

PRISONER_CIVIL_RIGHTS, CLOSED

**U.S. District Court
Eastern District of California – Live System (Fresno)
CIVIL DOCKET FOR CASE #: 1:93-cv-05070-MCE**

(PC) Cruz, et al v. Fresno, et al
Assigned to: Judge Morrison C. England, Jr
Demand: \$0
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 02/05/1993
Date Terminated: 02/25/1994
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

John B Cruz

represented by **Catherine Campbell**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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TERMINATED: 08/12/2011

Richard P Herman
Prisoner Rights Union
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Laguna Beach, CA 92652
949-494-9411
TERMINATED: 08/12/2011

Plaintiff

Joseph Q Krukowski

represented by **Paul Wayne Comiskey**
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Richard P Herman

(See above for address)
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Plaintiff

Ruben D Cruz

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Richard P Herman
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Plaintiff

Doug Murphy

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Richard P Herman
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Plaintiff

John – Cole

represented by **Catherine Campbell**
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Richard P Herman
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TERMINATED: 08/12/2011

Plaintiff

Tim Pendergas

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Richard P Herman
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TERMINATED: 08/12/2011

Plaintiff

Manuel Bertao

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Paul Wayne Comiskey
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Michael Donald Long
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TERMINATED: 08/12/2011

Richard P Herman
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TERMINATED: 08/12/2011

Plaintiff

Roger D Hausman

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Catherine Campbell
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Richard P Herman
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TERMINATED: 08/12/2011

Plaintiff

Charles Wilcox

represented by **Paul Wayne Comiskey**
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Catherine Campbell
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Michael Donald Long
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TERMINATED: 08/12/2011

Richard P Herman
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TERMINATED: 08/12/2011

Plaintiff

Rebecca Montero-Salcedo

represented by **Paul Wayne Comiskey**
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Michael Donald Long
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TERMINATED: 08/12/2011

Richard P Herman
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TERMINATED: 08/12/2011

Plaintiff

Anthony Sherwood

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Michael Donald Long
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Richard P Herman
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TERMINATED: 08/12/2011

Plaintiff

Richard Ruiz

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Paul Wayne Comiskey
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Richard P Herman
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Plaintiff

Edward Contreras

represented by **Catherine Campbell**
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LEAD ATTORNEY

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Paul Wayne Comiskey
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Donald Long
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Richard P Herman
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TERMINATED: 08/12/2011

V.

Defendant

Fresno County

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TERMINATED: 08/04/2011

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ATTORNEY TO BE NOTICED

Defendant

Steve Magarian
Sheriff

represented by **John Wesley Merritt**
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TERMINATED: 08/04/2011

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 Email: mlinden@co.fresno.ca.us
 TERMINATED: 08/12/2011

Intervenor**Fresno County Superior Court**

represented by **Donald Richard Fischbach**
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/05/1993	1	COMPLAINT before Chief Judge Robert E Coyle; referred to Magistrate John F Moulds; Summons issued; fee status paid; Receipt # 143018; Notice re: Consent forms (old) (Entered: 02/09/1993)
02/09/1993	2	NOTICE by court that this action has been referred to Magistrate John F Moulds for all pretrial matters (cc: all counsel) (old) (Entered: 02/09/1993)
02/18/1993	3	AMENDED COMPLAINT [1-1] by plaintiffs; parties Roger D Hausman, Charles Wilcox, Rebecca Montero-Salcedo, Anthony Sherwood and Richard Ruiz ADDED (old) (Entered: 02/19/1993)
02/18/1993	4	ACCEPTANCE/ACKNOWLEDGEMENT OF SERVICE by defendants County of Fresno and Steve Magarian on 2/9/93 (old) (Entered: 02/19/1993)
02/18/1993	5	MOTION by plaintiffs for temporary restraining order ; MEMORANDUM of points and authorities in support; hearing SET 2/25/93 9:00 Ctrm 8 JFM (old) (Entered: 02/19/1993)
02/24/1993	7	ANSWER by defendants County of Fresno and Steve Magarian to AMENDED complaint (old) (Entered: 03/02/1993)
02/24/1993	8	DECLARATION of Laurel Fryer-Smith with copy of stipulation to continue hearing on temporary restraining order to 3/18/93 (old) (Entered: 03/04/1993)
02/25/1993	6	ORDER by Magistrate John F Moulds ORDERING: plaintiffs are GRANTED 15 days from the date of this order to file a complaint complies with requirement of FRCP; failure to file in accordance will result in DISMISSAL of this action (cc: all counsel) (old) (Entered: 02/25/1993)
03/08/1993		LODGED STIPULATION AND ORDER for leave to file SECOND amended complaint (old) (Entered: 03/11/1993)
03/08/1993		LODGED STIPULATION AND ORDER to certify the class (old) (Entered: 03/11/1993)

03/08/1993	9	NOTICE by plaintiffs of submission of SIGNED COPY of original complaint (old) (Entered: 03/11/1993)
03/15/1993	10	ANSWER by County of Fresno and Steve Magarian to FIRST AMENDED complaint (old) (Entered: 03/15/1993)
03/15/1993	11	MEMORANDUM OF POINTS AND AUTHORITIES by County of Fresno and Steve Magarian IN OPPOSITION to motion for temporary restraining order [5-1]; hearing SET 3/18/93 9:00 Ctrm 8 JFM (old) (Entered: 03/15/1993)
03/15/1993	19	DECLARATION of Doug Papagni RE: Application for temporary restraining order (old) (Entered: 03/26/1993)
03/18/1993		LODGED SECOND AMENDED COMPLAINT (old) (Entered: 03/19/1993)
03/18/1993		LODGED PROPOSED TEMPORARY RESTRAINING ORDER (old) (Entered: 03/19/1993)
03/18/1993	12	EXHIBITS in support of motion for TRO (old) (Entered: 03/19/1993)
03/18/1993	14	MINUTES of 3/18/93 motion hearing before Magistrate John F Moulds: stipulation reached; defense counsel to prepare and submit by 3/25/93; hearing on motion for temporary restraining order/preliminary injunction [5-1] SET 9:00 5/28/93 Ctrm 8 JFM; C/R: CF (old) (Entered: 03/22/1993)
03/19/1993	13	DECLARATION of Edward Contreras IN SUPPORT OF re motion for temporary restraining order [5-1]; hearing HELD 3/18/93 9:00 Ctrm 8 JFM (old) (Entered: 03/19/1993)
03/23/1993	15	STIPULATION and ORDER by Magistrate John F Moulds ORDERING: this case is certified as a CLASS ACTION on behalf of all present and future prisoners in the North Annex, South Annex and Main Fresno County Jail (cc: all counsel) (old) (Entered: 03/23/1993)
03/23/1993	16	STIPULATION and ORDER by Magistrate John F Moulds ORDERING: plaintiffs are GRANTED LEAVE to file a second amended complaint (cc: all counsel) (old) (Entered: 03/23/1993)
03/23/1993	17	SECOND AMENDED COMPLAINT by plaintiff; party Edward Contreras added (old) (Entered: 03/23/1993)
03/24/1993	18	CONSENT to Proceed before a Magistrate by defendants County of Fresno and Steve Magarian (old) (Entered: 03/24/1993)
03/26/1993		LODGED STIPULATION AND ORDER re preliminary injunction (old) (Entered: 04/01/1993)
04/15/1993	20	STIPULATION and ORDER APPROVED by Magistrate John F Moulds: parties STIPULATE to hearing on motion for temporary restraining order [5-1] SET 5/28/93 9:00 Ctrm 8 JFM; defendants shall add 144 beds and five c/o to North Annex Facility, insure that no inmate sleep on floor of South Annex Facility, provide one hour daily exercise for inmates of North Annex, and continue existing exercise schedule in Main Jail and South Annex as described in Declaration of Lt Doug Papagni [19-1] (cc: all counsel) (old) (Entered: 04/15/1993)
05/19/1993	21	NOTICE by defendant County of Fresno and defendant Steve Magarian of association of attorney J Wesley Merritt (old) (Entered: 05/20/1993)
05/26/1993		LODGED stipulation re preliminary and permanent injunction by defts (old) (Entered: 05/27/1993)
05/27/1993	22	CONSENT to Proceed before a Magistrate by all plaintiffs (old) (Entered: 05/28/1993)
05/27/1993	23	MINUTES before Magistrate John F Moulds re pltf's motion for preliminary injunction; stipulation and order to be filed; agreed to permanent injunction as to jail/preliminary injunction as to 2 jails; hearing on motion for temporary restraining order [5-1] set for 8/12/93 at 11:00 ctrm 8 JFM (old) (Entered: 05/28/1993)

06/04/1993	24	TRANSCRIPT of 5/27/93 (old) (Entered: 06/08/1993)
06/29/1993		MAIL to Fresno Office consisting of transmittal letter, docket sheet, case file in 1 volume (docs 1-24) and Proposed order for Judge Coyle (old) (Entered: 06/29/1993)
07/01/1993		MAIL from Sacramento Office recieved complete case file in 1 vol., documents 1-24, with proposed order for District Judge's signature, forwarded to REC. (lm) (Entered: 07/02/1993)
07/02/1993	25	ORDER by Chief Judge Robert E. Coyle vacating 5 motion for temporary restraining order , Case reassigned to Judge John F. Moulds (cc: all counsel) (old) (Entered: 07/06/1993)
07/06/1993		MAIL to Sacramento Office original case file in 1 volume for further preliminary considerations (old) (Entered: 07/06/1993)
07/07/1993		MAIL from Fresno Office consisting of one volume (docs 1-25) for further consideration (old) (Entered: 07/07/1993)
07/14/1993	26	STIPULATION and ORDER by Judge John F Moulds GRANTING the lodged stipulation re preliminary and permanent injunction re population level; see order for details (cc: all counsel) (old) (Entered: 07/14/1993)
08/04/1993	27	STATUS Conference REPORT by defendant County of Fresno, defendant Steve Magarian (old) (Entered: 08/04/1993)
08/09/1993	28	Amended STATUS Conference REPORT sans exhibits by defendant County of Fresno, defendant Steve Magarian (old) (Entered: 08/10/1993)
08/10/1993	29	STATUS CONFERENCE REPORT by plaintiffs (old) (Entered: 08/12/1993)
08/12/1993	30	MINUTES of FURTHER HEARING before Judge John F Moulds: In-court hearing SET for 11/18/93 at 11:00 for trial setting ; status report due 10/15/93; parties request settlement Judge to tour facility; C/R: ECRO (old) (Entered: 08/16/1993)
08/13/1993	32	NOTICE by plaintiffs of Association of Counsel, associating attorney Paul T Persons (old) (Entered: 08/17/1993)
08/16/1993	31	ORDER AFTER HEARING by Judge John F Moulds STATING that 7 days prior to the 11/18/93 status conference the parties shall file a joint statement or a statement agreed to by al parties setting forth all unresolved issued (cc: all counsel) (old) (Entered: 08/16/1993)
10/21/1993		LODGED Stipulation re permanent Injunction; order (old) (Entered: 10/25/1993)
11/02/1993	33	STIPULATION re Permanent Injunction and ORDER by Judge John F Moulds: GRANTING stipulation lodged 10/21/93 (cc: all counsel) (old) (Entered: 11/02/1993)
11/10/1993	34	Joint STATUS REPORT by plaintiffs and defendants (old) (Entered: 11/16/1993)
11/18/1993	35	MINUTES of trial setting before Judge John F Moulds: In-court hearing HELD 11/18/93 ; trial estimate 4-5 days; trial SET 4/25/94 at 9:00; pre trial conf SET for 3/24/94 at 1:30; discovery cut-off 3/24/94; settlement conf judge will be designated; C/R: ECRO (old) (Entered: 11/19/1993)
12/30/1993	36	SCHEDULING ORDER by Judge John F Moulds ORDERING that all pretrial motions,except motions to compel discovery, shall be filed and brief pursuant to LR 230 by 3/24/94; discovery shall be completed by 3/24/94; pretrial conf SET for 3/24/94 at 1:30; 14 days prior plaintiff shall file a statement required by LR 281; 7 days prior to conf, defts shall do the same; a settlement conf judge will be designated by separate order; trial SET for 4/25/94 at 9:00 (cc: all counsel) (old) (Entered: 12/30/1993)
01/26/1994	37	ORDER by Judge John F Moulds ORDERING that this Case reassigned to Judge Gregory G Hollows (cc: all counsel) (old) (Entered: 01/26/1994)

02/10/1994		LODGED stipulation re permanent injunction; order (old) (Entered: 02/11/1994)
02/25/1994	38	STIPULATION re PERMANENT INJUNCTIN and ORDER by Judge Gregory G Hollows: this litigation is a class action; defts shall limit and control the population level within Fresno County Jails as listed; defts shall pay to plaintiff's counsel Paul Comiskey attorneys fees in the amount of \$33,000 a the time of the filing of the final judgment (cc: all counsel) (old) (Entered: 02/25/1994)
03/08/1994	39	ORDER by Judge Gregory G Hollows: within 5 days defts shall post copies of this order with attached settlement notice and stipulated settlement order [38-1] on every level of the Fresno County Jail; within 5 days counsel for plaintiffs shall serve all named plaintiffs with a copy of this order and all attachments by mail at the last address of record for each named plaintiff; hearing SET for 4/7/94 at 9:00 re settlement (cc: all counsel) (old) (Entered: 03/08/1994)
04/04/1994	40	ORDER by Magistrate John F Moulds Case assigned to Judge Dennis L Beck (cc: all counsel) (kb) (Entered: 04/08/1994)
04/04/1994		MAIL to Fresno Office (kb) (Entered: 04/08/1994)
04/08/1994	41	MINUTE ORDER: VACATING Order reassigning Magistrate Judge [40-1] [40-2] all counsel) (old) (Entered: 04/08/1994)
04/19/1994		MAIL from Sacramento Office – original file one volume all documents included (old) (Entered: 04/19/1994)
04/26/1994		MAIL to Sacramento Office ATTN: Donna of Magistrate Hollows Chambers re original case file in 1 volume + 1 expando file mailed by UPS (old) Modified on 04/26/1994 (Entered: 04/26/1994)
04/26/1994	42	MINUTES of Settlement Conference before Judge Gregory G Hollows: Case has settled; Court to issue final order (old) (Entered: 04/29/1994)
05/06/1994	43	JUDGMENT by Judge Gregory G Hollows ORDERING that the settlement agreement reached by the parties is approved and found to be fair adequate and reasonable; that the clerk is ordered to enter final judgement in favor of pltf in conformance with stipulation re Permanent Injunction of 2/25/94; that the judgment applies to the following class: all present and future prisoners in the following Fresno County Jails: North Annex South Annex and Mail Jail; that the defendants shall pay attorney's fees expeditiously pursuant to the terms of the stipulation re Permanent Injunction of 2/25/94 (cc: all counsel) (old) (Entered: 05/06/1994)
07/06/1994		MAIL to Fresno Office consisting of 1 vol Clerk's record, Docs 1 through 43 (old) (Entered: 07/08/1994)
07/07/1994		MAIL from Sacramento Office Original file one volume all documents included (old) (Entered: 07/12/1994)
07/14/2011	<u>44</u>	MOTION to INTERVENE <i>pursuant to Federal Rule of Civil Procedure 24</i> by Fresno County Superior Court. Attorney Fischbach, Donald Richard added. Motion Hearing set for 9/8/2011 at 10:00 AM in Courtroom 9 (GGH) before Magistrate Judge Gregory G. Hollows. (Attachments: # <u>1</u> Memorandum in support of motion to intervene)(Fischbach, Donald) (Entered: 07/14/2011)
07/28/2011	<u>45</u>	ORDER signed by Magistrate Judge Gregory G. Hollows on 7/28/2011 ORDERING that on the undersigned's own motion, and pursuant to LR 120(d),(f), and for good cause shown, this case is REASSIGNED to District Judge Lawrence J. O' and Neill for all further proceedings. Magistrate Judge Gregory G. Hollows no longer assigned to case. All future pleadings shall bear the case number 1:93-cv-5070 LJO (PC). (Waggoner, D) (Entered: 07/28/2011)
07/28/2011		SERVICE BY MAIL: <u>45</u> Order served on Richard P Herman. (Waggoner, D) (Entered: 07/28/2011)
08/01/2011	<u>46</u>	ORDER re <u>44</u> MOTION to INTERVENE <i>pursuant to Federal Rule of Civil Procedure 24</i> filed by Fresno County Superior Court, signed by District Judge Lawrence J. O'Neill on 8/1/2011.(Objection Deadline: 8/15/2011) (Martin-Gill, S) (Entered: 08/01/2011)

08/01/2011		SERVICE BY MAIL: <u>46</u> Order, served on Richard P Herman. (Martin-Gill, S) (Entered: 08/01/2011)
08/04/2011	<u>47</u>	STIPULATION and PROPOSED ORDER for Extend Time to Object to Intervention by the Fresno County Superior Court by Fresno County. Attorney Linden, Michael Robert added. (Linden, Michael) (Entered: 08/04/2011)
08/04/2011	<u>48</u>	PROPOSED ORDER re Extend Time to Object to Intervention by the Fresno County Superior Court re <u>47</u> Stipulation and Proposed Order by Fresno County. (Linden, Michael) (Entered: 08/04/2011)
08/04/2011	<u>49</u>	DESIGNATION of COUNSEL FOR SERVICE., attorney John Wesley Merritt terminated (Linden, Michael) (Entered: 08/04/2011)
08/04/2011	<u>50</u>	DESIGNATION of COUNSEL FOR SERVICE. Added attorney John Henry Hagar, Kevin Burke Briggs for Fresno County (Linden, Michael) (Entered: 08/04/2011)
08/05/2011	51	CLERK'S NOTICE to Attorney Michael Linden re <u>47</u> Stipulation and Proposed Order: When filing a Stipulation to Extend Time, you must use the event <i>Extension of Time</i> found in the Motions category. Please re-file your Motion for Extension of Time using the correct Motion event. If you need assistance, please contact the CM/ECF help desk at 866-884-5444, or refer to the CM/ECF User's Manual on the court's website. (Marrujo, C) (Entered: 08/05/2011)
08/08/2011	<u>52</u>	MOTION for 2-DAY EXTENSION OF TIME to August 17, 2011 by John B Cruz. Attorney Linden, Michael Robert added. (Linden, Michael) (Entered: 08/08/2011)
08/08/2011	<u>53</u>	MOTION for 2-DAY EXTENSION OF TIME to Object to Intervention by the Fresno County Superior Court by John B Cruz. (Linden, Michael) (Entered: 08/08/2011)
08/08/2011	<u>54</u>	MOTION for 2-DAY EXTENSION OF TIME to Object to Intervention by the Fresno County Superior Court by Fresno County. (Linden, Michael) (Entered: 08/08/2011)
08/08/2011	<u>55</u>	MOTION for 2-DAY EXTENSION OF TIME to Object to Intervention by the Fresno County Superior Court by Fresno County. (Linden, Michael) (Entered: 08/08/2011)
08/08/2011	56	MINUTE ORDER: (TEXT ENTRY ONLY) For good cause appearing, this Court GRANTS Fresno County's request to extend time to file a notice of intent to object to the Fresno County Superior Court's pending motion to intervene. All parties shall file a notice of intent to object to the motion, if any, no later than August 17, 2011 signed by District Judge Lawrence J. O'Neill on August 8, 2011. (Lira, I) (Entered: 08/08/2011)
08/08/2011		SERVICE BY MAIL: 56 Minute Order served on Kevin Burke Briggs, Richard P Herman. (Lira, I) (Entered: 08/08/2011)
08/10/2011	57	MINUTE ORDER: (TEXT ENTRY ONLY) The Court is in possession of the original file in this action. Any party wishing to make a copy of the court file in this action may do so; however, that party shall arrange to send a copying service to the court for the purpose of copying the record. Multiple parties may coordinate to share one copying service. To arrange a date and time to make a copy of the file, the parties are advised to contact chambers at 499-5990. For planning purposes, the Court advises the parties that the file is approximately the size of one ream of paper signed by District Judge Lawrence J. O'Neill on August 10, 2011. (Lira, I) (Entered: 08/10/2011)
08/10/2011		SERVICE BY MAIL: 57 Minute Order served on Kevin Burke Briggs, Richard P Herman. (Lira, I) (Entered: 08/10/2011)
08/12/2011	<u>58</u>	DESIGNATION of COUNSEL FOR SERVICE. Added attorney Catherine Campbell for Ruben D Cruz, Catherine Campbell for Roger D Hausman, Catherine Campbell for Joseph Q Krukowski, Catherine Campbell for Rebecca Montero-Salcedo, Catherine Campbell for Doug Murphy, Catherine Campbell for Tim Pendergas, Catherine Campbell for Richard Ruiz, Catherine Campbell for

		Anthony Sherwood, Catherine Campbell for Charles Wilcox, attorney Michael Donald Long; Richard P Herman and Michael Robert Linden terminated (Campbell, Catherine) (Entered: 08/12/2011)
08/12/2011	<u>59</u>	NOTICE of intent to oppose intervention by Manuel Bertao, John – Cole, Edward Contreras, John B Cruz, Ruben D Cruz, Roger D Hausman, Joseph Q Krukowski, Rebecca Montero–Salcedo, Doug Murphy, Tim Pendergas, Richard Ruiz, Anthony Sherwood, Charles Wilcox. Attorney Campbell, Catherine added. (Campbell, Catherine) (Entered: 08/12/2011)
08/12/2011	<u>60</u>	NOTICE of errata by Manuel Bertao, John – Cole, Edward Contreras, John B Cruz, Ruben D Cruz, Roger D Hausman, Joseph Q Krukowski, Rebecca Montero–Salcedo, Doug Murphy, Tim Pendergas, Richard Ruiz, Anthony Sherwood, Charles Wilcox. (Campbell, Catherine) (Entered: 08/12/2011)
08/17/2011	<u>61</u>	NOTICE of Intention to Object to Motion to Intervene of the Fresno County Superior Court by Fresno County. (Linden, Michael) (Entered: 08/17/2011)
08/17/2011	<u>62</u>	ORDER re: Briefing Schedule (On Intervention Issue) re <u>44</u> , signed by District Judge Lawrence J. O'Neill on 8/17/11. Motion Hearing set for 9/1/2011 at 01:30 PM in Courtroom 4 (LJO) before District Judge Lawrence J. O'Neill. (Gonzalez, R) (Entered: 08/17/2011)
08/17/2011		SERVICE BY MAIL: <u>62</u> Order Setting Hearing on Motion, served on Kevin Burke Briggs. (Gonzalez, R) (Entered: 08/17/2011)
08/18/2011	<u>63</u>	EX PARTE APPLICATION by Fresno County for Modification of the Briefing Schedule for the Fresno County Superior Court's Motion to Intervene. (Attachments: # <u>1</u> Declaration, # <u>2</u> Declaration)(Linden, Michael) (Entered: 08/18/2011)
08/18/2011	<u>64</u>	EXHIBIT A to Declaration of John Hagar by Fresno County re <u>63</u> Ex Parte Application. (Linden, Michael) (Entered: 08/18/2011)
08/19/2011	<u>65</u>	ORDER TO RESET BRIEFING SCHEDULE (re <u>44</u> Motion to Intervene), Signed by District Judge Lawrence J. O'Neill on 8/19/2011. The hearing on the above motion is reset to 9/30/2011 at 1:30 PM in Courtroom 4 before District Judge Lawrence J. O'Neill. (Arellano, S.) (Entered: 08/19/2011)
08/19/2011		SERVICE BY MAIL: <u>65</u> Order served on Kevin Burke Briggs. (Arellano, S.) (Entered: 08/19/2011)
08/22/2011		MAIL RETURNED as Undeliverable, "NOT DELIVERABLE AS ADDRESSED – UNABLE TO FORWARD": <u>45</u> Order, 56 Minute Order, sent to Richard P. Herman, Prisoner Rights Union at PO Box 4108, Laguna Beach, CA 92652. (Hellings, J) (Entered: 08/24/2011)
09/16/2011	<u>66</u>	OPPOSITION by Manuel Bertao, John – Cole, Edward Contreras, John B Cruz, Ruben D Cruz, Roger D Hausman, Joseph Q Krukowski, Rebecca Montero–Salcedo, Doug Murphy, Tim Pendergas, Richard Ruiz, Anthony Sherwood, Charles Wilcox to <u>44</u> MOTION to INTERVENE pursuant to Federal Rule of Civil Procedure 24. (Campbell, Catherine) (Entered: 09/16/2011)
09/16/2011	<u>67</u>	AMENDED DOCUMENT by Manuel Bertao, John – Cole, Edward Contreras, John B Cruz, Ruben D Cruz, Roger D Hausman, Joseph Q Krukowski, Rebecca Montero–Salcedo, Doug Murphy, Tim Pendergas, Richard Ruiz, Anthony Sherwood, Charles Wilcox: Amended <u>66</u> Opposition to Motion,. (Campbell, Catherine) (Entered: 09/16/2011)
09/16/2011		MAIL RETURNED as Undeliverable, "Wrong PO Box # – No Longer in This PO Box": <u>46</u> Order, 57 Minute Order, sent to Richard P. Herman at PO Box 4108, Laguna Beach, CA 92652. (Hellings, J) (Entered: 09/16/2011)
09/19/2011	68	MINUTE ORDER: (TEXT ENTRY ONLY) Having read and reviewed the opposition to the pending motion to intervene, this Court finds that a reply would be helpful to resolution of this motion. Accordingly, this Court ORDERS the proposed intervenor, the Fresno Superior Court, to file reply papers no later September 26, 2011. The reply papers should focus on the issues related to

		standing and jurisdiction. All other arguments raised in the opposition relate to the motion for clarification, not the motion to intervene. Once the Court has read and reviewed the reply papers, the Court will issue a further order on whether the September 30, 2011 hearing on this motion shall stay on calendar or whether this motion shall be submitted on the papers signed by District Judge Lawrence J. O'Neill on September 19, 2011. (Munoz, I) (Entered: 09/19/2011)
09/19/2011		SERVICE BY MAIL: 68 Minute Order Served on Kevin Burke Briggs. (Munoz, I) (Entered: 09/19/2011)
09/19/2011	<u>69</u>	OPPOSITION by Fresno County to <u>44</u> MOTION to INTERVENE <i>pursuant to Federal Rule of Civil Procedure 24</i> . (Linden, Michael) (Entered: 09/19/2011)
09/19/2011	<u>70</u>	DECLARATION of John Hagar in OPPOSITION TO <u>44</u> MOTION to INTERVENE <i>pursuant to Federal Rule of Civil Procedure 24</i> . (Linden, Michael) (Entered: 09/19/2011)
09/20/2011	<u>71</u>	ORDER RE: FURTHER BRIEFING signed by District Judge Lawrence J. O'Neill on September 20, 2011. Hearing set for 9/30/2011 at 01:00 PM in Courtroom 4 (LJO) before District Judge Lawrence J. O'Neill. NOTE: NEW TIME 1:00PM. (Munoz, I) (Entered: 09/20/2011)
09/20/2011		SERVICE BY MAIL: <u>71</u> Order served on Kevin Burke Briggs. (Munoz, I) (Entered: 09/20/2011)
09/26/2011	<u>72</u>	MOTION to recuse District Court Judge by Fresno County. Motion Hearing set for 9/30/2011 at 01:00 PM in Courtroom 4 (LJO) before District Judge Lawrence J. O'Neill. (Linden, Michael) (Entered: 09/26/2011)
09/26/2011	<u>73</u>	DECLARATION of John Hagar in SUPPORT OF <u>72</u> MOTION to recuse District Court Judge. (Linden, Michael) (Entered: 09/26/2011)
09/26/2011	<u>74</u>	AFFIDAVIT re <u>72</u> MOTION to recuse District Court Judge <i>Affidavit of Sheriff Margaret Mims</i> by Fresno County. (Linden, Michael) (Entered: 09/26/2011)
09/26/2011	<u>75</u>	REPLY by Fresno County Superior Court re <u>66</u> Opposition to Motion, <u>69</u> Opposition to Motion. Attorney Borchers, Stephanie Hamilton added. (Attachments: # <u>1</u> Declaration of Hon. M. Bruce Smith, # <u>2</u> Exhibit to Decl. of Hon. M. Bruce Smith, # <u>3</u> Declaration of Stephanie Hamilton Borchers, # <u>4</u> Exhibit to Decl. of Stephanie Hamilton Borchers)(Borchers, Stephanie) (Entered: 09/26/2011)
09/26/2011	<u>76</u>	JOINDER by Manuel Bertao, John – Cole, Edward Contreras, John B Cruz, Ruben D Cruz, Roger D Hausman, Joseph Q Krukowski, Rebecca Montero–Salcedo, Doug Murphy, Tim Pendergas, Richard Ruiz, Anthony Sherwood, Charles Wilcox in. <u>93–05070</u> (Campbell, Catherine) (Entered: 09/26/2011)
09/28/2011	<u>77</u>	ORDER to RECUSE, signed by District Judge Lawrence J. O'Neill on 9/27/11. Case reassigned to Chief Judge Anthony W. Ishii for all further proceedings; District Judge Lawrence J. O'Neill no longer assigned to case. <i>The New Case Number is 1:93–cv–05070–AWI(PC)</i> . The September 30, 2011 hearing on the pending motion to intervene is VACATED. (Verduzco, M) (Entered: 09/28/2011)
09/28/2011		SERVICE BY MAIL: <u>77</u> Order served on Kevin Burke Briggs. (Verduzco, M) (Entered: 09/28/2011)
09/30/2011	<u>78</u>	ORDER Reassigning this Action to District Judge Morrison C. England, Jr. for all further proceedings, signed by Chief Judge Anthony W. Ishii on 9/29/11. <i>District Judge Lawrence J. O'Neill no longer assigned to case. The New Case Number is 1:93–cv–05070–MCE (PC)</i> . (Verduzco, M) (Entered: 09/30/2011)
09/30/2011		SERVICE BY MAIL: <u>78</u> Order, served on Kevin Burke Briggs. (Verduzco, M) (Entered: 09/30/2011)
10/12/2011	<u>79</u>	NOTICE to RESCHEDULE HEARING on <u>44</u> MOTION to INTERVENE <i>pursuant to Federal Rule of Civil Procedure 24</i> : Motion Hearing set for 11/17/2011 at 02:00 PM in Courtroom 7 (MCE) before Judge Morrison C. England Jr.. (Fischbach, Donald) (Entered: 10/12/2011)

10/18/2011	80	MINUTE ORDER (Text Only) issued by CRD S. Deutsch for District Judge, Morrison C. England, Jr.: Pursuant to the Notice to Reschedule Hearing <u>79</u> , the Motion to Intervene <u>44</u> is set for hearing on 11/17/2011 at 2:00 p.m. in Courtroom 7. (Deutsch, S) (Entered: 10/18/2011)
10/18/2011		SERVICE BY MAIL: 80 Minute Order served on Kevin Burke Briggs. (Deutsch, S) (Entered: 10/18/2011)
11/14/2011	<u>81</u>	REQUEST to Make a Telephonic Appearance at Motion to Intervene by Fresno County. (Linden, Michael) Modified docket text on 11/15/2011 (Waggoner, D). (Entered: 11/14/2011)
11/14/2011	<u>82</u>	PROPOSED ORDER re Order Granting Request to Make Telephonic Appearance at Motion to Intervene by Fresno County. (Linden, Michael) (Entered: 11/14/2011)
11/15/2011	<u>83</u>	ORDER signed by Judge Morrison C. England, Jr on 11/15/2011 ORDERING <u>81</u> Request to appear telephonically at Motion to Intervene by Fresno County is GRANTED. Deputy County Counsel Michael R. Linden shall make a telephonic appearance at the hearing for the Motion to Intervene scheduled for 2:00 p.m. on 11/17/2011.(Waggoner, D) (Entered: 11/15/2011)
11/17/2011	84	MINUTES (Text Only) for proceedings held before Judge Morrison C. England, Jr.: MOTION HEARING held on 11/17/2011.After hearing argument from counsel on the Motion to Intervene <u>44</u> , the Court set a further Status Conference for 12/1/2011 at 10:00 a.m. in Courtroom 7. Any proposed document(s) should be filed electronically with this Court and submitted to counsel for the Superior Court, not later than the close of business on 11/22/2011. Response(s), if any, to the proposed document(s), shall be filed electronically with this Court and submitted to opposing counsel not later than the close of business on 11/29/2011. Plaintiffs' Counsel: Catherine Campbell and Paul Comiskey present. Defendants' Counsel: Michael Linden, John Hagar and Stephanie Borchers for Donald Fischbach present. Court Reporter/CD Number: Diane Shepard. Interpreter: None present. (Deutsch, S) (Entered: 11/17/2011)
11/17/2011		SERVICE BY MAIL: 84 Motion Hearing Minutes served on Kevin Burke Briggs. (Deutsch, S) (Entered: 11/17/2011)
11/22/2011	<u>85</u>	STIPULATION and PROPOSED ORDER for re Jail Capacity; Order by Fresno County. (Linden, Michael) (Entered: 11/22/2011)
11/23/2011	<u>86</u>	STIPULATION and PROPOSED ORDER for Request to Make Telephonic Appearance by Fresno County. (Linden, Michael) (Entered: 11/23/2011)
11/23/2011	<u>87</u>	STIPULATION and PROPOSED ORDER for Order Granting Request to Make Telephonic Appearance by Fresno County. (Linden, Michael) (Entered: 11/23/2011)
11/29/2011	<u>88</u>	RESPONSE by Fresno County Superior Court to <u>85</u> Stipulation and Proposed Order, <u>44</u> MOTION to INTERVENE <i>pursuant to Federal Rule of Civil Procedure 24</i> . (Borchers, Stephanie) (Entered: 11/29/2011)
11/30/2011	<u>89</u>	ORDER re <u>87</u> Stipulation and Proposed Order filed by Fresno County signed by Judge Morrison C. England, Jr on 11/30/11; The request of defendants COUNTY OF FRESNO and MARGARET MIMS, Fresno County Sheriff (hereinafter "Defendants"), for their co-counsel, Deputy County Counsel Michael R. Linden to make a telephonic appearance at the status conference for the motion to intervene of the Fresno County Superior Court, scheduled for 10:00 a.m. on Thursday, December 1, 2001 in Courtroom 7 of the above-captioned court, came before the court through an ex parte submission on November 23, 2011. After receiving and reviewing Defendants' request, the Court hereby orders that this request is GRANTED.(Matson, R) (Entered: 11/30/2011)
11/30/2011	<u>90</u>	DECLARATION of The Honorable M. Bruce Smith re <u>88</u> Response, <u>44</u> MOTION to INTERVENE <i>pursuant to Federal Rule of Civil Procedure 24</i> . (Borchers, Stephanie) (Entered: 11/30/2011)
12/01/2011	91	MINUTES (Text Only) for proceedings held before Judge Morrison C. England, Jr.: STATUS CONFERENCE held on 12/1/2011. The parties reported that they

		were unable to reach an agreement regarding a stipulation as to the definition of the meaning of the word "capacity" as it is used in the 1994 consent decree. Defendants advised the Court that they would stipulate to a definition of the word "capacity" that defines capacity as actual staffed capacity, that this stipulation could be incorporated into the consent decree and would then have the full force and effect of a modification of the 1994 consent decree, and that this stipulation could be submitted to the Court by 12/5/11. The Court also advised Intervenor that its Motion to Intervene <u>44</u> would be denied in a written order to follow. The Court stated that Intervenor was not entitled to either intervention as of right or permissive intervention. Plaintiffs' Counsel Catherine Campbell and Paul Comiskey present. Defendants' Counsel Michael Linden, John Hagar present. Intervenor's Counsel Stephanie Borchers present. Court Reporter/CD Number: Diane Shepard. Interpreter None present. (Deutsch, S) (Entered: 12/01/2011)
12/05/2011	<u>92</u>	STIPULATION and PROPOSED ORDER for modification re Jail Capacity by Fresno County. (Linden, Michael) Modified on 2/14/2012 (Marciel, M). (Entered: 12/05/2011)
02/14/2012	<u>93</u>	STIPULATION and ORDER <u>92</u> for modification re jail capacity signed by Judge Morrison C. England, Jr. on 2/13/2012. The terms "capacity and capacities" as set forth in body of Order's text are defined as actual staffed employees. (Marciel, M) (Entered: 02/14/2012)
02/16/2012	<u>94</u>	MEMORANDUM AND ORDER signed by Judge Morrison C. England, Jr on 2/16/12 ORDERING since the clarification sought by the Superior Court has already been provided, its Motion to Intervene <u>44</u> is hereby DENIED as moot. (Becknal, R) (Entered: 02/16/2012)
02/28/2012	<u>95</u>	MOTION for ATTORNEY FEES <i>for Plaintiffs' Counsel</i> by Manuel Bertao, John – Cole, Edward Contreras, John B Cruz, Ruben D Cruz, Roger D Hausman, Joseph Q Krukowski, Rebecca Montero–Salcedo, Doug Murphy, Tim Pendergas, Richard Ruiz, Anthony Sherwood, Charles Wilcox. Motion Hearing set for 5/3/2012 at 02:00 PM in Courtroom 7 (MCE) before Judge Morrison C. England Jr.. (Attachments: # <u>1</u> Declaration Declaration of Counsel, # <u>2</u> Declaration Declaration of Counsel, # <u>3</u> Declaration Billing statement, # <u>4</u> Exhibit copy of subpoena)(Campbell, Catherine) (Entered: 02/28/2012)
03/08/2012	<u>96</u>	NOTICE of Change of Firm Name by Fresno County Superior Court. (Borchers, Stephanie) (Entered: 03/08/2012)
04/13/2012	<u>97</u>	OPPOSITION by Fresno County to <u>95</u> MOTION for ATTORNEY FEES <i>for Plaintiffs' Counsel</i> . (Linden, Michael) (Entered: 04/13/2012)
04/19/2012	<u>98</u>	OPPOSITION by Fresno County Superior Court to <u>95</u> MOTION for ATTORNEY FEES <i>for Plaintiffs' Counsel</i> . (Attachments: # <u>1</u> Declaration of Stephanie H. Borchers)(Borchers, Stephanie) (Entered: 04/19/2012)
04/26/2012	<u>99</u>	REPLY by Manuel Bertao, John – Cole, Edward Contreras, John B Cruz, Ruben D Cruz, Roger D Hausman, Joseph Q Krukowski, Rebecca Montero–Salcedo, Doug Murphy, Tim Pendergas, Richard Ruiz, Anthony Sherwood, Charles Wilcox to RESPONSE to <u>95</u> MOTION for ATTORNEY FEES <i>for Plaintiffs' Counsel</i> . (Attachments: # <u>1</u> Exhibit)(Campbell, Catherine) (Entered: 04/26/2012)
04/27/2012	<u>100</u>	DECLARATION of Catherine Campbell in SUPPORT OF <u>95</u> MOTION for ATTORNEY FEES <i>for Plaintiffs' Counsel</i> . (Campbell, Catherine) (Entered: 04/27/2012)
04/30/2012	<u>101</u>	REQUEST for <i>To Make Telephonic Appearance at Hearing for Plaintiffs' motion for award of Attorney Fees</i> by Fresno County. (Linden, Michael) (Entered: 04/30/2012)
04/30/2012	<u>102</u>	PROPOSED ORDER re Granting Request to Make Telephonic Appearance at Hearing for Plaintiffs' Motion for award of Attorney Fees by Fresno County. (Linden, Michael) (Entered: 04/30/2012)
04/30/2012	103	MINUTE ORDER (Text Only) issued by courtroom deputy for District Judge, Morrison C. England, Jr.: On the Court's own motion and pursuant to Local Rule

		230(g), the Plaintiffs' Motion for Attorney Fees <u>95</u> , scheduled for hearing on 5/3/2012, is submitted without oral argument. The hearing date of 5/3/2012 is vacated. If the Court determines that oral argument is needed, it will be scheduled at a later date. Accordingly, the Request for Telephonic Appearance <u>101</u> , is denied as moot. (Deutsch, S) (Entered: 04/30/2012)
05/31/2012	<u>104</u>	ORDER signed by Judge Morrison C. England, Jr on 5/30/12 ORDERING Plaintiffs' Motion for Attorneys' Fees <u>95</u> is DENIED. Defendants' request to appear telephonically <u>101</u> at the hearing on this matter, which was vacated pursuant to this Court's order of April 30, 2012, is likewise DENIED as moot. (Matson, R) (Entered: 05/31/2012)