections. Counsel shall submit an Order regarding the protocol of the site inspections and the details thereof. (Plaintiff Attorney Robert Muse).(Defendant Attorney Paul Carelli). Signed by Magistrate Judge Leo S. Papas on 3/26/09.(asw) (kaj). (Entered: 03/27/2009)
04/02/2009	<u>35</u>	ORDER Regarding Site Inspection. Signed by Magistrate Judge Leo S. Papas on 4/2/09. (asw) (kaj). (Entered: 04/02/2009)
04/16/2009	<u>36</u>	Minute ORDER: The date and time of the Settlement Conference on May 6, 2009 at 9:00 AM is vacated and reset for June 1, 2009 at 2:00 PM. Signed by Magistrate Judge Leo S. Papas on 4/16/09. (asw) (Entered: 04/16/2009)
06/01/2009	<u>37</u>	Minute Entry for proceedings held before Magistrate Judge Leo S. Papas: Settlement Conference held on 6/1/2009 (Plaintiff Attorney Robert Muise). (Defendant Attorney Jack Sleeth). (asw) (jrl). (Entered: 06/02/2009)
06/01/2009	<u>38</u>	Amended Case Management Conference Order Regulating Discovery and Other Pretrial Proceedings: The Case Management Conference Order dated 12/24/08 is hereby amended. Final Pretrial Conference set for 12/7/2009 10:30 AM before



		Judge Roger T. Benitez. Memorandum of Contentions of Fact and Law due by 11/16/2009. Proposed Pretrial Order due by 11/30/2009. Signed by Magistrate Judge Leo S. Papas on 6/1/09. (asw) (jrl). (Entered: 06/02/2009)
07/01/2009	<u>39</u>	Transfer ORDER: IT IS HEREBY ORDERED that the following case is transferred from the calendar of the Honorable Leo S. Papas, to the calendar of the Honorable Nita L. Stormes for all further proceedings. All conference or hearing dates set before Magistrate Judge Papas are vacated and will be rescheduled before Magistrate Judge Stormes. Any dates set before any district judge remain unchanged. The new case number is 07cv783-BEN (NLS). Signed by Magistrate Judge Leo S. Papas on 7/1/09. (asw) (jrl). (Entered: 07/02/2009)
07/09/2009	<u>40</u>	ORDER Setting Telephonic Status Conference: Status Conference set for 7/29/2009 at 10:30 AM before Magistrate Judge Nita L. Stormes. Signed by Magistrate Judge Nita L. Stormes on 7/9/09. (asw) (jrl). (Entered: 07/09/2009)
07/29/2009	41	Minute Entry for proceedings held before Magistrate Judge Nita L. Stormes: Status Conference held on 7/29/2009. (Plaintiff Attorney Robert Miuse). (Defendant Attorney Paul Carelli). Order to issue. (ecp) (Entered: 07/29/2009)
07/29/2009	<u>42</u>	ORDER Setting Briefing Dates for Cross Summary Judgment Motions and Resetting Pretrial Dates: The court held a status conference on 7/29/09. The parties shall file any cross motions for summary judgment by 8/14/09, Oppositions to cross motions by 9/28/09 and replies by 10/19/09. The hearing for the cross motions for summary judgment shall be SET on the calendar of Judge Benitez for 11/16/09 at 10:30 AM. The final pretrial conference currently set for 12/7/09 is VACATED and RESET for 4/5/2010 10:30 AM before Judge Roger T. Benitez. Memorandum of Contentions of Fact and Law due by 3/15/2010. Proposed Pretrial Order due by 3/29/2010. All non-conflicting provisions of the courts Amended Case Management Conference Order Regulating Discovery and Other Pretrial Proceedings dated 6/1/09 shall remain in full force and effect. Signed by Magistrate Judge Nita L. Stormes on 7/29/09. (asw)(jrl). (Entered: 07/29/2009)
08/14/2009	<u>43</u>	MOTION for Summary Judgment by Bradley Johnson. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Statement of Facts, # <u>3</u> Proof of Service)(Muise, Robert)(asw). (Entered: 08/14/2009)
08/14/2009	<u>44</u>	NOTICE Regarding Exhibit Attachment by Bradley Johnson re <u>43</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Exhibit 1 (Ex A part 1), # <u>2</u> Exhibit 1 (Ex A part 2), # <u>3</u> Exhibit 1 (Ex A part 3), # <u>4</u> Exhibit 1 (Ex A part 4), # <u>5</u> Exhibit 1 (Ex A part 5))(Muise, Robert)(asw). (Entered: 08/14/2009)
08/14/2009	<u>45</u>	NOTICE Regarding Exhibit Attachment by Bradley Johnson re <u>43</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Exhibit 1 (Ex A), # <u>2</u> Exhibit 1 (Ex A), # <u>3</u> Exhibit 1 (Ex A), # <u>4</u> Exhibit 1 (Ex A))(Muise, Robert)(asw). (Entered: 08/14/2009)
08/14/2009	<u>46</u>	NOTICE Regarding Exhibit Attachment by Bradley Johnson re <u>43</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Exhibit 1 (Ex A), # <u>2</u> Exhibit 1 (Ex A), # <u>3</u> Exhibit 1 (Ex A), # <u>4</u> Exhibit 1 (Ex A))(Muise, Robert)(asw). (Entered: 08/14/2009)
08/14/2009	<u>47</u>	NOTICE Regarding Exhibit Attachment by Bradley Johnson re <u>43</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Exhibit 1 (Ex A), # <u>2</u> Exhibit 1 (Ex A), # <u>3</u> Exhibit 1 (Ex A), # <u>4</u> Exhibit 1 (Ex A))(Muise, Robert)(asw). (Entered: 08/14/2009)
08/14/2009	<u>48</u>	NOTICE Regarding Exhibit Attachment by Bradley Johnson re <u>43</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Exhibit 1 (Ex A), # <u>2</u> Exhibit 1 (Ex A), # <u>3</u> Exhibit 1 (Ex A), # <u>4</u> Exhibit 1 (Ex A))(Muise, Robert)(asw). (Entered: 08/14/2009)
08/14/2009	<u>49</u>	NOTICE Regarding Exhibit Attachment by Bradley Johnson re <u>43</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Exhibit 1 (Ex A), # <u>2</u> Exhibit 1 (Ex A), # <u>3</u> Exhibit 1 (Ex A), # <u>4</u> Exhibit 1 (Ex A))(Muise, Robert)(asw). (Entered: 08/14/2009)

08/14/2009	<u>50</u>	NOTICE Regarding Exhibit Attachment by Bradley Johnson re <u>43</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Exhibit 1 (Ex A), # <u>2</u> Exhibit 1 (Ex A), # <u>3</u> Exhibit 1 (Ex A), # <u>4</u> Exhibit 1 (Ex A))(Muise, Robert) (asw). (Entered: 08/14/2009)
08/14/2009	<u>51</u>	NOTICE Regarding Exhibit Attachment by Bradley Johnson re <u>43</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Exhibit 1 (Ex A), # <u>2</u> Exhibit 1 (Ex A), # <u>3</u> Exhibit 1 (Ex A), # <u>4</u> Exhibit 1 (Ex A))(Muise, Robert)(asw). (Entered: 08/14/2009)
08/14/2009	<u>52</u>	NOTICE Regarding Exhibit Attachment by Bradley Johnson re <u>43</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Exhibit 1 (Ex A), # <u>2</u> Exhibit 1 (Ex B), # <u>3</u> Exhibit 1 (Ex B), # <u>4</u> Exhibit 1 (Ex B), # <u>5</u> Exhibit 1 (Ex B))(Muise, Robert)(asw). (Entered: 08/14/2009)
08/14/2009	<u>53</u>	NOTICE Regarding Exhibit Attachment by Bradley Johnson re <u>43</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Exhibit 1 (Ex C), # <u>2</u> Exhibit 1 (Ex C))(Muise, Robert)(asw). (Entered: 08/14/2009)
08/14/2009	<u>54</u>	NOTICE Regarding Exhibit Attachment by Bradley Johnson re <u>43</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Exhibit 3 (Deposition Excerpts for William Chiment), # <u>2</u> Exhibit 4 (Deposition Excerpts for Dawn Kastner), # <u>3</u> Exhibit 5 (Deposition Excerpts for Lori Brickley))(Muise, Robert)(asw). (Entered: 08/14/2009)
08/14/2009	<u>55</u>	MOTION for Summary Judgment by Donald A Phillips, Dawn Kastner, William R Chiment, Poway Unified School District, Jeff Mangum, Linda Vanderveen, Andrew Patapow, Todd Gutschow, Penny Ranftle. (Attachments: # <u>1</u> Memo of Points and Authorities Points and Authorities in Support of Defendants' Motion for Summary Judgment, # <u>2</u> Statement of Facts Separate Statement of Undisputed Material Facts, # <u>3</u> Exhibit Defendants' Exhibit List, # <u>4</u> Exhibits A-F, # <u>5</u> Exhibit G-L, # <u>6</u> Declaration of Steven Salvati, # <u>7</u> Declaration of Tina McDowell, # <u>8</u> Declaration of Paul V. Carelli IV in Support of Motion for Summary Judgment, # <u>9</u> Proof of Service Proof of Service)(Carelli, Paul)(asw). (Entered: 08/14/2009)
09/28/2009	<u>56</u>	RESPONSE in Opposition re <u>55</u> MOTION for Summary Judgment filed by Bradley Johnson. (Attachments: # <u>1</u> Statement of Facts Plaintiff's Response to Defendants' Statement of Undisputed Material Facts, # <u>2</u> Exhibit - 1 Declaration of Bradley Johnson (with Table of Contents), # <u>3</u> Exhibit -2 Deposition Excerpts of Lori Brickley, # <u>4</u> Certificate of Service)(Muise, Robert)(asw). (Entered: 09/28/2009)
09/28/2009	<u>57</u>	RESPONSE in Opposition re <u>43</u> MOTION for Summary Judgment filed by Donald A Phillips, Dawn Kastner, William R Chiment, Poway Unified School District, Jeff Mangum, Linda Vanderveen, Andrew Patapow, Todd Gutschow, Penny Ranftle. (Attachments: # <u>1</u> Exhibit Supplemental Exhibit List, # <u>2</u> Exhibit Supplemental Exhibits M-O, # <u>3</u> Declaration Paul V. Carelli IV, # <u>4</u> Statement of Facts Responses and Objections, # <u>5</u> Objections to Evidence, # <u>6</u> Proof of Service)(Carelli, Paul)(asw). (Entered: 09/28/2009)
10/19/2009	<u>58</u>	REPLY to Response to Motion re <u>43</u> MOTION for Summary Judgment filed by Bradley Johnson. (Attachments: # <u>1</u> Proof of Service)(Muise, Robert)(asw). (Entered: 10/19/2009)
10/19/2009	<u>59</u>	TRANSFER ORDER: Magistrate Judge Nita L. Stormes is no longer assigned to the case and Magistrate Judge William V. Gallo is now assigned to the case. The new case number is 07cv0783-BEN(WVG). All hearing dates set before Magistrate Judge Nita L. Stormes, if any, are vacated and will be rescheduled before Magistrate Judge William V. Gallo. Signed by Magistrate Judge Nita L. Stormes on 10/16/09.(kaj) (Entered: 10/19/2009)
10/19/2009	<u>60</u>	REPLY to Response to Motion re <u>55</u> MOTION for Summary Judgment filed by William R Chiment, Todd Gutschow, Dawn Kastner, Jeff Mangum, Andrew Patapow, Donald A Phillips, Poway Unified School District, Penny Ranftle, Linda Vanderveen. (Sleeth, Jack)(asw). (Entered: 10/19/2009)
10/19/2009	<u>61</u>	NOTICE of Appearance by Jack M Sleeth, Jr on behalf of William R Chiment, Todd Gutschow, Dawn Kastner, Jeff Mangum, Andrew Patapow, Donald A

		Phillips, Poway Unified School District, Penny Ranftle, Linda Vanderveen (Sleeth, Jack)(asw). (Entered: 10/19/2009)
11/16/2009	<u>62</u>	Minute Entry for proceedings held before Judge Roger T. Benitez: Motion Hearing held on 11/16/2009 re: [43-1] MOTION for Summary Judgment filed by Bradley Johnson, [55-1] MOTION for Summary Judgment filed by Andrew Patapow, William R Chiment, Donald A Phillips, Jeff Mangum, Poway Unified School District, Linda Vanderveen, Todd Gutschow, Penny Ranftle, Dawn Kastner. Motions taken under submission. Court to issue Order. The Court also refers any further settlement conferences to Magistrate Judge Anthony J. Battaglia. Counsel to contact Magistrate Judge Battaglia's chambers to schedule any further settlement conferences.(Court Reporter Deborah O'Connell). (Plaintiff Attorney Robert J. Muise). (Defendant Attorney Jack M. Sleeth, Jr., Paul V. Carelli, IV). (gxr) (Entered: 11/17/2009)
12/16/2009	<u>63</u>	ORDER Setting Settlement Conference: Settlement Conference set for 1/5/2010 10:00 AM before Magistrate Judge Anthony J. Battaglia. Signed by Magistrate Judge Anthony J. Battaglia on 12/16/09.(asw) (jrl). (Entered: 12/16/2009)
01/05/2010	<u>65</u>	Minute Entry for proceedings held before Magistrate Judge Anthony J. Battaglia: Settlement Conference held on 1/5/2010. Order to follow.(Tape #(n/a)). (ymm) (Entered: 01/06/2010)
01/06/2010	<u>64</u>	ORDER Following Settlement Conference: On 1/5/10 the court convened a Settlement Conference. Settlement could not be reached in the case. All dates pending before Judge Benitez are herewith confirmed. Signed by Magistrate Judge Anthony J. Battaglia on 1/6/10.(asw) (jrl). (Entered: 01/06/2010)
02/25/2010	<u>66</u>	ORDER granting Plaintiff's <u>43</u> Motion for Summary Judgment; denying Defendants' <u>55</u> Motion for Summary Judgment: Plaintiff is entitled to a declaration that Defendants have violated Plaintiffs individual rights, entitled to nominal damages in the amount of \$10 per individual Defendant, and an award of reasonable attorneys fees and costs. Defendants are ordered to permit Johnson to immediately re-display, in his assigned classroom, the two banners. Signed by Judge Roger T. Benitez on 2/25/10. (asw) (jcj). (Entered: 02/26/2010)
02/26/2010	<u>67</u>	CLERK'S JUDGMENT IT IS SO ORDERED AND ADJUDGED that judgment is in favor of Bradley Johnson against Poway Unified School District, Andrew Patapow, Dawn Kastner, Donald A Phillips, Jeff Mangum, Linda Vanderveen, Penny Ranftle, Todd Gutschow, William R Chiment. Plaintiff's Motion for Summary Judgment granted; Defendants' Motion for Summary Judgment denied: Plaintiff is entitled to a declaration that Defendants have violated Plaintiffs individual rights, entitled to nominal damages in the amount of \$10 per individual Defendant, and an award of reasonable attorneys fees and costs. Defendants are ordered to permit Johnson to immediately re-display, in his assigned classroom, the two banners.(asw) (Entered: 02/26/2010)
03/03/2010	<u>68</u>	BILL OF COSTS submitted by Plaintiff Bradley Johnson in the amount of \$ 8,279.86. Hearing set for 3/23/2010 at 10:00AM. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit A—Fees of the Clerk, # <u>3</u> Exhibit B—Fees of the Court Reporter, # <u>4</u> Exhibit C—Fees for Printing Exhibits, # <u>5</u> Proof of Service)(Muise, Robert)(asw). (Entered: 03/03/2010)
03/03/2010	<u>69</u>	NOTICE: A Bill of Costs <u>68</u> was filed by plaintiff Bradley Johnson scheduling a hearing for March 23, 2010 at 10:00 am. Any opposition or responsive pleading to this Bill of Costs is to be filed by close of business on Friday, March 19, 2010. All parties requesting to appear telephonically for this hearing are directed to join on a conference call then contact N. Prewitt (619) 557-6415 at the time of the hearing. (nsp) (Entered: 03/03/2010)
03/05/2010	<u>70</u>	MOTION for Attorney Fees , <i>Costs, and Expenses</i> by Bradley Johnson. (Attachments: # <u>1</u> Exhibit 1—Declaration of Attorney Muise, # <u>2</u> Exhibit A—Fees, Costs, and Expenses Documentation (part 1 of 2), # <u>3</u> Exhibit A—Fees, Costs, and Expenses Documentation (part 2 of 2), # <u>4</u> Exhibit 2—Declaration of Attorney LiMandri, # <u>5</u> Proof of Service)(Muise, Robert)(asw). (Entered: 03/05/2010)



03/18/2010	<u>71</u>	NOTICE of Hearing on [70–1] MOTION for Attorney Fees , <i>Costs, and Expenses</i> : Motion Hearing set for 5/10/2010 10:30 AM in Courtroom 03 before Judge Roger T. Benitez. (gxr) (Entered: 03/18/2010)
03/22/2010	<u>72</u>	Costs Taxed in amount of \$8,099.86 against defendants (nsp) (Entered: 03/22/2010)
03/24/2010	<u>73</u>	NOTICE OF APPEAL t/w Representation Statement as to <u>67</u> Clerk's Judgment, by Poway Unified School District, Jeff Mangum, Linda Vanderveen, Andrew Patapow, Todd Gutschow, Penny Ranftle, Donald A Phillips, William R Chiment, Dawn Kastner. (Filing Fee: Paid, Receipt No. CAS011491). (Notice of Appeal electronically transmitted to US Court of Appeals.) (akr) (Entered: 03/25/2010)
03/25/2010	<u>74</u>	USCA Case Number 10–55445 for <u>73</u> Notice of Appeal, filed by Poway Unified School District, Jeff Mangum, Linda Vanderveen, Andrew Patapow, Todd Gutschow, Penny Ranftle, Donald A Phillips, William R Chiment, Dawn Kastner. (akr) (Entered: 03/25/2010)
03/25/2010	<u>75</u>	USCA Time Schedule Order as to <u>73</u> Notice of Appeal. (NOTICE TO PARTIES of deadlines regarding appellate transcripts: Appellant shall file transcript designation and ordering form with the US District Court, provide a copy of the form to the court reporter, and make payment arrangements with the court reporter on or by 4/23/2010 (see Ninth Circuit Rule 10–3.1); Due date for filing of transcripts in US District Court is 5/24/2010.) (cc: Court Reporter). (akr) (Entered: 03/25/2010)
04/26/2010	<u>76</u>	RESPONSE in Opposition re <u>70</u> MOTION for Attorney Fees , <i>Costs, and Expenses</i> filed by William R Chiment, Todd Gutschow, Dawn Kastner, Jeff Mangum, Andrew Patapow, Donald A Phillips, Poway Unified School District, Penny Ranftle, Linda Vanderveen. (Attachments: # <u>1</u> Declaration of Paul V. Carelli IV in Support, # <u>2</u> Exhibit A to Declaration of Paul V. Carelli IV, # <u>3</u> Proof of Service)(Carelli, Paul) (knh). (Entered: 04/26/2010)
04/29/2010	<u>77</u>	REPLY to Response to Motion re <u>70</u> MOTION for Attorney Fees , <i>Costs, and Expenses</i> filed by Bradley Johnson. (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit 1—Supplemental Declaration of Attorney Muise, # <u>3</u> Proof of Service)(Muise, Robert) (knh). (Entered: 04/29/2010)
05/05/2010	<u>78</u>	Minute Order issued by the Honorable Roger T. Benitez: Submitting <u>70</u> MOTION for Attorney Fees , <i>Costs, and Expenses</i> . Court to issue Order. Motion Hearing date of 5/10/2010 10:30AM is hereby vacated. (gxr) (Entered: 05/05/2010)
05/13/2010	<u>79</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings (Motion Hearing) held on 11/16/2009, before Judge Roger T. Benitez. Court Reporter/Transcriber: Deborah M. O'Connell. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or the Court Reporter/Transcriber. If redaction is necessary, parties have seven calendar days from the file date of the Transcript to E–File the Notice of Intent to Request Redaction. The following deadlines would also apply if requesting redaction: Redaction Request Statement due to Court Reporter/Transcriber 6/3/2010. Redacted Transcript Deadline set for 6/14/2010. Release of Transcript Restriction set for 8/11/2010. (akr) (Entered: 05/14/2010)
08/03/2010	<u>80</u>	ORDER Staying <u>70</u> MOTION for Attorney Fees , <i>Costs, and Expenses</i> filed by Bradley Johnson: The motion is stayed pending appeal of the underlying decision in Ninth Circuit Case No. 10–55445. Signed by Judge Roger T. Benitez on 8/2/10.(lmt) (mam). (Entered: 08/03/2010)