

**United States District Court
District of Nevada (Reno)
CIVIL DOCKET FOR CASE #: 3:00-cv-00050-RAM-RAM**

DEREK HENKLE VS ROSS GREGORY, ET AL
Assigned to: Magistrate Judge Robert A McQuaid, Jr
Referred to: Magistrate Judge Robert A McQuaid, Jr
Cause: 42:1983

Date Filed: 01/28/2000
Date Terminated: 09/13/2002
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

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Date Filed	#	Docket Text
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	<u>0</u>	MISCELLANEOUS DOCUMENT ORIGINAL HARD COPY DOCKET SHEET (Entered: 03/13/2003)
01/28/2000	<u>1</u>	COMPLAINT obo P (Entered: 02/10/2003)
01/28/2000		SUMMONS ISSUED no text (Entered: 02/10/2003)
01/28/2000	<u>2</u>	CERTIFICATE OF INTERESTED PARTIES obo P (Entered: 02/10/2003)
01/31/2000		MISCELLANEOUS DOCUMENT verified petition frm Done Gewirtzman and Jon W. Davidson w/o designation of local cnsl. (placed on left hand side of fldr (Entered: 02/10/2003)
03/13/2000	<u>3</u>	VERIFIED PETITION FOR PERMISSION TO PRACTICE PRO HAC VICE approved as to Doni Gewirtzman, out of state cnsl for P. (Entered: 02/10/2003)
03/13/2000	<u>4</u>	VERIFIED PETITION FOR PERMISSION TO PRACTICE PRO HAC VICE approved as to Jon W. Davidson, out of state cnsl for P (Entered: 02/10/2003)
03/16/2000	<u>5</u>	DESIGNATION OF LOCAL COUNSEL approved as to Rodney E. Sumpter, Loc cnsl for out of state cnsl Doni Gewirtzman, cnsl for P (Entered: 02/10/2003)
03/16/2000	<u>6</u>	DESIGNATION OF LOCAL COUNSEL approved as to Rodney E. Sumpter, loc cnsl for out of state cnsl Jon Davidson, obo P. (Entered: 02/10/2003)
05/16/2000	<u>8</u>	SUMMONS RETURNED EXECUTED as to Denise Hausauer prnsly srvd on 5/9/00 (Entered: 02/10/2003)
05/16/2000	<u>9</u>	SUMMONS RETURNED EXECUTED as to Loretta Rende svd prnsly on 5/9/00 (Entered: 02/10/2003)
05/16/2000	<u>12</u>	SUMMONS RETURNED EXECUTED as to Arnel ramilo srvd prnsly on 5/11/00 (Entered: 02/10/2003)
05/16/2000	<u>14</u>	VERIFIED PETITION FOR PERMISSION TO PRACTICE PRO HAC VICE approvas as to out of state cnsl Michael Tubach, cnsl for P. Receipt #9816 (Entered: 02/10/2003)
05/16/2000	<u>15</u>	DESIGNATION OF LOCAL COUNSEL as to Rodney Sumpter, loc cnsl for out of state cnsl Michael Tubach, cnsl for P (Entered: 02/10/2003)
05/16/2000	<u>7</u>	SUMMONS RETURNED EXECUTED as to Ross Gregory srvd prsnly on 5/9/00 (Entered: 02/10/2003)
05/16/2000	<u>10</u>	SUMMONS RETURNED EXECUTED as to Serena Robb srvd prnly on 5/10/00 (Entered: 02/10/2003)
05/16/2000	<u>11</u>	SUMMONS RETURNED EXECUTED as to Glen Selby srvd prnsly on 5/9/00 (Entered: 02/10/2003)
05/16/2000	<u>13</u>	NOTICE (OTHER) of assoc of cnsl of Peter Obstler, Michael F. Tubach and Luann L. Simmons of the law firm O'Melveny &Myers LLP as co cnsl w/existing cnsls for P. (m) (Entered: 02/10/2003)
05/16/2000	<u>16</u>	VERIFIED PETITION FOR PERMISSION TO PRACTICE PRO HAC VICE approved as to Peter Obstler, out of state cnsl for P (receipt #9816) (Entered: 02/10/2003)
05/16/2000	<u>17</u>	DESIGNATION OF LOCAL COUNSEL approved as to Rodney Sumpter, loc cnsl for out of state cnsl Peter Obstler (Entered: 02/10/2003)
05/19/2000	<u>18</u>	VERIFIED PETITION FOR PERMISSION TO PRACTICE PRO HAC VICE approved as to Luann L. Simmons, out of state cnsl for P (Entered: 02/10/2003)
05/19/2000	<u>19</u>	DESIGNATION OF LOCAL COUNSEL approved as to Rodney E. Sumpter, loc cnsl for out of state cnsl Luann L. Simmons, cnsl for P. (Entered: 02/10/2003)
05/22/2000	<u>20</u>	MOTION FOR MISCELLANEOUS RELIEF for enlargement tm to effect service of process on D, Robert Floyd obo P (Entered: 02/10/2003)

05/23/2000	<u>21</u>	ORDER P has till 8/1/2000 to effect service of the summons and complaint upon Robert Floyd. mld 5/24/00 (Entered: 02/10/2003)
05/30/2000	<u>22</u>	AMENDED COMPLAINT first obo P. added D Washoe County School District. (Entered: 02/10/2003)
06/05/2000	<u>23</u>	MAIL RETURNED as to Item #21 #22 addressd to Michael Tubach (co-counsel for P) marked return to sender. (Entered: 02/10/2003)
06/05/2000	<u>24</u>	ORDER action referred to the clerk of court for reassignmt. (Entered: 02/10/2003)
06/12/2000	<u>25</u>	ORDER aciton reassigned to JBR for all further procedngs; counsel advised all further docs shall bear correct case # CV-N-00-0050-JBR(RAM); clk is directed to change file &docket to reflect reassign,t (Entered: 02/10/2003)
06/21/2000	<u>26</u>	CERTIFICATE OF SERVICE as to Item #22 upon Robert Cox agent designated to acpt service upon Ds obo P (m) (Entered: 02/10/2003)
06/30/2000	<u>27</u>	MOTION TO DISMISS 1st, 2d, 3d, 4th, 7th, 8th claims for relief and claim for punitive damages obo Ds, Individ Ds and Washoe County School District. (m) (Entered: 02/10/2003)
07/17/2000	<u>28</u>	RESPONSE IN OPPOSITION TO MOTION to mtn to dism (#27) obo P. (m) (Entered: 02/10/2003)
07/21/2000		SUMMONS ISSUED as to Robert Floyd (Entered: 02/10/2003)
07/21/2000	<u>29</u>	ORDER ON STIPULATION all discovery in this action stayed until mtn to dism (#27) is ruled upon. mld 7/24/00 (Entered: 02/10/2003)
07/26/2000	<u>30</u>	ORDER Teleph conf is sched for 7/28/00, 4pm. cnsl telph notif. mld 7/27/00 (Entered: 02/10/2003)
07/27/2000	<u>31</u>	RESPONSE TO MOTION to doc #28 by directing the Crt to Tanner v Prima Dnona Resorts, attached hereto as exhbt A obo P. (m) (Entered: 02/10/2003)
07/28/2000	<u>33</u>	MOTION FOR MISCELLANEOUS RELIEF to exceed page limit obo Individ Ds and Washoe County School District. (m) (Entered: 02/10/2003)
07/28/2000	<u>32</u>	MISCELLANEOUS HEARING dtd 7/28/00: Crt discloses to parties tht his son is an assoc in the law firm of Walther, Key, Maupin, etc. whch represents ds in this case and that his son has nothing to do with this or other cases assigned to this Court. Ps cnsl (Entered: 02/10/2003)
07/28/2000	<u>34</u>	ORDER Crt has considered Ds ex parte application to exceed page limits; good cause appearing, it is hereby ordered that D's application is granted. mld 7/31/00 (Entered: 02/10/2003)
07/31/2000	<u>36</u>	MOTION FOR PROTECTIVE ORDER limited: to staying discv pend dec on mtn to dism/req for qualified immunity obo Ds. (m) (Entered: 02/10/2003)
07/31/2000	<u>35</u>	REPLY TO RESPONSE TO MOTION to oppo (#28) to mtn to dism (#27) obo Ds. (m) (Entered: 02/10/2003)
08/01/2000	<u>37</u>	SUMMONS RETURNED EXECUTED as to Robert Floyd personally srvd on 7/31/00 (Entered: 02/10/2003)
08/10/2000	<u>38</u>	MOTION FOR JOINDER of D, Robert Floyd, ion D's Mtn to dism (#27) (Entered: 02/10/2003)
08/16/2000	<u>39</u>	SCHEDULING ORDER disc c/o 7/2/2001; dispo mtn c/o 8/1/2001; jptno due 8/31/2001 (Entered: 02/10/2003)
08/17/2000		MISCELLANEOUS DOCUMENT Signed consents to proceed bef USMJ. (Entered: 02/10/2003)
08/18/2000		MISCELLANEOUS DOCUMENT received P's Henkle's opposition to D's mtn for limited protective order staying discovery (#36). (faxed cpy) (Entered: 02/10/2003)
08/21/2000	<u>40</u>	RESPONSE IN OPPOSITION TO MOTION to D's mtn for limited protective order staying discovery #26 obo P. (m) (Entered: 02/10/2003)

09/01/2000	<u>41</u>	REPLY TO RESPONSE TO MOTION to P's oppo (#40) to D's mtn for limited protective order staying discovery obo Ds, Indiv Ds and the Washoe County School District. (m) (Entered: 02/10/2003)
09/05/2000	<u>42</u>	MISCELLANEOUS DOCUMENT to d's reply (#41) obo Ds. Indiv ds and Washoe County School District. (m) (Entered: 02/10/2003)
09/05/2000	<u>43</u>	MOTION FOR JOINDER in D's mtn for limited Protective stay (#36) obo D, Robert Floyd. (m) (Entered: 02/10/2003)
09/11/2000	<u>45</u>	ORDER the above entitled action is hereby reassigned to the Honorable Kent J. Dawson, USDJ, for all fur proceedings. Cnsl are advsd to all fur doc sh bear correct case # CV-N-00-0050-KJD(RAM). Clk of Crt is dir to change file and docket to reflect his a (Entered: 02/10/2003)
09/11/2000	<u>44</u>	ORDER Ds hereby withdraw the mtn for limited protective order and parties sh bear their own fees and costs incurred in moving for and opposing the pend protective order mtn (#36); P Henkle sh not srv any disc on divi Ds Gregory Hausauer, Rende Floyd Robb, (Entered: 02/10/2003)
09/15/2000	<u>46</u>	ORDER above entitled action is hereby refer to the hon ROBERT A. MCQUAID< Jr, USMJ, for all fur proceedings and entry of final judgment in accord with LR IB 2-1. Cnsl are advsd that all fur docs sh bear the correct case # CV-N-00-0050-RAM. Clk of Crt is (Entered: 02/10/2003)
09/15/2000	<u>47</u>	ORDER ORD that this case be refer to Honr ROBERT A. MCQUAID, JR, USMJ for all fur proceedings and entry of judgment in accor w/ 28 usc 636(c), FRCivP 73 and the foregoing consent of all parties. (Entered: 02/10/2003)
09/25/2000	<u>48</u>	ORDER ON MOTION TO SUBSTITUTE ATTORNEY ord Kent Robison, Esq, subs in as loc cnsl and Rodney E. Sumpter, subs out as loc cnsl for P. mld 9/27/00 (Entered: 02/10/2003)
10/19/2000		MISCELLANEOUS DOCUMENT stip for protective order re discovery; (Entered: 02/10/2003)
10/20/2000	<u>49</u>	ORDER ON STIPULATION for protective ord re: discovery, whereas, the parties to the above captioned actn seek disc of info &recs tht may be subj to the privacy protections of the Federal Educational Records Protection Act ("FERPA") &other privacy rights (Entered: 02/10/2003)
10/26/2000	<u>50</u>	ORDER hearing set 11/16/00 at 9am re D's mtn to dismiss (#27). Cnsl teleph notif.. mld 11/1/00 (Entered: 02/10/2003)
11/14/2000		MISCELLANEOUS DOCUMENT REQ to supplement oppo (#28) to Ds mtn to dismiss (#27) obo P. Faxed Cpy (Entered: 02/10/2003)
11/15/2000	<u>51</u>	RESPONSE IN OPPOSITION TO MOTION to P's req for leave to supplement (#see event entry dtd 11/14/00) obo Ds. (Entered: 02/10/2003)
11/16/2000	<u>52</u>	MISCELLANEOUS HEARING re Ds mtn to dismiss (#27) dtd 11/16/00: ORD that this matter is taken under submission. (C/R Cathy Worken) mld 11/17/00 (Entered: 02/10/2003)
11/27/2000	<u>53</u>	MOTION FOR PROTECTIVE ORDER obo Shane Tacket and Paul Edgington, (Washoe County School District) . (m) (Entered: 02/10/2003)
02/28/2001	<u>54</u>	ORDER D's mtn to dismiss P's 1st, 2d, 7th, 8th claims for relief is granted. D's mtn to dismiss P's 3d 4th claims for relief is denied; D's mtn to dismiss the punitive damages claims agnst D, Gregory in his official capacity in the 3d and 4th Claims for relief is (Entered: 02/10/2003)
03/06/2001	<u>55</u>	ORDER teleph status conf set 3/13/01 230pm. cnsl teleph notif. mld 3/7/01 (Entered: 02/10/2003)
03/13/2001	<u>56</u>	MISCELLANEOUS HEARING re teleph status conf dtd 3/13/01: ORD mtn for reconsideration/mtn for certification obo P sh be submitted to the court after it has been briefed. Afr the court rules on thoses mtns, sheduling issues will be discussed. (tape 01- (Entered: 02/10/2003)

03/14/2001	<u>57</u>	MOTION FOR RECONSIDERATION and reinstating his first claim for relief, or alt, leave to amend that claim and for certifying for interlocutory appeal purs to 28 USC 1292(b) re doc #54 obo P. (m) (Entered: 02/10/2003)
03/29/2001	<u>58</u>	ORDER D hv til 4/6/01 to file/srv rspn to mtn for reconsider. mld 3/30/01 (Entered: 02/10/2003)
04/06/2001	<u>59</u>	RESPONSE IN OPPOSITION TO MOTION to P's mtn for reconsideration (#57) obo Ds. (m) (Entered: 02/10/2003)
04/20/2001	<u>60</u>	REPLY TO RESPONSE TO MOTION in spt of mtn for reconsideration (#57) obo P, Henkle. (m) (Entered: 02/10/2003)
05/22/2001	<u>61</u>	ORDER tht pltf's mtn for reconsidertion (#57) is granted & pltf's 1st clm for relief is reinstated. Tht the mtn for certification of Interlocutory Appeal (#57) is denied. Tht Pltf's req for a ruling on defts' qualified immunity defense is denied as moot (Entered: 02/10/2003)
06/01/2001	<u>62</u>	ORDER a status conf to set the disc plan sched ord is sched 6/15/01 @ 10am., (Entered: 02/10/2003)
06/04/2001	<u>63</u>	ORDER At the req of Mr. Obstler, the Status Conf to set the disc plan &S/O tht is sched on Friday 6/15/01 @ 10:30am., is rescheduled to Tuesday June 12, 2001 @ 10:30am. Mr. Obstler & Mr. Cox hv been tel notified. (Entered: 02/10/2003)
06/08/2001	<u>64</u>	ANSWER TO COMPLAINT to First Amended Complaint (#22) obo Ds. (m) (Entered: 02/10/2003)
06/12/2001	<u>65</u>	MISCELLANEOUS HEARING re status conf to set disc plan and sched order dtd 6/12/01 (RAM) disc deadline 11/30/01; Dispo mtn c/o 3/22/02; JPTNO/mtn limine due 4/26/02. Trial to commence 6/18/02, 9am; Upon stip disc c/o extend 3/15/02, dispo mtn deadline ex (Entered: 02/10/2003)
07/13/2001	<u>66</u>	ORDER ON STIPULATION parties agree that only persons ID below sh hv access to teh conf info obtain by P during the oucrt of pretrial dsc in this case; conf info sh be safeguard by P who sh ensure that only the fol persons sh have access to conf info; P, P (Entered: 02/10/2003)
07/26/2001	<u>67</u>	MOTION FOR MISCELLANEOUS RELIEF (ex parte) for order shortening time from 15 days to 6 days on whch this application and mtn for disqualification (#68) be responded by obo Indiv D and Washoe County School District. (m) (Entered: 02/10/2003)
07/26/2001	<u>68</u>	MOTION FOR MISCELLANEOUS RELIEF for disqualification of cnsl; stay of action purs to insurance rehabilitation and protective order obo Indiv Ds and Washoe County School District. (m) (Entered: 02/10/2003)
07/27/2001	<u>69</u>	ORDER D's ex parte appletn for order shortening time (#67) whch Ds rep is unopposed, is granted. P's oppo to D's mtn for disqual of cnsl, stay of action, and protect ord (#68) sh be filed and srvd no later than 8/1/01, and D's reply to P's oppo sh be fil (Entered: 02/10/2003)
08/01/2001	<u>70</u>	RESPONSE IN OPPOSITION TO MOTION to Ds' mtn for disqualif (# 68) obo P. (m) (Entered: 02/10/2003)
08/01/2001	<u>71</u>	DECLARATION of Peter Obstler in spt of P's Oppo (#70) obo P. (Entered: 02/10/2003)
08/01/2001	<u>72</u>	DECLARATION in spt of Oppo (#70) obo P. (Entered: 02/10/2003)
08/01/2001	<u>73</u>	DECLARATION of Michael F. Tubach in spt of Oppo (#70) obo P (Entered: 02/10/2003)
08/01/2001	<u>74</u>	DECLARATION of Jon W. Davidson in spt of oppo (#70) obo P (Entered: 02/10/2003)
08/03/2001	<u>77</u>	NOTICE (OTHER) of filing of original pleadings re doc #s 70-74 on 8/1/01 obo P. (m) (Entered: 02/10/2003)

08/03/2001	<u>75</u>	RESPONSE IN OPPOSITION TO MOTION To Ds mtn for disqual (#68) obo P. (m) (Entered: 02/10/2003)
08/03/2001	<u>76</u>	REPLY TO RESPONSE TO MOTION to P's oppo (#75) to mtn to disqual (#68) obo Ds. (m) (Entered: 02/10/2003)
08/10/2001	<u>78</u>	MOTION TO STRIKE portions of D's reply brief or in alt, for leave to file a sur-reply obo P. (m) (sur-reply attached.) (Entered: 02/10/2003)
08/13/2001	<u>79</u>	RESPONSE TO MOTION to mtn to strike portions (#78) obo Ds. (m) (Entered: 02/10/2003)
08/15/2001	<u>80</u>	MISCELLANEOUS HEARING re doc #68 dtd 8/14/01: ORD mtn for disqualification of cnsl, stay of action, and protetive order #68 is denied; mtn for protective order is denied and disc sh go forward. The 30(b)(6) depo vac by the court will be resched. (C/R C (Entered: 02/10/2003)
09/05/2001	<u>81</u>	ORDER ON MOTION FOR PROTECTIVE ORDER between parties (see ord for spfcs) (Entered: 02/10/2003)
11/26/2001	<u>82</u>	ORDER at req of cnsl, teleph status conf is sched for 12/13/01, 10am. Mr Obstler/Cox have been teleph notif. (Entered: 02/10/2003)
12/13/2001	<u>83</u>	MISCELLANEOUS HEARING dtd 12/13/01 re teleph status conf: J/t is cont from 6/18/02 to 11/4/02, 830am. Trial is expected to last 10 days. Cnsl will submit an amended discv plan and sched order. (tape 01-143) (Entered: 02/10/2003)
01/25/2002	<u>84</u>	SCHEDULING ORDER (AMENDED) Disc c/o 7/26/02; disp mtn 8/9/02; JPTNO 10/3/02. (Entered: 02/10/2003)
09/10/2002	85	PRETRIAL NOTICE ORDER Parties hv til 10/3/02 to lodge with court a proposed written pretrial order. (Entered: 02/10/2003)
09/10/2002	<u>86</u>	ORDER ON MOTION TO DISMISS Parties, P and D, Loretta Rende, only sh be dism w/o prej with Henkle and Rende to bear their own respective costs, expenses, and atty fees incurred. (Entered: 02/10/2003)
09/13/2002	<u>87</u>	ORDER ON MOTION TO DISMISS that in accord with the terms of the settlement agreement dtd 8/28/02 that the action is dism with prej as to all Ds EXCEPT D, Loretta Rende, the P and Ds hereby so dism to each bear their own attys fees and costs incurred, and (Entered: 02/10/2003)
01/17/2003	<u>88</u>	ORDER ON STIPULATION parties stip that D Loretta Rende has completed the training required purs to underlying settlement agreement and that therefore this cae sh be dism with prej as to D, Rende, each party to bear their own atty's fees and assoc costs. (Entered: 02/10/2003)
01/27/2003	<u>89</u>	NOTICE OF CHANGE OF ADDRESS re Lambda Legal Defense and Education Fund, Inc: 3325 Wilshire Blvd, Ste 1300Los Angeles, CA 90010. 213-382-7600-phone; 213-351-6050-Fax; E-mail LambdaLegal.org (Entered: 02/10/2003)