

**U.S. District Court – District of Colorado
District of Colorado (Denver)
CIVIL DOCKET FOR CASE #: 1:16-cv-02733-STV-NRN**

Rogers v. Colorado Department of Corrections et al
Assigned to: Magistrate Judge Scott T. Varholak
Referred to: Magistrate Judge N. Reid Neureiter
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 11/03/2016
Jury Demand: None
Nature of Suit: 550 Prisoner – Civil Rights
(U.S. not a defendant)
Jurisdiction: Federal Question

Plaintiff

Bionca Charmaine Rogers

represented by **Amy Farr Robertson**
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Plaintiff

Cathy Begano

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Martha M. Lafferty
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Plaintiff

Andrew Atkins

represented by **Martha M. Lafferty**
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Plaintiff

Marc Trevithick

represented by **Martha M. Lafferty**
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Amy Farr Robertson
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Plaintiff

Kandyce Vessey
TERMINATED: 01/10/2018

represented by **Amy Farr Robertson**
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ATTORNEY TO BE NOTICED

Plaintiff

Jennifer Saugause
TERMINATED: 10/25/2018

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V.

Consol Plaintiff

Leonid Rabinkov

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V.

Defendant

Colorado Department of Corrections

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ATTORNEY TO BE NOTICED

Defendant**Rick Raemisch**
*in his official capacity*represented by **Christopher Wayne Alber**
(See above for address)
ATTORNEY TO BE NOTICED**Maritza D. Braswell**
(See above for address)
ATTORNEY TO BE NOTICED**Defendant****Ryan Long**
*In his official capacity*represented by **Christopher Wayne Alber**
(See above for address)
ATTORNEY TO BE NOTICED**Maritza D. Braswell**
(See above for address)
ATTORNEY TO BE NOTICED**Defendant****Mike Romero**
*in his official capacity as Warden of thr
Colorado Territorial Correctional
Facility*represented by **Christopher Wayne Alber**
(See above for address)
ATTORNEY TO BE NOTICED**Maritza D. Braswell**
(See above for address)
ATTORNEY TO BE NOTICED**Defendant****Denver Women's Correctional Facility**
TERMINATED: 03/24/2017

Date Filed	#	Docket Text
11/03/2016	<u>1</u>	NOTICE and Claims for Acts and Omissions by Plaintiff Bionca Charmaine Rogers (Attachments: # <u>1</u> Envelope)(dbera,) (Entered: 11/07/2016)
11/03/2016	<u>2</u>	Case assigned to Magistrate Judge Gordon P. Gallagher. Text Only Entry (dbera,) (Entered: 11/07/2016)
11/08/2016	<u>3</u>	ORDER DIRECTING PLAINTIFF TO CURE DEFICIENCIES by Magistrate Judge Gordon P. Gallagher on 11/8/16. (dkals,) (Entered: 11/08/2016)
12/08/2016	<u>4</u>	[AMENDED] COMPLAINT against A. Anthony DeCesaro, Michelle Brothers, Terry Jaques, Janet Smith, Adrienne Jacobson, Marshall Griffith, Jason Lopez, Bryon Sparling, Keegan Fowler, David Johnson, filed by Bionca Charmaine Rogers.(dkals,) (Entered: 12/08/2016)
12/08/2016	<u>5</u>	MOTION and Affidavit for Leave to Proceed Under 28 U.S.C. 1915 by Plaintiff Bionca Charmaine Rogers. (dkals,) (Entered: 12/08/2016)
12/12/2016	<u>6</u>	ORDER granting <u>5</u> Motion for Leave to Proceed in Forma Pauperis by Magistrate Judge Gordon P. Gallagher on 12/12/16. (dkals,) (Entered: 12/12/2016)
12/12/2016	<u>7</u>	LETTER by Plaintiff Bionca Charmaine Rogers. (dkals,) (Entered: 12/12/2016)
01/19/2017	<u>8</u>	ORDER DIRECTING PLAINTIFF TO FILE AMENDED COMPLAINT by Magistrate Judge Gordon P. Gallagher on 1/19/17. (dkals,) (Entered: 01/19/2017)
01/19/2017	<u>9</u>	LETTER by Plaintiff Bionca Charmaine Rogers. (dkals,) (Entered: 01/19/2017)
01/24/2017	<u>10</u>	MINUTE ORDER directing the Clerk to mail Plaintiff the Prisoner Complaint form by Magistrate Judge Gordon P. Gallagher on 1/24/17 (mailed as ordered). (dkals,)

		(Entered: 01/24/2017)
02/21/2017	<u>11</u>	[AMENDED] COMPLAINT against Denver Women's Correctional Facility, Rick Raemisch, filed by Bionca Charmaine Rogers.(dkals,) (Entered: 02/22/2017)
03/24/2017	<u>12</u>	ORDER TO DISMISS IN PART AND TO DRAW CASE by Judge Lewis T. Babcock on 3/24/17. Denver Women's Correctional Facility is dismissed. (dkals,) (Entered: 03/24/2017)
03/24/2017	13	CASE REASSIGNED pursuant to <u>12</u> Order: This case is randomly reassigned to Magistrate Judge Scott T. Varholak. All future pleadings should be designated as 16-cv-02733-STV. (Text Only Entry) (dkals,) (Entered: 03/24/2017)
03/24/2017	<u>14</u>	Magistrate Judge consent form issued pursuant to D.C.COLO.LCivR 40.1, direct assignment of civil actions to full time magistrate judges. (dkals,) (Entered: 03/24/2017)
03/30/2017	<u>15</u>	CERTIFICATE of Service by Clerk of Court re <u>12</u> Order to Dismiss in Part and Draw, <u>11</u> Amended Complaint for Service of Process. (sphil,) (Entered: 03/30/2017)
03/30/2017	<u>16</u>	WAIVER OF SERVICE Returned Executed Rick Raemisch waiver sent on 3/30/2017, answer due 5/30/2017. (slibi,) (Entered: 03/30/2017)
03/30/2017	<u>17</u>	*DISREGARD* SUMMONS issued by Clerk. (slibi,) Modified on 3/31/2017 filed inadvertently (slibi,). (Entered: 03/30/2017)
04/05/2017	<u>18</u>	ORDER Setting Deadline for Filing Election Concerning Consent/Non-Consent to Magistrate Jurisdiction Form and Setting Scheduling Conference, by Magistrate Judge Scott T. Varholak on 4/05/2017. Consent/Non-Consent Form due on or before 5/25/2017. Scheduling Conference set for 6/8/2017 10:00 AM in Courtroom C205 before Magistrate Judge Scott T. Varholak. (slibi,) (Entered: 04/05/2017)
04/07/2017	<u>19</u>	MOTION to Appoint Counsel, by Plaintiff Bionca Charmaine Rogers. (Attachments: # <u>1</u> Envelope)(nmarb,) (Entered: 04/07/2017)
04/10/2017	<u>20</u>	STRICKEN CONSENT to Jurisdiction of Magistrate Judge, by Plaintiff Bionca Charmaine Rogers. All parties consent. (Attachments: # <u>1</u> Envelope)(slibi,) Modified on 4/11/2017 to strike document pursuant to 23 Minute Order (morti,). (Entered: 04/10/2017)
04/10/2017	<u>21</u>	LETTER re: <u>19</u> MOTION to Appoint Counsel by Plaintiff Bionca Charmaine Rogers. (slibi,) (Entered: 04/10/2017)
04/10/2017	<u>22</u>	ORDER denying without prejudice <u>19</u> Motion for Appointment of Counsel, by Magistrate Judge Scott T. Varholak on 4/10/2017. (slibi,) (Entered: 04/10/2017)
04/11/2017	23	MINUTE ORDER The Clerk of the Court shall strike the Consent/Non-consent form <u>20</u> filed by Plaintiff for failure to comply with the Civil Rules for the District of Colorado. Plaintiff shall refile the Consent/Non-consent form once she has had the opportunity to confer with Defendant or counsel for Defendant. By Magistrate Judge Scott T. Varholak on 4/11/2017. Text Only Entry (stvlc2,) (Entered: 04/11/2017)
05/05/2017	<u>24</u>	MOTION for Extension of Time, by Plaintiff Bionca Charmaine Rogers. (Attachments: # <u>1</u> Envelope)(slibi,) (Entered: 05/05/2017)
05/09/2017	<u>25</u>	ORDER granting in part <u>24</u> Motion for Extension of Time, by Magistrate Judge Scott T. Varholak on 5/09/2017. Scheduling Conference set for 6/08/2017 is VACATED and RESET as a Status Conference set for 6/8/2017 10:00 AM in Courtroom C205 before Magistrate Judge Scott T. Varholak. (slibi,) (Entered: 05/09/2017)
05/09/2017	26	CERTIFICATE of Service by Clerk of Court re <u>25</u> Order and a copy of the Consent/Non-Consent Form, to CASE MANAGER FOR BIONCA CHARMAINE ROGERS #169704, DENVER WOMENS CORRECTIONAL FACILITY (DWCF), P.O. BOX 392005, DENVER, CO 80239. Text Only Entry (slibi,) (Entered: 05/09/2017)
05/30/2017	<u>27</u>	MOTION for Extension of Time to File Answer or Otherwise Respond re <u>11</u> Amended Complaint by Defendant Rick Raemisch. (Alber, Christopher) (Entered: 05/30/2017)

05/30/2017	<u>28</u>	ORDER granting <u>27</u> Motion for Enlargement of Time to Answer or Otherwise Respond to Plaintiff's Amended Complaint. Defendant Rick Raemisch shall respond to the Amended Complaint on or before 6/27/2017. SO ORDERED, by Magistrate Judge Scott T. Varholak on 5/30/2017. Text Only Entry (stvlc1,) (Entered: 05/30/2017)
05/31/2017	<u>29</u>	NOTICE of Entry of Appearance by Amy Farr Robertson on behalf of Bionca Charmaine RogersAttorney Amy Farr Robertson added to party Bionca Charmaine Rogers(pty:pla) (Robertson, Amy) (Entered: 05/31/2017)
06/06/2017	<u>30</u>	CONSENT to Jurisdiction of Magistrate Judge by Plaintiff Bionca Charmaine Rogers All parties consent.. (Robertson, Amy) (Entered: 06/06/2017)
06/07/2017	<u>31</u>	ORDER OF REFERENCE Upon Consent to Jurisdiction of Magistrate Judge: Upon consent of the parties evidenced by Docket Entry #30, this case is referred to Magistrate Judge Scott T. Varholak for all purposes pursuant to D.C.COLO.LCivR 72.2(d) and 28 U.S.C. § 636(c). by Chief Judge Marcia S. Krieger on 6/7/17. Text Only Entry (msksec,) (Entered: 06/07/2017)
06/08/2017	<u>32</u>	MINUTE ENTRY forS tatus Conference held before Magistrate Judge Scott T. Varholak on 6/8/2017. Status Conference set for 8/24/2017 09:30 AM in Courtroom C203 before Magistrate Judge Scott T. Varholak. Hearing concluded. FTR: STV – C205. (morti,) (Entered: 06/08/2017)
06/15/2017	<u>33</u>	NOTICE of Filing Amended Pleading by Plaintiff Bionca Charmaine Rogers (Robertson, Amy) (Entered: 06/15/2017)
06/15/2017	<u>34</u>	AMENDED COMPLAINT against Rick Raemisch, filed by Bionca Charmaine Rogers.(Robertson, Amy) (Entered: 06/15/2017)
06/29/2017	<u>35</u>	Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond re <u>34</u> Amended Complaint by Defendant Rick Raemisch. (Alber, Christopher) (Entered: 06/29/2017)
06/30/2017	<u>36</u>	ORDER granting <u>35</u> Motion for Extension of Time to Answer or Otherwise Respond. Rick Raemisch answer due 6/30/2017. By Magistrate Judge Scott T. Varholak on 6/30/2017. Text Only Entry (stvlc2,) (Entered: 06/30/2017)
06/30/2017	<u>37</u>	MOTION to Dismiss by Defendant Rick Raemisch. (Alber, Christopher) (Entered: 06/30/2017)
07/21/2017	<u>38</u>	RESPONSE to <u>37</u> MOTION to Dismiss filed by Plaintiff Bionca Charmaine Rogers. (Attachments: # <u>1</u> Exhibit Robertson Dec. w Exhibits, # <u>2</u> Exhibit Minberg Dec. w Exhibits)(Robertson, Amy) (Entered: 07/21/2017)
07/21/2017	<u>39</u>	DECLARATION of Amy Robertson with Attached Exhibits regarding Response to Motion <u>38</u> by Plaintiff Bionca Charmaine Rogers. (Robertson, Amy) (Entered: 07/21/2017)
08/04/2017	<u>40</u>	REPLY to Response to <u>37</u> MOTION to Dismiss filed by Defendant Rick Raemisch. (Alber, Christopher) (Entered: 08/04/2017)
08/21/2017	<u>41</u>	Unopposed MOTION to Reset <i>Status Conference</i> by Defendant Rick Raemisch. (Alber, Christopher) (Entered: 08/21/2017)
08/21/2017	<u>42</u>	ORDER granting <u>41</u> Motion to Reset. Status Conference set for 8/24/2017 09:30 AM is VACATED and RESET for 8/28/2017 10:30 AM in Courtroom C203 before Magistrate Judge Scott T. Varholak. By Magistrate Judge Scott T. Varholak on 8/21/2017. Text Only Entry (stvlc2,) (Entered: 08/21/2017)
08/28/2017	<u>43</u>	MINUTE ENTRY for Status Conference held before Magistrate Judge Scott T. Varholak on 8/28/2017. Status Conference set for 10/4/2017 11:00 AM in Courtroom C203 before Magistrate Judge Scott T. Varholak. Hearing concluded. FTR: STV – C203. (morti,) (Entered: 08/28/2017)
09/08/2017	<u>44</u>	MOTION to Stay by Defendant Rick Raemisch. (Alber, Christopher) (Entered: 09/08/2017)
09/12/2017	<u>45</u>	RESPONSE to <u>44</u> MOTION to Stay filed by Plaintiffs Cathy Begano, Bionca Charmaine Rogers, Jennifer Saugause, Kandyce Vessey. (Robertson, Amy) (Entered: 09/12/2017)

09/19/2017	<u>46</u>	REPLY to Response to <u>44</u> MOTION to Stay filed by Defendant Rick Raemisch. (Alber, Christopher) (Entered: 09/19/2017)
09/21/2017	<u>47</u>	MOTION for Leave to <i>File a One-Paragraph Sur-Reply Clarifying Position in</i> <u>45</u> Response to Motion by Plaintiffs Cathy Begano, Bionca Charmaine Rogers, Jennifer Saugause, Kandyce Vessey. (Robertson, Amy) (Entered: 09/21/2017)
09/21/2017	<u>48</u>	ORDER granting <u>47</u> Plaintiff's Motion for Leave to File a One-Paragraph Sur-Reply Clarifying Position (the "Motion for Leave"). The Court will consider the clarification of <u>45</u> Plaintiff's Response to Defendants' Motion to Stay contained in the Motion for Leave in its consideration of Defendants' Motion to Stay. SO ORDERED, by Magistrate Judge Scott T. Varholak on 9/21/2017. Text Only Entry (stvlc1,) (Entered: 09/21/2017)
09/28/2017	<u>49</u>	MINUTE ORDER The Court notes that additional defendants have been added to this case, pursuant to the Third Amended Complaint <u>34</u> , since the filing of the Consent/Non-Consent to Magistrate Jurisdiction Form <u>30</u> . Although all Defendants are represented by the same counsel, the Court believes it necessary that the parties submit a new Consent/Non-Consent to Magistrate Jurisdiction Form. Consent/Non-Consent Form due on or before 10/3/2017. SO ORDERED by Magistrate Judge Scott T. Varholak on 9/28/2017. Text Only Entry (stvlc2,) (Entered: 09/28/2017)
09/28/2017	<u>50</u>	WAIVER OF SERVICE Returned Executed by Cathy Begano, Bionca Charmaine Rogers, Jennifer Saugause, Kandyce Vessey. Colorado Department of Corrections waiver sent on 9/28/2017, answer due 11/27/2017; Ryan Long waiver sent on 9/28/2017, answer due 11/27/2017. (Robertson, Amy) (Entered: 09/28/2017)
09/29/2017	<u>51</u>	CONSENT to Jurisdiction of Magistrate Judge by Plaintiffs Cathy Begano, Bionca Charmaine Rogers, Jennifer Saugause, Kandyce Vessey All parties consent.. (Robertson, Amy) (Entered: 09/29/2017)
09/29/2017	<u>52</u>	ORDER; <u>37</u> Defendant's Motion to Dismiss is DENIED. <u>44</u> Motion to Stay is DENIED AS MOOT, by Magistrate Judge Scott T. Varholak on 9/29/17. (morti,) (Entered: 09/29/2017)
10/04/2017	<u>53</u>	MINUTE ENTRY for Status Conference held before Magistrate Judge Scott T. Varholak on 10/4/2017. Scheduling Conference set for 10/24/2017 10:30 AM in Courtroom C203 before Magistrate Judge Scott T. Varholak. The Proposed Scheduling Order is due on or before October 17, 2017. FTR: STV - C203. (morti,) (Entered: 10/04/2017)
10/13/2017	<u>54</u>	Unopposed MOTION for Extension of Time to File Answer or Otherwise Respond re <u>11</u> Amended Complaint, <u>34</u> Amended Complaint by Defendants Colorado Department of Corrections, Ryan Long, Rick Raemisch. (Alber, Christopher) (Entered: 10/13/2017)
10/16/2017	<u>55</u>	ORDER granting <u>54</u> Motion for Extension of Time to File Answer. Defendants Colorado Department of Corrections, Ryan Long, and Rick Raemisch answer due 10/16/2017. SO ORDERED, by Magistrate Judge Scott T. Varholak on 10/16/2017. Text Only Entry (stvlc2,) (Entered: 10/16/2017)
10/16/2017	<u>56</u>	ANSWER to <u>34</u> Amended Complaint by Colorado Department of Corrections, Ryan Long, Rick Raemisch.(Alber, Christopher) (Entered: 10/16/2017)
10/17/2017	<u>57</u>	Proposed Scheduling Order by Plaintiffs Cathy Begano, Bionca Charmaine Rogers, Jennifer Saugause, Kandyce Vessey. (Robertson, Amy) (Entered: 10/17/2017)
10/24/2017	<u>58</u>	MINUTE ENTRY for Scheduling Conference held before Magistrate Judge Scott T. Varholak on 10/24/2017. Discovery due by 7/27/2018. Dispositive Motions due by 8/31/2018. Final Pretrial Conference set for 11/5/2018 09:30 AM in Courtroom C203 before Magistrate Judge Scott T. Varholak. FTR: STV - C203. (morti,) (Entered: 10/24/2017)
10/24/2017	<u>59</u>	SCHEDULING ORDER: by Magistrate Judge Scott T. Varholak on 10/24/17. (morti,) (Entered: 10/24/2017)

12/15/2017	<u>60</u>	Unopposed MOTION to Amend/Correct/Modify <u>59</u> Scheduling Order by Plaintiffs Cathy Begano, Bionca Charmaine Rogers, Jennifer Saugause, Kandyce Vessey. (Robertson, Amy) (Entered: 12/15/2017)
12/15/2017	61	ORDER granting <u>60</u> Motion to Amend/Correct/Modify. Deadline for joinder of parties and amendment of pleadings set for 1/22/2018. SO ORDERED, by Magistrate Judge Scott T. Varholak on 12/15/2017. Text Only Entry (stvlc2,) (Entered: 12/15/2017)
01/09/2018	<u>62</u>	STIPULATION of Dismissal of Party <i>Kandyce Vessey</i> by Plaintiffs Cathy Begano, Bionca Charmaine Rogers, Jennifer Saugause, Kandyce Vessey. (Robertson, Amy) (Entered: 01/09/2018)
01/10/2018	<u>63</u>	STIPULATION of Dismissal of Party <i>Kandyce Vessey</i> by Plaintiffs Cathy Begano, Bionca Charmaine Rogers, Jennifer Saugause, Kandyce Vessey. (Robertson, Amy) (Entered: 01/10/2018)
01/10/2018	64	MINUTE ORDER. Per <u>63</u> Stipulation of Dismissal, the Clerk of Court is instructed to dismiss Plaintiff Kandyce Vessey from this matter. The Court notes that the original Stipulation of Dismissal <u>62</u> contained a typo and <u>63</u> is thus the operative Stipulation. SO ORDERED, by Magistrate Judge Scott T. Varholak on 1/10/2018. Text Only Entry (stvlc2,) (Entered: 01/10/2018)
01/10/2018	65	Party Kandyce Vessey terminated pursuant to Minute Order # 64 . Text Only Entry (jgonz,) (Entered: 01/10/2018)
01/22/2018	<u>66</u>	AMENDED COMPLAINT against Colorado Department of Corrections, Ryan Long, Rick Raemisch, Mike Romero Attorney Amy Farr Robertson added to party Andrew Neil Atkins(pty:pla), Attorney Amy Farr Robertson added to party Marc C Trevithick(pty:pla), filed by Cathy Begano, Bionca Charmaine Rogers, Jennifer Saugause, Andrew Neil Atkins, Marc C Trevithick.(Robertson, Amy) (Entered: 01/22/2018)
01/22/2018	<u>67</u>	NOTICE of Filing Amended Pleading re <u>66</u> Amended Complaint, by Plaintiffs Andrew Neil Atkins, Cathy Begano, Bionca Charmaine Rogers, Jennifer Saugause, Marc C Trevithick (Robertson, Amy) (Entered: 01/22/2018)
01/29/2018	<u>68</u>	WAIVER OF SERVICE Returned Executed by Andrew Atkins, Marc Trevithick, Cathy Begano, Bionca Charmaine Rogers, Jennifer Saugause. Mike Romero waiver sent on 1/29/2018, answer due 3/30/2018. (Robertson, Amy) (Entered: 01/29/2018)
02/05/2018	<u>69</u>	ANSWER to <u>66</u> Amended Complaint, Attorney Christopher Wayne Alber added to party Mike Romero(pty:dft) by Colorado Department of Corrections, Ryan Long, Rick Raemisch, Mike Romero.(Alber, Christopher) (Entered: 02/05/2018)
02/12/2018	<u>70</u>	Stipulated MOTION for Protective Order by Plaintiffs Andrew Atkins, Cathy Begano, Bionca Charmaine Rogers, Jennifer Saugause, Marc Trevithick. (Robertson, Amy) (Entered: 02/12/2018)
02/12/2018	71	ORDER granting <u>70</u> Motion for Protective Order. The proposed Stipulated Protective Order is adopted. SO ORDERED, by Magistrate Judge Scott T. Varholak on 2/12/2018. Text Only Entry (stvlc2,) (Entered: 02/12/2018)
02/12/2018	<u>72</u>	STIPULATED PROTECTIVE ORDER by Magistrate Judge Scott T. Varholak on 2/12/2018. (jgonz,) (Entered: 02/12/2018)
05/24/2018	<u>73</u>	Unopposed MOTION to Amend/Correct/Modify <u>59</u> Scheduling Order <i>to Extend Expert and Other Deadlines by Two Weeks</i> by Plaintiffs Andrew Atkins, Cathy Begano, Bionca Charmaine Rogers, Jennifer Saugause, Marc Trevithick. (Robertson, Amy) (Entered: 05/24/2018)
05/24/2018	74	ORDER granting <u>73</u> Motion to Amend/Correct/Modify. Affirmative expert disclosures due by 6/14/2018. Rebuttal expert disclosures due by 7/12/2018. Discovery due by 8/10/2018. Dispositive Motions due by 9/14/2018. SO ORDERED, by Magistrate Judge Scott T. Varholak on 5/24/2018. Text Only Entry (stvlc2,) (Entered: 05/24/2018)
07/12/2018	<u>75</u>	MOTION to Amend/Correct/Modify <u>59</u> Scheduling Order by Defendants Colorado Department of Corrections, Ryan Long, Rick Raemisch, Mike Romero. (Alber, Christopher) (Entered: 07/12/2018)

07/13/2018	<u>76</u>	ORDER granting <u>75</u> Motion to Amend/Correct/Modify. Rebuttal expert disclosures due by 8/27/2018. Discovery due by 9/10/2018. The Court notes that the discovery cutoff date extension applies only to discovery with respect to experts. All other discovery is due by 8/10/2018. Dispositive Motions due by 10/29/2018. The Final Pretrial Conference set for 11/5/2018 09:30 AM is VACATED and RESET for 12/5/2018 09:30 AM in Courtroom C203 before Magistrate Judge Scott T. Varholak. The parties shall submit a Proposed Pretrial Order by 11/28/2018. SO ORDERED, by Magistrate Judge Scott T. Varholak on 7/13/2018. Text Only Entry (stvlc2,) Modified on 7/18/2018 to add additional text (morti,). (Entered: 07/13/2018)
07/13/2018	<u>77</u>	MOTION for Leave to <i>Be Heard In Opposition To Defendants' Partially Unopposed Motion To Amend Scheduling Order</i> by Plaintiffs Andrew Atkins, Cathy Begano, Bionca Charmaine Rogers, Jennifer Saugause, Marc Trevithick, Kandyce Vessey. (Robertson, Amy) (Entered: 07/13/2018)
07/13/2018	78	ORDER granting <u>77</u> Motion for Leave. Plaintiffs may file an opposition to Defendants' Motion to Amend/Correct/Modify <u>75</u> , and/or move for the Court to reconsider its order granting the Motion 76 , on or before 7/16/2018. SO ORDERED, by Magistrate Judge Scott T. Varholak on 7/13/2018. Text Only Entry (stvlc2,) (Entered: 07/13/2018)
07/13/2018	<u>79</u>	BRIEF in Opposition to <u>75</u> MOTION to Amend/Correct/Modify <u>59</u> Scheduling Order filed by Plaintiffs Andrew Atkins, Cathy Begano, Bionca Charmaine Rogers, Jennifer Saugause, Marc Trevithick. (Attachments: # <u>1</u> Affidavit Declaration of Amy F. Robertson in Support of Plaintiffs' Brief)(Robertson, Amy) (Entered: 07/13/2018)
07/13/2018	80	MINUTE ORDER. Defendants shall file a reply to <u>79</u> Brief in Opposition to Motion on or before 7/17/2018. Telephonic Discovery Hearing re <u>75</u> Motion to Amend/Correct/Modify set for 7/18/2018 09:00 AM in Courtroom C203 before Magistrate Judge Scott T. Varholak. The parties may appear telephonically by initiating a conference call amongst all individuals participating by phone before calling the Court at 303.335.2365. SO ORDERED, by Magistrate Judge Scott T. Varholak on 7/13/2018. Text Only Entry (stvlc2,) (Entered: 07/13/2018)
07/17/2018	<u>81</u>	REPLY to Response to <u>75</u> MOTION to Amend/Correct/Modify <u>59</u> Scheduling Order filed by Defendants Colorado Department of Corrections, Ryan Long, Rick Raemisch, Mike Romero. (Alber, Christopher) (Entered: 07/17/2018)
07/18/2018	<u>82</u>	MINUTE ENTRY for Telephonic Discovery Hearing held before Magistrate Judge Scott T. Varholak on 7/18/2018. FTR: STV - C203. (morti,) (Entered: 07/18/2018)
08/30/2018	<u>83</u>	Unopposed MOTION to Amend/Correct/Modify <u>59</u> Scheduling Order <i>Due to Death of Expert</i> by Plaintiffs Andrew Atkins, Cathy Begano, Bionca Charmaine Rogers, Jennifer Saugause, Marc Trevithick. (Robertson, Amy) (Entered: 08/30/2018)
08/30/2018	84	ORDER granting <u>83</u> Motion to Amend/Correct/Modify. Plaintiff shall serve Defendants with expert Professor Andrews's report and other information required by Fed. R. Civ. P. 26(a)(2) on or before 9/7/2018. Defendants may take discovery of Plaintiffs' experts up to and including 10/19/2018. SO ORDERED, by Magistrate Judge Scott T. Varholak on 8/30/2018. Text Only Entry (stvlc2,) (Entered: 08/30/2018)
10/25/2018	<u>85</u>	STIPULATION of Dismissal of Party <i>Jennifer Saugause</i> by Plaintiffs Andrew Atkins, Cathy Begano, Bionca Charmaine Rogers, Jennifer Saugause, Marc Trevithick. (Robertson, Amy) (Entered: 10/25/2018)
10/25/2018	86	MINUTE ORDER. Pursuant to <u>85</u> Stipulation of Dismissal of Party, the Clerk of Court is instructed to dismiss Plaintiff Jennifer Saugause from this matter. SO ORDERED, by Magistrate Judge Scott T. Varholak on 10/25/2018. Text Only Entry (stvlc2,) (Entered: 10/25/2018)
10/29/2018	<u>87</u>	MOTION for Partial Summary Judgment by Plaintiffs Andrew Atkins, Cathy Begano, Bionca Charmaine Rogers, Marc Trevithick. (Attachments: # <u>1</u> Declaration of Amy F. Robertson in Support of Pltfs' Motion of Partial Summary Judgment, # <u>2</u> Robertson Decl. Exhibit 1, # <u>3</u> Robertson Decl. Exhibit 2, # <u>4</u> Robertson Decl. Exhibit 3, # <u>5</u> Robertson Decl. Exhibit 4, # <u>6</u> Robertson Decl. Exhibit 5, # <u>7</u> Robertson Decl. Exhibit 6, # <u>8</u> Robertson Decl. Exhibit 7, # <u>9</u> Robertson Decl. Exhibit 8, # <u>10</u> Robertson Decl. Exhibit 9, # <u>11</u> Robertson Decl. Exhibit 10, # <u>12</u> Declaration of Andrew Atkins, # <u>13</u>

		Declaration of Cathy Begano, # <u>14</u> Declaration of Teresa Jordan, # <u>15</u> Declaration of Bionca Charmaine Rogers, # <u>16</u> Declaration of Marc Trevithick)(Robertson, Amy) (Entered: 10/29/2018)
10/29/2018	<u>88</u>	MOTION for Summary Judgment by Defendants Colorado Department of Corrections, Ryan Long, Rick Raemisch, Mike Romero. (Attachments: # <u>1</u> Exhibit A-1, # <u>2</u> Exhibit A-2, # <u>3</u> Exhibit A-3, # <u>4</u> Exhibit A-4, # <u>5</u> Exhibit A-5)(Alber, Christopher) (Entered: 10/29/2018)
10/31/2018	<u>89</u>	Unopposed MOTION for Leave to Restrict by Plaintiffs Andrew Atkins, Cathy Begano, Bionca Charmaine Rogers, Marc Trevithick. (Robertson, Amy) (Entered: 10/31/2018)
10/31/2018	90	ORDER granting <u>89</u> Motion for Leave to Restrict. The Clerk of Court is instructed to file Exhibit A-5 [88-5] to Defendants' <u>88</u> MOTION for Summary Judgment, under RESTRICTION LEVEL 1. SO ORDERED, by Magistrate Judge Scott T. Varholak on 10/31/2018. Text Only Entry (stvlc2,) (Entered: 10/31/2018)
11/14/2018	<u>91</u>	NOTICE OF CASE ASSOCIATION by Amy Farr Robertson on behalf of Andrew Atkins, Cathy Begano, Bionca Charmaine Rogers, Marc Trevithick (Robertson, Amy) (Entered: 11/14/2018)
11/15/2018	<u>92</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>87</u> MOTION for Partial Summary Judgment <i>and to Reset Final Pretrial Conference</i> by Defendants Colorado Department of Corrections, Ryan Long, Rick Raemisch, Mike Romero. (Alber, Christopher) (Entered: 11/15/2018)
11/16/2018	93	ORDER granting <u>92</u> Motion for Extension of Time to File Response/Reply. Defendants shall respond to Plaintiffs' <u>87</u> Partial Motion for Summary Judgment on or before 12/31/2018. Defendants shall file a reply in support of their <u>88</u> Motion for Summary Judgment on or before 12/31/2018. Plaintiffs shall file a reply in support of their <u>87</u> Partial Motion for Summary Judgment on or before 1/14/2019. The Final Pretrial Conference set for 12/5/2018 09:30 AM is VACATED and RESET for 3/8/2019 09:30 AM in Courtroom A 402 before Magistrate Judge Scott T. Varholak. Proposed Pretrial Order due by 3/1/2019. SO ORDERED, by Magistrate Judge Scott T. Varholak on 11/16/2018. Text Only Entry (stvlc2,) (Entered: 11/16/2018)
11/19/2018	<u>94</u>	RESPONSE to <u>88</u> MOTION for Summary Judgment filed by Plaintiffs Andrew Atkins, Cathy Begano, Bionca Charmaine Rogers, Marc Trevithick. (Attachments: # <u>1</u> Rogers Declaration, # <u>2</u> Peterson Declaration with Exhibits 1-5)(Robertson, Amy) (Entered: 11/19/2018)
11/20/2018	<u>95</u>	MOTION to Consolidate Cases by Plaintiffs Andrew Atkins, Cathy Begano, Bionca Charmaine Rogers, Marc Trevithick. (Robertson, Amy) (Entered: 11/20/2018)
11/20/2018	96	MINUTE ORDER re: <u>95</u> MOTION to Consolidate Cases . Defendants shall file a response on or before 12/6/2018. Plaintiffs shall file a reply on or before 12/13/2018. SO ORDERED, by Magistrate Judge Scott T. Varholak on 11/20/2018. Text Only Entry (stvlc2,) (Entered: 11/20/2018)
11/27/2018	97	MINUTE ORDER. Due to a conflict on the Court's calendar, the Final Pretrial Conference set for 3/8/2019 09:30 AM is VACATED and RESET for 3/4/2019 09:30 AM in Courtroom A 402 before Magistrate Judge Scott T. Varholak. Proposed Pretrial Order due by 2/25/2019. SO ORDERED, by Magistrate Judge Scott T. Varholak on 3/4/2018. Text Only Entry (stvlc2,) (Entered: 11/27/2018)
12/06/2018	<u>98</u>	RESPONSE to <u>95</u> MOTION to Consolidate Cases filed by Defendants Colorado Department of Corrections, Ryan Long, Rick Raemisch, Mike Romero. (Alber, Christopher) (Entered: 12/06/2018)
12/11/2018	<u>99</u>	REPLY to Response to <u>95</u> MOTION to Consolidate Cases filed by Plaintiffs Andrew Atkins, Cathy Begano, Bionca Charmaine Rogers, Marc Trevithick. (Attachments: # <u>1</u> Declaration of Amy F. Robertson with Exhibit 1)(Robertson, Amy) (Entered: 12/11/2018)
12/11/2018	100	MINUTE ORDER. Motion Hearing re: <u>95</u> MOTION to Consolidate Cases set for 1/11/2019 02:00 PM in Courtroom A 402 before Magistrate Judge Scott T. Varholak. SO ORDERED, By Magistrate Judge Scott T. Varholak on 12/11/2018. Text Only

		Entry (stvlc2,) (Entered: 12/11/2018)
12/11/2018	101	MINUTE ORDER Per the request of the parties, the Motion Hearing re: <u>95</u> Plaintiffs' Motion to Consolidate set for 1/11/2019 02:00 PM is VACATED and RESET for 1/7/2019 01:00 PM in Courtroom A 402 before Magistrate Judge Scott T. Varholak. Counsel for Plaintiff shall promptly provide a copy of this Minute Order to counsel in the proposed consolidated case, Rabinkov v. Colorado Department of Corrections, 18-cv-02926-MEH (D. Colo.). SO ORDERED, By Magistrate Judge Scott T. Varholak on 12/11/2018. Text Only Entry (stvlc1,) (Entered: 12/11/2018)
12/20/2018	<u>103</u>	ORDER granting <u>95</u> Motion to Consolidate Cases The Motion Hearing set for January 7, 2019 at 1:00 p.m. in Courtroom A 402 before Magistrate Judge Scott T. Varholak. is CONVERTED TO A STATUS HEARING. By Magistrate Judge Scott T. Varholak on 12/20/2018. (jgonz,) (Entered: 12/21/2018)
12/21/2018	<u>102</u>	SUPPLEMENT/AMENDMENT to <u>88</u> MOTION for Summary Judgment , <u>87</u> MOTION for Partial Summary Judgment , <u>94</u> Response to Motion, by Plaintiffs Andrew Atkins, Cathy Begano, Bionca Charmaine Rogers, Jennifer Saugause, Marc Trevithick, Kandyce Vessey. (Attachments: # <u>1</u> Plaintiffs' Separate Statement of Facts ISO Motion for Partial Summary Judgment, # <u>2</u> Plaintiffs' Separate Statement of Facts in Response to Defendants' Motion for Summary Judgment)(Robertson, Amy) (Entered: 12/21/2018)
12/27/2018	<u>104</u>	WITHDRAWN MOTION to Certify Class by Plaintiffs Andrew Atkins, Cathy Begano, Marc Trevithick, Leonid Rabinkov. (Attachments: # <u>1</u> Rabinkov Declaration, # <u>2</u> Begano Declaration, # <u>3</u> Atkins Declaration, # <u>4</u> Trevithick Declaration, # <u>5</u> Martinez Declaration, # <u>6</u> McDaniel Declaration, # <u>7</u> Knobbe Declaration, # <u>8</u> Gallegos Declaration, # <u>9</u> Andrews Declartaion w Exhibit, # <u>10</u> Robertson Declaration, # <u>11</u> Robertson Declaration Ex 1, # <u>12</u> Robertson Declaration Ex 2, # <u>13</u> Robertson Declaration Ex 3, # <u>14</u> Robertson Declaration Ex 4, # <u>15</u> Robertson Declaration Ex 5, # <u>16</u> Robertson Declaration Ex 6)(Robertson, Amy) Modified on 1/11/2019 (jgonz,). (Entered: 12/27/2018)
12/31/2018	<u>105</u>	Joint STATUS REPORT AND MOTION TO MODIFY BRIEFING SCHEDULE by Plaintiffs Andrew Atkins, Cathy Begano, Leonid Rabinkov, Bionca Charmaine Rogers, Marc Trevithick. (Robertson, Amy) (Entered: 12/31/2018)
01/02/2019	106	MINUTE ORDER re: <u>105</u> Status Report. The parties' proposed amended briefing schedule regarding <u>87</u> MOTION for Partial Summary Judgment , <u>88</u> MOTION for Summary Judgment , and <u>104</u> MOTION to Certify Class is ADOPTED. Defendants shall respond to Plaintiffs' <u>87</u> Partial Motion for Summary Judgment on or before 1/17/2019. Defendants shall file a reply in support of their <u>88</u> Motion for Summary Judgment on or before 1/17/2019. Defendants shall respond to Plaintiffs' <u>104</u> MOTION to Certify Class on or before 1/17/2019. Plaintiffs shall file their replies in support of their <u>87</u> Partial Motion for Summary Judgment and <u>104</u> MOTION to Certify Class on or before 1/31/2019. SO ORDERED, by Magistrate Judge Scott T. Varholak on 1/2/2019. Text Only Entry (stvlc2,) (Entered: 01/02/2019)
01/07/2019	<u>107</u>	MINUTE ENTRY for Status Conference held before Magistrate Judge Scott T. Varholak on 1/7/2019. Scheduling Conference set for 1/17/2019 09:00 AM in Courtroom A 402 before Magistrate Judge Scott T. Varholak. The parties shall have until noon on January 16, 2019 to file a Proposed Scheduling Order. The Final Pretrial Conference set for March 4, 2019 at 9:30 a.m. before Magistrate Judge Varholak is converted to a Status Conference. The court is not denying the two Motions for Summary Judgment [Doc. Nos. 87 and 88]. The motions shall remain pending.FTR: STV - 402. (morti,) (Entered: 01/07/2019)
01/11/2019	<u>108</u>	MOTION to Withdraw Document re <u>104</u> MOTION to Certify Class by Plaintiffs Andrew Atkins, Cathy Begano, Leonid Rabinkov, Marc Trevithick. (Robertson, Amy) (Entered: 01/11/2019)
01/11/2019	109	ORDER granting <u>108</u> Motion to Withdraw Document. The <u>104</u> MOTION to Certify Class is WITHDRAWN. SO ORDERED, by Magistrate Judge Scott T. Varholak on 1/11/2019. Text Only Entry (stvlc2,) (Entered: 01/11/2019)
01/14/2019	<u>110</u>	MOTION to Dismiss <i>Complaint Filed in 18-cv-02926</i> by Defendant Colorado Department of Corrections. (Spalding, Kathleen) (Entered: 01/14/2019)

01/16/2019	<u>111</u>	Proposed Scheduling Order by Plaintiffs Andrew Atkins, Cathy Begano, Leonid Rabinkov, Bionca Charmaine Rogers, Marc Trevithick. (Robertson, Amy) (Entered: 01/16/2019)
01/17/2019	<u>112</u>	MINUTE ENTRY for Scheduling Conference held before Magistrate Judge Scott T. Varholak on 1/17/2019. Discovery due by 4/5/2019. Dispositive Motions due by 5/6/2019. Final Pretrial Conference set for 3/4/2019 is VACATED and RESET for 6/24/2019 10:00 AM in Courtroom A 402 before Magistrate Judge Scott T. Varholak. FTR: 402. (morti,) (Entered: 01/17/2019)
01/17/2019	<u>113</u>	SCHEDULING ORDER: by Magistrate Judge Scott T. Varholak on 1/17/19. (morti,) (Entered: 01/17/2019)
01/17/2019	<u>114</u>	NOTICE of Filing Amended Pleading by Plaintiffs Andrew Atkins, Cathy Begano, Leonid Rabinkov, Marc Trevithick (Robertson, Amy) (Entered: 01/17/2019)
01/17/2019	<u>115</u>	AMENDED COMPLAINT against Colorado Department of Corrections, filed by Andrew Atkins, Marc Trevithick, Cathy Begano, Leonid Rabinkov.(Robertson, Amy) (Entered: 01/17/2019)
01/17/2019	116	ORDER. In light of <u>115</u> Amended Complaint, Defendants' <u>110</u> Motion to Dismiss is DENIED without prejudice as moot. SO ORDERED, by Magistrate Judge Scott T. Varholak on 1/17/2019. Text Only Entry (stvlc2,) (Entered: 01/17/2019)
01/17/2019	<u>117</u>	MOTION for Partial Summary Judgment by Plaintiff Marc Trevithick. (Attachments: # <u>1</u> Robertson Decl., # <u>2</u> Robertson Decl. Ex. #1, # <u>3</u> Robertson Decl. Ex. #2, # <u>4</u> Robertson Decl. Ex. #3, # <u>5</u> Robertson Decl. Ex. #4, # <u>6</u> Robertson Decl. Ex. #5, # <u>7</u> Robertson Decl. Ex. #6, # <u>8</u> Robertson Decl. Ex. #7, # <u>9</u> Robertson Decl. Ex. #8, # <u>10</u> Robertson Decl. Ex. #9, # <u>11</u> Robertson Decl. Ex. #10, # <u>12</u> Trevithick Decl., # <u>13</u> Rogers Decl., # <u>14</u> Begano Decl.)(Robertson, Amy) (Entered: 01/17/2019)
01/23/2019	118	ORDER. Pursuant to the oral order on 1/17/2019, see <u>112</u> , Recording at 9:31:43–9:31:56, <u>87</u> Motion for Partial Summary Judgment and <u>88</u> Motion for Summary Judgment are DENIED WITHOUT PREJUDICE. SO ORDERED, by Magistrate Judge Scott T. Varholak on 1/17/2019. Text Only Entry (stvlc2,) (Entered: 01/23/2019)
01/25/2019	<u>119</u>	MOTION to Dismiss for Failure to State a Claim by Defendant Colorado Department of Corrections. (Spalding, Kathleen) (Entered: 01/25/2019)
02/07/2019	<u>120</u>	RESPONSE to <u>117</u> MOTION for Partial Summary Judgment filed by Defendant Colorado Department of Corrections. (Attachments: # <u>1</u> Exhibit Response to Statement of Facts, # <u>2</u> Exhibit A–1, # <u>3</u> Exhibit A–2, # <u>4</u> Exhibit A–3, # <u>5</u> Exhibit A–4, # <u>6</u> Exhibit A–5, # <u>7</u> Exhibit A–6, # <u>8</u> Exhibit A–7, # <u>9</u> Exhibit A–8, # <u>10</u> Exhibit A–9, # <u>11</u> Exhibit A–10)(Alber, Christopher) (Entered: 02/07/2019)
02/14/2019	<u>121</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>119</u> MOTION to Dismiss for Failure to State a Claim by Plaintiffs Andrew Atkins, Cathy Begano, Bionca Charmaine Rogers, Marc Trevithick, Consol Plaintiff Leonid Rabinkov. (Robertson, Amy) (Entered: 02/14/2019)
02/14/2019	122	ORDER granting <u>121</u> Plaintiffs' Motion for Extension of Time to File Opposition to Defendant Colorado Department of Corrections' Motion to Dismiss Amended Complaint until 2/22/2019, by Magistrate Judge Scott T. Varholak on 2/14/2019. Text Only Entry. (jgonz,) (Entered: 02/14/2019)
02/21/2019	<u>123</u>	BRIEF in Opposition to <u>119</u> MOTION to Dismiss for Failure to State a Claim filed by Plaintiffs Andrew Atkins, Cathy Begano, Marc Trevithick, Consol Plaintiff Leonid Rabinkov. (Robertson, Amy) (Entered: 02/21/2019)
02/21/2019	<u>124</u>	REPLY to Response to <u>117</u> MOTION for Partial Summary Judgment filed by Consol Plaintiff Marc Trevithick. (Robertson, Amy) Modified on 2/21/2019 (jgonz,). (Entered: 02/21/2019)
03/05/2019	<u>125</u>	MOTION for Extension of Time to File Response/Reply as to <u>119</u> MOTION to Dismiss for Failure to State a Claim by Defendant Colorado Department of Corrections. (Spalding, Kathleen) (Entered: 03/05/2019)

03/05/2019	<u>126</u>	ORDER granting <u>125</u> Motion for Extension of Time to File Response/Reply. Defendant CDOC shall file a reply in support of its motion to dismiss <u>119</u> on or before 3/14/2019. SO ORDERED, by Magistrate Judge Scott T. Varholak on 3/5/2019. Text Only Entry (stvlc2,) (Entered: 03/05/2019)
03/14/2019	<u>127</u>	REPLY to Response to <u>110</u> MOTION to Dismiss <i>Complaint Filed in 18-cv-02926</i> filed by Defendant Colorado Department of Corrections. (Spalding, Kathleen) (Entered: 03/14/2019)
03/17/2019	<u>128</u>	TRANSCRIPT of Rule 16(b) Scheduling Conference held on January 17, 2018 before Magistrate Judge Varholak. Pages: 1-23. NOTICE - REDACTION OF TRANSCRIPTS: Within seven calendar days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the party's intent to redact personal identifiers from the electronic transcript of the court proceeding. If a Notice of Intent to Redact is not filed within the allotted time, this transcript will be made electronically available after 90 days. Please see the Notice of Electronic Availability of Transcripts document at www.cod.uscourts.gov. Transcript may only be viewed at the court public terminal or purchased through the Court Reporter/Transcriber prior to the 90 day deadline for electronic posting on PACER. (Patterson Transcription Company,) (Entered: 03/17/2019)
03/21/2019	<u>129</u>	NOTICE of Entry of Appearance by Martha M. Lafferty on behalf of Andrew Atkins, Cathy Begano, Leonid Rabinkov, Bionca Charmaine Rogers, Marc TrevithickAttorney Martha M. Lafferty added to party Andrew Atkins(pty:pla), Attorney Martha M. Lafferty added to party Cathy Begano(pty:pla), Attorney Martha M. Lafferty added to party Leonid Rabinkov(pty:conpla), Attorney Martha M. Lafferty added to party Bionca Charmaine Rogers(pty:pla), Attorney Martha M. Lafferty added to party Marc Trevithick(pty:pla) (Lafferty, Martha) (Entered: 03/21/2019)
04/09/2019	<u>130</u>	ORDER denying <u>119</u> Motion to Dismiss the Amended Complaint by Magistrate Judge Scott T. Varholak on 4/9/2019. (jgonz,) (Entered: 04/10/2019)
04/20/2019	<u>131</u>	TRANSCRIPT of Status Conference held on January 7, 2019 before Magistrate Judge Varholak. Pages: 1-21. NOTICE - REDACTION OF TRANSCRIPTS: Within seven calendar days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the party's intent to redact personal identifiers from the electronic transcript of the court proceeding. If a Notice of Intent to Redact is not filed within the allotted time, this transcript will be made electronically available after 90 days. Please see the Notice of Electronic Availability of Transcripts document at www.cod.uscourts.gov. Transcript may only be viewed at the court public terminal or purchased through the Court Reporter/Transcriber prior to the 90 day deadline for electronic posting on PACER. (Patterson Transcription Company,) (Entered: 04/20/2019)
04/23/2019	<u>132</u>	<i>DEFENDANT COLORADO DEPARTMENT OF CORRECTIONS</i> ANSWER to <u>115</u> Amended Complaint by Colorado Department of Corrections.(Spalding, Kathleen) (Entered: 04/23/2019)
05/06/2019	<u>133</u>	MOTION for Summary Judgment by Defendants Colorado Department of Corrections, Ryan Long, Rick Raemisch, Mike Romero. (Attachments: # <u>1</u> Exhibit A-1, # <u>2</u> Exhibit A-2, # <u>3</u> Exhibit A-3, # <u>4</u> Exhibit A-4, # <u>5</u> Exhibit A-5, # <u>6</u> Exhibit A-6)(Alber, Christopher) Modified on 5/7/2019 to restrict level 1 Exhibit A-5pending ruling on # <u>134</u> (jgonz,). (Entered: 05/06/2019)
05/07/2019	<u>134</u>	Unopposed MOTION for Leave to Restrict by Plaintiffs Andrew Atkins, Cathy Begano, Bionca Charmaine Rogers, Marc Trevithick, Consol Plaintiff Leonid Rabinkov. (Robertson, Amy) (Entered: 05/07/2019)
05/07/2019	<u>135</u>	MINUTE ORDER re: <u>133</u> MOTION for Summary Judgment . Pursuant to Section V of Magistrate Judge Varholak's Civil Practice Standards (revised November 1, 2018), Defendants shall file a Separate Statement of Facts to accompany their Motion, in the three-column format set forth in the Civil Practice Standards, on or before 5/14/2019. SO ORDERED, by Magistrate Judge Scott T. Varholak on 5/7/2019. Text Only Entry (stvlc2,) (Entered: 05/07/2019)

05/13/2019	<u>136</u>	ORDER granting <u>134</u> Motion for Leave to Restrict. The Clerk of Court is instructed to maintain Exhibit A-5 to Defendants' <u>133</u> Motion for Summary Judgment, [133-5], under RESTRICTION LEVEL 1. SO ORDERED, by Magistrate Judge Scott T. Varholak on 5/13/2019. Text Only Entry(stvlc2,) (Entered: 05/13/2019)
05/14/2019	<u>137</u>	NOTICE re <u>133</u> MOTION for Summary Judgment <i>and Defendants' Statement of Material Facts</i> by Defendants Colorado Department of Corrections, Ryan Long, Rick Raemisch, Mike Romero (Attachments: # <u>1</u> Exhibit Statement of Material Facts)(Alber, Christopher) (Entered: 05/14/2019)
05/21/2019	<u>138</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>133</u> MOTION for Summary Judgment by Plaintiffs Andrew Atkins, Cathy Begano, Bionca Charmaine Rogers, Marc Trevithick, Consol Plaintiff Leonid Rabinkov. (Robertson, Amy) (Entered: 05/21/2019)
05/21/2019	<u>139</u>	ORDER granting <u>138</u> Motion for Extension of Time to File Response/Reply. The deadline for Plaintiffs to file their response to Defendants' <u>133</u> Motion for Summary Judgment is extended to 5/31/2019. Any reply by Defendants shall be filed on or before 6/14/2019. SO ORDERED, by Magistrate Judge Scott T. Varholak on 5/21/2019. Text Only Entry(stvlc2,) (Entered: 05/21/2019)
05/31/2019	<u>140</u>	BRIEF in Opposition to <u>133</u> MOTION for Summary Judgment filed by Plaintiffs Andrew Atkins, Cathy Begano, Bionca Charmaine Rogers, Marc Trevithick, Consol Plaintiff Leonid Rabinkov. (Attachments: # <u>1</u> Plaintiffs' Separate Statement of Facts, # <u>2</u> Robertson Declaration, # <u>3</u> Robertson Decl. Exhibit 1, # <u>4</u> Robertson Decl. Exhibit 2, # <u>5</u> Robertson Decl. Exhibit 3, # <u>6</u> Robertson Decl. Exhibit 4, # <u>7</u> Robertson Decl. Exhibit 5, # <u>8</u> Robertson Decl. Exhibit 6, # <u>9</u> Robertson Decl. Exhibit 7, # <u>10</u> Robertson Decl. Exhibit 8, # <u>11</u> Robertson Decl. Exhibit 9, # <u>12</u> Robertson Decl. Exhibit 10, # <u>13</u> Robertson Decl. Exhibit 11, # <u>14</u> Robertson Decl. Exhibit 12, # <u>15</u> Robertson Decl. Exhibit 13, # <u>16</u> Robertson Decl. Exhibit 14, # <u>17</u> Rogers Declaration, # <u>18</u> Rabinkov Declaration, # <u>19</u> Begano Declaration, # <u>20</u> Trevithick Declaration, # <u>21</u> Atkins Declaration, # <u>22</u> Saugause Declaration, # <u>23</u> Jordan Declaration)(Robertson, Amy) (Entered: 05/31/2019)
06/14/2019	<u>141</u>	REPLY to Response to <u>133</u> MOTION for Summary Judgment filed by Defendants Colorado Department of Corrections, Ryan Long, Rick Raemisch, Mike Romero. (Attachments: # <u>1</u> Exhibit Statement of Material Facts, # <u>2</u> Exhibit A-7)(Alber, Christopher) (Entered: 06/14/2019)
06/17/2019	<u>142</u>	Proposed Pretrial Order by Plaintiffs Andrew Atkins, Cathy Begano, Bionca Charmaine Rogers, Marc Trevithick, Consol Plaintiff Leonid Rabinkov. (Robertson, Amy) (Entered: 06/17/2019)
06/21/2019	<u>143</u>	MOTION to Dismiss <i>as Moot</i> by Defendants Colorado Department of Corrections, Ryan Long, Rick Raemisch, Mike Romero. (Attachments: # <u>1</u> Exhibit A-1, # <u>2</u> Exhibit A-2)(Alber, Christopher) (Entered: 06/21/2019)
06/24/2019	<u>144</u>	MINUTE ENTRY for Final Pretrial Conference held before Magistrate Judge Scott T. Varholak on 6/24/2019. ORDERED: Three day Bench Trial set to commence on 12/11/2019 09:00 AM in Courtroom A 402 before Magistrate Judge Scott T. Varholak. Trial Preparation Conference set for 11/18/2019 at 10:00 AM in Courtroom A 402 before Magistrate Judge Scott T. Varholak. FTR: 402. (morti,) (Entered: 06/24/2019)
06/24/2019	<u>145</u>	FINAL PRETRIAL ORDER by Magistrate Judge Scott T. Varholak on 6/24/19. (morti,) (Entered: 06/24/2019)
06/24/2019	<u>146</u>	Trial Preparation Conference Order, by Magistrate Judge Scott T. Varholak on 6/24/2019. (jgonz,) (Entered: 06/24/2019)
06/27/2019	<u>147</u>	BRIEF in Opposition to <u>143</u> MOTION to Dismiss <i>as Moot</i> filed by Plaintiffs Andrew Atkins, Cathy Begano, Bionca Charmaine Rogers, Marc Trevithick, Consol Plaintiff Leonid Rabinkov. (Attachments: # <u>1</u> Robertson Declaration with Exhibit, # <u>2</u> Nordell Declaration with Exhibits, # <u>3</u> Rabinkov Declaration, # <u>4</u> Trevithick Declaration, # <u>5</u> Atkins Declaration)(Robertson, Amy) (Entered: 06/27/2019)
07/11/2019	<u>148</u>	REPLY to Response to <u>143</u> MOTION to Dismiss <i>as Moot</i> filed by Defendants Colorado Department of Corrections, Ryan Long, Rick Raemisch, Mike Romero. (Attachments: # <u>1</u> Exhibit A-3)(Alber, Christopher) (Entered: 07/11/2019)

07/18/2019	<u>149</u>	MINUTE ORDER Motion Hearing re: <u>117</u> Plaintiff Marc Trevithick's Motion for Partial Summary Judgment, <u>133</u> Defendants' Motion for Summary Judgment, and <u>143</u> Defendants' Motion to Dismiss as Moot set for 7/26/2019 01:30 PM in Courtroom A 402 before Magistrate Judge Scott T. Varholak. In particular, the parties should be prepared to address what impact, if any, the lack of a formal policy regarding the installation and maintenance of videophones has on the mootness issue. SO ORDERED, by Magistrate Judge Scott T. Varholak on 7/18/2019. Text Only Entry (stvlc1,) (Entered: 07/18/2019)
07/25/2019	<u>150</u>	SUPPLEMENT/AMENDMENT to <u>140</u> Brief in Opposition to Motion,, <u>147</u> Brief in Opposition to Motion, by Plaintiffs Andrew Atkins, Cathy Begano, Bionca Charmaine Rogers, Marc Trevithick, Consol Plaintiff Leonid Rabinkov. (Attachments: # <u>1</u> Robertson Declaration, # <u>2</u> Robertson Declaration Ex. 1, # <u>3</u> Robertson Declaration Ex. 2, # <u>4</u> Robertson Declaration Ex. 3, # <u>5</u> Robertson Declaration Ex. 4, # <u>6</u> Robertson Declaration Ex. 5, # <u>7</u> Robertson Declaration Ex. 6, # <u>8</u> Robertson Declaration Ex. 7, # <u>9</u> Robertson Declaration Ex. 8, # <u>10</u> Robertson Declaration Ex. 9, # <u>11</u> Robertson Declaration Ex. 10, # <u>12</u> Robertson Declaration Ex. 11, # <u>13</u> Robertson Declaration Ex. 12, # <u>14</u> Atkins Declaration, # <u>15</u> Rabinkov Declaration)(Robertson, Amy) (Entered: 07/25/2019)
07/26/2019	<u>151</u>	MINUTE ENTRY for Motion Hearing proceedings held before Magistrate Judge Scott T. Varholak on 7/26/2019. Taking under advisement <u>117</u> Motion for Partial Summary Judgment; Taking under advisement <u>133</u> Motion for Summary Judgment; Taking under advisement <u>143</u> Motion to Dismiss. FTR: B. Abiakam. (babia) (Entered: 07/26/2019)
07/31/2019	<u>152</u>	BRIEF re <u>143</u> MOTION to Dismiss <i>as Moot</i> , <u>133</u> MOTION for Summary Judgment <i>Post-Hearing Brief</i> by Plaintiffs Andrew Atkins, Cathy Begano, Bionca Charmaine Rogers, Marc Trevithick, Consol Plaintiff Leonid Rabinkov. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Robertson, Amy) (Entered: 07/31/2019)
08/08/2019	<u>153</u>	MOTION to Strike <u>152</u> Brief, by Defendants Colorado Department of Corrections, Ryan Long, Rick Raemisch, Mike Romero. (Alber, Christopher) (Entered: 08/08/2019)
08/08/2019	154	ORDER granting in part and denying in part <u>153</u> Motion to Strike. The Motion is GRANTED to the extent Defendants seek 14 days to respond to Plaintiffs' <u>152</u> Post-Hearing Brief. Any response to the <u>152</u> Post-Hearing Brief shall be filed on or before 8/22/2019 and shall be limited to 10 pages, excluding exhibits. The Motion is DENIED to the extent Defendants seek to strike Plaintiffs' <u>152</u> Post-Hearing Brief. SO ORDERED, by Magistrate Judge Scott T. Varholak on 8/8/2019. Text Only Entry(stvlc2,) (Entered: 08/08/2019)
08/22/2019	<u>155</u>	RESPONSE to <u>152</u> Brief, <i>Post-Hearing</i> by Defendants Colorado Department of Corrections, Ryan Long, Rick Raemisch, Mike Romero. (Alber, Christopher) (Entered: 08/22/2019)
09/05/2019	156	MINUTE ORDER; An expedited Transcript of the Motion Hearing Proceedings <u>151</u> is requested, by Magistrate Judge Scott T. Varholak on 9/5/19. Text Only Entry (morti,) (Entered: 09/05/2019)
09/10/2019	<u>157</u>	TRANSCRIPT of Motion Hearing held on July 26, 2019 before Magistrate Judge Varholak. Pages: 1-25. NOTICE - REDACTION OF TRANSCRIPTS: Within seven calendar days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the party's intent to redact personal identifiers from the electronic transcript of the court proceeding. If a Notice of Intent to Redact is not filed within the allotted time, this transcript will be made electronically available after 90 days. Please see the Notice of Electronic Availability of Transcripts document at www.cod.uscourts.gov. Transcript may only be viewed at the court public terminal or purchased through the Court Reporter/Transcriber prior to the 90 day deadline for electronic posting on PACER. (Patterson Transcription Company,) (Entered: 09/10/2019)
09/18/2019	<u>158</u>	ORDER granting <u>117</u> Plaintiff Trevithicks Motion for Partial Summary Judgment; granting in part and denying in part <u>133</u> Defendants Motion for Summary Judgment; denying <u>143</u> Defendants Motion to Dismiss as Moot, by Magistrate Judge Scott T. Varholak on 9/18/2019.(jgonz,) (Entered: 09/18/2019)

10/04/2019	<u>159</u>	Joint MOTION for Referral <i>For Settlement Conference</i> by Plaintiffs Andrew Atkins, Cathy Begano, Bionca Charmaine Rogers, Marc Trevithick, Consol Plaintiff Leonid Rabinkov. (Robertson, Amy) (Entered: 10/04/2019)
10/04/2019	160	ORDER granting <u>159</u> Motion for Referral. The Clerk of Court is directed to randomly assign this matter to another Magistrate Judge solely for the purpose of conducting a settlement conference. SO ORDERED, by Magistrate Judge Scott T. Varholak on 10/4/2019. Text Only Entry(stvlc2,) (Entered: 10/04/2019)
10/04/2019	161	CASE Drawn to Magistrate Judge N. Reid Neureiter for the purpose of conducting a settlement conference pursuant to Order #160. (Text Only Entry) (jgonz,) (Entered: 10/04/2019)
10/07/2019	<u>162</u>	MINUTE ORDER re: 160 Order on Motion for Referral, by Magistrate Judge N. Reid Neureiter on 10/7/2019. PLEASE READ ATTACHED MINUTE ORDER. (tshe,) (Entered: 10/07/2019)
10/07/2019	<u>163</u>	MINUTE ORDER by Magistrate Judge N. Reid Neureiter on 10/7/2019. Settlement Conference set for 10/28/2019 10:30 AM in Courtroom C203 before Magistrate Judge N. Reid Neureiter. PLEASE READ ATTACHED MINUTE ORDER. (tshe,) (Entered: 10/07/2019)
10/11/2019	<u>164</u>	Unopposed MOTION for Leave to <i>Appear Telephonically</i> by Plaintiffs Andrew Atkins, Cathy Begano, Bionca Charmaine Rogers, Marc Trevithick, Consol Plaintiff Leonid Rabinkov. (Lafferty, Martha) (Entered: 10/11/2019)
10/11/2019	<u>165</u>	MOTION for Writ of Habeas Corpus ad testificandum by Plaintiffs Andrew Atkins, Cathy Begano, Bionca Charmaine Rogers, Marc Trevithick, Consol Plaintiff Leonid Rabinkov. (Robertson, Amy) (Entered: 10/11/2019)
10/11/2019	166	ORDER REFERRING MOTION(S): <u>164</u> Unopposed MOTION for Leave to <i>Appear Telephonically</i> filed by Cathy Begano, Marc Trevithick, Leonid Rabinkov, Bionca Charmaine Rogers, Andrew Atkins.Motions referred to Magistrate Judge N. Reid Neureiter By Magistrate Judge Scott T. Varholak on 10/11/2019. Text Only Entry (jgonz,) (Entered: 10/11/2019)
10/11/2019	167	ORDER REFERRING MOTION(S): <u>165</u> MOTION for Writ of Habeas Corpus ad testificandum filed by Cathy Begano, Marc Trevithick, Leonid Rabinkov, Bionca Charmaine Rogers, Andrew Atkins.Motions referred to Magistrate Judge N. Reid Neureiter. By Magistrate Judge Scott T. Varholak on 10/11/2019. Text Only Entry (jgonz,) (Entered: 10/11/2019)
10/15/2019	<u>168</u>	MINUTE ORDER granting <u>164</u> Motion for Leave to Appear Telephonically at Settlement Conference, by Magistrate Judge N. Reid Neureiter on 10/15/2019. (tshe,) (Entered: 10/15/2019)
10/15/2019	<u>169</u>	ORDER granting <u>165</u> Motion for Writ of Habeas Corpus ad Testificandum by Magistrate Judge N. Reid Neureiter on 10/15/2019.(tshe,) (Entered: 10/15/2019)
10/15/2019	<u>170</u>	WRIT of Habeas Corpus ad Testificandum issued. (Attachments: # <u>1</u> Writ of Habeas Corpus ad Testificandum, # <u>2</u> Writ of Habeas Corpus ad Testificandum, # <u>3</u> Writ of Habeas Corpus ad Testificandum) (tshe,) Modified on 10/16/2019 to correct PDF of #170-3 (tshe,). (Entered: 10/15/2019)
10/16/2019	<u>171</u>	Partial MOTION for Reconsideration re <u>158</u> Order on Motion for Partial Summary Judgment,, Order on Motion for Summary Judgment,, Order on Motion to Dismiss, by Defendants Colorado Department of Corrections, Ryan Long, Rick Raemisch, Mike Romero. (Alber, Christopher) (Entered: 10/16/2019)
10/17/2019	<u>172</u>	WITHDRAWN NOTICE OF APPEAL as to <u>158</u> Order on Motion for Partial Summary Judgment,, Order on Motion for Summary Judgment,, Order on Motion to Dismiss, by Plaintiff Cathy Begano (Filing fee \$ 505, Receipt Number 1082-6948970) (Lafferty, Martha) Modified on 10/21/2019 to withdraw pursuant to Order #177 (jgonz,). (Entered: 10/17/2019)
10/17/2019	173	WITHDRAWN MINUTE ORDER re: <u>172</u> Notice of Appeal. The filing of a notice of appeal is an event of jurisdictional significance--it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." <i>Stewart v. Donges</i> , 915 F.2d 572, 574 (10th Cir. 1990)

		(quoting <i>Griggs v. Provident Consumer Discount Co.</i> , 459 U.S. 56, 58 (1982)). The Court notes that it may maintain jurisdiction over the <u>171</u> Partial Motion for Reconsideration. <i>See, e.g., Sain v. Snyder</i> , No. CIV 08–1019 RB/LFG, 2009 WL 10707109, at *1 (D.N.M. July 17, 2009); <i>Millers Mut. Fire Ins. Co. v. Sw. Surveying Co., Inc.</i> , No. CIV 99–499 MV/RLP, 2001 WL 37124825, at *2 (D.N.M. Aug. 5, 2001) (citing <i>Aldridch Enters., Inc. v. United States</i> , 938 F.2d 1134, 1143 (10th Cir. 1991)). The parties are ORDERED to file a joint brief identifying what impact, if any, the <u>172</u> Notice of Appeal has on the Court's jurisdiction over the remaining aspects of this matter. The parties shall file the brief on or before 10/24/2019. SO ORDERED, by Magistrate Judge Scott T. Varholak on 10/17/2019. Text Only Entry (stvlc2,) Modified on 10/21/2019 to withdraw pursuant to Order #177 (jgonz,). (Entered: 10/17/2019)
10/17/2019	<u>174</u>	ORDER denying <u>171</u> Motion for Reconsideration by Magistrate Judge Scott T. Varholak on 10/17/2019.(jgonz,) (Entered: 10/17/2019)
10/18/2019	<u>175</u>	NOTICE of Entry of Appearance by Maritza D. Braswell on behalf of Colorado Department of Corrections, Ryan Long, Rick Raemisch, Mike RomeroAttorney Maritza D. Braswell added to party Colorado Department of Corrections(pty:dft), Attorney Maritza D. Braswell added to party Ryan Long(pty:dft), Attorney Maritza D. Braswell added to party Rick Raemisch(pty:dft), Attorney Maritza D. Braswell added to party Mike Romero(pty:dft) (Braswell, Maritza) (Entered: 10/18/2019)
10/18/2019	<u>176</u>	MOTION to Dismiss Appeal re <u>172</u> Notice of Appeal, by Plaintiff Cathy Begano. (Lafferty, Martha) (Entered: 10/18/2019)
10/18/2019	177	ORDER granting <u>176</u> Motion to Dismiss Dismiss Appeal. The <u>172</u> Notice of Appeal is WITHDRAWN. In light of this ruling, the Court also WITHDRAWS 173 Minute Order re <u>172</u> Notice of Appeal. SO ORDERED, by Magistrate Judge Scott T. Varholak on 10/18/2019. Text Only Entry(stvlc2,) (Entered: 10/18/2019)