

**U.S. District Court  
DISTRICT OF ARIZONA (Phoenix Division)  
CIVIL DOCKET FOR CASE #: 2:04-cv-02701-NVW**

Byrd v. Maricopa Cty Sher Of, et al  
Assigned to: Judge Neil V Wake  
Demand: \$0  
Case in other court: Ninth Circuit, 07-16640  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 11/26/2004  
Date Terminated: 11/21/2011  
Jury Demand: Plaintiff  
Nature of Suit: 555 Prisoner: Prison  
Condition  
Jurisdiction: Federal Question

**Plaintiff**

**Charles Edward Byrd**

represented by **Jarrett A Green**  
Nexus Law Group  
30 N Raymond Ave., Ste. 304  
Pasadena, CA 91103  
626-689-2004  
Fax: 626-689-2005  
Email: [jagreen@nexus-law.com](mailto:jagreen@nexus-law.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Louis Daniel Lopez , Jr.**  
Fennemore Craig PC – Phoenix, AZ  
2394 E Camelback Rd., Ste. 600  
Phoenix, AZ 85016  
602-916-5000  
Fax: 602-916-5553  
Email: [llopez@fclaw.com](mailto:llopez@fclaw.com)  
**ATTORNEY TO BE NOTICED**

**Stephen Brower**  
Moyes Sellers & Hendricks – Phoenix, AZ  
1850 N Central Ave., Ste. 1100  
Phoenix, AZ 85004  
602-604-2141  
Email: [sbrower@law-msh.com](mailto:sbrower@law-msh.com)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Maricopa County Sheriff's Office**  
*sued in its official capacity*  
**TERMINATED: 05/20/2005**

**Defendant**

**Joseph M Arpaio**  
*sued in his individual & official capacity*

represented by **Dennis Dale Carpenter , Jr.**  
Maricopa County Attorney's Office  
Division of County Counsel  
222 N Central Ave  
Ste 1100  
Phoenix, AZ 85004  
602-506-8541  
Fax: 602-506-8567  
Email: [carpentd@mcao.maricopa.gov](mailto:carpentd@mcao.maricopa.gov)  
**TERMINATED: 08/13/2007**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Maria Brandon**

Maricopa County Attorneys Office – Civil  
Services Division  
222 N Central Ave., Ste. 1100  
Phoenix, AZ 85004  
602-506-8541

Email: [brandon@mcao.maricopa.gov](mailto:brandon@mcao.maricopa.gov)

TERMINATED: 06/27/2011

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

**Eileen Dennis GilBride**

Jones Skelton & Hochuli PLC  
2901 N Central Ave., Ste. 800  
Phoenix, AZ 85012  
602-263-1700

Fax: 602-200-7827

Email: [egilbride@jshfirm.com](mailto:egilbride@jshfirm.com)

**Klaus Peter Muthig**

Maricopa County Attorneys Office – Civil  
Services Division  
222 N Central Ave., Ste. 1100  
Phoenix, AZ 85004  
602-506-8541

Fax: 602-506-1416

Email: [muthigk@mcao.maricopa.gov](mailto:muthigk@mcao.maricopa.gov)

ATTORNEY TO BE NOTICED

**Laurence G Tinsley , Jr.**

Maricopa County Attorneys Office  
Civil Services Division  
222 N Central Ave., Ste. 1100  
Phoenix, AZ 85004  
602-506-8541

Fax: 602-506-8567

Email: [tinsleyl@mcao.maricopa.gov](mailto:tinsleyl@mcao.maricopa.gov)

ATTORNEY TO BE NOTICED

**Defendant**

**Unknown O'Connell**

*Named as O'Connell – Detention Officer,  
sued in her individual & official capacity*

represented by **Dennis Dale Carpenter , Jr.**

(See above for address)

TERMINATED: 08/13/2007

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

**Maria Brandon**

(See above for address)

TERMINATED: 06/27/2011

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

**Eileen Dennis GilBride**

(See above for address)

**Klaus Peter Muthig**

(See above for address)

ATTORNEY TO BE NOTICED

**Laurence G Tinsley , Jr.**

(See above for address)

ATTORNEY TO BE NOTICED

**Defendant**

**Unknown Peterson**

*Named as Peterson – Captain, sued in  
his/her individual & official capacity*

represented by **Dennis Dale Carpenter , Jr.**  
(See above for address)  
*TERMINATED: 08/13/2007*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Maria Brandon**

(See above for address)  
*TERMINATED: 06/27/2011*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Eileen Dennis GilBride**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Klaus Peter Muthig**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Laurence G Tinsley , Jr.**

(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant****Maricopa County Durango Jail**

*TERMINATED: 05/20/2005*

| Date Filed | #         | Docket Text                                                                                                                                                                          |
|------------|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11/26/2004 | 1         | PRISONER Civil Rights Complaint filed. (TLJ) (Entered: 11/30/2004)                                                                                                                   |
| 11/26/2004 | 2         | NOTICE of Assignment; case is assigned to Judge Neil V. Wake and is referred to Edward C. Voss (PS) and Court's Legal Staff for review. (TLJ) (Entered: 11/30/2004)                  |
| 12/27/2004 | 3         | DEMAND for jury trial by pla Charles Edward Byrd (SRB) (Entered: 12/28/2004)                                                                                                         |
| 01/21/2005 | 4         | NOTICE by pla Charles Edward Byrd of change of address: ASPC, Douglas, Gila Unit, PO Box 5003, Douglas, AZ 85608 (SRB) (Entered: 01/24/2005)                                         |
| 01/31/2005 | 5         | MOTION to amend complaint (pris civil rights) [1-1] by pla Charles Edward Byrd [5-1] (amended complaint not filed) (SRB) (Entered: 02/01/2005)                                       |
| 02/10/2005 | 6         | MOTION for legal supplies by pla Charles Edward Byrd [6-1] (SRB) (Entered: 02/11/2005)                                                                                               |
| 02/17/2005 | 7         | MOTION to produce documents by pla Charles Edward Byrd [7-1] (SRB) (Entered: 02/18/2005)                                                                                             |
| 02/17/2005 | 8         | MOTION for legal supplies by pla Charles Edward Byrd [8-1] (SRB) (Entered: 02/18/2005)                                                                                               |
| 02/23/2005 | 9         | MOTION to amend exhibits by pla Charles Edward Byrd [9-1] (SRB) (Entered: 02/24/2005)                                                                                                |
| 05/03/2005 | <u>10</u> | ORDER FOR PAYMENT OF INMATE FILING FEE by Judge Neil V. Wake (cc: all counsel/Dora Schriro/Michael Brodsky/finance) re: order filed [10-1] (SRB) (ADI-ICMS, ). (Entered: 05/03/2005) |
| 05/03/2005 | 11        | NOTICE by pla Charles Edward Byrd of change of address to #103766, ASPC-Douglas-Maricopa-G4, Box 5000, Douglas, AZ 85608 (KCS) (Entered: 05/05/2005)                                 |
| 05/20/2005 | <u>12</u> | ORDER by Judge Neil V. Wake Plaintiff's Application to Proceed In Forma Pauperis is granted; pla is obligated to pay the statutory filing fee of \$150.00 for                        |

|            |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |           | this action; denying motion to amend exhibits by pla Charles Edward Byrd [9-1], denying motion for legal supplies by pla Charles Edward Byrd [8-1], denying motion to produce documents by pla Charles Edward Byrd [7-1], denying motion for legal supplies by pla Charles Edward Byrd [6-1], denying motion to amend complaint (pris civil rights) [1-1] by pla Charles Edward Byrd [5-1]; dfts Durango Jail, Peterson, Joseph Arpaio, and Maricopa County Sherriff's Office are dismissed without prejudice terminating party Durango Jail, party Peterson, party Joseph M Arpaio, party Maricopa Cty Sher Of , Pla complaint is dismissed without prejudice with leave to amend. Pla shall have 30 days from the date of this order to file an amended complaint; clerk is directed to enter judgment of dismissal without prejudice of this action if pla fails to file an amended complaint within 30 days; ; spec. prisoner ddl set for 6/20/05 clerk is directed to provide pla with a current court approved form for filing a civil rights complaint (cc: all counsel)(form sent to pla) (SRB) (ADI-ICMS, ). (Entered: 05/20/2005) |
| 06/14/2005 | <u>13</u> | FIRST AMENDED COMPLAINT by pla Charles Edward Byrd; jury demand [1-1]; adding Dfts Arpaio, Peterson (MAP) (Entered: 06/15/2005)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 06/14/2005 | <u>14</u> | MOTION for appointment of counsel by pla Charles Edward Byrd [14-1] (MAP) (Entered: 06/15/2005)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 06/16/2005 | <u>15</u> | CERTIFICATE of Mailing First Amended Complaint by pla (SAT) (Entered: 06/17/2005)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 09/14/2005 | <u>16</u> | MOTION to allow Petitioner to make legal copies while on indigent status by Charles Edward Byrd. (TLJ, ) (Entered: 09/15/2005)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 11/09/2005 | <u>17</u> | NOTICE of Change of Address by Charles Edward Byrd: 201 S. 4th Avenue, Phoenix, AZ 85003 (LSP) (Entered: 11/14/2005)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 11/18/2005 | <u>18</u> | NOTICE of Change of Address to 201 S. 4th Ave., Phoenix, AZ. 85003 by Charles Edward Byrd (TLJ, ) (Entered: 11/21/2005)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 02/01/2006 | <u>19</u> | ORDER denying <u>14</u> Motion to Appoint Counsel, denying <u>16</u> Motion copies . Signed by Judge Neil V Wake on 01/31/06. (KCS) (Entered: 02/01/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 02/01/2006 | <u>20</u> | ORDER (Service Packet) Special Prisoner Deadline due by 3/3/2006. Service Packet due by 2/21/2006. Possible Dismissal due by 4/1/2006.. Signed by Judge Neil V Wake on 01/31/06. (KCS, ) (Entered: 02/01/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 02/28/2006 | <u>21</u> | WAIVER OF SERVICE Returned Executed O'Connell waiver sent on 2/15/2006, answer due 4/17/2006. (LSP) (Entered: 03/03/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 02/28/2006 | <u>22</u> | WAIVER OF SERVICE Returned Executed Peterson waiver sent on 2/15/2006, answer due 4/17/2006. (LSP) (Entered: 03/03/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 02/28/2006 | <u>23</u> | WAIVER OF SERVICE Returned Executed Joseph M Arpaio waiver sent on 2/15/2006, answer due 4/17/2006. (LSP) (Entered: 03/03/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 03/02/2006 | <u>24</u> | NOTICE of Change of Address by Charles Edward Byrd (3250 W Lower Buckeye, LBJ-T3L-B19, Phoenix, AZ 85009) (SBU, ) (Entered: 03/06/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 03/28/2006 | <u>25</u> | NOTICE of Change of Address by Charles Edward Byrd #103766, ASPC Douglas, PO Box 5000, Douglas, AZ 85608. (KCS) (Entered: 03/31/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 04/11/2006 | <u>26</u> | MOTION for Status of Case by Charles Edward Byrd. (DNH, ) (Entered: 04/12/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 04/12/2006 | <u>27</u> | MOTION for Default Judgment by Charles Edward Byrd. (DNH, ) (Entered: 04/13/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 04/17/2006 | <u>28</u> | ANSWER to Amended Complaint by Joseph M Arpaio, O'Connell, Peterson.(Brandon, Maria) (Entered: 04/17/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 04/21/2006 | <u>29</u> | MOTION for Summary Judgment by Charles Edward Byrd. (DNH, ) (Entered: 04/24/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 04/27/2006 | <u>30</u> | RESPONSE to Motion re <u>27</u> MOTION for of Default Judgment filed by Joseph M Arpaio, O'Connell, Peterson. (Attachments: # <u>1</u> Exhibit A)(Brandon, Maria)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

|            |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|------------|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |           | (Entered: 04/27/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 05/02/2006 |           | DOCUMENT #31 STRICKEN PURSUANT TO ORDER #36 FILED ON 05/22/06 RESPONSE to <u>28</u> Defendants' Answer to Amended Complaint by Plaintiff Charles Edward Byrd. (Attachments: # 1 Exhibit)(DNH, ) Modified on 5/22/2006 (DNH, ). (Entered: 05/04/2006)                                                                                                                                                                                                                                                                                                                                                                                      |
| 05/04/2006 | <u>32</u> | RESPONSE to Motion re <u>29</u> MOTION for Summary Judgment filed by Joseph M Arpaio, O'Connell, Peterson. (Brandon, Maria) (Entered: 05/04/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 05/08/2006 | <u>33</u> | First MOTION to Strike 31 Response <i>filed</i> by Joseph M Arpaio, O'Connell, Peterson. (Attachments: # <u>1</u> Text of Proposed Order)(Brandon, Maria) (Entered: 05/08/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 05/08/2006 | <u>34</u> | ERRATA re <u>32</u> Response to Motion <i>filed</i> by Defendants Joseph M Arpaio, O'Connell, Peterson. (Attachments: # <u>1</u> Exhibit A to Defendants' Response to Motion for Summary Judgment)(Brandon, Maria) (Entered: 05/08/2006)                                                                                                                                                                                                                                                                                                                                                                                                  |
| 05/22/2006 | <u>35</u> | ORDER denying <u>26</u> Motion for Status, denying <u>27</u> Motion Demanding Judgment by Default, denying <u>29</u> Motion for Summary Judgment. Signed by Judge Edward C Voss on May 22, 2006. (ECV) (Entered: 05/22/2006)                                                                                                                                                                                                                                                                                                                                                                                                              |
| 05/22/2006 | <u>36</u> | ORDER granting <u>33</u> Motion to Strike Plaintiff's 31 Response to Defendants' Answer; Minute Entry 31 Ruled On Motion . Signed by Judge Edward C Voss on 05/22/06. (DNH) (Entered: 05/22/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 05/22/2006 | <u>37</u> | ORDERED Discovery due by 1/25/2007. Dispositive motions due by 3/26/2007. Proposed Pretrial Order due by 5/29/2007. Signed by Judge Edward C Voss on May 22, 2006. (ECV) (Entered: 05/22/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 12/01/2006 | <u>38</u> | Filing fee received: \$ 7.13, receipt number PHX051512. Paid in full. (SAT) (Entered: 12/05/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 01/18/2007 | <u>39</u> | MOTION for Summary Judgment by Joseph M Arpaio, O'Connell, Peterson. (Brandon, Maria) (Entered: 01/18/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 01/18/2007 | <u>40</u> | STATEMENT of Facts in Support of Motion for Summary Judgment re <u>39</u> MOTION for Summary Judgment by Defendants Joseph M Arpaio, O'Connell, Peterson. (Attachments: # <u>1</u> Exhibit Index to Statement of Facts and Exhibits A-F)(Brandon, Maria) (Entered: 01/18/2007)                                                                                                                                                                                                                                                                                                                                                            |
| 01/23/2007 | <u>41</u> | ORDER – IT IS ORDERED that Plaintiff must file a response to Defendants' <u>39</u> MOTION for Summary Judgment together with a separate Statement of Facts and supporting affidavits or other appropriate exhibits, no later than February 21, 2007. FURTHER ORDERED that Defendants may file a reply within 15 days after service of Plaintiffs response. FURTHER ORDERED that the Motion for Summary Judgment will be deemed ready for decision without oral argument on the day following the date set for filing a reply unless otherwise ordered by the Court. Signed by Judge Edward C Voss on 1/22/07. (SAT) (Entered: 01/23/2007) |
| 01/26/2007 | <u>42</u> | MOTION to Submit Exhibits A – M-6 by Charles Edward Byrd. (Attachments: # <u>1</u> )(SAT) (Entered: 01/26/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 02/06/2007 | <u>43</u> | RESPONSE to Motion (titled "Motion to Dismiss") re defendant(s) <u>39</u> MOTION for Summary Judgment filed by Charles Edward Byrd. (Attachments: # <u>1</u> )(SAT) (Entered: 02/08/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 02/20/2007 | <u>44</u> | REPLY to Response to Motion re <u>39</u> MOTION for Summary Judgment <i>Reply to Plaintiff's Motion to Dismiss Defendant(s) Motion for Summary Judgment</i> filed by Joseph M Arpaio, O'Connell, Peterson. (Brandon, Maria) (Entered: 02/20/2007)                                                                                                                                                                                                                                                                                                                                                                                         |
| 02/22/2007 | <u>45</u> | SUPPLEMENT to Plaintiff's <u>43</u> Response (titled "Motion to Dismiss") to Motion re defendant(s) <u>39</u> MOTION for Summary Judgment by Plaintiff Charles Edward Byrd. (SAT) (Entered: 02/22/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 02/22/2007 | <u>46</u> | ORDER – IT IS THEREFORE ORDERED that Plaintiff's <u>42</u> Motion to Submit Exhibits is granted. Signed by Judge Edward C Voss on 2/22/07.(SAT) (Entered: 02/22/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

|            |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02/22/2007 | <u>47</u> | ORDER – IT IS ORDERED that reference to the magistrate judge is withdrawn as to Defendants' Motion for Summary Judgment (doc. # 39). Motions No Longer Referred: <u>39</u> MOTION for Summary Judgment. All other matters in this action shall remain with the magistrate judge for disposition as appropriate. Signed by Judge Neil V Wake on 2/22/07. (SAT) (Entered: 02/22/2007)                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 03/29/2007 | <u>48</u> | NOTICE of Change of Address by Charles Edward Byrd. NEW ADDRESS: ASPC–Alhambra, PO BOX 52109, Phoenix, AZ 85072 (SAT) (Entered: 03/30/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 05/24/2007 | <u>49</u> | MOTION for Proposed Pretrial Order by Charles Edward Byrd. (KMG) (Entered: 05/25/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 05/24/2007 | <u>50</u> | MOTION to Allow U.S. District Court Judge to Rule on this Case and not a Jury Trial by Charles Edward Byrd. (KMG) (Entered: 05/25/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 05/24/2007 | <u>51</u> | MOTION to Appoint Counsel by Charles Edward Byrd. (KMG) (Entered: 05/25/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 05/30/2007 | <u>52</u> | ORDER – IT IS ORDERED: (1) Count II of Plaintiff's First Amended Complaint is dismissed for failure to state a claim. (2) Defendants' <u>39</u> Motion for Summary Judgment is granted in part and denied in part. (3) The motion is granted to the extent that Plaintiff is not entitled to damages under 42 U.S.C. § 1997e(e) for mental or emotional injury. (4) The motion is otherwise denied. Plaintiff may proceed as to his claims for compensatory, nominal, and punitive damages based on violations of his Fourth and Eighth Amendment rights. (5) Plaintiff's <u>49</u> Motion for Pre–Trial Order is denied. (6) Plaintiff's <u>50</u> Motion to Allow U.S. District Judge to Rule on this Case and Not a Jury Trial is denied. Signed by Judge Neil V Wake on 5/29/07.(SAT) (Entered: 05/30/2007) |
| 05/30/2007 | <u>53</u> | ORDER issued: Motions in Limine due by 7/6/2007, Proposed Pretrial Order due by 7/6/2007, Final Pretrial Conference set for 7/27/2007 at 10:00 AM before Judge Neil V Wake, Jury Trial set for 8/14/2007 at 09:00 AM before Judge Neil V Wake. Signed by Judge Neil V Wake on 5/30/07. (SJF) (Entered: 05/30/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 05/31/2007 | <u>54</u> | ORDER – IT IS ORDERED withdrawing the reference to the Magistrate Judge in this case. Case no longer referred to Edward C Voss. All matters going forward shall remain with the District Judge for disposition as appropriate. Signed by Judge Neil V Wake on 5/31/07. (SAT) (Entered: 05/31/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 06/11/2007 | <u>55</u> | RESPONSE to Motion re <u>50</u> MOTION for <i>Response to Plaintiff's Motion to Allow U.S. District Court Judge to Rule on This Case and Not A Jury Trial</i> filed by Joseph M. Arpaio, O'Connell, Peterson. (Brandon, Maria) (Entered: 06/11/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 06/12/2007 | <u>56</u> | MOTION for Appointment of Counsel for Plaintiff by Charles Edward Byrd. (SAT) (Entered: 06/13/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 06/13/2007 | <u>57</u> | ORDER – IT IS ORDERED that Plaintiff's <u>51</u> Motion for Appointment of Counsel is granted. Louis Daniel Lopez, Jr and Stephen P Brower of Fennemore Craig PC are appointed as counsel for Plaintiff. IT IS FURTHER ORDERED that the Clerk serve a copy of this order upon Mr. Lopez and Mr. Brower in addition to the Plaintiff and Defendants' counsel. Signed by Judge Neil V Wake on 6/13/07.(SAT) (Entered: 06/13/2007)                                                                                                                                                                                                                                                                                                                                                                                 |
| 06/14/2007 | <u>58</u> | ORDER – IT IS ORDERED that Plaintiff's second <u>56</u> Motion for Appointment of Counsel is denied as moot, the court having granted Plaintiff's first Motion for Appointment of Counsel (doc. # 51) and having appointed counsel for Plaintiff this date (doc. # 57). Signed by Judge Neil V Wake on 6/13/07.(SAT) (Entered: 06/14/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 06/14/2007 | <u>59</u> | MOTION for Reconsideration re Motion for Summary Judgment by Joseph M. Arpaio, O'Connell, Peterson. (Brandon, Maria) (Entered: 06/14/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 06/14/2007 | <u>60</u> | Notice re Addendum to Statement of Facts in Support of Motion For Summary Judgment and Motion For Reconsideration by Joseph M. Arpaio, O'Connell, Peterson re <u>40</u> Statement <i>Exhibits G and H</i> (Attachments: # <u>1</u> # <u>2</u> )(Brandon, Maria) (Entered: 06/14/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

|            |           |                                                                                                                                                                                                                                                                                                                                             |
|------------|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 06/15/2007 | <u>61</u> | ORDER – IT IS ORDERED THAT Defendants <u>59</u> Motion for Reconsideration is DENIED. Signed by Judge Neil V Wake on 6/15/07.(SAT) (Entered: 06/15/2007)                                                                                                                                                                                    |
| 06/18/2007 | <u>63</u> | MOTION in Limine re: to exclude plaintiff's prior felony convictions by Charles Edward Byrd. (SAT) (Entered: 06/19/2007)                                                                                                                                                                                                                    |
| 06/18/2007 | <u>64</u> | MOTION to Order Arizona Department of Corrections to Transport Plaintiff to all Pending Court Dates by Charles Edward Byrd. (SAT) (Entered: 06/19/2007)                                                                                                                                                                                     |
| 06/19/2007 | <u>62</u> | MOTION to Dismiss Case by Joseph M. Arpaio, O'Connell, Peterson. (Attachments: # <u>1</u> Exhibit 1 – 1A# <u>2</u> Exhibit 1B – 5)(Brandon, Maria) (Entered: 06/19/2007)                                                                                                                                                                    |
| 06/20/2007 | <u>65</u> | ORDER denying <u>62</u> Motion to Dismiss Case. Signed by Judge Neil V Wake on 6/20/07.(SJF) (Entered: 06/20/2007)                                                                                                                                                                                                                          |
| 06/20/2007 | <u>67</u> | MOTION for Reconsideration re order <u>52</u> of dismissal of count 2 of complaint by Charles Edward Byrd. (DMT, ) (Entered: 06/21/2007)                                                                                                                                                                                                    |
| 06/21/2007 | <u>66</u> | Notice re Defendants' Supplemental Disclosure by Joseph M. Arpaio, O'Connell, Peterson (Brandon, Maria) (Entered: 06/21/2007)                                                                                                                                                                                                               |
| 06/21/2007 | <u>68</u> | ORDER denying <u>63</u> Motion in Limine; denying <u>64</u> Motion to Order the Arizona Department of Corrections to Transport Plaintiff; denying <u>67</u> Motion for Reconsideration as improperly filed pro se. Plaintiff was appointed counsel on 6/13/07 [doc. 57]. Signed by Judge Neil V Wake on 6/21/07.(SJF) (Entered: 06/21/2007) |
| 06/22/2007 | <u>69</u> | SUPPLEMENT of Sgt. Fisher's Affidavit in Support of Defendants' Motion to Dismiss filed June 19, 2007 by Defendants Joseph M. Arpaio, O'Connell, Peterson. (Attachments: # <u>1</u> Exhibit Index for Addendum to Sgt. Fisher's Affidavit in Support of Defendants' Motion to Dismiss)(Brandon, Maria) (Entered: 06/22/2007)                |
| 07/06/2007 | <u>70</u> | Proposed Voir Dire by Joseph M. Arpaio, O'Connell, Peterson. (Brandon, Maria) (Entered: 07/06/2007)                                                                                                                                                                                                                                         |
| 07/06/2007 | <u>71</u> | Proposed Jury Instructions by Joseph M. Arpaio, O'Connell, Peterson. (Attachments: # <u>1</u> Proposed Jury Instructions with Objections)(Brandon, Maria) (Entered: 07/06/2007)                                                                                                                                                             |
| 07/06/2007 | <u>72</u> | Proposed Verdict Form by Joseph M. Arpaio, O'Connell, Peterson. (Brandon, Maria) (Entered: 07/06/2007)                                                                                                                                                                                                                                      |
| 07/06/2007 | <u>73</u> | Notice of Filing Proposed Pretrial Order filed by Charles Edward Byrd (Attachments: # <u>1</u> Proposed Final Pretrial Order for Jury Trial)(Lopez, Louis) (Entered: 07/06/2007)                                                                                                                                                            |
| 07/06/2007 | <u>74</u> | Proposed Jury Instructions by Joseph M. Arpaio, O'Connell, Peterson. (Lopez, Louis) (Entered: 07/06/2007)                                                                                                                                                                                                                                   |
| 07/06/2007 | <u>75</u> | Proposed Jury Instructions by Charles Edward Byrd. (Lopez, Louis) (Entered: 07/06/2007)                                                                                                                                                                                                                                                     |
| 07/06/2007 | <u>76</u> | OBJECTION re <u>75</u> Proposed Jury Instructions <i>filed by Plaintiff</i> by Defendants Joseph M. Arpaio, O'Connell, Peterson. (Lopez, Louis) (Entered: 07/06/2007)                                                                                                                                                                       |
| 07/06/2007 | <u>77</u> | Proposed Voir Dire by Charles Edward Byrd. (Lopez, Louis) (Entered: 07/06/2007)                                                                                                                                                                                                                                                             |
| 07/06/2007 | <u>78</u> | OBJECTION re <u>75</u> Proposed Jury Instructions by Defendants Joseph M. Arpaio, O'Connell, Peterson. (Brandon, Maria) (Entered: 07/06/2007)                                                                                                                                                                                               |
| 07/06/2007 | <u>79</u> | Notice re Stipulated to Verdict Forms by Charles Edward Byrd, Joseph M. Arpaio, O'Connell, Peterson (Lopez, Louis) (Entered: 07/06/2007)                                                                                                                                                                                                    |
| 07/06/2007 | <u>80</u> | MOTION for To Provide for Transportation and the Wearing of Civilian Clothes to Trial by Charles Edward Byrd. (Attachments: # <u>1</u> Text of Proposed Order)(Lopez, Louis) (Entered: 07/06/2007)                                                                                                                                          |

|            |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 07/12/2007 | <u>81</u>  | ORDER granting <u>80</u> Motion to Provide for Transportation and the Wearing of Civilian Clothes to Trial. Plaintiff's counsel are to make arrangements with the US Marshal's Office for the daily delivery of clothes. Plaintiff's counsel ordered to make appropriate arrangements with DOC for Plaintiff to appear telephonically for 7/27/07 pretrial. The Court will issue a writ to secure Plaintiff's attendance at trial. Signed by Judge Neil V Wake on 7/12/07.(SJF) (Entered: 07/12/2007) |
| 07/27/2007 | <u>82</u>  | Minute Entry. Proceedings held before Judge Neil V Wake: Pretrial Conference held on 7/27/2007. Numerous pretrial issues discussed and resolved (see text of minute entry). Counsel are directed to revise the pretrial order for submission to the Court. Counsel are directed to confer and attempt to submit a revised agreed-upon joint statement of the case by August 3, 2007. (Court Reporter Laurie Adams.)(SJF) (Entered: 07/27/2007)                                                        |
| 07/27/2007 | <u>83</u>  | ORDER re <u>82</u> Minute Entry: ruling on oral motion for demonstration. Signed by Judge Neil V. Wake on 7/27/2007. (NVW, ) (Entered: 07/27/2007)                                                                                                                                                                                                                                                                                                                                                    |
| 07/30/2007 | <u>84</u>  | ORDER FOR WRIT TO ISSUE – IT IS ORDERED that the Clerk of this Court be and is hereby instructed to issue a Writ of Habeas Corpus to the Warden, Arizona State Prison Complex – Phoenix, Alhambra, or his authorized Deputy to bring Charles Edward Byrd, #103766, to the United States Courthouse at Phoenix, AZ, Courtroom 504, for jury trial on 8/14/07 at 8:30 a.m. Writ Issued. Signed by Judge Neil V Wake on 7/27/07. (SAT) (Entered: 07/30/2007)                                             |
| 08/03/2007 | <u>85</u>  | Notice of Filing Proposed Pretrial Order filed by Charles Edward Byrd (Attachments: # <u>1</u> Proposed Final Pretrial Order for Jury Trial)(Lopez, Louis) (Entered: 08/03/2007)                                                                                                                                                                                                                                                                                                                      |
| 08/06/2007 | <u>86</u>  | FINAL PRETRIAL ORDER FOR JURY TRIAL – IT IS ORDERED this Proposed Final Pretrial Order jointly submitted by the parties is hereby APPROVED and ADOPTED as the official Pretrial Order of this Court. Signed by Judge Neil V Wake on 8/3/07. (SAT) (Entered: 08/06/2007)                                                                                                                                                                                                                               |
| 08/07/2007 | <u>87</u>  | Notice re Pretrial Objection by Charles Edward Byrd to <i>Use of Defendants' Mannequin</i> (Attachments: # <u>1</u> Exhibit A)(Brower, Stephen) (Entered: 08/07/2007)                                                                                                                                                                                                                                                                                                                                 |
| 08/09/2007 | <u>88</u>  | OBJECTION <i>Response to Pretrial Objection to Use of Defendants' Mannequin</i> by Defendants Joseph M. Arpaio, O'Connell, Peterson filed by Joseph M. Arpaio, O'Connell, Peterson. (Brandon, Maria) (Entered: 08/09/2007)                                                                                                                                                                                                                                                                            |
| 08/13/2007 | <u>89</u>  | Notice re Withdrawal of Dennis Dale Carpenter, Jr. by Joseph M. Arpaio, O'Connell, Peterson (Brandon, Maria) (Entered: 08/13/2007)                                                                                                                                                                                                                                                                                                                                                                    |
| 08/13/2007 | <u>90</u>  | SUPPLEMENT re <u>75</u> Proposed Jury Instructions by Plaintiff Charles Edward Byrd. (Lopez, Louis) (Entered: 08/13/2007)                                                                                                                                                                                                                                                                                                                                                                             |
| 08/13/2007 | <u>91</u>  | OBJECTION to <i>PowerPoint</i> by Defendants Joseph M. Arpaio, O'Connell, Peterson. (Brandon, Maria) (Entered: 08/13/2007)                                                                                                                                                                                                                                                                                                                                                                            |
| 08/14/2007 | <u>93</u>  | Minute Entry. Proceedings held before Judge Neil V Wake: Jury Trial begun and held on 8/14/2007 (Day One). (Court Reporter Laurie Adams.)(SJF) (Entered: 08/15/2007)                                                                                                                                                                                                                                                                                                                                  |
| 08/15/2007 | <u>92</u>  | OBJECTION TO PLAINTIFF'S REQUESTED NEGATIVE INFERENCE by Defendants Joseph M. Arpaio, O'Connell, Peterson. (Brandon, Maria) (Entered: 08/15/2007)                                                                                                                                                                                                                                                                                                                                                     |
| 08/15/2007 | <u>94</u>  | Minute Entry. Proceedings held before Judge Neil V Wake : Jury Trial (day 2) held on 8/15/2007. (Court Reporter Laurie Adams.)(TLJ) (Entered: 08/17/2007)                                                                                                                                                                                                                                                                                                                                             |
| 08/15/2007 | <u>103</u> | Notice (letter) to Judge Wake regarding jury instruction by attorney Louis Lopez for Charles Edward Byrd. (TLJ) (Entered: 08/17/2007)                                                                                                                                                                                                                                                                                                                                                                 |
| 08/15/2007 | <u>104</u> | Notice of requested negative inference by Charles Edward Byrd. (TLJ) (Entered: 08/17/2007)                                                                                                                                                                                                                                                                                                                                                                                                            |
| 08/16/2007 | <u>95</u>  | Minute Entry. Proceedings held before Judge Neil V Wake : Jury Trial completed on 8/16/2007. (Court Reporter Laurie Adams.)(TLJ) (Entered: 08/17/2007)                                                                                                                                                                                                                                                                                                                                                |

|            |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 08/16/2007 | <u>96</u>  | SEALED JURY VERDICT (MAP) (Entered: 08/17/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 08/16/2007 | <u>97</u>  | Exhibit List by Charles Edward Byrd.(TLJ) (Entered: 08/17/2007)                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 08/16/2007 | <u>98</u>  | Witness List by Charles Edward Byrd. (TLJ) (Entered: 08/17/2007)                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 08/16/2007 | <u>99</u>  | Exhibit List by defendants. (TLJ) (Entered: 08/17/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 08/16/2007 | <u>100</u> | Jury Questions During Trial.(TLJ) (Entered: 08/17/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 08/16/2007 | <u>101</u> | Jury Instructions signed by Judge Neil V. Wake on 8/16/07. (TLJ) (Entered: 08/17/2007)                                                                                                                                                                                                                                                                                                                                                                                                   |
| 08/16/2007 | <u>102</u> | JURY VERDICT. (TLJ) (Entered: 08/17/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 08/17/2007 | <u>105</u> | CLERK'S JUDGMENT-IT IS ORDERED that the jury finds for Defendant on all counts. JUDGMENT is hereby entered in favor of Defendants and Plaintiff takes nothing. (TLJ) (Entered: 08/17/2007)                                                                                                                                                                                                                                                                                               |
| 08/24/2007 | <u>106</u> | MOTION to Withdraw as Attorney by Charles Edward Byrd. (Attachments: # <u>1</u> Text of Proposed Order)(Lopez, Louis) (Entered: 08/24/2007)                                                                                                                                                                                                                                                                                                                                              |
| 08/27/2007 | <u>107</u> | ORDER that Plaintiff's counsel's <u>106</u> Motion to Withdraw as Counsel of Record is granted. The law firm of Fennemore Craig P.C. and attorneys Stephen Brower and Louis Daniel Lopez, Jr are discharged as counsel of record for Plaintiff. Clerk to serve this order and all future papers on Plaintiff (Charles Edward Byrd #103766, ASPC-Phoenix, Alhambra Unit, 2500 E. Van Buren Street, Phoenix, AZ 85008). Signed by Judge Neil V Wake on 8/27/07.(SAT) (Entered: 08/27/2007) |
| 09/06/2007 | <u>108</u> | MOTION for Appointment of Counsel for an Appeal on the above titled case by Charles Edward Byrd. (SAT) (Entered: 09/07/2007)                                                                                                                                                                                                                                                                                                                                                             |
| 09/06/2007 | <u>109</u> | NOTICE OF APPEAL to 9th Circuit, as to <u>105</u> Clerk's Judgment by Charles Edward Byrd. (Attachments: # <u>1</u> Appellant's Informal Brief). Main pdf and attachment detached from Motion at #108.(SAT) (Entered: 09/07/2007)                                                                                                                                                                                                                                                        |
| 09/10/2007 | <u>110</u> | Notice of Appeal Notification Form; Notice of Appeal and copy of docket sheet transmitted to Ninth Circuit and all parties re <u>109</u> Notice of Appeal (SAT) (Entered: 09/10/2007)                                                                                                                                                                                                                                                                                                    |
| 09/12/2007 | <u>111</u> | ORDER that Plaintiff's <u>108</u> Motion for Appointment of Counsel is denied. FURTHER CERTIFIED pursuant to 28 U.S.C. § 1915(a)(3) that Plaintiff's appeal is not taken in good faith except as to his claim that routine female-on-male over-underwear pat-down searches of otherwise unclothed male prisoners' groins violates the Eighth or Fourteenth Amendments. Signed by Judge Neil V Wake on 9/11/07.(SAT) (Entered: 09/12/2007)                                                |
| 09/14/2007 | <u>113</u> | USCA Appeal Fees received \$ 455 receipt number PHX062284 re <u>109</u> Notice of Appeal filed by Charles Edward Byrd (SAT) (Entered: 09/21/2007)                                                                                                                                                                                                                                                                                                                                        |
| 09/21/2007 | <u>112</u> | Ninth Circuit Case Number 07-16640 for <u>109</u> Notice of Appeal. (SAT) (Entered: 09/21/2007)                                                                                                                                                                                                                                                                                                                                                                                          |
| 10/03/2007 | <u>114</u> | Copy of ORDER - As requested by the Ninth Circuit, finding this appeal has been taken in good faith (28 U.S.C. 1915(a)(3))(See attached order of 9/11/07, doc #111), re <u>109</u> NOTICE OF APPEAL to 9th Circuit. Signed by Judge Neil V Wake on 10/1/07. (Original forwarded to Ninth Circuit)(SAT) (Entered: 10/03/2007)                                                                                                                                                             |
| 10/16/2007 | <u>115</u> | MOTION for Admission Pro Hac Vice as to attorney Jarrett A Green on behalf of Charles Edward Byrd. (BAS, ) (Entered: 10/16/2007)                                                                                                                                                                                                                                                                                                                                                         |
| 10/16/2007 |            | PRO HAC VICE FEE PAID. \$ 100, receipt number PHX063435 as to Jarrett A Green. (BAS, ) (Entered: 10/16/2007)                                                                                                                                                                                                                                                                                                                                                                             |
| 10/16/2007 | 116        | ORDER pursuant to General Order 05-25 granting <u>115</u> Motion for Admission Pro Hac Vice.Per the Court's Administrative Policies and Procedures Manual, applicant has five (5) days in which to register as a user of the Electronic Filing System. Registration to be accomplished via the court's website at www.azd.uscourts.gov. (BAS, )(This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (Entered: 10/16/2007)                                   |

|            |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10/17/2007 | <u>117</u> | NOTICE of Appearance by Eileen Dennis GilBride on behalf of Joseph M. Arpaio, O'Connell, Peterson (GilBride, Eileen) (Entered: 10/17/2007)                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 11/20/2007 | <u>118</u> | ORDER of 9th Circuit, Jarrett A. Green, Esq. is pro bono counsel for appellant. Appellant's motion for production of transcripts at government expense is granted. The court authorizes the production of the reporter's transcripts for the following dates: July 27, 2007, and August 14, 15 and 16, 2007. A copy of this order constitutes authorization for production of the reporter's transcripts at government expense. The transcripts are due December 24, 2007. Remaining briefing schedule re-set, appeal case number 07-16640.(SAT) (Entered: 11/20/2007) |
| 12/04/2007 | <u>119</u> | TRANSCRIPT DESIGNATION AND ORDER FORM by Maricopa County Sheriffs Office, Joseph M. Arpaio, O'Connell, Peterson for proceedings held on 07/27/07 and 08/14/07 thru 08/16/07 before Judge Neil V. Wake. (GilBride, Eileen) (Entered: 12/04/2007)                                                                                                                                                                                                                                                                                                                        |
| 12/21/2007 | <u>120</u> | TRANSCRIPT filed for Final Pretrial Conference hearing for dates of 7/27/07 before Judge Neil V Wake. Court Reporter: Laurie A Adams. Re <u>109</u> Notice of Appeal (BAS, ) (Entered: 12/28/2007)                                                                                                                                                                                                                                                                                                                                                                     |
| 12/21/2007 | <u>121</u> | TRANSCRIPT filed for Jury Trial Day 1 for dates of 8/14/07 before Judge Neil V Wake. Court Reporter: Laurie A Adams. Re <u>109</u> Notice of Appeal (BAS, ) (Entered: 12/28/2007)                                                                                                                                                                                                                                                                                                                                                                                      |
| 12/21/2007 | <u>122</u> | TRANSCRIPT filed for Jury Trial Day 2 for dates of 8/15/07 before Judge Neil V Wake. Court Reporter: Laurie A Adams. Re <u>109</u> Notice of Appeal (BAS, ) (Entered: 12/28/2007)                                                                                                                                                                                                                                                                                                                                                                                      |
| 12/21/2007 | <u>123</u> | TRANSCRIPT filed for Jury Trial Day 3 for dates of 8/16/07 before Judge Neil V Wake. Court Reporter: Laurie A Adams. Re <u>109</u> Notice of Appeal (BAS, ) (Entered: 12/28/2007)                                                                                                                                                                                                                                                                                                                                                                                      |
| 12/28/2007 | <u>124</u> | CERTIFICATE OF RECORD TRANSMITTED TO 9TH CIRCUIT COURT OF APPEALS re <u>109</u> Notice of Appeal (KMG) (Entered: 12/28/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 04/10/2009 | <u>125</u> | Transmitted Record on Appeal to 9th Circuit re <u>109</u> Notice of Appeal. Number of Volumes of Clerks Records: 1; Number of Transcripts: 4; Docket Numbers of Transcripts: 120, 121, 122, 123; Number of Expandos: 1; (ESL) (Entered: 04/10/2009)                                                                                                                                                                                                                                                                                                                    |
| 04/22/2009 | <u>126</u> | Acknowledgment of Receipt of Record on Appeal from 9th Circuit re <u>109</u> Notice of Appeal. (TLJ) (Entered: 04/23/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 06/11/2009 | <u>127</u> | MANDATE of 9th Circuit (Certified Copy), AFFIRMING the decision of the district court, case number 07-16640, as to <u>109</u> Notice of Appeal filed by Charles Edward Byrd. Cost awarded to Appellees in the amount of \$147.30. (Attachments: #(1) Opinion, #(2) nda)(KMG) (Entered: 06/11/2009)                                                                                                                                                                                                                                                                     |
| 06/15/2009 | <u>128</u> | ORDER of 9th Circuit that the mandate issued on 6/9/09 is recalled as issued in error re appeal case number 07-16640, as to <u>109</u> Notice of Appeal filed by Charles Edward Byrd. (TLJ) (Entered: 06/15/2009)                                                                                                                                                                                                                                                                                                                                                      |
| 01/13/2011 | <u>129</u> | Appeal Record Returned: <u>109</u> Notice of Appeal, re 07-16640. Number of Volumes of Clerk's Record: 1, Number of Transcripts: 4, Docket numbers of Transcripts: 120, 121, 122, and 123, Number of Expandos: One. (LSP) (Entered: 01/14/2011)                                                                                                                                                                                                                                                                                                                        |
| 01/27/2011 | <u>130</u> | MANDATE of USCA REVERSING the district court's entry of judgment as a matter of law in favor of O'Connell and Maricopa County on this claim and REMANDING this case to the district court for further proceedings consistent with this opinion as to <u>109</u> Notice of Appeal filed by Charles Edward Byrd (Attachments: # <u>1</u> opinion, # <u>2</u> nda)(DMT) (Entered: 01/27/2011)                                                                                                                                                                             |
| 01/27/2011 | <u>131</u> | ORDER: Status Conference set for 3/2/2011 at 10:00 AM in Courtroom 504, 401 West Washington Street, Phoenix, AZ 85003 before Judge Neil V Wake. FURTHER ORDERED that counsel shall confer before the status conference, either in person or by telephone, to develop a proposed schedule for a trial on damages, including any relevant pretrial deadlines. See order for details. Signed by Judge Neil V Wake on 01/27/11. (NKS) (Entered: 01/27/2011)                                                                                                                |

|            |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02/04/2011 | <u>132</u> | TEXT ONLY ORDER: On the Court's Own Motion, ORDERED resetting the Status Conference from 3/2/2011 at 10:00 AM to 3/2/2011 at 2:30 PM in Courtroom 504, 401 West Washington Street, Phoenix, AZ 85003 before Judge Neil V Wake. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (NKS) (Entered: 02/04/2011)                                                                                                                                                                                    |
| 02/10/2011 | <u>133</u> | NOTICE of Change of Address by Jarrett A Green (Green, Jarrett) (Entered: 02/10/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 02/10/2011 | <u>134</u> | NOTICE re of Association and Appearance of Local Arizona Counsel by Charles Edward Byrd. (Green, Jarrett) (Entered: 02/10/2011)                                                                                                                                                                                                                                                                                                                                                                                               |
| 02/17/2011 | <u>135</u> | TEXT ONLY ORDER: On the Court's Own Motion, ORDERED resetting the Status Conference from 03/02/2011 to 03/16/2011 at 2:00 PM in Courtroom 504, 401 West Washington Street, Phoenix, AZ 85003 before Judge Neil V Wake. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (NKS) (Entered: 02/17/2011)                                                                                                                                                                                            |
| 03/10/2011 | <u>136</u> | NOTICE re Notice to the Court of Petition for Writ of Certiorari by Joseph M Arpaio, Maricopa County Sheriff's Office, Unknown O'Connell, Unknown Peterson re 135 Set/Reset Hearings,, Terminate Deadlines and Hearings,. (GilBride, Eileen) (Entered: 03/10/2011)                                                                                                                                                                                                                                                            |
| 03/14/2011 | <u>137</u> | TEXT ONLY ORDER: The Status Conference currently set for 03/16/11 at 2:00 p.m. before Judge Neil V. Wake is affirmed and will proceed as scheduled. Plaintiff's counsel may appear telephonically (if he chooses) for that hearing by calling chambers at (602) 322-7640 approximately 5 minutes prior to the start of the proceeding. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (NKS) (Entered: 03/14/2011)                                                                            |
| 03/16/2011 | <u>138</u> | TEXT ONLY Minute Entry for proceedings held before Judge Neil V Wake: Status Conference held on 3/16/2011. Appearances: Stephen Brower for Plaintiff; Maria Brandon for Defendants. Discussion is held regarding damages and attorney fees in this matter. A future trial date is also discussed. The Court informs counsel that it will not be setting a trial date at this time. (Court Reporter Laurie Adams.) This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (NKS) (Entered: 03/16/2011) |
| 04/11/2011 | <u>139</u> | *NOTICE of Change of Address by Maria R Brandon (Brandon, Maria) *Wrong PDF document attached. Attorney refiled at (Doc. 141) Modified on 4/12/2011 (ESL). (Entered: 04/11/2011)                                                                                                                                                                                                                                                                                                                                              |
| 04/11/2011 | <u>140</u> | *ERRATA re <u>139</u> Notice of Change of Address by Joseph M Arpaio, Unknown O'Connell, Unknown Peterson. (Brandon, Maria) *Event modified from (notice-other) to (errata) on 4/12/2011 (ESL). (Entered: 04/11/2011)                                                                                                                                                                                                                                                                                                         |
| 04/11/2011 | <u>141</u> | NOTICE of Change of Address by Maria R Brandon (Brandon, Maria) (Entered: 04/11/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 06/27/2011 | <u>142</u> | NOTICE of Attorney Substitution by Laurence G Tinsley, Jr (Tinsley, Laurence) (Entered: 06/27/2011)                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 07/06/2011 | <u>143</u> | ORDER: Proposed Pretrial Order due by 8/24/2011. Final Pretrial Conference set for 9/14/2011 at 2:00 PM in Courtroom 504, 401 West Washington Street, Phoenix, AZ 85003 before Judge Neil V Wake. See order for complete details. Signed by Judge Neil V Wake on 7/5/11. (NKS) (Entered: 07/06/2011)                                                                                                                                                                                                                          |
| 07/08/2011 | <u>144</u> | NOTICE of Change of Address by Jarrett A Green (Green, Jarrett) (Entered: 07/08/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 08/24/2011 | <u>145</u> | MOTION in Limine re: RE: CRUEL AND UNUSUAL" <i>DEFENDANTS' MOTION IN LIMINE RE.: CRUEL AND UNUSUAL</i> " by Joseph M Arpaio, Unknown O'Connell, Unknown Peterson. (Attachments: # <u>1</u> Text of Proposed Order)(Tinsley, Laurence) (Entered: 08/24/2011)                                                                                                                                                                                                                                                                   |
| 08/24/2011 | <u>146</u> | MOTION in Limine re: RE: PRIOR APPEAL OR PROCEDURAL HISTORY <i>DEFENDANTS' MOTION IN LIMINE RE: PRIOR APPEAL OR PROCEDURAL HISTORY</i> by Joseph M Arpaio, Unknown O'Connell, Unknown Peterson. (Attachments: # <u>1</u> Text of Proposed Order)(Tinsley, Laurence) (Entered: 08/24/2011)                                                                                                                                                                                                                                     |

|            |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |            | 08/24/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 08/24/2011 | <u>147</u> | Proposed Voir Dire by Charles Edward Byrd. (Lopez, Louis) (Entered: 08/24/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 08/24/2011 | <u>148</u> | MOTION in Limine re: RE: Precluding Evidence of Plaintiff's Emotional Damages and Alternative Motion to Vacate Jury Trial and to Award Plaintiff \$1 in Nominal Damages <i>DEFENDANTS' MOTION IN LIMINE RE: PRECLUDING EVIDENCE OF PLAINTIFF'S EMOTIONAL DAMAGES AND ALTERNATIVE MOTION TO VACATE JURY TRIAL AND TO AWARD PLAINTIFF \$1 IN NOMINAL DAMAGES</i> by Joseph M Arpaio, Unknown O'Connell, Unknown Peterson. (Attachments: # <u>1</u> Exhibit Exhibit Coversheet, # <u>2</u> Exhibit Exhibits, # <u>3</u> Text of Proposed Order)(Tinsley, Laurence) (Entered: 08/24/2011) |
| 08/24/2011 | <u>149</u> | MOTION in Limine re: Re: Precluding Evidence of the Method of Searching or the Circumstances Surrounding the Search <i>DEFENDANTS' MOTION IN LIMINE RE.: PRECLUDING EVIDENCE OF THE METHOD OF SEARCHING OR THE CIRCUMSTANCES SURROUNDING THE SEARCH</i> by Joseph M Arpaio, Unknown O'Connell, Unknown Peterson. (Attachments: # <u>1</u> Exhibit Exhibit coversheet, # <u>2</u> Exhibit Exhibit, # <u>3</u> Text of Proposed Order)(Tinsley, Laurence) (Entered: 08/24/2011)                                                                                                         |
| 08/24/2011 | <u>150</u> | MOTION in Limine re: Re: Explanations or Mitigation re Plaintiff's Prior Felonies <i>DEFENDANTS' MOTION IN LIMINE RE.: EXPLANATION OR MITIGATION REGARDING PLAINTIFF'S PRIOR FELONIES</i> by Joseph M Arpaio, Unknown O'Connell, Unknown Peterson. (Attachments: # <u>1</u> Text of Proposed Order)(Tinsley, Laurence) (Entered: 08/24/2011)                                                                                                                                                                                                                                          |
| 08/24/2011 | <u>151</u> | MOTION in Limine re: Re: Punitive Damages <i>DEFENDANTS' MOTION FOR JUDGMENT AS A MATTER OF LAW ON PUNITIVE DAMAGES, AND MOTION IN LIMINE ON PUNITIVE DAMAGES</i> by Joseph M Arpaio, Unknown O'Connell, Unknown Peterson. (Attachments: # <u>1</u> Text of Proposed Order)(Tinsley, Laurence). Added MOTION for Judgment on 8/25/2011 (ESL). (Entered: 08/24/2011)                                                                                                                                                                                                                   |
| 08/24/2011 | <u>152</u> | Proposed Verdict Form by Joseph M Arpaio, Unknown O'Connell, Unknown Peterson. (Tinsley, Laurence) (Entered: 08/24/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 08/24/2011 | <u>153</u> | Notice of Filing Proposed Pretrial Order filed by Charles Edward Byrd (Attachments: # <u>1</u> Text of Proposed Order Proposed Final Pretrial Order for Jury Trial, # <u>2</u> Exhibit Exhibit A Opinion to Proposed Final Pretrial Order for Jury Trial, # <u>3</u> Exhibit Exhibit B Form of Verdict to Proposed Final Pretrial Order for Jury Trial)(Lopez, Louis) (Entered: 08/24/2011)                                                                                                                                                                                           |
| 08/24/2011 | <u>154</u> | Proposed Jury Instructions by Charles Edward Byrd. (Lopez, Louis) (Entered: 08/24/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 08/25/2011 | <u>155</u> | MOTION for Extension of Time to File Response/Reply to <i>Defendants' Motions in Limine</i> , MOTION to Continue Pretrial Conference <i>Set for September 14, 2011</i> , MOTION to Expedite Ruling by Charles Edward Byrd. (Attachments: # <u>1</u> Text of Proposed Order)(Lopez, Louis) (Entered: 08/25/2011)                                                                                                                                                                                                                                                                       |
| 08/25/2011 | <u>156</u> | ORDER: On or before 09/01/11, each side shall file a notice stating whether or not it waives the conflict described above. See order for complete details. Signed by Judge Neil V Wake on 8/25/11. (NKS) (Entered: 08/25/2011)                                                                                                                                                                                                                                                                                                                                                        |
| 09/01/2011 | <u>157</u> | NOTICE re Waiver of Conflict by Charles Edward Byrd. (Lopez, Louis) (Entered: 09/01/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 09/01/2011 | <u>158</u> | NOTICE re DEFENDANTS' WAIVER OF CONFLICT by Joseph M Arpaio, Unknown O'Connell, Unknown Peterson <i>DEFENDANTS' WAIVER OF CONFLICT</i> . (Tinsley, Laurence) (Entered: 09/01/2011)                                                                                                                                                                                                                                                                                                                                                                                                    |
| 09/01/2011 | <u>159</u> | ORDER: Plaintiff may have until 09/12/11, at noon, to file a consolidated (i.e., single-document) response to the Motions in Limine (Doc. 145, 146, 148, 149, 150, 151). Defendants may have until 09/13/11 at 4:00 p.m. to file a consolidated (single-document) reply. FURTHER ORDERED that <u>155</u> Plaintiff's Motion for Additional Time to Respond is granted as above stated, and the <u>155</u> Motion to Continue Pretrial Conference Set for 09/14/11 is denied. FURTHER ORDERED                                                                                          |

|            |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |            | setting a firm trial date to a jury for 10/04/11, at 8:45 a.m., without prejudice to consideration on 09/14/11, of <u>148</u> Defendant's motion to vacate jury trial. Signed by Judge Neil V Wake on 9/1/11. (NKS) (Entered: 09/01/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 09/06/2011 | <u>160</u> | TEXT ONLY ORDER: On the Court's own motion, ORDERED setting a Telephonic Conference for 9/6/2011 at 3:30 PM in Courtroom 504, 401 West Washington Street, Phoenix, AZ 85003 before Judge Neil V Wake to discuss the setting of deadlines in this matter. Counsel are directed to phone the Court approximately 5 minutes prior to the start of the proceeding at (602) 322-7640 on one conjoined phone call. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (NKS) (Entered: 09/06/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 09/06/2011 | <u>161</u> | TEXT ONLY Minute Entry for proceedings held before Judge Neil V Wake: Telephonic Conference held on 9/6/2011. Appearances: Louis Lopez, Jr. for Plaintiff; Laurence Tinsley, Jr. and Peter Muthig for Defendants. Discussion is held. The Court will grant Plaintiff an extension until 09/30/11 to file a response to the pending <u>145</u> <u>146</u> <u>148</u> <u>149</u> <u>150</u> <u>151</u> Motions in Limine. Defendants shall have up to and including 10/17/11 to file their replies. The Court sets a Final Pretrial Conference on 10/24/11 at 2:00 p.m. The Court continues the Jury Trial from 10/04/11 to 11/16/11 at 8:45 a.m. (FIRM TRIAL). The Court will set aside three days for the Jury Trial. (Court Reporter Laurie Adams.) This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (NKS) (Entered: 09/06/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 09/07/2011 | <u>162</u> | NOTICE of Appearance by Klaus Peter Muthig on behalf of Joseph M Arpaio, Unknown O'Connell, Unknown Peterson (Muthig, Klaus) (Entered: 09/07/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 09/30/2011 | <u>163</u> | RESPONSE to Motion re <u>149</u> MOTION in Limine re: Re: Precluding Evidence of the Method of Searching or the Circumstances Surrounding the Search <i>DEFENDANTS' MOTION IN LIMINE RE.: PRECLUDING EVIDENCE OF THE METHOD OF SEARCHING OR THE CIRCUMSTANCES SURROUNDING THE SEARCH</i> <u>151</u> MOTION in Limine re: Re: Punitive Damages <i>DEFENDANTS' MOTION FOR JUDGMENT AS A MATTER OF LAW ON PUNITIVE DAMAGES, AND MOTION IN LIMINE ON PUNITIVE DAMAGES MOTION for Judgment, 148</i> MOTION in Limine re: RE: Precluding Evidence of Plaintiff's Emotional Damages and Alternative Motion to Vacate Jury Trial and to Award Plaintiff \$1 in Nominal Damages <i>DEFENDANTS' MOTION IN LIMINE RE: PRECLUDING EVIDENCE OF PLAINTIFF, 150</i> MOTION in Limine re: Re: Explanations or Mitigation re Plaintiff's Prior Felonies <i>DEFENDANTS' MOTION IN LIMINE RE.: EXPLANATION OR MITIGATION REGARDING PLAINTIFF'S PRIOR FELONIES, 145</i> MOTION in Limine re: RE: CRUEL AND UNUSUAL" <i>DEFENDANTS' MOTION IN LIMINE RE.: CRUEL AND UNUSUAL", 146</i> MOTION in Limine re: RE: PRIOR APPEAL OR PROCEDURAL HISTORY <i>DEFENDANTS' MOTION IN LIMINE RE: PRIOR APPEAL OR PROCEDURAL HISTORY</i> filed by Charles Edward Byrd. (Attachments: # <u>1</u> Exhibit A through C)(Lopez, Louis) (Entered: 09/30/2011) |
| 10/14/2011 | <u>164</u> | *Reply to Response to Motion re <u>145</u> MOTION in Limine re: RE: CRUEL AND UNUSUAL", <u>146</u> MOTION in Limine re: RE: PRIOR APPEAL OR PROCEDURAL HISTORY, <u>148</u> MOTION in Limine re: RE: Precluding Evidence of Plaintiff's Emotional Damages and Alternative Motion to Vacate Jury Trial and to Award Plaintiff \$1 in Nominal Damages, <u>149</u> MOTION in Limine re: Re: Precluding Evidence of the Method of Searching or the Circumstances Surrounding the Search, <u>150</u> MOTION in Limine re: Re: Explanations or Mitigation re Plaintiff's Prior Felonies, <u>151</u> MOTION in Limine re: Re: Punitive Damages, MOTION for Judgment <i>DEFENDANTS CONSOLIDATED REPLY TO MOTIONS IN LIMINE AND MOTION TO VACATE JURY TRIAL AND AWARD PLAINTIFF \$1 IN NOMINAL DAMAGES</i> by Defendants Joseph M Arpaio, Unknown O'Connell, Unknown Peterson. (Tinsley, Laurence) *Modified to reflect correct event and to add document numbers on 10/17/2011 (SAT). (Entered: 10/14/2011)                                                                                                                                                                                                                                                                                                                      |
| 10/14/2011 | <u>165</u> | Additional Attachments to Main Document re <u>164</u> Reply <i>EXHIBITS TO DEFENDANTS CONSOLIDATED REPLY TO MOTIONS IN LIMINE AND MOTION TO VACATE JURY TRIAL AND AWARD PLAINTIFF \$1 IN NOMINAL DAMAGES</i> by Defendants Joseph M Arpaio, Unknown O'Connell, Unknown Peterson. (Tinsley, Laurence) (Entered: 10/14/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

|            |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10/17/2011 | <u>166</u> | TEXT ONLY ORDER: IT IS ORDERED that the Final Pretrial Conference scheduled for Monday, October 24, 2011, at 2 p.m. is vacated. The parties may suspend pretrial preparations. FURTHER ORDERED that counsel shall appear for oral argument on <u>148</u> Defendants' Motion in Limine re: Precluding Evidence of Plaintiff's Emotional Damages and Alternative Motion to Vacate Jury Trial and to Award Plaintiff \$1 in Nominal Damages and <u>151</u> Defendants' Motion for Judgment as a Matter of Law on Punitive Damages, and Motion in Limine on Punitive Damages on Monday, October 24, 2011, at 2 p.m. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (NKS) (Entered: 10/17/2011)                                                                                                                                                                                                                                                                                                                 |
| 10/24/2011 | <u>167</u> | BRIEF <i>Regarding Summary Judgment Sua Sponte</i> by Plaintiff Charles Edward Byrd. (Lopez, Louis) (Entered: 10/24/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 10/24/2011 | <u>168</u> | TEXT ONLY Minute Entry for proceedings held before Judge Neil V Wake: Oral Argument regarding Defendants' <u>148</u> <u>151</u> Motions held on 10/24/2011. Appearances: Louis Lopez, Jr. for Plaintiff; Laurence Tinsley, Jr. for Defendants. Counsel briefly argue their respective positions. Separate order to issue shortly outlining the Court's decision as stated on the record. (Court Reporter Merilyn Sanchez.) This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (NKS) (Entered: 10/24/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 10/24/2011 | <u>169</u> | ORDER that Defendants' <u>151</u> Motion for Judgment as a Matter of Law on Punitive Damages, and Motion in Limine on Punitive Damages is GRANTED with respect to exclusion of punitive damages evidence against Maricopa County, and otherwise DENIED; Defendants' <u>148</u> Motion in Limine is GRANTED with respect to exclusion of emotional damages evidence against Maricopa County and O'Connell and otherwise DENIED; that, in the Court's discretion, summary judgment is REOPENED; that, on or before 11/18/11, Plaintiff shall SHOW CAUSE why summary judgment should not be granted for Defendant O'Connell as to punitive damages, and specifically on whether her search of Byrd was motivated by evil motive or intent. Defendant O'Connell shall respond on or before 12/09/11; that the jury trial scheduled to begin on 11/16/11 is VACATED; IT IS FURTHER ORDERED that Defendants' <u>145</u> Motion in Limine Re.: Cruel and Unusual is GRANTED. Signed by Judge Neil V. Wake on 10/24/11. (ESL) (Entered: 10/24/2011) |
| 11/18/2011 | <u>170</u> | RESPONSE TO ORDER TO SHOW CAUSE by Charles Edward Byrd. (Lopez, Louis) (Entered: 11/18/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 11/18/2011 | <u>171</u> | RESPONSE TO ORDER TO SHOW CAUSE by Joseph M Arpaio, Maricopa County Sheriff's Office, Unknown O'Connell, Unknown Peterson. (GilBride, Eileen) (Entered: 11/18/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 11/21/2011 | <u>172</u> | ORDER that the Clerk shall enter judgment in favor of Plaintiff and against Defendants for nominal damages in the amount of \$100; that summary judgment is GRANTED in favor of Defendants and against Plaintiff for any damages above \$100 in nominal damages, including without limitation economic, emotional, and punitive damages; that Defendants' outstanding motions in limine (Docs. <u>146</u> , <u>149</u> , <u>150</u> ) are DENIED as moot. The Clerk shall terminate this action. Signed by Judge Neil V Wake on 11/21/11. (ESL) (Entered: 11/21/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 11/21/2011 | <u>173</u> | CLERK'S JUDGMENT pursuant to the Court's order filed November 21, 2011, judgment is entered in favor of Plaintiff and against Defendants for the nominal damages in the amount of \$100. It is further ordered that judgment is entered in favor of Defendants and against Plaintiff for any damages above \$100 in nominal damages, including without limitation economic, emotional, and punitive damages. This action is terminated. (ESL) (Entered: 11/21/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 12/05/2011 | <u>174</u> | MOTION for Attorney Fees by Charles Edward Byrd. (Attachments: # <u>1</u> Exhibit Exhibit 1 – Declaration of Louis D. Lopez, # <u>2</u> Exhibit Exhibit 2 – Declaration of Jarrett A. Green, # <u>3</u> Text of Proposed Order Order)(Lopez, Louis) (Entered: 12/05/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 12/09/2011 | <u>175</u> | RESPONSE in Opposition re <u>174</u> MOTION for Attorney Fees ( <i>Fee Application</i> ) filed by Joseph M Arpaio, Maricopa County Sheriff's Office, Unknown O'Connell, Unknown Peterson. (Attachments: # <u>1</u> Exhibit)(GilBride, Eileen) (Entered: 12/09/2011)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

|            |            |                                                                                                                                                                                                                                                                  |
|------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/13/2011 | <u>176</u> | REPLY to Response to Motion re <u>174</u> MOTION for Attorney Fees filed by Charles Edward Byrd. (Attachments: # <u>1</u> Exhibit Exhibits 1 through 3)(Lopez, Louis) (Entered: 12/13/2011)                                                                      |
| 12/13/2011 | <u>177</u> | STATEMENT of Consultation re <u>174</u> MOTION for Attorney Fees by Plaintiff Charles Edward Byrd. (Attachments: # <u>1</u> Exhibit Exhibit A)(Lopez, Louis) (Entered: 12/13/2011)                                                                               |
| 12/13/2011 | <u>178</u> | OBJECTION re <u>177</u> Statement of <i>Consultation</i> by Defendants Joseph M Arpaio, Maricopa County Sheriff's Office, Unknown O'Connell, Unknown Peterson. (Attachments: # <u>1</u> Exhibit A)(GilBride, Eileen) (Entered: 12/13/2011)                       |
| 12/14/2011 | <u>179</u> | *NOTICE re <i>NOTICE OF SETTLEMENT OF FENNEMORE CRAIG ATTORNEYS FEES</i> by Joseph M Arpaio, Unknown O'Connell, Unknown Peterson (Muthig, Klaus) *Modified to correct event type on 12/19/2011 (SAT). (Entered: 12/14/2011)                                      |
| 12/29/2011 | <u>180</u> | REPLY to Response to Motion re <u>174</u> MOTION for Attorney Fees <i>and Supplemental Declaration of Jarrett A. Green</i> filed by Charles Edward Byrd. (Attachments: # <u>1</u> Exhibit Declaration of Byron J. McClain)(Green, Jarrett) (Entered: 12/30/2011) |
| 12/30/2011 | <u>181</u> | ORDER that Plaintiff's <u>174</u> Motion/Application for Attorneys' Fees is DENIED. Signed by Judge Neil V Wake on 12/30/11. (ESL) (Entered: 12/30/2011)                                                                                                         |
| 01/25/2012 | <u>182</u> | SATISFACTION OF JUDGMENT by Charles Edward Byrd. (Lopez, Louis) (Entered: 01/25/2012)                                                                                                                                                                            |