

U.S. District Court
United States District Court for the Western District of Washington (Seattle)
CIVIL DOCKET FOR CASE #: 2:19-cv-00635-TSZ

Doe v. Fairfax Behavioral Health
Assigned to: Judge Thomas S. Zilly
Cause: 42:12112 Americans with Disabilities Act

Date Filed: 04/30/2019
Jury Demand: Both
Nature of Suit: 446 Civil Rights:
Americans with Disabilities - Other
Jurisdiction: Federal Question

Plaintiff

Jane Doe

represented by **Shelby R. Smith**
HAGENS BERMAN SOBOL
SHAPIRO LLP (WA)
1301 2ND AVENUE
STE 2000
SEATTLE, WA 98101
206-268-9370
Email: shelby@hbsslaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stacie Berger Siebrecht
DISABILITY RIGHTS
WASHINGTON
315 5TH AVE S
STE 850
SEATTLE, WA 98104
206-324-1521
Email: stacies@dr-wa.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Steve W. Berman
HAGENS BERMAN SOBOL
SHAPIRO LLP (WA)
1301 2ND AVENUE
STE 2000
SEATTLE, WA 98101
206-623-7292
Fax: 206-623-0594
Email: steve@hbsslaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alexa Helen Polaski
DISABILITY RIGHTS
WASHINGTON
315 5TH AVE S
STE 850
SEATTLE, WA 98104
206-324-1521
Email: alexap@dr-wa.org
TERMINATED: 09/04/2019

Todd Harris Carlisle
DISABILITY RIGHTS
WASHINGTON
315 5TH AVE S
STE 850
SEATTLE, WA 98104
206-324-1521
Fax: 206-957-0729
Email: toddc@dr-wa.org
ATTORNEY TO BE NOTICED

Plaintiff

John Doe

represented by **Shelby R. Smith**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stacie Berger Siebrecht
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alexa Helen Polaski
(See above for address)
TERMINATED: 09/04/2019

Todd Harris Carlisle
(See above for address)
ATTORNEY TO BE NOTICED

Steve W. Berman
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

H.S.

by and through his guardian,

represented by **Shelby R. Smith**
(See above for address)

*individually and on behalf of all
others similarly situated*

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Stacie Berger Siebrecht
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Alexa Helen Polaski
(See above for address)
TERMINATED: 09/04/2019

Todd Harris Carlisle
(See above for address)
ATTORNEY TO BE NOTICED

Steve W. Berman
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Jane Doe 2

represented by **Steve W. Berman**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Jane Doe 3

represented by **Steve W. Berman**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Jane Doe 4

represented by **Steve W. Berman**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

John Doe 2

represented by **Steve W. Berman**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

N.B.

represented by **Steve W. Berman**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Fairfax Behavioral Health
TERMINATED: 06/19/2019

represented by **Benjamin J Stone**
LEWIS BRISBOIS BISGAARD &
SMITH LLP (SEATTLE)
1111 THIRD AVE
STE 2700
SEATTLE, WA 98101
206-436-2020
Fax: 206-436-2030
Email:
benjamin.stone@lewisbrisbois.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Emma P Pelkey
LEWIS BRISBOIS BISGAARD &
SMITH LLP (PORTLAND)
888 SW 5TH AVE
SUITE 900
PORTLAND, OR 97204
971-712-2800
Fax: 971-712-2801
Email:
emma.pelkey@lewisbrisbois.com
ATTORNEY TO BE NOTICED

Eric J. Neiman
LEWIS BRISBOIS BISGAARD &
SMITH LLP (PORTLAND)
888 SW 5TH AVE
SUITE 900
PORTLAND, OR 97204
971-712-2800
Fax: 971-712-2801
Email:
eric.neiman@lewisbrisbois.com
ATTORNEY TO BE NOTICED

Ethan A Smith
LEWIS BRISBOIS BISGAARD &
SMITH LLP (SEATTLE)
1111 THIRD AVE
STE 2700
SEATTLE, WA 98101
206-436-2020
Email:

ethan.smith@lewisbrisbois.com
TERMINATED: 11/06/2019

Defendant

BHC Fairfax Hospital Inc
doing business as
Fairfax Behavioral Health

represented by **Benjamin J Stone**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Emma P Pelkey
(See above for address)
ATTORNEY TO BE NOTICED

Eric J. Neiman
(See above for address)
ATTORNEY TO BE NOTICED

Ethan A Smith
(See above for address)
TERMINATED: 11/06/2019

Date Filed	#	Docket Text
04/30/2019	<u>1</u>	COMPLAINT <i>Class Action Complaint</i> against defendant(s) Fairfax Behavioral Health with JURY DEMAND (Receipt # 0981-5749716) Attorney Steve W. Berman added to party Jane Doe(pty:pla), filed by Jane Doe. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons)(Berman, Steve) (Entered: 04/30/2019)
05/01/2019		Judge Thomas S. Zilly added. (GT) (Entered: 05/01/2019)
05/01/2019	<u>2</u>	Summons Electronically Issued as to defendant Fairfax Behavioral Health. (GT) (Entered: 05/01/2019)
05/06/2019	<u>3</u>	AFFIDAVIT of Service of Summons and Complaint on Fairfax Behavioral Health on 5/3/2019, filed by Plaintiff Jane Doe. (Berman, Steve) (Entered: 05/06/2019)
05/15/2019	<u>4</u>	ORDER REGARDING INITIAL DISCLOSURES AND JOINT STATUS REPORT Joint Status Report due by 7/15/2019, FRCP 26f Conference Deadline is 7/1/2019, Initial Disclosure Deadline is 7/15/2019, by Judge Thomas S. Zilly. (KD) (Entered: 05/15/2019)
05/16/2019	<u>5</u>	NOTICE of Appearance by attorney Eric J. Neiman on behalf of Defendant Fairfax Behavioral Health. (Neiman, Eric) (Entered: 05/16/2019)
05/16/2019		Attorneys Benjamin J Stone, Ethan A Smith for Fairfax Behavioral Health added; per <u>5</u> Notice of Appearance. (SWT) (Entered: 05/17/2019)

05/20/2019	<u>6</u>	CORPORATE DISCLOSURE STATEMENT identifying Corporate Parent BHC Fairfax Hospital for Fairfax Behavioral Health. Filed pursuant to Fed.R.Civ.P 7.1. Filed by Fairfax Behavioral Health (Neiman, Eric) (Entered: 05/20/2019)
05/20/2019	<u>7</u>	Unopposed MOTION for Extension of Time to File Answer , filed by Defendant Fairfax Behavioral Health. (Attachments: # <u>1</u> Proposed Order Granting Defendant's Unopposed Motion for Extension of Time) Noting Date 5/20/2019, (Neiman, Eric) (Entered: 05/20/2019)
05/24/2019	<u>8</u>	MINUTE ORDER granting defendant's <u>7</u> Unopposed Motion for Extension. The deadline for defendant to file a responsive motion or pleading is EXTENDED to 6/21/2019. Authorized by Judge Thomas S. Zilly. (SWT) (Entered: 05/24/2019)
06/19/2019	<u>9</u>	AMENDED COMPLAINT against defendant(s) BHC Fairfax Hospital, Inc. d/b/a Fairfax Behavioral Health with JURY DEMAND Attorney Steve W. Berman added to party John Doe(pty:pla), Attorney Steve W. Berman added to party H.S., by and through his guardian(pty:pla), filed by Jane Doe, John Doe, H.S., by and through his guardian.(Berman, Steve) (Entered: 06/19/2019)
06/19/2019		Attorneys Shelby R. Smith, Alexa Helen Polaski, Stacie Berger Siebrecht for all plaintiffs added; per <u>9</u> Amended Complaint. (SWT) (Entered: 06/20/2019)
07/03/2019	<u>10</u>	ANSWER to <u>9</u> Amended Complaint, with JURY DEMAND by BHC Fairfax Hospital Inc.(Neiman, Eric) (Entered: 07/03/2019)
07/03/2019		Attorneys Benjamin J Stone, Ethan A Smith for BHC Fairfax Hospital Inc added; per <u>10</u> Answer to Amended Complaint. (SWT) (Entered: 07/07/2019)
07/15/2019	<u>11</u>	JOINT STATUS REPORT signed by all parties estimated Trial Days: 5. Filed by Plaintiffs Jane Doe, John Doe, H.S..(Berman, Steve) (Entered: 07/15/2019)
07/31/2019	<u>12</u>	MINUTE ORDER SETTING TRIAL AND RELATED DATES. Length of Trial: 5 Days; Jury Trial is set for 2/8/2021 before Judge Thomas S. Zilly. Discovery on class certification issues to be completed by 1/20/2020, Any motions related to class certification must be filed by 3/19/2020, Joinder of Parties due by 5/14/2020, Expert Witness Disclosure/Reports under FRCP 26(a)(2) due by 6/18/2020, Motions related to expert witnesses due by 9/17/2020, All remaining discovery completed by 7/16/2020, Dispositive motions due by 9/10/2020, Any motions for leave to amend pleadings due by 5/14/2020, Motions in Limine due by 12/17/2020, Pretrial Order due by 1/22/2021, Pretrial Conference set for 1/29/2021 at 01:30 PM , Trial briefs/Proposed voir dire/jury instructions due by 1/22/2021. Authorized by Judge Thomas S. Zilly. (SWT) (Entered: 07/31/2019)

09/04/2019	<u>13</u>	NOTICE OF WITHDRAWAL OF COUNSEL: Attorney Alexa Helen Polaski for Plaintiffs Jane Doe, John Doe, H.S.. (Polaski, Alexa) (Entered: 09/04/2019)
09/05/2019	<u>14</u>	NOTICE of Appearance by attorney Todd Harris Carlisle on behalf of Plaintiffs Jane Doe, John Doe, H.S.. (Carlisle, Todd) (Entered: 09/05/2019)
10/11/2019	<u>15</u>	Stipulated MOTION for Protective Order , filed by Defendants BHC Fairfax Hospital Inc, Fairfax Behavioral Health. Noting Date 10/11/2019, (Stone, Benjamin) (Entered: 10/11/2019)
10/23/2019	<u>16</u>	STIPULATED PROTECTIVE ORDER re parties' <u>15</u> Stipulated MOTION. Signed by Judge Thomas S. Zilly. (SWT) (Entered: 10/23/2019)
11/01/2019	<u>17</u>	MOTION to Seal , filed by Defendants BHC Fairfax Hospital Inc, Fairfax Behavioral Health. (Attachments: # <u>1</u> Proposed Order) Noting Date 11/22/2019, (Neiman, Eric) (Entered: 11/01/2019)
11/01/2019	<u>18</u>	MOTION Defendant's Motion to Deny Class Certification & Strike Class Allegations in Amended Complaint , filed by Defendants BHC Fairfax Hospital Inc, Fairfax Behavioral Health. Oral Argument Requested. (Attachments: # <u>1</u> Proposed Order) Noting Date 5/22/2020 12/13/2019 11/22/2019 , (Neiman, Eric) Modified on 11/26/2019 (MW). Modified on 2/10/2020 (MW). (Entered: 11/01/2019)
11/01/2019	<u>19</u>	DECLARATION of Michele Mendel filed by Defendants BHC Fairfax Hospital Inc, Fairfax Behavioral Health re <u>18</u> MOTION Defendant's Motion to Deny Class Certification & Strike Class Allegations in Amended Complaint (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Neiman, Eric) (Entered: 11/01/2019)
11/01/2019	<u>20</u>	SEALED MOTION to Deny Class Certification and Strike Class Allegations in Amended Complaint; re <u>17</u> MOTION to Seal ; by Defendants BHC Fairfax Hospital Inc, Fairfax Behavioral Health. Oral Argument Requested. (Attachments: # <u>1</u> Proposed Order) Noting Date 11/22/2019, (Neiman, Eric) (Entered: 11/01/2019)
11/01/2019	<u>21</u>	SEALED DOCUMENT Declaration of Michele Mendel by Defendants BHC Fairfax Hospital Inc, Fairfax Behavioral Health re <u>17</u> MOTION to Seal , <u>20</u> SEALED MOTION to Deny Class Certification and Strike Class Allegations in Amended Complaint; re <u>17</u> MOTION to Seal ; (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Neiman, Eric) (Entered: 11/01/2019)
11/06/2019	<u>22</u>	NOTICE OF WITHDRAWAL OF COUNSEL: Attorney Ethan A Smith for Defendants BHC Fairfax Hospital Inc, Fairfax Behavioral Health. (Neiman, Eric) (Entered: 11/06/2019)

11/12/2019	<u>23</u>	NOTICE that the following is RE-NOTED: <u>18</u> MOTION Defendant's Motion to Deny Class Certification & Strike Class Allegations in Amended Complaint . Filed by Defendant BHC Fairfax Hospital Inc. Noting Date 12/6/2019, (Neiman, Eric) (Entered: 11/12/2019)
11/14/2019	<u>24</u>	MINUTE ORDER granting Defendant's <u>17</u> Motion to Seal. The following materials shall remain under seal: (i) the unredacted version of defendant's motion, docket no. <u>20</u> , to deny class certification and strike class allegations; and (ii) the unredacted version of the declaration of Michele Mendel and the exhibits thereto, docket no. <u>21</u> . The unredacted and redacted versions of defendant's motion to deny class certification and strike class allegations, docket nos. <u>20</u> and <u>18</u> , respectively, are both noted, albeit because the movant recently renoted the redacted version, see Notice (docket no. <u>23</u>), the different versions of the motion now have different noting dates. The Clerk is directed to terminate the unredacted version of the motion, docket no. <u>20</u> , as duplicative. In the future, if a party files a motion under seal and a redacted version of the motion for public view, counsel shall assign a noting date to only the redacted version to avoid unnecessary duplication of the motion on the Court's docket. Authorized by Judge Thomas S. Zilly.(TH) (Entered: 11/14/2019)
11/25/2019	<u>25</u>	NOTICE that the following is RE-NOTED: <u>18</u> MOTION Defendant's Motion to Deny Class Certification & Strike Class Allegations in Amended Complaint . Filed by Defendant BHC Fairfax Hospital Inc. Noting Date 12/13/2019, (Neiman, Eric) (Entered: 11/25/2019)
12/09/2019	<u>26</u>	RESPONSE, by Plaintiffs Jane Doe, John Doe, H.S., to <u>18</u> MOTION Defendant's Motion to Deny Class Certification & Strike Class Allegations in Amended Complaint , <u>20</u> SEALED MOTION to Deny Class Certification and Strike Class Allegations in Amended Complaint; re <u>17</u> MOTION to Seal ;. Oral Argument Requested. (Berman, Steve) (Entered: 12/09/2019)
12/09/2019	<u>27</u>	DECLARATION of Shelby R. Smith filed by Plaintiffs Jane Doe, John Doe, H.S. re <u>18</u> MOTION Defendant's Motion to Deny Class Certification & Strike Class Allegations in Amended Complaint , <u>20</u> SEALED MOTION to Deny Class Certification and Strike Class Allegations in Amended Complaint; re <u>17</u> MOTION to Seal ; (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Berman, Steve) (Entered: 12/09/2019)
12/13/2019	<u>28</u>	REPLY, filed by Defendants BHC Fairfax Hospital Inc, Fairfax Behavioral Health, TO RESPONSE to <u>18</u> MOTION Defendant's Motion to Deny Class Certification & Strike Class Allegations in Amended Complaint (Neiman, Eric) (Entered: 12/13/2019)
01/09/2020	<u>29</u>	MOTION for Extension of Time <i>Plaintiffs' Motion for Extension of Class Certification Schedule</i> , filed by Plaintiffs Jane Doe, John Doe,

		H.S.. (Attachments: # 1 Proposed Order) Noting Date 1/17/2020, (Berman, Steve) (Entered: 01/09/2020)
01/09/2020	30	DECLARATION of Shelby R. Smith filed by Plaintiffs Jane Doe, John Doe, H.S. re 29 MOTION for Extension of Time <i>Plaintiffs' Motion for Extension of Class Certification Schedule</i> (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8)(Berman, Steve) (Entered: 01/09/2020)
01/15/2020	31	RESPONSE, by Defendants BHC Fairfax Hospital Inc, Fairfax Behavioral Health, to 29 MOTION for Extension of Time <i>Plaintiffs' Motion for Extension of Class Certification Schedule</i> . (Neiman, Eric) (Entered: 01/15/2020)
01/17/2020	32	REPLY, filed by Plaintiffs Jane Doe, John Doe, H.S., TO RESPONSE to 29 MOTION for Extension of Time <i>Plaintiffs' Motion for Extension of Class Certification Schedule</i> (Berman, Steve) (Entered: 01/17/2020)
01/17/2020	33	Supplemental DECLARATION of Shelby R. Smith filed by Plaintiffs Jane Doe, John Doe, H.S. re 29 MOTION for Extension of Time <i>Plaintiffs' Motion for Extension of Class Certification Schedule</i> (Attachments: # 1 Exhibit 1)(Berman, Steve) (Entered: 01/17/2020)
02/10/2020	34	MINUTE ORDER: The motion to deny class certification and strike class allegations, docket no. 18 , brought by defendant BHC Fairfax Hospital, Inc. is DEFERRED and RENOTED to 5/22/2020. Plaintiffs will be permitted to file a supplemental response, not to exceed ten (10) pages in length, by 5/18/2020. Any supplemental reply, not to exceed five (5) pages in length, shall be filed by the new noting date. Plaintiffs' motion to extend certain deadlines, docket no. 29 , is GRANTED. The deadline for completing discovery on class certification issues is EXTENDED from 1/20/2020, to 3/2/2020, and the deadline for filing any motion for class certification is EXTENDED from 3/19/2020, to 4/30/2020. Any motion for class certification shall be noted for 5/22/2020, and will be considered together with Fairfax's motion to deny class certification and strike class allegations. The deadlines for joining additional parties and for filing any motions for leave to amend pleadings are EXTENDED from 5/14/2020, to 5/28/2020. All other dates and deadlines set forth in the Minute Order Setting Trial and Related Dates, docket no. 12 , shall remain in full force and effect. Authorized by Judge Thomas S. Zilly.(MW) (Entered: 02/10/2020)
04/30/2020	35	MOTION to Certify Class <i>Plaintiffs' Motion for Class Certification</i> , filed by Plaintiffs Jane Doe, John Doe, H.S.. (Attachments:

		# 1 Proposed Order) Noting Date 5/22/2020, (Berman, Steve) (Entered: 04/30/2020)
04/30/2020	36	DECLARATION of Steve W. Berman filed by Plaintiffs Jane Doe, John Doe, H.S. re 35 MOTION to Certify Class <i>Plaintiffs' Motion for Class Certification</i> (Attachments: # 1 Exhibit 1 (FBH Policy & Procedure), # 2 Exhibit 2 (Def's Amended Resp. to First ROGs & RFPs), # 3 Exhibit 3 (FBH Skin Assessment Policy), # 4 Exhibit 4 (FBH Search for Contraband Policy), # 5 Exhibit 5 (Excerpts of Graham Dep.), # 6 Exhibit 6 (Eastern & Western State Hospital Search & Contraband Policy), # 7 Exhibit 7 (Behavioral Health Admin. Search Policy Committed Under RCW 10.77), # 8 Exhibit 8 (PS Academy Powerpoint), # 9 Exhibit 9 (Excerpts of Graham 30(b)(6) Dep.), # 10 Exhibit 10 (Prohibited Items & Belongings), # 11 Exhibit 11 (Safety Training - Searches & Patient Belongings), # 12 Exhibit 12 (Findings of WSDOH Investigation) - Fairfax Kirkland Location, # 13 Exhibit 13 (Findings of WSDOH Investigation - Fairfax Everett Location), # 14 Exhibit 14 (DOH Investigation of Fairfax Kirkland), # 15 Exhibit 15 (Fairfax Health Policy & Procedure), # 16 Exhibit 16 (Fairfax Position Description for Nurse Educator), # 17 Exhibit 17 (Hagens Berman Sobol Shapiro LLP Resume))(Berman, Steve) (Entered: 04/30/2020)
04/30/2020	37	DECLARATION of Todd Carlisle filed by Plaintiffs Jane Doe, John Doe, H.S. re 35 MOTION to Certify Class <i>Plaintiffs' Motion for Class Certification</i> (Berman, Steve) (Entered: 04/30/2020)
04/30/2020	38	DECLARATION of Amanda C McGill, MSN, BSN, RN filed by Plaintiffs Jane Doe, John Doe, H.S. re 35 MOTION to Certify Class <i>Plaintiffs' Motion for Class Certification</i> (Attachments: # 1 Exhibit Appendix A, # 2 Exhibit Appendix B)(Berman, Steve) (Entered: 04/30/2020)
05/14/2020	39	PROPOSED ORDER (Unsigned) <i>Stipulation & Order to Extend Class Certification Schedule & Certain Pre-Trial Deadlines</i> (Neiman, Eric) (Entered: 05/14/2020)
05/18/2020	40	MINUTE ORDER: Pursuant to the parties' stipulation, docket no. 39 , the pending cross-motions to strike class allegations, docket no. 18 , and to certify a class, docket no. 35 , are RENOTED to 6/5/2020. The briefing schedule is adjusted as follows: (a) Plaintiffs' supplemental response to the motion to strike class allegations and defendant's response to the motion to certify a class are DUE on 6/1/2020; and (b) Defendant's supplemental reply in support of the motion to strike class allegations and plaintiffs' reply in support of the motion to certify a class are DUE on the new noting date.

		Pursuant to the parties' stipulation, docket no. 39 , the deadline for disclosure of expert testimony is EXTENDED from 6/2/2020, to 6/30/2020, and the deadline for filing motions relating to discovery is EXTENDED from 6/18/2020, to 7/9/2020. The Court DEFERS ruling on whether to extend the other deadlines in this matter in the manner set forth in the parties' stipulation. Authorized by Judge Thomas S. Zilly. (MW) (Entered: 05/18/2020)
05/28/2020	41	MOTION to Amend 9 Amended Complaint,, <i>Plaintiffs' Motion for Leave to File Second Amended Complaint</i> , filed by Plaintiffs Jane Doe, John Doe, H.S.. (Attachments: # 1 Exhibit A (Redline of [Proposed] Second Amended Complaint), # 2 Proposed Order) Noting Date 6/12/2020, (Berman, Steve) (Entered: 05/28/2020)
06/01/2020	42	RESPONSE, by Defendants BHC Fairfax Hospital Inc, Fairfax Behavioral Health, to 35 MOTION to Certify Class <i>Plaintiffs' Motion for Class Certification</i> . (Neiman, Eric) (Entered: 06/01/2020)
06/01/2020	43	RESPONSE, by Plaintiffs Jane Doe, John Doe, H.S., to 18 MOTION Defendant's Motion to Deny Class Certification & Strike Class Allegations in Amended Complaint , 20 SEALED MOTION to Deny Class Certification and Strike Class Allegations in Amended Complaint; re 17 MOTION to Seal ;. (Berman, Steve) (Entered: 06/01/2020)
06/01/2020	44	DECLARATION of Shelby R. Smith in Support of Plaintiffs' Supplemental Response to Fairfax's Motion to Deny Class Certification & Strike Class Allegations in Plaintiffs' Amended Complaint filed by Plaintiffs Jane Doe, John Doe, H.S. re 18 MOTION Defendant's Motion to Deny Class Certification & Strike Class Allegations in Amended Complaint , 20 SEALED MOTION to Deny Class Certification and Strike Class Allegations in Amended Complaint; re 17 MOTION to Seal ; (Attachments: # 1 Exhibit A (Fairfax 2017-2019 Policies & Training Materials), # 2 Exhibit B (Fairfax 2017-2019 Visitor's Policies), # 3 Exhibit C (Fairfax 2019 Skin Assessment Policy), # 4 Exhibit D (Additional Training Materials))(Berman, Steve) (Entered: 06/01/2020)
06/01/2020	45	DECLARATION of Eric Neiman ISO Defendant's Opposition to Plaintiff's Motion for Class Certification - DKT 42 filed by Defendants BHC Fairfax Hospital Inc, Fairfax Behavioral Health re 35 MOTION to Certify Class <i>Plaintiffs' Motion for Class Certification</i> (Attachments: # 1 Exhibit Exhibit A to Declaration of Eric Neiman, # 2 Exhibit Exhibit B to Declaration of Eric Neiman, # 3 Exhibit Exhibit C to Declaration of Eric Neiman, # 4 Exhibit Exhibit D to Declaration of Eric Neiman, # 5 Exhibit Exhibit E to Declaration of Eric Neiman, # 6 Exhibit Exhibit F to Declaration of Eric Neiman, # 7 Exhibit Exhibit G to Declaration of Eric Neiman,

		# 8 Exhibit Exhibit H to Declaration of Eric Neiman, # 9 Exhibit Exhibit I to Declaration of Eric Neiman, # 10 Exhibit Exhibit J to Declaration of Eric Neiman, # 11 Exhibit Exhibit K to Declaration of Eric Neiman)(Neiman, Eric) (Entered: 06/01/2020)
06/01/2020	46	DECLARATION of Declaration of Rebecca Puchkors ISO Defendant's Opposition to Plaintiff's Motion for Class Certification - DKT 42 filed by Defendants BHC Fairfax Hospital Inc, Fairfax Behavioral Health re 35 MOTION to Certify Class <i>Plaintiffs' Motion for Class Certification</i> (Attachments: # 1 Exhibit Exhibit A to Declaration of Rebecca Puchkors, # 2 Exhibit Exhibit B to Declaration of Rebecca Puchkors)(Neiman, Eric) (Entered: 06/01/2020)
06/01/2020	47	PROPOSED ORDER (Unsigned) re 42 Response to Motion <i>re Defendant's Opposition to Plaintiff's Motion for Class Certification - DKT 42</i> (Neiman, Eric) (Entered: 06/01/2020)
06/05/2020	48	REPLY, filed by Defendants BHC Fairfax Hospital Inc, Fairfax Behavioral Health, TO RESPONSE to 18 MOTION Defendant's Motion to Deny Class Certification & Strike Class Allegations in Amended Complaint (Neiman, Eric) (Entered: 06/05/2020)
06/05/2020	49	REPLY, filed by Plaintiffs Jane Doe, John Doe, H.S., TO RESPONSE to 35 MOTION to Certify Class <i>Plaintiffs' Motion for Class Certification</i> (Berman, Steve) (Entered: 06/05/2020)
06/05/2020	50	DECLARATION of Shelby R. Smith filed by Plaintiffs Jane Doe, John Doe, H.S. re 35 MOTION to Certify Class <i>Plaintiffs' Motion for Class Certification</i> (Attachments: # 1 Exhibit 1 (Plan of Correction), # 2 Exhibit 2 (Jane Doe Dep. Excerpts), # 3 Exhibit 3 (John Doe Dep. Excerpts), # 4 Exhibit 4 (H.S. Dep. Excerpts))(Berman, Steve) (Entered: 06/05/2020)
06/05/2020	51	DECLARATION of Nicole Dipzinski, LICSW, MSW, M.DIV., filed by Plaintiffs Jane Doe, John Doe, H.S. re 35 MOTION to Certify Class <i>Plaintiffs' Motion for Class Certification</i> (Berman, Steve) (Entered: 06/05/2020)
06/08/2020	52	RESPONSE, by Defendants BHC Fairfax Hospital Inc, Fairfax Behavioral Health, to 41 MOTION to Amend 9 Amended Complaint,, <i>Plaintiffs' Motion for Leave to File Second Amended Complaint.</i> (Neiman, Eric) (Entered: 06/08/2020)
06/08/2020	53	DECLARATION of Eric Neiman ISO Opposition to plaintiffs' motion for leave to file second amended complaint filed by Defendants BHC Fairfax Hospital Inc, Fairfax Behavioral Health re 41 MOTION to Amend 9 Amended Complaint,, <i>Plaintiffs' Motion for Leave to File Second Amended Complaint</i> (Attachments: # 1 Exhibit Exhibit A to Declaration of Eric Neiman, # 2 Complaint Exhibit B to Declaration of Eric Neiman, # 3 Exhibit Exhibit C to Declaration of Eric Neiman,

		# 4 Exhibit Exhibit D to Declaration of Eric Neiman)(Neiman, Eric) (Entered: 06/08/2020)
06/12/2020	54	REPLY, filed by Plaintiffs Jane Doe, John Doe, H.S., TO RESPONSE to 41 MOTION to Amend 9 Amended Complaint,, <i>Plaintiffs' Motion for Leave to File Second Amended Complaint</i> (Berman, Steve) (Entered: 06/12/2020)
06/12/2020	55	DECLARATION of Shelby R. Smith filed by Plaintiffs Jane Doe, John Doe, H.S. re 41 MOTION to Amend 9 Amended Complaint,, <i>Plaintiffs' Motion for Leave to File Second Amended Complaint</i> (Berman, Steve) (Entered: 06/12/2020)
06/18/2020	56	MOTION for Extension of Time <i>Plaintiffs' Motion for Extension of the Deadline for Disclosure of Expert Testimony</i> , filed by Plaintiffs Jane Doe, John Doe, H.S.. (Attachments: # 1 Proposed Order) Noting Date 6/26/2020, (Berman, Steve) (Entered: 06/18/2020)
06/18/2020	57	DECLARATION of Shelby R. Smith filed by Plaintiffs Jane Doe, John Doe, H.S. re 56 MOTION for Extension of Time <i>Plaintiffs' Motion for Extension of the Deadline for Disclosure of Expert Testimony</i> (Berman, Steve) (Entered: 06/18/2020)
06/22/2020	58	RESPONSE, by Defendants BHC Fairfax Hospital Inc, Fairfax Behavioral Health, to 56 MOTION for Extension of Time <i>Plaintiffs' Motion for Extension of the Deadline for Disclosure of Expert Testimony</i> . (Neiman, Eric) (Entered: 06/22/2020)
06/22/2020	59	DECLARATION of Eric J. Neiman filed by Defendants BHC Fairfax Hospital Inc, Fairfax Behavioral Health re 56 MOTION for Extension of Time <i>Plaintiffs' Motion for Extension of the Deadline for Disclosure of Expert Testimony</i> (Attachments: # 1 Exhibit A)(Neiman, Eric) (Entered: 06/22/2020)
06/26/2020	60	REPLY, filed by Plaintiffs Jane Doe, John Doe, H.S., TO RESPONSE to 56 MOTION for Extension of Time <i>Plaintiffs' Motion for Extension of the Deadline for Disclosure of Expert Testimony</i> (Attachments: # 1 Proposed Order)(Berman, Steve) (Entered: 06/26/2020)
07/01/2020	61	MINUTE ORDER granting Plaintiffs' 41 Motion to Amend. Plaintiffs shall electronically file their Second Amended Complaint within seven (7) days of the date of this Minute Order, provided that, in advance of such filing, plaintiffs revise their Second Amended Complaint to make clear that only Jane Doe 1, John Doe 1, and H.S. assert claims on behalf of a putative class. Defendant's responsive pleading or motion shall be due within twenty-one (21) days after the Second Amended Complaint is filed. Plaintiffs' motion, docket no. 56 , to partially extend the expert disclosure deadline is GRANTED, and the deadline for disclosure of damages expert testimony is EXTENDED to August 14, 2020. Any rebuttal expert evidence shall be due as set forth in Federal Rule of Civil Procedure 26(a)(2)(D)(ii). Defendant's response,

		docket no. 58 , is treated as a cross-motion to extend additional deadlines, as to which plaintiffs have already replied, and is DEFERRED pending the Court's ruling on the parties' cross-motions concerning class certification. In connection with the cross-motions concerning class certification, the Court will consider the proposed class definition set forth in plaintiffs' Second Amended Complaint. This proposed class definition has been addressed in the parties' briefing, and the parties shall not submit any further materials regarding class certification unless requested by the Court. Authorized by Judge Thomas S. Zilly. (TH) (Entered: 07/01/2020)
07/07/2020	62	Second AMENDED COMPLAINT [<i>Leave to Amend Granted on July 1, 2020, Dkt. No. 61</i>] against defendant(s) BHC Fairfax Hospital Inc with JURY DEMAND Attorney Steve W. Berman added to party Jane Doe 2(pty:pla), Attorney Steve W. Berman added to party John Doe 2(pty:pla), Attorney Steve W. Berman added to party N.B.(pty:pla), Attorney Steve W. Berman added to party Jane Doe 3(pty:pla), Attorney Steve W. Berman added to party Jane Doe 4(pty:pla), filed by John Doe, Jane Doe, H.S., Jane Doe 2, Jane Doe 3, Jane Doe 4, John Doe 2, N.B.(Berman, Steve) (Entered: 07/07/2020)
07/28/2020	63	ANSWER to 62 Amended Complaint,, with JURY DEMAND by BHC Fairfax Hospital Inc, Fairfax Behavioral Health.(Neiman, Eric) (Entered: 07/28/2020)
08/06/2020	64	NOTICE of Appearance by attorney Emma P Pelkey on behalf of Defendants BHC Fairfax Hospital Inc, Fairfax Behavioral Health. (Pelkey, Emma) (Entered: 08/06/2020)
08/10/2020	65	ORDER: The Putative Class Representatives' motion for class certification, docket no. 35 , is DENIED, and Fairfax's motion to deny class certification and strike the class allegations, docket nos. 18 and 20 , is GRANTED. The class allegations set forth in Section V of the Second Amended Complaint, docket no. 62 , are STRICKEN. Plaintiffs' individual claims remain in the case. Fairfax's motion, docket no. 42 , to strike the declaration of Amanda McGill, docket no. 38 , is DENIED. Signed by Judge Thomas S. Zilly.(LH) (Entered: 08/10/2020)

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