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DIST.	OFF.	DOCKET YR.	DOCKET NUMBER	FILING DATE MO.	FILING DATE DAY	FILING DATE YR.	J	N/S	O	PTF	DEF	23	\$ DEMAND	JUDGE MAG. NO.	COUNTY	JURY DEM.	DOCKET YR.	DOCKET NUMBER
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TITLE: BOYDEN-V-MCCARTHY
 CAUSE: COMPLT/VIOLN C/R HLH 194(K)

2nd A/C 7-13-8

1 PLA
 GERALD G ROYDEN

GERALD G ROYDEN
 IN PRO PER
 CHINO GUIDANCE CNTR
 POB 441
 CHINO CA 97108

2 PLA
 FRANK CANNIZZARO

IN PRO PER

3 PLA
 HORACE THOMAS

SAME AS ATTY # 1 FOR PARTY # 2

4 DFT
 DANIEL MCCARTHY

5 DFT
 OTIS THURMAN

6 DFT
 BOB BALES

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	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	
				JS-6	

DATE	NR.	
3/27/86	nm	1. COMPLT fld . Pd flg fee. Sms issd & subm to Mag for review Petr notfd 2. Notc & ORD of ref to Mag Kronenberg. Mld cpys
3-31-86	esl	3. Class actn stat is denied at this ti. Service of process is ordered on defts Thurman & Bales. M.O. 4. Pltf's motn for appointment of cnsl is DENIED at this ti. M.O. 5. ORD directing service of process by the USM to Otis Thurman. 6. ORD directing service of process by the USM to Bob Bales.
4-14-86	esl	7. Second motn for appointment of cnsl. pltf, pro per 8. Memo of P&A w/ exhbts. pltf, pro per
4/15/86	esl	9. Pltf's second motn fr appointment of cnsl is DENIED at this ti. M.O.
5/2/86	esl	10. Rtrn of smns, srvd s/c to: Bob Bales, Assoc. Superintendent, on 4/24/86. & individual srvd of Jerry H. Lebo, officer on 4/24/86.
5-13-86	esl	11. ANSWER TO COMPLT. defts Otis Thurman
6-6-86	dc	12. Mtn of dft Bales to join answ of dft Thurman. dft.
6-16-86	esl	13. Notc of PTC bef U.S. Mag Kronenberg in hrg room # "M" of this crt on 8-22-86, 10AM.
7-14-86	esl	14. Memo frm Laura Gamus clk fr Mag Kronenberg, re change of address of Mr. Cannizzaro is under Mr. Jones supervision, by telephone.
8/14/86	esl	15. Notc of association of cnsl for the pltfs pro se, Gerald Glen Boyden, Frank Cannizzaro, & Horace Thomas. Pltfs
8-21-86	esl	16. Stip & ORD (K) tht the PTC set for 8/22/86, 10AM. , be cont'd to 9/29/86, 2PM. or as soon thereafter as the Crt is available.
8/26/86	esl	17. Declar of Rebecca Jurado in supprt of pltfs' motn to leave to amend the complt. 18. P/A supporting pltfs' motn for leave to amend thepleadings; declar. Pltfs 19. Notc of motn & motn for leave to amend the pleadings, retbl 9/22/86, 10AM. Pltf LODGED Ord & A/C. (Fwd'd to CRD) 20. Notc of motn & motn for class certification, 9/22/86, 10AM. Pltfs LODGED ORD 21. P/A supporting Class Certification; declar of John Hagar; prop notc. Pltfs
9/5/86	esl	22. Notc of lodging; corrected 1st A/C. PLtfs LODGED prop A/C. (Fwd'd to CRD)
9-12-86	esl	23. ORD (K) subst atty Gerald Glen Boyden in place of Rebecca Jurado. Pltfs
9-22-86	esl	24. Statement of non-opp to pltfs' motn for class certification. Defts 25. Statement of non-opp to pltfs' motn for leave to amend the pleadings. Defts
9-23-86	esl	26. Stip & ORD to cont motns for leave to amend the complt cont'd on 9/29/86, 10AM & class certification NLT 9/25/86; defts will fi their statement of non-opp to these motns NLT 9/22/86. 27. ORD subst of atty Carol Slater Frederick in place of Robert Shaw. defts
9-25-86	esl	28. The PTC presently set for 9/29/86, 2:00PM. is tkn off cal until fur of the Crt.
9-29-86	esl	29. ORD the motn to fi the A/C is granted as to pltf Boyden only; defts hv 10 days to answer as to tht pltf. No subst of attys having fld for pltfs Cannizzaro & Thomas, the motn to fi the A/C as to those pltfs is denied w/o prej, but will be granted ex parte when a proper substitution is fld. The motn for cl certification is cont'd to 10/20/86, 10AM. , etc. The reference to the Mag is w/drawn; all subsequent mattrs will be heard by the crt, w/ the exception of discovery mattrs referred to the Mag. MO.
10-9-86	esl	30. Stip & ORD to extend ti to & including 11/9/86 for defts to respatocpltfs' to answer complt.

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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>86-1989</u> <u>HLH</u>
BOYDEN		MCCARTHY	PAGE <u>3</u> OF <u> </u> PAGES
DATE	NR.	PROCEEDINGS	
10/10/86	es1	31. Status confer at court's invitation whether certain pltfs will join in A/C & whether they will drop damage claim. Confer had between Court & Cnsl. MO.	
11/10/86	es1	32. ANSWER TO 1ST A/C & DEMAND FR J/T. Defts Daniel J. McCathy & Otis Thurman	
11/12/86	es1	33. ORD re: MSC set for 1/26/87, 9AM.	
12/2/86	es1	34. Declar of Rebecca Jurado in supprt of request for substitution of cnsl. Pltfs	
		35. Jnt rpt of early meeting (L/R 6.1)	
12/4/86	es1	36. Notc & ORD of subst tht the pro se pltf, Horace Thomas hereby appoint attys as cnsl. Pltfs	
		37. Notc & ORD tht the pro se pltf, Frank Cannizzaro hereby appoints attys as cnsl. Pltfs	
1/16/87	es1	38. Jnt status rpt. defts	
1/26/87	es1	39. First corrected A/C. Pltfs	
1/26/87	es1	40. ORD establishing a discovery cut-off date of 6/1/87; setting the PTC for 7/2/87, 1:30PM.; setting 8/4/87, 9AM. for trial date.	
		41. MSC hld. Crt sets discovery cutoff for 6/1/87, PTC is set for 7/2/87, 1:30PM.; A 4 day; C/T is set for 8/4/87, 9AM. 1st corrected A/C is fld this date & previoulsy fld answer is deemed answer to said A/C. Pending motn for ord for certification of class is granted & ord is signed this date. Crt sets further status confer for 3/19/87, 4:30PM. defts waive previously fld jury demand. MO. (K.H.)	
		42. Stip & ORD to modify notc of class actn.	
		43. ORD this actn shall proceed as a class actn on behalf of all prisoners confined in the Gymnasium of the Reception Guidance Center of the Calif. Institute for Men. Until 30 days bef the date of trial copies of the notc attached hereto as Exhibit "A" & incorporated by reference, shall be posted for prisoner inspection on each wall of the reception Guidance Center Gymnasium & in all libraries at the Calif. Institute for Men, & defts shall make good faith efforts to keep copies of said notc posted in legible frm w/in the Gymnasium & libraries.	
2/3/87	es1	44. Ex parte applic for ord ext'g ti for production of documents. Defts LODGED Ord.	
2/11/87	es1	45. Statement of non-opp to defts' ex-parte request for extension; declarn of John Hagar. Pltfs	
2/17/87	es1	46. ORD ext'g ti for production of documents for deft D. J. McCarthy may be extended to 3/11/87.	
3-20-87	es1	47. Notc of cont the status confer for 3-19-87, 4:30PM. to a telephone status confer cal for 4/13/87, 8:30AM. Pltfs	
4/10/87	es1	48. Jnt status rept.	
4/13/87	es1	49. Status Confer re state of the settlement. Cnsl present by conf call & disc case status. Crt sets another status confer of this same type for 5/5/87, 8:30AM. & crt will place the conf call. MO. (K.H)	
4-29-87	es1	50.. Status rept. Pltfs	

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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 86-1989
BOYDEN, ET AL.		MCCARTHY, ET AL.,	PAGE <u>4</u> OF <u> </u> PAGE
DATE	NR.	PROCEEDINGS	
5-5-87	esl	51. Status Confer. Cns1 present by confer call & discuss case status. Matter is cont'd for further status confer by phone to 6-8-87, 8:30AM. w/ the cr to place call. Deft cns1 to prepare & fi written status rpet by 6-1-87. MO. (K.H)	
6-2-87	cw	52. Stat rpt. Deft.	
6-8-87	esl	53. Status confer by confer call. Cns1 present by confer call & discuss status. Mattr not likely to settle at this ti. Pltf cns1 informs crt of his intent to expand the law suit & crt directs pltf to prepare a prop amended complt & submit to deft NLT 6/19/87 for either a stip to fi amended complt, or in a motn to fi amended complt shall be prepared & fld. Further status confer set 6/22/87, 4:30PM. & cns1 to be present. MO. (n/reptr)	
6-18-87	esl	54. Notc of flg of draft of 2nd A/C. Pltfs	
7-13-87	sa	55. SECOND AMENDED COMPLT. pltfs.	
7-20-87	esl	56. Stip to cont trial set for 8-4-87 & to re-open discvry schedule; & ORD tht pltf promptly moves to amend its complt or obtain a stip for flg A/C as previously discussed w/ crt. A new status confer is set for 9-21-87, 9A at which ti the actn should be at issue, & new PTC & trial date will be set.	
7-31-87	esl	57. Stip & ORD to extend ti to 8-14-87 for defts to answer 2nd A/C & to cont th status confer frm 9-21-87, 9AM. to 10-5-87, 9AM.	
8-13-87	esl	58. ANSWER TO SECOND A/C & DEMAND FOR J/T. Defts	
10-2-87	esl	59. Jnt status rept.	
10-5-87	esl	60. ORD establishing a discvry cut-off date of 8-1-88; PTC set for 9-2-88, 1:30 setting October, 1988 as the month during which trial will commence; re p for C/T on liability.	
10-5-87	esl	61. Cns1 present in chambers & MSC hld. Crt sets discvry cutoff for 8-1-88; PTC is set for 9-2-88, 1:30PM.; Trial by Crt is set for the month of October, w/ the exact date to be set at the PTC. (Trial estimate set for 12 days) A status confer is set for 7-25-88, 3:30PM. to discuss trial mechanics. MO. (n/reptr)	
6-1-88	esl	62. Stip & ORD tht pltfs shall hv 30 days frm the filing date of this stip to answer defts' 1st set of interrogatories, which hv already been srvd.	
7-12-88	esl	63. Stipulated request for status confer set for 7/14/88, at 1:15PM. defts	
7/14/88	esl	64. Status Confer re Rule 9 preparation: Crt ORD cns1 present in chambers & discuss trial preparation w/ respect to Rule 9. Crt sets an estimated 4 day C/T for 10/4/88, 8:30AM. Pltf to submit to deft & crt a list of issues to be tried on or bef 8/15/88. Parties to confer & agree on a sti & ord to modify PTC procedures on or bef 8/15/88. Motn to compel as to outstanding interrogatories may be fld on or bef 8/15/88, & further answ may be postponed until 1 week after receipt of list of issues to be tried. MO. (n/reptr)	
8/1/88	esl	65. Stip & ORD to extend tht the due date for the stipulated prop for the modification of Rule 9 procedures be extended to 8/22/88. The pleading is currently due on 8/15/88. FUR STIPULATED tht defts will fi a pleading reassessing & limiting as appropriate their affirmative defenses by 8/22/8	
8/5/88	esl	66. Pretrial memo re triable issues. pltfs	

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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. 86-1989 HLH(
GERALD GLEN BOYDEN, ET AL.,	D. J. MCCARTHY: OTIS THURMAN: & BOB BAILES,	PAGE 5 OF 5 PAGES

DATE	NR.	PROCEEDINGS
8/22/88	es1	67. Stip re Rule 9 Ord; issues to be reviewed by the crt. Pltfs
8/25/88	es1	68. Status confer re trial preparation problems. Crt ORD tht Crt & cnsl confer. As to items posed to the crt, on items 1-6, declares of prisoners to be submitted by 9/13/88, w/ deft able to depose declarants by 9/30/88. Item 7, deft to submit declares subject to cross exam of Dept. of Corrections personnel at trial. Item 8, population statistics to be given up to the date of trial; disciplinary repts up to 9/1/88 w/o prej to further applic. Watch rosters to be given as of 9/23/88. The PTC is cont'd frm 9/2/88 to 9/23/88, 3PM. Trial is to remain set 10/4/88. MO. (n/reptr)
8/25/88	es1	69. Stip re population projection & construction plans. Pltfs
9/20/88	es1	70. Stip & ORD tht the PTC date of 9/23/88, be vacated because cnsl are working diliegentlly toward settlement & expect tht they can avert a trial. Further stipulated a status confer be scheduled for 9/26/88, 3:30PM.
9/26/88	es1	71. Status Confer re settlemtn: Crt ord cnsl & crt confer. Cnsl advise crt of tentative settlement subject to final approval. Cnsl to contact clerk for confer call on 9/29/88 in this regard. MO. (n/reptr)
9/26/88	es1	72. Stip re filing of doc, the doc is fld w/ the Understanding tht it is not find. Pltfs
9/29/88	es1	73. Memo of understanding. Defts LODGED prop Ord.
10/3/88	es1	74. Ex parte applic for atty fees. Pltfs LODGED prop Ord.
10/3/88	es1	75. Declar of John Hagar. pltfs
10/3/88	es1	76. ORD the PTC & trial dates are vacated, subject to resetting if the suit is reactivated by a claimed failure to comply w/ the Memo of Understading; the actn is stayed until 7/30/89, unless sooner reactivated for good cause; the trial date of 10/4/88 is vacated subject to resetting, if necessary. Following the dismissal of this actn w/ prej on or after 7/30/89, the dismissal w/ prej shall not be construed to prevent new litigation on constitutional claims alleged to be in existence following the date of dismissal. The parties are to fi a status rept on or bef 8/10/89. (ENT 10/5/88) Mld cpys & notcs to all ptys. MD JS-6
10/6/88	es1	77. ORD pltf's applic for atty fees in the amt of \$22,000 is hereby granted.
12/12/88	es1	78. Affid & req for issuance of W/E in favor pltfs & agnst defts. ISSD W/E.
1/18/89	es1	79. W/E, returned not executed (Reason" Complt is being amended)
1/19/89	es1	80. Affid & req for issuance of Alias W/E in favor of pltfs & agnst defts. ISSD W/E
8/7/89	es1	81. Jnt status rept & request for status confer.
8-11-89	es1	82. Crt ORD setting status confer in this matter is hereby set for 10-2-89, 8:30AM MO. (n/reptr)
10-2-89	es1	83. ORD this actn is dismissed w/ prej. Pltfs' applic for atty fees in the amt of \$22,000 is hereby grntd. (ENT 10/4/89) Mld cpys to all ptys w/notcs.
11/3/89	ca	84. Affid & request for issuance of 2nd Alias of W/E. Issd W/E. 85. Alias W/E.

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____ PAGE <u>6</u> OF _____ PAGES
DATE	NR.	PROCEEDINGS	
7-25-90	1f	86. Retn of USM-285 for 2nd alias W/E served on Bank of America, (Writ is to be levied agnst acct #14828005 at the Bank of America @ 900 8th St., Sacramento, Ca 95814, which is an acct of the Calif Dept of corrections.; Retn USM-285 for 2nd alias W/E served on Bank of America by serving Lena Sgheiza, authorized officer on 11-14-89; Retn of Orig 2nd alias W/E ent in favor of Gerald Glen Boyden, Frank Cannizzaro, Horace Thomas, & all similarly situated & agnst D. J. McCarthy, indiv, & in his official capacity as Director of the Calif Dept of corrections; Otis Thurman, indiv & in his official capacity as superintendent of the Calif Institution for Men, Bob Bales, indiv & in his official capacity as Associate Superintendent of the Ca Institute for Men.	

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