

**U.S. District Court
District of Oregon (Portland (3))
CIVIL DOCKET FOR CASE #: 3:99-cv-00263-KI**

Advocates For Special Kids et al v. Oregon Department of
Education et al
Assigned to: Judge Garr M. King
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 02/22/1999
Date Terminated: 08/09/2001
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

Advocates For Special Kids

represented by **Adel P Kimmel**
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Plaintiff

Edith Wyrick
*by her guaardian ad litem Catherine
Wood Wyrick*

represented by **Adel P Kimmel**
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Sid Wolinsky
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Plaintiff

Aaron Weingarten
by his Guardian ad litem Darlene Weingarten

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Sid Wolinsky
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Plaintiff

Tara Peterson
by her guardian ad litem Mary Peterson

represented by **Jeffrey P. Foote**
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Plaintiff

Brett McNeil
by his guardian ad litem Cathie McNeil

represented by **Jeffrey P. Foote**
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ATTORNEY TO BE NOTICED

Plaintiff

Shea Keith Ivey
by his guardian ad litem Cynthia Key Ivey

represented by **Jeffrey P. Foote**
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V.

Defendant

Oregon Department of Education

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Defendant

Wayne Feller
*Chair of the Oregon State Board of
Education*

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ATTORNEY TO BE NOTICED

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

Defendant

Stan Bunn
*Oregon State Superintendent of Public
Instruction*

represented by **Hardy Myers**
(See above for address)
ATTORNEY TO BE NOTICED

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

Defendant

Portland Public Schools
*being sued as Portland Public Schools
Board of Education
TERMINATED: 09/23/1999*

represented by **James N. Westwood**
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Defendant

Ron Saxton
*Chair of the Portland Public Schools
Board of Education
TERMINATED: 09/23/1999*

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ATTORNEY TO BE NOTICED

Defendant

Benjamin Canada
TERMINATED: 09/23/1999

represented by **James N. Westwood**
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Date Filed	#	Docket Text
02/22/1999	<u>1</u>	Complaint against Stan Bunn, Wayne Feller, Oregon Department of Education. Filed by Advocates For Special Kids, Shea Keith Ivey, Brett McNeil, Tara Peterson, Aaron Weingarten, Edith Wyrick (tely,) (Entered: 10/23/2000)

02/22/1999	<u>63</u>	This case originated in the Integrated Case Management System (ICMS) and is being transferred to the Case Management/Electronic Case Filing System (CM/ECF). The document attached to this entry contains the ICMS docket sheet in its entirety, and may be viewed by selecting the hyperlink to the left (0). Only pending documents and deadlines have been transferred from the ICMS docket sheet. All filings subsequent to this entry date will be docketed on the CM/ECF docket sheet. (tely,) Modified on 9/12/2006 Documents numbered 0 are no longer accessible. Entry modified to reset the document number to the next consecutive number for the case.(Hickman, Camile). (Entered: 10/23/2000)
08/31/2000	<u>40</u>	Record of OrderOf Telephone Conference by Judge Garr M King: ORDER this case shall remain STAYED. ORDER setting further Telephone Status Conference for 11/30/2000 at 01:00PM. (tely,) (Entered: 10/23/2000)
10/23/2000	<u>41</u>	Record of Order before Judge Garr M King GRANTING Plaintiff's written request, dated 10/18/00, to reset the Telephone Status Conference from 11/20/00 to 1/5/2001 at 09:00AM. (tely,) (Entered: 10/24/2000)
01/05/2001	<u>42</u>	Record of Telephone Conference before Judge Garr M. King: Order – Status Conference set for 1/23/2001 at 01:30PM by telephone. (ecp,) (Entered: 01/08/2001)
01/23/2001	<u>43</u>	Record of Telephone Conference before Judge Garr M. King: Court Reporter: Dennis Grube Order – Parties shall file preliminary settlement agreement for approval and motion to approve class by February 23, 2001. (ecp,) (Entered: 01/26/2001)
02/23/2001	<u>44</u>	<i>Motion and Notice of Motion for Preliminary Approval of Proposed Settlement; Directing Notice to the Class; and Final Approval and Certification of Settlement Class at the Time of the Fairness Hearing; Memorandum of Points and Authorities in Support Thereof.</i> Filed by all plaintiffs. (pvh,) (Entered: 02/26/2001)
02/23/2001	<u>45</u>	Declaration of <i>Sid Wolinsky in Support of Motion for Preliminary Approval of Proposed Settlement.</i> (related document(s) <u>44</u>) Filed by all plaintiffs. (pvh,) (Entered: 02/26/2001)
02/23/2001	<u>46</u>	Affidavit of <i>Jeffrey P. Foote.</i> (related document(s) <u>44</u>) Filed by all plaintiffs. (pvh,) (Entered: 02/26/2001)
02/26/2001	<u>47</u>	Notice of Pendency and Settlement of Class Action. Signed 02/26/01 by Judge Garr M. King. (related document(s) <u>44</u>) (pvh,) (Entered: 02/26/2001)
02/26/2001	<u>48</u>	Order Granting Motion for Preliminary Approval of Proposed Settlement; Directing Notice to the Class; and Scheduling Fairness Hearing on Final Approval. The fairness hearing for final approval of the Settlement Agreement in set for May 21, 2001, at 2:30 p.m. before the Honorable Garr M. King. (Related Doc # <u>44</u>). Signed 02/26/01 by Judge Garr M. King. (pvh,) (Entered: 02/26/2001)
02/26/2001	<u>49</u>	Record of Order by Judge Garr M. King: Stay is lifted. Pretrial Order due by 8/31/2001. Plaintiff shall file any summary judgment motions by 7/23/2001. (ecp,) (Entered: 02/26/2001)
02/28/2001	<u>50</u>	<i>Response to Motions for Certification of Settlement Class and Preliminary Approval of Settlement.</i> (related document(s) <u>44</u>) Filed by all defendants. (pvh,) (Entered: 03/02/2001)
05/07/2001	<u>51</u>	<i>Notice /Statement of Non–Opposition to Approval of Settlement and Certification of Settlement Class.</i> (related document(s) <u>44</u>) Filed by all plaintiffs. (pvh,) (Entered: 05/10/2001)
05/21/2001	<u>52</u>	<i>Response by State Defendant's to Motion for Final Approval of Settlement Agreement.</i> (related document(s) <u>44</u>) Filed by Stan Bunn, Wayne Feller, Oregon Department of Education. (pvh,) (Entered: 05/21/2001)
05/21/2001	<u>53</u>	Affidavit of <i>Steven B. Johnson.</i> (related document(s) <u>44</u>) Filed by Stan Bunn, Wayne Feller, Oregon Department of Education. (pvh,) (Entered: 05/21/2001)

05/21/2001	<u>54</u>	Record of Fairness Hearing before Judge Garr M. King: Court Reporter: Dennis Grube The court approves the settlement. Pretrial Order due by 9/28/2001. Dispositive Motions due by 8/28/2001. (ecp,) (Entered: 05/21/2001)
05/22/2001	<u>55</u>	Record of Order by Judge Ann Aiken: Settlement Conference set for 6/11/2001 at 01:30PM in Eugene. (lm,) (Entered: 05/22/2001)
05/22/2001	<u>56</u>	Order Granting Final Approval of Proposed Settlement. Signed 05/22/01 by Judge Garr M. King. (related document(s) <u>44</u>) (pvh,) (Entered: 05/23/2001)
05/29/2001	<u>57</u>	Record of Order by Judge Garr M. King: Setting a telephone conference, Wednesday, May 30, 2001 at 10:15 a.m. to discuss the proposed judgment. (ecp,) (Entered: 05/29/2001)
05/30/2001	<u>58</u>	Record of Order by Judge Garr M. King: Court Reporter: Dennis Grube (ecp,)ORDER: Parties will contact the Court after conferring on different possible resolutions. (Entered: 05/31/2001)
06/11/2001	<u>59</u>	Record of Settlement Conference before Judge Ann Aiken: Case settles. Ordered Clerk enter 60 day order of dismissal. Court Reporter: Kristi Anderson (lm,) (Entered: 06/11/2001)
06/11/2001	<u>60</u>	Order of Dismissal by Clerk. Signed 6/11/01 (lm,) (Entered: 06/11/2001)
06/12/2001	<u>61</u>	Judgment: FRCP 54(b). Signed 06/11/01 by Judge Garr M. King. (related document(s) <u>60</u> , <u>59</u>) (pvh,) (Entered: 06/14/2001)
08/09/2001	<u>62</u>	Stipulated Judgment of Dismissal. Pursuant to Fed. R. Civ. P. 41 and the stipulation of the parties, it is hereby Ordered and Adjudged that the claim regarding separate CIMs that is excluded from the release in Section III.E.4 of the Settlement Agreement and the judgment previously entered herein, is hereby dismissed without prejudice. Signed 08/09/01 by Judge Garr M. King. (pvh,) Modified on 8/10/2001 (pvh,). (Entered: 08/10/2001)
01/21/2003		Case file sent to Federal Records Center in Seattle, WA for storage. Accession number: 21-03-0030, Box number: 107 of 454, Location number: 1049179. (dls,) (Entered: 01/21/2003)