

CLOSED

**Eastern District of Washington
U.S. District Court (Spokane)
CIVIL DOCKET FOR CASE #: 2:96-cv-00407-JLQ**

Miniken v. Walter, et al
Assigned to: Senior Judge Justin L. Quackenbush
Demand: \$0
Cause: 28:1983 Civil Rights

Date Filed: 07/24/1996
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Donald W Miniken

represented by **Donald W Miniken**
975666
McNeil Island Corrections Center
PO Box 881000
Steilacoom, WA 98388-1000
PRO SE

Michael W Gendler
Bricklin & Gendler
1015 Fourth & Pike Building
1424 Fourth Avenue
Seattle, WA 98101-2217
206-621-8868
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Kay Walter

represented by **Colleen B Evans**
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Olympia Division
P O Box 40100
Olympia, WA 98504-0100
360-753-6200
TERMINATED: 05/14/1998
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Defendant

David Buss

represented by **Colleen B Evans**
(See above for address)
TERMINATED: 05/14/1998
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Eric Andrew Mentzer
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Martin E Wyckoff
(See above for address)
TERMINATED: 05/07/1997
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Nancy Joan Krier
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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11/02/1998	82	Mandate from 9CCA. 9CCA: 97-35913, 97-36072 (Pursuant to stipulation of the parties this appeal is voluntarily dismissed; Each party shall bear its own costs and fees) [69-1], [62-1] (cc: all counsel) (VR) (Entered: 11/03/1998)
05/15/1998		End file #3 (LE) (Entered: 05/15/1998)
05/14/1998	81	Notice of Withdrawal and Substitution of counsel: Nancy Joan Krier, Eric Andrew Mentzer replacing attorney Colleen B Evans and Mary E. Fairhurst for David Buss, attorney Colleen B Evans and Mary E Fairhurst for Kay Walter (LE) (Entered: 05/14/1998)
12/16/1997	80	ORDER by Senior Judge Justin L. Quackenbush granting motion To Publish Memorandum Opinion [74-1] (cc: all counsel) (ECH) (Entered: 12/18/1997)
12/03/1997	79	COPY of 9CCA Time Schedule Order (KH) (Entered: 12/03/1997)
12/03/1997	78	Notification by Circuit Court of Appellate Docket Number [69-1] 9CCA Number: 97-36072 Date appeal filed: 11/13/97 (KH) (Entered: 12/03/1997)
11/28/1997	77	Proof of service by plaintiff Donald W Miniken of: pldgs. #74-76 (ECH) (Entered: 11/28/1997)
11/28/1997	76	Notice by plaintiff Donald W Miniken of hearing setting motion To Publish Memorandum Opinion [74-1] (w/o oral argument 4:30 1/5/98) (ECH) (Entered: 11/28/1997)
11/28/1997	75	Plaintiff's Memorandum In Support Of Motion To Publish Memorandum Opinion [74-1] (ECH) (Entered: 11/28/1997)
11/28/1997	74	Plaintiff's MOTION To Publish Memorandum Opinion (ECH) (Entered: 11/28/1997)
11/21/1997	73	Costs taxed for plaintiff Donald W Miniken in the amount of \$ 1,601.27 against Kay Walter, David Buss (cc: all counsel) (ECH) (Entered: 11/21/1997)
11/20/1997	72	Copy 9CCA certificate of record - Original forwarded to 9CCA (KH) (Entered: 11/20/1997)
11/20/1997	71	Copy 9CCA Docket Fee Payment Notification form. Original Fee Payment form, case information sheet and copy of docket entries forwarded to 9CCA. Fee paid: Receipt 038227 (KH) Modified on 11/20/1997 (Entered: 11/20/1997)
11/13/1997	70	Declaration by plaintiff Donald W Miniken re appeal [69-1] (KH) (Entered: 11/20/1997)
11/13/1997	69	Notice of appeal by plaintiff Donald W Miniken from Dist. Court decision: Order directing Entry of Judgment, Staying request for Punitive Damages and awarding reasonable atty fees dated 10/15/97 [67-2] (cc: all counsel and 9CCA) (KH) (Entered: 11/20/1997)
10/24/1997		Bill of costs submitted by plaintiff Donald W Miniken (ECH) (Entered: 10/24/1997)
10/15/1997	68	JUDGMENT: by Senior Judge Justin L. Quackenbush (cc: all counsel) COB: 154-85 (ECH) (Entered: 10/15/1997)

10/15/1997	67	ORDER DIRECTING ENTRY OF JUDGMENT, STAYING REQUEST FOR PUNITIVE DAMAGES, AND AWARDING REASONABLE ATTORNEY FEES by Senior Judge Justin L. Quackenbush for judgment (cc: all counsel) COB-154-84 (ECH) (Entered: 10/15/1997)
10/06/1997	66	COPY of 9CCA Time Schedule Order (CCA: 97-35913) (Opening brief 11/12/97; Appellee's brief 12/12/97) (VR) (Entered: 10/06/1997)
10/06/1997	65	Notification by Circuit Court of Appellate Docket Number [62-1] 9CCA Number: 97-35913 Date appeal filed: 9/24/97 (VR) (Entered: 10/06/1997)
09/26/1997	64	Copy 9CCA certificate of record - Original forwarded to 9CCA (NO REPORTED/RECORDED PROCEEDINGS) (VR) (Entered: 09/26/1997)
09/26/1997	63	Copy 9CCA Docket Fee Payment Notification form. Original Fee Payment form, case information sheet and copy of docket entries forwarded to 9CCA. (VR) (Entered: 09/26/1997)
09/25/1997	61	Supplemental Statement of costs by plaintiff, (PW) (Entered: 09/25/1997)
09/24/1997	62	Notice of appeal by defendant Kay Walter, defendant David Buss from Dist. Court decision - Memorandum Opinion & Order Granting Pltff's Motion for Summary Judgment & Denying Defts' Motion for Summary Judgment filed 8/26/97 [55-1] (cc: all counsel and 9CCA) (VR) (Entered: 09/26/1997)
09/22/1997	60	Plaintiff's Reply To Defendants' Statement On Damages And Reasonable Attorneys' Fees [59-1] (ECH) (Entered: 09/23/1997)
09/18/1997	59	Defendants' Statement In Opposition To Plaintiff's Statement On Damages And Statement On Reasonable Attorneys' Fees (ECH) (Entered: 09/18/1997)
09/12/1997	58	Proof of service by plaintiff Donald W Miniken of: pldgs. #56 & 57 (ECH) (Entered: 09/12/1997)
09/12/1997	57	Plaintiff's Statement On Reasonable Attorneys' Fees (ECH) (Entered: 09/12/1997)
09/12/1997	56	Plaintiff's Statement On Damages (ECH) (Entered: 09/12/1997)
08/26/1997	55	Memorandum Opinion And Order Granting Plaintiff's Motion For Summary Judgment And Denying Defendants' Motion For Summary Judgment by Senior Judge Justin L. Quackenbush - IT IS FURTHER ORDERED: 1. Defendants are HEREBY PERMANENTLY ENJOINED from prohibiting delivery of an inmate's paid-for subscription to a profit or nonprofit publication based only on the fact that it is mailed to the inmate by "standard mail." This injunction in no way prohibits Defendants from prohibiting mass mailings or other truly "bulk mail" that are mailed to the institution by "standard mail." 2. On or before September 12, 1997 the parties shall serve and file any statement concerning an appropriate damage award. Plaintiff is also entitled to recover his reasonable attorney fees. On or before September 12, 1997, counsel for Plaintiff shall serve and file a statment setting forth the hours expended and the reasonable fee per hour to litigate this case. Defendants shall serve and file any objections on or before September 19, 1997. The court will then direct entry of a Final Judgment including an appropriate award of damages and a reasonable award of attorney fees. denying motion [20-1] (cc: all counsel) COB: 153-83 (ECH) (Entered: 08/26/1997)

		08/26/1997)
05/12/1997	54	Defendants' Reply Memorandum In Support Of Defendants' Motion For Summary Judgment And In Opposition To Plaintiff's Cross-Motion For Summary Judgment [20-1] (ECH) (Entered: 05/13/1997)
05/12/1997	53	Proof of service by defendants of: pldgs #51 & 52 (ECH) (Entered: 05/12/1997)
05/12/1997	52	Declaration Of Colleen B. Evans In Support Of Motin For Summary Judgment [20-1] (ECH) (Entered: 05/12/1997)
05/12/1997	51	Defendants' Supplemental Statement Of Material Facts In Support Of Defendants' Motion For Summary Judgment And In Opposition To Plaintiff's Cross-Motion For Summary Judgment [20-1] (ECH) (Entered: 05/12/1997)
05/08/1997	50	Supplemental Declaration Of Michael W. Gendler Re: Summary Judgment [20-1] (ECH) (Entered: 05/09/1997)
05/07/1997	49	NOTICE of Attorney Withdrawal attorney Martin E Wyckoff for David Buss, attorney Martin E Wyckoff for Kay Walter (ECH) (Entered: 05/07/1997)
05/02/1997	48	ORDER APPROVING STIPULATION AND REVISING SCHEDULING ORDER by Senior Judge Justin L. Quackenbush granting stipulation [37-1] IT IS HEREBY ORDERED: 1. The fparties' stipulation is approved; 2. Plaintiff's response shall be due on or before April 25, 1997; 3. Defendants' reply to plaintiff 's response shall be due on or before May 12, 1997; 4. Oral argument on defendants' motion for summary judgment, if requested, shall be set by the court once briefing on the motion is completed. (cc: all counsel) (ECH) (Entered: 05/02/1997)
04/25/1997	47	Proof of service by Donald W Miniken of: pldgs. #38-46 (ECH) (Entered: 04/25/1997)
04/25/1997	46	Declaration Of Steven W. Ritchie (ECH) (Entered: 04/25/1997)
04/25/1997	45	Declaration Of Brian K. Richardson (ECH) (Entered: 04/25/1997)
04/25/1997	44	Declaration Of Harold J. Tapia (ECH) (Entered: 04/25/1997)
04/25/1997	43	Declaration Of Julya Hampton (ECH) (Entered: 04/25/1997)
04/25/1997	42	Declaration Of Michael W. Gendler Re: Summary Judgment (ECH) (Entered: 04/25/1997)
04/25/1997	41	Declaration Of Rollin Wright (ECH) (Entered: 04/25/1997)
04/25/1997	40	Declaration If Donald W. Miniken In Opposition To Defendants' Motion For Summary Judgment [20-1] (ECH) (Entered: 04/25/1997)
04/25/1997	39	Plaintiff's Statement Of Material Facts In Opposition To Defendants' Motion For Summary Judgment And In Support Of Plaintiff's Cross Motion For Summary Judgment [20-1] (ECH) (Entered: 04/25/1997)
04/25/1997	38	Plaintiff's Memorandum In Opposition To Defendants' Motion For Summary Judgment, [20-1] And In Support Of Cross-Motion (ECH) Modified on 04/25/1997 (Entered: 04/25/1997)

04/23/1997		Proposed Order Approving Stipulation and Revising Scheduling Order (LAM) (Entered: 04/24/1997)
04/23/1997	37	Stipulation on Summary Judgment Briefing (LAM) (Entered: 04/24/1997)
04/11/1997	36	ORDER Granting Motion For Leave To Take Depositions And For Expedited Hearing by Senior Judge Justin L. Quackenbush granting plaintiff's motion For Leave To Take Depositions [31-1], granting motion For Expedited Ruling [31-2] defendants Kay Walter and David Buss shall sit for their depositions on or before 4/16/97 at a time and place to be agreed upon by counsel (cc: all counsel) (PW) (Entered: 04/11/1997)
04/07/1997	35	Proof of service by plaintiff of: pldgs. #31-34 & Proposed Order (ECH) (Entered: 04/07/1997)
04/07/1997		Proposed Order re: motion For Leave To Take Depositions [31-1], motion For Expedited Ruling [31-2] submitted by plaintiff Donald W Miniken (ECH) (Entered: 04/07/1997)
04/07/1997	34	Notice by plaintiff of hearing setting motion For Leave To Take Depositions [31-1] (w/o oral argument 4:30 5/9/97), setting motion For Expedited Ruling [31-2] (w/o oral argument 4:30 5/9/97) (ECH) (Entered: 04/07/1997)
04/07/1997	33	Declaration Of Michael W. Gendler In Support Of Motion For Leave To Take Depositions [31-1], And For Expedited Ruling [31-2] (ECH) (Entered: 04/07/1997)
04/07/1997	32	Plaitniff's Memorandum In Support Of Motion For Leave To Take Depositions [31-1] And, For Expedited Ruling [31-2] (ECH) (Entered: 04/07/1997)
04/07/1997	31	Plaitniff's MOTION For Leave To Take Depositions And For Expedited Ruling (ECH) (Entered: 04/07/1997)
04/03/1997	30	ORDER APPROVING STIPULATION AND REVISING SCHEDULING ORDER by Senior Judge Justin L. Quackenbush IT IS HEREBY ORDERED: 1. The parties' stipulation is approved: 2. Plaintiff's response shall be due on or before April 23, 1997; 3. Defendants' reply to plaintiff's response shall be due on or before May 7, 1997. 4. Oral argument on defendants' motion for summary judgment, if requested, shall be set by the court once briefing on the motion is completed. stipulation [29-1] (cc: all counsel) (ECH) (Entered: 04/03/1997)
03/27/1997		Proposed Order re: stipulation [29-1] (ECH) (Entered: 03/28/1997)
03/27/1997	29	Stipulation On Summary Judgment Briefing (ECH) (Entered: 03/28/1997)
03/24/1997	28	Proof of service by plaintiff Donald W Miniken of: pldgs. # 26 & 27 (ECH) (Entered: 03/24/1997)
03/24/1997	27	Plaintiff's Re-Submission Of Plaintiff's Reply Memorandum In Support Of Motion For Preliminary Injunction (ECH) (Entered: 03/24/1997)
03/24/1997	26	ATTORNEY APPEARANCE for Donald W Miniken ; Atty Michael W Gendler appearing (ECH) (Entered: 03/24/1997)
03/07/1997	25	Letter to court from plaintiff Donald W Miniken (ECH) (Entered: 03/07/1997)

03/07/1997	24	Plaintiff's Reply To Defendant's Opposition To Motion For Temporary Restraining Order And/Or Preliminary Injunction (ECH) (Entered: 03/07/1997)
03/03/1997	23	Proof of service by defendants of: pldgs. #20-22 & Proposed Order (ECH) (Entered: 03/03/1997)
03/03/1997		Proposed Order re: motion [20-1] submitted by defendants (ECH) (Entered: 03/03/1997)
03/03/1997	22	Notice by defendants of hearing setting motion [20-1] (w/o oral argument 4:30 4/28/97) (ECH) (Entered: 03/03/1997)
03/03/1997	21	Defendants' Statement Of Material Facts In Support Of Defendants' Motion For Summary Judgment [20-1] (ECH) (Entered: 03/03/1997)
03/03/1997	20	Defendants' Memorandum In Support Of Defendants' Motion For Summary Judgment (ECH) (Entered: 03/03/1997)
02/10/1997	19	ORDER by Senior Judge Justin L. Quackenbush finding the motion For Extension Of Time To File Plaitniff's Reply To Defendants Opposition To Motion For Temporary Restraining Order And/Or Preliminary Injunction [8-1] moot. (cc: all counsel) (ECH) (Entered: 02/10/1997)
11/29/1996	18	Notice by defendants of association of attorney Martin E Wyckoff (ECH) (Entered: 12/02/1996)
11/25/1996	17	SCHEDULING ORDER by Senior Judge Justin L. Quackenbush Disp mtn ddl: 3/3/97, Defts shall file their motion for summary judgment; resp by 3/31/97; reply by 4/10/97; telep oral arg, if requested shall be set by court once briefing is completed (cc:all counsel) (PW) (Entered: 11/25/1996)
11/22/1996	16	Proof of service by defendants of: #15 (PW) (Entered: 11/25/1996)
11/22/1996	15	ANSWER by defendants (PW) (Entered: 11/25/1996)
11/22/1996		Telephonic Status Conference Hearing : before Senior Judge Justin L. Quackenbush Hrg Location: Spokane; no court reporter (ECH) (Entered: 11/22/1996)
11/12/1996	14	Plaintiff's Status Report (ECH) (Entered: 11/13/1996)
11/12/1996	13	Report Of Parties' 26(f) Meeting (ECH) (Entered: 11/13/1996)
11/07/1996	12	Declaration Of Donald W. Miniken In Support Of Motion For Temporary Restraining Order And/Or Preliminary Injunction (ECH) (Entered: 11/07/1996)
10/22/1996	11	SUMMONS/RETURN OF SERVICE executed upon defendant Kay Walter, defendant David Buss (ECH) (Entered: 10/22/1996)
09/19/1996	8	MOTION by plaintiff Donald W Miniken For Extension Of Time To File Plaitniff's Reply To Defendants Opposition To Motion For Temporary Restraining Order And/Or Preliminary Injunction (ECH) (Entered: 09/19/1996)
09/18/1996	10	Proof of service by plaintiff Donald W Miniken of: pldgs #8 & 9 (ECH) (Entered: 09/19/1996)

09/18/1996	9	Notice by plaintiff Donald W Miniken of hearing setting motion For Extension Of Time To File Plaintiff's Reply To Defendants Opposition To Motion For Temporary Restraining Order And/Or Preliminary Injunction [8-1] (w/o oral argument 4:30 9/30/96) (ECH) (Entered: 09/19/1996)
09/18/1996	7	WAIVER of SERVICE by defendant Kay Walter ; (ECH) (Entered: 09/18/1996)
09/16/1996	6	WAIVER of SERVICE by defendant David Buss (Fax copy) (ECH) (Entered: 09/16/1996)
09/04/1996	5	Defendants' Memorandum In Opposition To Plaintiff's Motion For Temporary Restraining Order And/Or Preliminary Injunctive Relief (ECH) (Entered: 09/05/1996)
09/03/1996	4	ATTORNEY APPEARANCE for defendants ; Atty Colleen B Evans appearing (ECH) (Entered: 09/05/1996)
08/29/1996		Law Clerk assigned to case is pp (admin) (Entered: 08/29/1996)
08/26/1996	3	ORDER OF REFERENCE TO FEDERAL JUDICIAL MEDIATOR by Senior Judge Justin L. Quackenbush IT IS ORDERED that: 1. This case is REFERRED to Federal Judicial Mediator, Frank Hayes Johnson, for evaluation and mediation. (cc: all counsel) (ECH) (Entered: 08/26/1996)
08/26/1996	2	ORDER DIRECTING SERVICE (by Senior Judge Justin L. Quackenbush); USM directed to serve dft; response due 10/10/96; Defendants are DIRECTED to respond to Pltff's Motion for Temporary Restraining Order and/or Preliminary Injunction within eleven (11) calendar days of the date of this Order. Pltff shall have five (5) days, excluding weekends and holidays, after service of the Defendant's memorandum to file a reply memorandum. (cc: all counsel) (FmrEmp) Modified on 08/26/1996 (Entered: 08/26/1996)
07/30/1996		Law Clerk assigned to case is 2 (admin) (Entered: 07/30/1996)
07/24/1996	1	COMPLAINT Fee-status: pd Receipt #: 35391 (FmrEmp) (Entered: 07/26/1996)
07/24/1996		COMPLAINT Fee-status: pd Receipt #: 35391 (FmrEmp) (Entered: 07/24/1996)

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Billable Pages:	5	Cost:	0.40