

CLOSED

**U.S. District Court
District of Montana (Butte)
CIVIL DOCKET FOR CASE #: 2:14-cv-00025-SEH**

Disability Rights Montana v. Oppen et al
Assigned to: Judge Sam E Haddon
Cause: 42:1983 Civil Rights Act

Date Filed: 03/31/2014
Date Terminated: 04/12/2016
Jury Demand: Defendant
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

**Disability Rights Montana
Inc.**

represented by **Adrian Ann Miller**
SULLIVAN MILLER LAW PLLC
3860 Avenue B, Suite C East
Billings, MT 59102
406-403-7066
Fax: 406-294-5702
Email: adrian.miller@sullivanmiller.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Anna C. Conley
MISSOULA COUNTY ATTORNEY
200 W Broadway, County Courthouse
Missoula, MT 59802
406-258-4737
Email: aconley@missoulacounty.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey A. Simmons
FOLEY & LARDNER LLP – MADISON
150 East Gilman Street, Suite 5000
Madison, WI 53703-1482
608-257-5035
Fax: 608-258-4258
Email: jsimmons@foley.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jon E. Ellingson
Attorney At Law
141 North Ave. East
Missoula, MT 59801
406-546-9084
Email: jonelling@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kyle A. Gray
HOLLAND & HART
PO Box 639
Billings, MT 59103-0639
406-252-2166
Fax: 252-1669
Email: kgray@hollandhart.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew D. Lee
FOLEY & LARDNER LLP – MADISON

150 East Gilman Street, Suite 5000
Madison, WI 53703-1482
608-258-4203
Fax: 608-258-4258
Email: mdlee@foley.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Tammy H. Boggs
FOLEY & LARDNER LLP – SAN
DIEGO
3579 Valley Centre Drive, Suite 300
San Diego, CA 92130
858-847-6739
Fax: 858-792-6773
Email: tboggs@gmail.com
TERMINATED: 02/20/2015
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

James Park Taylor
ACLU OF MONTANA
241 E. Alder
PO Box 9138
Missoula, MT 59807
406-549-6159
Fax: 406-549-5177
Email: jpt42@hotmail.com
ATTORNEY TO BE NOTICED

V.

Defendant

Richard Opper

*in his official capacity as Director of the
Montana Department of Public Health
and Human Services*

represented by **Paulette Kohman**
DPHHS/Office of Legal Affairs
PO Box 202951
Helena, MT 59620-2951
406-444-1258
Fax: 406-444-1258
Email: pkohman@mt.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Alan Kauffman
DRAKE LAW FIRM
111 North Last Chance Gulch
Suite 3J Arcade Building
PO Box 1181
Helena, MT 59624-1181
406-495-8080
Fax: 406-495-1616
Email: michael@drakemt.com
ATTORNEY TO BE NOTICED

Defendant

John Glueckert

*in his official capacity as Administrator
of the Montana State Hospital*

represented by **Paulette Kohman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Alan Kauffman

(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Mike Batista

*in his official capacity as Director of the
Montana Department of Corrections*

represented by **Mary Cile Glover Rogers**
BOONE KARLBERG, P.C.
201 West Main Street, Suite 300
PO Box 9199
Missoula, MT 59807-9199
406-454-6646
Fax: 406-549-6804
Email: mgloverrogers@boonekarlberg.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas J. Leonard
BOONE KARLBERG, P.C.
201 West Main Street, Suite 300
PO Box 9199
Missoula, MT 59807-9199
406-543-6646
Fax: 549-6804
Email: tleonard@boonekarlberg.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William L. Crowley
BOONE KARLBERG, P.C.
201 West Main Street, Suite 300
PO Box 9199
Missoula, MT 59807-9199
406-543-6646
Fax: 549-6804
Email: bcrowley@boonekarlberg.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Colleen E. Ambrose
MONTANA DEPARTMENT OF
CORRECTIONS
P. O. Box 201301
Helena, MT 59620-1301
406-444-4152
Fax: 444-1494
Email: cambrose@mt.gov
ATTORNEY TO BE NOTICED

Defendant

Cathy Redfern

*in her official capacity as Health Services
Bureau Chief for the Montana
Department of Corrections
TERMINATED: 10/31/2014*

represented by **Mary Cile Glover Rogers**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas J. Leonard
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William L. Crowley
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Colleen E. Ambrose

(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Leroy Kirkegaard
in his official capacity as Staff
Psychiatrist of Montana State Prison

represented by **Mary Cile Glover Rogers**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas J. Leonard
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William L. Crowley
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Colleen E. Ambrose
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jill Buck
in her official capacity as Mental Health
Director of Montana State Prison
TERMINATED: 10/31/2014

represented by **Mary Cile Glover Rogers**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas J. Leonard
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William L. Crowley
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Colleen E. Ambrose
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Dr. Peter Edwards
in his official capacity as Staff
Psychiatrist of Montana State Prison
TERMINATED: 10/31/2014

represented by **Mary Cile Glover Rogers**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas J. Leonard
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William L. Crowley
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Colleen E. Ambrose
(See above for address)
ATTORNEY TO BE NOTICED

Defendant**Unnamed Defendant No. 1**

*in his or her official capacity as Mental
Health Director of Montana State Prison*

represented by **William L. Crowley**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Unnamed Defendant No. 2**

*in his or her official capacity as Staff
Psychiatrist of Montana State Prison*

represented by **William L. Crowley**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/31/2014	<u>1</u>	COMPLAINT against Disability Rights Montana, filed by Disability Rights Montana. (Attachments: # <u>1</u> Civil Cover Sheet) (ELL,) (Entered: 03/31/2014)
03/31/2014	<u>2</u>	Summons Issued as to Mike Batista, Jill Buck, Peter Edwards, John Glueckert, Leroy Kirkegaard, Richard Oppen, Cathy Redfern. (Originals mailed to cnsl for service) (ELL,) (Entered: 03/31/2014)
03/31/2014	<u>3</u>	Corporate Disclosure Statement by Disability Rights Montana. (Gray, Kyle) (Entered: 03/31/2014)
03/31/2014		Filing fee: \$ 400.00, receipt number 0977-1383631 (ELL,) (Entered: 03/31/2014)
04/29/2014	<u>4</u>	WAIVER OF SERVICE Returned Executed by Disability Rights Montana. Richard Oppen waiver sent on 4/2/2014, answer due 6/2/2014. (Gray, Kyle) (Entered: 04/29/2014)
04/29/2014	<u>5</u>	WAIVER OF SERVICE Returned Executed by Disability Rights Montana. John Glueckert waiver sent on 4/2/2014, answer due 6/2/2014. (Gray, Kyle) (Entered: 04/29/2014)
05/06/2014	<u>6</u>	WAIVER OF SERVICE Returned Executed by Disability Rights Montana. Leroy Kirkegaard waiver sent on 4/2/2014, answer due 6/2/2014. (Gray, Kyle) (Entered: 05/06/2014)
05/06/2014	<u>7</u>	WAIVER OF SERVICE Returned Executed by Disability Rights Montana. Jill Buck waiver sent on 4/2/2014, answer due 6/2/2014. (Gray, Kyle) (Entered: 05/06/2014)
05/06/2014	<u>8</u>	WAIVER OF SERVICE Returned Executed by Disability Rights Montana. Peter Edwards waiver sent on 4/2/2014, answer due 6/2/2014. (Gray, Kyle) (Entered: 05/06/2014)
05/06/2014	<u>9</u>	WAIVER OF SERVICE Returned Executed by Disability Rights Montana. Cathy Redfern waiver sent on 4/2/2014, answer due 6/2/2014. (Gray, Kyle) (Entered: 05/06/2014)
05/06/2014	<u>10</u>	WAIVER OF SERVICE Returned Executed by Disability Rights Montana. Mike Batista waiver sent on 4/2/2014, answer due 6/2/2014. (Gray, Kyle) (Entered: 05/06/2014)
05/20/2014	<u>11</u>	Unopposed MOTION Jeffrey A. Simmons to Appear Pro Hac Vice (Filing fee \$ 250 receipt number MTX900007224.) Anna C. Conley appearing for Plaintiff Disability Rights Montana (Attachments: # <u>1</u> Exhibit Affidavit of Jeffrey A. Simmons, # <u>2</u> Exhibit Proposed Order) (Conley, Anna) (Entered: 05/20/2014)
05/20/2014	<u>12</u>	Unopposed MOTION Tammy H. Boggs to Appear Pro Hac Vice (Filing fee \$ 250 receipt number MTX900007224.) Anna C. Conley appearing for Plaintiff Disability Rights Montana (Attachments: # <u>1</u> Exhibit Affidavit of Tammy H. Boggs, # <u>2</u> Exhibit Proposed Order) (Conley, Anna) (Entered: 05/20/2014)
05/21/2014	<u>13</u>	ORDER granting <u>11</u> Motion to Appear Pro Hac Vice for atty Jeffrey A. Simmons. Signed by Judge Sam E Haddon on 5/21/2014. (ELL,) (Entered: 05/21/2014)

05/21/2014	<u>14</u>	ORDER granting <u>12</u> Motion to Appear Pro Hac Vice for atty Tammy H. Boggs. Signed by Judge Sam E Haddon on 5/21/2014. (ELL,) (Entered: 05/21/2014)
05/21/2014	<u>15</u>	Letter to atty Boggs re ECF Registration (Attachments: # <u>1</u> Letter to atty Simmons re ECF Registration) (ELL,) (Entered: 05/21/2014)
06/02/2014	<u>16</u>	<i>Joint</i> ANSWER to <u>1</u> Complaint by Mike Batista, Jill Buck, Peter Edwards, Leroy Kirkegaard, Cathy Redfern. (Crowley, William) (Entered: 06/02/2014)
06/02/2014	<u>17</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM Paulette Kohman appearing for Defendants John Glueckert, Richard Oppen (Kohman, Paulette) (Entered: 06/02/2014)
06/02/2014	<u>18</u>	Brief/Memorandum in Support re <u>17</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by John Glueckert, Richard Oppen. (Attachments: # <u>1</u> Appendix Appendix I: Fact Excerpts re Oppen n Glueckert, # <u>2</u> Exhibit Exhibit A: DPHHS Website printout, # <u>3</u> Exhibit DPHHS Press Release) (Kohman, Paulette) (Entered: 06/02/2014)
06/03/2014		Remark: phv counsel T. Boggs is now a registered user and will receive electronic notices in this matter and for the Dist of MT. (DED,) (Entered: 06/03/2014)
06/04/2014	<u>19</u>	NOTICE of Acknowledgment of Pro Hac Vice Order by Disability Rights Montana re <u>14</u> Order on Motion to Appear Pro Hac Vice <i>and Acceptance of Admission by Tammy Boggs</i> (Boggs, Tammy) (Entered: 06/04/2014)
06/05/2014	<u>20</u>	NOTICE of Acknowledgment of Pro Hac Vice Order by Disability Rights Montana (Simmons, Jeffrey) (Entered: 06/05/2014)
06/23/2014	<u>21</u>	RESPONSE to Motion re <u>17</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Disability Rights Montana. (Simmons, Jeffrey) (Entered: 06/23/2014)
06/30/2014	<u>22</u>	NOTICE of Appearance by James Park Taylor on behalf of All Plaintiffs (Taylor, James) (Entered: 06/30/2014)
07/01/2014	<u>23</u>	NOTICE of Change of Address by Anna C. Conley (Conley, Anna) (Entered: 07/01/2014)
07/07/2014	<u>24</u>	REPLY to Response to Motion re <u>17</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by John Glueckert, Richard Oppen. (Kohman, Paulette) (Entered: 07/07/2014)
07/10/2014	<u>25</u>	NOTICE of Appearance by Jon E. Ellingson on behalf of All Plaintiffs (Ellingson, Jon) (Entered: 07/10/2014)
07/15/2014	<u>26</u>	MOTION to Strike <i>Defendants Richard Oppen And John Glueckerts Argument Regarding Eleventh Amendment Defense, Or Alternatively For Leave To File A Sur-Reply In Response Thereto</i> Jeffrey A. Simmons appearing for Plaintiff Disability Rights Montana (Simmons, Jeffrey) (Entered: 07/15/2014)
07/15/2014	<u>27</u>	Brief/Memorandum in Support re <u>26</u> MOTION to Strike <i>Defendants Richard Oppen And John Glueckerts Argument Regarding Eleventh Amendment Defense, Or Alternatively For Leave To File A Sur-Reply In Response Thereto</i> filed by Disability Rights Montana. (Simmons, Jeffrey) (Entered: 07/15/2014)
07/15/2014	<u>28</u>	ORDER Setting Hearing on Motion <u>17</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM : GENA EALES CONTRACTED TO REPORT , Motion Hearing set for 7/23/2014 at 01:00 PM in Butte, MT before Judge Sam E Haddon. Signed by Judge Sam E Haddon on 7/15/2014. (HEG,) Modified on 7/17/2014 to add court reporter information (ELL,). (Entered: 07/15/2014)
07/16/2014	<u>29</u>	ORDER granting in part and denying in part <u>26</u> Motion to Strike. Pla shall have to and incl 7/22/14 in which to file a sur-reply brief directed to the issue of Eleventh Amendment sovereign immunity. Signed by Judge Sam E Haddon on 7/16/2014. (ELL,) (Entered: 07/16/2014)
07/16/2014	<u>30</u>	RESPONSE to Motion re <u>26</u> MOTION to Strike <i>Defendants Richard Oppen And John Glueckerts Argument Regarding Eleventh Amendment Defense, Or Alternatively For Leave To File A Sur-Reply In Response Thereto</i> filed by John Glueckert, Richard Oppen. (Kohman, Paulette) (Entered: 07/16/2014)

07/21/2014	<u>31</u>	REPLY to Response to Motion re <u>17</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>Sur-Reply Brief</i> filed by Disability Rights Montana. (Simmons, Jeffrey) (Entered: 07/21/2014)
07/23/2014	<u>32</u>	MINUTE ENTRY Minute Entry for proceedings held before Judge Sam E Haddon: Motion Hearing held on 7/23/2014 re <u>17</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by John Glueckert, Richard Oppen. Present in courtroom are Paulette Kohman for dft Oppen and Glueckert. Jeffrey Simmons and James Taylor for Pla Disability Rights Montana. Stmts by Kohman and Simmons. Court will take the matter under advisement. Hearing commenced at 1:00 p.m. and concluded at 2:15 p.m.. (Court Reporter Gena Eales.) (Law Clerk: Bryan Dake), (Hearing held in Butte, Montana) (ELL,) (Entered: 07/23/2014)
07/24/2014	<u>33</u>	ORDER. Count I of the Complaint against Defendants Oppen and Glueckert is dismissed. Signed by Judge Sam E Haddon on 7/24/2014. (ELL,) (Entered: 07/24/2014)
08/04/2014	<u>34</u>	PRELIMINARY PRETRIAL CONFERENCE ORDER. Preliminary Pretrial Statement due by 9/5/2014. Joint Discovery Plan due by 9/5/2014. Pretrial Conference set for 9/16/2014 at 10:00 AM in Helena, MT before Judge Sam E Haddon. Signed by Judge Sam E Haddon on 8/4/2014. (APP,) (Entered: 08/04/2014)
09/05/2014	<u>35</u>	STATEMENT OF STIPULATED FACTS by Disability Rights Montana. (Simmons, Jeffrey) (Entered: 09/05/2014)
09/05/2014	<u>36</u>	JOINT DISCOVERY PLAN by Disability Rights Montana. (Simmons, Jeffrey) (Entered: 09/05/2014)
09/05/2014	<u>37</u>	PRELIMINARY PRETRIAL STATEMENT by Mike Batista, Jill Buck, Peter Edwards, Leroy Kirkegaard, Cathy Redfern. (Crowley, William) (Entered: 09/05/2014)
09/05/2014	<u>38</u>	PRELIMINARY PRETRIAL STATEMENT by Disability Rights Montana. (Simmons, Jeffrey) (Entered: 09/05/2014)
09/09/2014	<u>39</u>	NOTICE of Appearance by Colleen E. Ambrose on behalf of Mike Batista, Jill Buck, Peter Edwards, Leroy Kirkegaard, Cathy Redfern (Ambrose, Colleen) (Entered: 09/09/2014)
09/16/2014	<u>40</u>	SCHEDULING ORDER: Status Conference by Telephone set for 2/16/2016 at 11:00 AM in Helena, MT before Judge Sam E Haddon. Amended Pleadings due by 10/31/2014. Discovery due by 12/4/2015. Joinder of Parties due by 10/31/2014. Motions due by 1/22/2016. Proposed Pretrial Order due by 4/1/2016. Signed by Judge Sam E Haddon on 9/16/2014. (ELL,) (Entered: 09/16/2014)
09/16/2014		MINUTE ENTRY Minute Entry for proceedings held before Judge Sam E Haddon: Initial Pretrial Conference held on 9/16/2014. (LJF, Lisa) (Entered: 09/17/2014)
10/15/2014	<u>41</u>	STIPULATION for Protective Order by Disability Rights Montana. (Simmons, Jeffrey) (Entered: 10/15/2014)
10/31/2014	<u>42</u>	AMENDED COMPLAINT against Mike Batista, John Glueckert, Leroy Kirkegaard, Richard Oppen, filed by Disability Rights Montana. (Simmons, Jeffrey) (Entered: 10/31/2014)
11/10/2014	<u>43</u>	Unopposed MOTION for Extension of Time to File <i>Response to First Amended Complaint</i> Paulette Kohman appearing for Defendants John Glueckert, Richard Oppen (Attachments: # <u>1</u> Text of Proposed Order) (Kohman, Paulette) (Entered: 11/10/2014)
11/10/2014	<u>44</u>	ORDER granting <u>43</u> Motion for Extension of Time to File. Defendants Oppen and Glueckert's time to respond to the First Amended Complaint is extended to November 21, 2014. Signed by Judge Sam E Haddon on 11/10/2014. (ASG,) (Entered: 11/10/2014)
11/10/2014		Set/Reset Deadlines: John Glueckert answer due 11/21/2014; Richard Oppen answer due 11/21/2014. (ASG,) (Entered: 11/10/2014)
11/17/2014	<u>45</u>	Joint ANSWER to <u>42</u> Amended Complaint by Mike Batista, Leroy Kirkegaard, Unnamed Defendant No. 1, Unnamed Defendant No. 2. (Crowley, William) (Entered: 11/17/2014)

		11/17/2014)
11/21/2014	<u>46</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (<i>Amended Complaint</i>) Paulette Kohman appearing for Defendants John Glueckert, Richard Oppen (Kohman, Paulette) (Entered: 11/21/2014)
11/21/2014	<u>47</u>	Brief/Memorandum in Support re <u>46</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (<i>Amended Complaint</i>) filed by John Glueckert, Richard Oppen. (Kohman, Paulette) (Entered: 11/21/2014)
11/25/2014	<u>48</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>46</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (<i>Amended Complaint</i>) Anna C. Conley appearing for Plaintiff Disability Rights Montana (Attachments: # <u>1</u> Text of Proposed Order) (Conley, Anna) (Entered: 11/25/2014)
11/25/2014	<u>49</u>	ORDER granting <u>48</u> Motion for Extension of Time to File Response/Reply re <u>46</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (<i>Amended Complaint</i>) Responses due by 12/19/2014. Replies due by 1/16/2015. Motions ripe 12/19/2014. All remaining deadlines in the Court's Order of 9/16/2014 remain in effect. Signed by Judge Sam E Haddon on 11/25/2014. (DED,) (Entered: 11/25/2014)
12/19/2014	<u>50</u>	RESPONSE to Motion re <u>46</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (<i>Amended Complaint</i>) filed by Disability Rights Montana. (Simmons, Jeffrey) (Entered: 12/19/2014)
01/16/2015	<u>51</u>	REPLY to Response to Motion re <u>46</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (<i>Amended Complaint</i>) filed by John Glueckert, Richard Oppen. (Kohman, Paulette) (Entered: 01/16/2015)
02/20/2015	<u>52</u>	NOTICE of Withdrawal of Counsel: Tammy H. Boggs withdrawing from the case, filed by Disability Rights Montana (Boggs, Tammy) (Entered: 02/20/2015)
04/17/2015	<u>53</u>	Order Setting: Gena Eales to report for hearing. Status Conference set for 4/24/2015 at 10:00 AM in Helena, MT before Judge Sam E Haddon. Signed by Judge Sam E Haddon on 4/17/2015. (ELL,) Modified on 4/20/2015 to update reporter info (DED,). (Entered: 04/17/2015)
04/20/2015	<u>54</u>	MOTION for Leave to Appear for Leave to Appear by Telephone Jeffrey A. Simmons appearing for Plaintiff Disability Rights Montana (Simmons, Jeffrey) (Entered: 04/20/2015)
04/20/2015	<u>55</u>	AFFIDAVIT in Support re <u>54</u> MOTION for Leave to Appear for Leave to Appear by Telephone filed by Disability Rights Montana. (Simmons, Jeffrey) (Entered: 04/20/2015)
04/20/2015	<u>56</u>	ORDER granting <u>54</u> Motion for Leave to Appear by Telephone at the 4/24/15 status conf. Signed by Judge Sam E Haddon on 4/20/2015. (ELL,) (Entered: 04/20/2015)
04/24/2015	<u>57</u>	MINUTE ENTRY for proceedings held before Judge Sam E Haddon: Status Conference held on 4/24/2015. Present in the Courtroom are Jon Ellingson for Plaintiff, Paulette Kohman and Thomas Leonard for Defendants. Plaintiff PHV counsel Jeffery Simons present telephonically. Court advises parties of the purpose of today's hearing, summarizing matter to date. The Court orders a different approach to ensure the issues can be addressed. New complaints are to be filed. Complaints are to be separated into as many complaints as necessary to address the issues. Amended pleadings with simultaneous briefs in support are due by Friday, 5/8/15. The parties are to meet and confer by 5/8/15. Court will set a conference call on Monday, 5/11. Nothing further from the parties. Recess. (Court Reporter Gena Eales.) (Law Clerk: C. Sime), (Hearing held in Helena) (HEG,) (Entered: 04/24/2015)
04/24/2015	<u>58</u>	ORDER denying <u>46</u> Motion to Dismiss First Amended Complaint as to Them without prejudice to renewal as appropriate and directed to the amended pleadings. Signed by Judge Sam E Haddon on 4/24/2015. (NOS,) (Entered: 04/24/2015)
04/24/2015	<u>59</u>	Order Setting: Telephonic Status Conference set for 5/11/2015 at 01:00 PM before Judge Sam E Haddon. Signed by Judge Sam E Haddon on 4/24/2015. (NOS,) (Entered: 04/24/2015)

04/24/2015	<u>60</u>	TRANSCRIPT DESIGNATION ORDER FORM by Disability Rights Montana for proceedings held on 04/24/2015 before Judge Sam E. Haddon. Court reporter Gena Eales. Transcript due by 4/27/2015. (Simmons, Jeffrey) (Entered: 04/24/2015)
04/27/2015	<u>61</u>	TRANSCRIPT of Status Conference re 57 Status Conference, held on 4/24/2015, before Judge Haddon per <u>60</u> Transcript Designation Order Form. 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, the Clerks Office or the court reporter NOTICE: A NOTICE OF INTENT TO REQUEST REDACTION MUST BE FILED WITHIN 14 DAYS OF THIS FILING. Contact Court Reporter Gena Eales, 406-381-1645. <u>Transcript Redaction Procedures</u> . Redaction Request due 5/18/2015. Redacted Transcript Deadline set for 5/28/2015. Release of Transcript Restriction set for 7/27/2015. (DED,) (Entered: 04/27/2015)
05/04/2015		Set/Reset Hearings: Status Conference set for 5/11/2015 at 01:00 PM in Helena, MT before Judge Sam E Haddon. (ELL,) Modified on 5/5/2015 to update reporter info (DED,). Modified on 5/6/2015 to remove reporter info as this is a telephone status conference and reporter not required (DED,). (Entered: 05/04/2015)
05/06/2015	<u>62</u>	NOTICE by Mike Batista, Leroy Kirkegaard, Unnamed Defendant No. 1, Unnamed Defendant No. 2 re <u>59</u> Order Setting <i>Telephonic Status Conference</i> (Leonard, Thomas) (Entered: 05/06/2015)
05/06/2015	<u>63</u>	NOTICE by John Glueckert, Richard Oppen <i>of Phone numbers for 5-11-2015 status conference</i> (Kohman, Paulette) (Entered: 05/06/2015)
05/06/2015	<u>64</u>	NOTICE by Disability Rights Montana <i>of Contact Information for Telephonic Status Conference on May 11, 2015</i> (Simmons, Jeffrey) (Entered: 05/06/2015)
05/08/2015	<u>65</u>	TRANSCRIPT DESIGNATION ORDER FORM by Mike Batista, Leroy Kirkegaard, Unnamed Defendant No. 1, Unnamed Defendant No. 2 for proceedings held on 04/24/2015 before Judge Hon. Sam E. Haddon. Court reporter Gena Eales. Transcript due by 6/15/2015. (Leonard, Thomas) (Entered: 05/08/2015)
05/08/2015	<u>66</u>	AMENDED COMPLAINT <i>Second Amended Complaint</i> against Mike Batista, Leroy Kirkegaard, filed by Disability Rights Montana. (Simmons, Jeffrey) (Entered: 05/08/2015)
05/08/2015	<u>67</u>	AMENDED COMPLAINT <i>Second Amended Complaint</i> against John Glueckert, Richard Oppen, filed by Disability Rights Montana. (Simmons, Jeffrey) (Entered: 05/08/2015)
05/08/2015	<u>68</u>	Brief/Memorandum in Support re <u>66</u> Amended Complaint, <u>67</u> Amended Complaint filed by Disability Rights Montana. (Simmons, Jeffrey) (Entered: 05/08/2015)
05/11/2015		MINUTE ENTRY Minute Entry for proceedings held before Judge Sam E Haddon: Status Conference held on 5/11/2015. (LJF, Lisa) (Entered: 05/19/2015)
05/19/2015	<u>69</u>	JOINT DISCOVERY PLAN by Disability Rights Montana. (Simmons, Jeffrey) (Entered: 05/19/2015)
05/20/2015	<u>70</u>	Order Setting: motions to dismiss complaint filed by 6/5/2015, response filed by 7/3/2015, and reply filed by 7/24/15. All remaining deadlines established in Court's Scheduling Order of 9/16/14 are vacated. All other pretrial deadlines will be set by further order of the court. Signed by Judge Sam E Haddon on 5/20/2015. (DED,) (Entered: 05/20/2015)
06/05/2015	<u>71</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM Paulette Kohman appearing for Defendants John Glueckert, Richard Oppen (Kohman, Paulette) Modified on 8/19/2015 b>Martin-Lake Asso to report for hearing on 9/3/15 (DED,). Modified on 8/26/2015 Martin-Lake to report for hearing (DED,). (Entered: 06/05/2015)
06/05/2015	<u>72</u>	Brief/Memorandum in Support re <u>71</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by John Glueckert, Richard Oppen. (Attachments: # <u>1</u> Exhibit Exh A DPHHS webpage re Oppen, # <u>2</u> Exhibit Exh B DPHHS News Release re Glueckert) (Kohman, Paulette) (Entered: 06/05/2015)

06/24/2015	<u>73</u>	MOTION Mathew D. Lee to Appear Pro Hac Vice (Filing fee \$ 250 receipt number MTX900008509.) Jon E. Ellingson appearing for Plaintiff Disability Rights Montana (Attachments: # <u>1</u> Affidavit, # <u>2</u> Text of Proposed Order) (Ellingson, Jon) (Entered: 06/24/2015)
06/25/2015	<u>74</u>	ORDER granting <u>73</u> Motion to Appear Pro Hac Vice for Attorney Matthew D. Lee for Disability Rights Montana. Signed by Judge Sam E Haddon on 6/25/2015. (ELL,) (Entered: 06/25/2015)
06/25/2015	<u>75</u>	Letter to atty Lee re Registration to ECF with copy of Order granting PHV. (ELL,) (Entered: 06/25/2015)
07/03/2015	<u>76</u>	RESPONSE to Motion re <u>71</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Disability Rights Montana. (Simmons, Jeffrey) (Entered: 07/03/2015)
07/16/2015	<u>77</u>	NOTICE of Acknowledgment of Pro Hac Vice Order by Disability Rights Montana (Lee, Matthew) (Entered: 07/16/2015)
07/24/2015	<u>78</u>	REPLY to Response to Motion re <u>71</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by John Glueckert, Richard Oppen. (Kohman, Paulette) (Entered: 07/24/2015)
08/19/2015	<u>79</u>	ORDER Setting Hearing on Motion <u>71</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM : Contract Court Reporter is Needed , Motion Hearing set for 9/3/2015 at 10:00 AM in Helena, MT before Judge Sam E Haddon. Signed by Judge Sam E Haddon on 8/19/2015. (ELL,) (Entered: 08/19/2015)
09/02/2015	<u>80</u>	MOTION leave to appear by phone <i>at hearing on motion to dismiss</i> Jeffrey A. Simmons appearing for Plaintiff Disability Rights Montana (Simmons, Jeffrey) (Entered: 09/02/2015)
09/02/2015	<u>81</u>	Emergency MOTION for Leave to Appear by telephone <i>at hearing on motion to dismiss</i> Jeffrey A. Simmons appearing for Plaintiff Disability Rights Montana (Simmons, Jeffrey) (Entered: 09/02/2015)
09/02/2015	<u>82</u>	AFFIDAVIT in Support re <u>81</u> Emergency MOTION for Leave to Appear by telephone <i>at hearing on motion to dismiss</i> filed by Disability Rights Montana. (Simmons, Jeffrey) (Entered: 09/02/2015)
09/03/2015	<u>83</u>	ORDER granting <u>81</u> Motion for Leave to Appear Telephonic at 9/3/15 hearing. Signed by Judge Sam E Haddon on 9/3/2015. Phone call placed to Mr. Simmons advising of order. (DED,) (Entered: 09/03/2015)
09/03/2015	<u>84</u>	MINUTE ENTRY Minute Entry for proceedings held before Judge Sam E Haddon: Motion Hearing held on 9/3/2015 re <u>71</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by John Glueckert, Richard Oppen. Mr. Ellingson present in courtroom and Mr. Simmons present telephonically on behalf of Plaintiff. Paulette Kohman present for Defendants in CV-14-25 and Thomas Leonard present for Defendants in CV-14-25 and CV-15-22. Court will approach motions separately and hear arguments in CV-14-25 and then CV-15-22. Court hears from Ms. Kohman, Mr. Ellingson responds, and Ms. Kohman replies; Mr. Ellingson presents a sur-reply. Court finds facts pleaded are sufficient to allow matter to proceed, and denies Defendants 12(b)(6) Motion to be Dismiss. Court hears argument regarding CV-15-22 matter. Mr. Leonard heard on behalf of Defendants, Mr. Ellingson responds, and Mr. Leonard replies. Court presents its findings and grants Defendants Rule 12(b)(6) Motion to Dismiss Hearing commenced at 10:00 am and concluded at 10:39 am. (Court Reporter Julie Lake.) (Law Clerk: Carolyn Sime), (Hearing held in Helena) (DED,) (Entered: 09/03/2015)
09/03/2015	<u>85</u>	ORDER denying <u>71</u> Motion to Dismiss for Failure to State a Claim Signed by Judge Sam E Haddon on 9/3/2015. (ELL,) (Entered: 09/03/2015)
09/03/2015	<u>86</u>	PRELIMINARY PRETRIAL CONFERENCE ORDERPreliminary Pretrial Statement due by 9/25/2015. Joint Discovery Plan due by 9/25/2015. Pretrial Conference set for 10/6/2015 at 10:00 AM in Helena, MT before Judge Sam E Haddon. Signed by Judge Sam E Haddon on 9/3/2015. (ELL,) (Entered: 09/03/2015)

09/04/2015	<u>87</u>	TRANSCRIPT DESIGNATION ORDER FORM by John Glueckert, Richard Oppen for proceedings held on 09-03-2015 before Judge Haddon. Court reporter Julie Lake. Transcript due by 9/14/2015. (Kohman, Paulette) (Entered: 09/04/2015)
09/08/2015	<u>88</u>	TRANSCRIPT of Motion to Dismiss held on September 3, 2015, before Judge Haddon. 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, the Clerks Office or the court reporter NOTICE: A NOTICE OF INTENT TO REQUEST REDACTION MUST BE FILED WITHIN 14 DAYS OF THIS FILING. Contact Court Reporter Julie Lake, 406-543-6477. <u>Transcript Redaction Procedures</u> . Redaction Request due 9/29/2015. Redacted Transcript Deadline set for 10/9/2015. Release of Transcript Restriction set for 12/7/2015. (ELL,) (Entered: 09/08/2015)
09/21/2015	<u>89</u>	MOTION to Amend/Correct <u>72</u> Brief/Memorandum in Support, Paulette Kohman appearing for Defendants John Glueckert, Richard Oppen (Kohman, Paulette) (Entered: 09/21/2015)
09/21/2015	<u>90</u>	Brief/Memorandum in Support re <u>89</u> MOTION to Amend/Correct <u>72</u> Brief/Memorandum in Support, filed by John Glueckert, Richard Oppen. (Kohman, Paulette) (Entered: 09/21/2015)
09/21/2015	<u>91</u>	Joint MOTION for Extension of Time to File <i>Extension of Preliminary Conference Date and Deadlines for Joint Discovery Plan, Preliminary Pretrial Statements, and Defendants' Answer</i> Jeffrey A. Simmons appearing for Plaintiff Disability Rights Montana (Attachments: # <u>1</u> Text of Proposed Order Proposed Order) (Simmons, Jeffrey) (Entered: 09/21/2015)
09/21/2015	<u>92</u>	AFFIDAVIT in Support re <u>91</u> Joint MOTION for Extension of Time to File <i>Extension of Preliminary Conference Date and Deadlines for Joint Discovery Plan, Preliminary Pretrial Statements, and Defendants' Answer Declaration of Jon Ellingson</i> filed by Disability Rights Montana. (Simmons, Jeffrey) (Entered: 09/21/2015)
09/22/2015	<u>93</u>	ORDER denying <u>89</u> Motion to Amend/Correct; denying <u>91</u> Motion for Extension of Time to File (SEE ORDER FOR COMPLETE DETAILS) Signed by Judge Sam E Haddon on 9/22/2015. (ELL,) (Entered: 09/22/2015)
09/25/2015	<u>94</u>	STATEMENT OF STIPULATED FACTS by Disability Rights Montana. (Simmons, Jeffrey) (Entered: 09/25/2015)
09/25/2015	<u>95</u>	PRELIMINARY PRETRIAL STATEMENT by Disability Rights Montana. (Simmons, Jeffrey) (Entered: 09/25/2015)
09/25/2015	<u>96</u>	JOINT DISCOVERY PLAN by Disability Rights Montana. (Simmons, Jeffrey) (Entered: 09/25/2015)
09/25/2015	<u>97</u>	PRELIMINARY PRETRIAL STATEMENT by John Glueckert, Richard Oppen. (Attachments: # <u>1</u> Exhibit MSH Policy FP-01, # <u>2</u> Exhibit MOU between DPHHS and MT DOC) (Kohman, Paulette) (Entered: 09/25/2015)
10/06/2015	<u>98</u>	NOTICE of Appearance by Michael Alan Kauffman on behalf of John Glueckert, Richard Oppen (Kauffman, Michael) (Entered: 10/06/2015)
10/06/2015		MINUTE ENTRY Minute Entry for proceedings held before Judge Sam E Haddon: Initial Pretrial Conference held on 10/6/2015. (LJF, Lisa) (Entered: 10/27/2015)
10/08/2015	<u>99</u>	SCHEDULING ORDER: Telephone Status Conference set for 3/7/2017 at 11:00 AM in Helena, MT before Judge Sam E Haddon. Amended Pleadings due by 3/4/2016. Discovery due by 11/4/2015. Joinder of Parties due by 3/4/2016. Motions due by 2/10/2017. Signed by Judge Sam E Haddon on 10/8/2015. (ELL,) (Entered: 10/08/2015)
10/09/2015	<u>100</u>	ANSWER to <u>67</u> Amended Complaint by John Glueckert, Richard Oppen. (Kauffman, Michael) (Entered: 10/09/2015)
03/31/2016	<u>101</u>	STIPULATION of Dismissal <i>Without Prejudice</i> by Disability Rights Montana. (Simmons, Jeffrey) (Entered: 03/31/2016)